

Application for a Permit to Use
Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Brian & Peggy Pogue		PHONE (HM) 503-738-8410	
PHONE (WK)	CELL 503-440-5915	FAX 503-738-8420	
ADDRESS 35103 Hwy 26			
CITY Seaside	STATE OR	ZIP 97138	E-MAIL * peggy.pogue54@gmail.com

Organization

NAME NA		PHONE		FAX	
ADDRESS				CELL	
CITY	STATE	ZIP	E-MAIL *		

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME NA		PHONE		FAX	
ADDRESS				CELL	
CITY	STATE	ZIP	E-MAIL *		

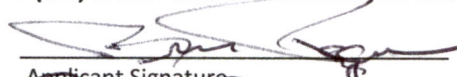
Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

 **I (we) affirm that the information contained in this application is true and accurate**

	Brian Pogue	9/5/22
Applicant Signature	Print Name and Title if applicable	Date
	Peggy Pogue	9/5/22
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ YES, there are no encumbrances.

☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.

☐ NO, I have a recorded easement or written authorization permitting access.

☐ NO, I do not currently have written authorization or easement permitting access.

☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

51024C000500 + 51024C00600
Clatsop County OR Map#

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1:	Mail Creek	Tributary to:	Necanicum River
TRSQQ of POD:			
Source 2:		Tributary to:	
TRSQQ of POD:			

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

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B. Applications to Use Stored Water

NA

Do you, or will you, own the reservoir(s) described in Section 3A above?

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☐ Yes. ☐ No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

See Attached #1

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

☐ Yes ☒ No

If **yes**, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

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For Department Use: App. Number: _____

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

☐ Yes ☒ No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

☐ Yes ☐ No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

☒ Yes ☐ No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Mail Creek	Domestic	Year round	4.5 ☒ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

NA

Primary: _____ Acres

Supplemental: _____ Acres

Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

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- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- ☒ Pump (give horsepower and type):
- ☐ Other means (describe):

3/4 HP Gould submersible pump with approved screen.

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Pump will be placed in Mail Creek + piped to 5000 gal storage tank + then into house with filters. Tank is so we don't pump when water has turbidity. Shut off + float valves have been installed.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

All water is for domestic use + not irrigation on property we own. Shut off + float valves are used.

For Department Use: App. Number: _____

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- ☒ Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.

Describe planned actions:

- Custom made partial screen per Dept of Fish & Wildlife is being used. See letter #1*

- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation:

- ☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe planned actions and additional permits required for project implementation:

- ☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe planned actions:

- ☐ List other federal and state permits or contracts to be obtained, if a water right permit is granted.

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SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin:
b) Date construction will be completed:
c) Date beneficial water use will begin:

*Just completed under limited license LL-1895
Upon final approval of Permit to use
surface water.*

SECTION 9: WITHIN A DISTRICT

- ☐ Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district. *NA - outside City of Seaside located in County*

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (Attach additional sheets if necessary).

*Current use under limited license LL-1895
& now need permanent use as other options
have fallen through with City of Seaside
& new well.*

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

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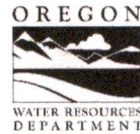
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NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

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Applicant

NAME <i>Brian & Peggy Pogue</i>		PHONE (HM) <i>503-738-8410</i>	
PHONE (WK)	CELL <i>503-440-5915</i>	FAX <i>503-738-8420</i>	
ADDRESS <i>35103 Hwy 26</i>			
CITY <i>Seaside</i>	STATE <i>OR</i>	ZIP <i>97138</i>	E-MAIL* <i>peggypogue54@gmail.com</i>

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<i>5</i>	<i>10</i>	<i>24</i>	<i>C</i>	<i>500</i>		☒ Diverted ☐ Conveyed ☒ Used	
<i>5</i>	<i>10</i>	<i>24</i>	<i>C</i>	<i>600</i>		☐ Diverted ☐ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Clatsop County

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☐ Permit Amendment or Groundwater Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Groundwater

☒ Surface Water (name) *mail Creek*

Estimated quantity of water needed: *4.5*

☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Municipal

☐ Quasi-Municipal

☐ Industrial ☐ Instream

☒ Domestic for *1* household(s) ☐ Other _____

Briefly describe:

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.0040 Water Improvement Standards
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
	RECEIVED	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
RECEIVED	SEP 07 2022	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
OCT 03 2022		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
OWRD	OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

OWRD permit required. No local permits required. Must meet 250 gallon/day standard

NAME <u>DAVID Cook</u>		TITLE: <u>Planner</u>
SIGNATURE <u>Dil Ck</u>	PHONE: <u>503 325 8611</u>	DATE: <u>9/6/22</u>
GOVERNMENT ENTITY <u>Clatsop County</u>		

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Clatsop County Oregon

Real Property Tax Statement for the 7/1/2020 - 6/30/2021 Tax Year
 20 Exchange Suite 210 Astoria, Oregon 97103 Phone (503) 325-8561

5,257.55

Last Year's Tax:

This Year's Tax

See back for explanation of taxes marked with (*)

COMM COLLEGE 324.43
 NW ESD 64.09
 SCHOOL 10 1838.03
 LO SCHOOL 10 138.61

School Total 2,365.16

SEASIDE RFPD 228.16
 4H & EXT SVC 22.25
 CLATSOP CO 639.19
 LO CLATSOP CO 20.84
 PORT ASTORIA 52.34
 SUNSET PARK 386.73
 UNION HEALTH 51.51
 CO RURAL LAW 299.84
 ROAD DIST #1 424.03
 SUNSET TRANS 67.51

Government Total 2,192.40

CLATSOP CO 82.93
 COMM COLLEGE 63.09
 FIRE PATROL 18.75
 FIRE PATROL SUR 47.50
 SCHOOL 10 562.35

Bonds - Other Total 774.62

Total 2020 Tax

5,332.18

VALUES:

Last Year

This Year

Real Market (RMV) Land: 94,867 94,868
 Structures: 380,914 378,164
 Total RMV: 475,781 473,032

Assessed (AV)

Total AV: 404,602 416,739

NET TAXABLE:

404,602 416,739

35103 HWY 26

house

Agent Code: CLG

Lender Code: CMM Loan Number: 8888015805413

This is the only statement you will receive on this account

If a mortgage company pays your taxes,
 this statement is for your records only.

