

STATE OF OREGON  
 COUNTY OF JOSEPHINE  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RUDY & OLGA TREVINO  
 PO BOX 1145  
 CAVE JUNCTION OR 97523

confirms the right to use the waters of LITTLE GRAYBACK CREEK, a tributary of SUCKER CREEK for DOMESTIC USE FOR ONE HOUSEHOLD.

This right was perfected under Permit 52316. The date of priority is JANUARY 15, 1992. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.01 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE FOR ONE HOUSEHOLD; FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION DURING THE PERIOD LISTED BELOW, measured at the point of diversion.

Period of allowed use is January 1 through April 30 for domestic use; further limited from May 1 through December 31 to human consumption only.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
39 S	7 W	WM	24	SW NE			120 FEET NORTH & 240 FEET WEST FROM CE1/16 CORNER, SECTION 24

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
39 S	7 W	WM	24	SW NE		

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order.

**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. 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. 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

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

The water user shall maintain and operate fish screening to prevent fish from entering the diversion.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

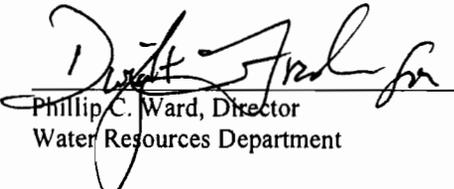
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right 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.

Issued     AUG 22 2008    .

  
Phillip C. Ward, Director  
Water Resources Department

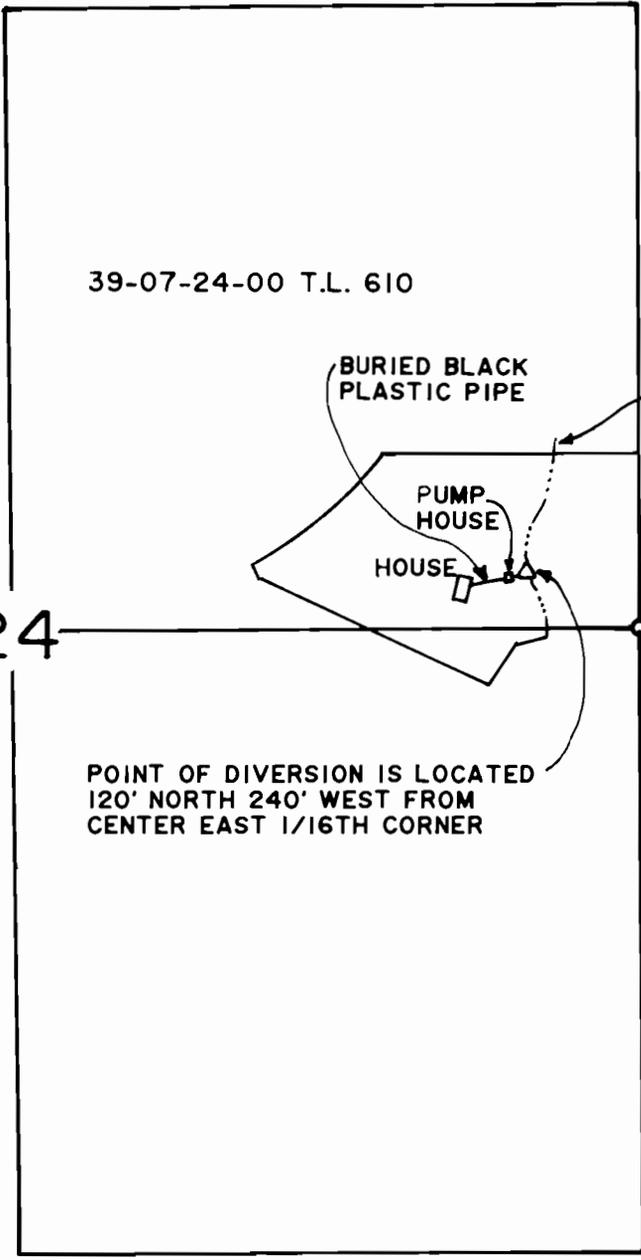
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T.39S.,R.7W.,W.M.  
SECTION 24

