

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of contract No. I-99-1, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RAYMOND W. GIBBY
670 FRONTIER LANE
ROSEBURG, OREGON 97470

PHONE: (541) 592-4337

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-81591

SOURCE OF WATER: UMPQUA RIVER AND GALESVILLE RESERVOIR CONSTRUCTED UNDER PERMIT R-9964, TRIBUTARIES OF THE PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 20.0 ACRES

MAXIMUM VOLUME ALLOWED: 0.25 CUBIC FOOT PER SECOND AND 44.6 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: MARCH 1 THROUGH JULY 31 FROM THE UMPQUA RIVER AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

DATE OF PRIORITY: OCTOBER 3, 1996

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 18, T26S, R6W, W.M.; 1030 FEET SOUTH AND 400 FEET WEST FROM THE N1/4 CORNER SECTION 18

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

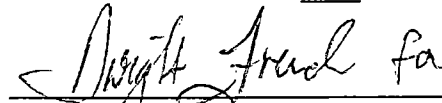
SW 1/4 SW 1/4 2.5 ACRES
SE 1/4 SW 1/4 17.5 ACRES
SECTION 8
TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

Actual construction work shall begin by August 3, 1999. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 28, 1998.


Water Resources Department
Martha Pagel, Director

Application S-81591
Basin 16
LKS

Water Resources Department
Volume 1 UMPQUA RIVER & MISC
MGMT.CODE 1BF 1BW

PERMIT 53486
District 15

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-81591

Final Order
Extension of Time for Permit Number S-53486

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Application History

On July 28, 2003, Raymond Gibby submitted an application to the Department for an extension of time for permit number S-53486. The Department issued permit number S-53486 on October 28, 1998. The permit called for complete application of water to full beneficial use by October 1, 2003. In accordance with OAR 690-315-0050(2), on May 4, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2006. The protest period closed June 18, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

Order

The extension of time for Application Number S-81591, Permit Number S-53486, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

DATED: July 7, 2004


Phillip C. Ward, Acting Director

Extension "Final Order" Checklist

Application # \$-81591 / Permit # \$-53486

Permit Holder's Name RAYMOND GIBBY

This Final Order is processed under: Div. 315 Rules -or- Div. 320 Rules

1. Date Extension Request submitted: 7-28-03

2. Date permit was issued: 10-28-98

3. Original "B" Date from permit: -
(Date for completion of construction)

4. Original "C" Date from permit: 10-1-03
(Date for complete application of water)

5. Extension PFO Date: ~~5-4-03~~ 5-4-04

6. WRD recommends extending "B" Date to: -
and extending the "C" Date to: 10-01-06

7. Any conditions from PFO: -

8. Protest Deadline Date from PFO: 6-18-04

9. Any written Protests or written Comments received within the Protest period?
Yes / No

Reviewer's Name: KEN WILCOVE

Date: 4-27-04

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application)
for an Extension of Time for)
Permit #S-53486, Water Right) PROPOSED FINAL ORDER
Application #S-81591)
(Raymond Gibby))

Permit Information

Application File #S-81591 / Permit #S-53486
Basin: #16 - Umpqua Basin / Watermaster District: #15
Date of Priority: October 3, 1996

Authorized Use of Water

Source of Water: Umpqua River and Galesville Reservoir constructed
under Permit #R-9964, tributaries of the Pacific Ocean
Purpose or Use: Irrigation of 20 acres
Maximum Rate: 0.25 cubic feet per second (cfs) live flow and 44.6 acre
feet (af) of stored water per year

**This Extension of Time request is being processed in accordance
with Oregon Administrative Rule Chapter 690, Division 315.**

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #S-53486, water right Application #S-81591. A copy of Permit #S-53486 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 2003, to October 1, 2006.

AUTHORITY

ORS 537.230(2) provides in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

FINDINGS OF FACT

Background

1. Permit #S-53486 was granted by the Water Resources Department on October 28, 1998. The permit authorizes the use of up to 0.25 cfs of live flow from the Umpqua River and 44.6 af of stored water from Galesville Reservoir, tributaries of the Pacific Ocean, for irrigation of 20 acres. The permit specified that complete application of water was to be made on or before October 1, 2003.

2. The permit holder submitted an "Application for Extension of Time" to the Department on July 28, 2003, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #S-53486 be extended from October 1, 2003, to October 1, 2006. This is the first permit extension requested for Permit #S-53486.
3. Notification of the permit holder's extension of time request for Permit #S-53486 was published on the Department's Public Notice dated August 5, 2003. No public comment on the extension application was received.

Review Criteria [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

4. Delay in the development of this project was not caused by any other governmental requirements.

Start of Construction [ORS 537.230]

5. Construction of the water system under Permit #S-53486 began within the time specified in the permit, being August 3, 1999.

Financial Investment [ORS 539.010(5)]

6. As of July 28, 2003, the permit holder had invested a total of \$3,000 into the project, consisting of installation of a pump, installation of 6 inch and 4 inch distribution lines, installation of a fish screen, and securing of a Bureau of Reclamation contract No. I-99-1. An additional \$3,000 investment is anticipated for the completion of this project.

¹ ORS 537.248 applies to reservoir permits only.

Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1) and 539.010(5)]

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction

7. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the water system began within the time specified in the permit, being August 3, 1999. The work completed thus far consists of installation of a pump, installation of 6 inch and 4 inch distribution lines, installation of a fish screen, and securing of a Bureau of Reclamation contract No. I-99-1.

Beneficial Use of Water

8. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit #S-53486 on October 28, 1998, the permit holder has not diverted any water from the Umpqua River or used any stored water from Galesville Reservoir.
 - b. Delay in full beneficial use of water under Permit #S-53486 was due to health reasons and available financial resources.

Compliance with Conditions

9. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The record does not raise concerns about the permit holder's compliance with conditions.

Financial Investments

10. Financial investments made toward developing the beneficial water use.
 - a. As of July 28, 2003, the permit holder had invested approximately 50 percent of the total projected cost for complete development of this project. A total of \$3,000 has been invested into the project, consisting of installation of a pump, installation of 6 inch and 4 inch distribution lines,

installation of a fish screen, and securing of a Bureau of Reclamation contract No. I-99-1. An additional \$3,000 investment is anticipated for the completion of this project.

The Market and Present Demands for Water [ORS 539.010(5) and OAR 690-315-0040(4)]

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

11. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - a. The permitted point of diversion, authorized under Permit #S-53486, is not located within or above designated boundaries of a scenic waterway.
12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
 - a. The permitted point of diversion, authorized under Permit #S-53486, is located within a stream segment that has been identified by the Oregon Department of Fish and Wildlife as a "moderate" needs ranking area for streamflow restoration for fish, and has been identified by the Oregon Department of Environmental Quality as a water quality limited area.
 - b. The permitted point of diversion, authorized under Permit #S-53486, is not located within a segment of a federal wild and scenic river.
13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
 - a. The permitted point of diversion is located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.
14. Economic investment in the project to date.
 - a. As of July 28, 2003, the permit holder had invested approximately 50 percent of the total projected cost for complete development of this project. A total of \$3,000 has been invested into the project, consisting of installation of a pump, installation of 6 inch and 4 inch distribution lines,

installation of a fish screen, and securing of a Bureau of Reclamation contract No. I-99-1. An additional \$3,000 investment is anticipated for the completion of this project.

15. Other economic interests dependent on completion of the project.
 - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

Fair Return Upon Investment [ORS 539.010(5)]

17. The use of water from the permitted water development will result in reasonable returns against the investment made in the project to date.

Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

18. As of July 28, 2003, the remaining work to be completed consists of full application of water to beneficial use under Permit #S-53486.
19. Delay in full beneficial use of water under Permit #S-53486 was due to health reasons and available financial resources.
20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2006, to complete the application of water to beneficial use under the terms of Permit #S-53486 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230.

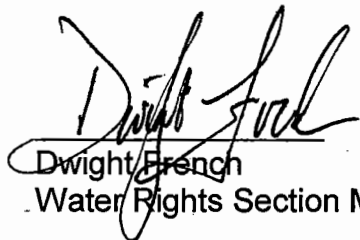
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Full application of water to beneficial use can be completed by October 1, 2006², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete application of water to beneficial use under Permit #S-53486 from October 1, 2003, to October 1, 2006.

DATED: May 4, 2004


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested

² Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, June 18, 2004***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0801. Address all other correspondence to:

**Water Rights Section
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901**

If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her telephone number is (503)986-0824.

If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at (503)986-0900.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-81591

Superseding Final Order

Application History

On October 3, 1996, Raymond Gibby submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 9, 1997. A protest was filed by the applicant on January 26, 1998.

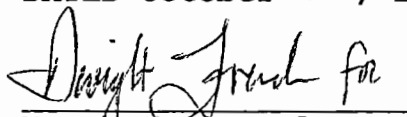
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The Department's continuing evaluation reveals that the original Final Order requires modification to correctly describe the place of use. The number of acres to be irrigated in each quarter quarter was incorrectly described in the draft permit attached to the original Final Order.

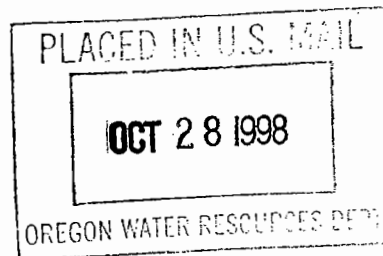
Order

Application S-81591 therefore is approved as modified above, and Permit Number 53486 is issued as limited by the conditions contained therein.

DATED October 28, 1998



Martha O. Pagel
Director



Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

This document was prepared by Laura Snedaker. If you have any questions about any of the statements contained in this document she is most likely the best person to answer your questions. You can reach her toll free within Oregon at 1-800-624-3199 extension 331. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RAYMOND W. GIBBY
670 FRONTIER LANE
ROSEBURG, OREGON 97470

PHONE: (541) 592-4337

The specific limits and conditions of the use are listed below.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 2.5 ACRES
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The use of water under this right is subject to the terms and conditions of contract No. I-99-1, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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

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The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.


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.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin by August 3, 1999. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 28, 1998


Water Resources Department
Martha Pagel, Director

Application S-81591
Basin 16
LKS

Water Resources Department
Volume 1 UMPQUA RIVER & MISC
MGMT.CODE 1BF 1BW

PERMIT 53486
District 15

Mailing List for Permit Copies

Application# S-81591

Mailing List Print Date October 2, 1998

Original mailed to(when permit issued, include copy of permit map):

Applicant: Raymond Gibby, 670 Frontier Lane, Roseburg, Oregon 97470

Copies Mailed By: <u>HAW</u> (SUPPORT STAFF) on: <u>10/28/98</u> (DATE)

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # S-81591
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)
5. WRD - Watermaster District #: 15 (w/copy of permit map)
6. WRD - Regional Manager: SWR (w/copy of permit map)

For Permit only - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. _____
2. _____
3. _____

CASEWORKER: LKS

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CASEWORKER: LKS

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-81591

Superseding Final Order

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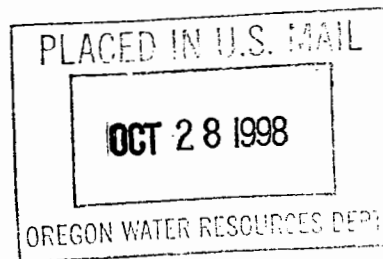
The Department's continuing evaluation reveals that the original Final Order requires modification to correctly describe the place of use. The number of acres to be irrigated in each quarter quarter was incorrectly described in the draft permit attached to the original Final Order.

Order

Application S-81591 therefore is approved as modified above, and Permit Number 53486 is issued as limited by the conditions contained therein.

DATED October 28, 1998


Martha O. Pagel
Director



Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

This document was prepared by Laura Snedaker. If you have any questions about any of the statements contained in this document she is most likely the best person to answer your questions. You can reach her toll free within Oregon at 1-800-624-3199 extension 331. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

Application # S-81591 / Permit # S-53486

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**
✓ Money Received: \$100.00 on 7-28-03

◆ **Lisa Juul...**
✓ Extension Completeness: OK
(If NOT complete, send certified letter requesting additional information.)

If Extension Appl complete and \$100 fee submitted, route to...

◆ **Jonnine Fuss...**
Initial 30-day Public Notice: 8/5/03 n
Update Extension Database: 8/5/03 n
Files back to filing cabinets: 8/5/03 n

At the close of the Initial 30-day Comment Period...

◆ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

◆ **Jonnine Fuss...**
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented and paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

Within 60 days after the close of the 45-day PFO Protest Period... (PFO Protest Period ends 45 days from PFO sign date)...

◆ **Lisa Juul...**
Issue an Extension FO: _____

EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: S-81591 / Permit #: S-53486

Permittee's Name: Raymond W. Gibby

Permittee's Mailing Address: 1104 Turkey Crick Lane, Roseburg, OR 97471

POD Location: Township 26-S Range 6-W Section 18 $\frac{1}{4}$ $\frac{1}{4}$ NE NW

Stream Basin: _____ County: Douglas

- ✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes No \$100-Yes
***If "No"..... has certified request for the new extension form been sent? Yes No
- ✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes No
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
- ✓ 3. Date Permit was issued: 10-28-98 (priority = 10-3-96)
- ✓ 4. Source: Umpqua River & Galesville Reservoir, tribs of Pacific Ocean
- ✓ 5. Use: Irrigation of 20.0⁰ Ac
- ✓ 6. "Q": 0.25⁰ cfs (-from Umpqua River) & 44.6⁰ AF (stored water released from Galesville Reservoir)
- ✓ 7. Original "B" Date: _____ Original "C" Date: 10-1-2003
- ✓ 8. Conditions of Permit: Orig "A" Date: 8-3-99
 - Before water use begins → shall install a meter or other suitable meas. device
 - Use of stored water subject to BOR contract No. I-99-1 or satisf. replac.
 - Shall install & maintain fish screens & by-pass devices to ODFW specs prior to diversion of any water.
- ✓ 9. Extension request received: 7-28-03 Request Number (...1st 2nd, 3rd): 1st
- ✓ 10. Last Authorized "B" Date: ~~10-1-2003~~ Last Authorized "C" Date: 10-1-2003
- ✓ 11. Proposed "B" Date: _____ Proposed C Date: 10-1-2006
- ✓ 12. Amount Invested to date: \$3,000.00 Estimated Total Cost: \$6,000.00
(***Estimated Remaining Cost: \$3,000.00)

___13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ***If "No"..... What permit terms and/or conditions have not been met?

___14. Work on the water development project completed to date includes: _____

___15. The work remaining to be completed consists of: _____

___16. Progress in perfecting the permit is being held up by: _____

___17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes / No**

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]
a. The amount of construction completed within the time allowed in the permit or previous extension;
b. The amount of beneficial use made of the water during the permit or previous extension time limits;
c. Water right permit holder conformance with the permit or previous extension conditions; and
d. Financial investments made toward developing the beneficial water use.

___18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:
a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
d. Economic investment in the project to date;
e. Other economic interests dependent on completion of the project; and
f. Other factors relevant to the determination of the market and the present demand for water or power.

___19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" cannot be found. → Denial of Extension Request

___20. Conditions to be included on Extension PFO: _____

19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" cannot be found. → Denial of Extension Request

20. Conditions to be included in Extension PFO (if applicable)? Yes / No
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints

Other: _____

21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____

Reviewer's Name: KDW

Protest Deadline Date: _____

Date: 4/16/04

PFO Checklist - Division 315

___13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes/No ***If "No"..... What permit terms and/or conditions have not been met?

- "A" DATE MET - ACTUAL CONSTRUCTION BOLAN

___14. Work on the water development project completed to date includes: _____

- INSTALLATION OF RUMP
- " " " FISHSCREEN
- 6" LINE INSTALLED TO DIAPHRAGM FROM POD
- 4" LINE " "
- GAYESVILLE WATER APPLIED FOR & APPROVED

___15. The work remaining to be completed consists of: _____

- INSTALL METER
- IRRIGATION SYSTEM
- PROVE UP

___16. Progress in perfecting the permit is being held up by: _____

- HEALTH & FINANCES... TO PURCHASE & INSTALL NEEDED EQUIPMENT

___17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes/No

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- a. The amount of construction completed within the time allowed in the permit or previous extension;
- b. The amount of beneficial use made of the water during the permit or previous extension time limits;
- c. Water right permit holder conformance with the permit or previous extension conditions; and
- d. Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 50 % of the construction.
- Permit holder has beneficially used 0 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? Yes/No
—If No, reasons why not? _____
- Permit holder has invested approximately 50 % of the total estimated cost to complete the project.
- Other: _____

3000 a
3675 R
6475*

___18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
- b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- d. Economic investment in the project to date;
- e. Other economic interests dependent on completion of the project; and
- f. Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? NA
- within or above a state scenic waterway? NO
- within a ground water limited/critical area? NO
- within or above a segment that has been identified as a federal wild and scenic river? NO
- within an area that ODFW has identified as an ST&E Area? YES
- within an area that ODFW has identified as a MODERATE Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? YES
- Other: _____

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Raymond W. Sibley
NAME
1104 Turkey Creek Lane Roseburg Or 97470 541-459-1988
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. S-81591, Permit No. R-9964
do hereby request that the time in which to:

- complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2003, be extended to October 1, 2006,

and/or the time in which to:

- accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2003, be extended to October 1, 2006.

NOTE:

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extension application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension application. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

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JUL 28 2003

WATER RESOURCES DEPT.
SALEM, OREGON

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

yes - Aug 3 1999, actual construction started.

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

no.

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

Engineering map was received Oct 3 1996
Application approved Oct 28, 1998.
Construction was completed 6" line to my
property and 4" line across my property to
neighbors by end of 1999. Meter, uprights and
division line have not been installed because
of the lack of money. Galesville water is approved for.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

It will take about 2 1/2 years to afford finish-
ing the system and pay for Galesville water
plus helping to pay for a larger pump to be
installed as requested by my neighbors presently
using the water on their land. It has taken me much
more time to set up my home and fence in my farm
so the animals can't get out. I should have time now
to work on up-rights and save enough to finish the system

3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

Pump in with fish screen to Umpqua R.
6" line to my property
4' line across my land.
Galesville water was applied & approved.

11-23-01
011-23-01
WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

(See 3, A)

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

N/A

B) Number of Acres Irrigated (if an irrigation permit):

N/A

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WATER RESOURCES DEPT.
SALEM, OREGON

5. Cost of project to date 3000.00. Estimated remaining cost to complete the project 3000.00

plus 675.00/yr for
Galleville Water

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

The 4" line is the complete length of my farm but I don't have the money at this time to put in the meter, uprights and putting in the irrigation lines and sprinklers.

It took more money than I estimate when I moved here to set up my home, get secure fences to keep my animals in. My animals got in my neighbors. I put fence (over 1 mile) around my whole farm. I had a major heart attack two years ago that showed me down also.

- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

Meter \$500.00
Valves \$1200.00 for (6)
(12) 40' 3" movable lines \$700.00
12 sprinklers 600

- C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

Applied for Anteville Reservoir water 2001 and got approved. Was unable to coming up with money to finish the system so I was told by the water master office they would put gates on hold until the water system was ready.

- D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

HA
Had a heart attack two years ago. Am back to working to save money for the project.

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Raymond W. Libby
Signature

7-21-03
Date

MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
158 - 12th STREET NE
SALEM, OREGON 97301-4172

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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JUL 28 2003

THIS PERMIT IS HEREBY ISSUED TO

WATER RESOURCES DEPT.
SALEM, OREGON

RAYMOND W. GIBBY
670 FRONTIER LANE
ROSEBURG, OREGON 97470

PHONE: (541) 592-4337

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-81591

SOURCE OF WATER: UMPQUA RIVER AND GALESVILLE RESERVOIR CONSTRUCTED UNDER PERMIT R-9964, TRIBUTARIES OF THE PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 20.0 ACRES

MAXIMUM VOLUME ALLOWED: 0.25 CUBIC FOOT PER SECOND AND 44.6 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: MARCH 1 THROUGH JULY 31 FROM THE UMPQUA RIVER AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

DATE OF PRIORITY: OCTOBER 3, 1996

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 18, T26S, R6W, W.M.; 1030 FEET SOUTH AND 400 FEET WEST FROM THE NE 1/4 CORNER SECTION 18

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 2.5 ACRES

SE 1/4 SW 1/4 17.5 ACRES

SECTION 8

TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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WATER RESOURCES DEPT.
SALEM, OREGON

Page 2

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of contract No. I-99-1, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

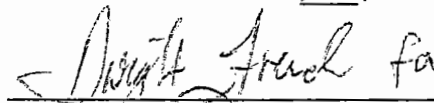
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin by August 3, 1999. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 28, 1998


Water Resources Department
Martha Pagel, Director

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JUL 28 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Application S-81591
Basin 16
LKS

Water Resources Department
Volume 1 UMPQUA RIVER & MISC
MGMT.CODE 1BF 1BW

PERMIT 53486
District 15

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-81591

Final Order

Application History

On October 3, 1996, Raymond Gibby submitted an application to the Department for a water use permit. The application requests 0.25 cubic feet per second (cfs) for irrigation of 20.0 acres. The proposed source of water is the Umpqua River, tributary of the Pacific Ocean.

