

Name Feeter, Clay & Zawn
 By _____
 Address P.O. Box 6062
Pistol River, OR
97444

Application No. 74852
 Permit No. 52120
 Certificate No. 84336
 Stream Index, Page No. 17

FEES PAID		
Date	\$ Amount	Receipt No.
11-3-94	325. ⁰⁰	118469
FEES REFUNDED		
Date	Amount	Check No.

Date filed _____
 Priority _____
 Action suspended until FPD 11/3/94
 Return to applicant _____
 Date of approval _____

CONSTRUCTION

Date for beginning 5-20-97
 Date for completion 10-1-98
 Extended to _____
 Date for application of water 10-1-99
 Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
 Form "B" filed _____
 Form "C" filed 10-1-99

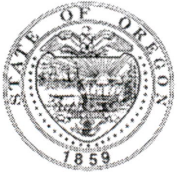
FINAL PROOF

Blank mailed _____
 Proof received _____
 Date Certificate issued 8-1-2008

Date	To Whom	ASSIGNMENTS	Address	Volume	Page

REMARKS

52/20



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

AUGUST 12, 2008

JAMES W LUNDIN
259 ELK STREET
SANTA CRUZ CA 95065-1350

REFERENCE: Application S-74852 permit S-52120

Our research has indicated that you are the current land owner of the land involved in the attached water right certificate. The certificate was initially mailed to the permit holder of record.

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 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.

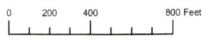
The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

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.

Map Tax Lot	Property ID	Owner Name	Address 1	Address 2	Address 3	City State Zip	Acreage
3814-29 -00402	R35098	GARDNER, BEN A	P O BOX 6058			PISTOL RIVER, OR 97444	0.97
3814-29 -00402	R35097	GARDNER, BEN A	P O BOX 6058			PISTOL RIVER, OR 97444	5
3814-29 -00403	R36627	WELLS, DAVID M & DARCY	P O BOX 6016			PISTOL RIVER, OR 97444	
3814-29 -00403	R35099	WELLS, DAVID M & DARCY	P O BOX 6016			PISTOL RIVER, OR 97444	5.13
3814-29 -00404	R35100	GARDNER, BEN A	P O BOX 6058			PISTOL RIVER, OR 97444	5.17
3814-29 -00500	R14321	GARDNER, BEN A	<GARDNER, REBECCA	24948 PISTOL RIVER LOOP		GOLD BEACH, OR 97444	7.17
3814-29 -00501	R36101	CHERTON, ROGER	9725 ALABAMA STREET			BONITA SPRINGS, FL 34135	5
3814-29 -00501	R27410	CHERTON, ROGER	9725 ALABAMA STREET			BONITA SPRINGS, FL 34135	0.49
3814-29 -00502	R27411	MAHARAJ-BANKS, VIMLA	P O BOX 6035			PISTOL RIVER, OR 97444	5.46
3814-29 -00503	R36520	SCOUTS VIEW ROAD	PRIVATE ROAD				
3814-29 -00504	R35815	GARDNER, BEN A	<GARDNER, REBECCA	24948 PISTOL RIVER LOOP		GOLD BEACH, OR 97444	5.15
3814-29 -00600	M30458	BALDWIN, MELODY KAY	P O BOX 6065			PISTOL RIVER, OR 97444	
3814-29 -00600	R14376	CROOK, JAMES A ET AL	%CROOK, WILLIAM	P O BOX 6000		PISTOL RIVER, OR 97444	5
3814-29 -00600	R33861	CROOK, JAMES A ET AL	%CROOK, WILLIAM	P O BOX 6000		PISTOL RIVER, OR 97444	5.38
3814-29 -00700	R14442	SPURGEON, MARK	94790 S BANK PISTOL RIVER ROAD			BROOKINGS, OR 97415	4.68
3814-29 -00800	R14504	SPURGEON, MARK	94790 S BANK PISTOL RIVER ROAD			BROOKINGS, OR 97415	5
3814-29 -00900	R14552	LUNDIN, JAMES W	259 ELK STREET			SANTA CRUZ, CA 95065	5
3814-29 -00900	R33862	LUNDIN, JAMES W	259 ELK STREET			SANTA CRUZ, CA 95065	14.95
3814-29 -00901	R26486	NICHOLS, ROBERT A & CYNTHIA M	P O BOX 648			GOLD BEACH, OR 97444	20.1
3814-29 -01000	R14625	LITTLE, RICHARD D & ROSA M COLE-	1220 NW SHADY LANE			ALBANY, OR 97321	8.88
3814-29 -01001	R22343	LITTLE, RICHARD D & ROSA M COLE-	1220 NW SHADY LANE			ALBANY, OR 97321	9.01
3814-29 -01002	R22342	LITTLE, RICHARD D & ROSA M COLE-	1220 NW SHADY LANE			ALBANY, OR 97321	12.14
3814-29 -01100	R14690	MOLT, ROGER A & NANCY I	P O BOX 382			BURLEY, WA 98322	5
3814-29 -01100	R33863	MOLT, ROGER A & NANCY I	P O BOX 382			BURLEY, WA 98322	43.71
3814-29 -01200	R14738	CURRY COUNTY					40
3814-29 -01300	M36855	MONEY, JOE & LINDA	P O BOX 1355			GOLD BEACH, OR 97444	
3814-29 -01300	R35107	MONEY, JOSEPH A TRUSTEE	P O BOX 1355			GOLD BEACH, OR 97444	15.15
3814-29C -00100	R14806	GOLDFARB, ERIC	14 YOSEF FELDMAN STREET #8			NES ZIONA, ISRAEL 74058	6.75
3814-29C -00100	R14869	GOLDFARB, ERIC ET AL	14 YOSEF FELDMAN STREET #8			NES ZIONA, ISRAEL 74058	6.75
3814-29C -00200	R33864	GREEN, DAVID C	<SPONAUGLE, ELLA LIFE EST	P O BOX 6026		PISTOL RIVER, OR 97444	20.04
3814-29C -00200	R14930	GREEN, DAVID C	<SPONAUGLE, ELLA LIFE EST	P O BOX 6026		PISTOL RIVER, OR 97444	5

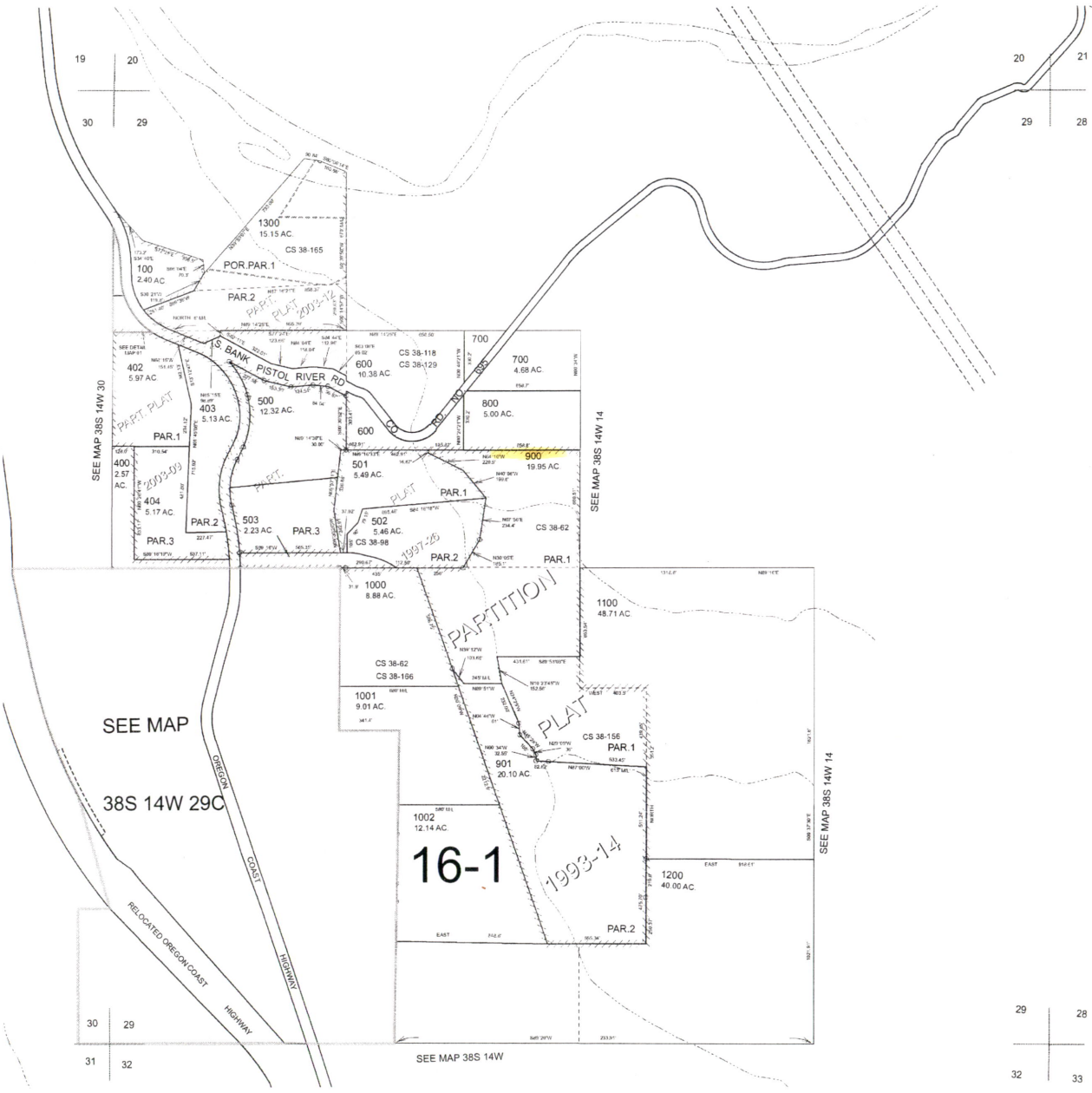
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 29 T.38S. R.14W. W.M.
CURRY COUNTY
1" = 400'