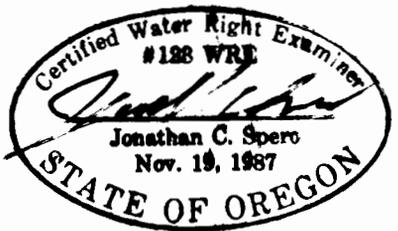
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MAR 7 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



PREPARED BY:  
JONATHAN C. SPERO C.W.R.E. 123  
1002 KINCAID RD./P.O. BOX 16  
WILLIAMS, OREGON 97544  
PH. (541) 846-6845



LICENSE RENEWAL DATE:  
JUNE 30, 2000

**FINAL PROOF SURVEY  
UNDER**

**APPLICATION NO. S-72148 PERMIT NO. 52136  
IN THE NAME OF  
RUDY AND OLGA TREVINO**

**SURVEYED FEB. 17, 2000 JONATHAN C. SPERO**

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SCALE: 1" = 400'

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**WATER RESOURCES DEPT.  
SALEM, OREGON**

**Jonathan C. Spero**  
**Registered Professional Land Surveyor LS #2309**  
**Certified Water Right Examiner CWRE # 123**  
**1002 Kincaid Road / P.O. Box 16**  
**Williams, Oregon 97544**  
**Ph. (541) 846-6845 email: spero@cdsnet.net**

## **Claim of Beneficial Use and Site Report**

**Application No. S-72148**

**Permit No. 52136**

### **INFORMATION:**

The **Source** of water is Little Grayback Creek, as per the Permit.

The **Use** of water is domestic use for one household, further limited to human consumption from May 1 through December 31 as per the Permit.

The **Place of Use** is one household in the SW1/4, NE 1/4 of Section 24, T.39 S. R.07 W. W.M. as per the Permit.

Permittee has complied with Permit Conditions as outlined below and this report is being filed within the time limits allowed thereon.

**PERMITTEE:** Rudy and Olga Trevino  
P.O. Box 1145  
Cave Junction, Oregon 97523

**CURRENT LAND OWNER:** A Life Estate by Rudy M. Trevino then to David Allan Trevino and Aaron Carlos Trevino.

c/o Rudy Trevino  
P.O. Box 1145, Cave Junction, Oregon 97523

### **PERSON WITH WHOM THIS INSPECTION WAS CONDUCTED:**

Rudy Trevino (a.k.a. Rudy M. Trevino)  
437 Little Greyback Creek Road  
P.O. Box 1145  
Cave Junction, Oregon 97523

Phone: (541) 592-3100

**SOURCE:** The source of water is Little Grayback Creek, a tributary of Sucker Creek, as per the Permit. This is the primary source of supply. Historic uses of Little Grayback Creek include domestic use and irrigation. This Permit is for domestic use for one household.

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Page 2

**DIVERSION POINT:** The Diversion consists of a 1" black plastic pipe in Little Grayback Creek. The pipe (actually a double pipe to accommodate the operation of the jet pump) is equipped with a foot valve and covered with four layers of window type screening. The fineness of the mesh of this screening is sufficient to prevent any possibility of fish being drawn into the intake. This diversion point is located about 30 feet upstream from the intake for the Baldwin irrigation ditch. The Point of Diversion is shown on the application map and Permit as being 60 feet North & 260 feet West from the Center - East 1/16th corner. I find the actual diversion to be more correctly located as 120 feet North and 240 feet West from that 1/16th corner as monumented on the ground.

**MOTOR AND PUMP:** Water is pumped from the creek to the house using a PEABODY - BARNES motor and pump (a single unit); Model Number 7500-70669, Serial Number 682. The motor is a 3/4 horsepower, 220 volt, 4.2 amp single phase electric motor with 3450 maximum r.p.m.'s. The pump is a jet pump with a 1 1/2" intake and a 1" outlet. The pipe from the creek to the intake is 1" diameter, the pipe from the pump to the house is 3/4" diameter. The operating pressure at the time of this inspection was 42 p.s.i. measured at the pump.

