

~~CANCELLED~~

ASSIGNED REINSTATEMENT

Application No.

S- 86825

Permit No.

S-54457

Certificate No.

95597

FEES PAID

Date	Amount	Receipt No.
4/3/07	500.00	86943
4/4/08	300.00	92022
3-18-19	100.00	129358
6/27/19	200.00	130116
Cert. Fee		

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	ASSIGNED	To Whom	Address
1/15/2009		DR. GEORGE W BAILEY and JOANNE S BAILEY	2821 SECKLE COURT MEDFORD OR 97504
3/27/2019		Tanweer A. Khan	8510 NE Hwy 99 #24, Vancouver, WA 98665

REMARKS

Reinstatement of Permit S-54457, vol. 112, pg. 735 8/13/19

MAP LOCATION

Name _____
By _____
Address _____
Priority _____
County _____ WM# _____

RELATED FILES

DEVELOPMENT

Date

Completion 10-1-2013

Extended to _____

Final Proof received _____

Proposed Cert. Mailed 7/16/2021



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD

February 14, 2018

Certified mail number 7017 0530 0001 1436 4611

Return receipt requested

DR GEORGE W BAILEY
JOANNE S BAILEY
3275 N RESERVE ST #D-122
MISSOULA MT 59808

CANCEL FTMP
KS 1/28/2019

Reference: Application S-86825, Permit S-54457

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2012.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2012. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (April 16, 2018) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-86825

OWRD Watermaster District 15



Cancellation Review

Date 1 / 28 / 2019 File# S - 86825

1. C Date 10 / 1 / 2012
2. Certified Letter Date 2 / 14 / 2018
3. Return Receipt Rcvd. / /
4. Return Receipt Signed By RETURNED
5. Other Communication: / /

Recommend Cancellation ☒ or
Hold Action until / /

[Signature]
1/28/2019

PERMIT STATUS REVIEW BY Corey Courchane DATE 8/9/17 FILE # S-86825

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if:

update appropriate db

no Extension pending _____

no Assignment is pending _____

no Cancellation has been requested _____

yes Dept. has already sent a certified 60-Day Compliance letter (date 8/30/16 # 7016 0340 0000 9901 9933)

Was 60 days notice allowed? ☒ N If No, How Much Time? _____

Was mail deliverable as addressed? Y ☒ date 10-5-16

If mail returned, online/www check? Y ☐ N ☐ date _____ successful? Y ☐ N

Re-send Cert. Letter? Y ☒ date _____

Send cancellation order Y ☒

no Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

yes Send certified "C" date notice packet to permit holder.

"C" DATE 10/1/12 BASIN NUMBER 16 WMI # 15

CWRE or AGENT none

3. AOI Yes _____ NO ☒ If Yes, name of AOI _____

S:\groups\w\PERMIT C jdlc-date-checklist.doc

Resend letter
to attached
updated
address
cc
8/9/17

Property Details for Property ID: R141764**Owner Information :**

Owner Name: BAILEY, GEORGE W & JOANNE S &
Owner Address #1: HARRINGTON, C THOMAS
Owner Address #2: % KHAN, TANWEER
Owner Address # 3: 3275 N RESERVE ST
#D-122
Alternate Account #:
Owner City/State/Zip: MISSOULA, MT 59808
Account Status: A

Property Information :

Township: 29
Range: 05W
Section: 18
Quarter:
Sixteenth:
Maintenance Area: 4
Year Built:
Bedrooms:
Exemption Code:
MFD Home ID:
Situs Address:
Map ID: 29051800101
County Property Class: 101
Legal Acreage: 4.01
Code Area: 01900
Neighborhood Code: BA
Living Area:
Baths:
Exemption Desc.:

Value Information : 2016-2017 Certified Values and Tax Information

Improvement Appr. Value: \$0.00
Land Appr. Value: \$18,045.00
Land Market Value: \$18,045.00
Total Real Market Value: \$18,045.00
Total Appr. Value: \$18,045.00
Exemption Value: \$0.00
Total Assessed Value: \$14,673.00
Taxes Imposed: \$100.75

Sales Information :

Deed No: 2013-14535
Sale Price: \$0.00
Sale Date:

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

Property Details for Property ID: R130653**Owner Information :**

Owner Name: BAILEY, GEORGE W & JOANNE S &
Owner Address #1: HARRINGTON, C THOMAS
Owner Address #2: % KHAN, TANWEER
Owner Address # 3: 3275 N RESERVE ST
#D-122
Alternate Account #:
Owner City/State/Zip: MISSOULA, MT 59808
Account Status: A

Property Information :

Township: 29
Range: 05W
Section: 18
Quarter:
Sixteenth:
Maintenance Area: 4
Year Built: 2007
Bedrooms: 4
Exemption Code:
MFD Home ID:
Situs Address: 4019 DOLE RD MYRTLE
CREEK, OR 97457
Map ID: 29051800101
County Property Class: 101
Legal Acreage: 5.00
Code Area: 01904
Neighborhood Code: BA
Living Area: 1836
Baths: BATH2
Exemption Desc.:

Value Information : 2016-2017 Certified Values and Tax Information

Improvement Appr. Value: \$84,251.00
Land Appr. Value: \$100,940.00
Land Market Value: \$100,940.00
Total Real Market Value: \$185,191.00
Total Appr. Value: \$185,191.00
Exemption Value: \$0.00
Total Assessed Value: \$175,498.00
Taxes Imposed: \$1,284.60

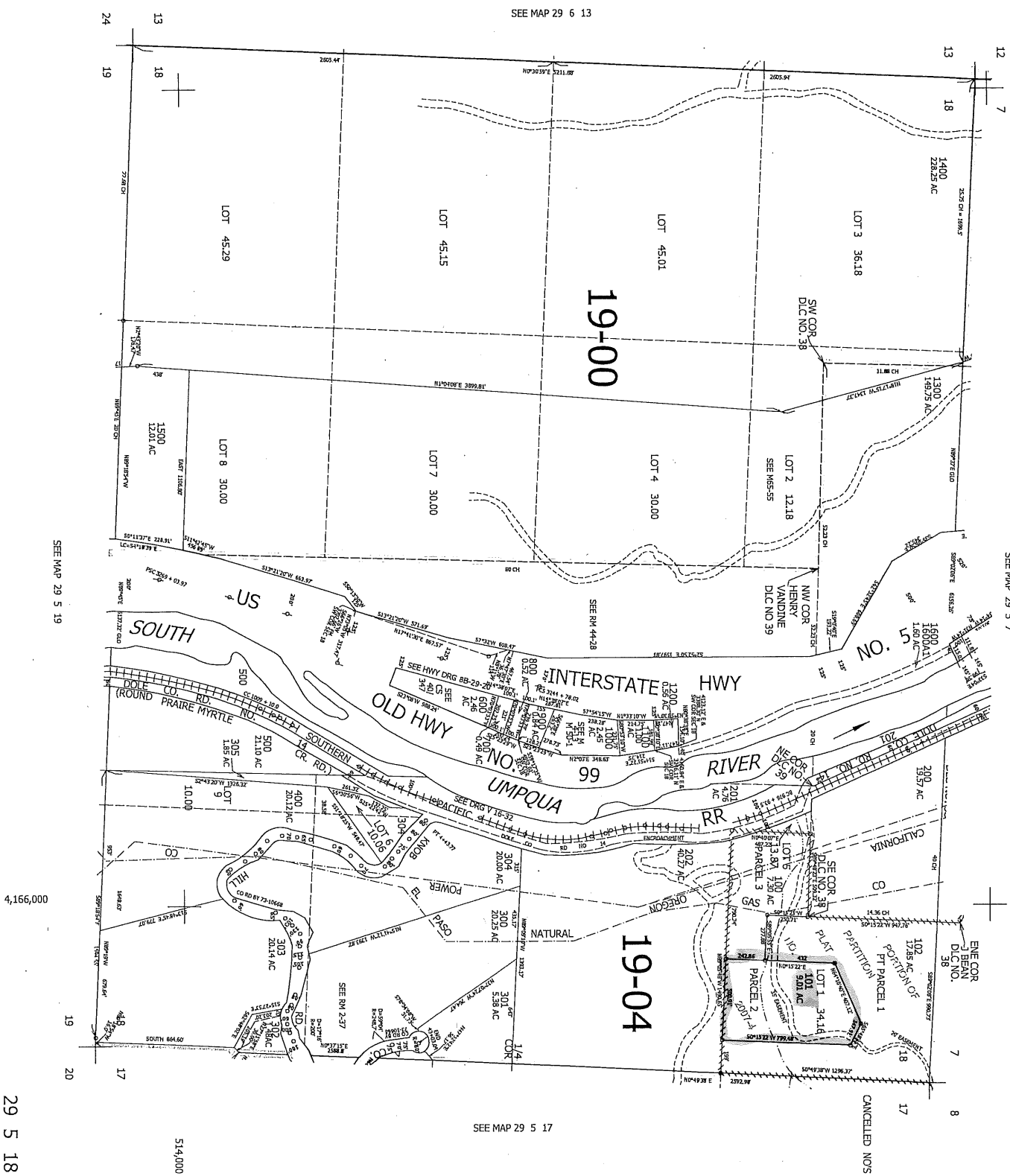
Sales Information :

Deed No: 2009-15925
Sale Price: \$214,000.00
Sale Date: 9/3/2009

DISCLAIMER

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29 5 18



PERMIT STATUS REVIEW BY Corey Courchane DATE 8-22-16 FILE # S-86825

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if: update appropriate db

NO Extension pending _____

NO Assignment is pending _____

NO Cancellation has been requested _____

NO Dept. has already sent a **certified** 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check? Y N date _____ successful? Y N

Re-send Cert. Letter? Y N date _____

Send cancellation order Y N

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

☒ Send **certified** "C" date notice packet to permit holder.

"C" DATE October 1, 2012 BASIN NUMBER 16 WM # 15

CWRE or AGENT Cot, Beard, Hall & Assoc. LLC Attn: Robert W Cox
502 W Main St Suite 101 Medford OR 97501

3. AOI Yes _____ NO ☒ If Yes, name of AOI _____

S:\groups\wr\PERMIT C jd\c-date-checklist.doc

*Also send to
attached address*

*Send letter
8-22-16
ce*

Property Details for Property ID: R130653**Owner Information :**

Owner Name: BAILEY, GEORGE W & JOANNE S &
Owner Address #1: HARRINGTON, C THOMAS
Owner Address #2: % KHAN, TANWEER
Owner Address # 3: 3275 N RESERVE ST
#D-122
Owner City/State/Zip: MISSOULA, MT 59808
Alternate Account #:
Account Status: A

Property Information :

Township: 29
Range: 05W
Section: 18
Quarter:
Sixteenth:
Maintenance Area: 4
Year Built: 2007
Bedrooms: 4
Exemption Code:
MFD Home ID:
Situs Address: 4019 DOLE RD MYRTLE
CREEK, OR 97457
Map ID: 29051800101
County Property Class: 101
Legal Acreage: 5.00
Code Area: 01904
Neighborhood Code: BA
Living Area: 1836
Baths: BATH2
Exemption Desc.:

Value Information : 2015-2016 Certified Values and Tax Information

Improvement Appr. Value: \$85,123.00	Total Appr. Value: \$183,123.00
Land Appr. Value: \$98,000.00	Exemption Value: \$0.00
Land Market Value: \$98,000.00	Total Assessed Value: \$170,387.00
Total Real Market Value: \$183,123.00	Taxes Imposed: \$1,265.75

Sales Information :

Deed No: 2009-15925
Sale Price: \$214,000.00
Sale Date: 9/3/2009

DISCLAIMER

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Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots

OR Map

☐ Off

☒ On

County:

Douglas

Taxlot:

29051800101

Owner1:

Bailey, George W & Joanne S &

Owner2:

Null

Owner Address:

Harrington, C Thomas c/o Khan,
Tanweer Tigard,OR 97224

Site Address:

Null

Acres:

Null

TRSQQ:

XXXX.00X0.00X0XXXX

Effective Date:

June 1, 2013

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

Tools

Layers

Bookmarks

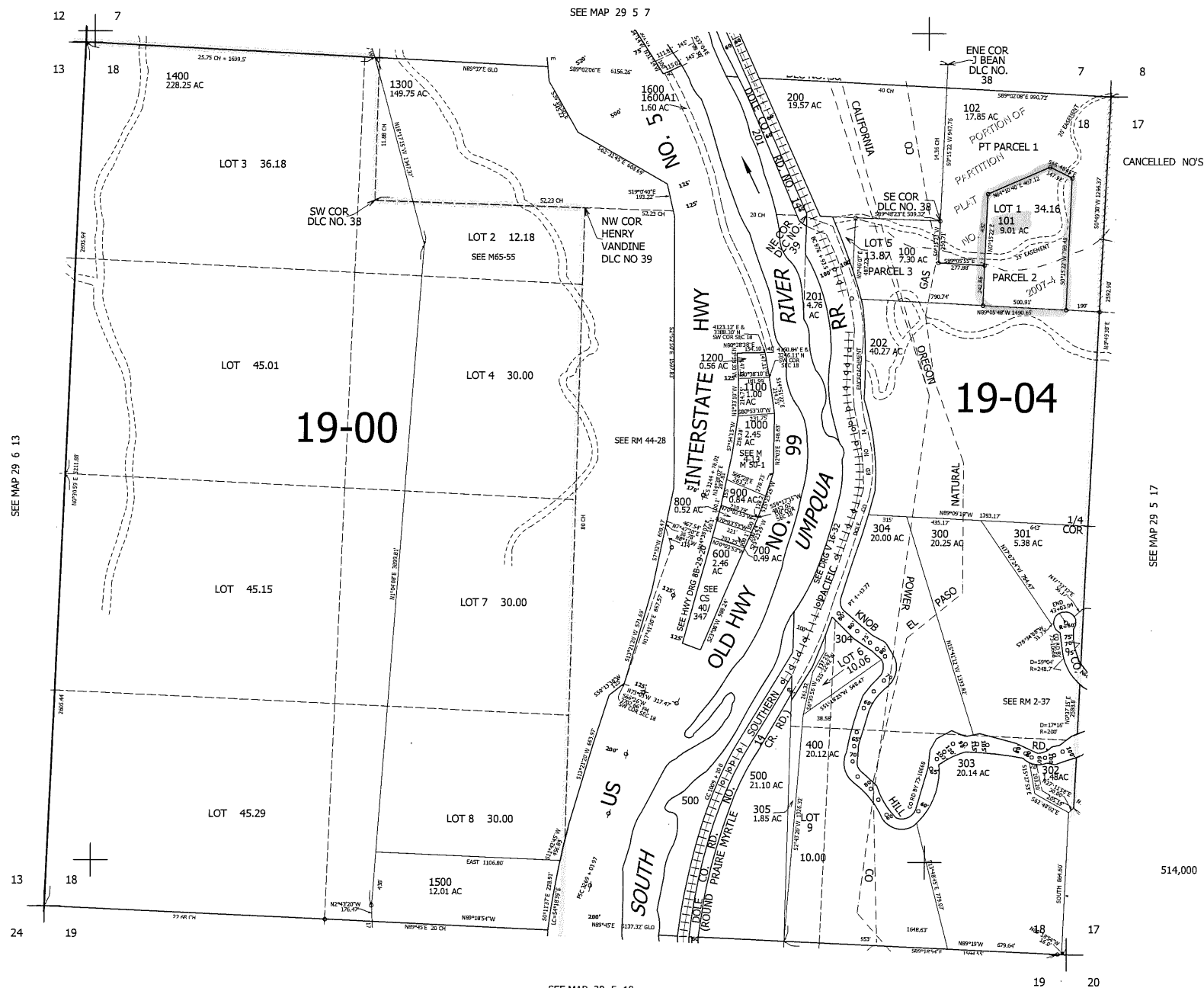


THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

SEC.18 T29S. R.5W. W.M.
DOUGLAS COUNTY
1" = 400'

REVISED ON
6-26-07

29 5 18



SEE MAP 29 5 17

514,000

29 5 18

4,166,000

reset

pan

blowup

reduce

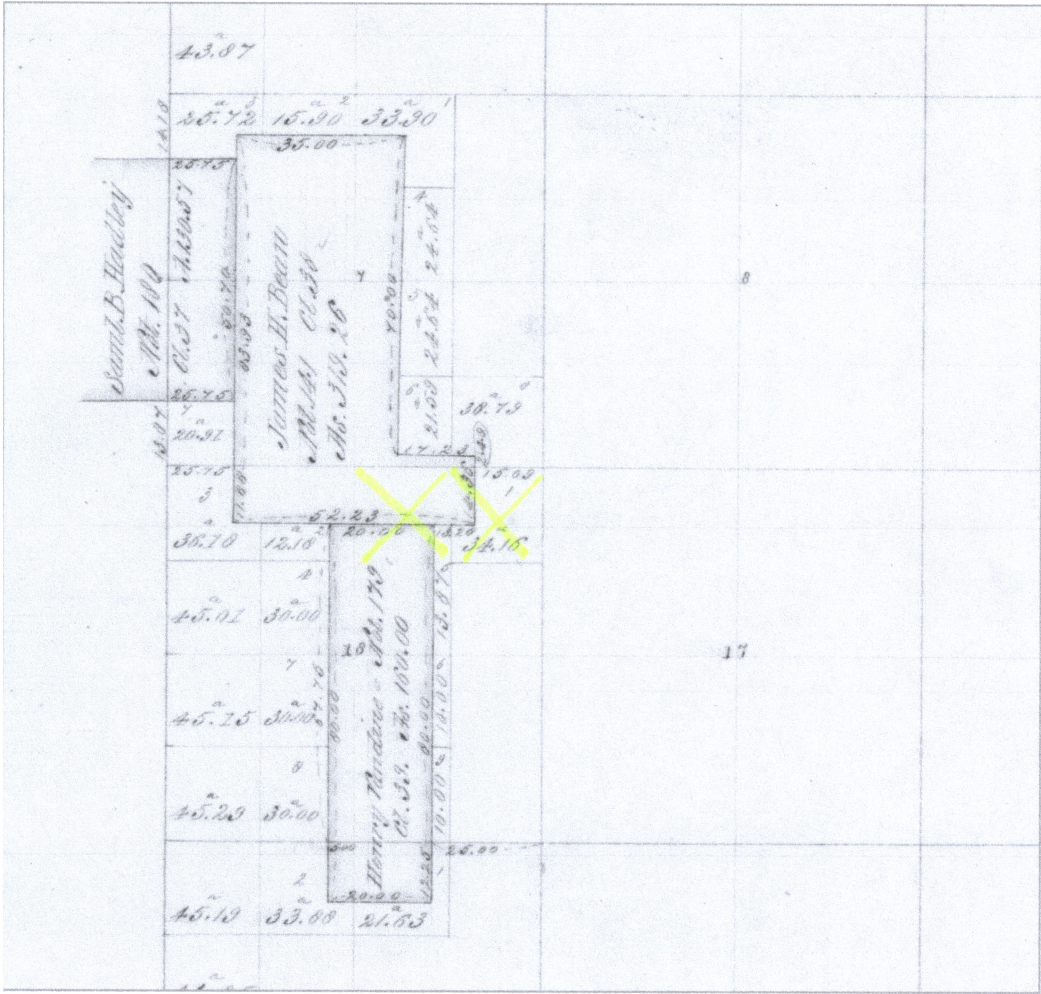
enlarge

print_screen

print_plat

help

about



G'lot
(2) DLG > not including
in cert doc.

BJORK Mary F * WRD

From: Tan Khan <Tankhan2017@outlook.com>
Sent: Thursday, February 28, 2019 3:49 PM
To: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancellation

Dear Ms. Bjork :

Thank You for your email and the acceptance of my Petition for Reconsideration & waiver for the reinstatement fee, this is truly a great help to me at this time

I sincerely appreciate your step by step instructions you have written to me to fulfill all the requirements and compliance of the rules and laws of state of Oregon

At the onset of the cancellation notice & with my zero knowledge in Water Rights & rules
I thought I may have to climb the stairway to heaven to tackle this complex issue 😊

Than i received your email and your detail explanation how to step by step fulfilling all the requirements for the water rights, Thank You very much

I am currently in Washington for my medical treatment, because there are more choice for specialist & Hospital in WA. than compared to Missoula MT. Now I am also closer to my son & daughters home

Please use my WA. Address for all correspondence, 7322 W. Bonnie Ave #10 Kennewick WA. 99336

I will fill out the request for assignment form and send \$100- fee along with it ,

I read thru this form from your Link which you sent to me, There are questions on that form for which I may not have a response to fill in it : ie: its asking for Dr. George Baileys address !!! ???

It has been 10 years now & I do not know Dr. Bailey's current address there are few other fields for which I may not have an answer to fill into those fields also !!!

I can fill out a sample form & I mail it to you, so you can let me know if my responses to the questionnaire are adequate !!! I will try to complete this form to the best of my ability !!!

If there is a missing fields not filled out correctly !!! Than you can help me with a correct response
It may require some technical Information and I may not have that answer to that field !!!
I will let you know which one's are those question !!!

I also received a very helpful email from Susan from Douglas county water Resource Office and she has sent me a list of water examiner for final report and There are 3 Examiners on her listed from Roseburg OR

Can You Please let me know what is an average fee of these Water examiners approximately !!! &
Or if you can recommend me any one water examiner who will be able to submit his report within the given time limit of 120 days & also be reasonable in his fees !!!

Thank You again and have a Pleasant weekend

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD

Sent: Wednesday, February 27, 2019 9:36 AM

To: Tan Khan

Cc: BJORK Mary F * WRD; DOUTHIT Susan M * WRD

Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

Your Request for Reconsideration of the January 30, 2019 final order that canceled Permit S-54457 has been accepted, and your request to waive the reinstatement fee has been approved.

You will receive a Reinstatement Final Order in the mail that formally reinstates the permit. **You have provided two addresses in your emails, would you prefer to have final order mailed to 7322 W. Bonnie Ave # 10 Kennewick WA. 99336, or 2120 S. Reserve St. 328 Missoula MT. 59801?**

The Reinstatement Final Order that you receive will allow 120 days to come into compliance with the terms and conditions of the permit. This means that you will need to take the following steps.

- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner (CWRE)** to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>

https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

Basically, you need to have the permit assigned to yourself, and hire a CWRE to submit a Claim of Beneficial Use for Department review for issuance of a Certificate, which is the final step in the water right process.

Sometimes CWRE's are not able to meet 120 day timelines because of their workload, but correspondence to the Department from them is taken into account and the timeline tracked.

I hope that this helps to explain the next steps that you will need to take. Please let me know if I can be of further assistance.

Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, February 27, 2019 9:37 AM
To: Tan Khan
Cc: BJORK Mary F * WRD; DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

Your Request for Reconsideration of the January 30, 2019 final order that canceled Permit S-54457 has been accepted, and your request to waive the reinstatement fee has been approved.

You will receive a Reinstatement Final Order in the mail that formally reinstates the permit. **You have provided two addresses in your emails, would you prefer to have final order mailed to 7322 W. Bonnie Ave # 10 Kennewick WA. 99336, or 2120 S. Reserve St. 328 Missoula MT. 59801?**

The Reinstatement Final Order that you receive will allow 120 days to come into compliance with the terms and conditions of the permit. This means that you will need to take the following steps.

- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner (CWRE)** to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

Basically, you need to have the permit assigned to yourself, and hire a CWRE to submit a Claim of Beneficial Use for Department review for issuance of a Certificate, which is the final step in the water right process.

Sometimes CWRE's are not able to meet 120 day timelines because of their workload, but correspondence to the Department from them is taken into account and the timeline tracked.

I hope that this helps to explain the next steps that you will need to take. Please let me know if I can be of further assistance.

Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: Tan Khan [<mailto:tankhan604@gmail.com>]
Sent: Sunday, February 24, 2019 10:10 PM
To: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancelation

Sunday, February 24, 2019

Tanweer Khan
7322 W. Bonnie Ave # 10
Kennewick WA. 99336
Cell No # 406 240 7001..... Email : Tan Khan604@gmail.com

Mary F. Bjork
Water Rights Program
Salem Oregon

My Petition for **Request for Reconsideration** for my Canceled Permit S-54457
This is also my Petition to waive the fee with reasons given below

Dear Ms. Bjork:

Thank You very much for your email and all the details you have written to me and explaining me the various stage of Process to re-instate my Water rights

I have read through your mail and I am trying to comprehend all these procedure to the best of my ability, You may also have read my emails from last week which I have sent to Jerry at the Salem office

The seller did not complete all the formalities he was required by law prior for the sale of his property in 2009, nor did he make me aware of this incomplete process

The mess created by the Sellers from 2009 has pounced upon my head in years of 2019, This is due to his negligence & omission of responsibilities by the seller for the water right at his Property

I am a retired and Handicapped person with severe Hearing deficiency & few other medical ailments for which I am receiving medical treatment and I am unable to do long distance travel and I have limited income and resources and I am on social security

These water right issue were sitting dormant for past 10 years in the files at Douglas County and at the State of Oregon offices in Salem

I comply with all Guidelines and instructions written to me by Ms. Bjork

I will work with the state and county laws and comply with all required formalities to complete this process for the reinstatement of water right to my name and property and bring the Permit to Non cancelled status

This is my formal petition to the State of Oregon

Please continue to communicate with me via email

I try not to use the Phone since I do not like asking people to repeat themselves due to my inability to hear them on the phone clearly

Please advise me on the next process which I need to follow up related to my water Permit

Thank You very Much for your help in this matter

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD

Sent: Wednesday, February 20, 2019 10:29 AM

To: Tankhan2017@outlook.com

Cc: DOUTHIT Susan M * WRD; SAUTER Jerry K * WRD; BJORK Mary F * WRD

Subject: Water Rights Permit Cancellation

Dear Tan Khan,

I have been looking into the cancellation of permit S-54457, and want to help you in your efforts to re-instate the permit to a non-cancelled status. The first important step to take is to request reconsideration as explained below.

A permit is issued granting authority to construct water works and use water for the use specified on the permit. The permit gives a specific date (October 1, 2012) for the project to be developed and complete application of water to the proposed use. Within 1 year after this date a Claim of Beneficial Use and map prepared by a CWRE was to have been submitted to the Department for review and issuance of a Certificate of Water Right.

The previous landowner may not have understood what was required under the terms of the permit. A copy of the permit is attached to this email.

In order to re-instate the permit, you will need to take the following steps:

- Send a **Request for Reconsideration** of the final order that canceled the permit. This request may be sent by email. The associated fee is \$520, you may request to have this fee waived along with the reason that you are requesting the waiver.
- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner (CWRE)** to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>

https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

- You **may** need to submit an **Extension of Time** application form with a fee of \$670.00 and supporting documents to the Department, link below. This is something that a CWRE can assist you with.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Pages/Extension.aspx>

I understand that you have severe hearing disability and will need to communicate by email, but if you should have the need to contact me by phone, my telephone numbers are (503) 986-0804 or (503) 986-0817.

Sincerely,

Mary F. Bjork

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>



From: Tan Khan [<mailto:Tankhan2017@outlook.com>]
Sent: Wednesday, February 06, 2019 11:58 PM
To: SAUTER Jerry K * WRD

Cc: DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancellation

Wednesday, February 6, 2019

Hi Jerry:

I appreciate your response and your effort in resolving this issue on water Rights

I was trying to get an exact date for you for the installation of our alternate water source, unfortunately I was told that the Old man has passed away few years ago

I would say around July or August of 2010 is when he installed our alternate water supply system & he changed few PCV pipes and other Gadgets & installed a High pressure Jet pump which shoots water 180 ft. up the hill to a 2nd reservoir & pump & filtration system & from this reservoir it is Pipped into the home

This alternate water supply system delivers crystal clear fresh water from the melting snow in the mountains, Since the installation of this alternate source from the creek, all our water related issues have been resolved instantly , no more brown color water and filters clogging up and well water running dry at middle of the day, all this dilemma are over for ever

Thank You
Tanweer Khan

Sent from [Mail](#) for Windows 10

From: SAUTER Jerry K * WRD
Sent: Wednesday, February 6, 2019 4:08 PM
To: [Tan Khan](#)
Cc: [BJORK Mary F * WRD](#)
Subject: RE: Water Rights Permit Cancellation

Hello Mr. Khan,
We are looking into your issue. We would like to know when you installed the system to withdraw water from the stream.
Thank you,
JK

JERRY (JK) SAUTER - WATER RIGHTS PROGRAM ANALYST
WATER RESOURCES DEPARTMENT - 725 SUMMER STREET NE, SUITE A - SALEM OREGON 97301
PH. 503-986-0817 FAX 503-986-0901
EMAIL: JERRY.K.SAUTER@OREGON.GOV WEB: [HTTP://WWW.OREGON.GOV](http://WWW.OREGON.GOV)



From: Tan Khan [mailto:tankhan604@gmail.com]
Sent: Tuesday, February 05, 2019 10:02 PM
To: SAUTER Jerry K * WRD
Cc: BJORK Mary F * WRD
Subject: Re: Water Rights Permit Cancellation

ATTN : Jerry Sauter & Mary Bjork

I own this property located at : 4019 Dole Rd Myrtle Creek Oregon
I purchased this Property in Sept. 2009, & it's currently under tenancy

Last week Ms. Douthit From water Resource Dept. of Douglas County stop by and served documents to my tenants related to Cancellation of Permit for Water Rights

I live in state of Montana and the tenants have forwarded these documents over to me

I am unaware of any such Covenants or legal instrument which was recorded at the Title company in Douglas county or included in escrow documents at the time of the Title Transfer of the said Property to new the owner in Sept. 2009

I have owned this property for past 10 years, each year I receive a request to fill out water use report, I have been filling out these reports each year and mailed it back Salem

In past 10 years I have never heard of any water rights associated with this Property Nor have I ever receive any mails related to this issue

I have Zero Knowledge reference to Water Rights Permit at this Property !!

I was asked by Ms. Douthit to contact Salem office & she gave me your email address, she advised me a copy of my emails has been forwarded to Jerry Sauter & Mary Bjork in Salem Office

Please elaborate in detail on these issues for water Rights associated with my

property & I am sending copies of my emails which I have sent to Ms. Susan Douthit.

Thank you
Tanweer Khan

Hi Susan :

I am The owner of the Property located at 4019 Dole Rd. Myrtle Creek Oregon
This Property is currently Under Tenancy and Occupied by tenants

I am 66 years old & disabled, I live in State of Montana / my Mailing address In Montana is :

Tanweer Khan 2120 S. Reserve St. 328 Missoula MT. 59801 / Cell Phone No # 406 240 7001 &
My email is : Tankhan604@gmail.com

I was Informed by my tenants that you stopped by and dropped off some documents related to Water Rights, The Tenants have forwarded your Original document to me

FYI I bought this Property in Sept 2009, at the time of sale The seller did not mention any issue about water rights, Nor these issues were written into the escrow closing documents !!!

I get an yearly water use report mailed to me & I fill out this report each year and mailed it back to the Salem or Portland Office

I Have owned this property for almost 10 years and I have never heard of any issue on water rights Nor did I get any mails or documents since I have owned this Property
I am absolutely un informed about these water rights Issues stated in your document !!!???

This was your first contact with me while I Have owned this property and this is the first contact from your water dept. in past 10 years !!!

Why is this 1st. notice of Cancelation being sent to me as your first contact with me as a property owner, why I have not been informed about these issue, or these ongoing compliance issues as noted in your document

Since this is your first contact by your water dept. You will have to explain to me as a property owner what are my obligations towards county and state laws !!!

Does your water right dept. has any proof of any prior contacts or communicate regarding these water right issue with the Property owner !!! has any mails or registered mail or Notices sent from your dept. in the past 10 years been served upon this Property owner!!!

Than why is this 1st. and the only notice being hand delivered to my property in the form of Final Notice or cancelation of my water rights !!! ???

I have owned this for past 10 years and this is my first instance to be made aware of an on going issue with water rights in this area !!! You water resource dept. needs to educate & inform the local property owners of this ongoing issue about water rights and rules of compliances

Your water Dept. needs to bring property owners update with the current issues related to water rights, for which I have Zero Knowledge as a Property owner since the past decade !!!

I am a Hearing deficient & have few other medical ailments for which I am receiving medical Treatment here in Eastern Washington, I do not hear conversations very clearly on the phone

Please make contact with me Via email & please bring me update on your water issues and let me know what are my obligation for compliance related to the documents which you have served at my Property

My Current contact in WA. is : Cell Ph; 406 240 7001 & my email is : Tankhan604@gmail.com

I will appreciate your co-operation in resolving these issues at my property

Thank You Very Much

Tanweer Khan

Hi Susan :

I appreciate your prompt response, Can You confirm to me the email address for the contact Person in Salem

Although you served this cancelation Notice to water rights permit which is all dated & signed in 2007 & 2008 and I do not know who was the property owners at that time for 4019 Dole RD.

Your Designation as the water Master at Douglas county water resource Dept. Do you personally have any information related to the water rights permit at this Property & whom did you contact related to this Permit in the past 10 years !!!
???