Full Payment with
 3% Discount

5,172.21

2/3 Payment with
 2% Discount

3,483.69

1/3 Payment with
 No Discount

1,777.39

Total Tax (Before Discount)

5,332.18

IN CODE 1007

ACCOUNT ID: 54064

Clatsop County Oregon

Annual Property Tax Statement for the 7/1/2020 - 6/30/2021 Tax Year
Exchange Suite 210 Astoria, Oregon 97103 Phone (503) 325-8561

Parcel & Bounds

1002 ACCOUNT ID: 5467
SS: 401 MAP: 51024C000600
20289 ACRES: 1.96
POGUE BRIAN D/PEGGY M
35103 HIGHWAY 26
SEASIDE, OR 97138-6356

Last Year's Tax:

307.85

This Year's Tax

See back for explanation of taxes marked with (*)

COMM COLLEGE	18.95
NW ESD	3.74
SCHOOL 10	107.33
LO SCHOOL 10	7.38

School Total 137.40

4H & EXT SVC	1.30
CLATSOP CO	37.33
LO CLATSOP CO	1.22
PORT ASTORIA	3.06
SUNSET PARK	22.58
UNION HEALTH	3.01
CO RURAL LAW	17.51
ROAD DIST #1	24.76
SUNSET TRANS	3.94

Government Total 114.71

CLATSOP CO	4.84
COMM COLLEGE	3.68
FIRE PATROL	18.75
SCHOOL 10	32.84

Bonds - Other Total 60.11

Total 2020 Tax 312.22

VALUES:

Last Year

This Year

Real Market (RMV) Land:	27,479	27,480
Structures:	0	0
Total RMV:	27,479	27,480

Assessed (AV)

Total AV:	23,628	24,336
-----------	--------	--------

NET TAXABLE:

23,628

24,336

Aug 26 lot

This is the only statement you will receive on this account

If a mortgage company pays your taxes,
this statement is for your records only.

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11/2/20

Full Payment with
3% Discount

302.85

2/3 Payment with
2% Discount

203.98

1/3 Payment with
No Discount

104.07

Total Tax (Before Discount)

312.22

Clatsop County Oregon

Real Property Tax Statement for the 7/1/2021 - 6/30/2022 Tax Year
820 Exchange Suite 210 Astoria, Oregon 97103 Phone (503) 325-8561

LEGAL DESC: Metes & Bounds

TAX CODE: 1002

ACCOUNT ID: 5467

PROP CLASS: 401

MAP: 51024C000600

ACRES: 1.96

20079

POGUE BRIAN D/PEGGY M
 35103 HIGHWAY 26
 SEASIDE, OR 97138-6356

VALUES:	Last Year	This Year
Real Market (RMV) Land:	27,480	31,327
Structures:	0	0
Total RMV:	27,480	31,327
Assessed (AV)		
Total AV:	24,336	25,066
NET TAXABLE:	24,336	25,066

*This is the only statement you will receive on this account
 If a mortgage company pays your taxes,
 this statement is for your records only.*

Last Year's Tax:

312.22

This Year's Tax

See back for explanation of taxes marked with (*)

TAX BY DISTRICT	
COMM COLLEGE	19.51
NW ESD	3.86
SCHOOL 10	110.55
LO SCHOOL 10	13.03
School Total	146.95
4H & EXT SVC	1.34
CLATSOP CO	38.45
LO CLATSOP CO	1.75
PORT ASTORIA	3.15
SUNSET PARK	23.26
UNION HEALTH	2.99
CO RURAL LAW	18.03
ROAD DIST #1	25.50
SUNSET TRANS	4.06
Government Total	118.53
CLATSOP CO	4.97
COMM COLLEGE	3.67
FIRE PATROL	18.75
SCHOOL 10	32.01
Bonds - Other Total	59.40

Total 2021 Tax

324.88

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 OCT 03 2022 SEP 07 2022
 OWRD OWRD

Total Tax (Before Discount)

324.88

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

2021 - 2022 Property Taxes

ACCOUNT ID: 5467

Payment Options	Discount	Date Due	Amount
Full Payment Enclosed.....Due:	3%	11/15/2021	315.13
or 2/3 Payment Enclosed.....Due:	2%	11/15/2021	212.25
or 1/3 Payment Enclosed.....Due:	0%	11/15/2021	108.29

Discount is Lost & Interest Applies After Due Date
☐ Mailing Address
 Change on Back

Enter Payment Amount

\$

20079

POGUE BRIAN D/PEGGY M
 35103 HIGHWAY 26
 SEASIDE, OR 97138-6356

MAKE PAYMENT TO:

Clatsop County Tax Collector
 820 Exchange Suite 210
 Astoria, Oregon 97103

04000000054670000031513000002122500000108295

Clatsop County Oregon

Real Property Tax Statement for the 7/1/2021 - 6/30/2022 Tax Year
 820 Exchange Suite 210 Astoria, Oregon 97103 Phone (503) 325-8561

Last Year's Tax:

5,332.18

This Year's Tax

See back for explanation of taxes marked with (*)

TAX CODE: 1003 ACCOUNT ID: **5489**
 PROP CLASS: 401 MAP: 51024C000500
 24759 ACRES: 1.08

POGUE BRIAN D/PEGGY M
 35103 HIGHWAY 26
 SEASIDE, OR 97138-6356

VALUES:	Last Year	This Year
Real Market (RMV) Land:	94,868	108,149
Structures:	378,164	450,555
Total RMV:	473,032	558,704
Assessed (AV)		
Total AV:	416,739	429,240
NET TAXABLE:	416,739	429,240

35103 HWY 26

House

Agent Code: CLG Loan Number: 8888015805413
 Lender Code: CMM

*This is the only statement you will receive on this account
 If a mortgage company pays your taxes,
 this statement is for your records only.*

TAX BY DISTRICT

COMM COLLEGE	334.16
NW ESD	66.02
SCHOOL 10	1893.16
LO SCHOOL 10	223.20
School Total	2,516.54
SEASIDE RFPD	235.01
4H & EXT SVC	22.92
CLATSOP CO	658.37
LO CLATSOP CO	30.05
PORT ASTORIA	53.91
SUNSET PARK	398.33
UNION HEALTH	51.17
CO RURAL LAW	308.84
ROAD DIST #1	436.75
SUNSET TRANS	69.54
Government Total	2,264.89
CLATSOP CO	85.08
COMM COLLEGE	62.93
FIRE PATROL	18.75
FIRE PATROL SUR	47.50
SCHOOL 10	548.23
Bonds - Other Total	762.49

Total 2021 Tax

RECEIVED

5,543.92

SEP 07 2021 RECEIVED**OWRD OCT 03 2022****Total Tax (Before Discount)****OWRD 5,543.92**

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

2021 - 2022 Property Taxes

ACCOUNT ID: 5489

Payment Options	Discount	Date Due	Amount
Full Payment Enclosed.....Due:	3%	11/15/2021	5,377.60
or 2/3 Payment Enclosed.....Due:	2%	11/15/2021	3,622.03
or 1/3 Payment Enclosed.....Due:	0%	11/15/2021	1,847.97

Discount is Lost & Interest Applies After Due Date
☐ Mailing Address
 Change on Back

Enter Payment Amount

\$

24759

POGUE BRIAN D/PEGGY M
 35103 HIGHWAY 26
 SEASIDE, OR 97138-6356

MAKE PAYMENT TO:

Clatsop County Tax Collector
 820 Exchange Suite 210
 Astoria, Oregon 97103

Lot 600

641 358

QUITCLAIM DEED

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CROWN ZELLERBACH CORPORATION, a Nevada corporation, releases and quitclaims to BRIAN POGUE and PEGGY POGUE, husband and wife, all right, title and interest, if any, in and to that real property situated in CLATSOP COUNTY, State of OREGON, described as:

A tract of land lying in the NW¼SE¼ of Section 24, Township 5 North, Range 10 West, W.M., Clatsop County, Oregon, more particularly described as:

Beginning at the intersection of the northerly right-of-way line of Oregon State Highway No. 26 (Sunset Highway) with the North-South center section line in said Section 24 and is 734.46 ft South and 2960.33 ft East of the one-quarter corner common to Sections 23 and 24 said Township marked by a bent over 3/4" iron pipe; thence North 1° 07' 36" East along the East line of that tract of land conveyed to Brian Pogue et ux by instrument recorded in Book 520 Page 808 Clatsop County Deed Records to the ordinary high water line on the south bank of the Necanicum River, thence northeasterly upstream along the ordinary high water line of said river to a point; thence South 05°03'08" East 20.00 ± to a 1½ GI pipe with a 3" brass cap; thence continuing South 05°03'08" East 574.13 ft to a 1½ GI pipe with a 3" brass cap which is South 85°39'32" East approximately 209 feet from the point of beginning; thence continuing South 05°03'08" East 20.00 ft ± to the North right of way line of said Highway 26; thence Northwesterly along said right of way line to the Point of Beginning, containing 2.1 acres more or less.

The true and actual consideration for this transfer is Three thousand five hundred dollars (\$3,500.00).

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with appropriate City or County Planning Department to verify approved uses.

Dated this 17th day of May, 1985.

CROWN ZELLERBACH CORPORATION

By W. R. Corbin, Sr. Vice President

ATTEST:

By W. B. Freck
W.B. Freck, Asst. Secretary

STATE OF OREGON)
) ss.

County of Multnomah)

On this 17th day of May, 1985, before me personally appeared W. R. Corbin and W. B. Freck, to me known to be the Senior Vice President and Assistant Secretary, respectively, of CROWN ZELLERBACH CORPORATION, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Donnie K. Martin
Notary Public in and for the
State of Oregon
My commission expires 5/2/86

0254H

85124h

600

A TRACT OF LAND LYING IN THE NW 1/4 SE 1/4
OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 10 WEST,
W.M., CLATSOP COUNTY, OREGON, DESCRIBED AS
FOLLOWS:

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BEGINNING AT A 3/4 INCH IRON PIPE (BENT OVER) WHICH
MARKS THE SE CORNER OF A TRACT OF LAND RECORDED IN
BOOK 520 PAGE 808 (CAMBERG TO POGUE) AND IS
INTENDED TO MARK THE INTERSECTION OF THE N-S
CENTERLINE OF SECTION 24 AND THE NORTH BOUNDARY OF
THE OREGON STATE HIGHWAY NO. 26 (SUNSET) AND IS ALSO
734.46' SOUTH AND 2960.33' EAST OF THE ONE-QUARTER
CORNER COMMON TO SECTIONS 23 AND 24 OF T5N R10W,
W.M., THENCE N1° 07' 36"E 377.05' ALONG THE EAST
LINE OF SAID DEED TO THE SOUTH BANK OF THE
MECANICUM RIVER, THENCE NORTHEASTERLY UPSTREAM
ALONG THE MEAN HIGH WATERLINE TO A POINT, THENCE
S5° 03' 08"E 20.00' +/- TO A 1 1/2" GALVANIZED IRON
PIPE WITH A 3" CZ BRASS CAP STAMPED RLS 2092,
THENCE S5° 03' 08"E 574.125' TO A 1 1/2" GALVANIZED
IRON PIPE WITH A CZ BRASS CAP STAMPED RLS 2092,
THENCE S5° 03' 08"E 20.00' +/- TO THE NORTH
RIGHT-OF-WAY LINE OF THE OREGON STATE HIGHWAY
NO. 26 (SUNSET), THENCE NORTHWESTERLY ALONG THE SAID
NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.



PIONEER NATIONAL
TITLE INSURANCE

A TICOR COMPANY

Lot 500

ONWRD

Policy of Title Insurance

PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation, hereinafter called the Company, for a valuable consideration paid for this policy of title insurance, the number, date, and amount of which are shown in Schedule A, does hereby insure the parties named as Insured in Schedule A, the heirs, devisees, personal representatives of such Insured, or if a corporation, its successors by dissolution, merger or consolidation, against direct loss or damage not exceeding the amount stated in Schedule A, together with costs, attorneys' fees and expenses which the Company may be obligated to pay as provided in the Conditions and Stipulations hereof, which the Insured shall sustain by reason of:

Title to the land described in Schedule A being vested, at the date hereof, otherwise than as herein stated; or

Unmarketability, at the date hereof, of the title to said land of any vestee named herein, unless such unmarketability exists because of defects, liens, encumbrances, or other matters shown or referred to in Schedule B; or

Any defect in, or lien or encumbrance on, said title existing at the date hereof, not shown or referred to in Schedule B, or excluded from coverage in the Schedule of Exclusions from Coverage; or

Any defect in the execution of any mortgage or deed of trust shown in Schedule B securing an indebtedness, the owner of which is insured by this policy, but only insofar as such defect affects the lien or charge of such mortgage or deed of trust upon said land; or

Priority, at the date hereof, over any such mortgage or deed of trust, of any lien or encumbrance upon said land, except as shown in Schedule B such mortgage or deed of trust being shown in the order of its priority,

all subject, however, to the Schedule of Exclusions from Coverage and the Conditions and Stipulations hereto annexed, which, together with Schedules A and B are hereby made a part of this policy.

This policy shall not be valid or binding until countersigned below by a validating officer of the Company.

Pioneer National Title Insurance Company

by John E. Flood, Jr. h
PRESIDENT

Attest:

SECRETARY

Countersigned,

By

Validating Signatory

SCHEDULE A

Amount \$ 17,000.00

Date May 18, 1979

At 8:00 A. M.

Premium \$ 94.50

INSURED

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-----Brian Pogue and Peggy Pogue-----

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The estate or interest referred to herein is, at the date hereof, vested in

-----Joseph R. Camberg, individually as to an undivided 1/2 interest; and Joseph R. Camberg, as Trustee under the Lenore F. Camberg Trust of 1975, as to an undivided 1/2 interest-----

The land referred to in this policy is described as

A tract of land lying in the North half of the Southwest quarter of Section 24, Township 5 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon, described as follows:

Beginning at the intersection of the Northerly right-of-way line of Oregon State Highway No. 26 (Sunset Highway) with the North-South center section line in said Section 24, Township 5 North, Range 10 West;

thence North 1° 07' 36" East along said North-South center section line a distance of 377.05 feet, more or less, to the South bank of the Necanicum River;

thence Southwesterly along the South bank of said Necanicum River to the thread of Mail Creek at its point of contact with said Necanicum River;

thence Southerly along the thread of said Mail Creek to its intersection with the Northeasterly line of a culvert being 40 feet Northerly of the Northerly right-of-way line of said Oregon State Highway;

thence South 68° 23' 30" East along said Northeasterly line of said culvert to the Northeasterly corner of said culvert;

thence South 19° 44' West a distance of 40 feet, more or less, along the Easterly line of said culvert to the Northerly right-of-way line of said Oregon State Highway;

thence Southeasterly along the Northerly right-of-way line of said Oregon State Highway to the point of beginning.-----