On February 10, 1997, the Department issued an Initial Review which determined water is not available for the proposed use August 1 through October 31. (OAR 690-410-070 and OAR 690-400-010(11)). The Initial Review provided the applicant an opportunity to demonstrate water was only necessary March through July or that another, alternate source was available after July. On February 28, 1997, the applicant submitted comments to the Initial Review but did not submit the requested additional information.

On December 9, 1997, the Department issued a Proposed Final Order to deny Application S-81591. The Department determined the water availability criterion under ORS 537.153(2) is not established and that during the period August through October the proposed use of live flow would be detrimental to fisheries (OAR 690-033). The Department determined the proposed use would impair or be detrimental to the public interest.

On January 26, 1998, the applicant submitted a protest and request for hearing. The matter was set to be heard on June 18, 1998, by Administrative Law Judge (ALJ) Weisha Mize. On June 17, 1998, the applicant withdrew the protest and amended the application to include the use of stored water when live flow is not available. On June 18, 1998, the hearing was dismissed by ALJ Allen Scott.

Findings of Fact and Conclusions of Law

The Department determined live flow is not available for the proposed use August 1 through October 31 (OAR 690-410-070 and OAR 690-400-010). The applicant has amended the proposed use to include the use of up to 44.6 acre-feet of stored water from Galesville Reservoir when water is not available (August through October). On July 14, 1998, the applicant submitted an executed contract with Douglas County for the use of the Galesville Reservoir water.

As conditioned on the attached draft permit, the proposed use meets the public interest presumption criteria under ORS 537.153(2). The use is allowable in the Umpqua Basin

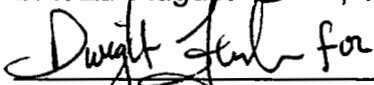
Program, water is available, the use will not injure other water rights, and the use complies with rules of the Water Resources Commission. As conditioned on the attached draft permit, the proposed use will not detrimentally impact fishery resources and will not impair or be detrimental to the public interest.

Order

The findings of the Proposed Final Order for Application S-81591 shall be modified. Application S-81591 is approved as modified by the applicant on June 17, 1998, and as conditioned and limited by the attached draft permit.

Permit recording fees are required in the amount of \$ 120.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application S-81591

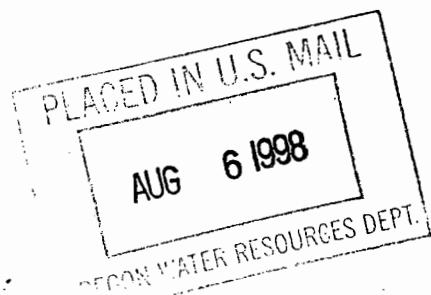
DATED August 3, 1998



Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.



STATE OF OREGON

COUNTY OF DOUGLAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

RAYMOND W. GIBBY
670 FRONTIER LANE
ROSEBURG, OREGON 97470

(541) 592-4337

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-81591

SOURCE OF WATER: UMPQUA RIVER AND GALESVILLE RESERVOIR CONSTRUCTED UNDER PERMIT R-9964, TRIBUTARIES OF THE PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 20.0 ACRES

MAXIMUM VOLUME ALLOWED: 0.25 CUBIC FOOT PER SECOND AND 44.6 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: MARCH 1 THROUGH JULY 31 FROM THE UMPQUA RIVER AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

DATE OF PRIORITY: OCTOBER 3, 1996

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 18, T26S, R6W, W.M.; 1030 FEET SOUTH AND 400 FEET WEST FROM THE N1/4 CORNER SECTION 18

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 17.5 ACRES
SE 1/4 SW 1/4 2.5 ACRES
SECTION 8
TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of contract No. I-99-1, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin by August 3, 1999. Complete application of the water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS **NOT** A PERMIT

Water Resources Department Director

Application S-81591 Water Resources Department
Basin 16 Volume 1 UMPQUA RIVER & MISC
MGMT.CODE 1BF 1BW

PERMIT DRAFT
District 15

Mailing List for Protested Application Copies

Application APPNUM

FO Date FODATE

Original mailed to:

Applicant:

Copies sent to:

1. WRD - File # APPNUM
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 15
4. WRD - Regional Manager (not Bob Main): AL Cook
5. ODFW District Biologist: Dave Harris

Copies Mailed
By: <u>JWG²</u>
(SUPPORT STAFF)
on: <u>8/6/98</u>
(DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. See attached
2. list
3. _____

CASEWORKER: A.S

m: groups | wr | protests | 98-07 | 581591.fo

- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1. Lonnie & Cynthia Sanders, PO Box 958, Myrtle Creek, OR 97457
- 2. Gerald & Doris Bacon, 10176 Garden Valley Road, Roseburg, OR 97470
- 3. Douglas County Road Department, 2586 N Diamond Lake Blvd, Roseburg, OR 97470
- 4. Talbot P Kendall, 1251 NW Jefferson, Roseburg, OR 97470

CASEWORKER: RWK- WEEK 123

pu
2/24/02 25

S-81591

RECEIVED

JUL 03 PM 2:03

JUL 1⁴ 1998

DOUGLAS COUNTY CLERK

WATER RESOURCES DEPT
CONTRACT FOR PURCHASE OF AGRICULTURAL WATER
FROM GALESVILLE PROJECT

This contract is made on June 23, 1998 between Douglas County, a political subdivision of the State of Oregon, (County) and Raymond W. Gibby (Customer).

COUNTY AND CUSTOMER AGREE:

1. TERM AND RENEWAL:

1.1. The initial term of this contract shall begin on March 1 1999 and end on December 31, 2009, unless it is sooner terminated as provided herein.

1.2. As used in this contract, unless the context clearly indicates otherwise, "term" or "term of this contract" shall mean both the initial term and any extension.

1.3. Customer shall have the right to extend the term of this contract for two successive periods of ten years each upon the following conditions:

1.3.1. Approximately ninety days prior to expiration of the then current contract term, County shall notify Customer in writing that Customer has the right to extend the term at the price set pursuant to section 11.

1.3.2. Customer may elect to extend the contract term by written notice to County within thirty days after County gives notice of the right to extend. Concurrently with written notice of extension Customer may request the Board of Commissioners to review and reduce the price of water in accordance with subsection 11.4.

1.3.3. No other act or agreement shall be required of the parties to effect the extension after Customer gives proper notice of election to extend the contract term. Each extension shall take effect on January 1 after Customer gives notice of extension.

1.3.4. Each extension shall commence on the day following the termination date of the initial term or the preceding extension.

1.4. The provisions of this contract shall apply to any extension except for changes in the purchase price pursuant to section 11; modifications required to comply with federal or state statutes, regulations, or administrative rules; or modifications required to comply with any contract between County and the United States concerning the Galesville Project.

1.5. Customer shall not be entitled to extend the term of this contract if Customer is in default under this contract at the time extension is requested by Customer.

2. AUTHORITY OF PUBLIC WORKS DIRECTOR:

2.1. The Director of the County Public Works Department (the Director) has authority to administer this contract on behalf of County.

2.2. The Director may delegate authority to administer this contract to the Manager of the County Public Works Department, Natural Resources Division, (the Division Manager), except for authority to establish the price of water under section 11 of this contract. The Director shall retain the right to supersede any decision of the Division Manager in the administration and interpretation of this contract.

2.3. References to the Director in this contract shall be deemed to include the Division Manager, to the extent the Director has delegated authority to the Division Manager.

3. **WATER ALLOCATION:** Each year during the term of this contract, County shall allocate sufficient acre feet of storage capacity in the Galesville Reservoir for Customer to irrigate 20.00 acres. This allocation shall not exceed 2.23 acre feet per acre per irrigation season as specified on the attached Exhibit A.

4. PERMITS AND CERTIFICATES OF WATER RIGHTS:

4.1. County shall file and maintain any reservoir water right permit (County's permit) and certificate to store water in the Galesville reservoir (County's certificate) allocated for the Customer's use, as required by the State of Oregon Water Resources Department or its successor (the State).

4.2. Customer, at Customer's expense, shall be responsible for obtaining any permit (Customer's permit) and certificate of water rights (Customer's certificate) for use of the stored water allocated under this contract as required by the State.

4.3. Within 6 months after the effective date of this contract, Customer shall provide County with a copy of the application map provided to the State.

5. RELEASE OF WATER:

5.1. Subject to the provisions of this contract, County will release into the natural channel of Cow Creek water comprising the allocation described in section 3. Water released for Customer's allocation shall be measured and delivered to Customer's point of diversion of record by County with equipment installed and maintained by County.

5.2. County shall report to the State of Oregon all allocated water stored and distributed to Customer's point of diversion of record, including reasonable losses. Customer shall report all water use as described on Customer's water right of record, or as otherwise may be required by the State.

5.3. The obligations of County to allocate capacity may be restricted by any lawful order, regulation, or ruling of any governmental agency or provisions of a contract between County and the United States. Such legal restrictions may impair the County's ability to perform its obligations under this contract. In that event, County shall be relieved of its obligations to the extent necessary to comply with the legal restrictions. Customer's payments under this contract shall be reduced proportionally to any reduction in Customer's allocation resulting from such legal restrictions.

5.4. Notwithstanding any other provision of this contract, County may suspend release and delivery of water to Customer upon written notice to Customer if Customer fails to make any payment for such water when due.

6. DIVERSION AND USE OF WATER:

6.1. Customer shall be wholly responsible for taking, diverting, conveying and utilizing its water and shall bear all losses from Customer's point of diversion.

6.2. Customer shall divert the water it is entitled to receive under this contract in accordance with schedules developed by the Customer and County.

6.3. The water diverted by Customer may be measured by County at the point of diversion. The point of diversion shall be accessible for inspection

and measurement of water at all reasonable times by County. Any easement necessary for County to gain access to the point of diversion shall be provided by Customer when requested by County.

6.4. The water shall be utilized for agricultural uses. Customer shall utilize the water only for the uses and only on the real property described in Customer's permit and certificate.

7. **QUALITY OF WATER:** County shall operate and maintain the Galesville dam, reservoir, and related facilities in a reasonable and prudent manner, and shall endeavor in good faith to take adequate measures to maintain the quality of raw stored water at the facilities. County is under no obligation to construct or furnish water treatment facilities to maintain or improve the quality of water. **COUNTY MAKES NO WARRANTIES, EXPRESS OR IMPLIED REGARDING THE QUALITY OF WATER RELEASED AND DELIVERED FROM GALESVILLE DAM, RESERVOIR, AND RELATED FACILITIES.**

8. **WATER SHORTAGES:** In any year in which a water shortage in the Galesville reservoir occurs, County shall apportion the available water supply among Customer and other users who are entitled to receive water from the reservoir. The quantity of water to be furnished for irrigation shall first be reduced as necessary, but not greater than 15%. Any further reduction in the reservoir water supply shall be shared by Customer and all other users entitled to water from the reservoir in the same proportion that the entitlement of each user, including Customer's entitlement under this contract, bears to the total entitlements of all users.

9. **WATER CONSERVATION:** Customer acknowledges the critical need for water conservation in the Umpqua River basin. Customer shall implement reasonable and prudent water conservation measures for agricultural activities.

10. **COMPLIANCE WITH LAW:** This contract will be governed by and construed in accordance with laws of the State of Oregon. Each party shall perform its obligations in accordance with all applicable state, federal and local laws, rules and regulations now, or hereafter in effect.

11. **PRICE OF WATER:**

11.1. During the initial term, the price for the allocation stated in section 3 shall be \$ 654.50 per year.

11.2. For each discrete ten year extension of the contract term, Customer shall pay the then current rate as established by County in accordance with this section. Notice of the right to extend under subsection 1.3.1 shall state the price of water during the extension.

11.3. The Director shall periodically review and adjust the price for water taking into account the following factors:

11.3.1. The current cost of operating and maintaining the Galesville dam, reservoir, and related facilities;

11.3.2. The projected costs for operating, maintaining, and replacing Galesville water storage and delivery facilities; and

11.3.3. The price of water sold by similar facilities for similar uses.

11.4. The allocation price for each renewal term shall not be increased by more than 10% over the previous term.

11.5. Customer may request the Board of Commissioners to review and reduce the price of water established by the Director. Such request shall be in writing and shall be given with the notice of Customer's election to extend the contract term. After considering the factors listed in subsection 11.3,

the Board of Commissioners may reduce or affirm the price established by the Director. If the Board of Commissioners fails to take any action on Customer's request to review and reduce the price of water within 30 days after Customer makes the request, the request shall be deemed denied. If Customer is not satisfied with the action of the Board of Commissioners, Customer may rescind Customer's election to extend the contract term and cancel the contract by written notice to County within sixty days after Customer requests the Board of Commissioners to review and reduce the price.

12. PAYMENT:

12.1. Customer shall pay County the annual price established by section 11 for the allocation stated in section 3 regardless of whether Customer uses any or all of the water allocated. Except as provided in subsection 12.2, payment shall be made no later than March 31 of each year.

12.2. If this contract is dated after March 2 in the year for which water is first to be released then the amount due for the first year only shall be payable within 30 days after the date the contract is signed by County.

12.3. Interest shall accrue on late payments at the rate of eighteen percent per annum commencing the day after the date payment is due. Customer shall pay all interest upon the request of County.

13. LIMITATIONS ON LIABILITY:

13.1. County shall not be liable for damages or other expenses sustained by Customer resulting from shortages in the quantity of water available for release, or interruptions in water deliveries to Customer, if such shortages or interruptions in deliveries are caused partially or entirely by hostile diversion, accidental damage to County facilities, operational failure of County facilities, or any cause beyond County's control.

13.2. Notwithstanding any other provision of this contract, County shall not be liable to Customer for damages caused by failure to comply with any obligation of County under this contract, if such failure results from lack of appropriation of funds necessary to perform such obligation pursuant to ORS 294.305 et seq. (Local Budget Law).

13.3. In no event shall County be liable to Customer for any indirect, special, or consequential damages even if Customer previously advised County of the possibility of such damages.

14. DEFAULT:

14.1. There shall be a default under this contract if either party materially fails to comply with any provision of this contract within thirty days after the other party gives written notice specifying the breach. If the breach specified in the notice cannot be completely cured within the thirty day period, no default shall occur if the party receiving the notice begins curative action within the thirty day period and thereafter proceeds with reasonable diligence and in good faith to cure the breach as soon as practicable.

14.2. If a default occurs, the party injured by the default may elect to terminate this contract and pursue any equitable or legal rights and remedies available under Oregon law, except that Customer's remedies shall be subject to the limitations on damages stated in section 13.

14.3. Any litigation arising out of this contract shall be conducted in Circuit Court or District Court of the State of Oregon for Douglas County.

15. SEVERABILITY: If any provision of this contract is held to be invalid, that provision shall not affect any other provision of this contract. This

contract shall be construed as if such invalid provision had never been included.

16. NO WAIVER: No provision of this contract shall be waived unless the waiver is written and signed by the party that waives its rights. Any waiver of a breach, whether express or implied, shall not constitute waiver of any other breach.

17. SUCCESSORS: The successors, assigns, and legal representatives of Customer and County shall be subject to all provisions of this contract. Customer shall not assign Customer's rights or obligations under this contract without prior written consent of County.

18. NOTICES:

18.1. Any notice required to be given under this contract shall be in writing and shall be given by personal delivery or mail, except that any notice required by law shall be given in the manner specified in the applicable law.

18.2. Notices to County shall be directed to Frank Nielsen, Division Manager, Douglas County Public Works Department, Natural Resources Division, Room 306 Douglas County Courthouse, 1036 SE Douglas Street, Roseburg, OR, 97470.

18.3. Notices to Customer shall be directed to:

Raymond W. Gibby
1104 Turkey Crick Lane, Roseburg, Oregon 97470 Phone 672-6380

19. ENTIRE AGREEMENT: This contract is the final and complete agreement of the parties and supersedes all prior and existing written or oral understandings. No modification of this contract shall be valid unless it is in writing and signed by the parties.

CUSTOMER

Name Raymond W. Gibby

By _____

Title _____

Fed ID No. 541-34-7447

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON
JIM ERWIN, DIRECTOR
PUBLIC WORKS DEPARTMENT

By Frank Nielsen
Frank Nielsen, Division Manager
Natural Resources Division

FOR COUNTY USE ONLY:

REVIEWED AS TO CONTENT	REVIEWED AS TO FORM
By <u>Jim Erwin</u>	By <u>Nancy C. Forrest</u>
County Department Head	Paralegal
Date <u>6/24/98</u>	Date <u>6-29-98</u>
Coding _____	

EXHIBIT A

COMPUTATION OF RATE:

PRIMARY IRRIGATION

1. 20 acres of primary irrigation. This allocation shall not exceed 2.23 acre feet per acre each irrigation season.

Acre Feet: 44.60 Annual Cost: \$ 654.50

SUPPLEMENTAL IRRIGATION

2. Rights whose priority is between March 26, 1974, and November 3, 1983:

 acres of supplemental irrigation. This allocation shall not exceed 1.5 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 1.0 acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: Annual Cost: \$

3. Rights whose priority is between October 24, 1958, and March 26, 1974:

 acres of supplemental irrigation. This allocation shall not exceed 1.0 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 0.6 acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: Annual Cost: \$

4. Rights whose priority is prior to October 24, 1958:

 acres of supplemental irrigation. This allocation shall not exceed 0.5 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 0.3 acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: Annual Cost: \$

Note: Instream delivery losses are not included in the above allocations.

Summary:

Total Acres:	<u>20.00</u>	acres
Total Allocation:	<u>44.60</u>	acre feet
Total Cost:	\$ <u>654.50</u>	

Application No.

81591



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) Raymond W. Gibby
(Please print or type - use dark ink)

Mailing Address: 14015 El Mesa Drive,
Riverside, CA 92503 (909) 780-7589
City State Zip Daytime Phone No.

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

1. SOURCE OF WATER for the proposed use: Umpqua River
a tributary of Pacific Ocean

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.25 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. INTENDED USE(s) OF WATER: Pasture, hay, and lawn and garden irrigation

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

If for DOMESTIC use, state the number of households to be supplied; _____

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

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

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

Irrigation 20.0
Other (describe) _____

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OCT - 3 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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

An electric motor with pump at the point of diversion
with a buried pipeline to the place of use.
Irrigation will be by sprinklers.

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

Proposed date construction work will begin Pipes
Already there
Proposed date construction work will be completed _____
Proposed date water use will be completed _____

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

Applicant CWRE Other (Identify in REMARKS section)

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

Applicant CWRE Other (Identify in REMARKS section)

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

REMARKS: (Names of other property owners are included at end of packet on their signed affidavit also)
The motor, pump and a majority of the delivery system will be the same as those presently serving permits 51433 (Kendall), permit 23703 (Bacon), application 73273 (Bacon), application 73313 (Harland) and application 73334 (Loomis). The pipeline crossing of Douglas County Road #6 at milepoint 9.66 will also utilize the same pipeline as the permits and applications described above.

OTHER OWNERS:

Gerald & Doris Bacon 10176 Garden Valley Rd Roseburg, OR 97470	Douglas County Rd Dept 2586 N Diamond Lk Blvd Roseburg, OR 97470	Talbot P. Kendall 1251 N.W. Jefferson Roseburg, OR 97470
--	--	--

8. If you answered "NO" to question #7 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES X NO _____

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

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

Raymond W. Gibby
Signature

9-9-96 R.S.
Date

Barbara A. Gibby
Signature

9-9-96
Date

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WATER RESOURCES DEPT.
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: 81591

PERMIT NO: _____

OAR 690-310-040(1)(K)
APPLICATION REQUIREMENTS
INFORMATIONAL SHEET

(If information is not available, or does not apply, please indicate)

Describe why the amount of water requested is needed, measures you propose to prevent waste and how you propose to measure the amount of water appropriated/diverted.

Water needed to keep pasture green during summer months
Removable rainbirds that will be rotated from pasture to
pasture as water is needed on a routine timed basis.
Installation of a meter.

Describe measures to prevent the discharge of contaminated water to a surface stream.

N/A

If for surface water, describe how you plan to protect damage to aquatic life and riparian habitat and measures to prevent damage to public uses of affected surface waters.