38S 14W 29
& INDEX

CANCELLED NO.
401



SEE MAP
38S 14W 29C

16-1



Revised RAA
5/23/2006
38S 14W 29
& INDEX

WhitePages.com™

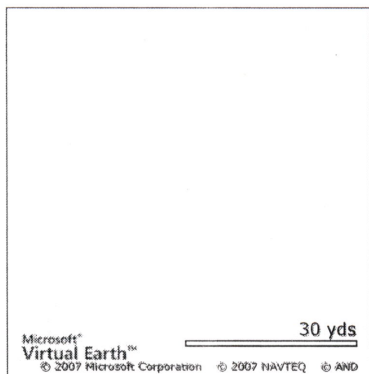
search. find. connect.

1 Result matching "Feeter, Gold Beach, 97444"

Clay Feeter

PO Box 1578
Pistol River, OR 97444-1578
(541) 247-0936

Job title: Publisher
Company:
Thehistorycalendar.com



Listing date Apr. 2007

Copyright © 1996-2008 WhitePages.com. All rights reserved.
[Privacy Policy](#), [Legal Notice](#) and [Terms](#) under which this service is provided to you.

Microsoft MapPoint [Terms of Use](#) and [Privacy Statement](#)

Identify Results

Coordinate Position

Geographic: 42° 15' 31.5" N, 124° 23' 18.5" W
StatePlane: 3868946, 240223

Situs Address

Situs Address One: 94760 S BANK PISTOL RV RD
Situs Address Two: GOLD BEACH, OR 97444
Property ID: R14552
Map Tax Lot: 3814-29 -00900

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAURA & CLAY FEETER
PO BOX 6062
PISTOL RIVER OR 97444

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of PISTOL RIVER for DOMESTIC USE FOR ONE HOUSEHOLD.

This right was perfected under Permit 52120. The date of priority is NOVEMBER 3, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.005 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE FOR ONE HOUSEHOLD, FURTHER LIMITED TO HUMAN CONSUMPTION DURING THE PERIOD BELOW, measured at the point of diversion.

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

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
38 S	14 W	WM	29	SE NW			183 FEET NORTH AND 65 FEET WEST FROM C1/4 CORNER, SECTION 29

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

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
38 S	14 W	WM	29	SE NW		

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user 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 water

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.

user 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 water user to submit alternative measuring procedures for review and approval.

- B. 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.


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.

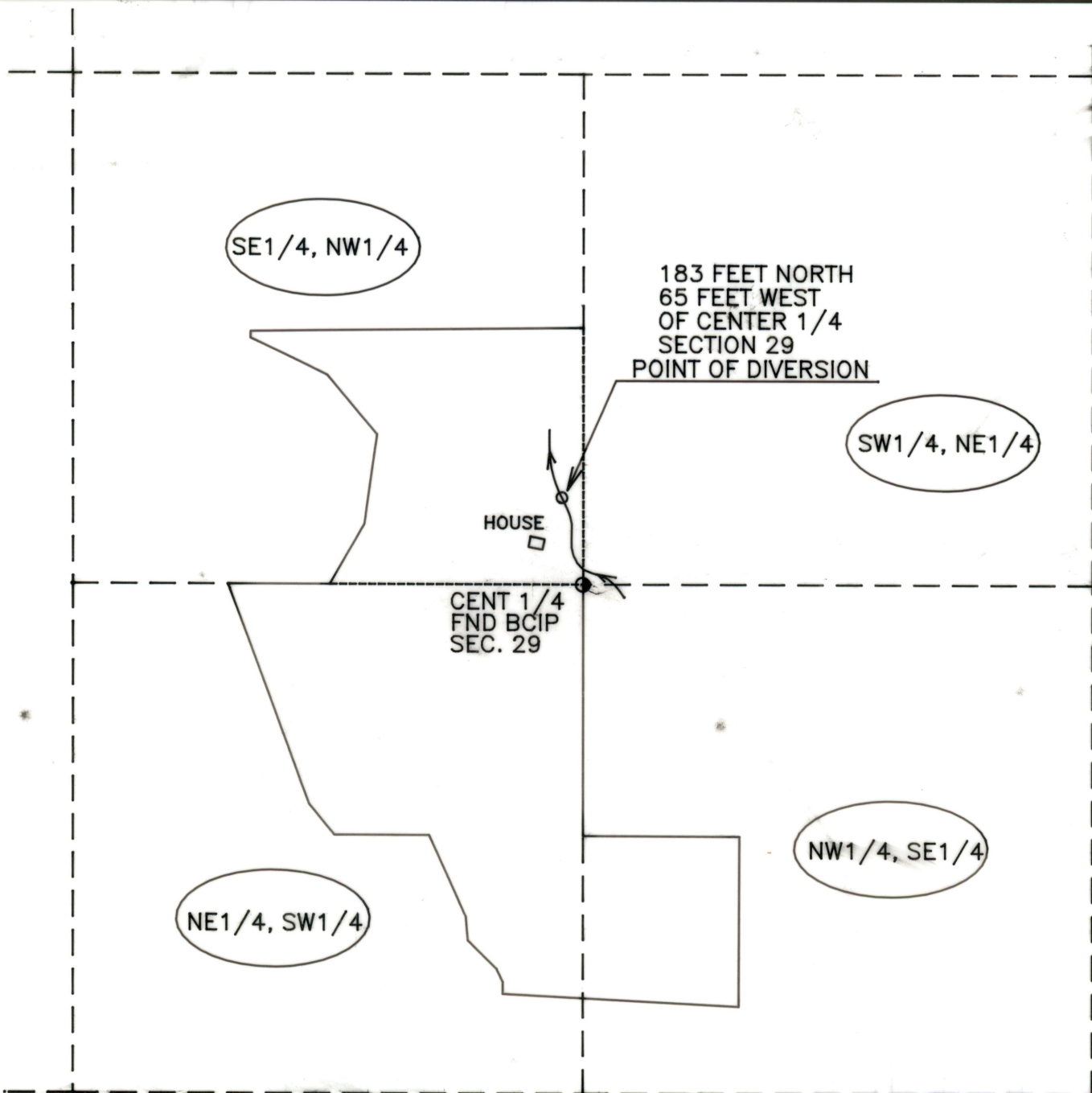
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 01 2008 .


Phillip C. Ward, Director
Water Resources Department



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

RECEIVED

OCT 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON

SECTION 29
T. 38 S., R. 14 W., W. M.
FINAL PROOF SURVEY

UNDER
APPLICATION #S-74852 PERMIT #52120
IN THE NAME OF
LAURA & CLAY FEETER

Certified Water Right Examiner
#366
Bryan M. Flavin
Bryan M. Flavin
January 18, 1994
STATE OF OREGON



1" = 400'

RYAN FLAVIN LAND SURVEYING
RYAN M. FLAVIN
REGISTERED LAND SURVEYOR
CERTIFIED WATER RIGHTS EXAMINER
2053 SQUAW VALLEY ROAD
OLD BEACH, OREGON 97444
503-247-6485
WRE #366

SURVEYED SEPTEMBER 15, 2000 BY BRYAN M. FLAVIN

CLAY & LAURA FEETER
P. O. BOX 6062
PISTOL RIVER, OR
97444



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

Date Mailed: August 1, 2008

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.

This is a final 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 **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

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.