What is your first hand knowledge related to this cancelation documents, which you served to my Property, Even though this is your first contact with me as Property owner since I bought this Property in Sept. of 2009, & your first contact with me is in the form of cancelation order for water rights at this Property !!! ??? What about My rights as property owner before considering these water right issue !!! ???

How was this reinstatement fee assessed ! & who made this assessment calculation for this amount !!! ???

There are many questions which needs to be answered & a clear blue print needs to be established related to this Property's water rights, considering I became the new owner of this Property in Sept. 2009 what if any obligation do I have towards the water permits !!!

Since I bought this Property there has been an issue of extremely low water table at my well & the pump had been sucking up lots of clay mud and dirt from the low well water Table

In Order to alleviate the clogging of muddy water I hired a well engineer from Douglas county who installed an exclusive water pump for this Property, which draws water from the fresh water creeks which flows out of the mountains & directly into my property, I traced the flow of this creek from the melting snow from The mountains and this creek flows into Umpqua river

This alternate water source which cost me \$3000- to install, has been a blessing for the daily water use at the property but in a very conservative order since the creek flow varies from seasonal changes at the mountain & by virtue of this alternate water source we ceased to draw the dirty well water for daily use at my property

Please forward all this Information or this copy of my email to Salem & I will surely keep you in Loop after I make contact with these official in Salem Oregon

Please inform the Salem officials that I have severe hearing disability, Therefore all these issues will need to be communicated thru email Or US Mail

Thank you very much
Tanweer Khan

Sent from Mail for Windows 10

BJORK Mary F * WRD

From: Tan Khan <tankhan604@gmail.com>
Sent: Sunday, February 24, 2019 10:10 PM
To: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancellation

Sunday, February 24, 2019

Tanweer Khan

7322 W. Bonnie Ave # 10

Kennewick WA. 99336

Cell No # 406 240 7001..... Email : Tan Khan604@gmail.com

OK - Reinstate.
Mfb 2-25-19

Mary F. Bjork
Water Rights Program
Salem Oregon

My Petition for **Request for Reconsideration** for my Canceled Permit S-54457

This is also my Petition to waive the fee with reasons given below

Dear Ms. Bjork:

Thank You very much for your email and all the details you have written to me and explaining me the various stage of Process to re-instate my Water rights

I have read through your mail and I am trying to comprehend all these procedure to the best of my ability, You may also have read my emails from last week which I have sent to Jerry at the Salem office

The seller did not complete all the formalities he was required by law prior for the sale of his property in 2009, nor did he make me aware of this incomplete process

The mess created by the Sellers from 2009 has pounced upon my head in years of 2019, This is due to his negligence & omission of responsibilities by the seller for the water right at his Property

I am a retired and Handicapped person with severe Hearing deficiency & few other medical ailments for which I am receiving medical treatment and I am unable to do long distance travel and I have limited income and resources and I am on social security

These water right issue were sitting dormant for past 10 years in the files at Douglas County and at the State of Oregon offices in Salem

I comply with all Guidelines and instructions written to me by Ms. Bjork

I will work with the state and county laws and comply with all required formalities to complete this process for the reinstatement of water right to my name and property and bring the Permit to Non cancelled status

This is my formal petition to the State of Oregon

Please continue to communicate with me via email

I try not to use the Phone since I do not like asking people to repeat themselves due to my inability to hear them on the phone clearly

Please advise me on the next process which I need to follow up related to my water Permit

Thank You very Much for your help in this matter

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD

Sent: Wednesday, February 20, 2019 10:29 AM

To: Tankhan2017@outlook.com

Cc: DOUTHIT Susan M * WRD; SAUTER Jerry K * WRD; BJORK Mary F * WRD

Subject: Water Rights Permit Cancellation

Dear Tan Khan,

I have been looking into the cancellation of permit S-54457, and want to help you in your efforts to re-instate the permit to a non-cancelled status. The first important step to take is to request reconsideration as explained below.

A permit is issued granting authority to construct water works and use water for the use specified on the permit. The permit gives a specific date (October 1, 2012) for the project to be developed and complete application of water to the proposed use. Within 1 year after this date a Claim of Beneficial Use and map

prepared by a CWRE was to have been submitted to the Department for review and issuance of a Certificate of Water Right.

The previous landowner may not have understood what was required under the terms of the permit. A copy of the permit is attached to this email.

In order to re-instate the permit, you will need to take the following steps:

- Send a **Request for Reconsideration** of the final order that canceled the permit. This request may be sent by email. The associated fee is \$520, you may request to have this fee waived along with the reason that you are requesting the waiver.
- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner** (CWRE) to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>

https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

- You **may** need to submit an **Extension of Time** application form with a fee of \$670.00 and supporting documents to the Department, link below. This is something that a CWRE can assist you with.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Pages/Extension.aspx>

I understand that you have severe hearing disability and will need to communicate by email, but if you should have the need to contact me by phone, my telephone numbers are (503) 986-0804 or (503) 986-0817.

Sincerely,

Mary F. Bjork

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>



From: Tan Khan [<mailto:Tankhan2017@outlook.com>]

Sent: Wednesday, February 06, 2019 11:58 PM

To: SAUTER Jerry K * WRD
Cc: DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancellation

Wednesday, February 6, 2019

Hi Jerry:

I appreciate your response and your effort in resolving this issue on water Rights

I was trying to get an exact date for you for the installation of our alternate water source, unfortunately I was told that the Old man has passed away few years ago

I would say around July or August of 2010 is when he installed our alternate water supply system & he changed few PCV pipes and other Gadgets & installed a High pressure Jet pump which shoots water 180 ft. up the hill to a 2nd reservoir & pump & filtration system & from this reservoir it is Pipped into the home

This alternate water supply system delivers crystal clear fresh water from the melting snow in the mountains, Since the installation of this alternate source from the creek, all our water related issues have been resolved instantly , no more brown color water and filters clogging up and well water running dry at middle of the day, all this dilemma are over for ever

Thank You
Tanweer Khan

Sent from [Mail](#) for Windows 10

From: SAUTER Jerry K * WRD
Sent: Wednesday, February 6, 2019 4:08 PM
To: [Tan Khan](#)
Cc: [BJORK Mary F * WRD](#)
Subject: RE: Water Rights Permit Cancellation

Hello Mr. Khan,
We are looking into your issue. We would like to know when you installed the system to withdraw water from the stream.
Thank you,
JK

JERRY (JK) SAUTER - WATER RIGHTS PROGRAM ANALYST
WATER RESOURCES DEPARTMENT – 725 SUMMER STREET NE, SUITE A – SALEM OREGON 97301
PH. 503-986-0817 FAX 503-986-0901
EMAIL: JERRY.K.SAUTER@OREGON.GOV WEB: [HTTP://WWW.OREGON.GOV](http://WWW.OREGON.GOV)



From: Tan Khan [mailto:tankhan604@gmail.com]
Sent: Tuesday, February 05, 2019 10:02 PM
To: SAUTER Jerry K * WRD
Cc: BJORK Mary F * WRD
Subject: Re: Water Rights Permit Cancellation

ATTN : Jerry Sauter & Mary Bjork

I own this property located at : 4019 Dole Rd Myrtle Creek Oregon
I purchased this Property in Sept. 2009, & it's currently under tenancy

Last week Ms. Douthit From water Resource Dept. of Douglas County stop by and served documents to my tenants related to Cancellation of Permit for Water Rights

I live in state of Montana and the tenants have forwarded these documents over to me

I am unaware of any such Covenants or legal instrument which was recorded at the Title company in Douglas county or included in escrow documents at the time of the Title Transfer of the said Property to new the owner in Sept. 2009

I have owned this property for past 10 years, each year I receive a request to fill out water use report, I have been filling out these reports each year and mailed it back Salem

In past 10 years I have never heard of any water rights associated with this Property Nor have I ever receive any mails related to this issue

I have Zero Knowledge reference to Water Rights Permit at this Property !!

I was asked by Ms. Douthit to contact Salem office & she gave me your email address, she advised me a copy of my emails has been forwarded to Jerry Sauter & Mary Bjork in Salem Office

Please elaborate in detail on these issues for water Rights associated with my

property & I am sending copies of my emails which I have sent to Ms. Susan Douthit.

Thank you
Tanweer Khan

Hi Susan :

I am The owner of the Property located at 4019 Dole Rd. Myrtle Creek Oregon
This Property is currently Under Tenancy and Occupied by tenants

I am 66 years old & disabled, I live in State of Montana / my Mailing address In Montana is :

Tanweer Khan 2120 S. Reserve St. 328 Missoula MT. 59801 / Cell Phone No # 406 240 7001 &
My email is : Tankhan604@gmail.com

I was Informed by my tenants that you stopped by and dropped off some documents related to Water Rights, The Tenants have forwarded your Original document to me

FYI I bought this Property in Sept 2009, at the time of sale The seller did not mention any issue about water rights, Nor these issues were written into the escrow closing documents !!!

I get an yearly water use report mailed to me & I fill out this report each year and mailed it back to the Salem or Portland Office

I Have owned this property for almost 10 years and I have never heard of any issue on water rights Nor did I get any mails or documents since I have owned this Property
I am absolutely un informed about these water rights Issues stated in your document !!!???

This was your first contact with me while I Have owned this property and this is the first contact from your water dept. in past 10 years !!!

Why is this 1st. notice of Cancelation being sent to me as your first contact with me as a property owner, why I have not been informed about these issue, or these ongoing compliance issues as noted in your document

Since this is your first contact by your water dept. You will have to explain to me as a property owner what are my obligations towards county and state laws !!!

Does your water right dept. has any proof of any prior contacts or communique regarding these water right issue with the Property owner !!! has any mails or registered mail or Notices sent from your dept. in the past 10 years been served upon this Property owner!!!

Than why is this 1st. and the only notice being hand delivered to my property in the form of Final Notice or cancelation of my water rights !!! ???

I have owned this for past 10 years and this is my first instance to be made aware of an on going issue with water rights in this area !!! You water resource dept. needs to educate & inform the local property owners of this ongoing issue about water rights and rules of compliances

Your water Dept. needs to bring property owners update with the current issues related to water rights, for which I have Zero Knowledge as a Property owner since the past decade !!!

I am a Hearing deficient & have few other medical ailments for which I am receiving medical Treatment here in Eastern Washington, I do not hear conversations very clearly on the phone

Please make contact with me Via email & please bring me update on your water issues and let me know what are my obligation for compliance related to the documents which you have served at my Property

My Current contact in WA. is : Cell Ph; 406 240 7001 & my email is : Tankhan604@gmail.com
I will appreciate your co-operation in resolving these issues at my property

Thank You Very Much
Tanweer Khan

Hi Susan :

I appreciate your prompt response, Can You confirm to me the email address for the contact Person in Salem

Although you served this cancelation Notice to water rights permit which is all dated & signed in 2007 & 2008 and I do not know who was the property owners at that time for 4019 Dole RD.

Your Designation as the water Master at Douglas county water resource Dept. Do you personally have any information related to the water rights permit at this Property & whom did you contact related to this Permit in the past 10 years !!!
???

What is your first hand knowledge related to this cancelation documents, which you served to my Property, Even though this is your first contact with me as Property owner since I bought this Property in Sept. of 2009, & your first contact with me is in the form of cancelation order for water rights at this Property !!! ??? What about My rights as property owner before considering these water right issue !!! ???

How was this reinstatement fee assessed ! & who made this assessment calculation for this amount !!! ???

There are many questions which needs to be answered & a clear blue print needs to be established related to this Property's water rights, considering I became the new owner of this Property in Sept. 2009 what if any obligation do I have towards the water permits !!!

Since I bought this Property there has been an issue of extremely low water table at my well & the pump had been sucking up lots of clay mud and dirt from the low well water Table

In Order to alleviate the clogging of muddy water I hired a well engineer from Douglas county who installed an exclusive water pump for this Property, which draws water from the fresh water creeks which flows out of the mountains & directly into my property, I traced the flow of this creek from the melting snow from The mountains and this creek flows into Umpqua river

This alternate water source which cost me \$3000- to install, has been a blessing for the daily water use at the property but in a very conservative order since the creek flow varies from seasonal changes at the mountain & by virtue of this alternate water source we ceased to draw the dirty well water for daily use at my property

Please forward all this Information or this copy of my email to Salem & I will surely keep you in Loop after I make contact with these official in Salem Oregon

Please inform the Salem officials that I have severe hearing disability, Therefore all these issues will need to be communicated thru email Or US Mail

Thank you very much
Tanweer Khan

Sent from Mail for Windows 10

BJORK Mary F * WRD

From: FOX Tracy L * WRD
Sent: Tuesday, February 05, 2019 11:03 AM
To: DOUTHIT Susan M * WRD
Cc: BJORK Mary F * WRD; SAUTER Jerry K * WRD
Subject: RE: ***S-86825***Water Rights

Good morning Susan,

Who is set up as the water use reporter can be established in different ways. It is typically through contact with the owner, usually via telephone or email.

The water use reporter Directory ID is separate from other stakeholders of the water right. The reason for that is to allow updates to the water use reporter's contact information to be made without affecting the contact information for other stakeholders. For instance, there may be one or more individual water right holders, each with a separate Director ID (husband and wife, for instance). There may also be a consultant, company name, protestant, etc. The water use reporter may actually be a different individual, such as a resident ranch manager, consultant, tenant, etc.

Tracy Fox | Water Measurement Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Water Use Reporting Phone: 503-986-0905 | Fax: 503-986-0902
Water Use Reporting Email: wateruse@wrdd.state.or.us

Phone: 503-986-0824 E-Mail: Tracy.L.Fox@oregon.gov
Web: <http://www.oregon.gov/OWRD>

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: DOUTHIT Susan M * WRD
Sent: Tuesday, February 05, 2019 9:29 AM
To: FOX Tracy L * WRD
Subject: FW: Water Rights

Hi Tracy-

I'm doing some re-con. I'm scratching my head....

As you'll see from the email below, a human consumption water use permit was recently cancelled because they failed to submit a cbu/extension/etc. Notices were presumably sent to the permit holder of record, according to law, but NOT to the current landowner. As you can imagine, this sometimes creates some issues.

What I found interesting is that the gentleman below mentions that he receives a water use report and returns it completed.

I'm curious, how is it established who gets the water use report?

Just curious.

~S

Ps- permit = s54457

From: Tan Khan [mailto:tankhan604@gmail.com]

Sent: Monday, February 04, 2019 8:28 PM

To: DOUTHIT Susan M * WRD

Subject: Re: Water Rights

Hi Susan :

I am The owner of the Property located at 4019 Dole Rd. Myrtle Creek Oregon
This Property is currently Under Tenancy and Occupied by tenants

I am 66 years old & disabled, I live in State of Montana / my Mailing address In Montana is :

Tanweer Khan 2120 S. Reserve St. 328 Missoula MT. 59801 / Cell Phone No # 406 240 7001 &
My email is : Tankhan604@gmail.com

I was Informed by my tenants that you stopped by and dropped off some documents related to Water Rights, The
Tenants have forwarded your Original document to me

FYI I bought this Property in Sept 2009, at the time of sale The seller did not mention any issue about water rights, Nor
these issues were written into the escrow closing documents !!!

I get an yearly water use report mailed to me & I fill out this report each year and mailed it back to the Salem or Portland
Office

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mails or documents since I have owned this Property

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in past 10 years !!!

Why is this 1st. notice of Cancelation being sent to me as your first contact with me as a property owner, why I have not
been informed about these issue, or these ongoing compliance issues as noted in your document

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obligations towards county and state laws !!!

Does your water right dept. has any proof of any prior contacts or communicate regarding these water right issue with
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in this area !!! You water resource dept. needs to educate & inform the local property owners of this ongoing issue
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Your water Dept. needs to bring property owners update with the current issues related to water rights, for which I have
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My Current contact in WA. is : Cell Ph; 406 240 7001 & my email is : Tankhan604@gmail.com

I will appreciate your co-operation in resolving these issues at my property

Thank You Very Much

Tanweer Khan

Sent from Mail for Windows 10

Water Use Report Based on Water Right



Permit: S 54457 CN

BAILEY, DR GEORGE W. 2821 SECKLE COURT MEDFORD, OR 97504

Records per page: [View All](#)

Acre-feet (AF) of Water Used

<u>Water Year*</u>	<u>Report ID</u>	<u>Facility</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Total Water Used</u>	<u>Irrigated Acres</u>
2018	63676		0.01	0.01	0.01										0.03	
2017	63676		0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.14	

*The water year is named for the calendar year in which it ends. Example: the 2018 water year begins Oct. 1, 2017 and ends Sep. 30, 2018.

- The Water Resources Department makes reasonable efforts to screen the data for quality control; however, the Department cannot accept responsibility for errors, omissions, or accuracy of the information. Notification of any errors is appreciated. Send notifications to wateruse@wrdd.state.or.us or call (503) 986-0905.
- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

Facility Water Use Report



☒ excel
☐ text

Report ID 63676

UNNAMED STREAM:
 1000 FEET SOUTH AND 275 FEET WEST FROM NE CORNER, SECTION 18
 (29S-5W-18-NE NE)
 Permit: S 54457 CN
 PMB 328

Records per page:

Acre-feet (AF) of Water Used

<u>Water Year*</u>	<u>Method of Measurement</u>	<u>Oct</u> <u>Nov</u> <u>Dec</u> <u>Jan</u> <u>Feb</u> <u>Mar</u> <u>Apr</u> <u>May</u> <u>Jun</u> <u>Jul</u> <u>Aug</u> <u>Sep</u>												<u>Total Water Used</u>	<u>Irrigated Acres</u>
2018	OTH	0.01	0.01	0.01										0.03	
2017	OTH	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.14	

*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

Method(s) of Measurement:

OTH "gage" (2018)

- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeros indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

Entity Water Use Report



TANWEER KHAN
PMB 328

Records per page:

<u>Water Year*</u>	<u>Report ID</u>	<u>Facility</u>	<u>Acre-feet (AF) of Water Used</u>												<u>Total Water Used</u>	<u>Irrigated Acres</u>
			<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>		
2018	63676		0.01	0.01	0.01										0.03	
2017	63676		0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.14	

*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

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- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeros indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86825

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.

ORS 536.075 allows for additional rights for other than contested case. This is a final order. This order is subject to judicial review. A petition for judicial review must be filed within the period specified by ORS 183.410. If you file ORS 137-004-0080 you may either petition the Director for reconsideration or for reconsideration may be granted if no action is taken within 14 days of the date the petition was filed, the petition is

Waiting for Brockman to send in signed settlement agreement

1/16/08

This statement of judicial review is not subject to judicial review of this order is precluded by law. Where no Final Order on a water right is filed during the protest period, judicial review.

Final Order Incorporating

Application History

On April 3, 2007, LISA BROCKMAN applied to the Department for a water use permit. The Department issued a Final Order on August 28, 2007. On September 12, 2007, a settlement agreement was signed. The Settlement Agreement is attached hereto.

The proposed use would not be in the public interest, but the Department has approved the Proposed Final Order. The Proposed Final Order describes the character of

The Proposed Final Order described the character of use as domestic use for one household.

As modified in the attached draft permit, the character of use is human consumption use for one household.

On September 12, 2007, Lee Brockman submitted sufficient information which explored the option to truck water. Upon review of the information submitted on September 12, 2007, the Department concluded that the applicant cannot reasonably obtain water from any other source.

Order

Application S-86825 is therefore approved with these modifications to the Proposed Final Order. Upon payment of outstanding fees in the amount of \$300, a permit shall be issued authorizing the proposed water use.

Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.

DATED January , 2008

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0808.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

Water Availability

WATER AVAILABILITY TABLE

Water Availability as of 4/17/2007 for
 S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200
 Watershed ID #: 31630218 Basin: UMPQUA Exceedance Level: 80
 Time: 09:37 Date: 04/17/2007

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	368	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	73350	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES
3	31630301	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES
4	351	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES
5	31630218	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES

Water Availability as of 4/17/2007 for
 S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200
 Watershed ID #: 31630218 Basin: UMPQUA Exceedance Level: 80
 Time: 09:37 Date: 04/17/2007

Item Watershed ID Stream Name

1	368	UMPQUA R > PACIFIC OCEAN - AT MOUTH
2	73350	UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR
3	31630301	UMPQUA R > PACIFIC OCEAN - AB WOLF CR
4	351	S UMPQUA R > UMPQUA R - AT MOUTH
5	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200

LIMITING WATERSHEDS

Water Availability as of 4/17/2007 for
 S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200
 Watershed ID #: 31630218 Basin: UMPQUA Exceedance Level: 80
 Time: 09:37 Date: 04/17/2007

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	YES	1020.0
2	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	YES	1900.0
3	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	YES	1750.0
4	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	YES	1550.0
5	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	YES	776.0
6	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	YES	132.0
7	351	S UMPQUA R > UMPQUA R - AT MOUTH	NO	-63.0
8	73350	UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR	NO	-174.0
9	73350	UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR	NO	-151.0
10	31630301	UMPQUA R > PACIFIC OCEAN - AB WOLF CR	NO	-469.0
11	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	NO	-156.0
12	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	YES	462.0
Stor	31630218	S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1	YES	1160000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 4/17/2007 for

UMPQUA R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

368

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	6790.00	250.00	6540.00	0.00	1000.00	5540.00
2	8470.00	259.00	8210.00	0.00	1000.00	7210.00
3	7680.00	77.00	7600.00	0.00	1000.00	6600.00
4	6730.00	91.50	6640.00	0.00	1000.00	5640.00
5	4720.00	120.00	4600.00	0.00	1000.00	3600.00
6	2430.00	198.00	2230.00	0.00	1000.00	1230.00
7	1420.00	232.00	1190.00	0.00	750.00	438.00
8	1090.00	207.00	883.00	0.00	750.00	133.00
9	1070.00	173.00	896.00	0.00	750.00	146.00
10	1240.00	73.60	1170.00	0.00	1000.00	166.00
11	2170.00	131.00	2040.00	0.00	1000.00	1040.00
12	5020.00	243.00	4780.00	0.00	1000.00	3780.00
Stor-50%	5350000	123800	5230000	0	679000	4550000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 4/17/2007 for

UMPQUA R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

368

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	181.00	0.00	14.70	7.33	0.02	4.84	2.13	40.00	250.00
2	189.00	0.00	14.70	7.39	0.02	4.84	2.13	40.00	258.00
3	5.76	2.22	14.70	7.33	0.02	4.84	2.13	40.00	77.00
4	3.40	19.40	14.40	7.33	0.02	4.83	2.13	40.00	91.50
5	1.41	50.40	14.40	6.93	0.02	4.79	2.04	40.00	120.00
6	0.59	82.40	61.20	6.87	0.02	4.75	2.04	40.00	198.00
7	0.07	117.00	61.20	6.66	0.02	4.72	1.83	40.00	231.00
8	0.02	92.70	61.20	6.57	0.02	4.70	1.78	40.00	207.00
9	0.01	59.00	61.20	6.57	0.02	4.71	1.99	40.00	174.00
10	0.01	5.89	14.40	6.57	0.02	4.73	1.99	40.00	73.60
11	62.90	0.01	14.40	6.66	0.02	4.73	2.03	40.00	131.00
12	175.00	0.00	14.40	6.95	0.02	4.81	2.13	40.00	243.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 4/17/2007 for

UMPQUA R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

368

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 4/17/2007 for

UMPQUA R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

368

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

-----ISWRs-----								
APP #	MF 368	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
2	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
3	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
4	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
5	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
6	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
7	750.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
8	750.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
9	750.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
10	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
11	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
12	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
Water Availability as of 4/17/2007 for

Watershed ID #: 31630301 Basin: UMPQUA
Time: 09:37

Exceedance Level: 80
Date: 04/17/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	4840.00	203.00	4640.00	0.00	1700.00	2940.00
2	6360.00	212.00	6150.00	0.00	1700.00	4450.00
3	5830.00	32.90	5800.00	0.00	1700.00	4100.00
4	5490.00	44.30	5450.00	0.00	1700.00	3750.00
5	3970.00	66.80	3900.00	0.00	1700.00	2200.00
6	2080.00	135.00	1940.00	0.00	1700.00	245.00
7	1260.00	163.00	1100.00	0.00	1000.00	96.60
8	989.00	143.00	846.00	0.00	1000.00	-154.00
9	978.00	115.00	863.00	0.00	1000.00	-137.00
10	1120.00	29.30	1090.00	0.00	1560.00	-469.00
11	1740.00	89.00	1650.00	0.00	1700.00	-49.00
12	3670.00	201.00	3470.00	0.00	1700.00	1770.00
Stor-50%	4010000	86400	3920000	0	1100000	2830000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 4/17/2007 for
UMPQUA R > PACIFIC OCEAN - AB WOLF CR

Watershed ID #: 31630301
Time: 09:37

Basin: UMPQUA

Exceedance Level: 80
Date: 04/17/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	177.00	0.00	13.70	6.94	0.02	3.67	1.43	0.00	203.00
2	186.00	0.00	13.70	7.01	0.02	3.67	1.43	0.00	212.00
3	5.27	1.80	13.70	6.94	0.02	3.68	1.43	0.00	32.80
4	3.10	15.70	13.40	6.94	0.02	3.67	1.43	0.00	44.30
5	1.25	40.60	13.30	6.55	0.02	3.64	1.43	0.00	66.80
6	0.53	66.40	56.90	6.48	0.02	3.60	1.43	0.00	135.00
7	0.05	95.10	56.90	6.27	0.02	3.57	1.39	0.00	163.00
8	0.01	75.00	56.90	6.18	0.02	3.56	1.38	0.00	143.00
9	0.01	47.30	56.90	6.18	0.02	3.57	1.42	0.00	115.00
10	0.00	4.71	13.30	6.18	0.02	3.58	1.42	0.00	29.20
11	64.40	0.01	13.30	6.27	0.02	3.58	1.42	0.00	89.00
12	177.00	0.00	13.30	6.57	0.02	3.65	1.43	0.00	202.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 4/17/2007 for

UMPQUA R > PACIFIC OCEAN - AB WOLF CR

Watershed ID #: 31630301

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 4/17/2007 for

UMPQUA R > PACIFIC OCEAN - AB WOLF CR

Watershed ID #: 31630301

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

-----ISWRs-----								
APP #	IS 73350	MF 368	0	0	0	0	0	MAXIMUM
Status	PFO	Cert.						
1	1700.00	1000.00	0.00	0.00	0.00	0.00	0.00	1700.00
2	1700.00	1000.00	0.00	0.00	0.00	0.00	0.00	1700.00
3	1700.00	1000.00	0.00	0.00	0.00	0.00	0.00	1700.00
4	1700.00	1000.00	0.00	0.00	0.00	0.00	0.00	1700.00
5	1700.00	1000.00	0.00	0.00	0.00	0.00	0.00	1700.00
6	1700.00	1000.00	0.00	0.00	0.00	0.00	0.00	1700.00
7	1000.00	750.00	0.00	0.00	0.00	0.00	0.00	1000.00
8	1000.00	750.00	0.00	0.00	0.00	0.00	0.00	1000.00
9	1000.00	750.00	0.00	0.00	0.00	0.00	0.00	1000.00
10	1560.00	1000.00	0.00	0.00	0.00	0.00	0.00	1560.00
11	1700.00	1000.00	0.00	0.00	0.00	0.00	0.00	1700.00
12	1700.00	1000.00	0.00	0.00	0.00	0.00	0.00	1700.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 4/17/2007 for

S UMPQUA R > UMPQUA R - AT MOUTH

Watershed ID #:

351

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	1680.00	180.00	1500.00	0.00	350.00	1150.00
2	2620.00	186.00	2430.00	0.00	350.00	2080.00
3	2270.00	16.70	2250.00	0.00	350.00	1900.00
4	2040.00	23.80	2020.00	0.00	350.00	1670.00
5	1140.00	37.30	1100.00	0.00	275.00	828.00
6	442.00	68.60	373.00	0.00	225.00	148.00
7	172.00	85.00	87.00	0.00	150.00	-63.00
8	109.00	73.20	35.70	0.00	122.00	-86.30
9	112.00	56.90	55.10	0.00	122.00	-66.90
10	144.00	15.60	128.00	0.00	300.00	-172.00
11	317.00	49.30	268.00	0.00	400.00	-132.00
12	1060.00	171.00	889.00	0.00	350.00	539.00
Stor-50%	1510000	57880	1450000	0	202000	1260000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 4/17/2007 for

S UMPQUA R > UMPQUA R - AT MOUTH

Watershed ID #:

351

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	166.00	0.00	5.42	5.71	0.00	1.85	0.96	0.00	180.00
2	173.00	0.00	5.42	5.78	0.00	1.85	0.96	0.00	187.00
3	1.67	1.07	5.42	5.71	0.00	1.85	0.96	0.00	16.70
4	0.76	9.46	5.09	5.71	0.00	1.84	0.96	0.00	23.80
5	0.32	23.90	5.05	5.32	0.00	1.83	0.96	0.00	37.40
6	0.09	39.00	21.50	5.25	0.00	1.81	0.96	0.00	68.60
7	0.00	55.60	21.50	5.04	0.00	1.78	0.96	0.00	84.90
8	0.00	44.00	21.50	4.95	0.00	1.78	0.96	0.00	73.20
9	0.00	27.70	21.50	4.95	0.00	1.78	0.96	0.00	56.90
10	0.00	2.78	5.05	4.95	0.00	1.78	0.96	0.00	15.50
11	36.50	0.00	5.05	5.04	0.00	1.78	0.96	0.00	49.30
12	158.00	0.00	5.05	5.34	0.00	1.83	0.96	0.00	171.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 4/17/2007 for

S UMPQUA R > UMPQUA R - AT MOUTH

Watershed ID #:

351

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 4/17/2007 for

S UMPQUA R > UMPQUA R - AT MOUTH

Watershed ID #:

351

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

ISWRs								
APP #	MF 349	MF 350	MF 351	0	0	0	0	MAXIMUM
Status	Cert.	Cert.	Cert.					
1	60.00	350.00	350.00	0.00	0.00	0.00	0.00	350.00
2	60.00	350.00	350.00	0.00	0.00	0.00	0.00	350.00
3	60.00	350.00	350.00	0.00	0.00	0.00	0.00	350.00
4	60.00	350.00	350.00	0.00	0.00	0.00	0.00	350.00
5	60.00	275.00	275.00	0.00	0.00	0.00	0.00	275.00
6	60.00	225.00	225.00	0.00	0.00	0.00	0.00	225.00
7	60.00	150.00	150.00	0.00	0.00	0.00	0.00	150.00
8	60.00	90.00	122.00	0.00	0.00	0.00	0.00	122.00
9	60.00	90.00	122.00	0.00	0.00	0.00	0.00	122.00
10	60.00	300.00	300.00	0.00	0.00	0.00	0.00	300.00
11	60.00	400.00	400.00	0.00	0.00	0.00	0.00	400.00
12	60.00	350.00	350.00	0.00	0.00	0.00	0.00	350.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 4/17/2007 for

S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200

Watershed ID #: 31630218

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	1550.00	184.00	1370.00	0.00	350.00	1020.00
2	2440.00	191.00	2250.00	0.00	350.00	1900.00
3	2120.00	22.00	2100.00	0.00	350.00	1750.00
4	1930.00	27.90	1900.00	0.00	350.00	1550.00
5	1090.00	38.90	1050.00	0.00	275.00	776.00
6	420.00	63.00	357.00	0.00	225.00	132.00
7	160.00	76.90	83.10	0.00	120.00	-36.90
8	100.00	67.10	32.90	0.00	70.00	-37.10
9	102.00	53.50	48.50	0.00	70.00	-21.50
10	134.00	20.90	113.00	0.00	250.00	-137.00
11	299.00	55.40	244.00	0.00	400.00	-156.00
12	987.00	175.00	812.00	0.00	350.00	462.00
Stor-50%	1410000	58500	1350000	0	190000	1170000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 4/17/2007 for

S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200

Watershed ID #: 31630218

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	164.00	0.00	12.30	4.67	0.01	1.90	0.84	0.00	184.00
2	171.00	0.00	12.30	4.74	0.01	1.90	0.84	0.00	191.00
3	1.36	0.89	12.30	4.67	0.01	1.90	0.84	0.00	22.00
4	0.57	7.86	12.00	4.67	0.01	1.90	0.84	0.00	27.80
5	0.21	19.70	12.00	4.28	0.01	1.88	0.84	0.00	38.90
6	0.06	32.20	23.90	4.21	0.01	1.86	0.84	0.00	63.10
7	0.00	46.30	23.90	4.00	0.01	1.83	0.84	0.00	76.90
8	0.00	36.60	23.90	3.91	0.01	1.83	0.84	0.00	67.10
9	0.00	23.00	23.90	3.91	0.01	1.83	0.84	0.00	53.50
10	0.00	2.31	12.00	3.91	0.01	1.83	0.84	0.00	20.90
11	36.80	0.00	12.00	4.00	0.01	1.84	0.84	0.00	55.50
12	156.00	0.00	12.00	4.30	0.01	1.88	0.84	0.00	175.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 4/17/2007 for

S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200

Watershed ID #: 31630218

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 4/17/2007 for

S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200

Watershed ID #: 31630218

Basin: UMPQUA

Exceedance Level: 80

Time: 09:37

Date: 04/17/2007

-----ISWRs-----								
APP #	MF 352	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	350.00	0.00	0.00	0.00	0.00	0.00	0.00	350.00
2	350.00	0.00	0.00	0.00	0.00	0.00	0.00	350.00
3	350.00	0.00	0.00	0.00	0.00	0.00	0.00	350.00
4	350.00	0.00	0.00	0.00	0.00	0.00	0.00	350.00
5	275.00	0.00	0.00	0.00	0.00	0.00	0.00	275.00
6	225.00	0.00	0.00	0.00	0.00	0.00	0.00	225.00
7	120.00	0.00	0.00	0.00	0.00	0.00	0.00	120.00
8	70.00	0.00	0.00	0.00	0.00	0.00	0.00	70.00
9	70.00	0.00	0.00	0.00	0.00	0.00	0.00	70.00
10	250.00	0.00	0.00	0.00	0.00	0.00	0.00	250.00
11	400.00	0.00	0.00	0.00	0.00	0.00	0.00	400.00
12	350.00	0.00	0.00	0.00	0.00	0.00	0.00	350.00

DIVISION 516

UMPQUA BASIN PROGRAM

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

690-516-0005

Classifications

(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 April 3, 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.