N/A

Applicant Name Raymond W. Gibby File No. 81591

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WATER RESOURCES DEPT.
SALEM, OREGON

RAYMOND W. GIBBY
14016 EL MESA
RIVERSIDE, CA 92503

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

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

Applicant's Name: Raymond W. or Barbara A. Gibby
Address: 14015 ~~1455~~ El Mesa Drive
City: Riverside **State:** CA **Zip:** 92503 **Day Phone:** 909/780-7589

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
7402.00	Farm Forest & Farm Grazing	X	X	
7397.02	Farm & Forest Land		X	
7364.00	Farm & Forest Land		X	
7403.00	Farm Land		X	
7364.05	Farm Land		X	X

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

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Application No. 81591
Permit No.

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ . Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
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OCT - 3 1996				
WATER RESOURCES DEPT.				

Description of Water Use

R

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

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

Applicant Name: Raymond W. or Barbara A. Gibby
 Address: 1405 El Mesa Drive
Riverside, CA 92503
 Phone: 909/780-7589

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

- Irrigation (crop type, golf course, nursery or greenhouse): Hay, pasture, lawn and garden
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Umpqua River</u> _____ _____	<u>0.25</u> Cubic feet per second. <u>112</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

w/s 96-1243

Oregon

\$20.00

Rept. # 1620

NOTE TO LOCAL GOVERNMENTS

**WATER
RESOURCES
DEPARTMENT**

Application No. 81591
Permit No.

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

WRD will not accept applications which are not accompanied by this completed Land Use Information Form or the signed and dated receipt stub detached from the bottom of the Land Use Information Form.

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

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

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WATER RESOURCES DEPT.
SALEM, OREGON



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

Planning Official Initials JAL

DESCRIPTION OF WATER USE

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

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

Applicant Name: Raymond W. Gibby
Address: 14015 EL MESA
RIVERSIDE CA 92503
Phone: (909) 780-7589

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

- Irrigation (crop type, golf course, nursery or greenhouse):
Pasture
- Livestock (type of livestock, feedlot, slaughterhouse):
Horses
- Residential (4 of units, single or multi-family, 1 of lots if partition or subdivision):
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.):
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.):
- Institutional (i.e., school, library, etc.):
- Mining (aggregate, metal, open pit, placer, etc.):
- Recreation (park, campsite, pond, etc.):
- Fish and Wildlife (pond, hatchery, etc.):
- Hydropower (dam, reservoir, power generating or transmitting facilities):
- Other (Name and list key characteristics):

WATER RESOURCES DEPT.
SALEM, OREGON

OCT - 3 1996

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Indicate sources for the proposed water use below:

Surface water
Name sources:
Umpqua River

Reservoir or pond

Groundwater

Indicate the estimated quantity of water the use will require.

2.5 Cubic feet per second

1.5 Gallons per minute

_____ Acre-Feet

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

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

Applicant's Name: Raymond W. Gibby
 Address: 14015 El Mesa Dr
 City: Riverside State: CA Zip: 92503 Day Phone: (909)-780-7589

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

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
7364.05	Form-Forest (acre residential)	X	Piped	Sprinkler Irrigation
7396.03				

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

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

=====

For Local Government Use Only Application No. 81591

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

- a) Check the appropriate box below and provide requested information.
- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
Cite applicable ordinance section(s); 3.5.050. Go to section b) on reverse side.
 - Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====

Receipt for Request for Land Use Information

WRD Applicant Name: _____

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

City or County: _____
 Staff Contact: _____ Phone: _____
 Signature: _____ Date of Information Request: _____

RECEIVED
 OCT - 3 1996
 WATER RESOURCES DEPT.
 SALEM, OREGON

(CHECK THE BOX THAT APPLIES)

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

b) Please provide printed name and written signature.

Name: Jeff Lehrbach Date: 9/25/96

Title: Planner Phone: (541) 440-4289

Signature: *Jeff Lehrbach*

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

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

Additional Comments:

Application No. 81591

RECEIVED

Permit No. EXHIBIT "A"

OCT - 3 1996

WATER RESOURCES DEPT. 753
SALEM, OREGON

63

1
2 A parcel of land lying in Sections 8 and 17, Township 26 South,
3 Range 6 West, Willamette Meridian, Douglas County, Oregon, more
particularly described as follows:

4 Beginning at the quarter corner common to said Sections 8 and
5 17; thence North, along the north-south centerline of said
6 Section 8, 1320.00 feet to a 5/8 inch iron rod; thence North 89°
7 24' 21" West, along the north line of the South half of
8 the Southwest quarter of said Section 8, 1518.38 feet to a 5/8
9 inch iron rod; thence South 0° 21' 36" East 1324.37 feet to a
10 5/8 inch iron rod on the south line of said Section 8, said rod
11 being also on the centerline of a 60 foot wide easement; thence
12 along said centerline as follows: North 48° 12' 07" East 256.95
13 feet, North 43° 59' 15" East 211.54 feet, North 67° 02' 42" East
14 84.29 feet, North 88° 22' 17" East 345.04 feet, South 59° 36'
15 53" East 284.44 feet, South 36° 34' 13" East 319.17 feet and
16 South 55° 43' 05" East 366.56 feet to a point on the north-south
17 centerline of the above said Section 17; thence North 2° 38' 33"
18 East, along said north-south centerline of Section 17, 229.38 feet
19 to the point of beginning.

20
21 TOGETHER WITH a non-exclusive easement for road purposes,
22 60 feet in width, over and across the existing road lying within
23 Sections 8, 17 and 18, Township 26 South, Range 6 West,
24 Willamette Meridian, Douglas County, Oregon: Beginning at
25 County Road No. 6 and proceeding Northeasterly and Southeasterly
26 through Sections 8, 17 and 18 to the herein described land. Buyers
27 (Grantees) agree to share maintenance thereof with other users.

28
29 TOGETHER WITH a non-exclusive waterline easement to the main
30 Umpqua River along the above described road from County Road
31 No. 6 through Sections 8, 17 and 18, together with the right
32 to set up and maintain a pump and electrical service at the
33 river and the right to extend an electrical line from said
34 pump to the county road; said waterline easement to be
35 for the purpose of conveying water under, across and over property
36 of Grantors to the property herein described, which easement
37 shall be a construction easement 10 feet in width and shall
38 provide that Grantees shall have the right to disturb the surface
39 ground for the purpose of installing an underground waterline.
40 Grantors shall have the right to tie into any waterline
41 installed in said easement to service other property of Grantors,
42 the expense associated therewith to be borne by Grantors.

43 SUBJECT TO:

- 44 (1) Roads and highways and the rights of the public therein.
- 45 (2) As disclosed by the tax roll the premises herein described
46 have been zoned or classified for farm use. At any time that
47 said land is disqualified for such use, the property will be
48 subject to additional taxes or penalties and interest. Any such
49 additional liability shall be the sole responsibility of Buyers
50 (Grantees).



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

June 26, 1998

Raymond Gibby
670 Frontier Lane
Roseburg, Oregon 97470

RE: Follow-up - Application S-81591

Dear Mr. Gibby:

I wanted to follow-up on your protest and hearing request withdrawal and your application amendment.

Per your June 17, 1998, FAX you have amended your application to include the use of stored water from Galesville Reservoir. Stored water would need to be used during the months of August through October - - the months the Department determined Umpqua River water is not available. It is my understanding from speaking with the County (Elaine Youngquist) that your contract for stored water for 20.0 acres (44.6 acre-feet) will be issued any day.

Once you receive your contract from the County please send a full copy to my attention. When I receive a copy I will put together a DRAFT Final Order and Permit for your review. After your satisfactory review we will issue the final documents.

Please submit a copy of the contract to me no later than **July 24, 1998**.

Finally, I have enclosed a copy of the Administrative Law Judge's Order dismissing the hearing. I was not sure whether the Judge sent you a copy.

If you have any question please call me at 1-800-624-3199 ext. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: Watermaster District 15
Dave Harris, ODFW Roseburg

RECEIVED

JUN 19 1998

WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

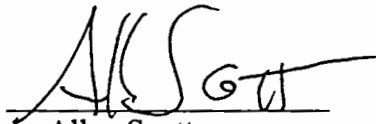
In the Matter of the Water Use Application)
S81591 in the name Raymond Gibby for)
use of water in Douglas County, Oregon)

ORDER

By letter of June 17, 1998, applicant Raymond Gibby withdrew his protest against the Department's Proposed Final Order on this application. As there is no protest against the Department's Proposed Final Order, the contested case in this matter is dismissed.

The Department is directed to issue a Final Order as required by law.

Dated June 18, 1998.



Allen Scott
Administrative Law Judge
Water Resources Department
158 12th Street NE
Salem, OR 97310

RECEIVED

JUN 19 1998

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

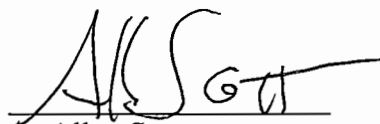
In the Matter of the Water Use Application)
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Dated June 18, 1998.



Allen Scott
Administrative Law Judge
Water Resources Department
158 12th Street NE
Salem, OR 97310

ATTN: ADAM SUSSMAN

CONTRACT FOR PURCHASE OF AGRICULTURAL WATER FROM GALESVILLE PROJECT

This contract is made on _____, 19__ between Douglas County, a political subdivision of the State of Oregon, (County) and _____ (Customer).

COUNTY AND CUSTOMER AGREE:

1. TERM AND RENEWAL:

1.1. The initial term of this contract shall begin on _____, 19__ and end on December 31, _____, unless it is sooner terminated as provided herein.

1.2. As used in this contract, unless the context clearly indicates otherwise, "term" or "term of this contract" shall mean both the initial term and any extension.

1.3. Customer shall have the right to extend the term of this contract for two successive periods of ten years each upon the following conditions:

1.3.1. Approximately ninety days prior to expiration of the then current contract term, County shall notify Customer in writing that Customer has the right to extend the term at the price set pursuant to section 11.

1.3.2. Customer may elect to extend the contract term by written notice to County within thirty days after County gives notice of the right to extend. Concurrently with written notice of extension Customer may request the Board of Commissioners to review and reduce the price of water in accordance with subsection 11.4.

1.3.3. No other act or agreement shall be required of the parties to effect the extension after Customer gives proper notice of election to extend the contract term. Each extension shall take effect on January 1 after Customer gives notice of extension.

1.3.4. Each extension shall commence on the day following the termination date of the initial term or the preceding extension.

1.4. The provisions of this contract shall apply to any extension except for changes in the purchase price pursuant to section 11; modifications required to comply with federal or state statutes, regulations, or administrative rules; or modifications required to comply with any contract between County and the United States concerning the Galesville Project.

1.5. Customer shall not be entitled to extend the term of this contract if Customer is in default under this contract at the time extension is requested by Customer.

2. AUTHORITY OF PUBLIC WORKS DIRECTOR:

2.1. The Director of the County Public Works Department (the Director) has authority to administer this contract on behalf of County.

2.2. The Director may delegate authority to administer this contract to the Manager of the County Public Works Department, Natural Resources Division, (the Division Manager), except for authority to establish the price of water under section 11 of this contract. The Director shall retain the right to supersede any decision of the Division Manager in the administration and interpretation of this contract.

223 ac/ft per acre

2.3. References to the Director in this contract shall be deemed to include the Division Manager, to the extent the Director has delegated authority to the Division Manager.

3. **WATER ALLOCATION:** Each year during the term of this contract, County shall allocate sufficient acre feet of storage capacity in the Galesville Reservoir for Customer to irrigate _____ acres. This allocation shall not exceed _____ acre feet per acre per irrigation season as specified on the attached Exhibit A.

4. **PERMITS AND CERTIFICATES OF WATER RIGHTS:**

4.1. County shall file and maintain any reservoir water right permit (County's permit) and certificate to store water in the Galesville reservoir (County's certificate) allocated for the Customer's use, as required by the State of Oregon Water Resources Department or its successor (the State).

4.2. Customer, at Customer's expense, shall be responsible for obtaining any permit (Customer's permit) and certificate of water rights (Customer's certificate) for use of the stored water allocated under this contract as required by the State.

4.3. Within 6 months after the effective date of this contract, Customer shall provide County with a copy of the application map provided to the State.

5. **RELEASE OF WATER:**

5.1. Subject to the provisions of this contract, County will release into the natural channel of Cow Creek water comprising the allocation described in section 3. Water released for Customer's allocation shall be measured and delivered to Customer's point of diversion of record by County with equipment installed and maintained by County.

5.2. County shall report to the State of Oregon all allocated water stored and distributed to Customer's point of diversion of record, including reasonable losses. Customer shall report all water use as described on Customer's water right of record, or as otherwise may be required by the State.

5.3. The obligations of County to allocate capacity may be restricted by any lawful order, regulation, or ruling of any governmental agency or provisions of a contract between County and the United States. Such legal restrictions may impair the County's ability to perform its obligations under this contract. In that event, County shall be relieved of its obligations to the extent necessary to comply with the legal restrictions. Customer's payments under this contract shall be reduced proportionally to any reduction in Customer's allocation resulting from such legal restrictions.

5.4. Notwithstanding any other provision of this contract, County may suspend release and delivery of water to Customer upon written notice to Customer if Customer fails to make any payment for such water when due.

6. **DIVERSION AND USE OF WATER:**

6.1. Customer shall be wholly responsible for taking, diverting, conveying and utilizing its water and shall bear all losses from Customer's point of diversion.

6.2. Customer shall divert the water it is entitled to receive under this contract in accordance with schedules developed by the Customer and County.

6.3. The water diverted by Customer may be measured by County at the point of diversion. The point of diversion shall be accessible for inspection

and measurement of water at all reasonable times by County. Any easement necessary for County to gain access to the point of diversion shall be provided by Customer when requested by County.

6.4. The water shall be utilized for agricultural uses. Customer shall utilize the water only for the uses and only on the real property described in Customer's permit and certificate.

7. **QUALITY OF WATER:** County shall operate and maintain the Galesville dam, reservoir, and related facilities in a reasonable and prudent manner, and shall endeavor in good faith to take adequate measures to maintain the quality of raw stored water at the facilities. County is under no obligation to construct or furnish water treatment facilities to maintain or improve the quality of water. **COUNTY MAKES NO WARRANTIES, EXPRESS OR IMPLIED REGARDING THE QUALITY OF WATER RELEASED AND DELIVERED FROM GALESVILLE DAM, RESERVOIR, AND RELATED FACILITIES.**

8. **WATER SHORTAGES:** In any year in which a water shortage in the Galesville reservoir occurs, County shall apportion the available water supply among Customer and other users who are entitled to receive water from the reservoir. The quantity of water to be furnished for irrigation shall first be reduced as necessary, but not greater than 15%. Any further reduction in the reservoir water supply shall be shared by Customer and all other users entitled to water from the reservoir in the same proportion that the entitlement of each user, including Customer's entitlement under this contract, bears to the total entitlements of all users.

9. **WATER CONSERVATION:** Customer acknowledges the critical need for water conservation in the Umpqua River basin. Customer shall implement reasonable and prudent water conservation measures for agricultural activities.

10. **COMPLIANCE WITH LAW:** This contract will be governed by and construed in accordance with laws of the State of Oregon. Each party shall perform its obligations in accordance with all applicable state, federal and local laws, rules and regulations now, or hereafter in effect.

11. **PRICE OF WATER:**

11.1. During the initial term, the price for the allocation stated in section 3 shall be \$ _____ per year.

11.2. For each discrete ten year extension of the contract term, Customer shall pay the then current rate as established by County in accordance with this section. Notice of the right to extend under subsection 1.3.1 shall state the price of water during the extension.

11.3. The Director shall periodically review and adjust the price for water taking into account the following factors:

11.3.1. The current cost of operating and maintaining the Galesville dam, reservoir, and related facilities;

11.3.2. The projected costs for operating, maintaining, and replacing Galesville water storage and delivery facilities; and

11.3.3. The price of water sold by similar facilities for similar uses.

11.4. The allocation price for each renewal term shall not be increased by more than 10% over the previous term.

11.5. Customer may request the Board of Commissioners to review and reduce the price of water established by the Director. Such request shall be in writing and shall be given with the notice of Customer's election to extend the contract term. After considering the factors listed in subsection 11.3,

the Board of Commissioners may reduce or affirm the price established by the Director. If the Board of Commissioners fails to take any action on Customer's request to review and reduce the price of water within 30 days after Customer makes the request, the request shall be deemed denied. If Customer is not satisfied with the action of the Board of Commissioners, Customer may rescind Customer's election to extend the contract term and cancel the contract by written notice to County within sixty days after Customer requests the Board of Commissioners to review and reduce the price.

12. PAYMENT:

12.1. Customer shall pay County the annual price established by section 11 for the allocation stated in section 3 regardless of whether Customer uses any or all of the water allocated. Except as provided in subsection 12.2, payment shall be made no later than March 31 of each year.

12.2. If this contract is dated after March 2 in the year for which water is first to be released then the amount due for the first year only shall be payable within 30 days after the date the contract is signed by County.

12.3. Interest shall accrue on late payments at the rate of eighteen percent per annum commencing the day after the date payment is due. Customer shall pay all interest upon the request of County.

13. LIMITATIONS ON LIABILITY:

13.1. County shall not be liable for damages or other expenses sustained by Customer resulting from shortages in the quantity of water available for release, or interruptions in water deliveries to Customer, if such shortages or interruptions in deliveries are caused partially or entirely by hostile diversion, accidental damage to County facilities, operational failure of County facilities, or any cause beyond County's control.

13.2. Notwithstanding any other provision of this contract, County shall not be liable to Customer for damages caused by failure to comply with any obligation of County under this contract, if such failure results from lack of appropriation of funds necessary to perform such obligation pursuant to ORS 294.205 et seq. (Local Budget Law).

13.3. In no event shall County be liable to Customer for any indirect, special, or consequential damages even if Customer previously advised County of the possibility of such damages.

14. DEFAULT:

14.1. There shall be a default under this contract if either party materially fails to comply with any provision of this contract within thirty days after the other party gives written notice specifying the breach. If the breach specified in the notice cannot be completely cured within the thirty day period, no default shall occur if the party receiving the notice begins curative action within the thirty day period and thereafter proceeds with reasonable diligence and in good faith to cure the breach as soon as practicable.

14.2. If a default occurs, the party injured by the default may elect to terminate this contract and pursue any equitable or legal rights and remedies available under Oregon law, except that Customer's remedies shall be subject to the limitations on damages stated in section 13.

14.3. Any litigation arising out of this contract shall be conducted in Circuit Court or District Court of the State of Oregon for Douglas County.

15. SEVERABILITY: If any provision of this contract is held to be invalid, that provision shall not affect any other provision of this contract. This

contract shall be construed as if such invalid provision had never been included.

16. NO WAIVER: No provision of this contract shall be waived unless the waiver is written and signed by the party that waives its rights. Any waiver of a breach, whether express or implied, shall not constitute waiver of any other breach.

17. SUCCESSORS: The successors, assigns, and legal representatives of Customer and County shall be subject to all provisions of this contract. Customer shall not assign Customer's rights or obligations under this contract without prior written consent of County.

18. NOTICES:

18.1. Any notice required to be given under this contract shall be in writing and shall be given by personal delivery or mail, except that any notice required by law shall be given in the manner specified in the applicable law.

18.2. Notices to County shall be directed to Frank Nielsen, Division Manager, Douglas County Public Works Department, Natural Resources Division, Room 306 Douglas County Courthouse, 1036 SE Douglas Street, Roseburg, OR, 97470.

18.3. Notices to Customer shall be directed to:

19. ENTIRE AGREEMENT: This contract is the final and complete agreement of the parties and supersedes all prior and existing written or oral understandings. No modification of this contract shall be valid unless it is in writing and signed by the parties.

CUSTOMER

Name _____

By _____

Title _____

Fed ID No. _____

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON
JIM ERWIN, DIRECTOR
PUBLIC WORKS DEPARTMENT

By _____
Frank Nielsen, Division Manager
Natural Resources Division

FOR COUNTY USE ONLY:

<p>REVIEWED AS TO CONTENT</p> <p>By _____ County Department Head</p> <p>Date _____</p> <p>Coding _____</p>	<p>REVIEWED AS TO FORM</p> <p>By _____ Paralegal</p> <p>Date _____</p>
--	--

EXHIBIT A

COMPUTATION OF RATE:

PRIMARY IRRIGATION

- 1. _____ acres of primary irrigation. This allocation shall not exceed 2.23 acre feet per acre each irrigation season.