**PIPE:** The pipe from the Point of Diversion to the pump is 1" diameter black plastic and is about 35 feet long. From the pump, 3/4" diameter black plastic pipe carries the water about 80 feet to the house.

**HEADS:** None. This is a domestic use only Permit. There are no irrigation sprinklers on this system.

**USE:** Domestic for one household, further limited to human consumption May 1 - December 31. The use serves one family. The home is a 28' X 44' manufactured home with 3 bedrooms and 2 baths.

**LIFT:** The house (Place of Use) is located about 21 feet vertically above the intake at the point of diversion.

**SURVEY TIE:** Point of Diversion and Place of Use shown hereon are tied to the Center-East 1/16th corner for Section 24, which point is monumented with a 5/8" diameter iron rod and bearing trees as per Josephine County Survey No. 170-73. The diversion point is located 120 feet North and 240 feet West from this 1/16th corner monument.

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**SPECIAL CONDITIONS:**

The Permit requires the installation of a water meter. Mr. Trevino has installed a BADGER brand Model 40 water meter serial number 61000831. This meter has 1 1/4" diameter intake and outlet, and is on the 3/4" black plastic pipe. It is located in the pump house between the diversion point and the house. This meter measures water in cubic feet and was operating normally at the time of this inspection.

The Permit also requires the permittee to maintain fish screening. The intake (a 1" diameter pipe) has a foot valve that is screened, and also 4 layers of window type screening wrapped around it. This will keep any fish out of the intake. The Permit also calls for a "fishway at the obstruction that will provide adequate upstream and downstream passage for fish". There is no "obstruction". This is a 1" pipe, well screened, and lying in the bottom of a stream that is about 20 feet wide at this point. There is no obstruction to fish passage and the screening will prevent fish from entering the 1" pipe. It appears that there is no need for, and no feasible way to install, a fishway for this small diversion. The Baldwin ditch, just downstream from this P.O.D., is equipped with a fishway that is maintained by O.D.F.W.

**REMARKS:** Permittee Rudy Trevino has completed application of the waters of Little Grayback Creek to beneficial domestic use for one household under the terms and conditions of his Application No. S-72148, Permit 52316.

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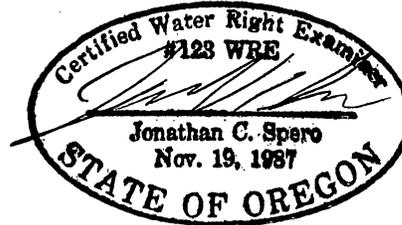
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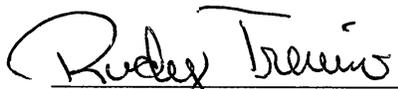
The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Application S-72148, Permit No. 52316 was completed by me on February 11, 2000 and the facts contained in this report and accompanying Final Proof Survey Map are correct to the best of my knowledge.

  
Jonathan C. Spero C.W.R.E. # 123



renewal date: June 30, 2000

We, Rudy Trevino and Olga Trevino, agree to the findings of the C.W.R.E. and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my Application S-72148, Permit No. 52316,