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-74852

Permit: 52120

Certificate: 84336

Permit/Certificate Holder:

LAURA & CLAY FEETER ✓
PO BOX 6062
PISTOL RIVER OR 97444

Copies Mailed

by: Diana Durbin
(STAFF)

on: 8-1-08
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 19, Mitch E. Lewis ✓
2. Data Center (include copy of map) ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

1. Bryan M. Flavin, CWRE ✓

MEMO

TO: FILE 74852

FROM: Gerry Clark DATE: 5/23, 2008

RE: DETERMINATION OF PROOF

I've determined that a DRAFT FINAL cert should be prepared and mailed to the permit holder consistent with:

- The Permit
- The COBU/FPS

See proposed cert. w/ notes

As described in the permit but as clarified by the COBU/FPS

As described in the PERMIT COBU/FPS but as further specified below.

*Cert #
84336*

STATE OF OREGON

COUNTY OF CURRY ✓

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAURA & CLAY FEETER ✓
PO BOX 6062
PISTOL RIVER OR 97444

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of PISTOL RIVER for DOMESTIC USE FOR ONE HOUSEHOLD.

This right was perfected under Permit 52120. The date of priority is NOVEMBER 3, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.005 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE FOR ONE HOUSEHOLD; FURTHER LIMITED TO HUMAN CONSUMPTION DURING THE PERIOD BELOW or its equivalent in case of rotation, measured at the point of diversion.

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

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
38 S	14 W	WM	29	SE NW			183 25 FEET NORTH FROM C1/4 CORNER, SECTION 29 and 65 Feet West

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

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
38 S	14 W	WM	29	SE NW		

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user 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 water

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.

user 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 water user to submit alternative measuring procedures for review and approval.

- B. 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.

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 _____.

Phillip C. Ward, Director
Water Resources Department

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-74852

Permit: 52120

Certificate: *****

Permit/Certificate Holder:

LAURA & CLAY FEETER
PO BOX 6062
PISTOL RIVER OR 97444

Copies Mailed	
by: _____	(STAFF)
on: _____	(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 19, Mitch E. Lewis
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

1. Bryan M. Flavin, CWRE

BRYAN FLAVIN LAND SURVEYING
BRYAN M. FLAVIN - RLS/CWRE
32053 SQUAW VALLEY ROAD
GOLD BEACH, OREGON 97444
541-247-6485


OREGON DEPARTMENT OF WATER RESOURCES
3850 PORTLAND ROAD NE
SALEM, OREGON 97310

SUBJECT: FINAL CERTIFICATE
FINAL PROOF SURVEY
LAURA & CLAY FEETER
P. O. BOX 6062
PISTOL RIVER, OREGON 97444
RE: APPLICATION #S-74852
PERMIT #52120

The above referenced system was examined by me on September 15, 2000. The system is completed and fully operative. The point of diversion is a 2 foot high rock dam in the center of an unnamed stream. There is a 1" diameter poly pipe coming out of the bottom of the dam leading 100', more or less, to a 2300 gallon plastic storage tank. From this tank the water flows into a 1200 gallon plastic storage tank. There is a 3/4 HP submersible pump within the 1200 gallon tank with a 1" poly pipe leading to a 52 gallon pressure tank located adjacent to the house. Any overflow from the storage system is returned to the same stream. A static pressure reading taken at a hose bib on the house read 40 PSI at the time of the test.

The point of diversion shown on the final proof map was physically located by field survey to accurately represent its position. It was found to be 183 feet north and 65 feet west of the center 1/4 corner of section 29, township 38 south, range 14 west, willamette meridian.

The facts contained in this report and the location of the point of diversion as shown on the final proof map, are correct as of the date of the final inspection and the date of this report.


Bryan M. Flavin - CWRE #366

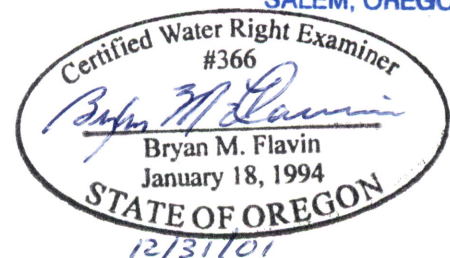
I, Laura and Clay Feeter, agree to the findings of the Certified Water Rights Examiner and hereby submit this site report to the Water Resources Department as to my claim of the Beneficial Use of the water as provided under the terms and conditions of the permit #52120.


Laura & Clay Feeter

RECEIVED

OCT 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON



STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LAURA AND CLAY FEETER
PO BOX 6062
PISTOL RIVER, OREGON 97444

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

APPLICATION FILE NUMBER: S-74852

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF PISTOL RIVER

PURPOSE OR USE: DOMESTIC USE FOR ONE HOUSEHOLD

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

PERIOD OF USE: DECEMBER 1 THROUGH APRIL 30 FOR DOMESTIC USE; FURTHER LIMITED FROM MAY 1 THROUGH NOVEMBER 30 FOR HUMAN CONSUMPTION ONLY

DATE OF PRIORITY: November 3, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4 SECTION 29, T38S, R14W, W.M.; 23 FEET NORTH FROM THE C 1/4 CORNER OF SECTION 29

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4
SECTION 29
TOWNSHIP 38 SOUTH, RANGE 14 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

Application S-74852 Water Resources Department

PERMIT 52120

- 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.

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.

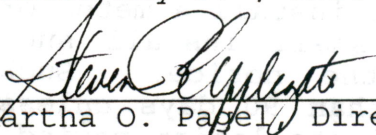
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

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 20, 1996


for Martha O. Papel, Director
Water Resources Department

Application S-74852
Basin 17

Water Resources Department
Volume 7A, Basin 15 & Misc.

PERMIT 52120
District 19

RECEIVED

NOV - 3 1994

WATER RESOURCES DEPT
SALEM, OREGON



House

PROPERTY SURVEY MARK
MAP 38-14-29C

STREAM

ANNA



SUBJECT PROPERTY

ANNA FEETER

ZONING AND ADJACENT PROPERTY OWNERSHIPS



ANNA

Application No. : ~~38-14-29C~~

Applicant: Clay Feeter; Jim Capp, Agent

Address of Property: 94760 So. Bank Pistol River Road

Property Description: Map 38-14-29 & Index; Tax lot 900

Scale 650' = 1" / 4"

Location: Property is located north of Brookings and approximately 1 mile east of U.S. Highway 101 on the South Bank Pistol River Road.



Curry County Planning Commission
Staff Report

Application No. 74852
Permit No.

ANNA FEETER



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 3, 1999

CLAY & LAURA FEETER
PO BOX 6062
PISTOL RIVER OR 97444

REFERENCE: File 74852
Permit 52120

We have received your notice that complete application of water has been made under your permit .

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

cc: Watermaster
CWRE



RECEIVED

SEP 27 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

September 24, 1999

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-1210

Re: Permit Number: S-52120 File Number: S-74852

Dear Mr. Miller

I am writing to inform you that we have been using the water on our creek, with a pit cistern type water catchment system. We have two large holding tanks and a pump which carries the water up to our home. This system has been in use since 1993. The system is complete and I will make arrangements to have a CWRE come and survey for final proof in the very near future. Thank you for your correspondence on our permit.

Sincerely,



Laura Feeter
Clay Feeter
PO Box 6062
Pistol River, OR 97444
541-247-7556

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-74852

Final Order

Application History

On November 3, 1994, LAURA AND CLAY FEETER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 24, 1995. The protest period closed December 8, 1995, and no protest was filed.

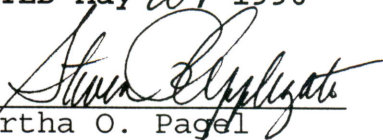
An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions of use be imposed on this application.

The proposed use would not impair or be detrimental to the public interest.

Order

The application therefore is approved as proposed by the Proposed Final Order, and Permit Number 52120 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED May 20, 1996

for 
Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-74852

WATERMASTER # 19

REGIONAL MANAGER: SW Al Cook

ODF&W - Curry County:

CWRE (if agent): NONE

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

SEE ATTACHED - water w atch

CASEWORKER : JMD

RECEIVED

NOV 18 1994

WATER WATCH OF OREGON
SALEM, OREGON

November 17, 1994

WaterWatch of Oregon, Inc.
921 S. W. Morrison #438
Portland, OR 97205

Water Resources Department
158 12th St. N. E.
Salem, OR 97310

RE: Application for Permit #74852, Laura Feeter
Pistol R. Trib., Curry Co., Domestic Use

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 50% and 80% exceedence levels?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, WaterWatch requests that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Will this proposed diversion require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

Please send WaterWatch a copy of the department's technical review of this application.