Stat. Auth.: ORS 536.300, ORS 536.340 & ORS 536.410

Stats. Implemented:

Hist.: (WRB 9, f. 4-21-59; WRB 11, f. 10-31-60; WRB 22, f. 11-16-62; WRB 27, 5-11-64; WRB 58, f. 4-15-74; WRD 8(Temp), f. 7-22-77; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 6-1981(Temp), f. & cert. ef. 8-25-81; WRD 8-1982, f. & cert. ef. 7-1-82; WRD 7-1984, f. & cert. ef. 12-27-84; WRD 4-1985, f. & cert. ef. 5-15-85; WRD 8-1985, f. & cert. ef. 8-2-85; WRD 9-1985, f. 8-2-85; South Umpqua WRB 22, f. 11-16-62; Main Stem-Umpqua System, WRB 27, f. 5-11-64) WRD 8-1991, f. & cert. ef. 11-7-91,
Renumbered from 690-080-0160

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86825

Proposed Final Order

Summary of Recommendation: The Department recommends that the application be denied because water is not available for the proposed use.

Application History

On April 3, 2007, LISA BROCKMAN submitted an application to the Department for the following water use:

- Amount of Water: 0.005 CUBIC FOOT PER SECOND (CFS)
- Use of Water: DOMESTIC USE FOR ONE HOUSEHOLD
- Source of Water: UNNAMED STREAM, A TRIBUTARY OF SOUTH UMPQUA RIVER
- Area of Proposed Use: Douglas County within SECTION 18, TOWNSHIP 29 SOUTH, RANGE 5 WEST, W.M.

On April 3, 2007, the Department received information from the applicant intending to document that no alternate water source is available, and that denial of the permit would cause loss of reasonable expectation for use of their property.

On May 11, 2007, the Department mailed the applicant notice of its Initial Review, determining that "*The use of 0.005 cubic foot per second from unnamed stream, a tributary of South Umpqua River for human consumption use (cooking, drinking and sanitation) for one household may be allowed year round*". The applicant did not notify the Department to stop processing the application within 14 days of that date.

On May 15, 2007, 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.

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

- recommendations by other state agencies
- 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
- any comments received

Findings of Fact

The Umpqua Basin Program allows DOMESTIC USE.

Senior water rights exist on UNNAMED STREAM, A TRIBUTARY OF SOUTH UMPQUA RIVER, or on downstream waters.

UNNAMED STREAM, A TRIBUTARY OF SOUTH UMPQUA RIVER is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is not available for further appropriation (at an 80 percent exceedance probability) for the requested period of use per OAR 690-300(57).

Upon further review of the information from the applicant intending to document that no alternate water source is available, and that denial of permit would cause loss of reasonable expectation for use of their property, the Department has concluded that information submitted is not sufficient and that trucking water remains an unexplored option.

In accordance with OAR 690-33-330, 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, Oregon Department of Fish and Wildlife (ODFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

ODFW stated that the proposed use would result in a net loss of essential habitat of threatened or endangered species or a net loss in the habitat of a sensitive species, but that conditions can be applied to mitigate the impact to the essential habitat. If a permit were issued, DFW recommended the following conditions:

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. 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.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current ODFW standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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 Rogue Basin Program allows the proposed use, or a 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 would not injure other water rights.

The proposed use does comply with other rules of the Water Resources Commission, specifically OAR 690-033-0330 and OAR 690-033-0340.

The proposed use is compatible with applicable land use plans.

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

The Department therefore concludes that water **is not** available in the amount necessary for the proposed use; the proposed use would not result in injury to existing water rights; 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 August 28, 2007


for Phillip C. Ward, Director
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this proposed final order. Protests must be received in the Water Resources Department no later than **September 14, 2007**. Protests 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 protest fee of \$350 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.*

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a proposed final order can request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order.

Requests for standing must be received in the Water Resources Department no later than **October 2, 2007**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the proposed final order as issued;
- A detailed statement of how the requester would be harmed if the proposed final order is modified; and
- A standing fee of \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted along with a request for intervention.

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 either:

- 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.

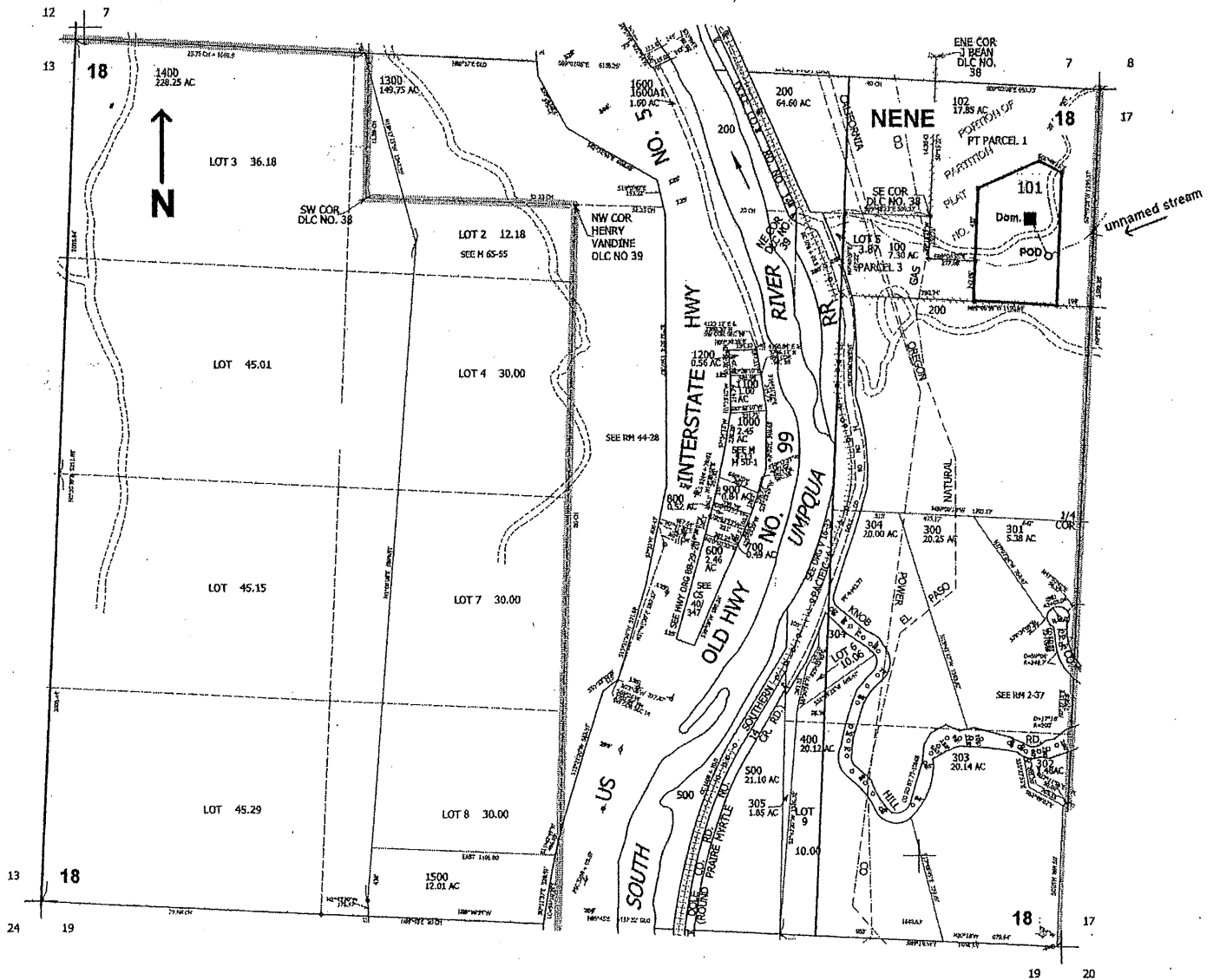
This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0808.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact the Protest Coordinator at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

SEC. 18 T29S. R. 5W. W.M.
DOUGLAS COUNTY
Scale: 1" = 1000'



POD is located 1000 ft. S. and 275 ft. W. from the NE corner of Sec. 18

RECEIVED

APR 03 2007

WATER RESOURCES DEPT
SALEM, OREGON

app no S-86825



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

May 11, 2007

LISA BROCKMAN
PO BOX 707
MYRTLE CREEK, OR 97457

Reference: File S-86825

Dear Ms. Brockman:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from unnamed stream, a tributary of South Umpqua River for domestic is allowable under the Umpqua Basin Program.
3. Surface water is not available for year round use. However, you have provided information intending to document that no alternate water source is available, and that denial of the permit would cause loss of reasonable expectation for use of your property.

Because the proposed use is preferred above all other uses, is for sanitation, and will not be wasteful, uneconomic, impracticable or unreasonable, and because denial of this application will result in the loss of reasonable expectations for use of the property, the public interest in the proposed use may outweigh water availability concerns.

Summary of Initial Determinations

The use of 0.005 cubic foot per second from unnamed stream, a tributary of South Umpqua River for human consumption use (cooking, drinking and sanitation) for one household may be allowed year round.

Because of the Department's determinations, your application can be moved to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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.

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 **Friday, May 25, 2007**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a totalizing flow meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

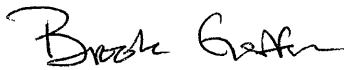
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a proposed final order. You should be aware that,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

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0808 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in cursive script that reads "Brook Geffen".

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86825
WAB 16-31630218
POU 16-31630218
GW

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-86825

Applicant: LISA BROCKMAN

County: Douglas

Watermaster: 15

Priority Date: April 3, 2007

Source: UNNAMED STREAM, A TRIBUTARY OF SOUTH UMPQUA RIVER

Use: DOMESTIC

Quantity: 0.005 CUBIC FOOT PER SECOND

Basin Name & Number: Umpqua, #16

Stream Index Reference: Volume 3A S UMPQUA R MISC

Point of Diversion: NENE, SECTION 18, T29S, R5W, W.M.; 1000 FEET SOUTH AND 275 FEET WEST FROM NE CORNER, SECTION 18

Place of Use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 18
TOWNSHIP 29 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 25, 2007

PUBLIC NOTICE DATE: Tuesday, May 15, 2007

30 DAY COMMENT DEADLINE DATE: Thursday, June 14, 2007

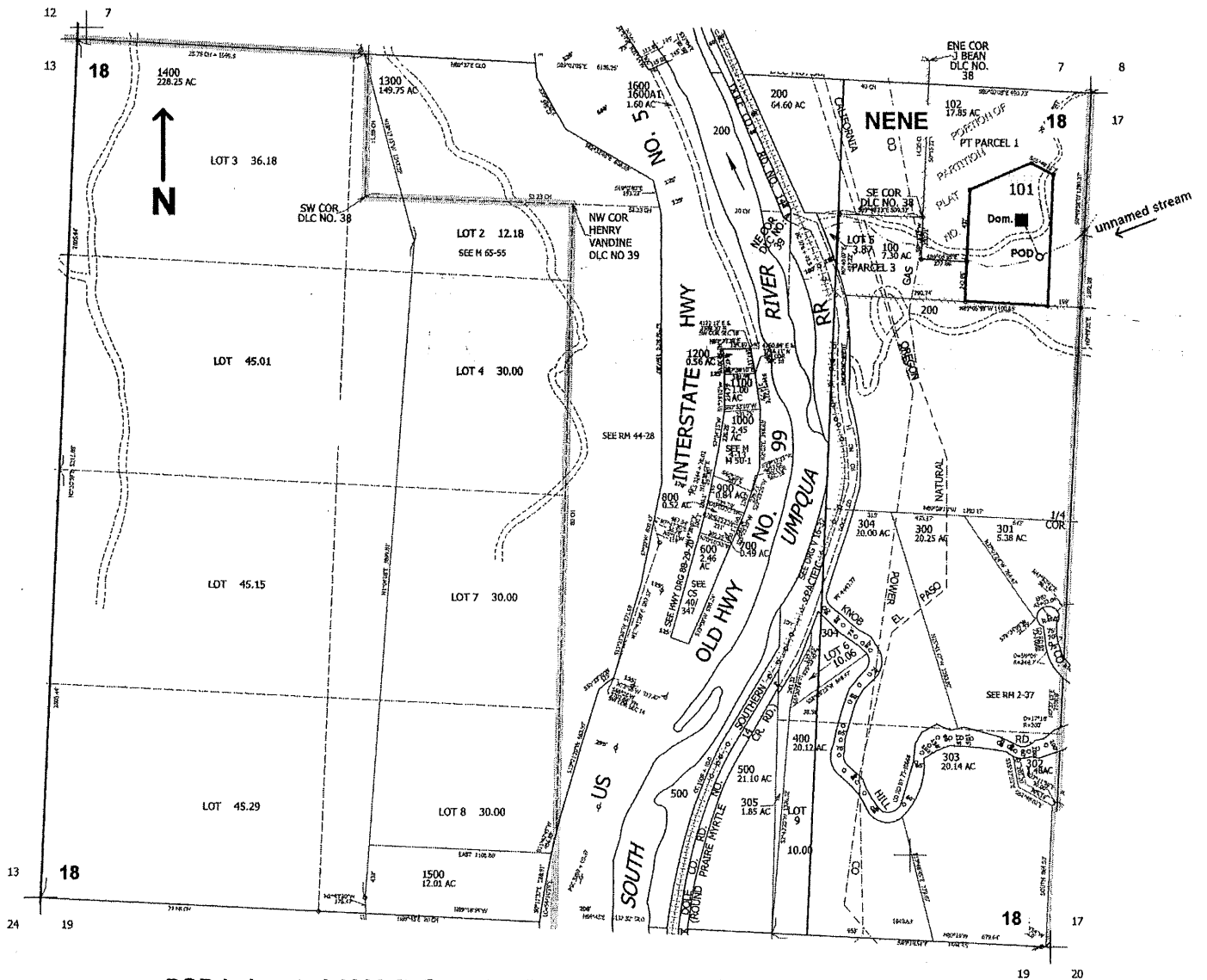
RECEIVED

APR 03 2007

WATER RESOURCES DEPT
SALEM, OREGON

app no 5-86825

SEC.18 T29S. R.5W. W.M.
DOUGLAS COUNTY
Scale: 1" = 1000'



POD is located 1000 ft. S. and 275 ft. W. from the NE corner of Sec. 18

RECEIVED

APR 03 2007

WATER RESOURCES DEPT
SALEM, OREGON

app no S-86825

From DAVE WILLIAMS
my

ACCEPTED

Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040) (ORS 537.400)

Application <u>86825</u>	Township <u>29 S</u>
Priority Date <u>Apr 3, 2007</u>	Range <u>5 W</u>
Use(s) <u>DOM.</u>	Section <u>18</u>
Rate <u>0.005 CFS</u>	POD Loc. <u>NE NE</u>
County <u>Doug</u>	POU Loc. <u>NE NE</u>

- ☒ Applicant/Organization Name, Mailing Address and Telephone Number, application signed in ink.
- ☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400)
- ☒ Property ownership indicated.
 - ☐ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.
 - ☐ If applicant does not own all the land, a statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.
- ☐ Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report.
- ☒ Proposed use of water. If supplemental, list primary water right acreage if applicable.
 - ☐ Enclosed Supplemental Form for each proposed use.
 - ☐ Form I (Irrigation)
 - ☐ Form M (Municipal or Quasi-Municipal)
 - ☐ Form R (Mining)
 - ☐ Form Q (Commercial or Industrial)
 - ☐ Spring Description Sheet
- ☒ Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)
- ☒ Period of use

N/R

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

☒ Project schedule (If system is already completed, indicate "existing").

☐ For reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.

☐ If the above statement is checked, the map must be prepared by a CWRE.

☒ All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink.

☒ You must include a Legal description of the property involved that includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Date of signature must be within the past 6 months.*

☒ The map must meet all the minimum requirements of OAR 690-310-0050.

☐ Township, Range, Section

☐ Location of main canals, ditches, pipelines or flumes

☐ Place of use, 1/4, 1/4's and tax lot clearly identified

☐ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)

☐ Location of each diversion point well or dam by reference to a recognized public land survey corner

☐ North Directional Symbol

☐ Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture

☐ Other DOUG Cnty
WM OFFICE

☐ Reference corner on map

☐ Each point of diversion coordinate

☒ Fees: Amount of water requested 1,005 CFS

Base Fee \$ _____

Total Exam Fee \$ 500

1st CFS/AF _____

Total Paid \$ 500

_____ Addtn'l @ _____ = _____

Amount Due \$ _____

Reviewed by HYM

Date _____

ONE CHECK 650

2 FILES

ONE LIM. LIC. 2

IMPROVED BY PH WITH
PLANNING MOUNTAIN
4-4-2007
HYM

T. 29 S., R. 5 W., W. M.

SCALE: 1" = 400'

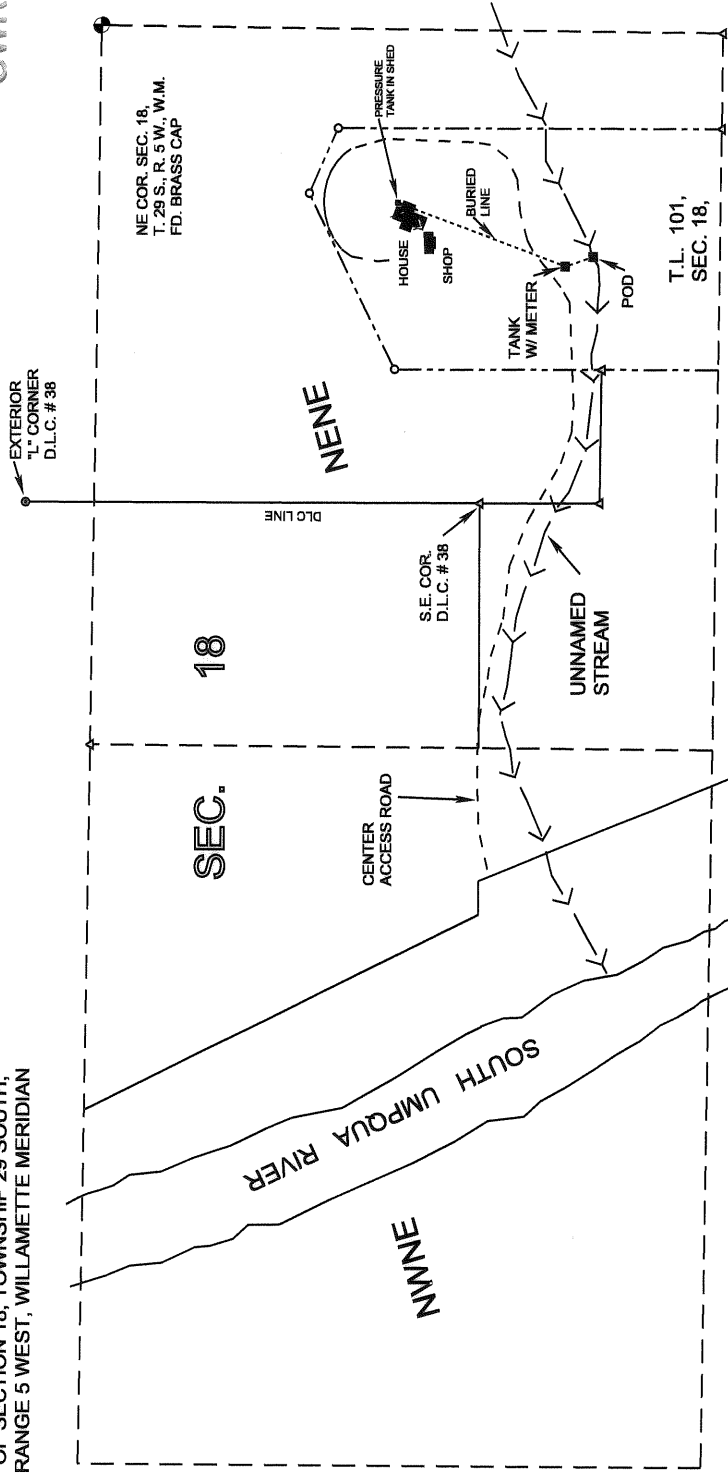
RECEIVED

JUN 27 2019

OWRD

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

POD IS 1025 FEET SOUTH AND 492 FEET WEST OF THE NE CORNER OF SECTION 18, TOWNSHIP 29 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN



LEGEND

- △ COMPUTED POINT
- FD. PROPERTY CORNER
- COMPUTED DLC CORNER
- ⊕ GOVERNMENT CORNER
- PROPERTY LINES
- 40 LINES

FINAL PROOF SURVEY

Application No. S-86825 Permit No. S-54457

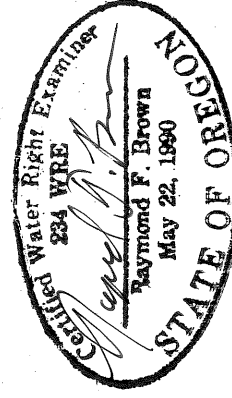
UNDER

IN NAME OF

TANWEER KHAN

SURVEYED APR. 04, 2019 by: R.F. BROWN

RENEWS 12/31/2019



Mailing List for Final Certificate

Application: S-86825

Permit: S-54457

Certificate: 95597

Permit/Certificate Holder:

TANWEER A. KHAN
8510 NE HWY 99 NO #24
VANCOUVER WA 98665

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Final Certificate to be sent to:

1. Watermaster District #: 15
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

1. RAYMOND BROWN, CWRE

Copies Mailed

by: TM
(STAFF)

on: 7/16/2021
(DATE)



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

DATE MAILED: JUL 16 2021

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TANWEER A. KHAN
8510 NE HWY 99 NO #24
VANCOUVER WA 98665

confirms the right to the use of water perfected under the terms of Permit S-54457. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-86825

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF SOUTH UMPQUA RIVER

PURPOSE or USE: HUMAN CONSUMPTION FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.005 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 3, 2007

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	5 W	WM	18	NE NE	1025 FEET SOUTH AND 492 FEET WEST FROM NE CORNER, SECTION 18

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
29 S	5 W	WM	18	NE NE

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter or other suitable measuring device approved by the Director at each point of diversion, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

T. 29 S., R. 5 W., W. M.

SCALE: 1" = 400'

RECEIVED

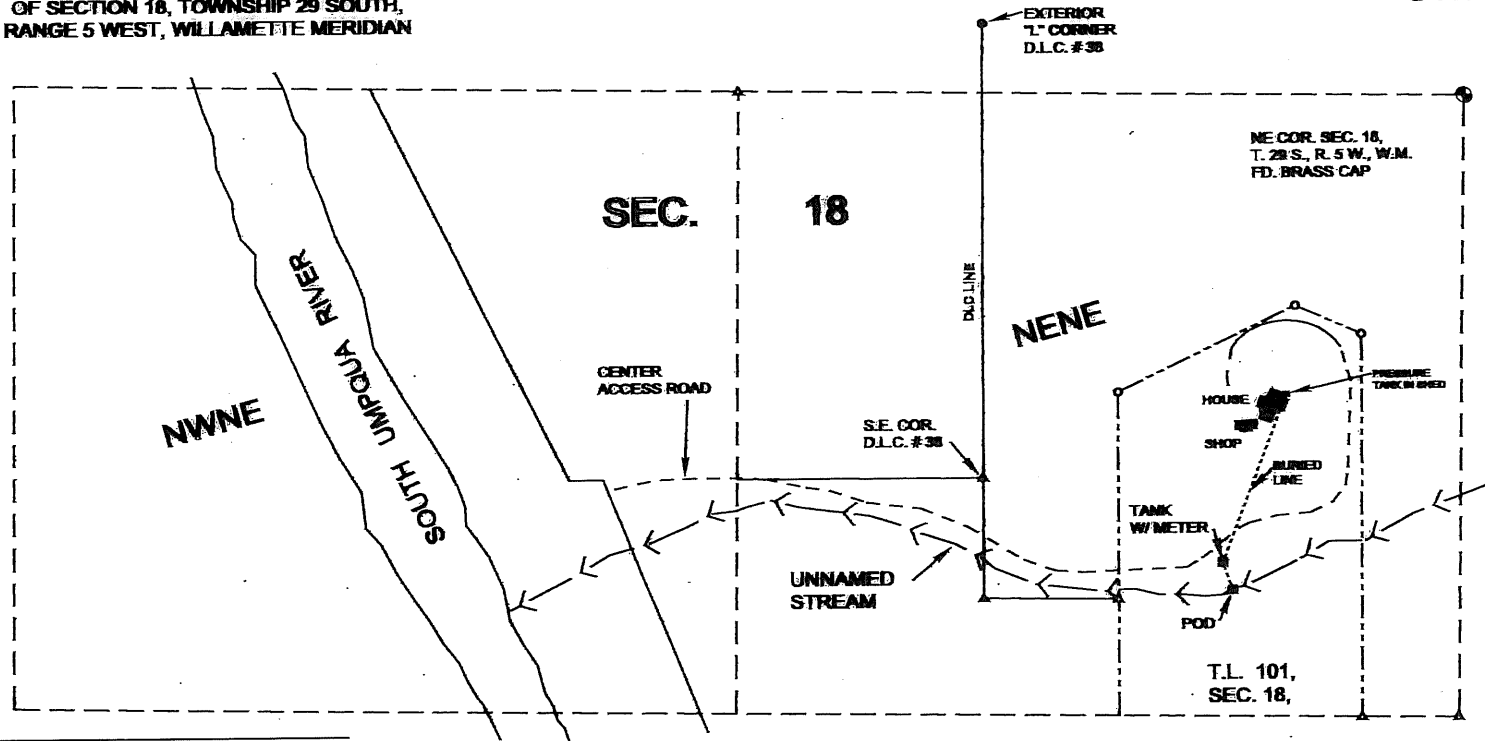
JUN 27 2019

OWRD



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492 FEET WEST OF THE NE CORNER
OF SECTION 18, TOWNSHIP 29 SOUTH,
RANGE 5 WEST, WILLAMETTE MERIDIAN

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PROPERTY OWNERSHIP BOUNDARY LINES



LEGEND

- △ COMPUTED POINT
- FD. PROPERTY CORNER
- COMPUTED DLC CORNER
- ⊕ GOVERNMENT CORNER

----- PROPERTY LINES

----- 40 LINES

FINAL PROOF SURVEY

UNDER

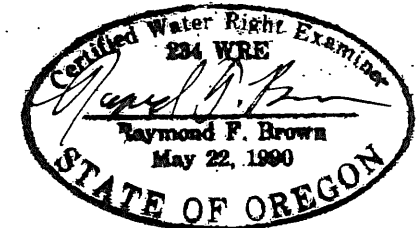
Application No. S-86825

Permit No. S-54457

IN NAME OF

TANWEER KHAN

SURVEYED APR. 04, 2019 by: R.F. BROWN



RENEWS 12/31/2019

MEMO –Proof to Satisfaction

Application # <u>S-86825</u>	Permit # <u>S-54457</u>	Transfer #
WRD Reviewer <u>C. Holmes</u>	Date <u>6.30.2020</u>	
WRD Peer Reviewer <u>[Signature]</u>	Date <u>7/28/20</u>	

Research

- ☐ Organize file in chronological order
- ☐ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments,
Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☐ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☐ Water Organization identified using AOI? ☐ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☐ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☐ Print Platcard & check for Place of Use Conflict? ☐ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☐ Print BLM Cadastral Survey
- ☐ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☐ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- YES Fish Conditions - SHAW
- YES Meter/measuring device - SHAW (6.10.19)
- YES Water Use Reporting - SHAW (17,18)
- N/A Pump Test (post December 19, 1988)
- ↓ Other Conditions _____
- ↓ SWL
- OK C-Date OCT. 1 2012

- OK Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

T. 29 S., R. 5 W., W. M.

SCALE: 1" = 400'

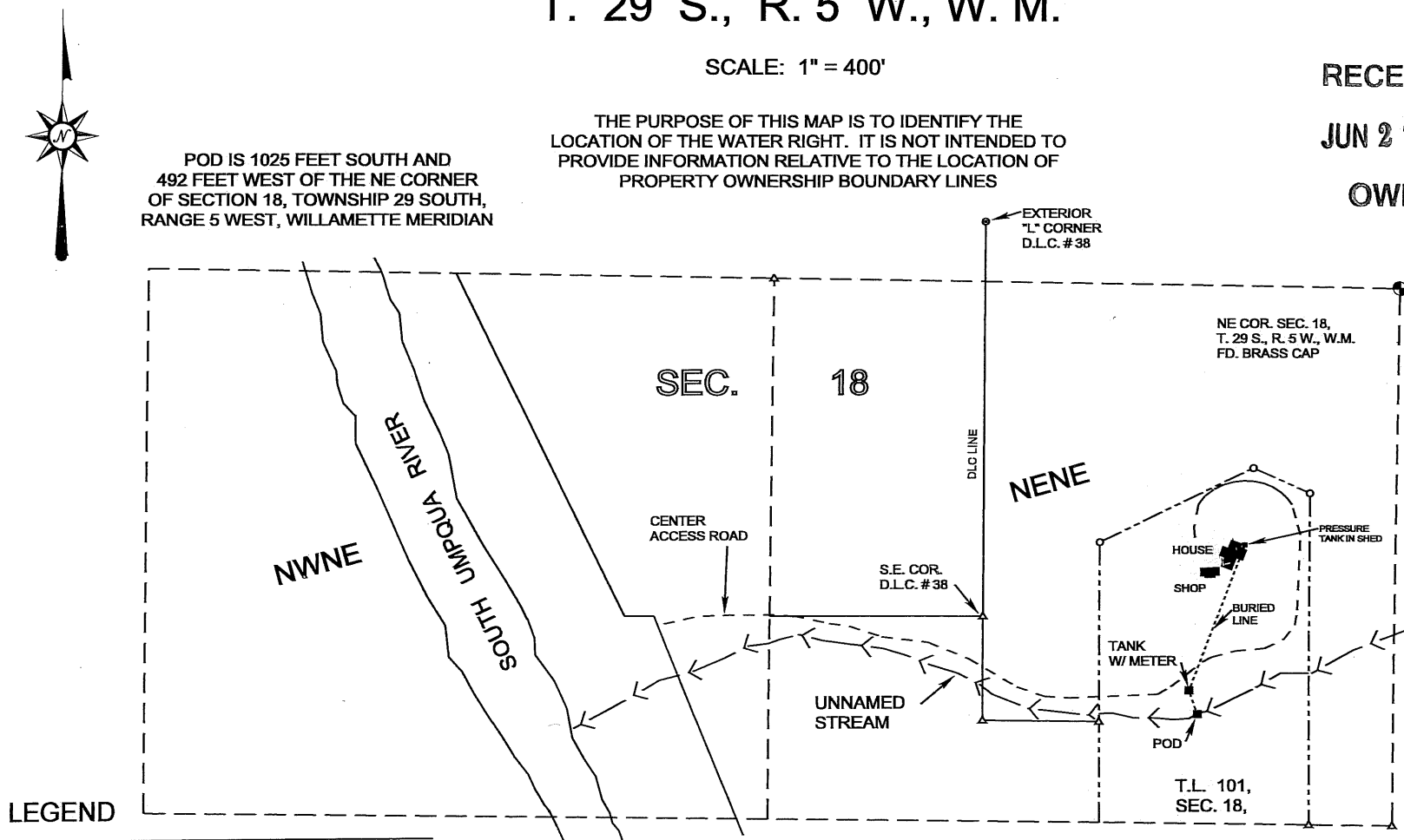
RECEIVED

JUN 27 2019

OWRD

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RANGE 5 WEST, WILLAMETTE MERIDIAN

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PROPERTY OWNERSHIP BOUNDARY LINES



FINAL PROOF SURVEY

UNDER

Application No. S-86825

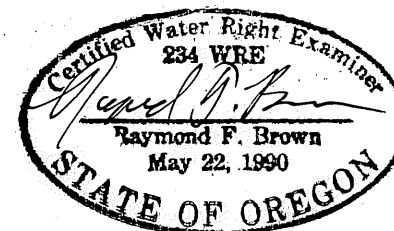
Permit No. S-54457

IN NAME OF

TANWEER KHAN

SURVEYED APR. 04, 2019

by: R.F. BROWN



RENEWES 12/31/2019

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LISA BROCKMAN
10889 HANNON RD
EAGLE POINT, OR 97524

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

APPLICATION FILE NUMBER: S-86825

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF SOUTH UMPQUA RIVER

PURPOSE OR USE: HUMAN CONSUMPTION FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.005 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 3, 2007

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T29S, R5W,
W.M.; 1000 FEET SOUTH AND 275 FEET WEST FROM NE CORNER, SECTION 18

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 18
TOWNSHIP 29 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. 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.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.