  
Rudy Trevino

  
Olga Trevino

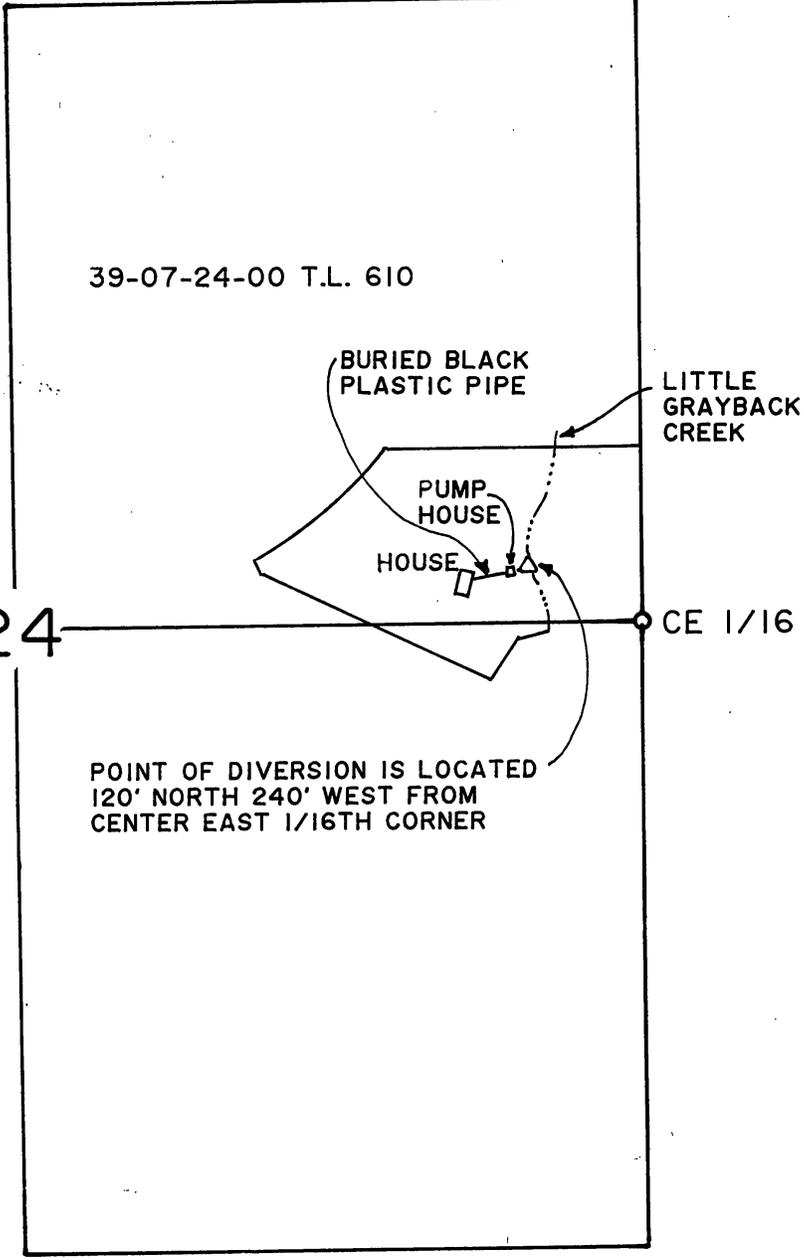


T.39S.,R.7W.,W.M.  
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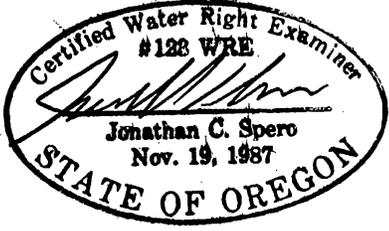
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PREPARED BY:  
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LICENSE RENEWAL DATE:  
JUNE 30, 2000

**FINAL PROOF SURVEY  
UNDER**

**APPLICATION NO. S-72148 PERMIT NO. 52136  
IN THE NAME OF  
RUDY AND OLGA TREVINO**

**SURVEYED FEB. 17, 2000 JONATHAN C. SPERO**

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SCALE: 1" = 400'

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUDY AND OLGA TREVINO  
PO BOX 1255  
CAVE JUNCTION, OREGON 97523

(541) 592-2064

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72148

SOURCE OF WATER: LITTLE GRAY BACK CREEK, A TRIBUTARY OF SUCKER CREEK

PURPOSE OR USE: DOMESTIC USE FOR ONE HOUSEHOLD

RATE OF USE: 0.010 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE FOR ONE HOUSEHOLD; FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION DURING THE PERIOD LISTED BELOW

PERIOD OF ALLOWED USE: JANUARY 1 THROUGH APRIL 30 FOR DOMESTIC USE; FURTHER LIMITED FROM MAY 1 THROUGH DECEMBER 31 TO HUMAN CONSUMPTION ONLY

DATE OF PRIORITY: JANUARY 15, 1992

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 24, T39S, R7W, W.M.; 60 FEET NORTH AND 260 FEET WEST FROM THE C-E 1/16 CORNER OF SECTION 24