Sincerely,



Jim Myron

SPECIFICS MAP

Feeter Property

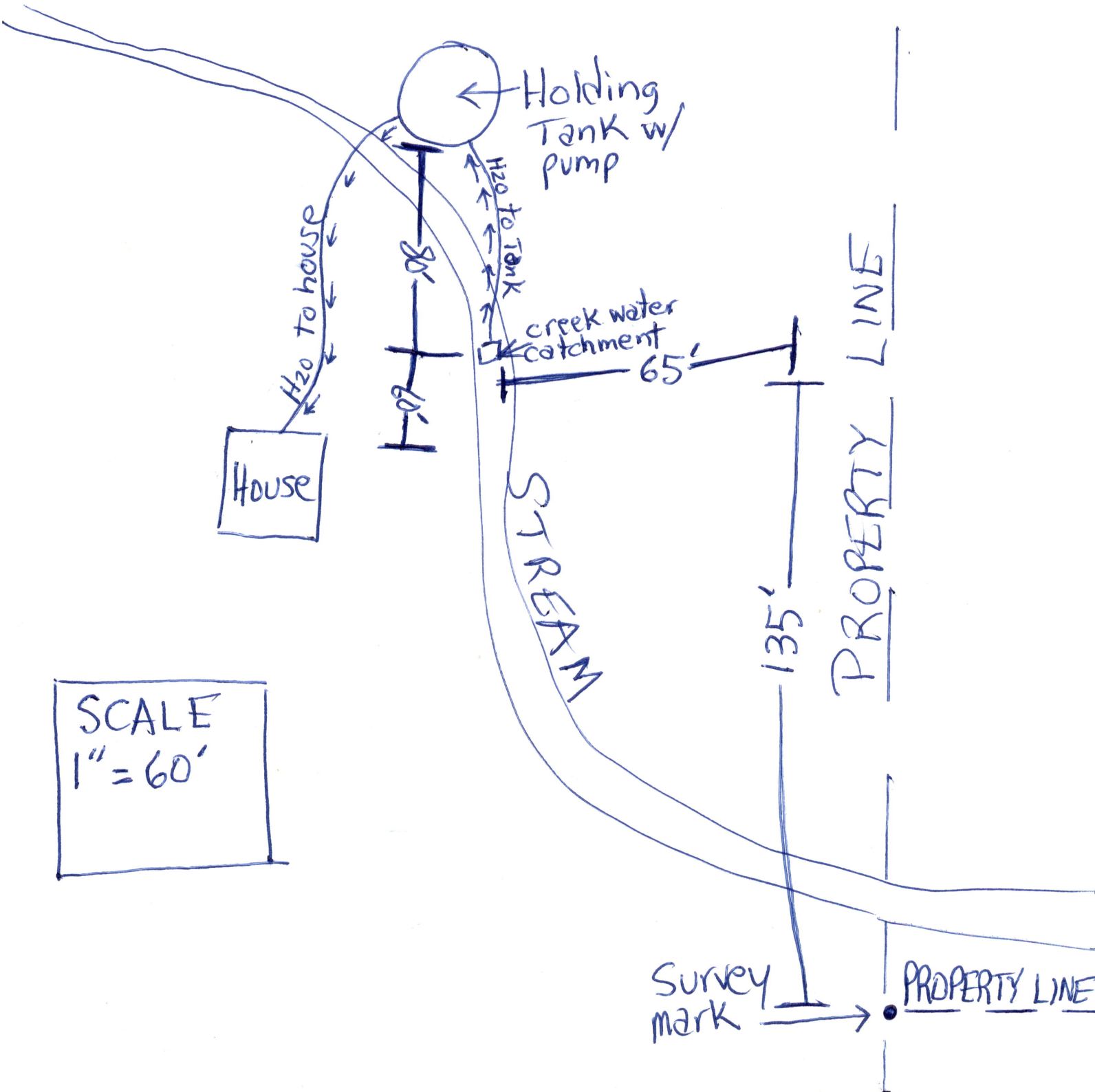
map 900-38-14-29
Curry County

Application No. 74852
Permit No. 52120

RECEIVED

NOV - 3 1994

WATER RESOURCES DEPT.
SALEM, OREGON



SCALE
1" = 60'

April 29, 1996

LAURA AND CLAY FEETER
PO BOX 6062
PISTOL RIVER OREGON 97444

RE: Application File # S-74852

Dear LAURA AND CLAY FEETER,


The Water Resources Department is currently reviewing your application for water use and issuance of a permit. However, the application map does not meet the standards of OAR 690-310-050.

The map must show the location of each point of diversion referenced to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

In order to expedite the processing of your application, we request that you submit these items by **MAY 10, 1996**.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 458.

Sincerely,


Jerry Gainey
Final Order Team
Water Rights



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

Fish District: Lower Rogue/South Coast

WAB #

Application # 5-74852

Applicant Name L. Feeter

Date: March 26, 1996

AREA

- Source Watershed
- Senior instream water right application to junior out-of-stream application
- No water availability information

INFORMATION/CONDITIONS

1. Are there water quality concerns related to salmon/steelhead/trout? Y N
 Should the application be denied? Y N
 Should the application be restricted? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

2. Are there adequate flows to protect salmon/steelhead/trout? Y N
 Should the application be denied? Y N
 Should the application be restricted? Y N Based on water availability

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

3. Domestic
 Should domestic use be conditioned to human consumption? Y N Based on water availability

4. Fish Screening and Passage
- A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).
 - B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).
 - C. No dam or obstruction without a fishway. ** No Screening*

5. Miscellaneous
- A. Reservoir Filling _____
 - B. Water Quality Permits _____
 - C. Return Flow _____
 - D. Time Limited Water Right _____
 - E. Other _____

6. Measurement and Reporting
- A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)
 - B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)
 - C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)

FINDINGS

- Permit is proposed for denial prior to interagency team review for fishery concerns.
- Deny permit due to fishery concerns, except for
 - A. Domestic (which may be limited to human consumption, see above)
 - B. Livestock
 - C. Unless water is from storage
- Do not condition further due to fishery concerns.
- Condition permit due to fishery concerns listed above.



RECEIVED
MAY 10 1996
WATER RESOURCES DEPT.
SALEM, OREGON

April 29, 1996

LAURA AND CLAY FEETER
PO BOX 6062
PISTOL RIVER OREGON 97444

RE: Application File # S-74852

Dear LAURA AND CLAY FEETER,

The Water Resources Department is currently reviewing your application for water use and issuance of a permit. However, the application map does not meet the standards of OAR 690-310-050.

The map must show the location of each point of diversion referenced to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

In order to expedite the processing of your application, we request that you submit these items by **MAY 10, 1996**.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 458.

Sincerely,

Jerry Gainey
Jerry Gainey
Final Order Team
Water Rights

Dear Sirs,
this is easy:
H₂O diversion point is 23'
due north of corner stake on
your map (stake is due east of house +
indicated corner of Crook/Feeter/Peters
property)- Thank you - Clay Feeter



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of) PROPOSED
Surface Water Application) FINAL
S-74852 submitted by) ORDER
CLAY & LAURA FEETER

FINDINGS OF FACT

Water Use Request

1. CLAY & LAURA FEETER requested use of 0.005 CUBIC FOOT PER SECOND (CFS) of water for DOMESTIC USE from AN UNNAMED STREAM, A TRIBUTARY OF PISTOL RIVER, within the SOUTH COAST Basin.
2. The area of proposed use is in Curry County within SECTION 29, TOWNSHIP 38 SOUTH, RANGE 14 WEST, W.M.
3. The water delivery system is described by the applicant as follows. 50' of 1" poly pipe carries the water to a 1,000 gallon holding tank. A 1/2 hp submersible pump pumps the water 200' by 1" poly pipe to the house.
4. The request was made in Application S-74852 which was received by the Water Resources Department on November 3, 1994.

Affected Waters

1. AN UNNAMED STREAM, A TRIBUTARY OF PISTOL RIVER, is not within or above a State Scenic Waterway.
2. ODFW has not informed the Department of the presence of game fish at the described point of diversion.
3. There are no senior water rights on THE UNNAMED STREAM, A TRIBUTARY OF PISTOL RIVER, but there are senior water rights on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. An initial review of the application was completed and a report of the results of that review was mailed to the applicant on AUGUST 15, 1995.

3. The initial review determined:
 - a. DOMESTIC USE is allowed under the SOUTH COAST Basin Program;
 - b. The use is not prohibited by Statute;
 - c. Water is available for further appropriation at 80 percent exceedance probability for the period **January 1 through December 31;**
 - d. The use would not injure existing water rights.