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.

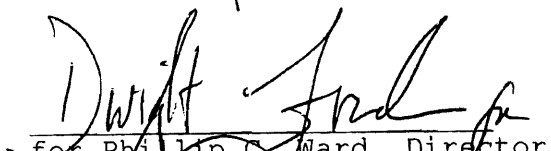
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 May 5, 2008


for Phillip C. Ward, Director
Water Resources Department



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

March 21, 2019

Tanweer A. Khan
7322 W. Bonnie Ave #10
Kennewick, WA 99336

Reference: Application S-86825, Permit S-54457

The assignment by proof from Dr. George W. Bailey and Joanne S. Bailey to Tanweer A. Khan has been recorded in the records of the Water Resources Department.

The Departments records will now show Tanweer A. Khan as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 129358 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October, 1, 2012, and 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). As of this date, the claim of beneficial use has not been received by the Department.

A reinstatement order was signed on March 13, 2019, allowing the permittee 120 days to come into compliance with the terms and conditions of the permit.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosures: Original Request and Receipt #129358

cc: Watermaster #15

Dr. George W. & Joanne S. Bailey – 2821 Seckle Court, Medford, OR 97504

Data Center, OWRD (cover letter & request)

File

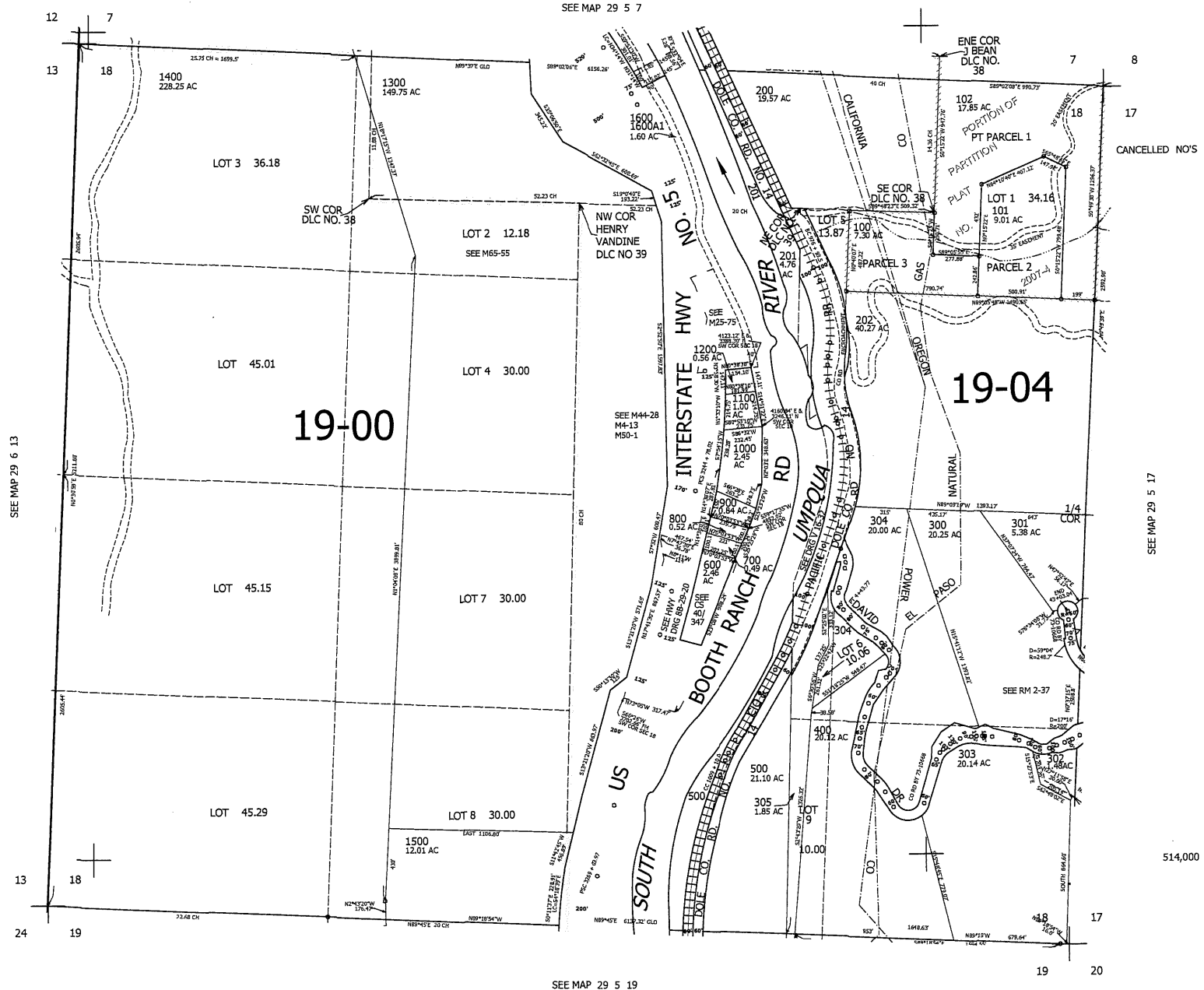
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

SEC.18 T29S. R.5W. W.M.
DOUGLAS COUNTY

1" = 400'

REVISED ON
9-27-17

29 5 18



29 5 18

Property Details for Property ID: R130653**Owner Information :**

Owner Name: BAILEY, GEORGE W & JOANNE S &
Owner Address #1: HARRINGTON, C THOMAS
Owner Address #2: % KHAN, TANWEER
Owner Address # 3: 8510 NE HIGHWAY 99 #24
Alternate Account #:
Owner City/State/Zip: VANCOUVER, WA 98665
Account Status: A

Property Information :

Township: 29	Situs Address: 4019 DOLE RD MYRTLE CREEK, OR 97457
Range: 05W	Map ID: 29051800101
Section: 18	County Property Class: 401
Quarter:	Legal Acreage: 5.00
Sixteenth:	Code Area: 01904
Maintenance Area: 4	Neighborhood Code: BA
Year Built: 2007	Living Area: 1836
Bedrooms: 4	Baths: BATH2
Exemption Code:	Exemption Desc.:
MFD Home ID:	

Value Information : 2019-2020 Certified Values and Tax Information

Improvement Appr. Value: \$93,798.00	Total Appr. Value: \$218,258.00
Land Appr. Value: \$124,460.00	Exemption Value: \$0.00
Land Market Value: \$124,460.00	Total Assessed Value: \$191,769.00
Total Real Market Value: \$218,258.00	Taxes Imposed: \$1,477.05

Sales Information :

Deed No: 2009-15925
Sale Price: \$214,000.00
Sale Date: 9/3/2009

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.



Places of Use from Water Rights in the Same Area

The following rights have acreage in the same quarter-quarter as Permit: S 54457 * *NCR*

Right	Name	Owner	App	Permit	Coord	Priority	Status	Doc	Section	Range	Zone	Acres
<u>CERT:88441 CF *</u> TOM MICHAELS		S-10008	S-6668	88441	2/20/1925	NC	IM	29.00S-05.00W-18-NENE				0.0000
<u>CERT:67355 OR *</u> COUNTY OF DOUGLAS; NATURAL RESOURCES		S-61642	S-48635	67355		NC	FI	29.00S-05.00W-18-NENE				

Water Use Report Based on Water Right



Permit: S 54457 *

KHAN, TANWEER A. 8510 NE HWY 99 NO #24 VANCOUVER, WA 98665

Records per page: 10 View All

Acre-feet (AF) of Water Used

Water Year*	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2018	<u>63676</u>		0.01	0.01	0.01										0.03	
2017	<u>63676</u>		0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.14	

*The water year is named for the calendar year in which it ends. Example: the 2018 water year begins Oct. 1, 2017 and ends Sep. 30, 2018.

- The Water Resources Department makes reasonable efforts to screen the data for quality control; however, the Department cannot accept responsibility for errors, omissions, or accuracy of the information. Notification of any errors is appreciated. Send notifications to wateruse@wr.d.state.or.us or call (503) 986-0905.
- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming 0.1 cfs or less**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

RECEIVED

JUN 27 2019

OWRD

**A fee of \$200 must accompany this form for permits
with priority dates of July 9, 1987, or later.
Claims received without the correct fee of \$200 will be returned.**

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
S-86825	S-54457	

RECEIVED

JUN 27 2019

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME TANWEER KHAN		PHONE NO. 406-240-7001	ADDITIONAL CONTACT NO.
ADDRESS 4019 DOLE ROAD			
CITY MYRTLE CREEK	STATE OREGON	ZIP 97457	E-MAIL jesusraza914@gmail.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD TANWEER KHAN		
ADDRESS 8510 NE Hwy 99, No. # 24		
CITY Vancouver	STATE WA	ZIP 98665

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **APRIL 04, 2019**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
TANWEER KHAN	04/04/2019	OWNER

6. County: **DOUGLAS**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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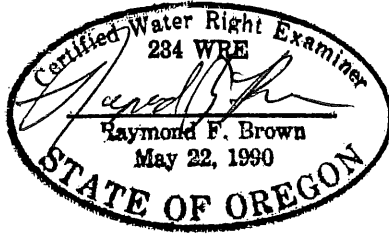
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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature



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RENEWS 12/31/2019

CWRE NAME RAYMOND F. BROWN		PHONE NO. 541-839-6185	ADDITIONAL CONTACT NO. 541-680-8950
ADDRESS P.O. BOX 539			
CITY CANYONVILLE	STATE OREGON	ZIP 97417	E-MAIL Survey1@frontier.com

Permit Holder's of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	TANWEER KHAN	OWNER	6/25/2019

SECTION 3

CLAIM DESCRIPTION

1. POD source and, if from surface water, the tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD	UN-NAMED STREAM	SOUTH UMPQUA RIVER

2. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD	HUMAN CONSUMPTION FOR ONE HOUSEHOLD		YEAR ROUND	0.005 CFS
Total Quantity of Water Used				0.005 CFS

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the place of use:

WATER IS PUMPED BY A 1/2 H.P. SUBMERSIBLE PUMP THROUGH A 1-1/4 INCH POLY PIPE FOR 60 FEET TO A 2500 GAL. STORAGE TANK, THEN PUMPED FROM THE SAID TANK BY A 1 H.P. SUBMERSIBLE PUMP THROUGH A 1-1/4 INCH PVC PIPE FOR 375 FEET TO THE PUMP HOUSE, JUST EAST OF THE HOUSEHOLD. METER IS LOCATED JUST BEFORE THE WATER ENTERS INTO THE SAID STORAGE TANK. THERE IS 30 FEET DIFFERENCE IN ELEVATION FROM THE WATER LEVEL AT THE POINT OF DIVERSION TO THE STORAGE TANK AND THERE IS 68 FEET DIFFERENCE IN ELEVATION FROM THE TANK TO THE HOUSEHOLD. PUMP IN THE TANK TURNS ON WHEN SOMEONE USES THE WATER IN THE HOUSEHOLD.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below.

NO

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

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5. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD	0.005 CFS	0.03 CFS		DOMESTIC	0.0	0.0

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SECTION 4 SYSTEM DESCRIPTION

NO

Are there multiple PODs?

If "YES" you will need to copy and complete Sections 4B through 4E for each POD.

POD Name or Number this section describes (only needed if there is more than one):

A. Place of Use

Attach Claim of Beneficial Use map.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

YES

1. Is a pump used?

If "NO" items 2 through item 5 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
PUMP 1 @ POD FLINT & WALLING	M4F11P05305S	2282570	SUBMERSIBLE
PUMP 2 IN TANK FLINT & WALLING	M4F10S1040S	NOT AVAILABLE	SUBMERSIBLE

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
PUMP 1 1/2 H.P.	30 PSI	0.0 FEET	30.0 FEET	0.03 CFS
PUMP 2 1 H.P.	48 PSI	0.0 FEET	68.0 FEET	0.03 CFS

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4. Provide pump calculations:

$$\frac{0.5 \times 6.61}{76.0 + 30.0} = \frac{3.31}{106.0} = 0.03 \text{ CFS PUMP 1}$$

$$\frac{1.0 \times 6.61}{119.4 + 68.0} = \frac{6.61}{187.4} = 0.03 \text{ CFS PUMP 2}$$

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A			

Reminder: For pump calculations use the reference information at the end of this document.

6. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
N/A					

Reminder: For sprinkler output determination use the reference information at the end of this document.

7. Additional notes or comments related to the system:

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES

If "NO", item 2 and 3 relating to this section may be deleted.

YES

If "YES" is it a: Storage Tank

NO

Bulge in System / Reservoir

Complete appropriate table(s), unused table may be deleted.

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
FIBERGLASS	2500 GAL.	ABOVE GROUND

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D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

Attach measurement notes.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Provide description and calculations if necessary:

--

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SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	MAY 05, 2008		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	OCT. 01, 2012	SEPT. 03, 2009	UPON PURCHASE OF THE PROPERTY IN SEPT. 2009. THE SYSTEM WAS UP AND RUNNING, AS IT IS TODAY. USED TO FULL BENEFICIAL USE.

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

NO

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES

If "NO", items 3b through 3f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

YES

b. Has a meter been installed?

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD	DLJ METER	17045506	WORKING	REPLACED, MISSING METER. SEE COMMENT IN SECTION 5, ITEM 7	JUNE 10, 2019

If a meter has been installed, items 3d through 3f relating to this section may be deleted.

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4. Recording and reporting conditions

- a. Is the water user required to report the water use to the Department?

NO

If "NO", item 4b relating to this section may be deleted.

5. Fish Screening

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES

If "NO", items 5b through 5e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

YES

- b. Has the fish screening been installed?

- c. When was the fish screening installed?

DATE	BY WHOM
BEFORE SEPT. 03, 2009	PRIOR OWNER

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

- d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

- Has the self-certification form previously been submitted to the Department? NA
- If not, go to <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

- e. If the diversion does **not** involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

NA

- Has the ODFW approval been previously submitted?
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

- a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items 6b and 6c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

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DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
N/A		

7. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed?

NO

b. Other conditions?

YES

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

THIS SYSTEM WAS IN PLACE AND IN USE, WHEN THE CURRENT OWNER PURCHASED THE PROPERTY. FIELD INVESTIGATION COULD NOT FIND THE EXISTING METER, SO THE OWNER ADDED A NEW ONE. UPON PURCHASING THE PROPERTY, THE CURRENT OWNER STATED THAT THE SYSTEM WAS INSPECTED BY HIM AND EVERYTHING WAS IN PLACE AT THAT TIME. ON APRIL 04, 2019, I INSPECTED THE SYSTEM AND OBSERVED THAT THE PIPE FROM THE CREEK TO THE TANK WAS RESENTLY REPLACE WITH THE POLY PIPE THAT IS NOW ON THE SYSTEM, DUE TO THE PVC PIPE KEPT BREAKING. I COULD NOT FIND THE OLD METER AND THE OWNER REPLACED IT ON JUNE 10, 2019.

SECTION 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
ODF&W	ODF&W FISH SCREEN LETTER
MAP	FINAL PROOF MAP

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

SITE WAS SURVEYED USING A TOTAL STATION, TIE TO THE NEAREST GOVERNMENT CORNER, THEN CALCULATED PROPERTY CORNERS FROM EXISTING CORNER PINS PER LAND PARTITION 2007-0004, DOUGLAS COUNTY SURVEYOR'S OFFICE.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Rogue Watershed District Office

1495 East Gregory Road

Central Point, OR 97502

(541) 826-8774

Fax: (541) 826-8776

www.odfw.com



April 8, 2019

Tanweer Kahn
7322 W. Bonnie Ave. 10
Kennewick, WA 99336

Dear Tanweer,

Regarding OWRD water right permit S-54457, ODFW has determined that the fish screen at the point-of-diversion meets current fish protection criteria, and that a fish bypass device and fishway are not necessary. Thank you.

Sincerely,

Rich Kilbane
SW Field Coordinator
Fish Screening and Passage Program

(541) 826-8774 ext. 243

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Cc: Raymond Brown, CWRE



BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Monday, July 22, 2019 9:50 AM
To: Tan Khan
Cc: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancellation
Attachments: S-86825-COBU Rec'd Letter.pdf

Dear Tan Khan,

I am attaching a letter dated, June 27, 2019, that explains why you have not received the Water Rights Documents that you are asking about. It appears that our support staff sent it to the Dole Rd address, so perhaps you did not receive a copy.

As the letter states, the Department has received the Claim of Beneficial Use (COBU) that Raymond Brown prepared for you. The Department currently has a backlog of Claims to review, and will review your submittal within approximately 2-4 years. As that time we will review the COBU and prepare a final certificate, proposed certificate, or a request for additional information.

Please let me know if you have any additional questions or concerns. Now that we have received a COBU, you are not at risk of having the permit cancelled. Until such time that the COBU is reviewed, you may continue to use water legally as stated on the permit.

Best Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: Tan Khan <tankhan604@gmail.com>
Sent: Friday, July 19, 2019 1:52 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Water Rights Permit Cancellation

Hi Mary :

Do you know when I should be receiving the Water rights documents from the State of Oregon !!!
It has been 3 weeks since the submission of the paperwork and the \$200- fee !!!

Thank You
Tan Khan

Sent from Mail for Windows 10

Tanweer khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>

Sent: Wednesday, March 6, 2019 11:10:39 AM

To: Tan Khan

Cc: DOUTHIT Susan M * WRD; BJORK Mary F * WRD

Subject: RE: Water Rights Permit Cancellation

Dear Tan Khan,

The Reinstatement Final Order for Permit S-54457 is with my supervisor for signature and will be mailed to your Washington address shortly.

In regards to your questions concerning the Request for Assignment, to assign the permit from the Bailey's to yourself, there are two forms available:

The Request for Assignment Form <https://www.oregon.gov/OWRD/WRDFormsPDF/Assign.pdf> is used when the existing holder of the permit will be signing the form.

There is also a Request for Assignment Form (If Water Right Holder is Not Available) https://www.oregon.gov/OWRD/WRDFormsPDF/Assign_by_proof.pdf, for use when the existing holder of the permit is not available to sign the form. To use this form, you must provide proof of ownership for the property that is involved in the Assignment. Examples of acceptable proof of ownership include, but are not limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property jointly held. The Department cannot accept a copy of a tax statement.

From your email it sounds as though you may consider using the Request for Assignment Form (If Water Right Holder is Not Available). For this form, you would write the names and addresses of the Current Holder of Record as follows:

Dr. George W. Bailey & Joanne S. Bailey
2821 Seckle Court
Medford, OR 97504

That is the most recent address we have for the Bailey's.

If you have already sent in the Assignment Form and \$100 fee, I will let you know if there is anything amiss, and work with you to correct.

In regards to hiring of a Certified Water Rights Examiner (CWRE), I am sorry but I do not have any knowledge of their average fees. However, in addition to their charges, there is a \$200 fee to submit the Claim of Beneficial Use to the Department.

I am unable as a State Employee to recommend CWRE, but once you hire one, it is understood that sometimes CWRE's are not able to meet 120-day timelines because of their workload, but correspondence to the Department from them is taken into account and the timeline tracked.

Best Regards,

I also received a very helpful email from Susan from Douglas county water Resource Office and she has sent me a list of water examiner for final report and There are 3 Examiners on her listed from Roseburg OR

Can You Please let me know what is an average fee of these Water examiners approximately !!! &
Or if you can recommend me any one water examiner who will be able to submit his report within the given time limit of 120 days & also be reasonable in his fees !!!

Thank You again and have a Pleasant weekend

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD

Sent: Wednesday, February 27, 2019 9:36 AM

To: Tan Khan

Cc: BJORK Mary F * WRD; DOUTHIT Susan M * WRD

Subject: RE: Water Rights Permit Cancellation

Dear Tan Khan,

Your Request for Reconsideration of the January 30, 2019 final order that canceled Permit S-54457 has been accepted, and your request to waive the reinstatement fee has been approved.

You will receive a Reinstatement Final Order in the mail that formally reinstates the permit. **You have provided two addresses in your emails, would you prefer to have final order mailed to 7322 W. Bonnie Ave # 10 Kennewick WA. 99336, or 2120 S. Reserve St. 328 Missoula MT. 59801?**

The Reinstatement Final Order that you receive will allow 120 days to come into compliance with the terms and conditions of the permit. This means that you will need to take the following steps.

- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner (CWRE)** to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>

https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

Basically, you need to have the permit assigned to yourself, and hire a CWRE to submit a Claim of Beneficial Use for Department review for issuance of a Certificate, which is the final step in the water right process.

Sometimes CWRE's are not able to meet 120 day timelines because of their workload, but correspondence to the Department from them is taken into account and the timeline tracked.

The mess created by the Sellers from 2009 has pounced upon my head in years of 2019, This is due to his negligence & omission of responsibilities by the seller for the water right at his Property

I am a retired and Handicapped person with severe Hearing deficiency & few other medical ailments for which I am receiving medical treatment and I am unable to do long distance travel and I have limited income and resources and I am on social security

These water right issue were sitting dormant for past 10 years in the files at Douglas County and at the State of Oregon offices in Salem

I comply with all Guidelines and instructions written to me by Ms. Bjork

I will work with the state and county laws and comply with all required formalities to complete this process for the reinstatement of water right to my name and property and bring the Permit to Non cancelled status

This is my formal petition to the State of Oregon

Please continue to communicate with me via email

I try not to use the Phone since I do not like asking people to repeat themselves due to my inability to hear them on the phone clearly

Please advise me on the next process which I need to follow up related to my water Permit

Thank You very Much for your help in this matter

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD

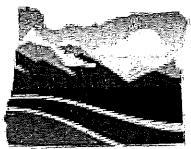
Sent: Wednesday, February 20, 2019 10:29 AM

To: Tankhan2017@outlook.com

Cc: DOUTHIT Susan M * WRD; SAUTER Jerry K * WRD; BJORK Mary F * WRD

Subject: Water Rights Permit Cancellation

Dear Tan Khan,



OREGON
WATER
RESOURCES
DEPARTMENT

From: Tan Khan [<mailto:Tankhan2017@outlook.com>]
Sent: Wednesday, February 06, 2019 11:58 PM
To: SAUTER Jerry K * WRD
Cc: DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancelation

Wednesday, February 6, 2019

Hi Jerry:

I appreciate your response and your effort in resolving this issue on water Rights

I was trying to get an exact date for you for the installation of our alternate water source, unfortunately I was told that the Old man has passed away few years ago

I would say around July or August of 2010 is when he installed our alternate water supply system & he changed few PCV pipes and other Gadgets & installed a High pressure Jet pump which shoots water 180 ft. up the hill to a 2nd reservoir & pump & filtration system & from this reservoir it is Pipped into the home

This alternate water supply system delivers crystal clear fresh water from the melting snow in the mountains, Since the installation of this alternate source from the creek, all our water related issues have been resolved instantly, no more brown color water and filters clogging up and well water running dry at middle of the day, all this dilemma are over for ever

Thank You
Tanweer Khan

Sent from Mail for Windows 10

From: SAUTER Jerry K * WRD
Sent: Wednesday, February 6, 2019 4:08 PM
To: Tan Khan
Cc: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancelation

Hello Mr. Khan,

I was asked by Ms. Douthit to contact Salem office & she gave me your email address, she advised me a copy of my emails has been forwarded to Jerry Sauter & Mary Bjork in Salem Office

Please elaborate in detail on these issues for water Rights associated with my property & I am sending copies of my emails which I have sent to Ms. Susan Douthit.

Thank you
Tanweer Khan

Hi Susan :

I am The owner of the Property located at 4019 Dole Rd. Myrtle Creek Oregon
This Property is currently Under Tenancy and Occupied by tenants

I am 66 years old & disabled, I live in State of Montana / my Mailing address In Montana is :

Tanweer Khan 2120 S. Reserve St. 328 Missoula MT. 59801 / Cell Phone No # 406 240 7001 &
My email is : Tankhan604@gmail.com

I was Informed by my tenants that you stopped by and dropped off some documents related to Water Rights, The Tenants have forwarded your Original document to me

FYI I bought this Property in Sept 2009, at the time of sale The seller did not mention any issue about water rights, Nor these issues were written into the escrow closing documents !!!

I get an yearly water use report mailed to me & I fill out this report each year and mailed it back to the Salem or Portland Office

I Have owned this property for almost 10 years and I have never heard of any issue on water rights Nor did I get any mails or documents since I have owned this Property
I am absolutely un informed about these water rights Issues stated in your document !!!???

This was your first contact with me while I Have owned this property and this is the first contact from your water dept. in past 10 years !!!

Why is this 1st. notice of Cancelation being sent to me as your first contact with me as a property owner, why I have not been informed about these issue, or these ongoing compliance issues as noted in your document

Since this is your first contact by your water dept. You will have to explain to me as a property owner what are my obligations towards county and state laws !!!

Does your water right dept. has any proof of any prior contacts or communique regarding these water right issue with the Property owner !!! has any mails or registered mail or Notices sent from your dept. in the past 10 years been served upon this Property owner!!!

This alternate water source which cost me \$3000- to install, has been a blessing for the daily water use at the property but in a very conservative order since the creek flow varies from seasonal changes at the mountain & by virtue of this alternate water source we ceased to draw the dirty well water for daily use at my property

Please forward all this Information or this copy of my email to Salem & I will surely keep you in Loop after I make contact with these official in Salem Oregon

Please inform the Salem officials that I have severe hearing disability, Therefore all these issues will need to be communicated thru email Or US Mail

Thank you very much
Tanweer Khan

Sent from Mail for Windows 10



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

June 27 2019

Tanweer Khan
4019 Dole Road
Myrtle Creek OR 97457

On June 27 2019 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-86825 Permit S-54457

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file
Raymond F Brown, CWRE



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 27 2019

Tanweer Khan
4019 Dole Road
Myrtle Creek OR 97457

On June 27 2019 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-86825 Permit S-54457

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file
Raymond F Brown, CWRE

Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <u>S-868 25</u>	WRD Reviewer <u>Judy F, Cory M.</u>
Transfer # <u>—</u>	
Date Received <u>06/27/2019</u>	
CWRE Name <u>Raymond F Brown</u>	

Priority Date: 04-03-2007

Fees Required:

☒ YES ☐ NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

☐ YES ☒ NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

Pump Test Required? YES ☒ NO ☐ Pump Test Submitted? YES ☒ NO ☐

*If no, include pump test flyer w/acknowledgment letter

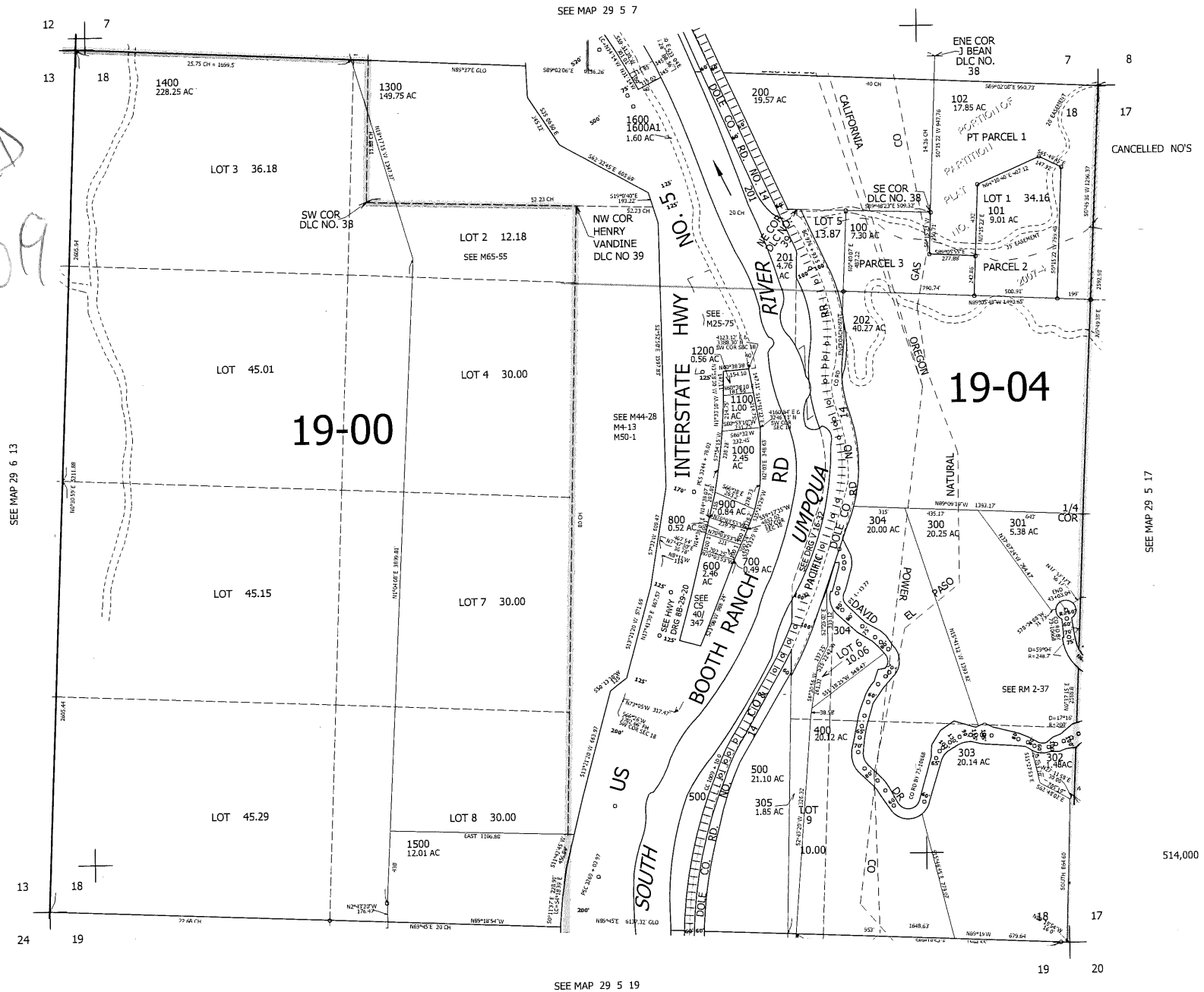
MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION PERMIT TRANSFER
CASH <input type="checkbox"/> CHECK # <input type="checkbox"/> OTHER (IDENTIFY) <input type="checkbox"/>	TOTAL RECD: \$
0083 TREASURY 4179 MSC CASH ACCT.	
0407 COPIES OTHER (IDENTIFY)	\$
0243 Instream Lease 0244 Mine Water Right Plan 0245 Cont. Water	
0083 TREASURY 4270 WRD OPERATING ACCT.	
0407 MISCELLANEOUS COPY & TAPE FEES 4611	\$
0410 RESEARCH FEES	\$
0408 MSC REVENUE (IDENTIFY)	\$
TC-162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
0201 SURFACE WATER EXAM FEE	0202 \$
0203 GROUND WATER	0204 \$
0205 TRANSFER	
0218 WELL CONSTRUCTION EXAM FEE	0219 \$
0220 LANDOWNER'S PERMIT	0220 \$
0407 TREASURY 0487 HYDROELECTRIC	
0223 POWER LICENSE FEE (FWWRD)	\$
0221 HYDRO LICENSE FEE (FWWRD)	\$
HYDRO APPLICATION	\$
SPECIAL INSTRUCTIONS:	
<input type="checkbox"/> RETURN TO APPLICANT - LETTER ATTACHED	

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

SEC.18 T29S. R.5W. W.M.
DOUGLAS COUNTY
1" = 400'

REVISED ON
9-27-17

29 5 18



				Saml. B. Hadley			
				Mt. 100			
				Cl. 37 As. 130.57			
				80.70			
				63.93			
				James H. Beatty			
				Mt. 141 Cl. 30			
				As. 319.26			
				40.00			
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CLAIM OF BENEFICIAL USE for Surface Water Permits claiming 0.1 cfs or less



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

RECEIVED

JUN 27 2019

OWRD

**A fee of \$200 must accompany this form for permits
with priority dates of July 9, 1987, or later.
Claims received without the correct fee of \$200 will be returned.**

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

SECTION 1 GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
S-86825	S-54457	

RECEIVED

JUN 27 2019

OWRD

WR

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Monday, July 22, 2019 9:50 AM
To: Tan Khan
Cc: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancellation
Attachments: S-86825-COBU Rec'd Letter.pdf

Dear Tan Khan,

I am attaching a letter dated, June 27, 2019, that explains why you have not received the Water Rights Documents that you are asking about. It appears that our support staff sent it to the Dole Rd address, so perhaps you did not receive a copy.