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4  
SECTION 24  
TOWNSHIP 39 SOUTH, RANGE 7 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

#### STANDARD CONDITIONS

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

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

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

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

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

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

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued May 28, 1996

  
\_\_\_\_\_  
Martha O. Page, Director  
Water Resources Department

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 COUNTY OF JOSEPHINE  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
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A description of the place of use to which this right is appurtenant is as follows:

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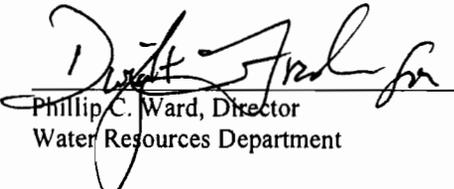
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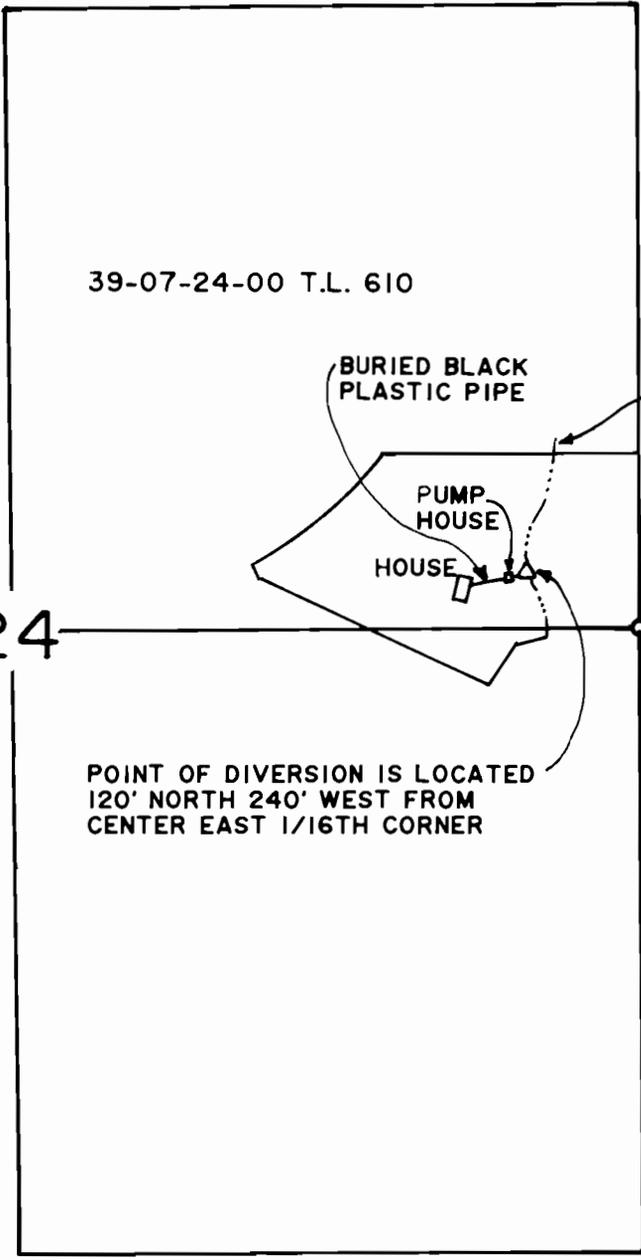
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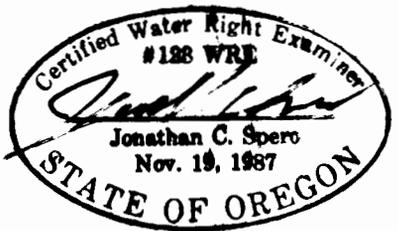
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WATER RESOURCES DEPT.  
SALEM, OREGON



POINT OF DIVERSION IS LOCATED  
120' NORTH 240' WEST FROM  
CENTER EAST 1/16TH CORNER

PREPARED BY:  
JONATHAN C. SPERO C.W.R.E. 123  
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## **Claim of Beneficial Use and Site Report**

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**Permit No. 52136**

### **INFORMATION:**

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The **Use** of water is domestic use for one household, further limited to human consumption from May 1 through December 31 as per the Permit.