SCHEDULE A — Continued

The estate or interest in the land described in this schedule is:

A fee-----

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SCHEDULE B

This policy does not insure against loss or damage, nor against costs, attorney's fees or expenses, any or all of which arise by reason of the matters shown or referred to in this Schedule except to the extent that the owner of any mortgage or deed of trust is expressly insured on page 1 of this policy.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records; unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
5. As disclosed by the tax roll the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of O.R.S. Chapter 321.
6. Rights of the public in streets, roads and highways.
7. A right of way to construct, reconstruct, amend, maintain, operate and repair, including the terms and provisions thereof, for the purpose of conveying water to the City of Seaside,
Recorded: Book: 115 Page: 531
Deed Records, Clatsop County, Oregon.
8. An easement or right of way, including the terms and provisions thereof, for an electric transmission or distributing line,
Granted by: Leonard King
To: Pacific Power & Light Company
Recorded in Book: 151 Page: 173
Deed Records, Clatsop County, Oregon.
9. A right of way and other privileges to construct, reconstruct, amend, maintain, operate, etc, including the terms and provisions thereof, for the purpose of conveying water to the City of Seaside,
Recorded in Book: 118 Page: 420
Deed Records, Clatsop County, Oregon.

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10. Easements, including the terms and provisions thereof,
To: Pacific Power and Light Company
Recorded: June 18, 1955 Book: 236 Page: 152
And Recorded: January 15, 1957 Book: 238 Page: 615
Deed Records of Clatsop County, Oregon.

11. Rights of the public in and to that portion of said premises lying below the ordinary high water line of Necanicum River.

12. Mortgage, including the terms and provisions thereof,
given to secure a note
Amount: \$100,000.00
Executed By: Joseph R. Camberg, individually; Joseph R. Camberg, as trustee under the Lenore F. Camberg Trust of 1975, each as to an undivided one-half interest; and Lenore F. Camberg, individually
To: Herman W. Sonntag
Dated: October 4, 1976
Recorded: October 5, 1976 Book: 437 Page: 836
Film Records of Clatsop County, Oregon. (With other property)

13. Memorandum of Contract, including the terms and provisions thereof,
Vendor: Joseph R. Camberg, individually, 1/2 interest; and Joseph R. Camberg, as Trustee under the Lenore F. Camberg Trust of 1975, 1/2 interest
Vendee: Brian Pogue and Peggy Pogue, husband and wife
Dated: May 16, 1979
Recorded: May 17, 1979 Book: 502 Page: 292
Film Records of Clatsop County, Oregon.-----

OWNER'S INFLATION PROTECTION INDORSEMENT

ATTACHED TO POLICY NO. 4-53833

ISSUED BY

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Pioneer National Title Insurance Company

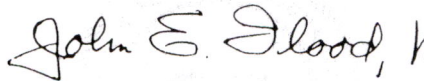
The Company, recognizing the current effect of inflation on real property valuation and intending to provide additional monetary protection to the Insured Owner named in said Policy, hereby modifies said Policy, as follows:

1. Notwithstanding anything contained in said Policy to the contrary, the amount of insurance provided by said Policy, as stated in Schedule A thereof, is subject to cumulative annual upward adjustments in the manner and to the extent hereinafter specified.
2. "Adjustment Date" is defined, for the purpose of this Indorsement, to be 12:01 a.m. on the first January 1 which occurs more than six months after the Date of Policy, as shown in Schedule A of the Policy to which this Indorsement is attached, and on each succeeding January 1.
3. An upward adjustment will be made on each of the Adjustment Dates, as defined above, by increasing the maximum amount of insurance provided by said Policy (as said amount may have been increased theretofore under the terms of this Indorsement) by the same percentage, if any, by which the United States Department of Commerce Composite Construction Cost Index (base period 1967) for the month of September immediately preceding exceeds the highest Index number for the month of September in any previous year which is subsequent to Date of Policy; provided, however, that the maximum amount of insurance in force shall never exceed 150% of the amount of insurance stated in Schedule A of said Policy, less the amount of any claim paid under said Policy which, under the terms of the Conditions and Stipulations, reduces the amount of insurance in force. There shall be no annual adjustment in the amount of insurance for years in which there is no increase in said Construction Cost Index.
4. In the settlement of any claim against the Company under said Policy, the amount of insurance in force shall be deemed to be the amount which is in force as of the date on which the insured claimant first learned of the assertion or possible assertion of such claim, or as of the date of receipt by the Company of the first notice of such claim, whichever shall first occur.

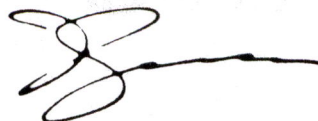
Nothing herein contained shall be construed as extending or changing the effective date of said Policy.

This indorsement is made a part of said Policy and is subject to the schedules, conditions and stipulations therein, except as modified by the provisions hereof.

Pioneer National Title Insurance Company

by  h
PRESIDENT

Attest:


SECRETARY

(Conditions and Stipulations Continued and Concluded From Reverse Side of Policy Face)

such statement shall have been furnished, and no recovery shall be had by the Insured under this policy unless action shall be commenced thereon within five years after expiration of said thirty day period. Failure to furnish such statement of loss or damage, or to commence such action within the time hereinbefore specified, shall be a conclusive bar against maintenance by the Insured of any action under this policy.

5. Option to Pay, Settle or Compromise Claims

The Company shall have the option to pay or settle or compromise for or in the name of the Insured any claim insured against or to pay the full amount of this policy, or, in case loss is claimed under this policy by the owner of the indebtedness secured by a mortgage covered by this policy, the Company shall have the option to purchase said indebtedness; such purchase, payment or tender of payment of the full amount of this policy, together with all costs, attorneys' fees and expenses which the Company is obligated hereunder to pay, shall terminate all liability of the Company hereunder. In the event, after notice of claim has been given to the Company by the Insured, the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness and the mortgage securing the same to the Company upon payment of the purchase price.

6. Payment of Loss

(a) The liability of the Company under this policy shall in no case exceed, in all, the actual loss of the Insured and costs and attorneys' fees which the Company may be obligated hereunder to pay.

(b) The Company will pay, in addition to any loss insured against by this policy, all cost imposed upon the Insured in litigation carried on by the Company for the Insured, and all costs and attorneys' fees in litigation carried on by the Insured with the written authorization of the Company.