As the letter states, the Department has received the Claim of Beneficial Use (COBU) that Raymond Brown prepared for you. The Department currently has a backlog of Claims to review, and will review your submittal within approximately 2-4 years. As that time we will review the COBU and prepare a final certificate, proposed certificate, or a request for additional information.

Please let me know if you have any additional questions or concerns. Now that we have received a COBU, you are not at risk of having the permit cancelled. Until such time that the COBU is reviewed, you may continue to use water legally as stated on the permit.

Best Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: Tan Khan <tankhan604@gmail.com>
Sent: Friday, July 19, 2019 1:52 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Water Rights Permit Cancellation

Hi Mary :

Do you know when I should be receiving the Water rights documents from the State of Oregon !!!
It has been 3 weeks since the submission of the paperwork and the \$200- fee !!!

Thank You
Tan Khan

Sent from [Mail](#) for Windows 10

From: BJORK Mary F * WRD
Sent: Tuesday, June 18, 2019 9:46 AM
To: Tan Khan
Cc: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

Thank you for contacting the Department with your new address, I have updated our records.

Your CWRE Raymond Brown has been in regular contact with me concerning follow up on the CBU.

Thanks for the well wishes, I hope this finds you having a pleasant summer as well.

Best Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: Tan Khan <Tankhan2017@outlook.com>
Sent: Monday, June 17, 2019 2:03 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Water Rights Permit Cancelation

Dear Mary :

Hope you are doing well and Having a pleasant summer

Kindly Update my current Mailing Address :

Since I sent you my last email, I had to relocate close to a Medical Facility in Vancouver WA.

I have a New Mailing address :

Tanweer Khan
8510 NE Hwy 99 No # 24
Vancouver WA. 98665

Cell Ph: 406 240 7001email : Tankhan604@gmail.com
Alternate Email address : Tankhan2017@outlook.com

Please use my new address for all future correspondence, Thank You very Much for all the help you provided me and guided me thru these issue of Water Right Permit

Thank You very much

Tanweer khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Sent: Wednesday, March 6, 2019 11:10:39 AM
To: Tan Khan
Cc: DOUTHIT Susan M * WRD; BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

The Reinstatement Final Order for Permit S-54457 is with my supervisor for signature and will be mailed to your Washington address shortly.

In regards to your questions concerning the Request for Assignment, to assign the permit from the Bailey's to yourself, there are two forms available:

The Request for Assignment Form <https://www.oregon.gov/OWRD/WRDFormsPDF/Assign.pdf> is used when the existing holder of the permit will be signing the form.

There is also a Request for Assignment Form (If Water Right Holder is Not Available) https://www.oregon.gov/OWRD/WRDFormsPDF/Assign_by_proof.pdf, for use when the existing holder of the permit is not available to sign the form. To use this form, you must provide proof of ownership for the property that is involved in the Assignment. Examples of acceptable proof of ownership include, but are not limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property jointly held. The Department cannot accept a copy of a tax statement.

From your email it sounds as though you may consider using the Request for Assignment Form (If Water Right Holder is Not Available). For this form, you would write the names and addresses of the Current Holder of Record as follows:

Dr. George W. Bailey & Joanne S. Bailey
2821 Seckle Court
Medford, OR 97504

That is the most recent address we have for the Bailey's.

If you have already sent in the Assignment Form and \$100 fee, I will let you know if there is anything amiss, and work with you to correct.

In regards to hiring of a Certified Water Rights Examiner (CWRE), I am sorry but I do not have any knowledge of their average fees. However, in addition to their charges, there is a \$200 fee to submit the Claim of Beneficial Use to the Department.

I am unable as a State Employee to recommend CWRE, but once you hire one, it is understood that sometimes CWRE's are not able to meet 120-day timelines because of their workload, but correspondence to the Department from them is taken into account and the timeline tracked.

Best Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>



From: Tan Khan [<mailto:Tankhan2017@outlook.com>]
Sent: Thursday, February 28, 2019 3:49 PM
To: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancellation

Dear Ms. Bjork :

Thank You for your email and the acceptance of my Petition for Reconsideration & waiver for the reinstatement fee, this is truly a great help to me at this time

I sincerely appreciate your step by step instructions you have written to me to fulfill all the requirements and compliance of the rules and laws of state of Oregon

At the onset of the cancelation notice & with my zero knowledge in Water Rights & rules
I thought I may have to climb the stairway to heaven to tackle this complex issue ☹

Than i received your email and your detail explanation how to step by step fulfilling all the requirements for the water rights, Thank You very much

I am currently in Washington for my medical treatment, because there are more choice for specialist & Hospital in WA. than compared to Missoula MT. Now I am also closer to my son & daughters home

Please use my WA. Address for all correspondence, 7322 W. Bonnie Ave #10 Kennewick WA. 99336

I will fill out the request for assignment form and send \$100- fee along with it ,

I read thru this form from your Link which you sent to me, There are questions on that form for which I may not have a response to fill in it : ie: its asking for Dr. George Baileys address !!! ???

It has been 10 years now & I do not know Dr. Bailey's current address there are few other fields for which I may not have an answer to fill into those fields also !!!

I can fill out a sample form & I mail it to you, so you can let me know if my responses to the questionnaire are adequate !!! I will try to complete this form to the best of my ability !!!

If there is a missing fields not filled out correctly !!! Than you can help me with a correct response
It may require some technical Information and I may not have that answer to that field !!!
I will let you know which one's are those question !!!

I also received a very helpful email from Susan from Douglas county water Resource Office and she has sent me a list of water examiner for final report and There are 3 Examiners on her listed from Roseburg OR

Can You Please let me know what is an average fee of these Water examiners approximately !!! &
Or if you can recommend me any one water examiner who will be able to submit his report within the given time limit of 120 days & also be reasonable in his fees !!!

Thank You again and have a Pleasant weekend

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD
Sent: Wednesday, February 27, 2019 9:36 AM
To: Tan Khan
Cc: BJORK Mary F * WRD; DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

Your Request for Reconsideration of the January 30, 2019 final order that canceled Permit S-54457 has been accepted, and your request to waive the reinstatement fee has been approved.

You will receive a Reinstatement Final Order in the mail that formally reinstates the permit. **You have provided two addresses in your emails, would you prefer to have final order mailed to 7322 W. Bonnie Ave # 10 Kennewick WA. 99336, or 2120 S. Reserve St. 328 Missoula MT. 59801?**

The Reinstatement Final Order that you receive will allow 120 days to come into compliance with the terms and conditions of the permit. This means that you will need to take the following steps.

- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner (CWRE)** to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

Basically, you need to have the permit assigned to yourself, and hire a CWRE to submit a Claim of Beneficial Use for Department review for issuance of a Certificate, which is the final step in the water right process.

Sometimes CWRE's are not able to meet 120 day timelines because of their workload, but correspondence to the Department from them is taken into account and the timeline tracked.

I hope that this helps to explain the next steps that you will need to take. Please let me know if I can be of further assistance.

Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: Tan Khan [<mailto:tankhan604@gmail.com>]

Sent: Sunday, February 24, 2019 10:10 PM

To: BJORK Mary F * WRD

Subject: RE: Water Rights Permit Cancelation

Sunday, February 24, 2019

Tanweer Khan

7322 W. Bonnie Ave # 10

Kennewick WA. 99336

Cell No # 406 240 7001..... Email : Tan Khan604@gmail.com

Mary F. Bjork

Water Rights Program

Salem Oregon

My Petition for **Request for Reconsideration** for my Canceled Permit S-54457

This is also my Petition to waive the fee with reasons given below

Dear Ms. Bjork:

Thank You very much for your email and all the details you have written to me and explaining me the various stage of Process to re-instate my Water rights

I have read through your mail and I am trying to comprehend all these procedure to the best of my ability, You may also have read my emails from last week which I have sent to Jerry at the Salem office

The seller did not complete all the formalities he was required by law prior for the sale of his property in 2009, nor did he make me aware of this incomplete process

The mess created by the Sellers from 2009 has pounced upon my head in years of 2019, This is due to his negligence & omission of responsibilities by the seller for the water right at his Property

I am a retired and Handicapped person with severe Hearing deficiency & few other medical ailments for which I am receiving medical treatment and I am unable to do long distance travel and I have limited income and resources and I am on social security

These water right issue were sitting dormant for past 10 years in the files at Douglas County and at the State of Oregon offices in Salem

I comply with all Guidelines and instructions written to me by Ms. Bjork

I will work with the state and county laws and comply with all required formalities to complete this process for the reinstatement of water right to my name and property and bring the Permit to Non cancelled status

This is my formal petition to the State of Oregon

Please continue to communicate with me via email

I try not to use the Phone since I do not like asking people to repeat themselves due to my inability to hear them on the phone clearly

Please advise me on the next process which I need to follow up related to my water Permit

Thank You very Much for your help in this matter

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD

Sent: Wednesday, February 20, 2019 10:29 AM

To: Tankhan2017@outlook.com

Cc: DOUTHIT Susan M * WRD; SAUTER Jerry K * WRD; BJORK Mary F * WRD

Subject: Water Rights Permit Cancellation

Dear Tan Khan,

I have been looking into the cancellation of permit S-54457, and want to help you in your efforts to re-instate the permit to a non-cancelled status. The first important step to take is to request reconsideration as explained below.

A permit is issued granting authority to construct water works and use water for the use specified on the permit. The permit gives a specific date (October 1, 2012) for the project to be developed and complete application of water to the proposed use. Within 1 year after this date a Claim of Beneficial Use and map prepared by a CWRE was to have been submitted to the Department for review and issuance of a Certificate of Water Right.

The previous landowner may not have understood what was required under the terms of the permit. A copy of the permit is attached to this email.

In order to re-instate the permit, you will need to take the following steps:

- Send a **Request for Reconsideration** of the final order that canceled the permit. This request may be sent by email. The associated fee is \$520, you may request to have this fee waived along with the reason that you are requesting the waiver.
- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner (CWRE)** to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>

https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

- You **may** need to submit an **Extension of Time** application form with a fee of \$670.00 and supporting documents to the Department, link below. This is something that a CWRE can assist you with.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Pages/Extension.aspx>

I understand that you have severe hearing disability and will need to communicate by email, but if you should have the need to contact me by phone, my telephone numbers are (503) 986-0804 or (503) 986-0817.

Sincerely,

Mary F. Bjork

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>



OREGON
WATER
RESOURCES
DEPARTMENT

From: Tan Khan [<mailto:Tankhan2017@outlook.com>]
Sent: Wednesday, February 06, 2019 11:58 PM
To: SAUTER Jerry K * WRD
Cc: DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancellation

Wednesday, February 6, 2019

Hi Jerry:

I appreciate your response and your effort in resolving this issue on water Rights

I was trying to get an exact date for you for the installation of our alternate water source, unfortunately I was told that the Old man has passed away few years ago

I would say around July or August of 2010 is when he installed our alternate water supply system & he changed few PCV pipes and other Gadgets & installed a High pressure Jet pump which shoots water 180 ft. up the hill to a 2nd reservoir & pump & filtration system & from this reservoir it is Pipped into the home

This alternate water supply system delivers crystal clear fresh water from the melting snow in the mountains, Since the installation of this alternate source from the creek, all our water related issues have been resolved instantly , no more brown color water and filters clogging up and well water running dry at middle of the day, all this dilemma are over for ever

Thank You
Tanweer Khan

Sent from Mail for Windows 10

From: SAUTER Jerry K * WRD
Sent: Wednesday, February 6, 2019 4:08 PM
To: Tan Khan
Cc: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancellation

Hello Mr. Khan,

We are looking into your issue. We would like to know when you installed the system to withdraw water from the stream.

Thank you,
JK

JERRY (JK) SAUTER - WATER RIGHTS PROGRAM ANALYST

WATER RESOURCES DEPARTMENT - 725 SUMMER STREET NE, SUITE A - SALEM OREGON 97301

PH. 503-986-0817 FAX 503-986-0901

EMAIL: JERRY.K.SAUTER@OREGON.GOV WEB: HTTP://WWW.OREGON.GOV



OREGON
WATER
RESOURCES
DEPARTMENT

From: Tan Khan [<mailto:tankhan604@gmail.com>]

Sent: Tuesday, February 05, 2019 10:02 PM

To: SAUTER Jerry K * WRD

Cc: BJORK Mary F * WRD

Subject: Re: Water Rights Permit Cancellation

ATTN : Jerry Sauter & Mary Bjork

I own this property located at : 4019 Dole Rd Myrtle Creek Oregon

I purchased this Property in Sept. 2009, & it's currently under tenancy

Last week Ms. Douthit From water Resource Dept. of Douglas County stop by and served documents to my tenants related to Cancellation of Permit for Water Rights

I live in state of Montana and the tenants have forwarded these documents over to me

I am unaware of any such Covenants or legal instrument which was recorded at the Title company in Douglas county or included in escrow documents at the time of the Title Transfer of the said Property to new the owner in Sept. 2009

I have owned this property for past 10 years, each year I receive a request to fill out water use report, I have been filling out these reports each year and mailed it back Salem

In past 10 years I have never heard of any water rights associated with this Property Nor have I ever receive any mails related to this issue

I have Zero Knowledge reference to Water Rights Permit at this Property !!

I was asked by Ms. Douthit to contact Salem office & she gave me your email address, she advised me a copy of my emails has been forwarded to Jerry Sauter & Mary Bjork in Salem Office

Please elaborate in detail on these issues for water Rights associated with my property & I am sending copies of my emails which I have sent to Ms. Susan Douthit.

Thank you
Tanweer Khan

Hi Susan :

I am The owner of the Property located at 4019 Dole Rd. Myrtle Creek Oregon
This Property is currently Under Tenancy and Occupied by tenants

I am 66 years old & disabled, I live in State of Montana / my Mailing address In Montana is :

Tanweer Khan 2120 S. Reserve St. 328 Missoula MT. 59801 / Cell Phone No # 406 240 7001 &
My email is : Tankhan604@gmail.com

I was Informed by my tenants that you stopped by and dropped off some documents related to Water Rights, The Tenants have forwarded your Original document to me

FYI I bought this Property in Sept 2009, at the time of sale The seller did not mention any issue about water rights, Nor these issues were written into the escrow closing documents !!!

I get an yearly water use report mailed to me & I fill out this report each year and mailed it back to the Salem or Portland Office

I Have owned this property for almost 10 years and I have never heard of any issue on water rights Nor did I get any mails or documents since I have owned this Property
I am absolutely un informed about these water rights Issues stated in your document !!!???

This was your first contact with me while I Have owned this property and this is the first contact from your water dept. in past 10 years !!!

Why is this 1st. notice of Cancelation being sent to me as your first contact with me as a property owner, why I have not been informed about these issue, or these ongoing compliance issues as noted in your document

Since this is your first contact by your water dept. You will have to explain to me as a property owner what are my obligations towards county and state laws !!!

Does your water right dept. has any proof of any prior contacts or communique regarding these water right issue with the Property owner !!! has any mails or registered mail or Notices sent from your dept. in the past 10 years been served upon this Property owner!!!

Than why is this 1st. and the only notice being hand delivered to my property in the form of Final Notice or cancelation of my water rights !!! ???

I have owned this for past 10 years and this is my first instance to be made aware of an on going issue with water rights in this area !!! You water resource dept. needs to educate & inform the local property owners of this ongoing issue about water rights and rules of compliances

Your water Dept. needs to bring property owners update with the current issues related to water rights, for which I have Zero Knowledge as a Property owner since the past decade !!!

I am a Hearing deficient & have few other medical ailments for which I am receiving medical Treatment here in Eastern Washington, I do not hear conversations very clearly on thee phone

Please make contact with me Via email & please bring me update on your water issues and let me know what are my obligation for compliance related to the documents which you have served at my Property

My Current contact in WA. is : Cell Ph; 406 240 7001 & my email is : Tankhan604@gmail.com
I will appreciate your co-operation in resolving these issues at my property

Thank You Very Much
Tanweer Khan

Hi Susan :

I appreciate your prompt response, Can You confirm to me the email address for the contact Person in Salem

Although you served this cancelation Notice to water rights permit which is all dated & signed in 2007 & 2008 and I do not know who was the property owners at that time for 4019 Dole RD.

Your Designation as the water Master at Douglas county water resource Dept. Do you personally have any information related to the water rights permit at this Property & whom did you contact related to this Permit in the past 10 years !!! ???

What is your first hand knowledge related to this cancelation documents, which you served to my Property, Even though this is your first contact with me as Property owner since I bought this Property in Sept. of 2009, & your first contact with me is in the form of cancelation order for water rights at this Property !!! ??? What about My rights as property owner before considering these water right issue !!! ???

How was this reinstatement fee assessed ! & who made this assessment calculation for this amount !!! ???

There are many questions which needs to be answered & a clear blue print needs to be established related to this Property's water rights, considering I became the new owner of this Property in Sept. 2009 what if any obligation do I have towards the water permits !!!

Since I bought this Property there has been an issue of extremely low water table at my well & the pump had been sucking up lots of clay mud and dirt from the low well water Table

In Order to alleviate the clogging of muddy water I hired a well engineer from Douglas county who installed an exclusive water pump for this Property, which draws water from the fresh water creeks which flows out of the mountains & directly into my property, I traced the flow of this creek from the melting snow from The mountains and this creek flows into Umpqua river

This alternate water source which cost me \$3000- to install, has been a blessing for the daily water use at the property but in a very conservative order since the creek flow varies from seasonal changes at the mountain & by virtue of this alternate water source we ceased to draw the dirty well water for daily use at my property

Please forward all this Information or this copy of my email to Salem & I will surely keep you in Loop after I make contact with these official in Salem Oregon

Please inform the Salem officials that I have severe hearing disability, Therefore all these issues will need to be communicated thru email Or US Mail

Thank you very much
Tanweer Khan

Sent from Mail for Windows 10



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

June 27 2019

Tanweer Khan
4019 Dole Road
Myrtle Creek OR 97457

On June 27 2019 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-86825 Permit S-54457

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file
Raymond F Brown, CWRE

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Tuesday, June 18, 2019 9:46 AM
To: Tan Khan
Cc: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

Thank you for contacting the Department with your new address, I have updated our records.

Your CWRE Raymond Brown has been in regular contact with me concerning follow up on the CBU.

Thanks for the well wishes, I hope this finds you having a pleasant summer as well.

Best Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: Tan Khan <Tankhan2017@outlook.com>
Sent: Monday, June 17, 2019 2:03 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Water Rights Permit Cancelation

Dear Mary :

Hope you are doing well and Having a pleasant summer

Kindly Update my current Mailing Address :

Since I sent you my last email, I had to relocate close to a Medical Facility in Vancouver WA.

I have a New Mailing address :

Tanweer Khan
8510 NE Hwy 99 No # 24
Vancouver WA. 98665

Cell Ph: 406 240 7001email : Tankhan604@gmail.com
Alternate Email address : Tankhan2017@outlook.com

Please use my new address for all future correspondence, Thank You very Much for all the help you provided me and guided me thru these issue of Water Right Permit

Thank You very much
Tanweer khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>

Sent: Wednesday, March 6, 2019 11:10:39 AM

To: Tan Khan

Cc: DOUTHIT Susan M * WRD; BJORK Mary F * WRD

Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

The Reinstatement Final Order for Permit S-54457 is with my supervisor for signature and will be mailed to your Washington address shortly.

In regards to your questions concerning the Request for Assignment, to assign the permit from the Bailey's to yourself, there are two forms available:

The Request for Assignment Form <https://www.oregon.gov/OWRD/WRDFormsPDF/Assign.pdf> is used when the existing holder of the permit will be signing the form.

There is also a Request for Assignment Form (If Water Right Holder is Not Available) https://www.oregon.gov/OWRD/WRDFormsPDF/Assign_by_proof.pdf, for use when the existing holder of the permit is not available to sign the form. To use this form, you must provide proof of ownership for the property that is involved in the Assignment. Examples of acceptable proof of ownership include, but are not limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property jointly held. The Department cannot accept a copy of a tax statement.

From your email it sounds as though you may consider using the Request for Assignment Form (If Water Right Holder is Not Available). For this form, you would write the names and addresses of the Current Holder of Record as follows:

Dr. George W. Bailey & Joanne S. Bailey
2821 Seckle Court
Medford, OR 97504

That is the most recent address we have for the Bailey's.

If you have already sent in the Assignment Form and \$100 fee, I will let you know if there is anything amiss, and work with you to correct.

In regards to hiring of a Certified Water Rights Examiner (CWRE), I am sorry but I do not have any knowledge of their average fees. However, in addition to their charges, there is a \$200 fee to submit the Claim of Beneficial Use to the Department.

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Tuesday, June 11, 2019 4:42 PM
To: Raymond Brown DbA
Cc: BJORK Mary F * WRD
Subject: RE: Tan Khan Water Right

Hi Raymond,

Thanks for the update, I will copy this information to the file.

Best Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

-----Original Message-----

From: Raymond Brown DbA <survey1@frontier.com>
Sent: Tuesday, June 11, 2019 4:30 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Tan Khan Water Right

Mary,

Today, I finally got the pump information needed to complete the report, which should be ready to send to Tan Khan next week.

Thanks,
Raymond

On Wed, 5/15/19, BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov> wrote:

Subject: RE: Tan Khan Water Right
To: "Raymond Brown DbA" <survey1@frontier.com>
Cc: "BJORK Mary F * WRD" <Mary.F.Bjork@oregon.gov>
Date: Wednesday, May 15, 2019, 10:46 AM

Hi Raymond,

Thanks so much for the follow up on the CBU Status for permit S-54457 (application S-86825).

Regards,

Mary

-----Original Message-----

From: Raymond Brown DbA <survey1@frontier.com>

Sent: Wednesday, May 15, 2019 8:25 AM

To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>

Subject: Tan Khan Water Right

Mary,

I am working on the Tan Khan final proof and CBU.

I am waiting for a pump company to get me the needed pump information.

They stated that

they should have this for me this week.

The

map and CBU will follow.

Thanks,

Raymond Brown -

C.W.R.E. # 234

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, May 15, 2019 10:47 AM
To: Raymond Brown DbA
Cc: BJORK Mary F * WRD
Subject: RE: Tan Khan Water Right

Hi Raymond,

Thanks so much for the follow up on the CBU Status for permit S-54457 (application S-86825).

Regards,

Mary

-----Original Message-----

From: Raymond Brown DbA <survey1@frontier.com>
Sent: Wednesday, May 15, 2019 8:25 AM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: Tan Khan Water Right

Mary,

I am working on the Tan Khan final proof and CBU.
I am waiting for a pump company to get me the needed pump information.
They stated that they should have this for me this week.
The map and CBU will follow.

Thanks,
Raymond Brown - C.W.R.E. # 234



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

March 21, 2019

Tanweer A. Khan
7322 W. Bonnie Ave #10
Kennewick, WA 99336

Reference: Application S-86825, Permit S-54457

The assignment by proof from Dr. George W. Bailey and Joanne S. Bailey to Tanweer A. Khan has been recorded in the records of the Water Resources Department.

The Departments records will now show Tanweer A. Khan as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 129358 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October, 1, 2012, and 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). As of this date, the claim of beneficial use has not been received by the Department.

A reinstatement order was signed on March 13, 2019, allowing the permittee 120 days to come into compliance with the terms and conditions of the permit.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosures: Original Request and Receipt #129358

cc: Watermaster #15

Dr. George W. & Joanne S. Bailey – 2821 Seckle Court, Medford, OR 97504
Data Center, OWRD (cover letter & request)
File





Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, TANWEER A. KHAN
(Name of Party Requesting Assignment)
7322 N. SONWIE AVE #10 KENNEWICK WA
(Mailing Address) (City) (State) (Zip) (Phone #) 99336

- ☒ hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request
☐ assignment of a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map
showing the portion of the application/permit/transfer/limited license/groundwater statement
to be assigned.)

Application # 86825 Permit # S-5457 Transfer # _____

Limited License # _____; Groundwater Statement # _____

DR. GEORGE W. BAILEY
(Name of Current Holder of Record)
2821 SECKEL COURT MEDFORD OR 97504
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below TK

- 1) TK I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) TK I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) TK I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) TK I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 13th day of March, 20 19
(Day) (Month) (Year)

Signature of Party Requesting Assignment Tanweer A. Khan
Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 129358
For Director by Mary Bjork, Program Analyst in Water Rights Division. Mary Bjork

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$100.

Last updated: September 18, 2017

Request for Assignment if Permit Holder not available

W/R

RECEIVED

MAR 18 2019

OWRD

Assign by Proof - Approve
mfb 3-21-19

George and Joanne Bailey (As to an undivided 50% interest)
2321 Secket Court
Medford, Oregon 97504

Grantor's Name and Address
Name and Address

Tanweer Khan
4019 Dole Road
Myrtle Creek, Or 97457

Vendor's Name and Address
After recording, return to (Name, Address, Zip)
Contract Services, LLC
P.O. Box 218
Medford, Or 97501

Und requested otherwise, send all tax statements to (Name, Address, Zip)
Tanweer Khan
4019 Dole Road
Myrtle Creek, Or 97457

STATE OF OREGON,
County of _____

I certify that the within instrument was received for
Recording on _____ at _____ M, and recorded in
Booklet/Purpose No. _____ on page _____
No. _____, Records of this County.

SPACE RESERVED
FOR
RECORDERS USE

Witness my hand and seal of County affixed.

Name Title

By _____, Deputy.

MEMORANDUM OF CONTRACT FOR DEED

KNOW ALL BY THESE PRESENTS that GEORGE W. BAILEY AND JOANNE S. BAILEY, husband and wife, (as to an undivided 50% interest) and C. THOMAS HARRINGTON, (as to an undivided 50% interest), Hereinafter called vendors, TANWEER KHAN, as vendee, made and entered into a certain Contract for Deed, wherein the vendors agreed to sell to the vendee and the vendee agreed to purchase from the vendors, the fee simple title in and to the following described real property in Jackson County, State of Oregon, described as follows, to-wit:

PARCEL 2 OF Land Partition Plat No. 2007-004, Surveyor's Records of
Douglas County, Oregon, Recorder's Instrument No. 2007-546

Account R130653 Code 1904, Map 29-05W-18-00101

(the "Premises")

**THIS INSTRUMENT MAY BE EXECUTED IN COUNTERPARTS, EACH OF WHICH SO
EXECUTED SHALL, IRRESPECTIVE OF THE DATE OF ITS EXECUTION AND DELIVERY
BE DEEMED AN ORIGINAL, AND SAID COUNTERPARTS TOGETHER SHALL CONSTITUTE
ONE AND THE SAME**

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true and actual consideration paid for this transfer, set forth in the contract, is \$214,004.00, payable with \$30,000.00 down on the
signing of the contract and the balance payable in monthly installments of not less than \$996.67 (interest only) each. All payments shall bear
interest at the rate of 6.5% per annum from the date of the contract until paid.

IN WITNESS WHEREOF, the vendors executed this memorandum on _____, if the vendor is a
corporation, it has caused its name to be signed and its seal, if any affixed by an officer or other person duly authorized to do so by order of its
board of directors.

THIS INSTRUMENT SHALL NOT AFFECT THE PROPERTY DESCRIBED BY
THIS INSTRUMENT IN THE EVENT OF A FUTURE CANCELLATION AND/OR
REVISION. PRIOR TO SIGNING AND ACCEPTING THIS INSTRUMENT, THE
ACQUIRING PARTY TO THE PROPERTY SHOULD CHECK WITH THE
LOCAL OFFICE OF THE CLERK OF THE COUNTY TO VERIFY APPROVED USES
AND TO DETERMINE ANY LIMITS ON LANDS AGAINST BURNING OR FOREST
PRACTICES DEFINED IN ORB 30.00

STATE OF OREGON, County of Jackson
This instrument was acknowledged before me on September 3, 2009
by Tanweer Khan
This instrument was acknowledged before me on _____
by _____
as _____
of _____

Channin Culley
Notary Public for Oregon
My commission expires 6/2/11



END OF DOCUMENT

RECEIVED

MAR 18 2019

OWRD



Payment Receipt

Process New Payment

Close



GovTeller™

Receipt for Douglas County Clerk - Recorder**Tanweer Khan**

Customer ID::

, MT 59801

Phone: 406-240-7001

Email: tankhan604@gmail.com

Comment:

Payment Status: **Approved**

Payment Result: Approved

Payment Date: 03/13/2019

Authorization Code: 633407

Authorization Date: 03/13/2019 15:33:34 MST

Reference Code: C16441247P17663718

Payment Amount: \$5.00 USD

Fee: \$1.50

Name on Card: Tanweer A Khan

On card: 4...3174

Signature: _____

per phone

RECEIVED

MAR 18 2019

OWRD

WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT
RCW 42.45.140

State of Washington

County of

Benton

} ss.

This record was acknowledged before me on

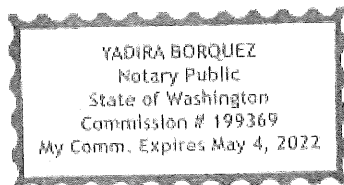
March 13th 2019

Date

by

Tanweer Khan

Name(s) of Individual(s)



[Signature]
Signature of Notarizing Officer

Notary Public
Title (Such as "Notary Public")

Place Notary Seal and/or Stamp Above

My commission expires:

May 4, 2022

OPTIONAL

Completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Request for Assignment by Proof
of ownership

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

3/13/2019

BJORK Mary F * WRD

From: Tan Khan <tankhan604@gmail.com>
Sent: Wednesday, March 13, 2019 5:01 PM
To: BJORK Mary F * WRD; Tan Khan
Subject: Re: Request for Assignment
Attachments: Deed Documents for Water Rights Oregon 2019.pdf

Dear Ms. Bjork:

I am send you the request for assignment documents all completed, I hope I have filled it correctly
also enclosed with the Request for assignment is Copy of the Deed to the Property and I had the
Request for assignment form notarized by Chase Banks, and there is a copy of Receipt from
Douglas county for the Property Deed
Kindly email me when you have these documents and I hope they came out legible and clear
A cashier check for \$100- fee has already been mailed to Water Resource Dept. with my Permit Number
and my name
Thank you very much
Tan Khan

BJORK Mary F * WRD

From: Tan Khan <Tankhan2017@outlook.com>
Sent: Tuesday, March 12, 2019 12:55 PM
To: BJORK Mary F * WRD
Subject: RE: Reinstatement Update

Dear Ms. Bjork :

Thank You very much for the update on my water right issue and also for the Re instatement final Order copy which you have attached with this email

I will down load this copy for my file and I will wait for the copy which you have sent to me Via US mail

Yesterday Chase bank from Washington has sent a \$100- cashier check to Water Resource Dept. Salem Oregon, for the Assignment Fee, at my request and they have put my name and my Permit Number on the check

I will be receiving a copy of the Deed from Douglas county this afternoon and I will enclosed the deed to my property along with the Assignment form and I will try to get these documents uploaded at Kinko's and send them to you as attached file along with my email

I wrote to you last week about a water examiner Mr. Raymond Brown, I have sent all my paper work to him and its my understanding that Mr. Raymond Brown will help me to do the beneficial use report for the property, I do not know the time frame, I stated that he will be busy for couple of week and soon after he will do my report and send it to your Salem Office

I believe this are moving along fairly well, Thanks to your good step by step instructions which made things easy and simple for me to understand, when there is any question or some hurdles I will send an email to you
Thank You kindly for all the help you have extended to me
Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD
Sent: Tuesday, March 12, 2019 11:33 AM
To: Tankhan2017@outlook.com
Cc: BJORK Mary F * WRD
Subject: Reinstatement Update

Dear Tan Khan,

The Reinstatement Final Order for Permit S-54457 has been signed and dated for March 13, 2019.

We are mailing a copy of it to your Washington address, and I'm also attaching a copy to this email.

I had correspondence from the Watermaster, Susan Douthit. She has been contacted by Raymond Brown, and also wanted to know if I had received the Assignment Request from you.

As of today, I have not yet received the Assignment Request. Please disregard if you have already placed it in the mail. If not, please submit it at your earliest convenience.

As a reminder, the Claim that Raymond Brown is preparing, must be signed by the permit holder of record, hence the need for the Assignment.

Thank you,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>



Integrity + Service + Technical Excellence + Teamwork + Forward-Looking

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT S-54457) ORDER

Findings of Fact

1. On January 30, 2019 the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The Department has reconsidered the January 30, 2019 order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order.