The **Place of Use** is one household in the SW1/4, NE 1/4 of Section 24, T.39 S. R.07 W. W.M. as per the Permit.

Permittee has complied with Permit Conditions as outlined below and this report is being filed within the time limits allowed thereon.

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c/o Rudy Trevino  
P.O. Box 1145, Cave Junction, Oregon 97523

### **PERSON WITH WHOM THIS INSPECTION WAS CONDUCTED:**

Rudy Trevino (a.k.a. Rudy M. Trevino)  
437 Little Greyback Creek Road  
P.O. Box 1145  
Cave Junction, Oregon 97523

Phone: (541) 592-3100

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**PIPE:** The pipe from the Point of Diversion to the pump is 1" diameter black plastic and is about 35 feet long. From the pump, 3/4" diameter black plastic pipe carries the water about 80 feet to the house.

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**REMARKS:** Permittee Rudy Trevino has completed application of the waters of Little Grayback Creek to beneficial domestic use for one household under the terms and conditions of his Application No. S-72148, Permit 52316.

**RECEIVED**

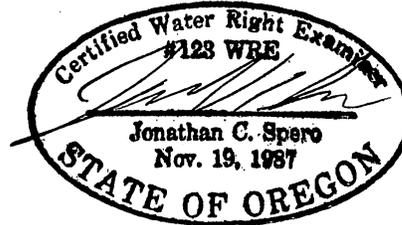
PAGE 4

MAR 7 2000

**WATER RESOURCES DEPT.  
SALEM, OREGON**

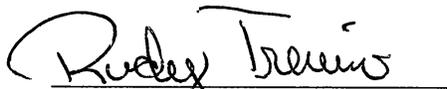
The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Application S-72148, Permit No. 52316 was completed by me on February 11, 2000 and the facts contained in this report and accompanying Final Proof Survey Map are correct to the best of my knowledge.

  
Jonathan C. Spero C.W.R.E. # 123



renewal date: June 30, 2000

We, Rudy Trevino and Olga Trevino, agree to the findings of the C.W.R.E. and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my Application S-72148, Permit No. 52316,