4. The report of initial review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application S-74852, the following criteria were found to be relevant by the Department.
 - a. The SOUTH COAST Basin Program (OAR Chapter 690, Division 517);
 - b. The Curry County Comprehensive Plan and Zoning Ordinance;
 - c. The amount of water available in AN UNNAMED STREAM, A TRIBUTARY OF PISTOL RIVER;
 - d. The established rate and duty for the proposed use;
 - e. Pending, senior applications and existing water rights of record;
 - f. All comments received.

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the initial review require modification as follows. The period of use is changed to read:
 - Domestic Use only from December 1 through April 30
0.005 CFS;
 - Human Consumption only from May 1 through November 30
0.005 CFS.
2. Period of use is:
 - Domestic Use only from December 1 through April 30
0.005 CFS;
 - Human Consumption only from May 1 through November 30
0.005 CFS.
3. The Department finds that no more than 0.005 CFS would be necessary for the proposed use from December 1 through November 30. The amount of water requested, 0.005 CFS, is allowable.
4. Curry County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Curry County Comprehensive Land Use Plan.

5. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.

6. The proposed use complies with all other rules of the Commission.


7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.

8. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application S-74852 in the name of CLAY & LAURA FEETER be approved for DOMESTIC USE as provided in the attached draft permit.

DATED October 24, 1995



Steven P. Applegate
Administrator

Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 8, 1995.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON
COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CLAY & LAURA FEETER
PO BOX 6062
PISTOL RIVER, OREGON 97444

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

APPLICATION FILE NUMBER: S-74852

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF PISTOL RIVER

PURPOSE OR USE: DOMESTIC USE

RATE/VOLUME: - 0.005 CFS from December 1 through April 30 - Domestic
- 0.005 CFS from May 1 through November 30 - Human
Consumption

PERIOD OF USE: - Domestic Use only from December 1 through April 30
0.005 CFS;
- Human Consumption only from May 1 through November 30
0.005 CFS.

DATE OF PRIORITY: November 3, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4 SECTION 29, T38S, R14W, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4
SECTION 29
TOWNSHIP 38 SOUTH, RANGE 14 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application S-74852
Basin 17
JMD

Water Resources Department
Volume 7A, Basin 15 & Misc

PERMIT DRAFT
District 19

August 15, 1995

Clay & Laura Feeter
P.O. Box 6062
Pistol River, Oregon 97444

Reference: File S74852

Dear Applicant:

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for Domestic is allowed under OAR 517, the South Coast Basin Program.
4. The use of 0.005 cubic foot per second from an Unnamed Stream is available January 1 through December 31.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

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.



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

S74852
August 15, 1995
Page 2

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 August 29, 1995. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday, Water Rights

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

Application No. 74852



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) LAURA + CLAY FEETER
(Please print or type - use dark ink)

Mailing Address: P.O. Box 6062
Pistol River OR 97444 503-247-7556
City State Zip Daytime Phone No.

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

1. **SOURCE OF WATER** for the proposed use: Creek
a tributary of Pistol River

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: .005 cubic feet per second, **OR** _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. **INTENDED USE(S) OF WATER:** Domestic

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

If for **DOMESTIC** use, state the number of households to be supplied; 1

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

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

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

Irrigation _____
Other (describe) _____

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

50 ft of 1" poly pipe carries the water to a 1,000 gal holding tank. A 1/2 horsepower submersible pump pumps the water 200 ft by 1" poly pipe to the house.

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

Proposed date construction work will begin IN USE

Proposed date construction work will be completed _____

Proposed date water use will be completed _____

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

Applicant _____ CWRE _____ Other (Identify in REMARKS section)

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

Applicant _____ CWRE _____ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: _____

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

Laura Foster
Signature of Applicant

5-6-94
Date

[Signature]
Signature of Co-Applicant, if any

10/29/94
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 3 day of November, 1999, at 8:00 o'clock, A M.