PERMITS TO USE SURFACE WATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
DR. GEORGE W. BAILEY	16	15	S-86825	S-54457
JOANNE S. BAILEY				

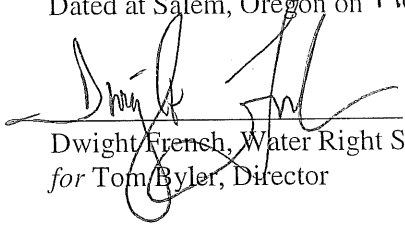
Conclusions of Law

1. The Department may reconsider pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the Department reconsiders its previous Final Order of January 30, 2019 and reinstates the permit.
2. The Department will take no action to cancel this permit until 120 days to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on March 13th, 2019.


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL MAR 13 2019
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date, the petition was filed, the petition shall be deemed denied.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER)
UNDER THE PROVISIONS OF ORS 537.260)
ORDER

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
DR GEORGE W. BAILEY	16	15	S-86825	S-54457


Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on January 30th, 2019.


Dwight French, Water Right Services Administrator
for Tom Byler, Director

JAN 31 2019

PLACED IN U.S. MAIL _____
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

BJORK Mary F * WRD

From: Tan Khan <Tankhan2017@outlook.com>
Sent: Thursday, March 07, 2019 4:28 PM
To: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Ms. Bjork:

Thank You very much for your email and all the details which you written to me to explaining the various stages of this process, you have done a great job & I understand this process now

I am looking forward to receiving the reinstatement documents from your Salem office

I will duly fill out the Request for assignment form & mail it to your office along with \$100- fee

I will also submit the \$200- Fee to Salem Office when the claim for beneficial use is ready to be submitted

I have located a Gentlemen Mr. Raymond Brown from Canyonville and he does CWRE water examination work, I have sent all my paperwork over to him for review and his Fee quotation & contract to prepare my claim for beneficial use claim, I am waiting for Mr. Raymond Brown to get back to me

I will enclose a copy of the Deed from Douglas county along with my the final report

I truly appreciate all the help & Guidance you have provided me in water rights reinstatement and for the Beneficial use permit, without your assistance I would have been totally lost in this water rights Issues
I will get back to you when I have a contract signed with CWRE examiner

Thank You very much and have a pleasant week
Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD
Sent: Wednesday, March 6, 2019 11:10 AM
To: Tan Khan
Cc: DOUTHIT Susan M * WRD; BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

The Reinstatement Final Order for Permit S-54457 is with my supervisor for signature and will be mailed to your Washington address shortly.

In regards to your questions concerning the Request for Assignment, to assign the permit from the Bailey's to yourself, there are two forms available:

Thank You for your email and the acceptance of my Petition for Reconsideration & waiver for the reinstatement fee, this is truly a great help to me at this time

I sincerely appreciate your step by step instructions you have written to me to fulfill all the requirements and compliance of the rules and laws of state of Oregon

At the onset of the cancelation notice & with my zero knowledge in Water Rights & rules:

I thought I may have to climb the stairway to heaven to tackle this complex issue 😊

Than i received your email and your detail explanation how to step by step fulfilling all the requirements for the water rights, Thank You very much

I am currently in Washington for my medical treatment, because there are more choice for specialist & Hospital in WA. than compared to Missoula MT. Now I am also closer to my son & daughters home

Please use my WA. Address for all correspondence, 7322 W. Bonnie Ave #10 Kennewick WA. 99336

I will fill out the request for assignment form and send \$100- fee along with it ,

I read thru this form from your Link which you sent to me, There are questions on that form for which I may not have a response to fill in it : ie: its asking for Dr. George Baileys address !!! ???

It has been 10 years now & I do not know Dr. Bailey's current address there are few other fields for which I may not have an answer to fill into those fields also !!!

I can fill out a sample form & I mail it to you, so you can let me know if my responses to the questionnaire are adequate !!! I will try to complete this form to the best of my ability !!!

If there is a missing fields not filled out correctly !!! Than you can help me with a correct response
It may require some technical Information and I may not have that answer to that field !!!
I will let you know which one's are those question !!!

I also received a very helpful email from Susan from Douglas county water Resource Office and she has sent me a list of water examiner for final report and There are 3 Examiners on her listed from Roseburg OR

Can You Please let me know what is an average fee of these Water examiners approximately !!! &
Or if you can recommend me any one water examiner who will be able to submit his report within the given time limit of 120 days & also be reasonable in his fees !!!

Thank You again and have a Pleasant weekend

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD

Sent: Wednesday, February 27, 2019 9:36 AM

To: Tan Khan

Cc: BJORK Mary F * WRD; DOUTHIT Susan M * WRD

Subject: RE: Water Rights Permit Cancelation

Sunday, February 24, 2019

Tanweer Khan

7322 W. Bonnie Ave # 10

Kennewick WA. 99336

Cell No # 406 240 7001..... Email : Tan_Khan604@gmail.com

Mary F. Bjork

Water Rights Program

Salem Oregon

My Petition for **Request for Reconsideration** for my Canceled Permit S-54457

This is also my Petition to waive the fee with reasons given below

Dear Ms. Bjork:

Thank You very much for your email and all the details you have written to me and explaining me the various stage of Process to re-instate my Water rights

I have read through your mail and I am trying to comprehend all these procedure to the best of my ability, You may also have read my emails from last week which I have sent to Jerry at the Salem office

The seller did not complete all the formalities he was required by law prior for the sale of his property in 2009, nor did he make me aware of this incomplete process

The mess created by the Sellers from 2009 has pounced upon my head in years of 2019, This is due to his negligence & omission of responsibilities by the seller for the water right at his Property

I am a retired and Handicapped person with severe Hearing deficiency & few other medical ailments for which I am receiving medical treatment and I am unable to do long distance travel and I have limited income and resources and I am on social security

These water right issue were sitting dormant for past 10 years in the files at Douglas County and at the State of Oregon offices in Salem

I comply with all Guidelines and instructions written to me by Ms. Bjork

I will work with the state and county laws and comply with all required formalities to complete this process for the reinstatement of water right to my name and property and bring the Permit to Non cancelled status

- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner (CWRE)** to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>

https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

- You **may** need to submit an **Extension of Time** application form with a fee of \$670.00 and supporting documents to the Department, link below. This is something that a CWRE can assist you with.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Pages/Extension.aspx>

I understand that you have severe hearing disability and will need to communicate by email, but if you should have the need to contact me by phone, my telephone numbers are (503) 986-0804 or (503) 986-0817.

Sincerely,

Mary F. Bjork

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>



From: Tan Khan [<mailto:Tankhan2017@outlook.com>]
Sent: Wednesday, February 06, 2019 11:58 PM
To: SAUTER Jerry K * WRD
Cc: DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancellation

Wednesday, February 6, 2019

Hi Jerry:

I appreciate your response and your effort in resolving this issue on water Rights

ATTN : Jerry Sauter & Mary Bjork

I own this property located at : 4019 Dole Rd Myrtle Creek Oregon
I purchased this Property in Sept. 2009, & it's currently under tenancy

Last week Ms. Douthit From water Resource Dept. of Douglas County stop by and served documents to my tenants related to Cancelation of Permit for Water Rights

I live in state of Montana and the tenants have forwarded these documents over to me

I am unaware of any such Covenants or legal instrument which was recorded at the Title company in Douglas county or included in escrow documents at the time of the Title Transfer of the said Property to new the owner in Sept. 2009

I have owned this property for past 10 years, each year I receive a request to fill out water use report, I have been filling out these reports each year and mailed it back Salem

In past 10 years I have never heard of any water rights associated with this Property Nor have I ever receive any mails related to this issue

I have Zero Knowledge reference to Water Rights Permit at this Property !!

I was asked by Ms. Douthit to contact Salem office & she gave me your email address, she advised me a copy of my emails has been forwarded to Jerry Sauter & Mary Bjork in Salem Office

Please elaborate in detail on these issues for water Rights associated with my property & I am sending copies of my emails which I have sent to Ms. Susan Douthit.

Thank you
Tanweer Khan

Hi Susan :

I am The owner of the Property located at 4019 Dole Rd. Myrtle Creek Oregon
This Property is currently Under Tenancy and Occupied by tenants

Hi Susan :

I appreciate your prompt response, Can You confirm to me the email address for the contact Person in Salem

Although you served this cancelation Notice to water rights permit which is all dated & signed in 2007 & 2008 and I do not know who was the property owners at that time for 4019 Dole RD.

Your Designation as the water Master at Douglas county water resource Dept. Do you personally have any information related to the water rights permit at this Property & whom did you contact related to this Permit in the past 10 years !!! ???

What is your first hand knowledge related to this cancelation documents, which you served to my Property, Even though this is your first contact with me as Property owner since I bought this Property in Sept. of 2009, & your first contact with me is in the form of cancelation order for water rights at this Property !!! ??? What about My rights as property owner before considering these water right issue !!! ???

How was this reinstatement fee assessed ! & who made this assessment calculation for this amount !!! ???

There are many questions which needs to be answered & a clear blue print needs to be established related to this Property's water rights, considering I became the new owner of this Property in Sept. 2009 what if any obligation do I have towards the water permits !!!

Since I bought this Property there has been an issue of extremely low water table at my well & the pump had been sucking up lots of clay mud and dirt from the low well water Table

In Order to alleviate the clogging of muddy water I hired a well engineer from Douglas county who installed an exclusive water pump for this Property, which draws water from the fresh water creeks which flows out of the mountains & directly into my property, I traced the flow of this creek from the melting snow from The mountains and this creek flows into Umpqua river

This alternate water source which cost me \$3000- to install, has been a blessing for the daily water use at the property but in a very conservative order since the creek flow varies from seasonal changes at the mountain & by virtue of this alternate water source we ceased to draw the dirty well water for daily use at my property

Please forward all this Information or this copy of my email to Salem & I will surely keep you in Loop after I make contact with these official in Salem Oregon

Please inform the Salem officials that I have severe hearing disability, Therefore all these issues will need to be communicated thru email Or US Mail

Thank you very much
Tanweer Khan

Sent from Mail for Windows 10

BJORK Mary F * WRD

To: Tan Khan
Cc: DOUTHIT Susan M * WRD; BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

The Reinstatement Final Order for Permit S-54457 is with my supervisor for signature and will be mailed to your Washington address shortly.

In regards to your questions concerning the Request for Assignment, to assign the permit from the Bailey's to yourself, there are two forms available:

The Request for Assignment Form <https://www.oregon.gov/OWRD/WRDFormsPDF/Assign.pdf> is used when the existing holder of the permit will be signing the form.

There is also a Request for Assignment Form (If Water Right Holder is Not Available) https://www.oregon.gov/OWRD/WRDFormsPDF/Assign_by_proof.pdf, for use when the existing holder of the permit is not available to sign the form. To use this form, you must provide proof of ownership for the property that is involved in the Assignment. Examples of acceptable proof of ownership include, but are not limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property jointly held. The Department cannot accept a copy of a tax statement.

From your email it sounds as though you may consider using the Request for Assignment Form (If Water Right Holder is Not Available). For this form, you would write the names and addresses of the Current Holder of Record as follows:

Dr. George W. Bailey & Joanne S. Bailey
2821 Seckle Court
Medford, OR 97504

That is the most recent address we have for the Bailey's.

If you have already sent in the Assignment Form and \$100 fee, I will let you know if there is anything amiss, and work with you to correct.

In regards to hiring of a Certified Water Rights Examiner (CWRE), I am sorry but I do not have any knowledge of their average fees. However, in addition to their charges, there is a \$200 fee to submit the Claim of Beneficial Use to the Department.

I am unable as a State Employee to recommend CWRE, but once you hire one, it is understood that sometimes CWRE's are not able to meet 120-day timelines because of their workload, but correspondence to the Department from them is taken into account and the timeline tracked.

Best Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Can You Please let me know what is an average fee of these Water examiners approximately !!! &
Or if you can recommend me any one water examiner who will be able to submit his report within the given time limit of 120 days & also be reasonable in his fees !!!

Thank You again and have a Pleasant weekend

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD
Sent: Wednesday, February 27, 2019 9:36 AM
To: Tan Khan
Cc: BJORK Mary F * WRD; DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancelation

Dear Tan Khan,

Your Request for Reconsideration of the January 30, 2019 final order that canceled Permit S-54457 has been accepted, and your request to waive the reinstatement fee has been approved.

You will receive a Reinstatement Final Order in the mail that formally reinstates the permit. **You have provided two addresses in your emails, would you prefer to have final order mailed to 7322 W. Bonnie Ave # 10 Kennewick WA. 99336, or 2120 S. Reserve St. 328 Missoula MT. 59801?**

The Reinstatement Final Order that you receive will allow 120 days to come into compliance with the terms and conditions of the permit. This means that you will need to take the following steps.

- Submit a **Request for Assignment** form to the Department with the associated fee of \$100 and supporting documents, to assign the permit from Dr. George W. Bailey and Joanne S. Bailey to you, please see the link below for a description of the Assignment process and links to the Assignment forms.

<https://www.oregon.gov/OWRD/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

- Hire a **Certified Water Rights Examiner (CWRE)** to prepare a claim of beneficial use, please see the links below for a description of Certificates and Finding a CWRE.

<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
https://apps.wrd.state.or.us/apps/wr/cwre_license_view/

Basically, you need to have the permit assigned to yourself, and hire a CWRE to submit a Claim of Beneficial Use for Department review for issuance of a Certificate, which is the final step in the water right process.

Sometimes CWRE's are not able to meet 120 day timelines because of their workload, but correspondence to the Department from them is taken into account and the timeline tracked.

I hope that this helps to explain the next steps that you will need to take. Please let me know if I can be of further assistance.

Regards,

I am a retired and Handicapped person with severe Hearing deficiency & few other medical ailments for which I am receiving medical treatment and I am unable to do long distance travel and I have limited income and resources and I am on social security

These water right issue were sitting dormant for past 10 years in the files at Douglas County and at the State of Oregon offices in Salem

I comply with all Guidelines and instructions written to me by Ms. Bjork

I will work with the state and county laws and comply with all required formalities to complete this process for the reinstatement of water right to my name and property and bring the Permit to Non cancelled status

This is my formal petition to the State of Oregon

Please continue to communicate with me via email

I try not to use the Phone since I do not like asking people to repeat themselves due to my inability to hear them on the phone clearly

Please advise me on the next process which I need to follow up related to my water Permit

Thank You very Much for your help in this matter

Tan Khan

Sent from Mail for Windows 10

From: BJORK Mary F * WRD

Sent: Wednesday, February 20, 2019 10:29 AM

To: Tankhan2017@outlook.com

Cc: DOUTHIT Susan M * WRD; SAUTER Jerry K * WRD; BJORK Mary F * WRD

Subject: Water Rights Permit Cancelation

Dear Tan Khan,

I have been looking into the cancellation of permit S-54457, and want to help you in your efforts to re-instate the permit to a non-cancelled status. The first important step to take is to request reconsideration as explained below.

From: Tan Khan [mailto:Tankhan2017@outlook.com]
Sent: Wednesday, February 06, 2019 11:58 PM
To: SAUTER Jerry K * WRD
Cc: DOUTHIT Susan M * WRD
Subject: RE: Water Rights Permit Cancellation

Wednesday, February 6, 2019

Hi Jerry:

I appreciate your response and your effort in resolving this issue on water Rights

I was trying to get an exact date for you for the installation of our alternate water source, unfortunately I was told that the Old man has passed away few years ago

I would say around July or August of 2010 is when he installed our alternate water supply system & he changed few PCV pipes and other Gadgets & installed a High pressure Jet pump which shoots water 180 ft. up the hill to a 2nd reservoir & pump & filtration system & from this reservoir it is Pipped into the home

This alternate water supply system delivers crystal clear fresh water from the melting snow in the mountains, Since the installation of this alternate source from the creek, all our water related issues have been resolved instantly, no more brown color water and filters clogging up and well water running dry at middle of the day, all this dilemma are over for ever

Thank You
Tanweer Khan

Sent from Mail for Windows 10

From: SAUTER Jerry K * WRD
Sent: Wednesday, February 6, 2019 4:08 PM
To: Tan Khan
Cc: BJORK Mary F * WRD
Subject: RE: Water Rights Permit Cancellation

Hello Mr. Khan,
We are looking into your issue. We would like to know when you installed the system to withdraw water from the stream.
Thank you,
JK

JERRY (JK) SAUTER - WATER RIGHTS PROGRAM ANALYST
WATER RESOURCES DEPARTMENT - 725 SUMMER STREET NE, SUITE A - SALEM OREGON 97301
PH. 503-986-0817 FAX 503-986-0901

Please elaborate in detail on these issues for water Rights associated with my property & I am sending copies of my emails which I have sent to Ms. Susan Douthit.

Thank you
Tanweer Khan

Hi Susan :

I am The owner of the Property located at 4019 Dole Rd. Myrtle Creek Oregon
This Property is currently Under Tenancy and Occupied by tenants

I am 66 years old & disabled, I live in State of Montana / my Mailing address In Montana is :

Tanweer Khan 2120 S. Reserve St. 328 Missoula MT. 59801 / Cell Phone No # 406 240 7001 &
My email is : Tankhan604@gmail.com

I was Informed by my tenants that you stopped by and dropped off some documents related to Water Rights, The Tenants have forwarded your Original document to me

FYI I bought this Property in Sept 2009, at the time of sale The seller did not mention any issue about water rights, Nor these issues were written into the escrow closing documents !!!

I get an yearly water use report mailed to me & I fill out this report each year and mailed it back to the Salem or Portland Office

I Have owned this property for almost 10 years and I have never heard of any issue on water rights Nor did I get any mails or documents since I have owned this Property
I am absolutely un informed about these water rights Issues stated in your document !!!???

This was your first contact with me while I Have owned this property and this is the first contact from your water dept. in past 10 years !!!

Why is this 1st. notice of Cancelation being sent to me as your first contact with me as a property owner, why I have not been informed about these issue, or these ongoing compliance issues as noted in your document

Since this is your first contact by your water dept. You will have to explain to me as a property owner what are my obligations towards county and state laws !!!

Does your water right dept. has any proof of any prior contacts or communicate regarding these water right issue with the Property owner !!! has any mails or registered mail or Notices sent from your dept. in the past 10 years been served upon this Property owner!!!

Than why is this 1st. and the only notice being hand delivered to my property in the form of Final Notice or cancelation of my water rights !!! ???

I have owned this for past 10 years and this is my first instance to be made aware of an on going issue with water rights in this area !!! You water resource dept. needs to educate & inform the local property owners of this ongoing issue about water rights and rules of compliances

Please inform the Salem officials that I have severe hearing disability, Therefore all these issues will need to be communicated thru email Or US Mail

Thank you very much
Tanweer Khan

Sent from Mail for Windows 10

Memo to File

From: Mary F. Bjork
To: Dwight French
Date: February 19, 2019
RE: App S-86825, Permit S-54457 Permit Compliance & Re-Instatement Fee Waiver

I propose waiving the re-instatement fee for Permit S-54457, as the current landowner has been reporting annual water use.

Review for compliance on the permit did not include research on water use reporting, as the file did not include this information. It was later discovered that water use reporting has been electronically submitted and that this electronic reporting does not get copied to the file.

This additional information would have made a difference in review as it would have identified a current landowner, who has been complying with this permit condition.

Future research will include checking for electronically submitted reporting.

OK / Dmf



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

August 30, 2016

Certified mail number 7016 0340 0000 9901 9933
Return receipt requested

DR GEORGE W. AND JOANNE BAILEY
2821 SECKLE COURT
MEDFORD, OR 97504

Reference: Application S-86825, Permit S-54457

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2012.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2012. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (October 28, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-86825

OWRD Watermaster District 15



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

January 16, 2009

Cox, Beard, Hall & Associates, LLC
Attn: Robert W. Cox
502 W. Main Street, Suite 101
Medford, Oregon 97501

Reference: Application S-86825, Permit S-54457

The assignment by proof from Lisa Brockman to Dr. George W. Bailey and Joanne S. Bailey has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 95369 covering the recording fee of \$50 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 95369

cc: Watermaster 15

Dr. George W. Bailey and Joanne S. Bailey

Lisa Brockman

Data Center, OWRD (Complete Copy of Assignment Request)

Hydrographics

File



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Request for Assignment

By Proof of Ownership
(If Permit/Transfer Holder is not available)

If for multiple rights, a separate form and fee for each right will be required.

I, Dr. George W. Bailey and Joanne S. Bailey
(Name of Party Requesting Assignment)

2821 Seckle Court Medford OR 97504
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ ...hereby request assignment of application/permit/transfer;
- ☐ ...hereby request assignment of a portion of application/permit/transfer;
(You must include a map showing the portion of the application/permit/transfer to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # S-86825 ; Permit # S-54457 ; Transfer# _____ **RECEIVED**

-OR-

GR Statement # _____ ; GR Certificate of Registration # _____ **JAN 15 2009**

Lisa Brockman **WATER RESOURCES DEPT**
(Name of Permit/Transfer Holder of Record) **SALEM, OREGON**

10889 Hannon Road Eagle Point, OR 97524
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit or Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 5th day of NOVEMBER, 2008.

Party Requesting Assignment _____

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 95369
For Director by Jerry Sauter, Program Analyst in Water Rights Division

Last updated: Aug 17, 2007

Request for Assignment

The completed "Request for Assignment form must be submitted to the Department along with a recording fee of \$50.

RECEIVED

JAN 05 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

WR

O.R. ASS 16-N By Proof
1-15-2009

**DEED IN LIEU OF FORECLOSURE
(NONMERGER)**

Grantor's Name and Address: Lee Brockman and Lisa Brockman, as tenants by the entirety P.O. Box 707 Myrtle Creek, OR 97457	Grantee's Name and Address: Dr. George W. Bailey and Joanne S. Bailey, husband and wife 2821 Seckel Court Medford, OR 97504 and C. Thomas Harrington
Until a Change is Requested send all tax statements to: Dr. George W. Bailey and Joanne S. Bailey, husband and wife 2821 Seckel Court Medford, OR 97504	After Recording Return To: STARK AND HAMMACK, P.C. 201 West Main Street, Suite 1B Medford, OR 97501

DEED IN LIEU OF FORECLOSURE (Nonmerger)

Lee Brockman and Lisa Brockman, as tenants by the entirety, as ("Grantors"), conveys to Dr. George W. Bailey and Joanne S. Bailey, husband and wife as to undivided fifty percent (50%) interest, and to C. Thomas Harrington as to an undivided fifty percent (50%) interest, collectively as ("Grantees"), the real property (the "Property") located at : 4019 Dole Road, Myrtle Creek, Oregon, and described as follows:

Parcel 2 of LAND PARTITION PLAT NO. 2007-0004, Surveyor's Records of Douglas County, Oregon, Recorder's Instrument No. 2007-546.

together with all Grantor's right, title, and interest in any land sale contract or lease option agreement involving the Property. Grantor is the owner of the Property free and clear of all encumbrances except those of record.

Grantors executed and delivered to Grantee a Trust Deed dated February 7, 2007, recorded on February 7, 2007, in the Official Records of Douglas County, Oregon, as Instrument No. 2007-003645 to secure payment of a Promissory Note in the sum of \$174,200.00. The Note and Trust Deed are in default and the Trust Deed is subject to foreclosure. In consideration of Grantee's acceptance of this deed in lieu of foreclosure (this "Deed") and waiver of the right to collect against Grantor on Note, Grantee may retain all payments previously made on the Note, with no duty to account therefor.

This Deed is intended as a conveyance absolute in legal effect, as well as in form, of the title to the Property to Grantee and this Deed is not intended as security of any kind. Grantor waives, surrenders, and relinquishes any equity of redemption and statutory rights

RECEIVED

JAN 15 2009

of redemption that Grantor may have in connection with the Property and the Trust Deed referred to above.

Grantors warrant that during the time period that the Property was owned by Grantors, the Property was never used for the generation, manufacture, storage, treatment, disposal, release, or threatened release of any hazardous substance, as those terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 USC §9601 et seq., the Superfund Amendments and Reauthorization Act (SARA), other applicable state or federal laws, or regulations adopted pursuant to any of the foregoing. Grantors agree to indemnify and hold Grantee harmless against any and all claims and losses resulting from a breach of this warranty.

This Deed does not effect a merger of the fee ownership and the lien of the Trust Deed described above. The fee and the lien shall hereafter remain separate and distinct. Grantee reserves its right to foreclose its Trust Deed at any time as to any party with any claim, interest, or lien on the Property.

Grantors have read and fully understands the above terms and is not acting under any misapprehension regarding the effect of this Deed, nor are Grantors under any duress, undue influence, nor are Grantors relying on any representations of Grantee, Grantee's agents, lawyers, or any other person.

By acceptance of this Deed, Grantees covenant and agree that they shall forever forebear taking any action whatsoever to collect against Grantors on the Promissory Note given to secure the Trust Deed described above, other than by foreclosure of that Trust Deed, and that in any proceeding to foreclose the Trust Deed, they shall not seek, obtain, or permit a deficiency judgment against Grantors or Grantor's heirs or assigns, such rights and remedies being waived.

Grantee does not expressly or impliedly agree to assume or pay any contract balances, debts, liens, charges, or obligations that relate or attach to the property.

As part consideration for this deed, Grantee agrees to pay to Grantor one thousand five hundred dollars (\$1,500.00) to be paid in full upon execution of this deed.

By accepting delivery and recording this Deed in Lieu of Foreclosure Grantee accepts the terms set forth herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

DATED: FEBRUARY 14, 2008.


RECEIVED

JAN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

"GRANTORS"

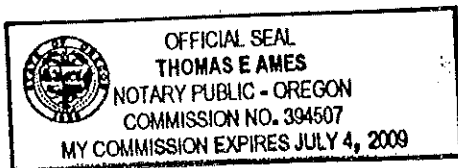

Lee Brockman



Lisa Brockman

STATE OF OREGON)
)ss.
COUNTY OF DOUGLAS)

On this 14 day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared Lee Brockman to me known executed the foregoing instrument and acknowledged the said instrument to be his free and voluntary act and deed.

Witness my hand and official seal affixed the day and year first above written.

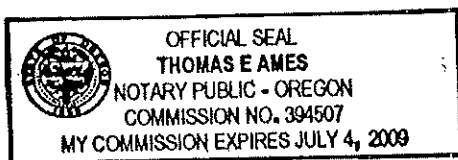


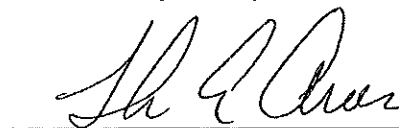

Notary Public for Oregon
My commission expires: July 4, 2009

STATE OF OREGON)
)ss.
COUNTY OF DOUGLAS)

On this 14 day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared Lisa Brockman to me known executed the foregoing instrument and acknowledged the said instrument to be her free and voluntary act and deed.

Witness my hand and official seal affixed the day and year first above written.




Notary Public for Oregon
My commission expires: July 4, 2009
RECEIVED



Orego

Theodore R. Kulongoski, G

*Sorry for the error -
the deed & legal are
now attached*

January 8, 2009

Cox, Beard, Hall & Associates
Attn: Robert W. Cox
502 W. Main Street, Suite 101
Medford, Oregon 97501

Vectrin[®]
(MINOCYCLINE HCl
CAPSULES, USP) 500mg

**SPECIFY
DAW/BRAND NECESSARY**

RECEIVED

JAN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

C2192

Reference: Application S-86825, Permit S-54457

The requested assignment by proof of ownership cannot be completed, as a copy of the required deed containing a legal description was not included with the request. I am returning the fees and request.

Please include a copy of the deed containing the legal description along with the request and fees so that the Department can process this request for assignment. Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503.986.0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Request and check

cc: File

RECEIVED

JAN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

November4, 2008

Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, Oregon 97301

Re: Water Rights Application S-86825

Dear Sirs:

We were forced to accept a deed in lieu of foreclosure on a property located at 4019 Dole Road in Myrtle Creek, Oregon. With that property was a permit to appropriate the Public Waters, file number S-86825. The permit was issued to the property owner at the time, Lisa Brockman.

After Ms. Brockman gave the deed in lieu, she moved off the property and took residence in Eagle Point. Our attorney asked for a Request for Assignment, that was sent to her on or about May of 2008. We attempted to contact Ms. Brockman at her Eagle Point address and were told that she had moved to Montana. We obtained a phone number and contacted her. She gave us an address and said she would be happy to sign the transfer agreement. We sent it "certified return receipt", and never heard from her again. On further attempts to contact her, the phone number had been disconnected. We left several messages at a number we thought to be her son's, with no response. Other written correspondence to the Montana address also produced no results.

We feel that we have explored all of our options for contact, other than hire a private investigator. We ask that you grant the Assignment so that we may sell this property. Enclosed please find a copy of the trust deed transferring title to us.

We certify that the information we have given is true to the best of our knowledge.

RECEIVED

JAN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

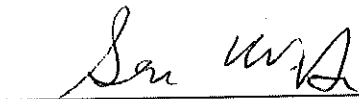
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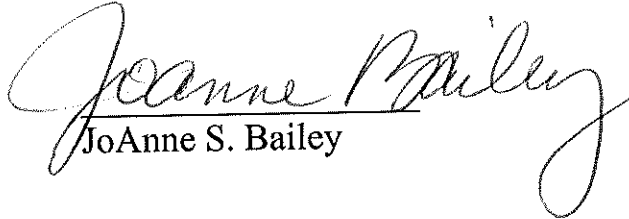
JAN 05 2009

WATER RESOURCES DEPT
SALEM, OREGON

Page 2.

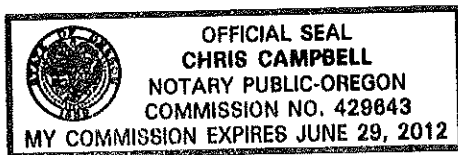
Sincerely,


Dr. George W. Bailey


JoAnne S. Bailey

State of Oregon
County of Jackson

This instrument was acknowledged before me on NOVEMBER 5th, 2008 by
Dr. George W. Bailey and JoAnne S. Bailey.




(Notary Public of Oregon)

My commission expires JUNE 29, 2012

RECEIVED

JAN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN 05 2009

WATER RESOURCES DEPT
SALEM, OREGON

RICHARD A. STARK
LARRY C. HAMMACK
ERIC R. STARK

STARK AND HAMMACK, P.C.
ATTORNEYS AT LAW
201 WEST MAIN STREET, SUITE 1B
MEDFORD, OREGON 97501

(541) 773-2213
(541) 779-2133
FAX (541) 773-2084
ers@starkhammack.com

September 10, 2008

Sent Via Regular Mail

Bob Cox
Cox, Beard, Hall & Associates
502 W. Main Street Suite 101
Medford, Oregon 97501

Re: Water Rights Application S-86825
Our File No.: CO 2651

Dear Bob:

Enclosed please find the Request for Assignment of the Lisa Brockman Water Rights to Dr. George W. Bailey and Joanne S. Bailey. Please have the Baileys complete the request by signing where indicated. After completion please attach a copy of the recorded Deed in Lieu of Foreclosure, as well as, proof of the steps that have been taken to locate Lisa Brockman. As the form states, this can be copies of letters, both regular and certified, or if that is not available, an affidavit documenting attempts made to contact her. The entire Assignment form and attachments need to then be forwarded to the Oregon Water Resources Department, along with the check for \$50.00.

Please contact me if you have any questions.

Very truly yours,

STARK AND HAMMACK, P.C.



Eric R. Stark

ERS: pk
Enc.

RECEIVED

JAN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN 05 2009

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

January 8, 2009

Cox, Beard, Hall & Associates, LLC
Attn: Robert W. Cox
502 W. Main Street, Suite 101
Medford, Oregon 97501

Reference: Application S-86825, Permit S-54457

The requested assignment by proof of ownership cannot be completed, as a copy of the required deed containing a legal description was not included with the request. I am returning the fees and request.

Please include a copy of the deed containing the legal description along with the request and fees so that the Department can process this request for assignment. Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503.986.0817.

Sincerely,

Jerry Sauter

Water Rights Program Analyst

Enclosure: Request and check

cc: File

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LISA BROCKMAN
10889 HANNON RD
EAGLE POINT, OR 97524

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

APPLICATION FILE NUMBER: S-86825

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF SOUTH UMPQUA RIVER

PURPOSE OR USE: HUMAN CONSUMPTION FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.005 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 3, 2007

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T29S, R5W,
W.M.; 1000 FEET SOUTH AND 275 FEET WEST FROM NE CORNER, SECTION 18

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 18
TOWNSHIP 29 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

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

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.