Acre Feet: _____ Annual Cost: \$ _____

SUPPLEMENTAL IRRIGATION

- 2. Rights whose priority is between March 26, 1974, and November 3, 1983:

_____ acres of supplemental irrigation. This allocation shall not exceed 1.5 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 1.0 acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: _____ Annual Cost: \$ _____

- 3. Rights whose priority is between October 24, 1958, and March 26, 1974:

_____ acres of supplemental irrigation. This allocation shall not exceed 1.0 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 0.6 acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: _____ Annual Cost: \$ _____

- 4. Rights whose priority is prior to October 24, 1958:

_____ acres of supplemental irrigation. This allocation shall not exceed 0.5 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 0.3 acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: _____ Annual Cost: \$ _____

Note: Instream delivery losses are not included in the above allocations.

Summary:

Total Acres: _____ acres

Total Allocation: _____ acre feet

Total Cost: \$ _____

GALESVILLE PROJECT AGRICULTURAL RATE CHARGES

PRIMARY RATE CHARGES

ACREAGE	COST
UP TO, & INCLUDING ONE ACRE	\$82.50
ONE TO FIVE ACRES	\$82.50 + \$44/ACRE OVER THE FIRST ACRE
FIVE OR MORE ACRES	\$258.50 + \$26.40/ACRE OVER THE 5TH ACRE

SUPPLEMENTAL USE RATE CHARGES

Note: Rates below are for the South Umpqua River and Cow Creek. Rates for Supplemental use for the main Umpqua River are 60% of rate for the South Umpqua and Cow Creek users. The reduction in rate for Umpqua River users is to account for a more firm water supply on the main stem of the Umpqua River.

Rights whose priority are from 3/26/74 to 11/3/83

ACREAGE	COST
UP TO, & INCLUDING ONE ACRE	\$71.50
ONE TO FIVE ACRES	\$71.50 + \$38.50/ACRE OVER THE FIRST ACRE
FIVE OR MORE ACRES	\$225.50 + \$18.70/ACRE OVER THE 5TH ACRE

Rights whose priority are from 10/24/58 to 3/26/74

ACREAGE	COST
UP TO, & INCLUDING ONE ACRE	\$60.50
ONE TO FIVE ACRES	\$60.50 + \$22/ACRE OVER THE FIRST ACRE
FIVE OR MORE ACRES	\$148.50 + \$8.80/ACRE OVER THE 5TH ACRE

Rights whose priority are before 10/24/58

ACREAGE	COST
UP TO, & INCLUDING ONE ACRE	\$55.00
ONE TO FIVE ACRES	\$55. + \$16.50/ACRE OVER THE FIRST ACRE
FIVE OR MORE ACRES	\$121. + \$5.50/ACRE OVER THE 5TH ACRE

AGRICULTURAL ADDITIONAL DUTY RATE

\$12.10/ACRE FOOT PER YEAR FOR ALL WATER EXCEEDING 2.5 ACRE FOOT/YEAR/ACRE ON ALL ACREAGE
(TO BE ADDED TO ANY OTHER RATE FOR AGRICULTURAL USE)

GALESVILLE MUNICIPAL, INDUSTRIAL AND OTHER USE RATE CHARGES
(metering device required)

USAGE IN ACRE FEET	COST
MINIMUM OF FIVE	\$385.00
FIVE TO TEN	\$385 + \$71.50/ACRE FOOT OVER FIVE
TEN TO ONE HUNDRED	\$742.50 + \$66/ACRE FOOT OVER TEN
OVER ONE HUNDRED	\$6,882.50 + \$60.50/ACRE FOOT OVER ONE HUNDRED

Date: Tue, 23 Jun 1998 09:07:02 -0700
From: "Elaine Youngquist" <emyoungq@co.douglas.or.us>
Reply-To: emyoungq@co.douglas.or.us
Organization: Douglas County Public Works Natural Resources
To: Adam.P.SUSSMAN@wrd.state.or.us
Subject: GALESVILLE CONTRACTS

ADAM:

IF AN APPLICANT DESIRES TO ENTER INTO A CONTRACT FOR GALSVILLE WATER
WE
CAN MAKE THE EFFECTIVE DATE OF THE CONTRACT WHATEVER DATE THEY
INDICATE
THE USE OF WATER WILL TAKE PLACE. NO FEES ARE DUE UNTIL THE YEAR THE
WATER WILL BE PUT TO BENEFICIAL USE.

IN ORDER TO COMPLETE THE CONTRACT WE REQUIRE THEY PROVIDE US WITH SOME
SORT OF A MAP SHOWING THE LOCATION OF THE PROPERTY TO BE IRRIGATED.
WHEN THEY APPLY FOR THE CONTRACT WE NOTIFY THEM OF THE REQUIREMENT TO
FILE A WATER RIGHT APPLICATION WITH OWRD. WE MONITOR THE CONTRACT TO
BE
SURE THE APPLICANT DOES COMPLETE THE WATER RIGHT APPLICATION PROCESS
AND
IF THEY DO NOT, THEY ARE NOTIFIED THAT NO WATER WILL BE RELEASED TO
THEM
FROM GALESVILLE UNTIL THEY HAVE APPLIED FOR THE PERMIT FROM OWRD.

IF YOU HAVE FURTHER QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT ME.

ELAINE YOUNGQUIST
DOUGLAS COUNTY NATURAL RESOURCES



Faxing Sku
171652



FAX COVER SHEET

S _____

To: *Oregon State Water Resources Dept.*

From: *Raymond Gibby*

Fax #: *(503) 378-6203*

Phone #: *(541) 672-6380*

Date: *6-17-98*

Urgent Confidential Confirm Receipt

Number of Pages:
(Including Cover) *2*

Reply to: Staples, Inc. () _____
 Reply to: () _____

Remarks:

att. Mr Adam Sussman

- For your convenience, Staples Copy Centers also offer these additional services:
- High Speed Black and White Copying
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 - FedEx Mailing

OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

To Allen Scott, ALJ Date: 6/17/98 Page 1 of 4

Fax # 503 378-6163
From Adam Sussman.

FAXED
6/17/98
A/S

Comments: _____

Attached is Mr. Gibby's request to withdraw the protest + request for hearing. The attached copy of an order is how Weisk Mize did things. Could you please send an order dismissing this case ASAP.
Adam

P.S. If you need any info let me know.

Fax. 503-378-2496

Dam Safety	Director's Office	GIS / Mapping
Groundwater	Hanford Studies	Hearings
Hydrographics	Information (Computer) Services	Legislative & Rules Coord.
Public Information	Strat. Planning & Policy Coord.	Water Resources Comm. Liaison

Fax. 503-378-8130

Accounting / Fiscal	CWRE Coordination	Columbia / Snake Issues
Conservation	District 16 Watermaster	Enforcement
GWEB Liaison	Land Use Coordination	Northwest Region
Office Services	Personnel	Planning
Resource Management	Water Development Loan Fund	Water Use Reporting
Well Construction	Well Driller Licensing	

Fax. 503-378-6203

Adjudications	Final Proof Surveys	Hydroelectric Permits
Transfers	Water Rights	

Dear Mrs Sussman,

I wish to withdraw my protest hearing set for 9:00 A.M. June 18th.

For the Months of August and September that I won't be able to receive water under the present permit, I wish to amend it to state that I will be contracting with Douglas County's, Galeville Reservoir for water those months,

Sincerely
Mrs Raymond Gibby

State of Oregon
Water Resources Department

In the Matter of the Water Use Application S70401
in the name of Edward and Janis Brabham, Kay L.
Sohler, and James and Mariann Brady for use of water
in Jackson County, Oregon

ORDER

By letter of December 31, 1996, applicants Edward and Janis Brabham withdraw their protest against the Department's proposed order on this application. There being no protest against the Department's proposed order, the contested case in this matter is dismissed.

The Department is directed to issue a Final Order as required by law.

Dated December 31, 1996.

COPY

Weisha Mize
Administrative Law Judge
Water Resources Department
158 12th Street NE
Salem, OR 97310

Certificate of Service

I certify that on December 31, 1996, I hand-delivered a copy of this Notice of Hearing in a sealed envelope to the office of Adam Sussman, Water Rights Division, 158 12th St. NE, Salem, OR 97310; and mailed, first-class postage prepaid, a copy of this Notice and the agency's file to:

Ben Lombard, Jr.
LOMBARD, KNUDSON & HOLTEY
PO Box 1090
Ashland, OR 97520

Kay L. Sohler
3300 Main Street (34)
Forest Grove, OR 97116

James and Mariann Brady
Route 1, Box 90B
Gaston, OR 97119

Laura A Schroeder
SCHROEDER LAW OFFICES
PO Box 1392
Hermiston, OR 97838

COPY



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

February 12, 1998

Raymond Gibby
3625 Banbury Dr. Apt 17-L
Riverside CA. 92505-1856

RE: Protest on Application S-81591

Dear Mr. Gibby:

On January 26, 1998, the Department received your protest to the Proposed Final Order for Application S-81591. You requested a hearing therefore I have forwarded the matter to Administrative Law Judge Weisha Mize. Ms. Mize will set a hearing date shortly.

In your protest, you assert this application should be treated under 1994 standards because the Department "lost" your application submitted in 1994. To the contrary, your 1994 application was received September 6, 1994, and returned the next day because it was incomplete. The application was not re-submitted until October 1996. The attached letter clearly refutes your assertion that the Department lost the application.

It should be no surprise that the standards, concerns, and issues related to water allocation are different today than when your neighbors applied or received water rights. I have no doubt the Department made a sound legal and technical decision on your application S-81591.

The Department's could allow use of "live flow" from the Umpqua River March through July. An excellent option for getting water in August through October is to contract with Douglas County for the use of water stored in Galesville Reservoir. I suggest you contact the County at 541-440-4255 for more information. If you wish to pursue the use of stored water I can work with you to adjust your current application.

Please contact me at 503-378-8455 ex. 262. If you have any questions.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

*Swt
2/12/98
A.S.*

September 7, 1994

WATER
RESOURCES
DEPARTMENT

RAYMOND AND BARBARA GIBBY
14015 EL MESA DRIVE
RIVERSIDE CA 92503

Dear Mr. & Mrs. Gibby,

The Department has received your application to use water. However, we need more information before we can accept, file, and review your application.

Please provide the following:

- A map showing the place where water is to be used and the place where the water will be diverted. The map must show the Township, Range, Sections and Quarter-Quarter section of the property applied for.
- A legal description of the property where you plan to use water. You can copy this from your deed, title insurance policy or sales contract.
- Land-use information signed by a county planner (a form is enclosed).

The application, supporting data and check no. 2542 in the amount of \$320.00 are being returned.

We will begin our analysis when the application and information noted above is received. Please feel free to contact the Water Rights Information Group at 378-3739 if you have any questions.

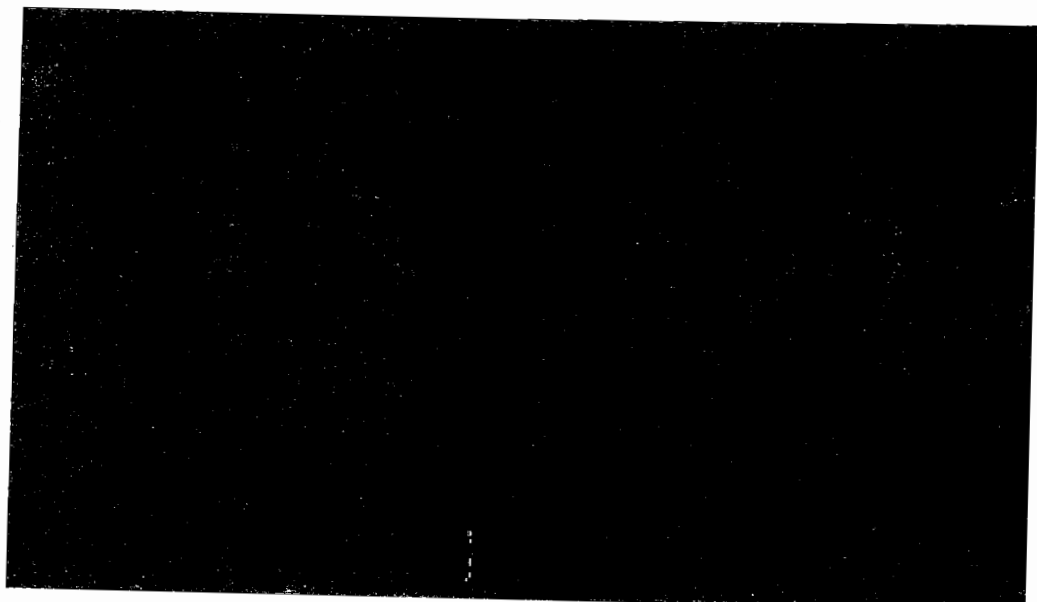
Sincerely,



Mr. Cory C. Engel
Water Rights Res

enclosures

cc: general co:
Fiscal



CASE REFERRAL TO CONTRACT HEARINGS OFFICER

Referral date:

File Number: S81591

Discovery deadline: May 20, 1998

Pre-Hearing Conference:

Time:

Hearing Date: June 18, 1998

Time:

9:00 a.m.

Applicant: Raymond Gibby, 3625 Banbury Dr., Apt. 17-L, Riverside, CA 92505-1856
909-637-9771

Represented by: pro se

PFO proposes to condition or limit use to allow only up through July 31

Bases for Department's proposed action in PFO:

- a) Water availability
- b) Division 33 rules
- c) Public interest

Bases for applicant protest:

- a) Should have determined water availability as of 1884 (sic)
- b) Others living next to me applied at same time and got, used the same engineer, proving is plenty of water and no danger to fish.
- c) I sent this application in in 1994 even though you claim you didn't get it.
- d) You are showing a preference by giving others on same line their right but denying mine
- e) Not convinced fish will be harmed

AG representation of agency? N

Ray Gibby
541 672-6380

670 Gibby
Franklin Lane
Roseburg OR
97470



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

May 18, 1998

Raymond Gibby
670 Frontier Lane
Roseburg, Oregon 97470

RE: Hearing Exhibits and Witnesses - Application S-81591

Dear Mr. Gibby:

Enclosed is the Department's list of witnesses and proposed exhibits. This is the information and people I plan to use to demonstrate that the Department made a sound decision on your application.

At this point, the Department has proposed to allow use of water through July. As I mentioned before, an option is to contract with the county for use of stored water for the rest of the summer. Please look at my exhibit #5 carefully, particularly the definition of "water is available." If you do not prove the Department's analysis is incorrect you will need to demonstrate the water is only needed through July or that you have another source. Also look carefully at exhibit #2. The Commission's Water Allocation Policy gives you a chance to argue the proposed use is of "high public value."

Please contact me at 503-378-8455 ext. 262. if you have any questions.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

Dave Williams, Watermaster District 15

RECEIVED

JAN 26 1998

WATER RESOURCES DEPT.
SALEM, OREGON

January 19, 1998

Dear Mr. Dwight French,

In response to the proposed final order report you sent me December 9, 1997, I protest it.

My name is Raymond W. Gibby, 3625 Banbury Drive, Apt 17L, Riverside, CA 92505. Phone: 909-637-9771, File #S-81591.

My public interest is impaired because it affects my ability to make a living, and effects my family over the years to come, plus many people that could benefit from the food I would raise.

My decision to buy this forty acres at a premium price in 1979 was because of the rights to the main Umpqua River for irrigation.

The final order is in error. The report should be based on the availability of water in 1884, not 1996. (See the enclosed sheet showing the date, September 6, 1994. Its a copy of the one you sent.)

I submitted my application first in 1993 when the other people on the same line submitted theirs. Your water board requested further information. I resubmitted again in 1994. (Even though I have proof it was received by you, September 6, 1994, you said you never received it. So I resubmitted it a third time. When you received it, October 3, 1996, you finally acknowledged it, but then decided the water was not available. According to my brothers that live in Roseburg, there is plenty of water.)

David Harland's farm is next to mine and a four inch water line runs the full length of my farm to feed his and the main Umpqua water. He said his lawyer proved that there was no danger to the fish and there was plenty of water. He said you lost his paper work, also. He recommended that I take it to court as others on the line had to do to get year-round water rights.

I called James F. Gosson in Southerland, about the water rights. He is the one that did all the engineering for the project and submitted all my paper work in 1993. He too felt there was no reason I should not have year-round rights as does Gerald Bacon, Talbot P. Kendall, and David Harland. He did all of our engineering at about the same time and I'm using the same copies as they used.

When you stated that no preference is granted for water use, ORS. 536-310 (12), tell me why I am excluded when we all used the same engineer. We all submitted our applications at the same time. We all use the same irrigation lines.

I do request a contested hearing. I will be moving on to the property in June and would like a



CW
1/26/98

JAN 26 1998

WATER RESOURCES DEPT.
SALEM, OREGON

I do request a contested hearing. I will be moving on to the property in June and would like a hearing any time after that.

In summary, the reasons I am protesting this is as follows:

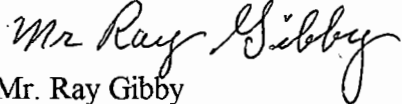
1. A precedence has been set by the other farmers on the system by them proving there is plenty of water and there is no danger to the fish.
2. I have proof I sent the application in 1993 and 1994 (the one you claim you never saw even has your stamp on it, dated, September 6, 1994.
3. You are showing a preference by giving the others on the same line full-year rights and denying me when we all used the same engineer, all got each others permission to cross our land, put the lines in together and set our applications in at the same time.
4. The lawyer used by Gerald Bacon and David Harland proved there was enough water and not danger to the fish. If the Water Board had proof there was not water available in 1994, I may not have considered this project. Just making a statement without any backing doesn't convince me. How many fish die because of me using it?

If I am granted a full-year permit, I will build a pond next to Turkey creek and stock it with trout and salmon and release them in the creek which feeds into the Umpqua. That would more than replace any fish that may pulled against the pump screen.

I hope we can get this settled without a legal battle. I have been filling out papers, paying fees, writing letters, and making phone calls for nearly five years now.

Please respond soon.

Sincerely,


Mr. Ray Gibby

RECEIVED

580 S. State St.
Sutherlin, OR 97479

JAN 26 1998 49716

INVOICE

SOLD TO Raymond Gibby		SHIP TO WATER RESOURCES DEPT. SALEM, OREGON	
ADDRESS 1405 El Mesa Dr.		ADDRESS	
CITY, STATE, ZIP Riverside, CA 92503		CITY, STATE, ZIP	
CUSTOMER ORDER NO.	SALESMAN	TERMS	DATE 8/31/93
ORDERED	SHIPPED	DESCRIPTION	PRICE UNIT AMOUNT
		Surface Water Application	236 25

DC5840

Pd 25.00 12/08/93 # 409 Wells Fargo

*I'm not sending you
all the paper work. I just
picked out a few pages
showing you I had 2 different
applications before the 1996
application.*

JAN 26 1998

WATER RESOURCES DEPT.
SALEM, OREGON

REMARKS: The motor, pump and a majority of the delivery system will be the same as those presently serving permits 51433 (Kendall), permit 23703 (Bacon), application 73073 (Bacon), application 73313 (Harland) and application 73334 (Loomis). The pipeline crossing of Douglas County Road #6 at milepoint 9.66 will also utilize the same pipeline as the permits and the applications described above.

OTHER PROPERTY OWNERS:

Gerald and Doris Bacon	Douglas County Road Dept.	Talbot P. Kendall
10176 Garden Valley Road	2586 N.E. Diamond Lake Blvd.	1251 N.W. Jefferson
Roseburg, Oregon 97470	Roseburg, Oregon 97470	Roseburg, OR 97470

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

Raymond W. Hilby
Signature

12-28-93
Date

Signature

Date

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

Raymond W. Hilby
Signature of Applicant

12-28-93
Date

Barbara A. Hilby
Signature of Co-Applicant, if any

12-28-93
Date

RECEIVED

JAN 26 1998

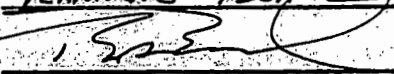
WATER RESOURCES DEPT.
SALEM, OREGON

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: ROBERT A. BELL
Title: PLANNING TECH 2

Date: 8-27-93
Phone: 4404287

Signature: 

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

Additional Comments:

*One reason you said you
turned down my first application
was because you said this form
was never sent in to be signed
here is proof it was with the
application*

RECEIVED

JAN 26 1998

Application No. _____

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT



Application for a Permit to Appropriate Surface Water

Applicant(s) RAYMOND W. OR BARBARA A. GIBBY

(Please print or type - use dark ink)

Mailing Address: 14015 El Mesa Drive

Riverside

California

92503

909/780-7589

City

State

Zip

Daytime Phone No.