(c) No claim for damages shall arise or be maintainable under this policy (1) if the Company, after having received notice of an alleged defect, lien or encumbrance not excepted or excluded herein removes such defect, lien or encumbrance within a reasonable time after receipt of such notice, or (2) for liability voluntarily assumed by the Insured in settling any claim or suit without written consent of the Company, or (3) in the event the title is rejected as unmarketable because of a defect, lien or encumbrance not excepted or excluded in this policy, until there has been a final determination by a court of competent jurisdiction sustaining such rejection.

(d) All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto and no payment shall be made without producing this policy for endorsement of such payment unless the policy be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company; provided, however, if the owner of an indebtedness secured by a mortgage shown in Schedule B is an Insured herein then such payments shall not reduce pro tanto the amount of the insurance afforded hereunder as to such Insured, except to the extent that such payments reduce the amount of the indebtedness secured by such mortgage. Payment in full by any person or voluntary satisfaction or release by the Insured of a mortgage covered by this policy shall terminate all liability of the Company to the insured owner of the indebtedness secured by such mortgage, except as provided in paragraph 2 hereof.

(e) When liability has been definitely fixed in accordance with the conditions of this policy the loss or damage shall be payable within thirty days thereafter.

7. Liability Noncumulative

It is expressly understood that the amount of this policy is reduced by any amount the Company may pay under any policy insuring the validity or priority of any mortgage shown or referred to in Schedule B hereof or any mortgage hereafter executed by the Insured which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment to the Insured under this policy. The provisions of this paragraph numbered 7 shall not apply to an Insured owner of an indebtedness secured by a mortgage shown in Schedule B unless such Insured acquires title to said estate or interest in satisfaction of said indebtedness or any part thereof.

8. Coinsurance and Apportionment

(a) In the event that a partial loss occurs after the Insured makes

an improvement subsequent to the date of this policy, and only in that event, the Insured becomes a coinsurer to the extent hereinafter set forth. If the cost of the improvement exceeds twenty per centum of the amount of this policy, such proportion only of any partial loss established shall be borne by the Company as one hundred twenty per centum of the amount of this policy bears to the sum of the amount of this policy and the amount expended for the improvement. The foregoing provisions shall not apply to costs and attorneys' fees incurred by the Company in prosecuting or providing for the defense of actions or proceedings in behalf of the Insured pursuant to the terms of this policy or to costs imposed on the Insured in such actions or proceedings, and shall apply only to that portion of losses which exceed in the aggregate ten per cent of the face of the policy. Provided, however, that the foregoing coinsurance provisions shall not apply to any loss arising out of a lien or encumbrance for a liquidated amount which existed on the date of this policy and was not shown in Schedule B; and provided further, such coinsurance provisions shall not apply to any loss if, at the time of the occurrence of such loss, the then value of the premises, as so improved, does not exceed one hundred twenty per centum of the amount of this policy.

(b) If the land described or referred to in Schedule A is divisible into separate and noncontiguous parcels, or if contiguous and such parcels are not used as one single site, and a loss is established affecting one or more of said parcels but not all, the loss shall be computed and settled on a pro rata basis as if the face amount of the policy was divided pro rata as to the value on the date of this policy of each separate independent parcel to the whole, exclusive of any improvements made subsequent to the date of this policy, unless a liability or value has otherwise been agreed upon as to each such parcel by the Company and the Insured at the time of the issuance of this policy and shown by an express statement herein or by an endorsement attached hereto.

9. Subrogation upon Payment or Settlement

Whenever the Company shall have settled a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the Insured, and it shall be subrogated to and be entitled to all rights and remedies which the Insured would have had against any person or property in respect to such claim had this policy not been issued. If the payment does not cover the loss of the Insured, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss. If loss should result from any act of the Insured, such act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against hereunder which shall exceed the amount, if any, lost to the Company by reason of the impairment of the right of subrogation. The Insured, if requested by the Company, shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation, and shall permit the Company to use the name of the Insured in any transaction or litigation involving such rights or remedies. If the Insured is the owner of the indebtedness secured by a mortgage covered by this policy, such Insured may release or substitute the personal liability of any debtor or guarantor, or extend or otherwise modify the terms of payment, or release a portion of the estate or interest from the lien of the mortgage, or release any collateral security for the indebtedness, provided such act does not result in any loss of priority of the lien of the mortgage.

10. Policy Entire Contract

Any action or actions or rights of action that the Insured may have or may bring against the Company arising out of the status of the lien of the mortgage covered by this policy or the title of the estate or interest insured herein must be based on the provisions of this policy. No provision or condition of this policy can be waived or changed except by writing endorsed hereon or attached hereto signed by the President, a Vice President, the Secretary, an Assistant Secretary or other validating officer of the Company.

11. Notices, where Sent

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to it at the office which issued this policy or to its Home Office, Claims Department, 433 South Spring Street, P.O. Box 54730, Los Angeles, California 90054.

OCT 03 2022

OWRD



Oregon

Kate Brown., Governor

#1
Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058
(541) 296-8026
FAX (541) 296-7889
odfw.com

August, 1 2022

Attn. Brian Pogue
35103 Highway 26
Seaside, OR 97138

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SEP 07 2022

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OCT 03 2022

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RE: Limited License Application LL-1895

OWRD

To whom it may concern,

This letter is in regards to fish screening and bypass device requirements set forth by the Oregon Water Resources Department for LL-1895. This water right diverts water from Mail Creek for domestic use.

The fish screen that has been installed is a custom-made passive screen that fits over a submersible pump. This model of passive screen, when installed and maintained properly is capable of effectively screening up to 70 gpm, while protecting all age classes of anadromous salmonids from entrapment and impingement. ODFW concludes that this screen will meet current state and federal fish screening criteria set forth by National Marine Fisheries Service for the maximum diversion rate of 0.16 cfs (70 gpm). A by-pass device is not required at this point of redirection as this is an end of pipe fish screen.

This approval is contingent on the following: the screen is installed prior to any withdraw of water, the screen is installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order, including removing debris as necessary, and the screen is annually inspected when it is not in use.

If there are any questions regarding the approval of this screen for LL-1895, please call me at 541-967-2162.

Sincerely,

Bryce Macnab

Fish Screens and Passage Coordinator

Oregon Water Resources Department

Final Order Limited License Application LL-1895



Appeal Rights

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 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.

Requested Water Use

Applicant: PEGGY AND BRIAN POGUE

Date Submitted: AUGUST 30, 2021

Amount: 4.0 GALLONS PER MINUTE (0.009 CUBIC FOOT PER SECOND (CFS))

Source: MAIL CREEK, A TRIBUTARY OF NECANICUM RIVER

Use: DOMESTIC USE FOR ONE HOUSEHOLD

Duration: YEAR-ROUND USE

County: CLATSOP COUNTY

Pod Location: 5.00N-10.00W-24 NE SW

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OCT 03 2022

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SEP 07 2022

OWRD

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Authorities

The Department may approve a limited license pursuant to its authority under ORS 537.143, 537.144 and OAR 690-340-0030.

ORS 537.143(2) authorizes the Director to revoke the right to use water under a limited license if it causes injury to any water right or a minimum perennial streamflow.