  
Rudy Trevino

  
Olga Trevino

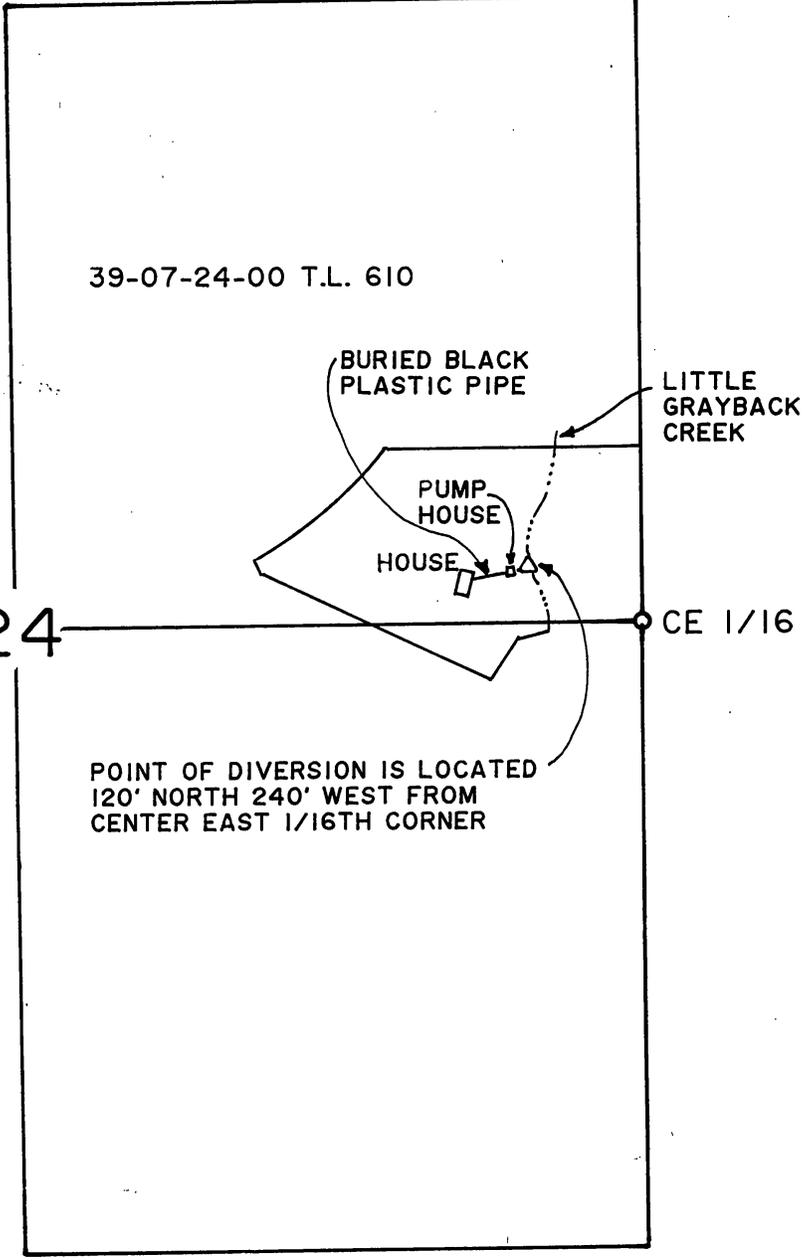


T.39S.,R.7W.,W.M.  
SECTION 24

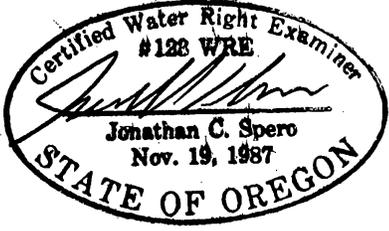
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WATER RESOURCES DEPT.  
SALEM, OREGON



PREPARED BY:  
JONATHAN C. SPERO C.W.R.E. 123  
1002 KINCAID RD./P.O. BOX 16  
WILLIAMS, OREGON 97544  
PH. (541) 846-6845



LICENSE RENEWAL DATE:  
JUNE 30, 2000

**FINAL PROOF SURVEY  
UNDER**

**APPLICATION NO. S-72148 PERMIT NO. 52136  
IN THE NAME OF  
RUDY AND OLGA TREVINO**

**SURVEYED FEB. 17, 2000 JONATHAN C. SPERO**

THIS MAP IS FOR THE PURPOSE OF  
IDENTIFYING THE LOCATION OF THE  
WATER RIGHT ONLY, AND IS NOT IN-  
TENDED TO PROVIDE LEGAL DIMEN-  
SIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.

SCALE: 1" = 400'

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUDY AND OLGA TREVINO  
PO BOX 1255  
CAVE JUNCTION, OREGON 97523

(541) 592-2064

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72148

SOURCE OF WATER: LITTLE GRAY BACK CREEK, A TRIBUTARY OF SUCKER CREEK

PURPOSE OR USE: DOMESTIC USE FOR ONE HOUSEHOLD

RATE OF USE: 0.010 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE FOR ONE HOUSEHOLD; FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION DURING THE PERIOD LISTED BELOW

PERIOD OF ALLOWED USE: JANUARY 1 THROUGH APRIL 30 FOR DOMESTIC USE; FURTHER LIMITED FROM MAY 1 THROUGH DECEMBER 31 TO HUMAN CONSUMPTION ONLY

DATE OF PRIORITY: JANUARY 15, 1992

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 24, T39S, R7W, W.M.; 60 FEET NORTH AND 260 FEET WEST FROM THE C-E 1/16 CORNER OF SECTION 24

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4  
SECTION 24  
TOWNSHIP 39 SOUTH, RANGE 7 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

#### STANDARD CONDITIONS

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

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

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

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

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

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

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued May 28, 1996



Martha O. Page, Director  
Water Resources Department