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

1. **SOURCE OF WATER** for the proposed use: Umpqua River,
a tributary of Pacific Ocean

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.25 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. **INTENDED USE(S) OF WATER:** Pasture, hay, and lawn and garden irrigation.

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

If for **DOMESTIC** use, state the number of households to be supplied; _____

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

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

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

Irrigation 20.0

Other (describe) _____

Oregon Water Resources Department

In the Matter of the Water Right Application
of Raymond Gibby,
Applicant-Protestant

Notice of Contested Case Hearing
Application No. S81591

A contested case hearing on the applicant's protest against the proposed denial of this application will commence at **9:00 a.m., Thursday, June 18, 1998**, in Conference Room D at the Water Resources Department; Commerce Building; 158 12th Street NE; Salem, Oregon. The hearing will commence promptly and will conclude no later than 4:00 p.m.

The hearing will be conducted by Administrative Law Judge Weisha Mize and will examine the following issues:

Whether the water availability analysis conducted for this application correctly determined that no water is available to allocate to the proposed irrigation use after July 31 of each year;

Whether the applicant can make beneficial use of the water during the period of allowable use proposed;

Whether the law requires review of this application under the standards in place in 1994, rather than those in place at the time the application was processed; and

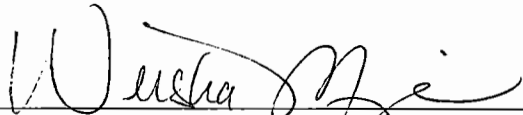
Whether the public interest presumption under ORS 573.153 has been established.

Both the Protestant and the Department are ordered to provide each other and the Administrative Law Judge lists of any witnesses whom they propose to call, together with a brief summary of anticipated testimony as it relates to the issues to be addressed, and copies of any exhibits that they propose to introduce, **to be received no later than Wednesday, May 20, 1998**. Failure to deliver witness lists and copies of exhibits by that date may result in exclusion of the proposed evidence.

The agency file will be a proposed exhibit. Any objections to its entry into the record should be raised at the hearing.

Enclosed is a copy of STATEMENT OF PARTIES' RIGHTS IN CONTESTED CASE HEARINGS.

Dated February 24, 1998


Weisha Mize, Administrative Law Judge

Certificate of Service

I certify that on February 24, 1998, I hand-delivered a copy of this Notice of Hearing to the office of Adam Sussman, Agency Representative, 158 12th St. NE, Salem, OR 97310; and mailed, first-class postage prepaid, a copy of this Notice and the agency's file to:

Raymond Gibby
3625 Banbury Dr., Apt. 17-L
Riverside CA 92505-1856

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number S-81591

Proposed Final Order

Summary of Recommendation: The Department recommends that the application be denied.

Application History

On October 3, 1996, RAYMOND W. GIBBY submitted an application to the Department for the following water use:

- Amount of Water: 0.25 CUBIC FOOT PER SECOND (CFS)
- Use of Water: IRRIGATION OF 20.0 ACRES
- Source of Water: UMPQUA RIVER, A TRIBUTARY OF PACIFIC OCEAN
- Area of Proposed Use: DOUGLAS County within SECTION 8, SECTION 18, TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.

On 2/10/97, the Department mailed the applicant notice of its Initial Review, determining that *"The use of 0.25 CFS of water from the Umpqua River, tributary to the Pacific Ocean, for Irrigation of 20.0 acres is not allowed."* The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 2/25/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, written comments were received from the applicant.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835

- applicable statutes, administrative rules, and case law
- Additional Public Interest Standards for New Appropriations (OAR Chapter 690, Div. 33)
- any comments received

Findings of Fact

The Umpqua Basin Program allows the following uses: IRRIGATION

Senior water rights exist on UMPQUA RIVER, A TRIBUTARY OF PACIFIC OCEAN, or on downstream waters.

UMPQUA RIVER, A TRIBUTARY OF PACIFIC OCEAN, is not within or above a State Scenic Waterway.

Water is not available for further appropriation (at an 80 percent exceedance probability) August 1 through October 31.

In accordance with OAR-690-33-3307, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that, if a permit is issued, additional limitations or conditions of use be imposed on this application as follows:

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

The use of water after July of each year is not allowed.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Umpqua Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is not available for the proposed use.

The proposed use will not injure other water rights.

The proposed use **does not comply** with rules of the Water Resources Commission.

The proposed use is compatible with applicable land use plans.

For these reasons, the required presumption **has not** been established.

The application therefore has been processed without the statutory presumption.

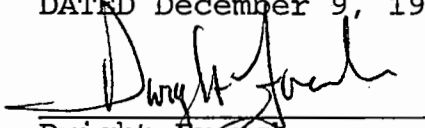
In this application, all criteria for establishing the presumption has not been satisfied, as noted above.

The Department therefore concludes that water **is not** available in the amount of water necessary for the proposed use; and the proposed use **will** impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the application be denied.

DATED December 9, 1997



Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and

- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than **January 23, 1998**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

RWK- WEEK 123

IR CHECKLIST

Application #: 581591 Vol _____ Subbasin _____

Umpqua Basin: 16 WAB: 01037 POU-WAB: " "

Township 26S Range 6W Section 8 1/4 1/4 POU

18 POD

- 1. Completeness checklist verified. Y / N of No Checklist
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N
- 3. Groundwater review A B C D
 - a. Is the well located in a groundwater limited area? Y / N _____
- 4. SWW Y N Triage Y N conditions/restrictions Y N
- 5. Basin Program limitations? Y / N
- 6. Withdrawn? Y / N season allowed _____
- 7. Basin Maps have been checked. Y N The River Mile is 107-108
- 8. Water Availability (50% < July 17, 1992 * 80% [90% storage] > July 17, 1992) NA Not Avail Aug -> Oct
- 9. Rate/Duty/Season 1/80 / 2 1/2 / March -> Oct
- 10. Use Irrigation Period of Allowed Use March - Oct
- 11. Priority Date(s) 10-3-96
- 12. B.O.R. project Y N contract # _____
- 13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) DIVISION 33 Y N New or Old? Map Date _____
- 14. Conflicts Y N my share same POD w/ cert 22558 Subject to Statewide vote review
- 15. Conditions? (BOR, GW, other) Y N POD
- 16. Land use approval OK'd needs approval county notified NA
- 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15) (19 SWR)
- 18. Letter will be Good Limited Bad Bad w/IRshort because _____

requesting 0.25 cfs for Irrigation of 20 ac from the Umpqua R.

Irrigation Season

1 2 3 4 5 6 7 8 9 10 11 12

x = W. not avail.

20 * 1/80 = 0.25 cfs max

Name: Lawrence Smedaker Date: 1-24-97

RECEIVED

FEB 28 1997

February 24, 1997

Reference File # S-81591

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Laura Snedaker,

I'm writing this letter in response to your letter to me of February 10, 1997. Yes, I want to get a water permit to receive water from the Umpqua River. Gerald Bacon, Talbot Kendall, David Harland, and Walter Loomis, my neighbors, are all on the same system with me. I know three of them already have permits including August, September and October. Why my original application was misplaced there in Salem and my having to start over and now you not giving me the go ahead on the permit as the others have, sounds like you are discriminating against me because I live in California. I grew up on a farm in Roseburg, and I've owned my farm on Turkey Creek since 1979. I've raised cattle on it most of the past 18 years.

I've paid a premium price for the farm because of the rights to water easement to the Umpqua. I've already put out a lot of money to develop the system and with engineering, etc.

Without water those three months cuts out nearly the whole growing season. It's worse to plant crops than nothing if they get half grown then die because there is no more water. I want to raise registered cattle, hay, row crops, and an orchard.

David Harland said he had to hire Steven Mountainspring, a lawyer, to help him get his permit to include the summer months. I'm prepared to do the same if necessary, but I would hope we can come to an agreement without that expense for both of us.

As far as other water sources, I have a year-round creek going the full length of the farm that gets down to a trickle in the summer. To dam it up would cut the flow from the neighbors below me, plus I'd have to buy a pump, etc. I could build a pond and use winter run-off to fill it, but it would still be expensive and wouldn't carry me through the whole summer.

The pipe to David Harland's and Walter Loomis' runs the full length of my farm. To sit there every summer and watch their crops thrive when I can't even use my lines is a little more than I could take.

I know you feel you are serving the people by saving the fish, but the main Umpqua always has plenty of water and eater I use won't effect one fish. Most of the water will end up in the ocean anyway. The food I raise on that farm will feed a lot of people, plus give me, my children and generations to come a livelihood.

I hope we can get this settled. Let me know what route I need to take.

Sincerely,

Mr. Raymond Gibby

CLERK
96 FEB

RECEIVED

FEBRUARY 10, 1997

FEB 28 1997

WATER RESOURCES DEPT.
SALEM, OREGON

WATER
RESOURC
DEPARTM

RAYMOND W. GIBBY
14015 EL MESA DR.
RIVERSIDE, CALIFORNIA 92503

Reference: File S-81591

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE DURING NEXT PHASE OF PROCESS**

This letter is to inform you of the unfavorable analysis of your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION OF 20.0 ACRES is allowed under OAR 516, the Umpqua Basin Program.
4. Water for the use of 0.25 CUBIC FOOT PER SECOND (CFS) for IRRIGATION OF 20.0 ACRES is not available AUGUST 1 through OCTOBER 31. *The water is available. We would just ~~the~~ switch off days instead of the one or two people that use it all the time. ~~now~~ would share days.*
5. Because water is not available for a full season, Irrigation use cannot be allowed. However, by providing additional information, the applicant may pursue a permit for a limited season during the period when water is available.

This sounds like double talk

Summary of Allowable Water Use

The use of 0.25 CFS of water from the Umpqua River, tributary to the Pacific Ocean, for Irrigation of 20.0 acres is not allowed.

It is not likely that you will be issued a permit due to #4 above. At this time, you must decide whether to proceed or to withdraw your application as described below.

Why can't the State be straight with us on things? Either its available to everyone or its not for anyone. We put a lot of money into it because we see others using it only to find out its not available to us. I've gone thru this same things with getting the right to ~~and~~ cutting trees.

Commerce I
158 12th Str
Salem, OR 9
(503) 378-37
FAX (503) 3:

RECEIVED

FEB 28 1997

WATER RESOURCES DEPT
SALEM, OREGON

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

By supplying the Department with additional information concerning the proposed use, you may be able to use water for Irrigation of 20.0 acres during the period March 1 through July 31. If you do not withdraw your application and if you do not provide the additional information as described below, the Department will propose to reject your application. This information should be submitted within 30 days to avoid any further delays in the processing of your application.

Additional Information Opportunity:

If you would like to be able to use water when it is available, you must supply the Department with two items.

Item #1 Supply information that would demonstrate that you can either make beneficial use of the water during the times it is available, *I could raise crops and double the amount of cattle on the same amount of land.*

Identify another source of water that you will use during the period when water use is not allowed from the source named in this application. *Part year without August September + October are out of the question.*

Item #2 Your acknowledgement that water use will only occur, under the terms of the permit (if one is issued), during the allowed period of use. *The use of the creek, or a pond are discussed in my letter.*

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **FEBRUARY 24, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually. *Dave Harland and Water Loomis are beyond my farm so we could put in a meter to measure theirs on the days I wasn't measuring mine.*

RECEIVED

FEB 28 1997

WATER RESOURCES DEPT
SALEM, OREGON

2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life. *They are already on the system.*
3. You will be required to comply with state and federal water quality standards. *No problem.*
4. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 331 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Laura K. Snedaker
Senior Water Rights Examiner

cc: Regional Manager SWR, Watermaster District 19,
Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

wab 516-01057
pou 516-01057

FEBRUARY 10, 1997

RAYMOND W. GIBBY
14015 EL MESA DR.
RIVERSIDE, CALIFORNIA 92503

Reference: File S-81591

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE DURING NEXT PHASE OF PROCESS**

This letter is to inform you of the unfavorable analysis of your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION OF 20.0 ACRES **is allowed** under OAR 516, the Umpqua Basin Program.
4. Water for the use of 0.25 CUBIC FOOT PER SECOND (CFS) for IRRIGATION OF 20.0 ACRES is not available AUGUST 1 through OCTOBER 31.
5. Because water is not available for a full season, Irrigation use cannot be allowed. However, by providing additional information, the applicant may pursue a permit for a limited season during the period when water is available.

Summary of Allowable Water Use

The use of 0.25 CFS of water from the Umpqua River, tributary to the Pacific Ocean, for Irrigation of 20.0 acres is not allowed.

It is not likely that you will be issued a permit due to #4 above. At this time, you must decide whether to proceed or to withdraw your application as described below.



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

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

By supplying the Department with additional information concerning the proposed use, you may be able to use water for Irrigation of 20.0 acres during the period March 1 through July 31. If you do not withdraw your application and if you do not provide the additional information as described below, the Department will propose to reject your application. This information should be submitted within 30 days to avoid any further delays in the processing of your application.

Additional Information Opportunity:

If you would like to be able to use water when it is available, you must supply the Department with two items.

Item #1 Supply information that would demonstrate that you can either make beneficial use of the water during the times it is available,

OR

Identify another source of water that you will use during the period when water use is not allowed from the source named in this application.

Item #2 Your acknowledgement that water use will only occur, under the terms of the permit (if one is issued), during the allowed period of use.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **FEBRUARY 24, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.

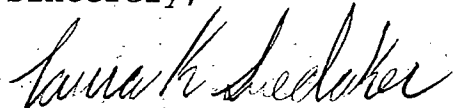
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.
4. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 331 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Laura K. Snedaker
Senior Water Rights Examiner

cc: Regional Manager SWR, Watermaster District 19,
Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

WATER AVAILABILITY TABLE

Basin: UMPQUA Exceedance Level: 80
 Water Availability Subbasin: 0105700000000000 (and Nested Subbasins)
 Time: 15:39 Date: 01/24/1997

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0105000000000000	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES
3	0105700000000000	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES

STREAM NAMES

Basin: UMPQUA
 Water Availability Subbasin: 0105700000000000 (and Nested Subbasins)
 Time: 15:39 Date: 01/24/1997

WAB #	Stream Name	Tributary to
0100000000000000	UMPQUA R @ mouth	PACIFIC OCEAN
0105000000000000	UMPQUA R ab LITTLE MILL CR	PACIFIC OCEAN
0105700000000000	UMPQUA R ab WOLF CR	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0105700000000000
 Basin: UMPQUA
 Exceedance Level: 80
 Time: 15:39 Date: 01/24/1997

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	3480.0
2	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	5030.0
3	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	4690.0
4	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	4190.0
5	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	2470.0
6	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	371.0
7	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	152.0
8	0105000000000000	UMPQUA R ab LITTLE MILL CR	NO	-114.0
9	0105000000000000	UMPQUA R ab LITTLE MILL CR	NO	-96.3
10	0105000000000000	UMPQUA R ab LITTLE MILL CR	NO	-411.0
11	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	89.0
12	0105000000000000	UMPQUA R ab LITTLE MILL CR	YES	2170.0
Stor	0105700000000000	UMPQUA R ab WOLF CR	YES	3110000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: UMPQUA

Stream: UMPQUA R @ mouth

Water Availability Subbasin: 0100000000000000

ID Number: 368

Exceedance Level: 80

Time: 15:39

Date: 01/24/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	6790.00	195.00	6600.00	96.90	6500.00	1000.00	5500.00
2	8470.00	260.00	8210.00	116.00	8090.00	1000.00	7090.00
3	7680.00	26.80	7650.00	75.00	7570.00	1000.00	6570.00
4	6730.00	38.60	6690.00	30.60	6660.00	1000.00	5660.00
5	4720.00	68.40	4650.00	11.00	4640.00	1000.00	3640.00
6	2430.00	128.00	2300.00	9.36	2290.00	1000.00	1290.00
7	1420.00	164.00	1260.00	7.92	1252.00	750.00	502.00
8	1090.00	141.00	949.00	5.99	943.00	750.00	193.00
9	1070.00	112.00	958.00	6.35	952.00	750.00	202.00
10	1240.00	26.80	1210.00	1.15	1209.00	1000.00	209.00
11	2170.00	79.70	2090.00	1.07	2090.00	1000.00	1090.00
12	5020.00	150.00	4870.00	101.00	4770.00	1000.00	3770.00
Stor	5330000	83000	5260000	27700	5230000	674000	4550000

DETAILED REPORT OF ISWRs

Basin: UMPQUA

Stream: UMPQUA R @ mouth

Water Availability Subbasin: 0100000000000000

Time: 15:39

Date: 01/24/1997

APP #	368A	0	0	0	0	RESULTANT
STATUS:	Cert.					
1	1000.0	0.0	0.0	0.0	0.0	1000.0 C
2	1000.0	0.0	0.0	0.0	0.0	1000.0 C
3	1000.0	0.0	0.0	0.0	0.0	1000.0 C
4	1000.0	0.0	0.0	0.0	0.0	1000.0 C
5	1000.0	0.0	0.0	0.0	0.0	1000.0 C
6	1000.0	0.0	0.0	0.0	0.0	1000.0 C
7	750.0	0.0	0.0	0.0	0.0	750.0 C
8	750.0	0.0	0.0	0.0	0.0	750.0 C
9	750.0	0.0	0.0	0.0	0.0	750.0 C
10	1000.0	0.0	0.0	0.0	0.0	1000.0 C
11	1000.0	0.0	0.0	0.0	0.0	1000.0 C
12	1000.0	0.0	0.0	0.0	0.0	1000.0 C

DETAILED REPORT ON WATER AVAILABILITY

Basin: UMPQUA

Stream: UMPQUA R ab LITTLE MILL CR

Water Availability Subbasin: 0105000000000000

ID Number: 73350

Exceedance Level: 80

Time: 15:39

Date: 01/24/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	5470.00	189.00	5280.00	96.50	5180.00	1700.00	3480.00
2	7110.00	263.00	6850.00	115.00	6730.00	1700.00	5030.00
3	6490.00	25.60	6460.00	74.70	6390.00	1700.00	4690.00
4	5960.00	37.20	5920.00	30.20	5890.00	1700.00	4190.00
5	4250.00	66.30	4180.00	10.80	4170.00	1700.00	2470.00
6	2210.00	125.00	2080.00	9.15	2071.00	1700.00	371.00
7	1320.00	160.00	1160.00	7.86	1152.00	1000.00	152.00
8	1030.00	138.00	892.00	5.94	886.00	1000.00	-114.00
9	1020.00	110.00	910.00	6.31	903.70	1000.00	-96.30
10	1180.00	25.60	1150.00	1.12	1149.00	1560.00	-411.00
11	1870.00	81.00	1790.00	0.97	1789.00	1700.00	89.00
12	4120.00	148.00	3970.00	100.00	3870.00	1700.00	2170.00
Stor	4460000	81700	4380000	27500	4350000	1090000	3270000

DETAILED REPORT OF ISWRs

Basin: UMPQUA

Stream: UMPQUA R ab LITTLE MILL CR

Water Availability Subbasin: 0105000000000000

Time: 15:39

Date: 01/24/1997

-----ISWRs-----						
APP # :	367A	368B	73350A	0	0	RESULTANT
STATUS:	Cert.	Cert.	Permit			
1	525.0	1000.0	1700.0	0.0	0.0	1700.0 O
2	525.0	1000.0	1700.0	0.0	0.0	1700.0 O
3	525.0	1000.0	1700.0	0.0	0.0	1700.0 O
4	525.0	1000.0	1700.0	0.0	0.0	1700.0 O
5	525.0	1000.0	1700.0	0.0	0.0	1700.0 O
6	525.0	1000.0	1700.0	0.0	0.0	1700.0 O
7	525.0	750.0	1000.0	0.0	0.0	1000.0 O
8	525.0	750.0	1000.0	0.0	0.0	1000.0 O
9	525.0	750.0	1000.0	0.0	0.0	1000.0 O
10	525.0	1000.0	1560.0	0.0	0.0	1560.0 O
11	525.0	1000.0	1700.0	0.0	0.0	1700.0 O
12	525.0	1000.0	1700.0	0.0	0.0	1700.0 O