A limited license will not be issued for more than five consecutive years for the same use, as directed by ORS 537.143(8).

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).
2. On August 31, 2021, the Department provided public notice of the application, as required by OAR 690-340-0030(2).
3. The Department has not received public comment related to the possible issuance of the limited license.

4. This limited license request is limited to an area within a single drainage basin, as required by OAR 690-340-0030(3).
5. The Department has determined that water is not likely available for the requested use of domestic use. However, by limiting the use to human consumption water use only (indoor use only: cooking, drinking, and sanitation), the Department finds that water is available during the period requested.
6. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.200.
7. The Department may not issue a limited license for the same use for more than five consecutive years. (ORS 537.143)(8).
8. Because this use is from surface water and has the potential to impact fish, the Department finds that fish screening is required to protect the public interest.
9. Because the use requested is longer than 120 days and because the use is in an area that has sensitive, threatened or endangered fish species, the use is subject to the Department's statewide rules under OAR 690-033-0310. These rules aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species. No comments were received that would cause the Department to require additional conditions or limitations.
10. Pursuant to OAR 690-340-0030(4)(5), conditions have been added with regard to notice and water-use measurement.
11. Clatsop County has indicated that the proposed use is compatible with the applicable acknowledged comprehensive land-use plan. A copy of the land use compatibility statement is in the file.

Conclusions of Law

The proposed water use will not impair or be detrimental to the public interest pursuant to OAR 690-340-0030(2), as limited in the order below.

Order

Therefore, pursuant to ORS 537.143, ORS 537.144, and OAR 690-340-0030, Application LL-1895 is approved as conditioned below.

1. The authorized use of water under this limited licenses is as follows:

Amount: 4.0 GPM (0.009 CFS)

Source: MAIL CREEK, A TRIBUTARY OF NECANICUM RIVER

Use: HUMAN CONSUMPTION WATER USE (INDOOR USE ONLY: COOKING, DRINKING, AND SANITATION) - FOR ONE HOUSEHOLD

Duration: ISSUANCE THROUGH 2 YEARS OR UPON APPROVAL OF A WATER RIGHT, WHICHEVER COMES FIRST

2. The water user shall seek a permanent long-term water supply by submitting a new water right or transfer application to the Department, or by securing other legal means of water through delivery or

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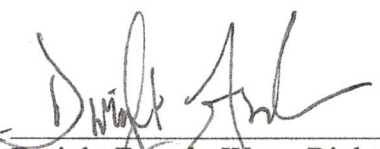
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the construction of a water well. The limited license is authorized for up to two years from the date of issuance, noted on Page 3 of the final order.

3. The licensee shall give notice to the Watermaster in the district where use is to occur not less than 15 days or more than 60 days in advance of using the water under the limited license. The notice shall include the location of the diversion, the quantity of water to be diverted, and the intended use and place of use. In the case of this application, this order serves as the notice described above.
4. The licensee shall maintain a record of all water use, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. During the period of the limited license, the record of use shall be submitted to the Department upon request.
5. The Director may revoke the right to use water for any reason described in ORS 537.143(2), and OAR 690-340-0030(6). Such revocation may be prompted by field regulatory activities or by any other information.
6. Use of water under a limited license shall not have priority over any water right exercised according to a permit or certificate, and shall be subordinate to all other authorized uses that rely upon the same source.
7. The licensee shall install, use, and maintain fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. See copy of enclosed fish screening criteria for information.
8. 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.
9. A copy of this limited license shall be kept at the place of use, and be made available for inspection by the Watermaster or other state authority.

NOTE: This water-use authorization is temporary. Applicants are advised that issuance of this final order does not guarantee that any permit for the authorized use will be issued in the future; any investments should be made with that in mind.

Issued OCT 01 2021


Dwight French, Water Right
Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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Enclosures - fish screen criteria

cc: Nikki M. Hendricks, District 1 Watermaster
Jason Brandt, ODFW

North Coast, DEQ
Surface Water Section
File

If you need further assistance, please contact the Water Rights Section at the address, phone number, or fax number below. When contacting the Department, be sure to reference your limited license number for fastest service.

Remember, this limited license does not provide a secure source of water. Water use can be revoked at any time. Such revocation may be prompted by field regulatory activities or many other reasons.

Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271
Phone: (503) 986-0817 Fax: (503) 986-0901

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For Local Government Use Only

51024000600

21- 000550

- The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.0040 Water Improvement Standards
CLATSOP CO. LAND AND WATER DEVELOPMENT USE CODE
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
RECEIVED	RECEIVED	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
OCT 03 2022	SEP 07 2022	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
OWRD	OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

LAND USE, section 3.0040, SPRING - Requires permit from Oregon Water Resources Dept.
 ↳ FOR DOMESTIC WATER SOURCE - SHALL MEET 250 GALLONS PER DAY.

Name: JASON POLLACK

Title: PLANNER

Signature: J Pollack

Phone: 503-325-8611

Date: 8/17/2021

Government Entity: CLATSOP COUNTY, LAND USE PLANNING

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

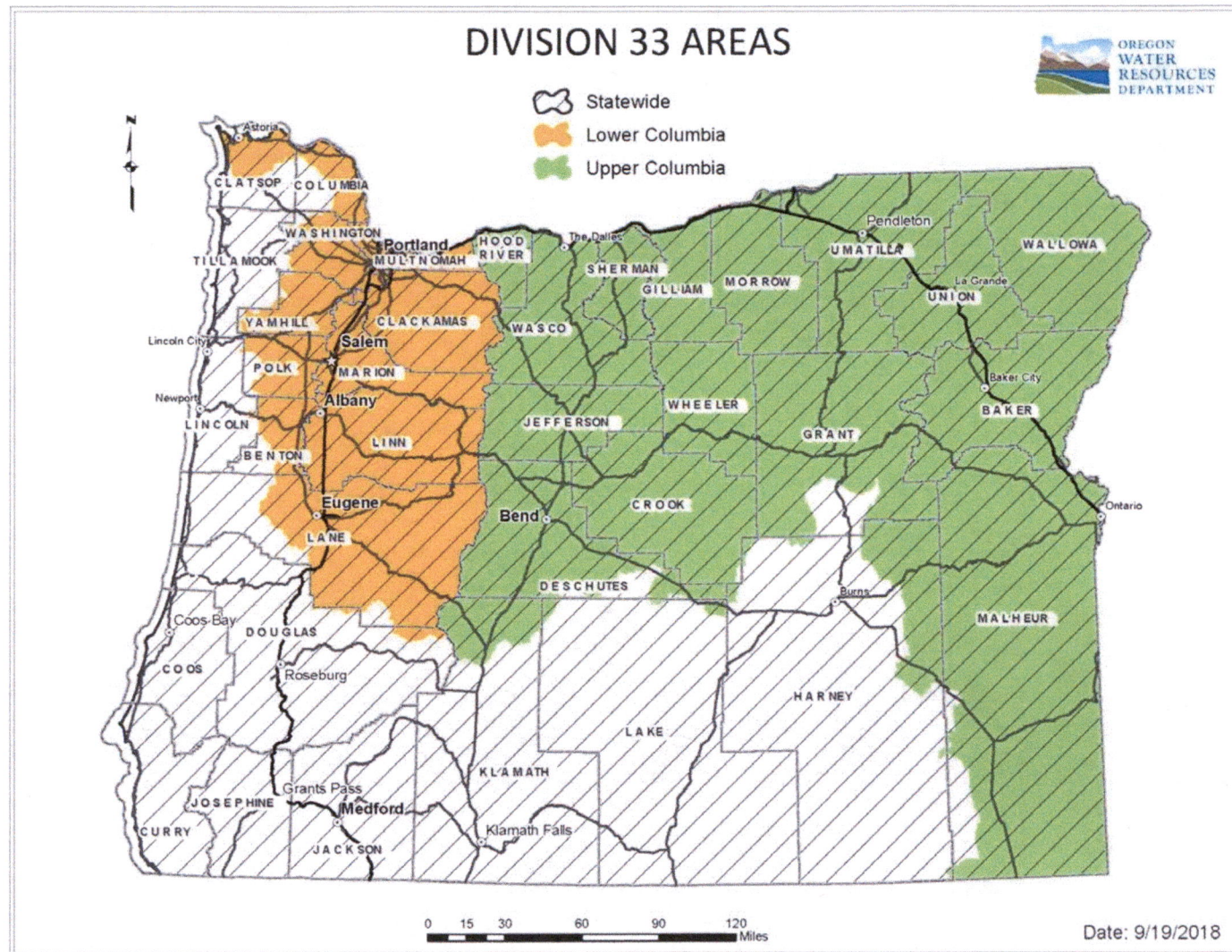
Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Figure 1: Map of Division 33 Areas