APPLICATION NO: 74852

PERMIT NO: _____

56000000000000000000

37

28010000000000000000

29000000000000000000

30020000000000000000

30010000000000000000

SE of NW

38
See 29

77000000000000000000

57000000000000000000

30000000000000000000

58000000000000000000

59000000000000000000

60000000000000000000

61000000000000000000

63000000000000000000

39

65000000000000000000

66000000000000000000

78000000000000000000

67000000000000000000

68000000000000000000

69000000000000000000

40

70000000000000000000

71000000000000000000

72000000000000000000

73000000000000000000

74000000000000000000

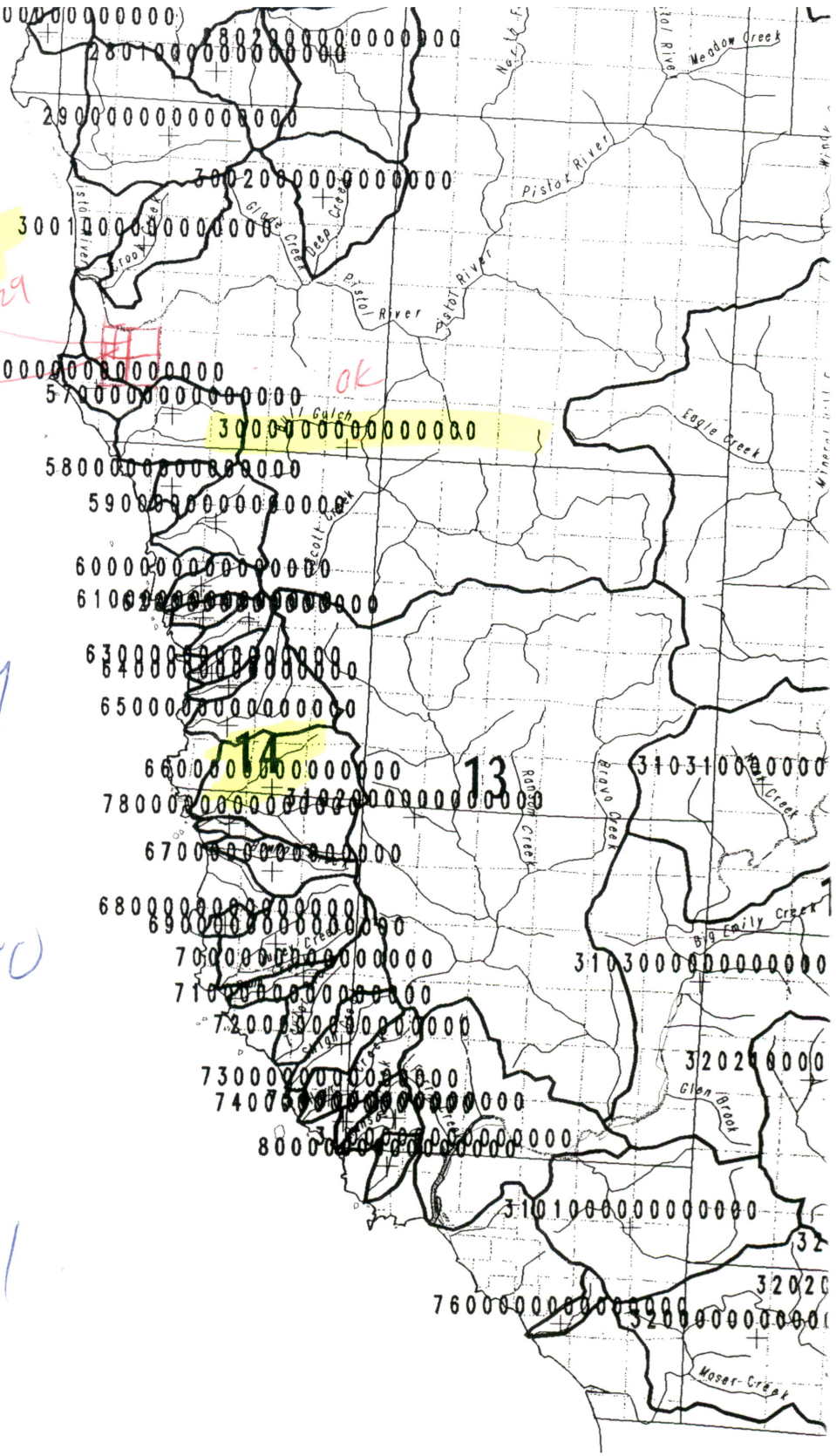
80000000000000000000

41

31010000000000000000

76000000000000000000

32020



SECTION 29 T.38. R.14W. W.M.
CURRY COUNTY

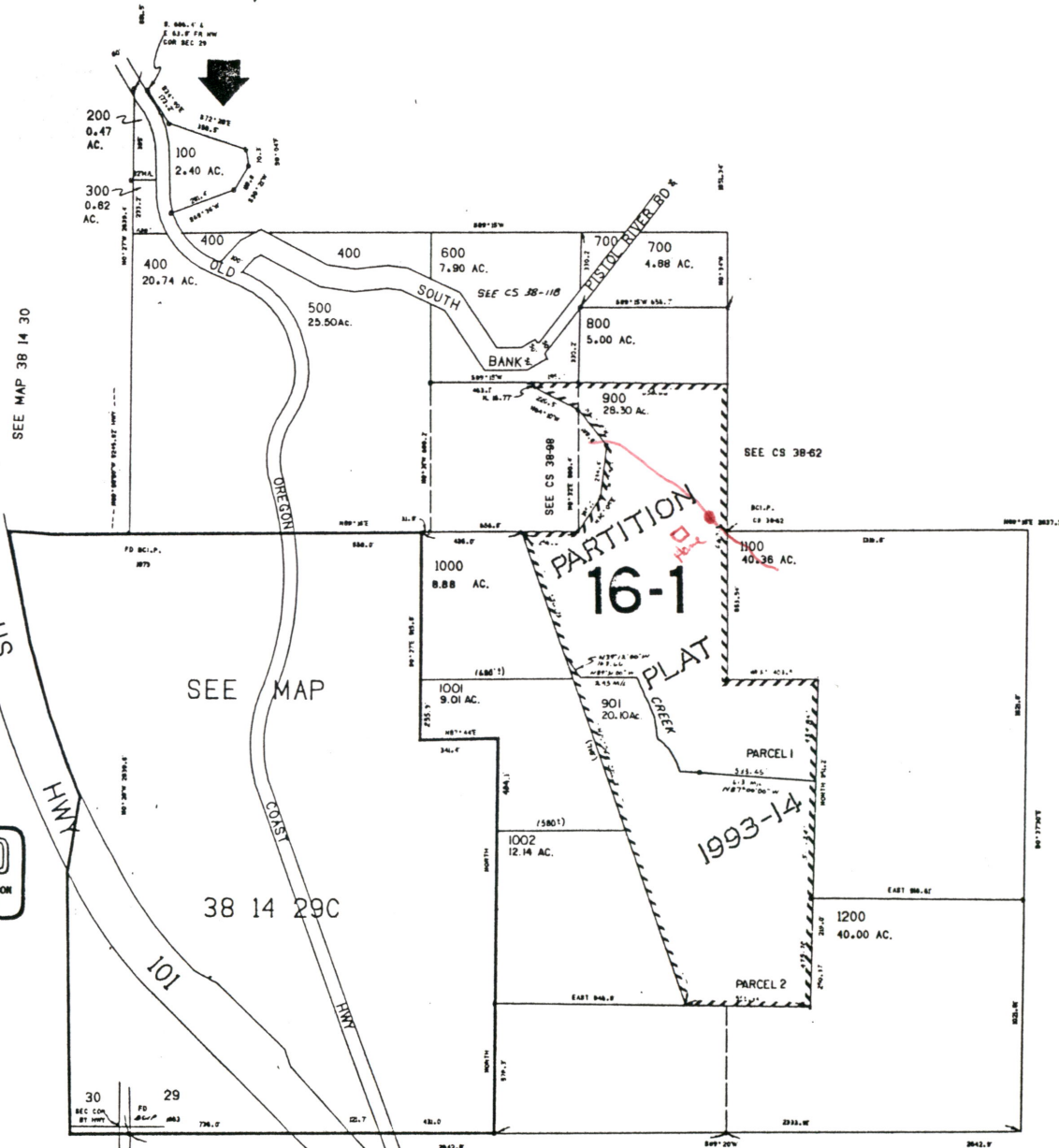
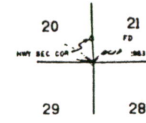
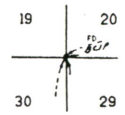
38 14 29
& INDEX

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

1"=400'

SEE MAP 38 14

SCALE 1:9600



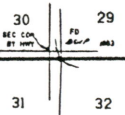
SEE MAP 38 14 30

PARTITION
16-1

1993-14

SEE MAP 38 14

RECEIVED
MAY 28 1993
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.



38 14 29

INITIAL REVIEW CHECKLIST

APPLICATION # 5 74852
WAB # 3000
POU-WAB 3000

ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
 BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

BASIN PLAN
 LEGISLATIVE WITHDRAWAL (ORS 538)
 RULES
 SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
 OTHER _____

WATER AVAILABILITY HAS BEEN CHECKED
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE
AFTER JULY 17, 1992

INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER
AVAILABILITY SHEETS

USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN
THE FILE

DIVISION 33 HAS BEEN ADDRESSED...

SEASON FOR DIRECT FLOW
 WATER QUALITY PARAGRAPH
 EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)

PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP SHOWING
THE CONFLICT HAS BEEN ATTACHED

ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER

SPELL CHECK HAS BEEN COMPLETED

WATERMASTER # 19

REGIONAL MANAGER (NW, SW, NC, SC, E)

LETTER WAS SAVED FROM M:\T\IRWORK95 TO M:\T\IRSENT95

NAME J A
DATE 8-11-95

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 517
SOUTH COAST BASIN PROGRAM

Classifications

690-517-001

- (1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.
- (2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:
- (a) Bradley Lake 4900
 - ✓(b) Eel Lake 01010
 - ✓(c) Garrison Lake 00
- (3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.
- (4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife.
- ✓(a) Glenn Creek (tributary to the East Fork Millicoma River) 070142
 - ✓(b) Brush Creek 2500
- ✓(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8). 161123440
- ✓(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. 0701310 to 07013123

✓ 3400 ✓
1601

(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.

(8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

(9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.

(10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

✱ **Reservations**

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- ✓ (1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- ✓ (2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

Minimum Perennial Streamflows

690-517-003

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:

- (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 500
BASIN PROGRAMS

Basin Programs Preamble

690-500-010

- (1) The Water Resources Commission is responsible for the establishment of policy and procedures for the use and control of the state's water resources. In executing this responsibility, the Commission develops, adopts and periodically modifies programs for the state's major drainage basins as shown in Figure 1.
- (2) Basin programs are administrative rules which establish water management policies and objectives and which govern the appropriation and use of the surface and ground water within each of the respective basins. The rules classify surface and ground waters according to the uses which are permitted, may establish preferences among uses, may withdraw surface and ground waters from further appropriation, may reserve waters for specified future uses, and may establish minimum perennial streamflows. These rules are in addition to rules with statewide applicability which govern the allocation and use of water.
- (3) The Commission has adopted programs for the following basins:
 - (a) North Coast Basin (Division 501)
 - (b) Willamette Basin (Division 502)
 - (c) Sandy Basin (Included in Division 502)
 - (d) Hood Basin (Division 504)
 - (e) Deschutes Basin (Division 505)
 - (f) John Day Basin (Division 506)
 - (g) Umatilla Basin (Division 507)
 - (h) Grand Ronde Basin (Division 508)
 - (i) Powder Basin (Division 509)
 - (j) Malheur - Owyhee Basins (Division 510)
 - (k) Goose and Summer Lakes Basin (Division 513)
 - (l) Rogue Basin (Division 515)
 - (m) Umpqua Basin (Division 516)
 - (n) South Coast Basin (Division 517)
 - (o) Mid Coast Basin (Division 518)
 - (p) Columbia River (Division 519)
 - (q) Middle Snake River Basin (Division 520)
- (4) Although the Commission has not adopted a comprehensive basin program for the waters of the Malheur Lake Basin, minimum perennial streamflows have been adopted for specified streams in the basin. These minimum perennial streamflows are in Division 512. Allocation and use of the waters of the basin also are subject to administrative rules with statewide applicability.
- (5) The Commission has not adopted a comprehensive basin program for the waters of the Klamath Basin. Allocation and use of the waters of the basin are subject to administrative rules with statewide applicability and to the provisions of the Klamath River Basin Compact (ORS 542.62)

{adopted 9-23-88 and renumbered from 690-80-000}

Definitions

690-500-020 Unless otherwise defined in a basin program, the following definitions apply in OAR Chapter 690, Divisions 501, 504-512, and 515-520 to any classification adopted prior to January 1, 1993:

- (1) "Domestic use" means the use of water for domestic water use, group domestic water use, commercial water use of less than 5,000 gallons per day, or human consumption as defined in OAR 690-11-010.
- (2) "Fish culture or fish life use" means the use of water for aquatic life water uses as defined in OAR 690-11-010 and public uses related to fish culture or fish life water uses as defined in OAR 690-77-010.
- (3) "Industrial use" means the use of water for commercial water use or industrial water use as defined in OAR 690-11-010.
- (4) "Irrigation use" means the use of water for agricultural water use, cranberry use, irrigation, nursery operations use, or temperature control as defined in OAR 690-11-010.
- (5) "Livestock use" means the use of water for stockwater use as defined in OAR 690-11-010.
- (6) "Mining use" means the use of water for mining water use or placer mining as defined in OAR 690-11-010.
- (7) "Municipal use" means the use of water for commercial water use, municipal water uses, or quasi-municipal water uses as defined on OAR 690-11-010.
- (8) "Pollution abatement use" means the use of water for pollution abatement or prevention water use as defined in OAR 690-11-010 and public uses related to pollution abatement as defined in OAR 690-77-010.
- (9) "Power or power development use" means the use of water for power development water use as defined in OAR 690-11-010.
- (10) "Recreation use" means the use of water for recreation water use as defined in OAR 690-11-010 and public uses related to recreation uses as defined in OAR 690-77-010.
- (11) "Wildlife use" means the use of water for wildlife use as defined in OAR 690-11-010 and public uses related to wildlife uses as defined in OAR 690-77-010.