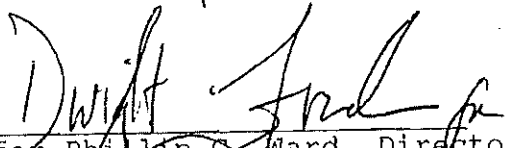
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 May 5, 2008


for Phillip C. Ward, Director
Water Resources Department

This is a detailed plat map of Section 18, Township 13N, Range 18E. The map shows the following features:

- Section 18:** The central area of the map, bounded by Township 13N and 17N, and Range 18E and 20E.
- Interstate Highway 99:** A major road running vertically through the center of the section.
- Umpqua River:** A river flowing along the eastern boundary of the section.
- Other Roads:** Nene River, Old Hwy, and an unnamed stream.
- Land Parcels:**
 - Lot 3: 36.18 AC
 - Lot 4: 30.00 AC
 - Lot 7: 30.00 AC
 - Lot 8: 30.00 AC
 - Lot 101: Domestic
 - Lot 102: 17.25 AC
 - Lot 103: 1.00 AC
 - Lot 104: 1.00 AC
 - Lot 105: 1.00 AC
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 - Lot 199: 1.00 AC
 - Lot 200: 1.00 AC

RECEIVED

APR 03 2007

WATER RESOURCES DEPT
SALEM, OREGON

... 81.825 Permit no 5-54457

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86825

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.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Final Order Incorporating Settlement Agreement

Application History

On April 3, 2007, LISA BROCKMAN submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 28, 2007. The protest period closed September 14, 2007. On September 12, 2007, a timely protest was filed. A settlement agreement was signed by all parties as of April 7, 2008. The Settlement Agreement is incorporated into this final order and is attached hereto.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the character of use.

The Proposed Final Order described the character of use as domestic use for one household.

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application S-86825)
in the name of Lisa Brockman,)
 Applicants and Protestants)
 Lisa and Lee Brockman)

**SETTLEMENT
AGREEMENT**

RECEIVED

APR 07 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

The Oregon Water Resources Department ("OWRD") and Lisa Brockman ("Applicant"), referred to collectively as "the Parties" and each individually as "Party," do hereby stipulate and agree in this "Settlement Agreement" as follows:

Stipulations

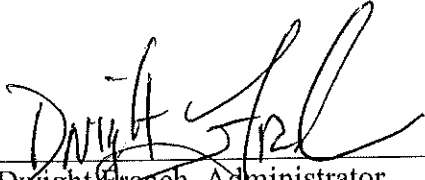
- I. On April 3, 2007, the Applicant submitted water right Application S-86825.
- II. On August 28, 2007, OWRD issued a Proposed Final Order ("PFO") for Application S-86825, proposing to deny the Application.
- III. On September 12, 2007, OWRD received a protest from Lee Brockman regarding OWRD's PFO on Application S-86825.
- IV. OWRD and Applicant agree that all issues raised in Applicant's protest to the PFO on Application S-86825 are resolved solely on the following terms.

Terms of Agreement

1. In signing this Settlement Agreement, Applicant withdraws the protest and any associated request for contested case hearing regarding the PFO for Application S-86825 with prejudice.
2. Regarding water right Application S-86825, Applicant hereby expressly waives all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, or to seek judicial review of the Final Order or Permit, in addition to waiving any right and opportunity to challenge this Settlement Agreement, including the attached Draft Final Order and Draft Permit which are part of the Settlement Agreement.
3. Applicant will sign this Settlement Agreement and mail the signed original back to Oregon Water Resources Department, ATTN: Patricia McCarty, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.
4. Within 30 days after OWRD receives the original Settlement Agreement signed by OWRD and Applicant, and the required \$300.00 permit recording fee, OWRD will issue a Final Order and Permit that are consistent with the Draft Final Order and Draft Permit and are attached to, and part of, this Settlement Agreement. The Final Order will

incorporate this Settlement Agreement by reference and as an attachment.

5. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
6. Each Party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord. Each Party to this Settlement Agreement also certifies that it has read the entire Settlement Agreement, Draft Final Order, and Draft Permit, and understands and fully agrees with the contents thereof.
7. As mentioned above, permit recording fees in the amount of \$300.00 must be paid prior to issuance of a permit. If the Final Order and/or Permit Issuance are delayed due to failure of the Applicant to pay any required fees, this will not constitute breach of the Settlement Agreement by OWRD.
8. This Settlement Agreement may be signed in counterparts, each of which will be deemed an original, and all of which together shall constitute one and the same Settlement Agreement.


Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

4-7-08
Date


Ken and/or Lisa Brockman, Applicant

2/14/08
Date

RECEIVED

APR 07 2008

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LISA BROCKMAN
10889 HANNON RD
EAGLE POINT, OR 97524

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

APPLICATION FILE NUMBER: S-86825

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF SOUTH UMPQUA RIVER

PURPOSE OR USE: HUMAN CONSUMPTION FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.005 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 3, 2007

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T29S, R5W,
W.M.; 1000 FEET SOUTH AND 275 FEET WEST FROM NE CORNER, SECTION 18

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 18
TOWNSHIP 29 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- 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

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.

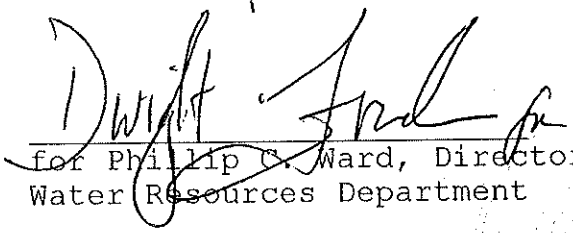
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.


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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 May 5, 2008


for Phillip C. Ward, Director
Water Resources Department



Mailing List for FO Copies

Application #S-86825

Original mailed to applicant with claim of beneficial use form:

LISA BROCKMAN
10889 HANNON RD
EAGLE POINT, OR 97524

Copies sent to:

1. WRD - File # S-86825
2. WRD - Ken Stahr

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 15
4. WRD - SW Region Manager

Copies Mailed	
By: <u>MS</u>	(SUPPORT STAFF)
on: <u>5/5/08</u>	(DATE)

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

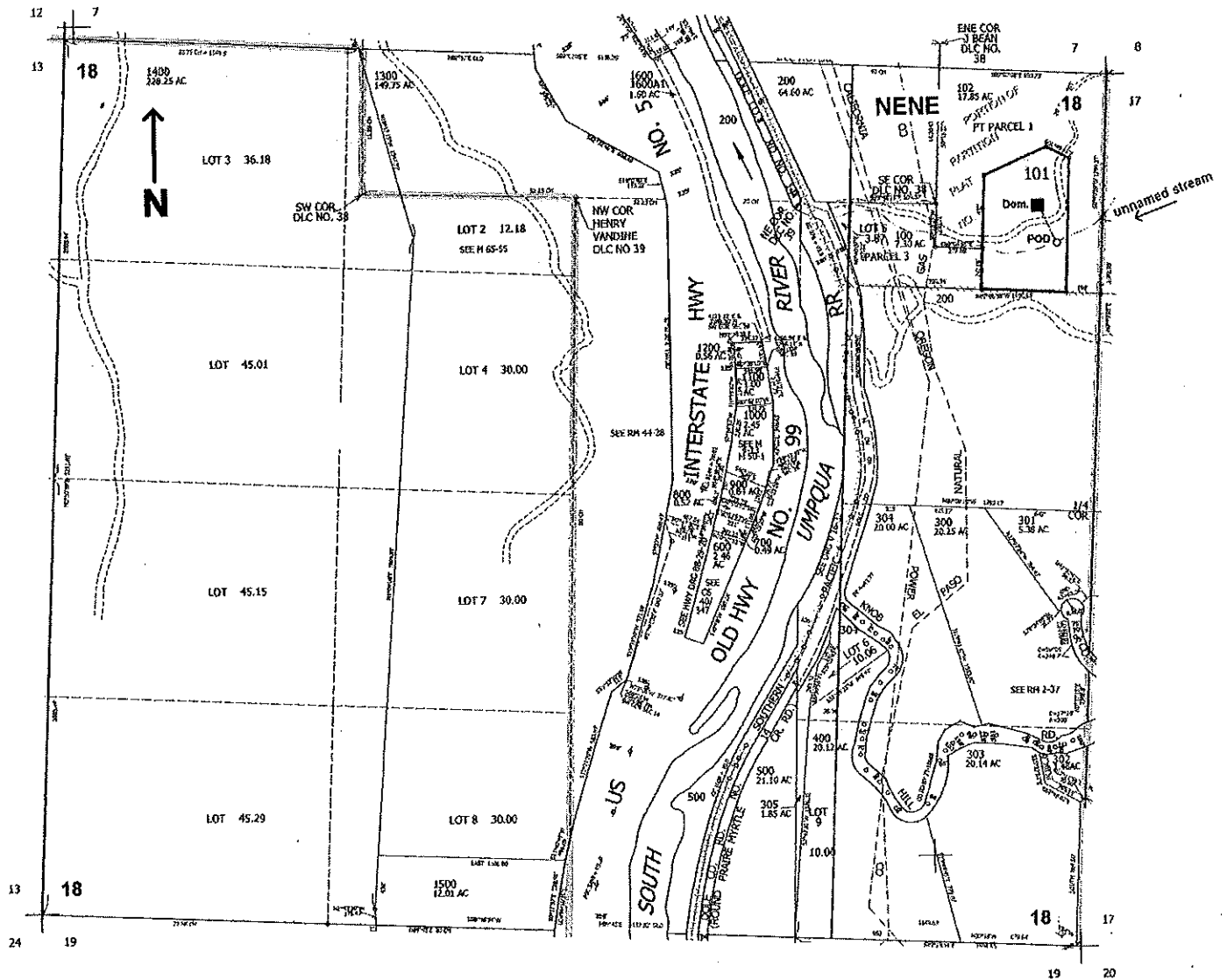
4. Eric Stark, Stark + Hammack, P.C., Attorney At Law
201 West Main St, Suite 1B, Medford, OR 97501

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

- 1.

CASEWORKER : Brook Geffen

SEC.18 T29S. R.5W. W.M.
DOUGLAS COUNTY
Scale: 1" = 1000'



POD is located 1000 ft. S. and 275 ft. W. from the NE corner of Sec. 18

RECEIVED

APR 03 2007

WATER RESOURCES DEPT
SALEM, OREGON

20070505 81.825 Permit No 5-54457



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 7, 2008

Eric R. Stark
Stark and Hammack, P.C.
201 W. Main Street, Suite 1B
Medford, OR 97501

RE: Water Rights Application # S-86825

Dear Mr. Stark,

The Oregon Water Resources Department received the Settlement Agreement signed by Lisa Brockman, and the check for payment of the permit recording fee. The receipt for the fee is enclosed.

The application will be forwarded to the caseworker, Brook Geffen. If you have any questions regarding the assignment of the permit, please contact Jerry Sauter at 503-986-0817.

Thank you,

Patricia McCarty
Protest Program Coordinator
Oregon Water Resources Department
Phone: 503-986-0820

RICHARD A. STARK
LARRY C. HAMMACK
ERIC R. STARK

STARK AND HAMMACK, P.C.
ATTORNEYS AT LAW
201 WEST MAIN STREET, SUITE 1B
MEDFORD, OREGON 97501

(541) 773-2213
(541) 779-2133
FAX (541) 773-2084
ers@starkhammack.com

April 3, 2008

VIA US MAIL

Patricia McCarty
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

RECEIVED

APR 07 2008

WATER RESOURCES DEPT
SALEM, OREGON

re: Water Rights Application S-86825
Our File No.: CO 2651

Dear Ms. McCarty :

It was a pleasure speaking with you. As we discussed, I represent the current owners of the property related to this Water Rights Application. I am enclosing Settlement Agreement for Water Right Application S-86825 executed by Lisa Brockman, February 14, 2008. I have also enclosed \$300.00 Permit Recording Fee. Please process this Agreement and forward the final order and permit.

I will be following up with a request of Assignment of this Water Permit S-86825 to my clients the owners of the property.

Thank you for your assistance and please contact me directly if you have any questions regarding this matter.

Very truly yours,
STARK AND HAMMACK, P.C.



Eric R. Stark

ERS: pk
cc: Client

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application S-86825)
in the name of Lisa Brockman,)
 Applicants and Protestants)
 Lisa and Lee Brockman)

**SETTLEMENT
AGREEMENT**

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WATER RESOURCES DEPT
SALEM, OREGON

The Oregon Water Resources Department ("OWRD") and Lisa Brockman ("Applicant"), referred to collectively as "the Parties" and each individually as "Party," do hereby stipulate and agree in this "Settlement Agreement" as follows:

Stipulations

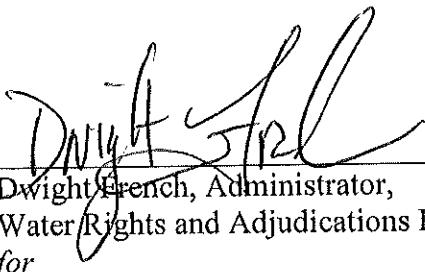
- I. On April 3, 2007, the Applicant submitted water right Application S-86825.
- II. On August 28, 2007, OWRD issued a Proposed Final Order ("PFO") for Application S-86825, proposing to deny the Application.
- III. On September 12, 2007, OWRD received a protest from Lee Brockman regarding OWRD's PFO on Application S-86825.
- IV. OWRD and Applicant agree that all issues raised in Applicant's protest to the PFO on Application S-86825 are resolved solely on the following terms.

Terms of Agreement


1. In signing this Settlement Agreement, Applicant withdraws the protest and any associated request for contested case hearing regarding the PFO for Application S-86825 with prejudice.
2. Regarding water right Application S-86825, Applicant hereby expressly waives all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, or to seek judicial review of the Final Order or Permit, in addition to waiving any right and opportunity to challenge this Settlement Agreement, including the attached Draft Final Order and Draft Permit which are part of the Settlement Agreement.
3. Applicant will sign this Settlement Agreement and mail the signed original back to Oregon Water Resources Department, ATTN: Patricia McCarty, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.
4. Within 30 days after OWRD receives the original Settlement Agreement signed by OWRD and Applicant, and the required \$300.00 permit recording fee, OWRD will issue a Final Order and Permit that are consistent with the Draft Final Order and Draft Permit and are attached to, and part of, this Settlement Agreement. The Final Order will

incorporate this Settlement Agreement by reference and as an attachment.

5. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
6. Each Party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord. Each Party to this Settlement Agreement also certifies that it has read the entire Settlement Agreement, Draft Final Order, and Draft Permit, and understands and fully agrees with the contents thereof.
7. As mentioned above, permit recording fees in the amount of \$300.00 must be paid prior to issuance of a permit. If the Final Order and/or Permit Issuance are delayed due to failure of the Applicant to pay any required fees, this will not constitute breach of the Settlement Agreement by OWRD.
8. This Settlement Agreement may be signed in counterparts, each of which will be deemed an original, and all of which together shall constitute one and the same Settlement Agreement.


Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

4-7-08
Date


Ken and/or Lisa Brockman, Applicant

2/14/08
Date

RECEIVED

APR 07 2008

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 07 2008

WATER RESOURCES DEPT
SALEM, OREGON
DRAFT

DRAFT

This is not a permit.

STATE OF OREGON

COUNTY OF DOUGLAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO
LISA BROCKMAN
PO BOX 707
MYRTLE CREEK, OR 97457

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meet existing state or federal water quality standards due to reduced flows.

This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.

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.

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Issued _____, 2008

DRAFT - THIS IS **NOT** A PERMIT

for Phillip C. Ward, Director
Water Resources Department

RECEIVED

APR 07 2008

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

January 23, 2008

Lisa Brockman
4019 Dole Road
P.O. Box 707
Myrtle Creek, OR 97457

RE: Water Rights Application # S-86825

Dear Lisa,

The Oregon Water Resources Department mailed a proposed settlement agreement to you on December 22, 2007 asking that you sign it and return it to this office. The agreement stated that within 30 days after OWRD receives the original signed agreement, and the required \$300.00 permit recording fee, OWRD will issue a Final Order and Permit.

As of this date, OWRD has not received the signed settlement agreement from you. You need not submit the permit recording fee with the settlement agreement. You may wait to submit the fee until you wish to have the permit issued. Submitting the signed settlement agreement will close out your protest, and your permit will not issue until you submit the recording fee.

If you have any questions or concerns about the issuance of a permit, please give me a call.

Sincerely,

Patricia McCarty
Protest Program Coordinator
Oregon Water Resources Department
Phone: 503-986-0820

From: Timmie Brandt
Sent: Tuesday, February 05, 2008 11:59 AM
To: Mary Rohling
Cc: Patricia McCarty; 'Timmie.C.BRANDT@wrđ.state.or.us'
Subject: S-86825-----Address Change

Surface Water file S-86825 / No Permit / No Certificate –

Lisa Brockman
10899 Hannon Road
Eagle Point OR 97524-9577

OLD ADDRESS:
PO Box 707
Myrtle Creek OR 97457

Timmie C. Brandt
Water Rights Division

Memo

To: S-86825 Lisa Brockman

From: Patricia McCarty, Protest Program Coordinator

Date: 2/4/2008

Regarding: Address change of applicant

Confidential: Yes No

Lisa called 1/28/2008; stated she had not received the Settlement Agreement because they've moved.

New Address:

Lisa Brockman

10899 Hannon Road

Eagle Rock, OR 97524

Print

Water Right Information Query Results																																															
Contact Information				Documents <small>View all scanned documents</small>																																											
▼ Current contact information LISA BROCKMAN PO BOX 707 MYRTLE CREEK, OR 97457				▼ Application: S 86825 digital map Received: 4/3/2007 <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th colspan="4" style="text-align: center;">Application Workflow</th> </tr> <tr> <th>Action</th> <th>Date</th> <th>Result</th> <th>Completed By</th> </tr> </thead> <tbody> <tr> <td>Caseworker Assigned</td> <td></td> <td></td> <td>BROOKGEFFEN</td> </tr> <tr> <td>Application Filed</td> <td>4/5/2007</td> <td></td> <td></td> </tr> <tr> <td>Initial Review</td> <td>5/11/2007</td> <td>Propose to Issue</td> <td>BROOKGEFFEN</td> </tr> <tr> <td>IR Comment Period</td> <td>6/14/2007</td> <td>Propose to Issue</td> <td>BROOKGEFFEN</td> </tr> <tr> <td>Proposed Final Order</td> <td>8/28/2007</td> <td>Propose to Deny</td> <td>BROOKGEFFEN</td> </tr> <tr> <td>Protested</td> <td>9/12/2007</td> <td></td> <td>DWIGHTFRENCH</td> </tr> <tr> <td>PFO Protest Period</td> <td>10/2/2007</td> <td>Propose to Deny</td> <td>BROOKGEFFEN</td> </tr> </tbody> </table>								Application Workflow				Action	Date	Result	Completed By	Caseworker Assigned			BROOKGEFFEN	Application Filed	4/5/2007			Initial Review	5/11/2007	Propose to Issue	BROOKGEFFEN	IR Comment Period	6/14/2007	Propose to Issue	BROOKGEFFEN	Proposed Final Order	8/28/2007	Propose to Deny	BROOKGEFFEN	Protested	9/12/2007		DWIGHTFRENCH	PFO Protest Period	10/2/2007	Propose to Deny	BROOKGEFFEN
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[View Water Rights in same Family](#)
[Help understanding and working with the Water Rights Information System](#)
[Report Errors with Water Right Data](#)
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CASEWORKER : Brook Geffen

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

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in the name of Lisa Brockman,) **SETTLEMENT**
Applicants and Protestants) **AGREEMENT**
Lisa and Lee Brockman)

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- I. On April 3, 2007, the Applicant submitted water right Application S-86825.
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Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Date

Ken and/or Lisa Brockman, Applicant

Date

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF DOUGLAS

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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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 _____, 2008

DRAFT - THIS IS **NOT** A PERMIT

for Phillip C. Ward, Director
Water Resources Department



OREGON DEPARTMENT of FISH and WILDLIFE

FISH SCREENING PROGRAM

SMALL PUMP SCREEN SELF CERTIFICATION

The Oregon Water Resources Department in coordination and cooperation with the Oregon Department of Fish and Wildlife includes screen requirements on pumps to protect fish as a condition of many surface water and/or reservoir water right permits. This is done in accordance with ORS 537.153.

The Oregon Department of Fish and Wildlife does not usually inspect small pump screens at **pumped diversions less than 225 gpm** (gallons per minute), but furnishes the following fish screening criteria information to the water right permit holder:

Screen material open area must be at least 27% of the total wetted screen area.

Perforated plate: Openings shall not exceed 3/32 or 0.0938 inches (2.38 mm).

Mesh/Woven wire screen: Square openings shall not exceed 3/32 or 0.0938 inches (2.38 mm) in the narrow direction, e.g., 3/32 inch x 3/32 inch open mesh.

Profile bar screen/Wedge wire: Openings shall not exceed 0.0689 inches (1.75 mm) in the narrow direction.

Screen area must be large enough not to cause fish impact. Wetted screen area depends on the water flow rate and the water approach velocity. **Approach velocity** is the water velocity perpendicular to and approximately three inches in front of any part of the screen face.

An Active pump screen is a self-cleaning screen that has a proven cleaning system. The **screen approach velocity for active pump screens** shall not exceed 0.4 fps (feet per second) or 0.12 mps (meters per second). The wetted screen area in square feet is calculated by dividing the maximum water flow rate in cubic feet per second (1 cfs = 449 gpm) by 0.4 fps.

A Passive pump screen is a screen that has no cleaning system other than periodic manual cleaning. **Screen approach velocity for passive pump screens** shall not exceed 0.2 fps or 0.06 mps. The wetted screen area in square feet is calculated by dividing the maximum water flow rate by 0.2 fps.

For further information on fish screening please contact:

Bernie Kepshire, Oregon Department of Fish and Wildlife,
3406 Cherry Avenue NE, Salem, OR 97303 503.947.6229

As evidence of having met fish screen installation requirements, please sign the certification and send to:
Oregon Water Resources Department, Water Rights Section, 725 Summer Street NE, Suite A, Salem, OR 97301-1271.

Certification: I certify that my small pumped diversion of less than 225 gpm meets fish screening criteria, and that I will maintain it to comply with regulatory criteria. I also understand that should fish screening standards change, I may be required to modify my installation to meet applicable standards.

Applicant Signature: _____ Date: ____/____/____ WRD File #: _____

Printed Name and Address: _____

Phone: () _____ Fax: () _____

FISH SCREENING CRITERIA

Profile bar screen/Wedge wire: Openings shall not exceed 0.0689 inches (1.75 mm) in the narrow direction.

Memo

To: Brook G

From: Patricia McCarty

Date: 12/21/2007

Regarding: Brockman application S-86825

Confidential: Yes No

Hi Brook,

We've agreed to issue a permit for the requested amount, without any additional restrictions on gallons per day or mitigation.

I have the Settlement Agreement written up. When you can get to it, please create a Draft Final Order and Draft Permit, and for efficiency, a Final Order and Permit, and give them to me. I'll take it from there so you won't need to see the file again.

Thanks!
Patricia

FO Checklist

Application #: S-86825 Applicant: LISA BROCKMAN

☒ Has applicant **name and/or address changed**, or has the file been assigned? Y ~~N~~
If new: new address: 10889 Hannon Rd, Eagle Point OR 97524

☒ Were **comments** received? If so, from whom and when? Protest received 9/12/07
Respond to significant comments, issues, or disputes related to the proposed use of water

Verify names and mailing addresses of all commenters, affected landowners and those who paid \$10 fee on PFO cc: list.

☒ Have **affected landowner(s)** been notified? Y / N / NA If not, do not issue FO. Send a letter to affected landowner(s).

☒ Has ODFW asked for **screening** condition and rate ≤ 0.5 CFS? Y / N / NA If yes, include fish screening form.

☒ Are requested **GW conditions** included in permit? Y / N / NA If not, add condition(s) _____

☒ Do PFO conclusions **require modification** due to typos or errors? Y / N What and why? _____

FO Mod due to SEA
protest

☒ If in North Umpqua settlement reach and you're issuing a permit, did you update the spreadsheet(s)? Y / N NA

* Fees

Base Fee	Water Amount (Q)
\$150 / \$250	1 st CFS/AF <u>200</u>
<u>\$300</u> / \$500	_____ Addl @ _____ + _____
<u>300</u>	<u>200</u>
(base)	(Q)
+	=
	<u>500</u>
	(total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 / \$250 <u>\$300</u>
EXAM FEE PAID	<u>500</u>	RECORDING FEE PAID	<u>-</u>
STILL OWED	<u>-</u>	STILL OWED	<u>300</u>

FO type DENIAL FO w/ Permit # 84457

Name: [Signature] Date: 12/21/2007

Peer Reviewer: [Signature]

☒ FO w/o permit ☒ lacks fees
☐ lacks easement
☐ lacks approved dam plans & specs
Also bc. Draft due to protest outcome
Paid 4/7/08

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

PFO Checklist

Application #: S-86825 Applicant: LISA BROCKMAN

☒ Shortcomings preventing PFO? Y / ☒ Should process continue? ☒ / N

☒ IR Date May 11, 2007 Public Notice Date May 15, 2007 Comments received? Y / ☒

☒ Was additional information requested in the IR? Y / ☒ If so, do we now have enough info to do the PFO? Y / N

☒ Was the application filed after 10/23/99? ☒ / N (If not, add A date requirement)

☒ B.O.R. or Doug Co. project Y / ☒ Contract in file? N contract # _____

☒ IR identifies as DEQ 303d? Y / ☒ NA Comments received? Y / N _____

☒ Is second gw review necessary? Y / ☒ NA Complete? Y / N

☒ Water Availability ☒ / REDONE / NA NO water available - not favorable w/ HC option

☒ Have conflicts been addressed? Y / N / ☒ _____

☒ Changes from IR determinations _____

☒ Copy to NA _____

Fees	Base Fee	Water Amount (Q)
	\$100 / \$150	1 st CFS/AF
	\$250 / <u>\$300</u>	<u>200</u>
		_____ Addl @ _____ + _____
	<u>300</u>	<u>200</u>
	(base)	(Q)
	+	=
		<u>500</u>
		(total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 / \$250
EXAM FEE PAID	<u>500</u>	RECORDING FEE PAID	<u>—</u>
STILL OWED	<u>—</u>	STILL OWED	<u>—</u>

Name: B. Behr Date: 6/25/2007

Peer Reviewer: jmc

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

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: 05/11/07

Deadline Date: June 15, 2007

Application #S-86825

Applicants Name: Lisa Brockman

Source: Unnamed stream, a tributary of South Umpqua River

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)]

NO / YES Species: Winter Steelhead, Coho, Cutthroat trout, Pacific Lamprey Status: Sensitive, Threatened, Endangered

IF ANSWER TO QUESTION (1) IS YES, CONTINUE ON THIS PAGE TO QUESTION (2),
IF ANSWER IS NO, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

2) What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

3) 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 a SENSITIVE SPECIES?

NO / YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]

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

4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO (if no go to 4) / YES [690-33-330(3)]

Which conditions are recommended? fishdiv 33

(Try to select conditions from the Menu of Conditions)

5) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO / YES [690-33-330(4)]

If YES, please explain: Any water withdrawal may have the potential to impact the fish species listed above. The withdrawal may impact water temperatures, water flow, water quality, ect., which will impact juvenile rearing, migrating spring chinook and pacific lamprey.

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what fish screening, bypass or other conditions should be included in the permit?

Meet ODFW's criteria for small pump screens

7) Your recommendation under OAR 690-033-0330 (2): X Approval with conditions
 _____ Approval without conditions
 _____ Denial

ODFW Representative: Name: Sam Moyers

Date: 6/15/2007

WRD Contact: Caseworker: Brook Geffen, Water Rights Division

503-986-0808/ Fax: 503-986-0901 / e-mail: Brook.A.Geffen@wrdd.state.or.us

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG
(Developed 6/27/97 - revised 7/13/04)

Standard language for all surface and reservoir applications unless instructed otherwise by ODFW:

the permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a shway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction. (formerly b54c and odfwdam)

shself The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary. (formerly fish)

shapprove The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. (formerly odfw and b54b)

shdiv33 If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. (formerly 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. [same as riparian])

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows. [same as wq]

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. [same as fishapprove]

shmay Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish. (formerly odfwmay)

52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

51a The period of use has been limited to _____ through _____.

57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

title call The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. 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.

q The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

nce The stream and its adjacent riparian area shall be fenced to exclude livestock.

lv Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

ODFW PUBLIC INTEREST REVIEW SHEET

Page 2

Application #S-86825

Applicants Name: Lisa Brockman

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO (Sign form and return) / YES Species: Winter Steelhead, Coho, Cutthroat trout, Pacific Lamprey

Other: _____

What stage or value is at risk (circle all that apply): **Spawning, Incubation, Rearing, Passage, Habitat Value**

2) Will the proposed use result in a loss of habitat? NO / YES

3) Can conditions be applied to mitigate the impact to the loss of habitat? NO / YES

Which conditions are recommended? fishdiv 33

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?
NO / YES

If YES, please explain: Any water withdraw may have the potential to impact the fish species listed above. The largest impact may be to main stem rearing juveniles. The withdraw may impact water temperatures, water flow, water quality, ect.

5) If WRD determines that it is in the publics interest to approve a permit even if the impact cannot be mitigated what fish screening, bypass or other conditions should be included in the permit?

Meet ODFW's criteria for small pump screens

ODFW Representative: Name: Sam Moyers Date: 6/15/2007.

WRD Contact: Caseworker: Brook Geffen, Water Rights Division

503-98-0808/ Fax: 503-986-0901 / e-mail: Brook.A.Geffen@wrd.or.state.us

Revised 11/2/06

Meridian: WILLAMETTE Township: 29 South Range: 5 West Section: 18 Records per Page: 100 Search

1 of 2

<u>Select</u> Cert:37362 CR *	5/21/1959	IRRIGATION	39																1	
<u>Additional Info:</u> ALVIN STITES App: S33117 Permit: S26195 Cert: 37362																				
<u>Select</u> Cert:37418 OR *	7/15/1966	IRRIGATION	39		2.5															
<u>Additional Info:</u> RICHARD WARREN App: S42490 Permit: S31773 Cert: 37418																				
<u>Select</u> Cert:39974 OR *	5/8/1968	IRRIGATION	39		1.3															
<u>Additional Info:</u> ERNEST M YOSS App: S44888 Permit: S33562 Cert: 39974																				
<u>Select</u> Cert:44371 OR *	6/24/1971	IRRIGATION	39		0.3													0.9		
<u>Additional Info:</u> HAROLD C MORRIS App: S48361 Permit: S36308 Cert: 44371																				
<u>Select</u> Cert:48951 OR *	2/28/1978	IRRIGATION	39															2		
<u>Additional Info:</u> EDWARD L MATTHEWS App: S57114 Permit: S42966 Cert: 48951																				
<u>Select</u> Permit:S 51924 *	6/29/1987	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			2.8													0.9		
<u>Additional Info:</u> COUNTY OF DOUGLAS; PUBLIC WORKS; NATURAL RESOURCES App: S69165 Permit: S51924																				

IR CHECKLIST

Application #: S-86825 Applicant: LISA BROCKMAN

Use(s): DOMESTIC Priority Date: April 3, 2007

☒ If municipal or quasi-municipal: ☐ reviewed by Bill Fujii Y / N / NA ☐ Construction will be completed within 20 years.

☒ Is the application complete? (Y) / N

☒ Prohibited by ORS 538? Y / (N) If so, do not do an IR; return the application & fees to the applicant.

☒ GW Review ☐ surface classification triggered ☐ PSI with stream: _____

- ☐ will not ☐ will likely be available ...without injury... and/or within the capacity of the resource
- ☐ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource
- ☐ The well is located in GWLA or CGWA or T1N R3E Sec 20, 21, 28, 29. (If checked, include a basin map noting POD.)

☒ WM Dist (NWR - 1 2 16 18 20) (NCR - 3 4 5 21) (ER - 6 8 9 10) (SCR - 11 12 17) (SWR - 13 14 (15) 19)

☒ DIVISION 33 (Y) / N / NA ☐ Above Bonneville (if checked not allowed April 15 - September 30?)
(If Y, attach basin map w/ pod) ☐ Below Bonneville
☒ Statewide

☒ SW Availability ☐ NA ☒ 80% live ☐ 50% storage Dec - Aug WID: 31630213

- ☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoeg Creek (including Mission & Case Creeks)

☒ Is there a conflict? Y / (N) NA _____

- ☐ If conflict, are rights from a different source?
- ☐ If supplemental, check for primary right on same land
- ☐ will this be making up a deficiency in rate?

☒ Allowed under Basin Program (Y) N Limitations? Y / N _____

☒ 303D Y (N) / NA IN GEOGRAPHIC UMATILLA Y (N) BOTTLED WATER Y (N)
(cc: DEQ Regional Manager) (cc: CTUIR) (cc: DOA Food Safety Division)

<input checked="" type="checkbox"/> Rate <u>1/80</u>	Rate <u>Max</u>	Req <u>0.005</u>
Duty <u>2.5</u>	Season <u>year round</u>	Req <u>year round</u>

☒ Land use: (OK) needs approval county notified NA

☒ Storage Contracts: ☐ USBOR ☐ Army Corps of Engineers ☐ Douglas County ☒ NA
contract # _____

☒ Agent: Has the applicant authorized someone to act as an agent? Y / (N)

☒ Conditions: Small 0.005 L-1

Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 and < 1.5 CFS, > 9.2 and < 100 AF, Large ≥ 1.5 CFS, ≥ 100 AF
Use "Medium" when the source is Siltcoos Lake Sandy Basin ground water, or stored water with a contract.
Use "Large" when permit has 7I, temp control (including NU) or HC above a SWW, Tenmile Lake,
or when the applicant is a government entity
Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

Application #: S-86825 Applicant: LISA BROCKMAN

☒ Is the stream withdrawn? Y / (N) NA season allowed _____

☒ Basin Maps have been checked Y / N River Mile ~ 3.6

☒ SWW (ABOVE) WITHIN NA Name _____ (If above or within, notify Parks.)