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For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership
- ☒ SECTION 3: Source of Water
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Water Management
- ☒ SECTION 7: Resource Protection
- ☒ SECTION 8: Project Schedule
- ☒ SECTION 9: Within a District
- ☒ SECTION 10: Remarks

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Include the following additional items:

- ☐ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☐ Fees - Amount enclosed: \$_____

See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- ☐ Map that includes the following items:
 - ☐ Permanent quality and drawn in ink
 - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - ☒ North Directional Symbol
 - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
 - ☐ Reference corner on map
 - ☐ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - ☐ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Water-Use Permit Application Processing

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1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

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2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

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3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate



Search city, county, or address



Parcel

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SUN OBSERVATIONS
 At Fort Stevens, 1/18/78, 10:00 AM
 Azimuth: 100° 15' 30" N
 Longitude: 124° 35' 10" W
 Latitude: 46° 25' 30" N
 Date: Nov. 8, 1978
 Time: 1:34 PM PST
 Vertical Angle: 25° 4' 42"
 Horizontal Angle: 8° 0' 12"
 Graphical: 0.985
 Calculation: 0.985
 Reduction: 0.13
 Reduction: 0.13
 Temperature: 0.985
 Barometric Pressure: 101
 Altitude: 101
 Reference line: 53° 47' 23" N

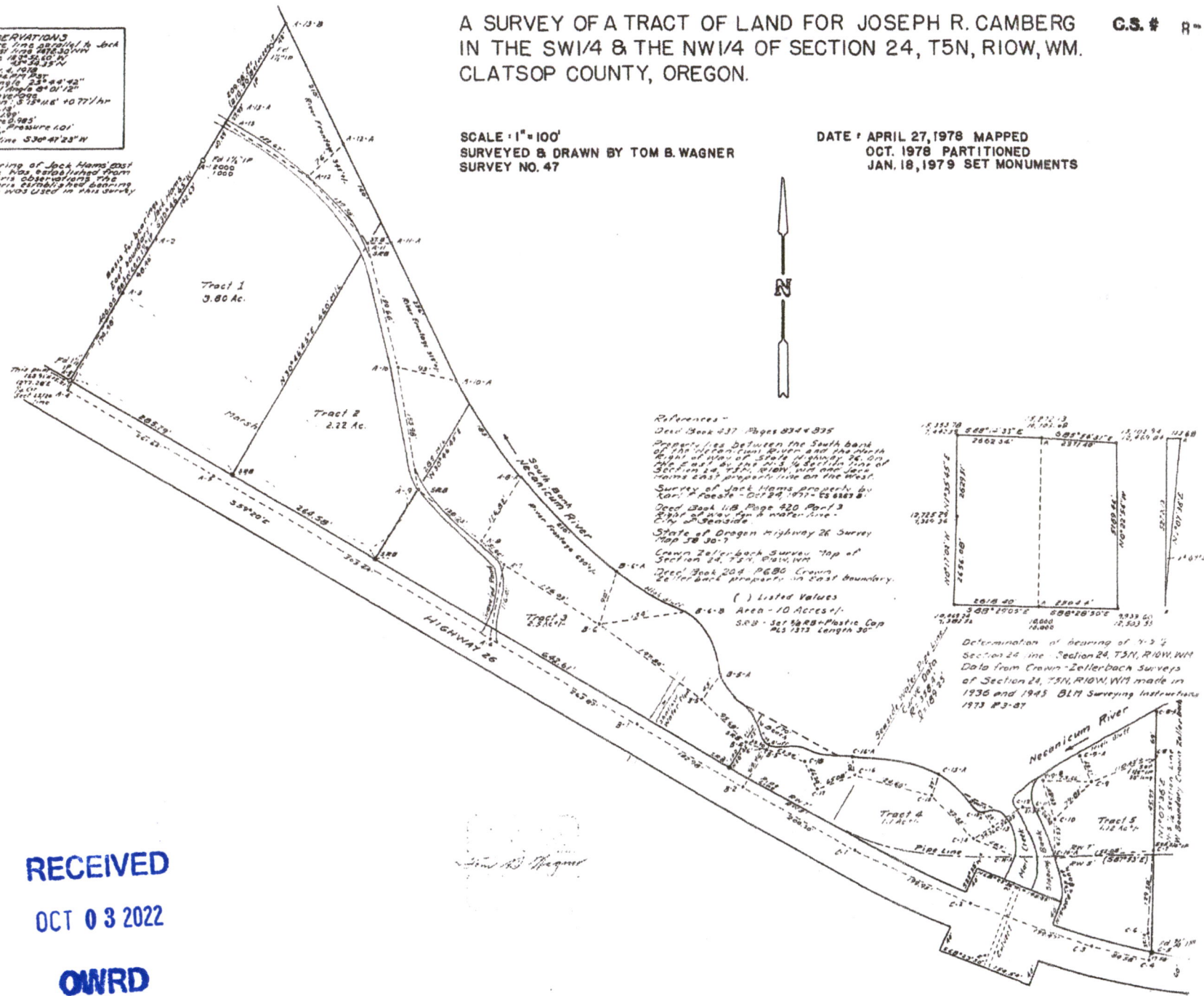
Note: Bearing of Jack Hains east line has established from previous observations and is used in this survey.