{adopted 10-1-93}

WATER AVAILABILITY TABLE

Basin: SOUTH COAST *OK* Exceedance Level: 80
 Water Availability Subbasin: 3000000000000000 (and Nested Subbasins)
 Time: 14:27 Date: 08/11/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	3000000000000000	YES	YES	YES	YES	NO	NO	YES	NO	NO	NO	NO	YES	YES

Don STREAM NAMES *HC only* *Don* *Let TAKE S.*

Basin: SOUTH COAST
 Water Availability Subbasin: 3000000000000000 (and Nested Subbasins)
 Time: 14:27 Date: 08/11/1995

WAB #	Stream Name	Tributary to
3000000000000000	PISTOL R	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 3000000000000000
 Basin: SOUTH COAST
 Exceedance Level: 80
 Time: 14:27 Date: 08/11/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	3000000000000000	PISTOL R	YES	243.0
2	3000000000000000	PISTOL R	YES	375.0
3	3000000000000000	PISTOL R	YES	337.0
4	3000000000000000	PISTOL R	YES	83.0
5	3000000000000000	PISTOL R	NO	-74.0
6	3000000000000000	PISTOL R	NO	-68.2
7	3000000000000000	PISTOL R	YES	5.5
8	3000000000000000	PISTOL R	NO	-9.5
9	3000000000000000	PISTOL R	NO	-7.6
10	3000000000000000	PISTOL R	NO	-8.0
11	3000000000000000	PISTOL R	NO	-110.0
12	3000000000000000	PISTOL R	YES	299.0
Stor	3000000000000000	PISTOL R	YES	276000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
 Stream: PISTOL R > PACIFIC OCEAN
 Water Availability Subbasin: 3000000000000000
 Exceedance Level: 80
 Time: 14:27

Date: 08/11/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	498.00	0.00	498.00	0.00	498.00	255.00	243.00
2	605.00	0.00	605.00	0.00	605.00	230.00	375.00
3	567.00	0.00	567.00	0.00	567.00	230.00	337.00
4	313.00	0.00	313.00	0.01	313.00	230.00	83.00
5	156.00	0.00	156.00	0.02	156.00	230.00	-74.00
6	82.20	0.40	81.80	0.00	81.80	150.00	-68.20
7	46.20	0.60	45.60	0.10	45.50	40.00	5.50
8	31.00	0.50	30.50	0.00	30.50	40.00	-9.50
9	25.50	0.30	25.20	0.00	25.20	32.80	-7.60
10	32.10	0.10	32.00	0.01	31.99	40.00	-8.01
11	145.00	0.00	145.00	0.00	145.00	255.00	-110.00
12	554.00	0.00	554.00	0.00	554.00	255.00	299.00
Stor	393000	90	393000	10	393000	119000	276000

Handwritten note: HC ONLY

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST
 Stream: PISTOL R > PACIFIC OCEAN
 Water Availability Subbasin: 3000000000000000
 Time: 14:27

Date: 08/11/1995

APP # :	412A	70885A	0	0	0	RESULTANT
STATUS:	Cert.	App.				
1	255.0	255.0	0.0	0.0	0.0	255.0 C
2	230.0	230.0	0.0	0.0	0.0	230.0 C
3	230.0	230.0	0.0	0.0	0.0	230.0 C
4	230.0	230.0	0.0	0.0	0.0	230.0 C
5	230.0	230.0	0.0	0.0	0.0	230.0 C
6	100.0	150.0	0.0	0.0	0.0	150.0 A
7	30.0	40.0	0.0	0.0	0.0	40.0 A
8	20.0	40.0	0.0	0.0	0.0	40.0 A
9	20.0	32.8	0.0	0.0	0.0	32.8 A
10	40.0	40.0	0.0	0.0	0.0	40.0 C
11	255.0	255.0	0.0	0.0	0.0	255.0 C
12	255.0	255.0	0.0	0.0	0.0	255.0 C

Handwritten note: 70885 - Exempt human + Livestock consumption

Handwritten note: 59878 - Exempt Domestic, livestock, irrig. of 0.5 acre non-commercial garden

TOWNSHIP 38 S, RANGE 14 W, W. M.

SECTION 29

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
	1			2	4	3	4											
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES																		
3458				3248 2600														
										16						11991	8662	9843
										Down Ramp						14703	10674	9894
										Down (2)						39817	29590	34548
Stock 52 54				93												39800	29830	36861
				50		15										50122	37855	61127
				F1						Down						612023	6-1128	
																74852		

(SEE BACK OF CARD FOR PLAT OF SECTION)

Complete
7/24/95

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer Initials
5 - 74852	7/24/95	MWM

A checkmark (✓) indicates that the item is incomplete or defective.

- _____ 1. Examination fees. *\$125 Recording fee paid*
- _____ 2. Name and address of the applicant, and title if applicable.
- _____ 3. Source of water.
- _____ 4. Use of water.
- _____ 5. Amount of water.
- _____ 6. Location & description of delivery system.
- _____ 7. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- _____ 8. A statement declaring the existence of written authorization or easement permitting access to lands involved, but not owned by the applicant.
- _____ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- _____ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- _____ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- _____ 12. If for a **reservoir**:
 - _____ The height of the dam and the storage capacity.
 - _____ The area submerged and the maximum depth.
 - _____ The construction method (earthfill, concrete, flashboard, etc.).
 - _____ A description of the outlet conduit and spillway.
- _____ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- _____ 14. If the application was made under **HB 2107**:
 - _____ Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - _____ A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - _____ The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- _____ 15. An oath that the application information is true and correct.
- _____ 16. The signature of the applicant(s).
- _____ 17. A satisfactory map of the proposed POD & POU.
- _____ 18. A Land Use Information Form or receipt signed by appropriate planning official.

November 7, 1994

LAURA FEETER
FEETER, CLAY
PO BOX 6062
PISTOL RIVER, OR 97444

REFERENCE: File(s) S-74852

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

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

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

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, applications are processed in the order in which they are received. However, Department staff work through Oregon's 18 river basins on a rotation basis often completing work on all applications within a single basin, then proceeding to the next basin.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



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

REFERENCE: File(s) - S-74852

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

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

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

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

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

November 7, 1994

LAURA FEETER
FEETER, CLAY
PO BOX 6062
PISTOL RIVER, OR 97444

REFERENCE: File(s) S-74852

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

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

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

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, applications are processed in the order in which they are received. However, Department staff work through Oregon's 18 river basins on a rotation basis often completing work on all applications within a single basin, then proceeding to the next basin.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



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

REFERENCE: File(s) - S-74852

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

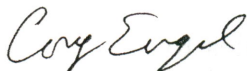
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application.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

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

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

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

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

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

Applicant Name: LAURA FEETER / CLAY FEETER
 Address: 94760 So. BANK Rd
Pistol River, OR 97444
 Phone: 503-247-5556

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

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

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>stream</u> _____ _____	50 Cubic feet per second. <u>0.50</u> (1/2 gal.) Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

PRE-TR APPLICATION PROCESSING OUTLINE 74852

Application File # _____

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

11/3/94

CB

Name and mailing address of applicant
Source of water
Quantity of water
Map showing location of POD & POU
Use of water
Names and addresses of legal owners
Signature of applicant
Oath
Application date stamped per money receipt date
Land use approved pending _____

If reservoir < 5 AF \$ _____, if > 5 AF \$ _____

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____
Entered into WRIS _____

SUPPORT SERVICES

11/12/94

CM

Stamp contents with application number
Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
Place label on file and calender card

6

4

APPLICATION SECTION

11/17/94

DB

Stream Indexed Basin # 15
Plat Carded and copy made YES NO
If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

DP

NA

TR CASEWORKER

TR Checklist complete YES NO
Within Irrigation District _____
District Notified _____
District excerpt received _____

TR Mailed DATE _____

Public Interest Checklist complete _____

Management Codes _____

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

_____ Appropriate map (see item 1 on form).

_____ Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, **NOTARIZED affidavit**, dated map from agency, construction receipts or other documentation).