☒ Is the source a high priority for streamflow restoration? Y / (N) NA

☒ Letter format (Good) Limited Bad Bad w/ HC Opportunity

☒ If in North Umpqua settlement reach, did you update the spreadsheet(s)? Y / N / (NA)

☒ CWRE, representative, etc. to notify? Y / (N) _____

____ Addn'l info req'd? Y / N _____
(If Y, send certified)

☒ Attachments included? (Y) N / NA Div 33 + HC review

____ E-mailed Tim, including note if negative? Y / N

☒ Fees

Base Fee

Water Amount (Q)

\$100 / \$150
\$250 / (300)

1st CFS/AF 200
____ Addl CFS/AF @ _____ + _____

300 +
(base)

200 = 500
(Q) (total exam fee)

\$150 - paid for LL-1042

EXAM FEE REQUIRED	<u>500</u>
EXAM FEE PAID	<u>300</u>
STILL OWED	<u>200</u>

Name: Brook Geffen Date: 4/17/2007

Peer Reviewer: _____

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Current as of November 2, 2006

Analysis for Application: S86825

Location: 29S-5W-18-NENE

Uses: DO P

Basins

BASIN_NUM	BASIN_NAME
16	Umpqua

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY
11	15	SW	David Williams	1036 Douglas, Douglas Co Courthouse, Rm 306	Roseburg

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
31630218	16	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 1

County

COUNTY	FIPS
Douglas	41019

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

RECEIVED

SEP 12 2007

WATER RESOURCES DEPT
SALEM, OREGONLee Brockman
4019 Dole Road
P.O. Box 707
Myrtle Creek, Oregon
97457
541.643.9547

12 September 2007

Reference: Water Rights Application Number S-8625

Oregon Water Resources Department
Water Rights Division
725 Summer St. NE Ste A
Salem, Oregon 97301
ATTN:
Phillip C. Ward
Director Water Resources Department

Dear Sir,

In accordance with ORS 537.153 (7) (for surface water) and, or ORS 537.621 (8) (for ground water) we take this opportunity to offer the following facts in protest to your decision dated 28 August 2007:

- Lee Brockman
4019 Dole Road
P.O. Box 707
Myrtle Creek, Oregon 97457
541.643.9547
- I own the property, along with my wife Lisa Brockman, free and clear from debt.
- We have occupied the property in question which was family property since 1972. The original piece of land was 189 acres. It is the first division of title since that time. The balance of the original property is 179 acres, which remains in ownership by Bill Gow. (He can be contacted at his residence telephone of 541.679.5166.) If this application is denied we will be required to attempt the drilling of a deep well to provide water to complete our loan requirements as outlined by the F.H.A. This will cost us approximately \$10,000.00. If the well proves inadequate, we will be required to construct a cistern and haul water from a commercial source at a monthly estimated cost of 600.00 (see attachment

RECEIVED

SEP 12 2007

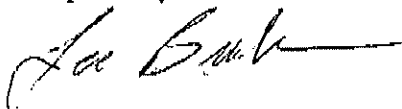
WATER
SALEM, OREGONReference: Water Rights
Application Number S-8625
Page 2 of 2

marked "A"). This added cost will not be feasible as I'm the sole provider to our family of 5 family members, one of which is physically handicapped with cerebral palsy. I'm a heavy equipment operator in a seasonal occupation with a gross annual income of approximately \$ 42,500.00, requiring considerable travel. Early in 2007 I had to undergo knee surgery, missed 3 months work, at a cost of \$12,000.00. We moved from a rental property, camped out while we cleared and constructed the site improvements, in accordance with County requirements. Based upon a temporary water right permit issued from the District Water Master in Roseburg we made a down payment on a manufactured home and had it moved and placed upon the approved site. To add additional income we purchased the home with an A.D.A. approval, my wife intends to contract care for handicapped children if adequate water can be provided.

- Based upon statements made by the District Water Master in Roseburg, the well drilling history in this area has been unsuccessful, of the last 10 wells drilled six 6 have not produced water and 2 have produced sulfur water. In addition, the County Soils Engineering Technician has stated the geological formations in this region have a tendency not to produce domestic water. The current water source is still producing a substantial amount of water after the past dry months.

In closing we are requesting a case hearing in this matter. We would like to thank you in advance for any consideration and understanding you can provide in our matter.

Respectfully Submitted,



Lee Brockman

RECEIVED

SEP 12 2007

WATER RESOURCES DEPT
SALEM, OREGON

"A"

OREGON SONSHINE WATER DELIVERY
563 WILD IRIS LANE
ROSEBURG, OR. 97470
541-677-0336

To whom it may concern:

Lisa Brockman contacted our company to inquire about the cost and availability of water delivery to her residential home. Based on our experience with delivery of potable water to our customers we estimate an average of fifty gallons per day per family member. Lisa has a five member family and will consume about 250 gallons per day on an average. With the 2500 gallon storage tank that she has at her residence she would need a refill about every ten days. The major problem is the distance factor (miles) from a water dispensing station and no delivery company in Douglas County can carry that volume of water in one load. So there would be an eight day delivery schedule at a cost of \$150.00 per load. The out of pocket expense to Lisa for a one month period will be in excess of \$600.00.

Thomas M. Studer

Thomas M. Studer
Owner operator

RECEIVED

SEP 12 2007

WATER RESOURCES DEPT
SALEM, OREGON

Protest coordinator:
this document was submitted
after the PFO was issued.
This info was omitted in the HC
application & was part of the reason
the proposed use was denied.

Applicant submitted it thinking it might
give us more info in evaluating
~~during the protest period~~ the
protest.

let me know if i can fill in any more
blanks or answer any questions.

- Brent E. 9/11/07

LEE BROCKMAN
541.643.9547



Fax

S-86825

To: Brook Geffin, Water Rights Section, **From:**
Oregon Water Resources Department

Fax: 503.986.0901

Pages: 4 (Including Cover)

Phone: 503.986.0808

Date: 12-Sep-07

Re: Water Rights Application Number

CC:

S-8625

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

◆ **Comments:** Please see attached.

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SEP 12 2007
WATER RESOURCES DEPT
SALEM, OREGON

Mailing List for PFO Copies

Application #S-86825

PFO Date August 21, 2007

Original mailed to applicant:

28

LISA BROCKMAN, PO BOX 707, MYRTLE CREEK, OR 97457

Copies sent to:

1. WRD - File # S-86825
2. Water Availability: Ken Stahr

PFO and Map Copies sent to:

3. WRD - Watermaster # 15
4. ODFW District Biologist: Samuel Moyers
5. DEQ: John Blanchard (W Region)
6. DOA: Jim Johnson

Copies Mailed	
By:	<u>TCB</u>
	(SUPPORT STAFF)
on:	<u>8/28/07</u>
	(DATE)

CASEWORKER: Brook Geffen

Mailing List for IR Copies

Application #S-86825

IR Date: May 11, 2007

Original mailed to:

Applicant: LISA BROCKMAN, PO BOX 707, MYRTLE CREEK, OR 97457

Copies sent to:

1. WRD - File # S-86825
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD: Watermaster # 15 - David Williams (include Division 33 form)
4. WRD: Regional Manager - Bruce Sund
5. ODFW: Samuel Moyers (include Division 33 form)
6. DEQ: John Blanchard (include Division 33 form)
7. Department of Agriculture

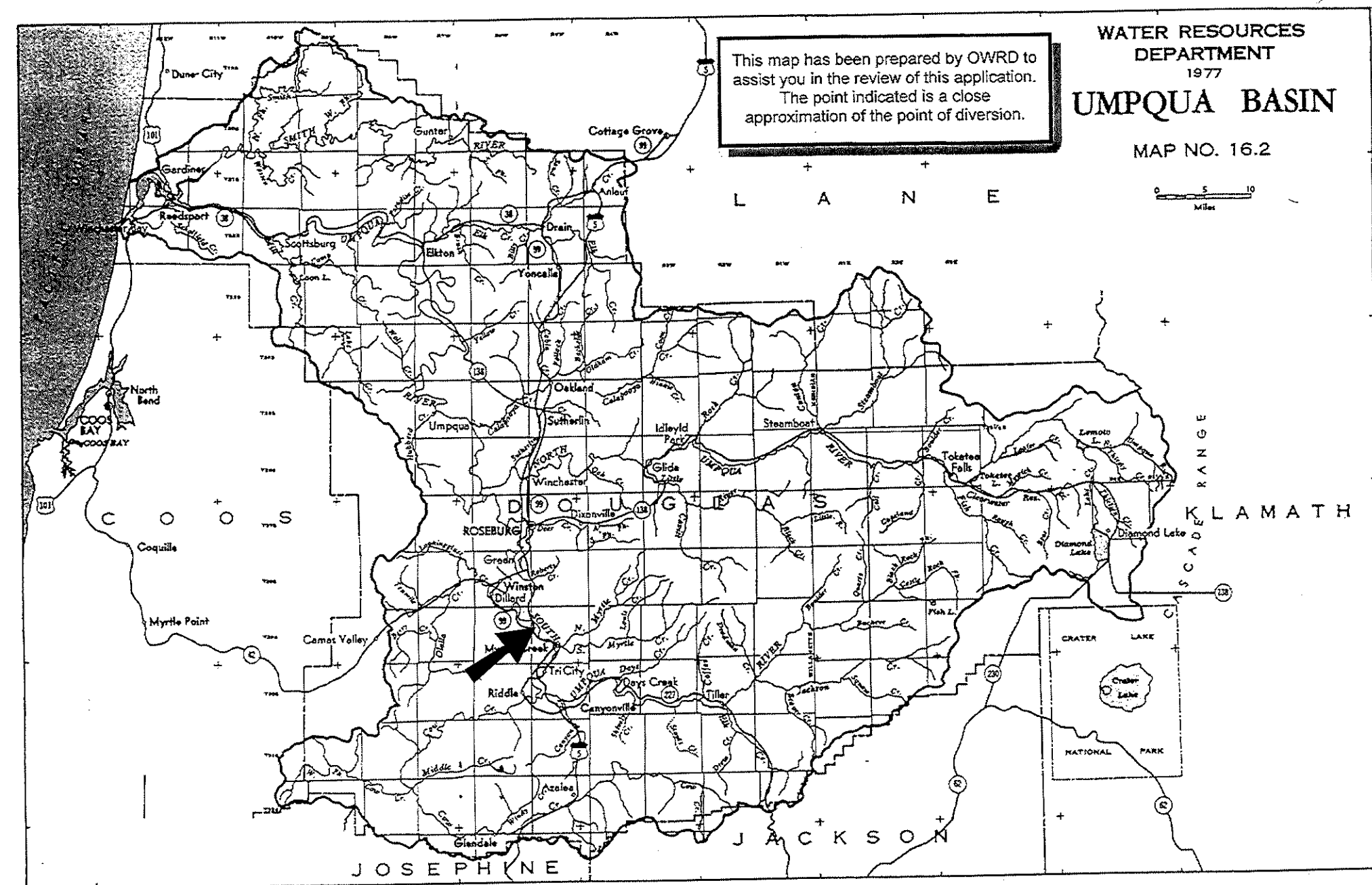
Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

8. _____

Caseworker: BG

Copies Mailed
By: <u>MS</u>
(SUPPORT STAFF)
on: <u>5/11/07</u>
(DATE)

COPYSH.T.IR



\$500.00



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: LISA Brockman
First Last
Mailing address: P.O. Box 707
Myrtle Creek, OR. 97457
City State Zip
Phone: 541-643-9597 N/A 541-643-9840
Home Work Other
*Fax: N/A *E-Mail address: N/A

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: N/A
Name and title of person applying: _____
Mailing address of organization: _____

City State Zip
Phone: _____
Day Evening
*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. <u>S-86825</u>	Permit No. _____	Date _____

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: unnamed stream Tributary to: S. Umpqua River
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). _____

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

☐ Yes.

☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Skip to section 3 "Water Use.")

☐ No (Please check the appropriate box below.)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 1
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

Surface Water/3

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SALEM, OREGON

5-816825

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount
unnamed stream	domestic	0.005 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

C. Period of Use

Indicate the time of year you propose to use the water: year round
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: n/a
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- ☒ Pump (give horsepower and pump type): 1 hp. Submersible pump (Fluormaster)
☐ Head-gate (give dimensions): _____
☐ Other means (describe): _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☐ Weir ☐ Meter ☒ Periodic Sampling
☐ Other means (describe): _____

Surface Water/4

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WATER RESOURCES DEPT
SALEM OREGON

6-810825

C. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter 1 1/4" pvc Sch 40 Length 1100 ft. to house

☐ Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> Flood | <input type="checkbox"/> High-pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip | <input type="checkbox"/> Water cannons | <input type="checkbox"/> Center pivot system |
| <input type="checkbox"/> Hand lines | <input type="checkbox"/> Wheel lines | |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows | | |
| <input type="checkbox"/> Other, describe _____ | | |

Distribution method

- ☒ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

modern low flow fixtures

5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: intake will be screened to ODFW specifications.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Minimal clearing needed.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: n/a

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: n/a

☐ Other: _____

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: April 1, 2007

Proposed date construction will be completed: Oct. 1, 2008

Proposed date beneficial water use will begin: Oct 1, 2009

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Lisa M. Brockman

Signature of Applicant (If more than one applicant, all must sign.)

3-14-07

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us

Surface Water/8

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WATER RESOURCES DEPT
SALEM, OREGON



File #:

S-84641

Oregon Water Resources Department
Application Supplement for
Human Consumption & Livestock Uses

For water use permit applications within or above scenic waterways or from streams water rights for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption use is limited to use of water for drinking, cooking, and sanitation, and does not include other uses such as lawn or garden watering or other related water uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

1. Can you reasonably obtain water from any other source? YES / (NO)
(circle one)

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)
Local Water Master informed us that in our area there has been no successful wells drilled and there appears to be no surface water on the property.
- b. Securing stored water from upstream reservoirs.
To our knowledge there is no reservoir on or above our property.
- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)
worried that having still sitting water in tank might not be good for human consumption. With running fresh water into tank you don't have bacteria and algae forming on your tank tanks.

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WATER RESOURCES DEPT
SALEM, OREGON

- d. Community or municipal water suppliers.
Not provided in our area. We live
out of city limits.
- e. Tying in to a neighboring property's spring;
We were not successful with neighbors
in doing this, we were told no.
- g. Transferring existing water rights to your proposed use(s).
We have no existing water rights in our
name and the existing water rights
owners are not willing to let use theirs.

Please identify any other alternate water sources you have considered, and why they are not feasible:

- We have researched wells and not successful,
we have asked neighbors to see if we could
develop spring or share water and not successful,
and we talked to watermaster who provided us with info
and said in his opinion this would be the only feasible way.
2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?
☒ YES / ☐ NO / ☐ NOT APPLICABLE
 (circle one)

If so, please describe how:

there would be no water on property, there for
our family would not be able to move
into our home.

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?
 YES / ☐ NO / ☒ NOT APPLICABLE
 (circle one)
3. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?
 YES / ☐ NO / ☒ NOT APPLICABLE
 (circle one)

Applicant Signature: Lisa Brockman

Date: 4/02/07

Applicant Signature: L. Brock

Date: 4-02-07

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WATER RESOURCES DEPT
 SALEM, OREGON



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Lisa Marie Brockman
Mailing Address: P.O. Box 707
City: Myrtle Creek State: OR Zip: 97457 Day Phone: 541-643-9547

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

R130653

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
29 S.	5 W.	18	NENE	101	FET, EG	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Douglas County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☒ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) unnamed stream

Estimated quantity of water needed: 0.005 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 1 household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other _____

Briefly describe: _____

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

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

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the 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): 3.3.1050(6)

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

Name: Molly Ohman Title: Planning Technician
Signature: Molly Ohman Phone: 440-4289 Date: 3-14-07
Government Entity: Douglas County Planning Dept.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

RECEIVED
Last updated 12/22/06 WR

APR 03 2007

WATER RESOURCES DEPT
SALEM, OREGON

Per phone call with Molly Ohman,
ordinance was provided - 4/17/07
-bg

RE-RECORDING

THIS WARRANTY DEED IS BEING RE-RECORDED TO CORRECT
CONSIDERATION, ORIGINALLY RECORDED AS 2007-1126.

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2007-001193



\$26.00

00172889200700011930030031

01/18/2007 01:22:53 PM

DEED-CORR Cnt=1 Stn=18 RECORDINGDESK
\$15.00 \$11.00

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APR 02 2007

WATER RESOURCES DEPT
SALEM OREGON

6-81-825



AmeriTitle
 67690

After recording return to:
 Lee Brockman and Lisa Brockman
 10899 Hannon Road
 Eagle Point, OR 97524

Until a change is requested all
 tax statements shall be sent to
 The following address:

Lee Brockman and Lisa Brockman
 10899 Hannon Road
 Eagle Point, OR 97524

Escrow No. RB67690
 Title No. 67690

SWD

DOUGLAS COUNTY OFFICIAL RECORDS
 BARBARA E. NIELSEN, COUNTY CLERK

2007-001126



\$28.00

00172000200700011260020020

01/18/2007 09:21:19 AM

DEED-WD Cnt=1 Stn=18 RECORDINGDESK
 \$10.00 \$11.00 \$5.00

STATUTORY WARRANTY DEED

Bill C. Gow and Sharon M. Gow, as tenants by the entirety, Grantor(s) hereby convey and warrant to Lee Brockman and Lisa Brockman, as tenants by the entirety, Grantee(s) the following described real property in the County of Douglas and State of Oregon free of encumbrances except as specifically set forth herein:

Parcel 2 of LAND PARTITION PLAT NO. 2007-0004, Surveyor's Records of Douglas County, Oregon, Recorder's Instrument No. 2007-546. RESERVING AND TOGETHER WITH an easement over the existing road heading East from Dole Road and Shown on said LAND PARTITION PLAT NO. 2007-0004.

SEE EXHIBIT "A" ATTACHED

R57904 & R59374 (Portion of each)

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is ~~\$137,773.60~~ 137,773.60

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 17th day of JANUARY, 2007.

Bill C. Gow

Sharon M. Gow

State of Oregon
 County of Douglas



This instrument was acknowledged before me on JANUARY 17th, 2007 by Bill C. Gow and Sharon M. Gow.

Kathleen A. Brown
 (Notary Public for Oregon)

My commission expires 1-21-09

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JAN 03 2007

WATER RESOURCES DEPT
 SALEM OREGON

END OF DOCUMENT

Exhibit A

Grantor hereby reserves the right to graze livestock on the real property conveyed herein, until such time as Grantee constructs a fence on the boundary line. Grantee shall pay all costs of construction and maintenance of the fence. Grantee shall construct fence prior to Grantee maintaining livestock on the property conveyed herein.

END OF DOCUMENT

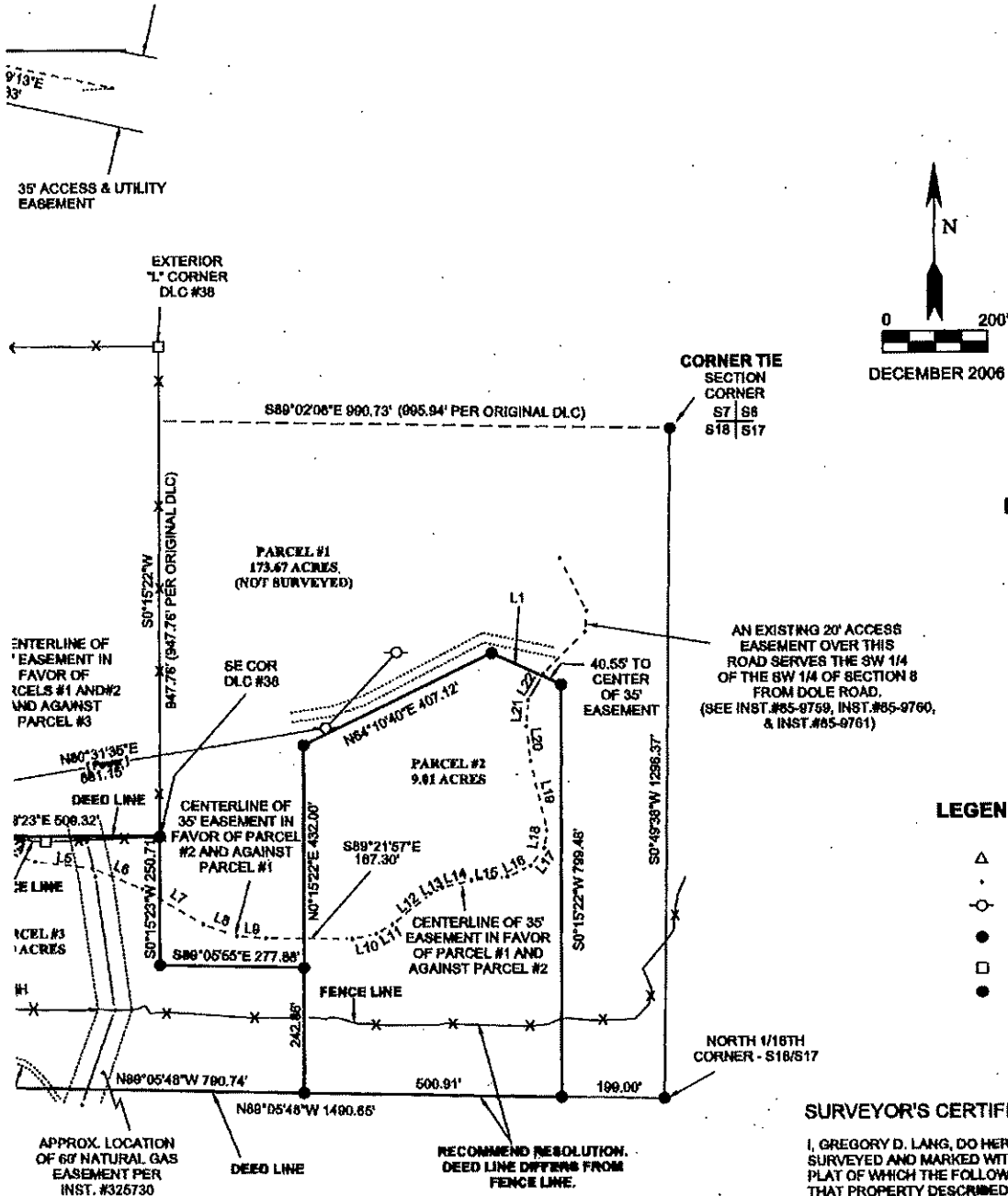
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WATER RESOURCES DEPT
SALEM OREGON

A PARTITION PLAT FOR BILL & SHARON G

LOCATED IN THE NE 1/4 OF SECTION 18, AND IN THE SE 1/4 AND S
OF SECTION 7, T29S, R5W, W.M., DOUGLAS COUNTY, OREGON



NARRATIVE

THE SOUTH AND THE N

THE SOUTH USING THE AT THE EX SOLUTIONS FENCE COI ACCURACY IGNORE TH

ALSO A MO CENTERLIN DLC #38 W

ALL OTHER

LEGEND:

- △ CALCULATED
- CENTERLINE
- POWER POLY
- SET 60" X 30 CAP MARKER
- FENCE CORN
- FOUND BRAC

SURVEYOR'S CERTIFICATE:

I, GREGORY D. LANG, DO HEREBY CERTIFY I SURVEYED AND MARKED WITH PROPER MOI PLAT OF WHICH THE FOLLOWING IS A TRUE THAT PROPERTY DESCRIBED BY INSTRUMENT DOUGLAS COUNTY, OREGON

Gregory D. Lang
GREGORY D. LANG

NOTE:
THIS PROPERTY IS ALSO SUBJECT TO A RESOURCE MANAGEMENT EASEMENT AS FILED IN INSTRUMENT #90-09342.

1. ROAD & WATER EASEMENTS WHICH PROPERTY TO THE NORTH ARE NORTH OF THE DEED LINE. (RECORDING RESOLUTION)

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, in the UMPQUA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN SOUTH UMPQUA RIVER OR ITS TRIBUTARTIES ABOVE ITS CONFLUENCE WITH THE NORTH UMPQUA RIVER (SECTION 32, T 26 S, R 6 W) MEASURED AT OR NEAR ITS MOUTH.

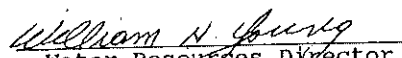
The right is established under Oregon Revised Statutes 537.346.

The date of priority is OCTOBER 24, 1958.

The right is limited to not more than 60 cubic feet per second throughout the year.

This instream water right shall not have priority over domestic use, livestock consumption, irrigation of non-commercial gardens not to exceed one-half acre in area and waters legally stored or legally released from storage.

Witness the signature of the Water Resources Director affixed this 1st day of February, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59701.

MF349 16.SOUTH UMPQUA R.VOL3.DIST15

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, in the UMPQUA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE SOUTH UMPQUA RIVER FROM THE USGS GAGE NO. 14-3120 AT STREAM MILE 21.1, (NW 1/4, SECTION 15, T 28 S, R 6 W, W.M.), TO ITS CONFLUENCE WITH THE UMPQUA RIVER, (NE 1/4, SECTION 31, T 26 S, R 6 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MARCH 26, 1974.

The right is limited to not more than the amounts during the time periods listed below:

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 15	90
OCT 16- OCT 31	300
NOV 1 - NOV 30	400
DEC 1 - APR 30	350
MAY 1 - MAY 31	275
JUN 1 - JUN 30	225
JUL 1 - JUL 31	150
AUG 1 - SEP 30	90

This instream water right shall not have priority over appropriations of water 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.

The flows listed above include flows established by earlier dated instream water rights.

Witness the signature of the Water Resources Director affixed this 9th day of JUNE, 1989.

William N. Long
Water Resources Director

Recorded in State Record of Water Right Certificates number 59954.

MF350 16.S UMPQUA R.VOL3.DIST15

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, in the UMPQUA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE SOUTH UMPQUA RIVER FROM THE USGS GAGE NO. 14-3120 AT STREAM MILE 21.1 (NW1/4, SECTION 15, T 28 S, R 6 W, W.M.) TO ITS CONFLUENCE WITH THE UMPQUA RIVER (NE1/4, SECTION 31, T 26 S, R 6 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is NOVEMBER 3, 1983.

The right is limited to not more than the amounts during the time periods listed below:

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 15	122
OCT 16- OCT 31	300
NOV 1 - NOV 30	400
DEC 1 - APR 30	350
MAY 1 - MAY 31	275
JUN 1 - JUN 30	225
JUL 1 - JUL 31	150
AUG 1 - SEP 30	122

This instream water right shall not have priority over appropriations of water 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 and the exceptions described in ORS 536.310 (13).

The flows listed above include flows established by earlier dated instream water rights.

Witness the signature of the Water Resources Director affixed this 9th day of JUNE, 1989.

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates number 59544.

MF351 16.S UMPQUA R.VOL3.DIST15

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, in the UMPQUA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE SOUTH UMPQUA RIVER FROM ITS CONFLUENCE WITH COW CREEK, (SW 1/4, SECTION 19, T 30 S, R 5 W, W.M.), TO THE USGS GAGE NO. 14-3120 AT STREAM MILE 21.2, (NW 1/4, SECTION 15, T 38 S, R 6 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MARCH 26, 1974.

The right is limited to not more than the amounts during the time periods listed below:

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 15	90
OCT 16- OCT 31	250
NOV 1 - NOV 30	400
DEC 1 - APR 30	350
MAY 1 - MAY 31	275
JUN 1 - JUN 30	225
JUL 1 - JUL 31	120
AUG 1 - SEP 30	70

This instream water right shall not have priority over appropriations of water 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.

Witness the signature of the Water Resources Director affixed this 9th day of JUNE, 1989.

William N. Young
Water Resources Director

Recorded in State Record of Water Right Certificates number 59955.

MF352 16.S UMPQUA R.VOL3.DIST15

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of UMPQUA RIVER, a tributary of the PACIFIC OCEAN, in the UMPQUA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE UMPQUA RIVER AND ITS TRIBUTARIES OTHER THAN THE SOUTH UMPQUA RIVER, ELK AND CALAPOOYA CREEKS AND SMITH RIVER, AT OR NEAR TIDEWATER.

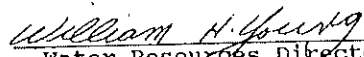
The right is established under Oregon Revised Statutes 537.346.

The date of priority is OCTOBER 24, 1958.

The right is limited to not more than 525 cubic feet per second throughout the year.

This instream water right shall not have priority over domestic use, livestock consumption, irrigation of non-commercial gardens not to exceed one-half acre in area and waters legally stored or legally released from storage.

Witness the signature of the Water Resources Director affixed this 1st day of February, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59801.

MF367 16.UMPQUA R.VOL1.DIST19

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of UMPQUA RIVER, a tributary of the PACIFIC OCEAN, in the UMPQUA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE UMPQUA RIVER FROM ITS CONFLUENCE WITH THE NORTH UMPQUA RIVER, (NW 1/4, SECTION 32, T 26 S, R 6 W, W.M.), TO ITS MOUTH, (SW 1/4, SECTION 12, T 22 S, R 13 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MARCH 26, 1974.

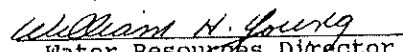
The right is limited to not more than the amounts during the time periods listed below:

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 15	900
OCT 16- JUN 30	1000
JUL 1 - SEP 30	750

This instream water right shall not have priority over appropriations of water 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.

The flows listed above include flows established by earlier dated instream water rights.

Witness the signature of the Water Resources Director affixed this 9th day of JUNE, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59965.

MF368 16.UMPQUA R.VOL1.DIST19

STATE OF OREGON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

The specific limits for the use are listed below along with conditions of use.

Source: UMPQUA RIVER

County: Douglas

Purpose of Use:

Providing required stream flows for spring and fall chinook salmon, coho and chum salmon, summer and winter steelhead, white and green sturgeon, pacific lamprey, Umpqua chub and sea-run cutthroat trout.

To be maintained in:

UMPQUA RIVER from the confluence of the North and South Umpqua Rivers, river mile 111.3, (NW 1/4, Section 32, T 26 S, R 6 W, WM); downstream to the head of the slide at Scottsburg, river mile 27.2, (SW 1/4, Section 18, T 22 S, R 9 W, WM).

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 12/1/93.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1700	1700	1700	1700	1700	1700	1000	1000	1000	1560	1700	1700

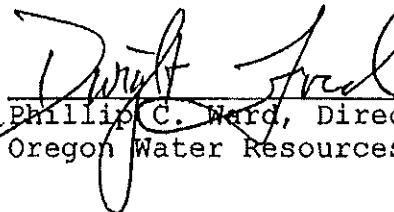
2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.

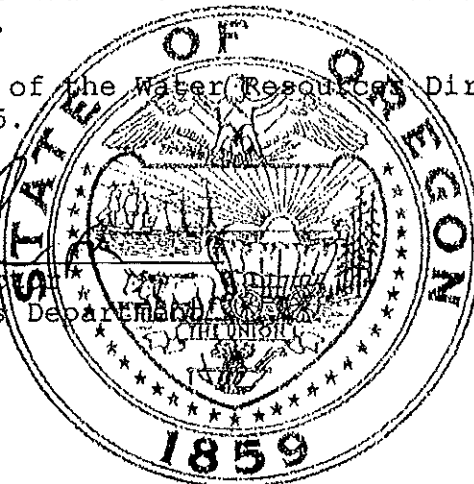
IS-73350.JWG

Certificate Number 81501

3. For purposes of water distribution, this instream water right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.
6. For purposes of water regulation only, instream rights IS-71174 and IS-73350 shall not have priority over the following uses of water with a priority date later than 1990: a combined total between IS-71174 and IS-73350 of up to 4.0 cfs of water for human consumption, domestic, or domestic expanded uses; a combined total between IS-71174 and IS-73350 of up to 1.5 cfs of water for industrial or commercial use; and a combined total between IS-71174 and IS-73350 of up to 1.5 cfs for irrigation or agricultural use. This provision means that up to a total of 7 cfs will be available to holders of water rights that are junior to IS-71174 and IS-73350 when water is used for the purposes stated. This does not mean that each applicant may use up to 7 cfs, or that 7 cfs will be available from each instream water right.

Witness the signature of the Water Resources Director affixed this
17 day of June, 2005.


Phillip C. Ward, Director
Oregon Water Resources Department



Recorded in State Record of Water Right Certificates Number 81501

IS-73350.JWG