DETAILED REPORT ON WATER AVAILABILITY

Basin: UMPQUA

Stream: UMPQUA R ab WOLF CR

Water Availability Subbasin: 0105700000000000

ID Number: 31630301

Exceedance Level: 80

Time: 15:39

Date: 01/24/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	4840.00	190.00	4650.00	2.79	4650.00	1000.00	3650.00
2	6360.00	260.00	6100.00	3.18	6100.00	1000.00	5100.00
3	5830.00	20.00	5810.00	3.39	5810.00	1000.00	4810.00
4	5490.00	30.00	5460.00	3.46	5460.00	1000.00	4460.00
5	3970.00	60.00	3910.00	5.32	3900.00	1000.00	2900.00
6	2080.00	110.00	1970.00	7.51	1962.00	1000.00	962.00
7	1260.00	140.00	1120.00	7.04	1113.00	750.00	363.00
8	989.00	122.00	867.00	5.29	862.00	750.00	112.00
9	978.00	99.00	879.00	5.12	874.00	750.00	124.00
10	1120.00	20.00	1100.00	0.80	1099.20	1000.00	99.20
11	1740.00	80.00	1660.00	0.72	1659.00	1000.00	659.00
12	3670.00	150.00	3520.00	2.24	3520.00	1000.00	2520.00
Stor	3990000	75500	3910000	2810	3910000	674000	3240000

DETAILED REPORT OF ISWRs

Basin: UMPQUA

Stream: UMPQUA R ab WOLF CR

Water Availability Subbasin: 0105700000000000

Time: 15:39

Date: 01/24/1997

APP # :	368C	0	0	0	0	RESULTANT
STATUS:	Cert.					
1	1000.0	0.0	0.0	0.0	0.0	1000.0 C
2	1000.0	0.0	0.0	0.0	0.0	1000.0 C
3	1000.0	0.0	0.0	0.0	0.0	1000.0 C
4	1000.0	0.0	0.0	0.0	0.0	1000.0 C
5	1000.0	0.0	0.0	0.0	0.0	1000.0 C
6	1000.0	0.0	0.0	0.0	0.0	1000.0 C
7	750.0	0.0	0.0	0.0	0.0	750.0 C
8	750.0	0.0	0.0	0.0	0.0	750.0 C
9	750.0	0.0	0.0	0.0	0.0	750.0 C
10	1000.0	0.0	0.0	0.0	0.0	1000.0 C
11	1000.0	0.0	0.0	0.0	0.0	1000.0 C
12	1000.0	0.0	0.0	0.0	0.0	1000.0 C

PFO CHECKLIST

Application #: 5 81591

Basin: Umpqua No WAB: 01057

County Douglas Township 265 Range 66W Section 18 1/4 1/4 NE NW

- 1. Is the file complete by the Completeness Checklist? Y / N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y / N
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- 4. Groundwater Review **A B C D** River/Stream Name _____ Conditions _____
 - a. Groundwater Availability **A B C**
 - b. Is second groundwater review necessary? (comments) Y / N
 - c. Is HB 1033 review complete? Y / N
- 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y / N
- 6. Is use from a B.O.R. project? Y / N Contract in file? Y / N Contract # _____
- 7. Is the use allowed by the Basin Program? Y / N Limited? Y / N _____
- 8. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 9. Is the source withdrawn or limited by statute or Department withdrawal order? Y / N
- 10. Is the Proposed Use located in or above a Scenic Waterway? Y / N
- 11. Division 33: Above Bonn (after July 17, 1992) Y / N / NA
 Below Bonn (after April 8, 1994; June 3, 1994) Y / N / NA
 Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N / NA →
- 12. Have conflicts been identified, verified and/or addressed? Y / N
- 13. Rate .25 Duty 2.5 Irrigation Season _____
- 14. Period of Allowed Use 3-7/31
- 15. Allowed Rate of Use _____
- 16. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
- 17. Conditions FISH
- 18. IR Public Notice Date 2/10/97; 3/25/97
2/24/97
- 19. Documents used in determination are attached and highlighted
- 20. Spell Check
- 21. Check for Accuracy
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #
- 24. Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N

OVER →



Name: Runk

Date: 1/19/97

\$10
ETT

JAMES F GASSON (CWRE)	ODFW (DAVE HARRIS)
	DDA
LONNIE & CYNTHIA SANDERS	DEQ (RUSSELL HARDING)
PO Box 958	
MYRTLE CREEK, OR 97457	
GERALD & DORIS BACON	
10176 GARDEN VILLY RD	
ROSEBURG, OR 97470	
DAUGLAS Co PD DEPT	
2586 N DIAMOND Lk BLVD	
ROSEBURG, OR 97470	
TALBOT P KENDALL	
1251 NW JEFFERSON	
ROSEBURG, OR 97470	

July 11, 1996

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 33

ADDITIONAL PUBLIC INTEREST STANDARDS FOR NEW APPROPRIATIONS

Purpose

690-33-000 (1) The purpose of OAR Chapter 690, Division 33 is to establish definitions, additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

(2) These rules apply to the following types of applications for permits:

(a) To appropriate surface water;

(b) To appropriate hydraulically connected groundwater with potential for substantial interference as listed in OAR Chapter 690, Division 9, Section 040;

(c) To appropriate water for the purpose of groundwater recharge; and

(d) To store water or construct a reservoir.

(3) These definitions, standards and procedures are in addition to, not in lieu of, existing rule and laws.

Statutory Authority.: ORS 536.025 and 536.027

Stats. Implemented: ORS 537.140 to 190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94; WRD -1995, f. & cert. ef. 6-16-95; WRD -1996, f. & cert. ef. 7-11-96

Definitions for the purposes of Chapter 690, Division 33

690-33-010 (1) "Commission" means the Water Resources Commission.

(2) "Department" means the Water Resources Department.

(3) "Director" means the Director of the Department.

(4) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.

(5) "Interagency Review Team" means a team comprised of staff from the Departments of Agriculture, Environmental Quality, Fish and Wildlife, Water Resources and other state natural resource agencies as appropriate.

(6) "Fish and Wildlife Program" means the Columbia River Basin Fish and Wildlife Program adopted by the Northwest Power Planning Council in February, 1994; document number 94-2.

(7) "Human Consumption" means the use of water for purposes of drinking, cooking and sanitation.

(8) "Threatened or Endangered" means fish species listed by Oregon Department

Note: These rules were filed with the Office of the Secretary of State and took effect on July 11, 1996. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360 (2)(a) when published by the Secretary of State.

of Fish and Wildlife (ODFW) under OAR 635-100-125; or listed under the federal Endangered Species Act.

(9) "Sensitive" means fish species classified as either critical, vulnerable, or peripheral on the ODFW sensitive species list established under OAR 635-100-040.

Statutory. Authority.: ORS 536.025 and 536.027

Stats. Implemented: ORS 537.140 to 190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94; WRD -1995, f. & cert. ef. 6-16-95; WRD -1996, f. & cert. ef. 7-11-96

Upper Columbia Rules (Above Bonneville Dam)

Geographic Scope

690-33-115 (1) These rules, OAR 690-33-115 through 690-33-140, apply to applications filed after July 17, 1992, upstream from Bonneville Dam in the Columbia / Snake Basin in the areas listed below for which no permit has been granted, or on which no contested case has been ordered:

- (a) Hood Basin;
- (b) Deschutes Basin;
- (c) John Day Basin;
- (d) Umatilla Basin;
- (e) Grande Ronde Basin;
- (f) Powder Basin;
- (g) Malheur Basin;
- (h) Owyhee Basin;
- (i) Mainstem Columbia River above Bonneville Dam; and
- (j) Mainstem Snake River.

(2) These rules, OAR 690-33-115 through 690-33-140, will be reviewed and may be revised as additional information becomes available concerning the recovery of threatened or endangered fish stocks in the Columbia / Snake Basin.

Statutory. Authority.: ORS 536.025 and 536.027

Stats. Implemented: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95; WRD -1996, f. & cert. ef. 7-11-96

Determination of Consistency with the Fish and Wildlife Program

690-33-120 (1) To determine whether a proposed use is consistent with the Fish and Wildlife Program, the Department shall consult with the Northwest Power Planning Council, ODFW, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Indian tribes and appropriate local governments. If the Department determines that a proposed use of water is inconsistent with the Fish and Wildlife Program and cannot be conditioned to achieve consistency, the application shall be presumed to impair or be detrimental to the public interest.

(2) The applicant shall provide information to show compliance with the following standards which will form the basis for permit conditions:

- (a) The proposed use does not involve appropriation of direct streamflow during the time period of April 15 to September 30, except as provided in OAR 690-33-140;
- (b) The proposed use does not involve hydraulically connected groundwater

with potential for substantial interference as listed in Division 9 during the time period of April 15 to September 30, except that which is artificially recharged or as otherwise provided in OAR 690-33-140;

(c) The proposed use complies with screen design, installation, operation specifications and passage requirements as listed in ORS 498.248 through 498.268 and 509.600 through 509.630;

(d) The proposed use complies with existing state and federal water quality standards; and

(e) The proposed use complies with water use measurement, recording and reporting required by the Director.

(3) Based on the consultation in OAR 690-33-120(1), the proposed use may be further conditioned so that, if the riparian area is disturbed in the process of developing a point of diversion, the riparian area is restored or enhanced.

(4) If a proposed use is not consistent with the Fish and Wildlife Program, the applicant may propose mitigation compatible with OAR 690-33-120(2) and (3). The Director shall determine if the proposed use with mitigation is consistent with the Fish and Wildlife Program. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

Flow Management Objectives

690-33-130 If the flow management objectives cannot be achieved because of differing requirements between fish species in the management area, the Department shall consult with the affected fish and wildlife agencies and the appropriate Indian tribes to assist in resolving the flow management conflicts.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94

Exemptions - Applies to Upper Col. Basin

690-33-140 Notwithstanding OAR 690-33-120(2)(a) and (b), the Department may approve a water right permit for:

(a) Domestic water use;

(b) Projects that provide net benefits for native resident and native anadromous fish recovery. For example, these projects may include, but are not limited to, livestock watering away from water courses which results in improved riparian areas;

(c) Emergency use necessary for public health and safety;

(d) Existing water uses covered under House Bill 2153 (Oregon Legislature 1993);

or

(e) Multipurpose storage projects or other projects with measurable public benefits.

Statutory. Authority.: ORS 536.025 and 536.027

Stats. Implemented: ORS 537.140 to 190

Lower Columbia Rules (Below Bonneville Dam)

Geographic Scope

690-33-210 (1) These rules, OAR 690-33-210 through 690-33-230, apply to applications filed after April 8, 1994, in the areas listed below for which no permit has been granted, or on which no contested case has been ordered as of the effective date of these rules:

- (a) Portions of the North Coast Basin which drain into the Columbia River; and
- (b) Clackamas Subbasin of the Willamette Basin.

(2) These rules, OAR 690-33-210 through 690-33-230, apply to applications filed after June 3, 1994, in the areas listed below for which no permit has been granted, or on which no contested case has been ordered, as of the effective date of these rules:

- (a) Sandy Basin;
- (b) Willamette Basin, excluding the Clackamas Subbasin; and
- (c) Mainstem Columbia River below Bonneville Dam.

(3) These rules, OAR 690-33-210 through 690-33-230, shall be reviewed and may be revised when:

(a) A final National Marine Fisheries Service Recovery Plan for Snake River salmon is promulgated, or the Northwest Power Planning Council Fish and Wildlife Program is revised after the effective date of these rules providing additional information concerning the recovery of threatened or endangered fish stocks in the Lower Columbia Basin; or

(b) 300 cfs of additional water rights have been issued from the Mainstem Columbia River below Bonneville Dam since June 3, 1994; or

(c) An additional fish species has been listed as threatened or endangered in the area listed in OAR 690-33-210(1) or (2).

Statutory. Authority.: ORS 536.025 and 536.027

Stats. Implemented: ORS 537.140 to 190

Hist.: WRD -1995, f. & cert. ef. 6-16-95; WRD -1996, f. & cert. ef. 7-11-96

Evaluation Criteria

690-33-220 (1) If the Department determines that a proposed use of water is detrimental to the protection or recovery of a threatened or endangered species and cannot be conditioned or mitigated to avoid the detriment, the application shall be presumed to impair or be detrimental to the public interest. The Department shall review recovery plans, the Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered species in evaluating whether a proposed use is detrimental to the protection or recovery of a threatened or endangered species.

(2) The proposed use shall comply with the following standards which will form the basis for permit conditions:

(a) The proposed use complies with screen design, installation, operation (including provisions for maintenance) specifications and passage requirements as listed in ORS 498.248 through 498.268 and 509.600 through 509.630;

(b) The proposed use complies with existing state and federal water quality

standards; and

(c) The proposed use complies with water use measurement, recording and reporting required by the Director.

(3) Any application for more than one cubic foot per second not subject to the requirements of OAR Chapter 690, Division 86, shall contain a description of the measures to be taken to assure reasonably efficient water use.

(4) Based on the determination under OAR 690-33-220(1) the proposed use may be further conditioned so that, if the riparian area is disturbed in the process of developing a point of diversion, the riparian areas is restored or enhanced.

(5) If a proposed use is determined to be detrimental to the protection or recovery of a threatened or endangered species, the applicant may propose mitigation compatible with OAR 690-33-220 (2), (3), and (4). The Director shall determine if the proposed use with mitigation offsets the detriment. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

Flow Management

690-33-230 The Department shall consult with the affected fish and wildlife agencies and the appropriate Indian tribes to assist in resolving the flow management conflicts, if the flow management objectives for protection of threatened and endangered fish species cannot be achieved because of differing requirements between fish species in the management areas.

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

Statewide Rules

Geographic Scope

690-33-310 (1) These rules, OAR 690-33-310 through 690-33-340, apply to:

(a) Applications filed after June 3, 1994, for which no permit has been granted, or on which no contested case has been ordered as of the effective date of these rules; and

(b) Requests for limited licenses except those:

(A) for less than 120 days; or

(B) issued in conjunction with an enforcement order of the Department.

(2) These rules, OAR 690-33-310 through 690-33-340, apply to the following geographic areas:

(a) Waterways of the state where sensitive fish species are located.

(b) Waterways of the state, outside the Columbia Basin, where threatened or endangered fish species are located.

(3) For purposes of making a preliminary determination of the presence of sensitive, threatened or endangered species, the Department may rely primarily on information provided by ODFW, but may also rely on information provided by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the appropriate Indian tribes.

Statutory. Authority.: ORS 536.025 and 536.027
Stats. Implemented: ORS 537.140 to 190
Hist.:WRD -1996, f. & cert. ef. 7-11-96

Rule Review

690-33-320 (1) These rules, OAR 690-33-310 through 690-33-340, shall be reviewed and may be revised when:

- (a) Additional species are listed as sensitive, threatened, or endangered; or
- (b) Basin programs are revised by the Department.

Statutory. Authority.: ORS 536.025 and 536.027
Stats. Implemented: ORS 537.140 to 190
Hist.:WRD -1996, f. & cert. ef. 7-11-96

Review of Proposed Water Use

690-33-330 (1) If the Department concludes during the initial review that the proposed water use will occur in an area that may affect the habitat of sensitive, threatened or endangered fish species, the Department shall:

(a) Notify the applicant that based on a preliminary determination, the proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied.

(b) Notify the interagency review team that an application has been received in an area that may affect the habitat of sensitive, threatened or endangered fish species.

(2) The interagency review team shall be convened, as needed, to review applications which the Department determines may affect sensitive, threatened or endangered fish species. Participating agencies may also request interagency review of specific applications. When reviewing applications, the interagency review team shall apply the following standards:

(a) In areas of the state outside of the Columbia Basin where threatened and endangered fish species are located, no loss of essential habitat as identified by ODFW pursuant to OAR 635-415-030 (1).

(b) In all areas of the state where sensitive species are located, no net loss of essential habitat as identified by ODFW pursuant to OAR 635-415-030 (2).

(3) The interagency review team, whenever possible, will recommend conditions to the application necessary to achieve the standards listed in 690-33-330 (2) (a) and (b).

(4) If the interagency review team cannot identify conditions that meet the standards listed in 690-33-330 (2) (a) and (b), the interagency review team shall recommend denial of the application unless it concludes that the proposed use would not harm the species.

Statutory. Authority.: ORS 536.025 and 536.027
Stats. Implemented: ORS 537.140 to 190
Hist.:WRD -1996, f. & cert. ef. 7-11-96

Public Interest Review Presumption

690-33-340 (1) Nothing in these rules delegates the authority of the Department to make final decisions on permit applications.

(2) Consistent with 690-33-340 (1), the Department shall follow the recommendation of the interagency review team in completing the remainder of the public interest evaluation pursuant to OAR 690-310-110 (1) unless it finds:

(A) The proposed use is of statewide significance;

(B) There are no other reasonable and prudent alternatives to the proposed use;

(C) The benefits of the proposed use to the public under ORS 537.170(8) outweigh the benefits of the alternatives that would conserve the species; and

(D) All reasonable mitigation measures necessary to minimize the effect of the proposed use on the species have been implemented; **or** ?

(3) The Department shall include its findings and conclusions in the proposed final order.

Statutory. Authority.: ORS 536.025 and 536.027

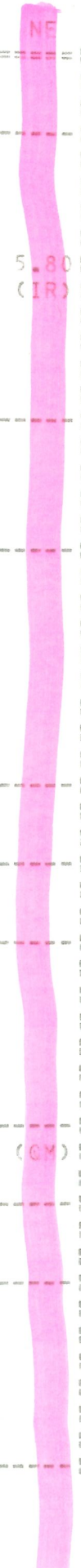
Stats. Implemented: ORS 537.140 to 190

Hist.:WRD -1996, f. & cert. ef. 7-11-96

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 26354 S 20675	48865	V DLC 59												3.60 (IR)				
S 30075 S 23703	22558	V LOT11																1.20 (IR)
		LOT 2								0.40 (IR)								
		LOT 2				11.40 (IR)	5.80 (IR)											
					16.40 (IR)													
				8.40 (IR)														
S 31569 S 24909	28420	V DLC 58												1.60 (IR)				
														2.50 (IR)				
S 39035 S 29072	50359	V DLC 60												1.20 (IR)				
		DLC 60								0.30 (IR)								
		DLC 60											25.80 (IR)					
		DLC 60							0.20 (IR)									
S 42167 S 31555	0	V (QM) -->																
S 43466 S 32510	41521	V DLC 58																3.20 (IR)
S 49624 S 36562	48870	V DLC 59												3.60 (IR)				
		DLC 58												4.30 (IR)				
		DLC 58																16.80 (IR)
S 57927 S 43898	0	V (QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)	(QM)
S 58236 S 43946	0	V (DI)																
S 58900 S 44438	60371	V DLC 59												2.00 (IR)				
		DLC 59																0.50 (IR)
		DLC 59												0.10 (IR)				

may share
same POD
w/

WCR



APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 69430 S 50194 <i>NCR</i>	64711 V	DLC 60											14.20 (IR)					
		DLC 60											14.20 (IR)					
		LOT 8											10.80 (IR)					
		DLC 60																
		DLC 60																
		DLC 60																
		DLC 60																
		LOT 7																
		DLC 60																
DLC 60																		
LOT 9																		
S 71162	0 V		(LV)															
S 51433																		
S 73073	0 V		4.90															
S 51884			(IR)															

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE

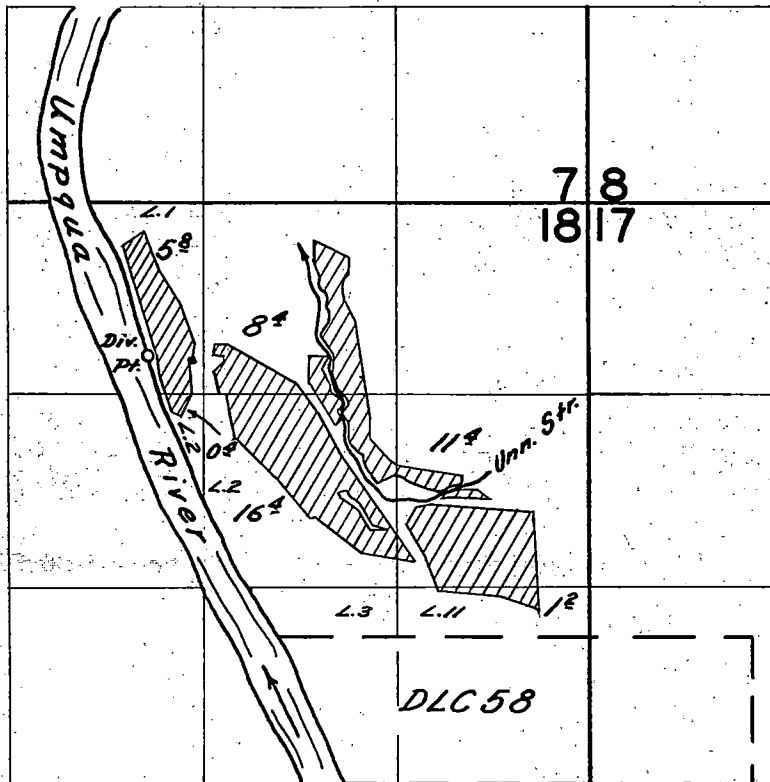
S	73313 0	0 V																		0.70 (IR)
S	73313 0	0 V																		10.70 (IR)
S	73313 0	0 V																		2.60 (IR)
S	80545 0	0 V	(FI)	-->																
S	80636 0	0 V																		10.00 (IR)
S	81591 0	0 V																		17.50 (IR)

- Subject
file

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NE	NW				SW				SE			
			NE	NW	SW	SE		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 80545 0	0	V (FI)	-->																
S 81591 0	0	V														2.50 (IR)			

T.26S. R.6W.W.M.

appears to
be same
POD



Cert. 22558

FINAL PROOF SURVEY

UNDER

Application No. 30075 Permit No. 23703

IN NAME OF

Gerald Bacon

Surveyed June 14 1956, by C.O. Bartels

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 516

UMPQUA BASIN PROGRAM

Classifications

690-516-001

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

(a) Preference shall be given to human consumption, livestock consumption and irrigation of non-commercial gardens not to exceed one-half acre in area for all the waters of the Umpqua River Basin over any other beneficial uses.