_____ Items 2, 3, 4, 5, and 6 are completed.

_____ Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except **before routing to Data Center, change priority date to 1/1/1993.** Also, confirm the following:

_____ Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, **NOTARIZED affidavit**, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse **EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL.** Also confirm the following:

_____ Name/address of adjacent property owner within 1/4 mile

_____ Map with scale not less than 2 in.=1 mi.

_____ CWRE map if > 10 feet dam or > 9.2 AF

_____ Description of proposed use

_____ Condition addressed

_____ Resulting benefits

_____ Public notices (circle) #1 #2

PRE-TR APPLICATION PROCESSING OUTLINE **74852**

Application File # _____

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

11/3/94

CB

Name and mailing address of applicant
 Source of water
 Quantity of water
 Map showing location of POD & POU
 Use of water
 Names and addresses of legal owners
 Signature of applicant
 Oath
 Application date stamped per money receipt date
 Land use approved X pending _____
 If reservoir < 5 AF \$_____, if > 5 AF \$_____
 HB 2153/HB 2107 APPLICATION -- SEE REVERSE
 Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____
Entered into WRIS

SUPPORT SERVICES

11/16/94

CM

Stamp contents with application number
 Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
 Place label on file and calender card

6

4

APPLICATION SECTION

11/17/94

DB
DP
NA

Stream Indexed Basin # 15
 Plat Carded and copy made YES NO
 If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete YES NO
 Within Irrigation District _____
 District Notified _____
 District excerpt received _____

TR Mailed DATE _____

Public Interest Checklist complete _____

Management Codes _____

REMARKS: _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **118469**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: <u>Laura Feeter</u>	APPLICATION <u>74852</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: CHECK: # X967419 OTHER: (IDENTIFY)

TOTAL REC'D \$ 325.⁰⁰

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

_____	CASH ACCT.	\$
_____	VOUCHER #	

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS			
840.001	COPY FEES		\$
850.200	RESEARCH FEES		\$
880.109	MISC REVENUE: (IDENTIFY)		\$
520.000	OTHER (P-6) (IDENTIFY)		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
842.001	SURFACE WATER	\$ <u>200.⁰⁰</u>	842.002 \$ <u>125.⁰⁰</u>
842.003	GROUND WATER	\$	842.004 \$
842.005	TRANSFER	\$	842.006 \$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023 \$
	LANDOWNER'S PERMIT		842.024 \$
_____	OTHER (IDENTIFY)		

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD # _____
_____	MONITORING WELLS	\$	CARD # _____
_____	OTHER (IDENTIFY)		

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

	LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

RECEIPT # **118469** DATED: 11-3-94 BY: D. Bushnell

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

NUMBER

97883

Check 325. - MO Cash

-
- Surface Application *200 Exam
125 Rec*
 - Reservoir Application
 - Ground Water Application
 - Transfer Application
 - Power Claim
 - Hydroelectric Examination
 - Hydroelectric License
 - Copying
 - Assignment
 - Extension of Time
 - Other
 - P-6
 - Quadrangle
 - Basin
 - Protest
 - Constructors Examination
 - Constructors License
 - Adjudication

*DATA
Center*

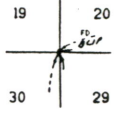
SECTION 29 T.38. R.14W. W.M.
CURRY COUNTY

38 14 29
& INDEX

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

1"=400'

SCALE 1:9600



SEE MAP 38 14



SEE MAP 38 14 30

SEE MAP 38 14

RECEIVED
MAY 28 1993
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

SEE MAP

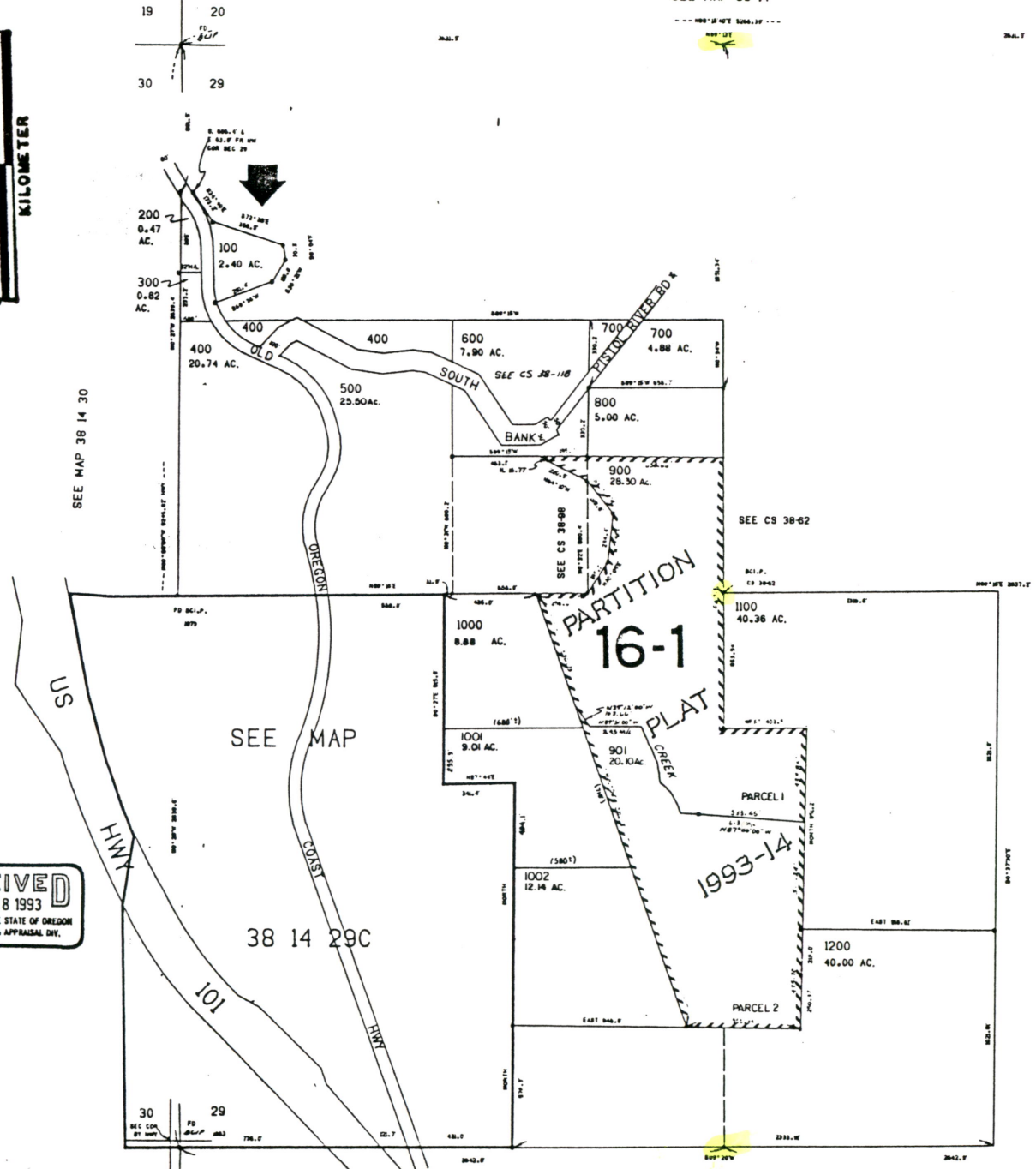
PARTITION
16-1
PLAT

1993-14

38 14 29C



20 14 20



EPD

Application No. 74852
Permit No. 52120

Name Laura Futer - Clay Futer
Address PO Box 6062, Pistol River, OR 97454
Assigned
Address
Beginning construction 5-20-97
Completion of construction 10-1-98
Extended to
Complete application of water 10-1-99
Extended to

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

RECEIVED
MAY 13 1994
WATER RESOURCES DEPARTMENT
3850 PORTLAND RD. SALEM, OR 97310

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

Applicant's Name: LAURA FEETER / CLAY FEETER
 Address: P.O. Box 6062
 City: Pistol River State: OR Zip: 97444 Day Phone: 503 247-3556

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
900 → 29-38-14	Forestry Grazing	✓	✓	✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry County, Pistol River
 The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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

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

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

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
CONDITIONAL USE	SEC. 3.052	✓		

(over)

Receipt for Request for Land Use Information .

WRD Applicant Name: _____

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

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOW
Title: PLANNER

Date: 11/2/94
Phone: 247-7011

Signature: *Dianne L. Snow*

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

THERE IS A LEGALLY SITED, EXISTING DWELLING
ON THE SUBJECT PROPERTY (DL-9207).