(b) The waters of the natural lakes of the Umpqua River Basin are classified only for the utilization of water for domestic, livestock, power development not to exceed 7-1/2 theoretical horsepower, and in-lake uses for recreation, wildlife, and fish life purposes.

(c) The waters of Roberts Creek and its tributaries were withdrawn by Water Resources Commission's Order of Withdrawal on October 4, 1991.

(d) The unappropriated waters of Lookingglass Creek and tributaries are withdrawn from further appropriation except for domestic and livestock watering uses under 5,000 gallons per day per appropriation and water legally stored and released from storage from June 1 through September 30 of each year, by the Water Policy Review Board's Order of Withdrawal dated August 5, 1983.

(e) The unappropriated waters of the South Umpqua River and tributaries, excluding Lookingglass and Roberts Creeks, are withdrawn from further appropriation except for human consumption, livestock consumption, irrigation of up to 1/2-acre non-commercial garden and water legally released from storage from July 15 through September 30 of each year, by the Water Policy Review Board's Order of Withdrawal dated April 29, 1985. This limitation shall not affect the withdrawals previously enacted by the Board for the waters of Roberts and Lookingglass Creeks.

(2) Applications for the use of the waters of the Umpqua River Basin shall not be accepted by any state agency for any purposes contrary to the classifications herein specified, and the granting of applications for such other purposes is declared to be prejudicial to the public interest, and the granting of applications for such other use would be contrary to this water-use program.

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

Minimum Perennial Streamflows

690-516-002

(1) For the purpose of maintaining minimum perennial streamflows sufficient to support aquatic life, no appropriations of water except for human consumption, livestock consumption and irrigation of non-commercial gardens not to exceed one-half acre in area and waters legally released from storage shall be made or granted by any state agency or public corporation of the state for the waters of the following streams when flows are at or below the levels specified in Table 1.

(2) The minimum perennial streamflows established by the October 24, 1958, Umpqua Basin program shall remain in effect over appropriations issued from October 24, 1958, to March 26, 1974.

Storage

690-516-003

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

Out-of-Basin Appropriations

690-516-004

To support present and proposed Umpqua River Basin water resource development, no out-of-basin appropriation of the waters of the Umpqua River Basin shall be made or granted by any state agency or public corporation of the state without the prior approval of, and following a public hearing by, the Water Policy Review Board.

Water Quality

690-516-005

Rights to use of water granted by any state agency in accordance with this water-use program shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

NOTE: The Umpqua River Basin is delineated on State Water Resources Board Map 16.6, dated 1969, available from the Water Resources Department.

ODFW Division 33 Application Review Sheet

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species OAR 690-33-310 through 340

Date: 3/4/97 14 Day Deadline: _____

Application # S-81591 Name: Raymond W. Gibby

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened or endangered fish species? [690-33-330(1)]

STATE SENSITIVE - COHO CUTTHROAT

No / Yes Species? Cutthroat trout Status S T E

What stage or value is at risk: Spawning; Incubation; Rearing; Passage; Habitat Value

2) Will the proposed use result in a loss in the essential habitat of threatened or endangered species or a net loss in the habitat of sensitive species? No / Yes

A) Standard of "net loss" applies to sensitive species statewide [690-33-330(2)(a)]

B) Standard of "loss" of applies to T or E species outside the Columbia Basin [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of STE species?

No / Yes [690-33-330(3)] Yes or no, which conditions are recommended? (Try to select those from the menu)

P.D.D. NEEDS SCREENS. WATER RIGHT SHOULD NOT
CAUSE ~~UNPAID~~ RIVER TO GO BELOW NATURAL FLOWS. EXISTING WATER
RIGHTS SHOULD DICTATE WATER AVAILABILITY. POSSIBLE USE OF Galesville
WATER. RECOMMEND OFF CHANNEL STORAGE TO BE FILLED DURING PERMITTED
TIME PERIOD. ~~USED~~ DURING NOT AVAILABLE TIME PERIOD.
Limit based on W.A. require screens based on Q 3/13/97 MM

4) If conditions cannot be identified to offset impacts to the essential habitat of STE fish species, would the proposed use harm the species? [690-33-330(4)] No / Yes If yes, explain _____

WRD Contact: _____ Title: _____

Date: _____

Comments: _____

ODFW Recommendation:

Approval with fishery conditions See #3 Above

Approval without fishery conditions

Denial

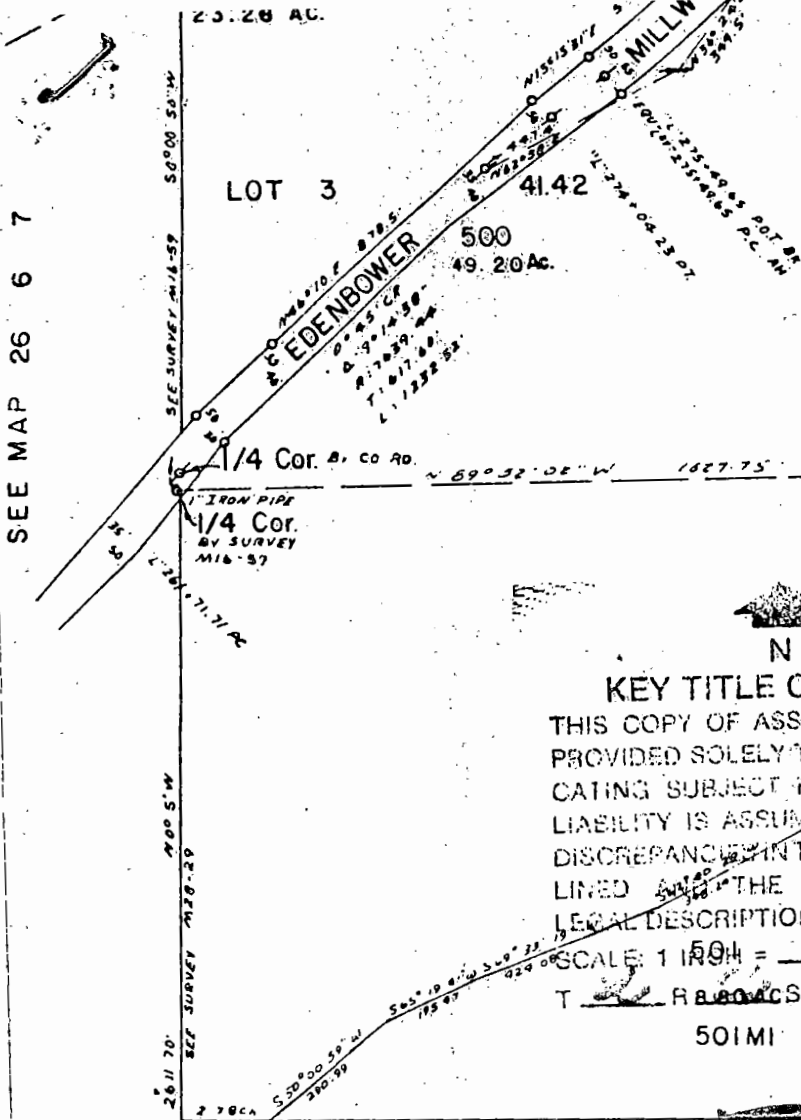
ODFW Representative(s)

Name: _____

Date: _____

Name: _____

Date: _____



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OCT - 3 1996

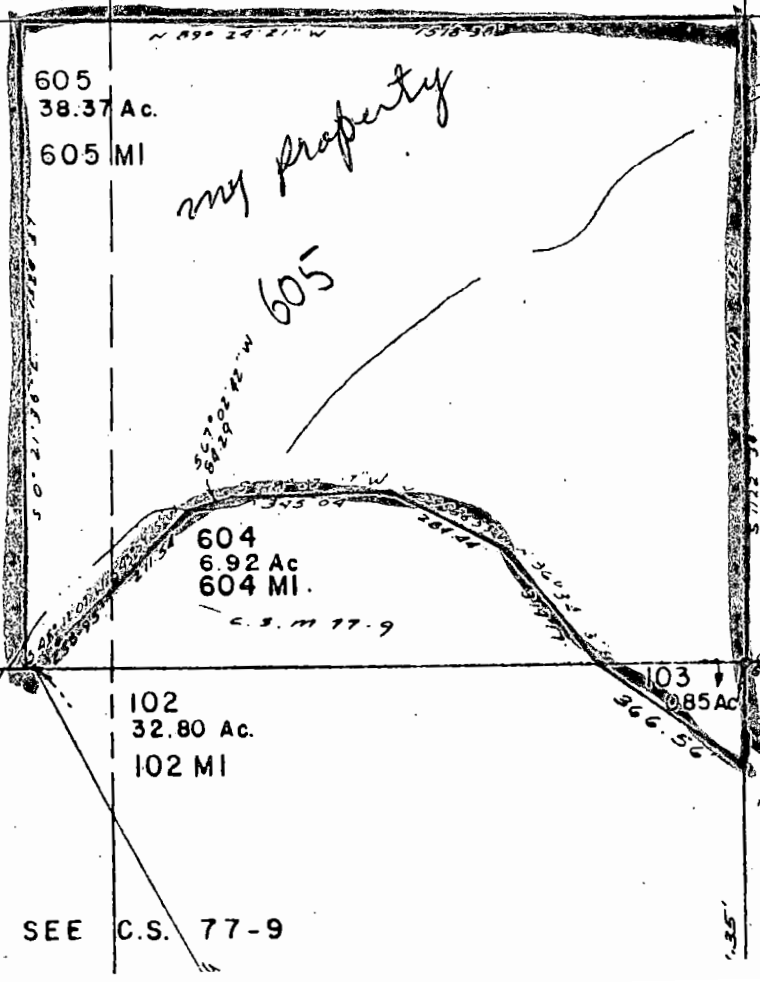
WATER RESOURCES DEPT.
 SALEM, OREGON

45-C

KEY TITLE COMPANY
 THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATING SUBJECT PROPERTY. NO LIABILITY IS ASSUMED BY KEY FOR DISCREPANCIES IN THIS MAP AS OUTLINED AND THE ACCOMPANYING LEGAL DESCRIPTION.

SCALE: 1 INCH = 40 FEET
 T 2 R 80 ACS 19 TL 15
 50 MI 19 105

Application No. 81591
 Permit No.



SEE MAP 26 6 7

7

8

18

7

SEE C.S. 77-9

Application No. 81591

Permit No.

DISTRICT 4

RD 6

GARDEN VALLEY, MURAHU CO.
T26 R6W S19/18
(EDENBOWER-MILLWOOD)

8.93
8.92
8.92
8.91

18" CMP E8'L, E6'R
LOWER GARDEN VALLEY RD. 191
UBWA 2" PVC
PNS

9.88
9.88

PVT WTR 4" V/POWER
PVT WTR 3/4"

8.83

18" CMP E12'L, E10'R

9.80

24" CMP E4'L, E4'R

8.77
8.77

UBWA 2" PVC
18" CMP E15'L, E10'R

9.76

24" CMP E4'L, E4'R

9.69
9.69

PNS
TURKEY CRICK LN.
12" CMP E8'L, E8'R
72" CMP E8'L, E8'R RT.

9.66
9.66

8.62

UBWA
PNS
CLEVELAND RAPIDS RD 208
UBWA

9.63

DCS "JANE"

8.61
8.61

18" CMP E4'L, E3'R
PNS
DCS U-3

8.55
8.55

UBWA
UPPER CLEVELAND RAPIDS EXTENSION
RD 208
72" CMP E11'L, E13'R

8.52

RD 208 SPUR ACCESS ONE WAY
PNS

8.50
8.50

9.37

8" PP E5'R

8.36

18" CMP E3'L, E6'R

9.31

60" CMP E18'L, 15'R

8.32
8.31
8.31

PNS
UBWA
BIG BEND RD 220
UBWA

9.30

PVT WTR

8.25

18" C E6'L, E3'R

RECEIVED

OCT - 3 1996

WATER RESOURCES DEPT.
SALEM, OREGON

8.10

24" CMP E8'L, E4'R

9.08
9.07

18" CMP E7'L, E8'R
PAVING 32' NO SHLDR

PAVING 40'
1" SHLDR
MP 8
-0.05 ERROR

8.00

UBWA PNS

UBWA

PAVING 40'
NO SHLDR
MP 9

9.00

18" CMP E10'L, E5'R

JANUARY 1990



STATE OF OREGON }
County of DOUGLAS } ss.

Application No. 81591
Permit No.

We, J. Gerald and Doris L. Bacon, being first duly sworn, depose and say that we are the Owners of Record of Tax Lots 100 and 200, Section 18, Township 26 South, Range 6 West, W.M., Douglas County. Raymond and Barbara Gibby have applied for a permit to appropriate surface water from the Umpqua River. The point of diversion and a portion of the delivery system will be located on our property and we have no objections.

[Dotted lines for additional text]

J. Gerald Bacon Date 8/31/93
Doris L. Bacon Doris L. Bacon Date 8/31/93

RECEIVED

OCT - 3 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Subscribed and sworn to before me _____, 19_____

Notary Public for _____
My commission expires _____



Application No. 81591
Permit No.

STATE OF OREGON }
County of DOUGLAS } ss.

I, Talbot Kendall, being first duly sworn, depose and

say that I am the owner of Record of Tax Lot 202, Section 17, and Tax Lot 600, Section 8, Township 26 South, Range 6 West, W.M., Douglas County. Raymond and Barbara Gibby have applied for a permit to appropriate surface water from the Umpqua River. A portion of the delivery system will be located on my property and I have no objections.

[Large area of horizontal dotted lines for additional text or signature.]

Talbot Kendall
Talbot Kendall

RECEIVED

OCT - 3 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Subscribed and sworn to before me _____, 19.....

Notary Public for _____
My commission expires _____

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at SALEM, Oregon, on the 3rd day of October, 1996, at 8 o'clock, A.M.

RECEIVED

OCT - 3 1996

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION NO: 8-81591

PERMIT NO: _____

MEMORANDUM

WATER
RESOURCES
DEPARTMENT

DATE: October 18, 1996

TO: File S-81591

FROM: Cory Engel *CE*

FOR REFERENCE: I spoke to Lonnie & Cynthia Sanders on the telephone; they are buying the property involved in this application from the applicant. We should be receiving an assignment from the applicant.

Also, they will likely be requesting an amendment to the application to add stored water from Galesville Reservoir as a supplemental source.



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

Application No. _____



State of Oregon Water Resources Dept.
Salem, Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) RAYMOND W. OR BARBARA A. GIBBY

(Please print or type - use dark ink)

Mailing Address: 14015 El Mesa Drive

Riverside California 92503 909/780-7589

City State Zip Daytime Phone No.

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

1. **SOURCE OF WATER** for the proposed use: Umpqua River,
a tributary of Pacific Ocean

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.25 cubic feet per second, **OR** _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Pasture, hay, and lawn and garden irrigation.

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

If for **DOMESTIC** use, state the number of households to be supplied; _____

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

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

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

Irrigation 20.0

Other (describe) _____

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

An electric motor with pump at the point of diversion with a buried pipeline to the place of use. Irrigation will be by sprinklers.

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

Proposed date construction work will begin October 1, 1994
Proposed date construction work will be completed October 1, 1996
Proposed date water use will be completed October 1, 1997

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

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

PLACED IN FILE
10/18/99. APPEARS
THEY FILED BUT
FAILED TO SEND
MONEY BACK.

THEY RECEIVED
IN 1996.

SEE COREY'S LETTER
9/7/94
KEN
DOWDEN

I'm sending you
all the forms in
my file. Let me
know if I'm missing
anything and I'll see
if I can get it for
you. I'll send you
the check as soon as
you let me know.

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: _____

PERMIT NO: _____

REMARKS: The motor, pump and a majority of the delivery system will be the same as those presently serving permits 51433 (Kendall), permit 23703 (Bacon), application 73073 (Bacon), application 73313 (Harland) and application 73334 (Loomis). The pipeline crossing of Douglas County Road #6 at milepoint 9.66 will also utilize the same pipeline as the permits and the applications described above.

OTHER PROPERTY OWNERS:

Gerald and Doris Bacon	Douglas County Road Dept.	Talbot P. Kendall
10176 Garden Valley Road	2586 N.E. Diamond Lake Blvd.	1251 N.W. Jefferson S
Roseburg, Oregon 97470	Roseburg, Oregon 97470	Roseburg, OR 97470

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

Raymond W. Gibby
Signature

12-28-93
Date

Signature

Date

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

Raymond W. Gibby
Signature of Applicant

12-28-93
Date

Barbara A. Gibby
Signature of Co-Applicant, if any

12-28-93
Date

This appears to be a copy of the local government's land use form. This is a copy, or the original form that was sent to me from my engineer. It's similar to the one you sent to be signed. You may already have it in your files.

Why the bottom was torn off, I don't know.

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

RECEIVED
DEC 10 1994
WATER RESOURCES DEPT.
HELM, OREGON

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

Applicant's Name: Raymond W. or Barbara A. Gibby
Address: 14015 1405 El Mesa Drive
City: Riverside **State:** CA **Zip:** 92503 **Day Phone:** 909/780-7589

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
7402.00	Farm Forest & Farm Grazing	X	X	
7397.02	Farm & Forest Land		X	
7364.00	Farm & Forest Land		X	
7403.00	Farm Land		X	
7364.05	Farm Land		X	X

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

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) *Check the appropriate box below and provide requested information.*

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ . Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

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

Description of Water Use

R

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

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

RECEIVED
RECEIVED

Applicant Name: Raymond W. or Barbara A. Gibby
 Address: 1405 El Mesa Drive
Riverside, CA 92503
 Phone: 909/780-7589

DEC 19 1994
 WATER RESOURCES DEPT.
 SALEM, OREGON

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

- Irrigation (crop type, golf course, nursery or greenhouse): Hay, pasture, lawn and garden
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.) _____
- Fish and Wildlife (pond, hatchery, etc.) _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Umpqua River</u> _____ _____	<u>0.25</u> Cubic feet per second. <u>112</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

RECEIVED

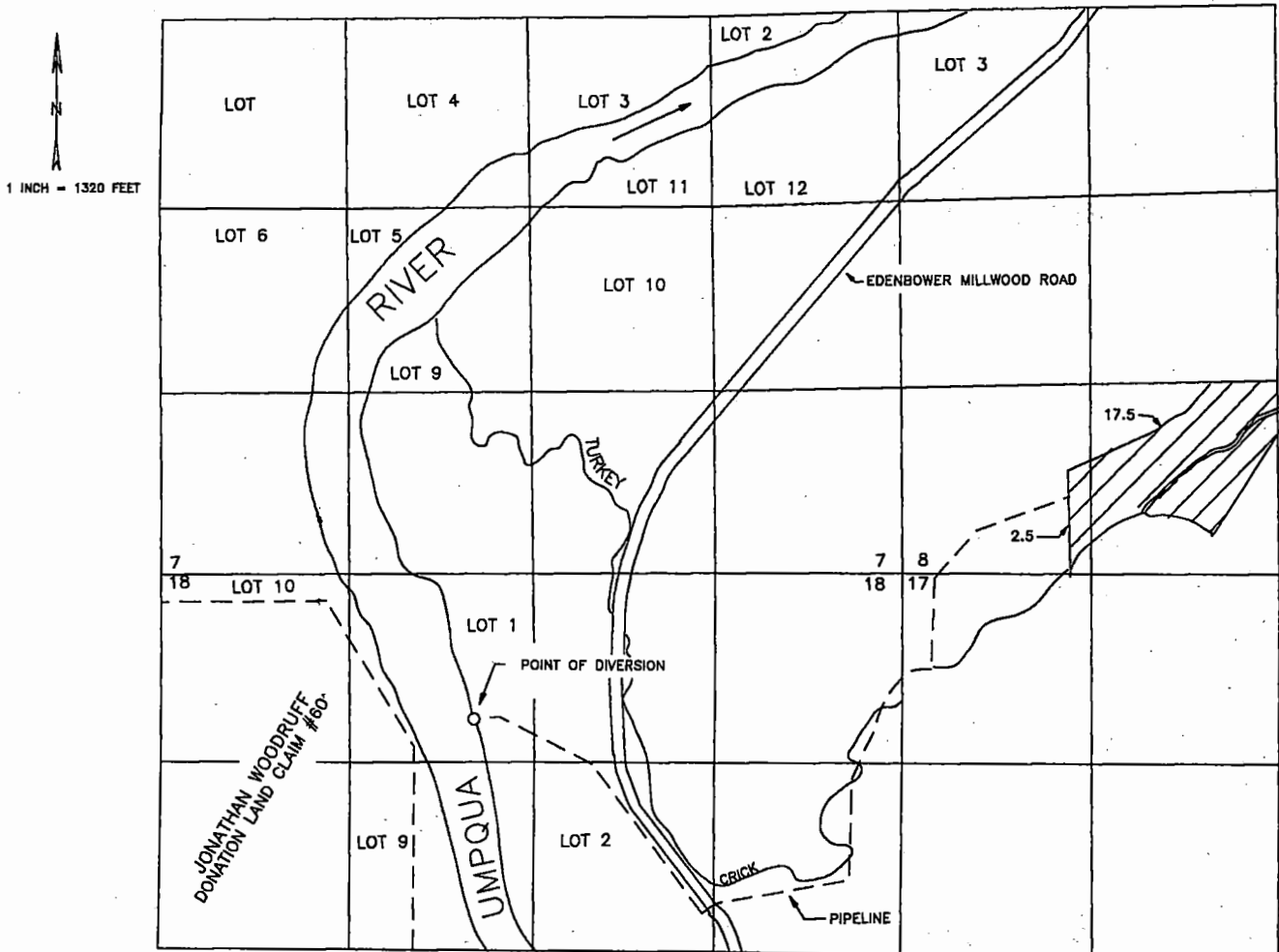
DEC 19 1994

APPLICATION MAP

WATER RESOURCES DEPT.
SALEM, OREGON

IN THE NAME OF RAYMOND W. OR BARBARA A. GIBBY

SECTION 18, TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.



THE POINT OF DIVERSION IS TO BE LOCATED 1030 FEET SOUTH AND 400 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 18, BEING WITHIN THE NE 1/4 OF THE NW 1/4 OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M., DOUGLAS COUNTY.

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

Certified Water Right Examiner
#054 WRE
James F. Gosson
James F. Gosson
Nov. 19, 1987
STATE OF OREGON

September 7, 1994

RAYMOND AND BARBARA GIBBY
14015 EL MESA DRIVE
RIVERSIDE CA 92503

RECEIVED
DEC 19 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. & Mrs. Gibby,

The Department has received your application to use water. However, we need more information before we can accept, file, and review your application.

Please provide the following:

- A map showing the place where water is to be used and the place where the water will be diverted. The map must show the Township, Range, Sections and Quarter-Quarter section of the property applied for.
- A legal description of the property where you plan to use water. You can copy this from your deed, title insurance policy or sales contract.
- Land-use information signed by a county planner (a form is enclosed).

The application, supporting data and check no. 2542 in the amount of \$320.00 are being returned.

We will begin our analysis when the application and information noted above is received. Please feel free to contact the Water Rights Information Group at 378-3739 if you have any questions.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant

enclosures

cc: general correspondence
Fiscal

*didn't
send
check
back*



SEE MAP 26 6 7

23.28 AC.

LOT 3

EDENBOWER
500
49.20 AC.

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DEC 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON

45-C

1/4 Cor. BY CO. RD. N 69° 32' 08" W 1827.75'

1" IRON PIPE
1/4 Cor.
BY SURVEY
M16-57

602
3.41 AC.

601
196.59 AC.

601 MI



KEY TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATING SUBJECT PROPERTY. NO LIABILITY IS ASSUMED BY KEY FOR DISCREPANCIES IN THIS MAP AS OUTLINED AND THE ACCOMPANYING LEGAL DESCRIPTION.

SCALE: 1 INCH = 200 FEET

T 2 R 80 ACS TL 605
501 MI 19 103

SEE SURVEY M16-59
5000.50' W

600
34.43 AC.
600 MI

605
38.37 AC.
605 MI

my property
605

604
6.92 AC.
604 MI.

202
202 MI
36.66 AC.

102
32.80 AC.
102 MI

103
0.85 AC.

104
20.00 AC.
104 MI

SEE C.S. 77-9

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EXHIBIT "A"

DEC 19 1957 VOL 758 PAGE 63

WATER RESOURCES DEPT.

SALEM, OREGON

1
2 A parcel of land lying in Sections 8 and 17, Township 26 South,
3 Range 6 West, Willamette Meridian, Douglas County, Oregon, more
particularly described as follows:

4 Beginning at the quarter corner common to said Sections 8 and
5 17; thence North, along the north-south centerline of said
6 Section 8, 1320.00 feet to a 5/8 inch iron rod; thence North 89°
7 24' 21" West, along the north line of the South half of
8 the Southwest quarter of said Section 8, 1518.38 feet to a 5/8
9 inch iron rod; thence South 0° 21' 36" East 1324.37 feet to a
10 5/8 inch iron rod on the south line of said Section 8, said rod
11 being also on the centerline of a 60 foot wide easement; thence
12 along said centerline as follows: North 48° 12' 07" East 256.95
13 feet, North 43° 59' 15" East 211.54 feet, North 67° 02' 42" East
14 84.29 feet, North 88° 22' 17" East 345.04 feet, South 59° 36'
15 53" East 284.44 feet, South 36° 34' 13" East 319.17 feet and
16 South 55° 43' 05" East 366.56 feet to a point on the north-south
17 centerline of the above said Section 17; thence North 2° 38' 33"
18 East, along said north-south centerline of Section 17, 229.38 feet
19 to the point of beginning.





20
21 TOGETHER WITH a non-exclusive easement for road purposes,
22 60 feet in width, over and across the existing road lying within
23 Sections 8, 17 and 18, Township 26 South, Range 6 West,
24 Willamette Meridian, Douglas County, Oregon: Beginning at
25 County Road No. 6 and proceeding Northeasterly and Southeasterly
26 through Sections 8, 17 and 18 to the herein described land. Buyers
27 (Grantees) agree to share maintenance thereof with other users.

28 TOGETHER WITH a non-exclusive waterline easement to the main
29 Umpqua River along the above described road from County Road
No. 6 through Sections 8, 17 and 18, together with the right
to set up and maintain a pump and electrical service at the
river and the right to extend an electrical line from said
pump to the county road; said waterline easement to be
for the purpose of conveying water under, across and over property
of Grantors to the property herein described, which easement
shall be a construction easement 10 feet in width and shall
provide that Grantees shall have the right to disturb the surface
ground for the purpose of installing an underground waterline.
Grantors shall have the right to tie into any waterline
installed in said easement to service other property of Grantors,
the expense associated therewith to be borne by Grantors.

30 SUBJECT TO:

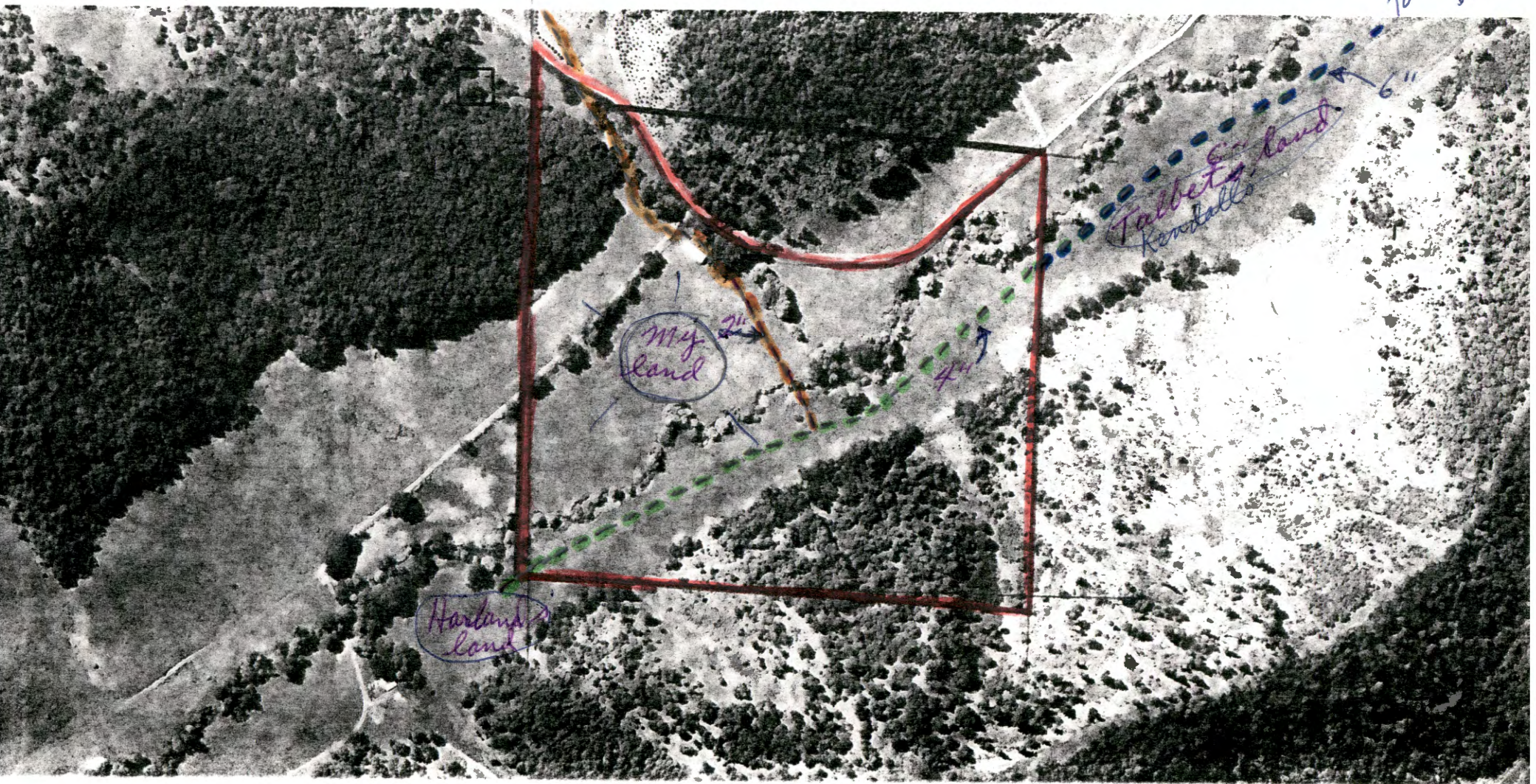
- 31 (1) Roads and highways and the rights of the public therein.
- 32 (2) As disclosed by the tax roll the premises herein described
33 have been zoned or classified for farm use. At any time that
34 said land is disqualified for such use, the property will be
35 subject to additional taxes or penalties and interest. Any such
36 additional liability shall be the sole responsibility of Buyers
37 (Grantees)

CODE OF PIPES THAT ARE INSTALLED

-  6" line
-  4" line
-  2" line
-  My property line

The area to be irrigated is the area without trees showing.

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DEC 19 1994
WATER RESOURCES DEPT.
SALEM, OREGON



To Umpqua River

Talbott's land
Kendalls

My land

Harland's land



STATE OF OREGON }
County of DOUGLAS } ss.

I, Talbot Kendall, being first duly sworn, depose and

say that I am the owner of Record of Tax Lot 202, Section 17, and Tax Lot 600, Section 8, Township 26 South, Range 6 West, W.M., Douglas County. Raymond and Barbara Gibby have applied for a permit to appropriate surface water from the Umpqua River. A portion of the delivery system will be located on my property and I have no objections.

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DEC 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Talbot Kendall

Subscribed and sworn to before me

....., 19.....

Notary Public for
My commission expires



STATE OF OREGON }
County of DOUGLAS } ss.

We, J. Gerald and Doris L. Bacon, being first duly sworn, depose and say that we are the Owners of Record of Tax Lots 100 and 200, Section 18, Township 26 South, Range 6 West, W.M., Douglas County. Raymond and Barbara Gibby have applied for a permit to appropriate surface water from the Umpqua River. The point of diversion and a portion of the delivery system will be located on our property and we have no objections.

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SALEM, OREGON

J. Gerald Bacon
J. Gerald Bacon Date 8/31/93
Doris L. Bacon
Doris L. Bacon Date 8/31/93

Subscribed and sworn to before me

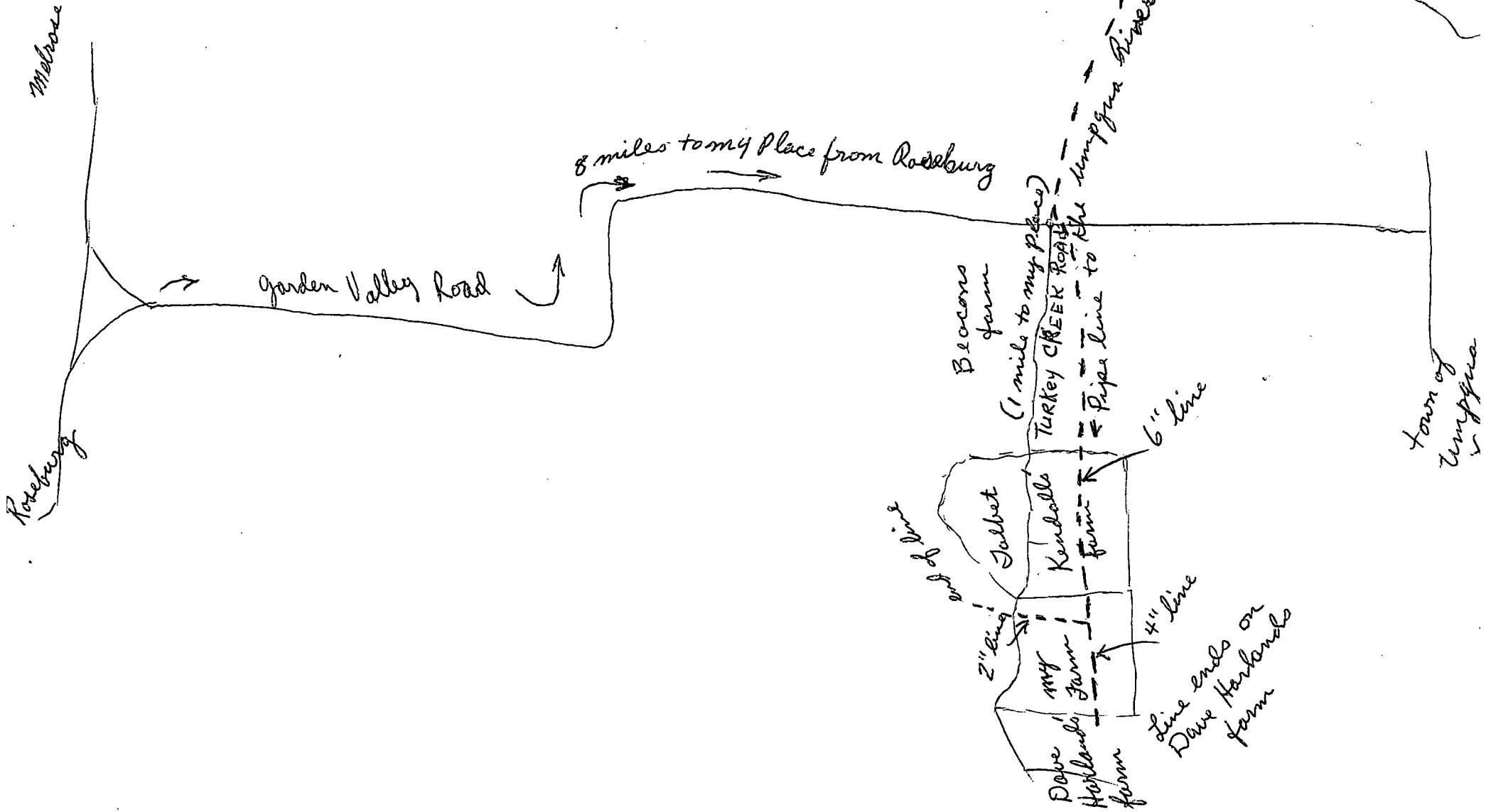
....., 19.....

Notary Public for
My commission expires

RECEIVED

DEC 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON

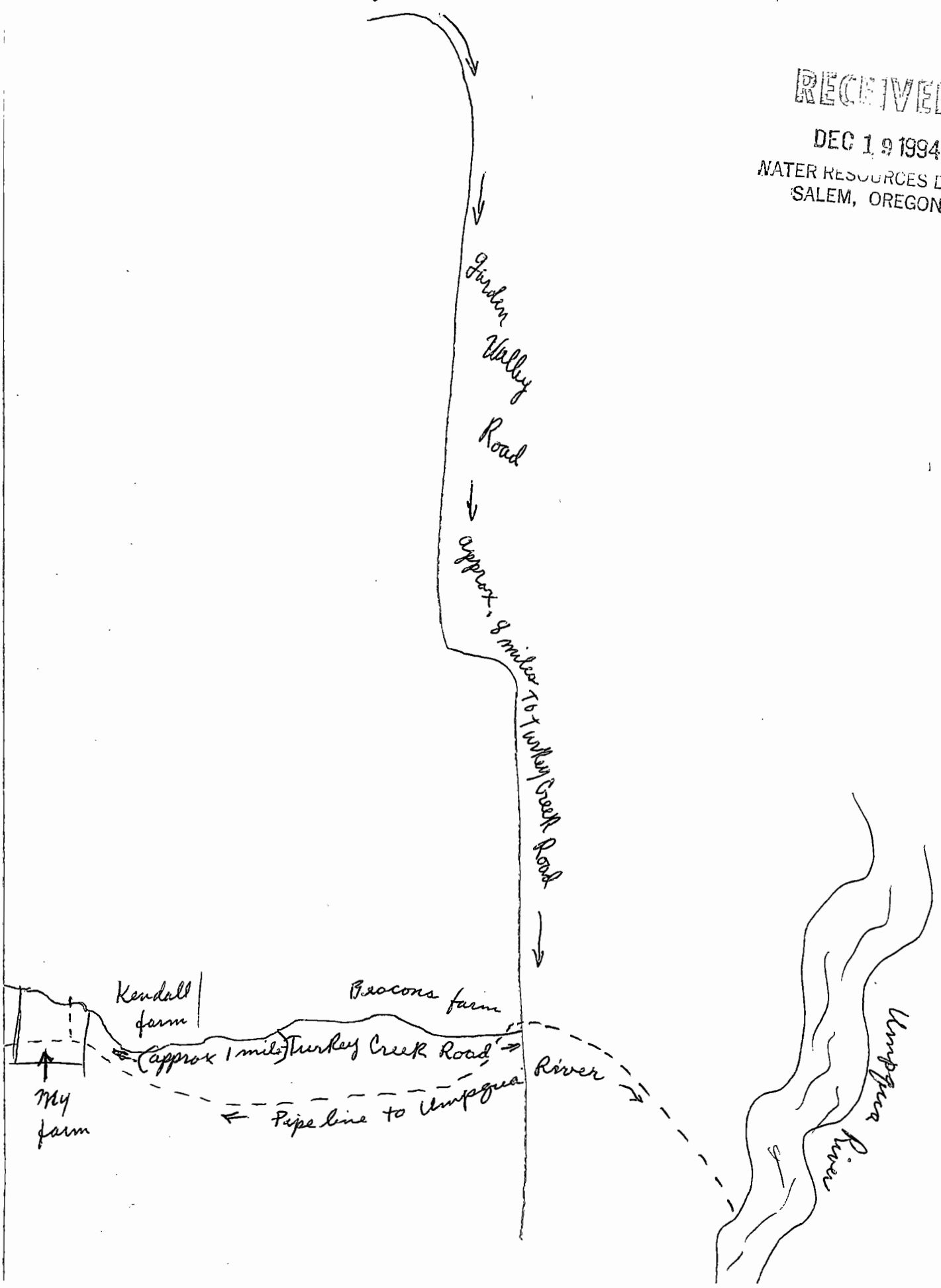


City
of
Roseburg

RECEIVED

DEC 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON



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

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Proposed date water use will be completed October 1, 1997

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 Applicant X CWRE Other (Identify in REMARKS section)

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