A SURVEY OF A TRACT OF LAND FOR JOSEPH R. CAMBERG IN THE SW1/4 & THE NW1/4 OF SECTION 24, T5N, R10W, WM. CLATSOP COUNTY, OREGON.

G.S. # R-6687

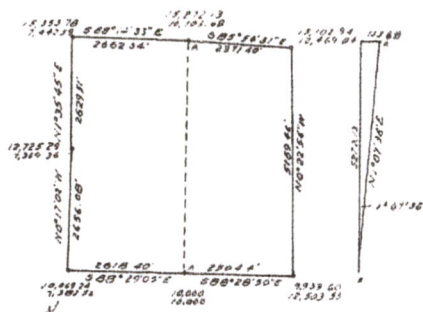
SCALE: 1"=100'
 SURVEYED & DRAWN BY TOM B. WAGNER
 SURVEY NO. 47

DATE: APRIL 27, 1978 MAPPED
 OCT. 1978 PARTITIONED
 JAN. 18, 1979 SET MONUMENTS

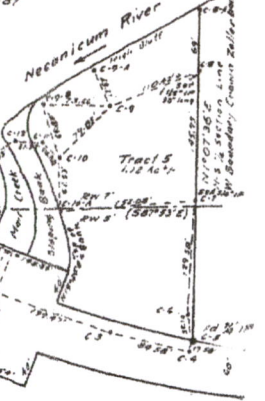


References
 Deed Book 437, Pages 874-875
 Property lies between the South bank of the Necanicum River and the North Right of Way of State Highway 26, on the East 1/4 of the 24.5 1/4 Section 24 of Section 24, T5N, R10W, WM and Jack Hains East property line on the West.
 Survey of Jack Hains property by Tom B. Wagner, Oct. 24, 1971, 53 687 B.
 Deed Book 118, Page 420, Part 3
 Right of way for a water line - City of Seaside.
 State of Oregon Highway 26 Survey Map 58 30-7
 Crown Zellerbach Survey Map of Section 24, T5N, R10W, WM
 Deed Book 204, P. 680 Crown Zellerbach property in East boundary.

() Listed Values
 8-4-B Area - 10 Acres +/-
 S.O.B. - Set 5/8/85 - Plastic Cap
 PLS 1373 Length 30'



Determination of bearing of 7-2-2
 Section 24, line Section 24, T5N, R10W, WM
 Data from Crown Zellerbach surveys of Section 24, T5N, R10W, WM made in 1936 and 1945 BLM Surveying Instructions 1973 #3-87



Highway Curve Data
 D = 2° 30' CL
 Δ = 60° 28'
 T₁ = 1335.0'
 PC = 389 + 50.8
 PT = 413 + 09.5
 R = 2291.03'
 C = 2307.90'

Note: Bearings marked & are Oregon Coordinate System Bearings

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 OWRD

Tom B. Wagner

0-1107

0-1107

AA-2453

24

SURVEY N² 317
for
HERMAN SUNTAG
NE⁴ SW⁴ SEC. 24 TN R10W
CLATSOP COUNTY ORE.

SCALE 1"=100' 7/63

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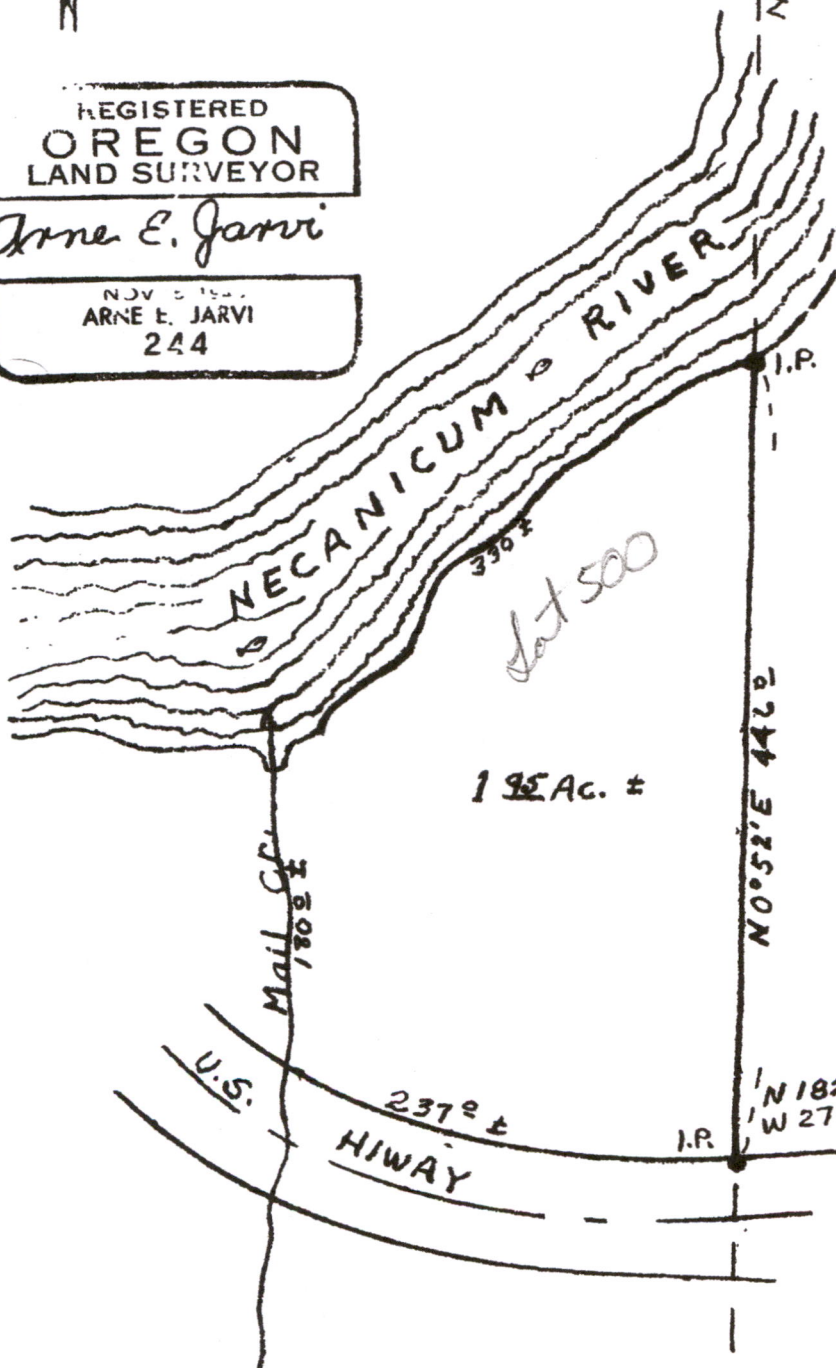
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REGISTERED
OREGON
LAND SURVEYOR

Arne E. Jarvi

NOV 5 1944
ARNE E. JARVI
244



CLATSOP CO.
SURVEYOR
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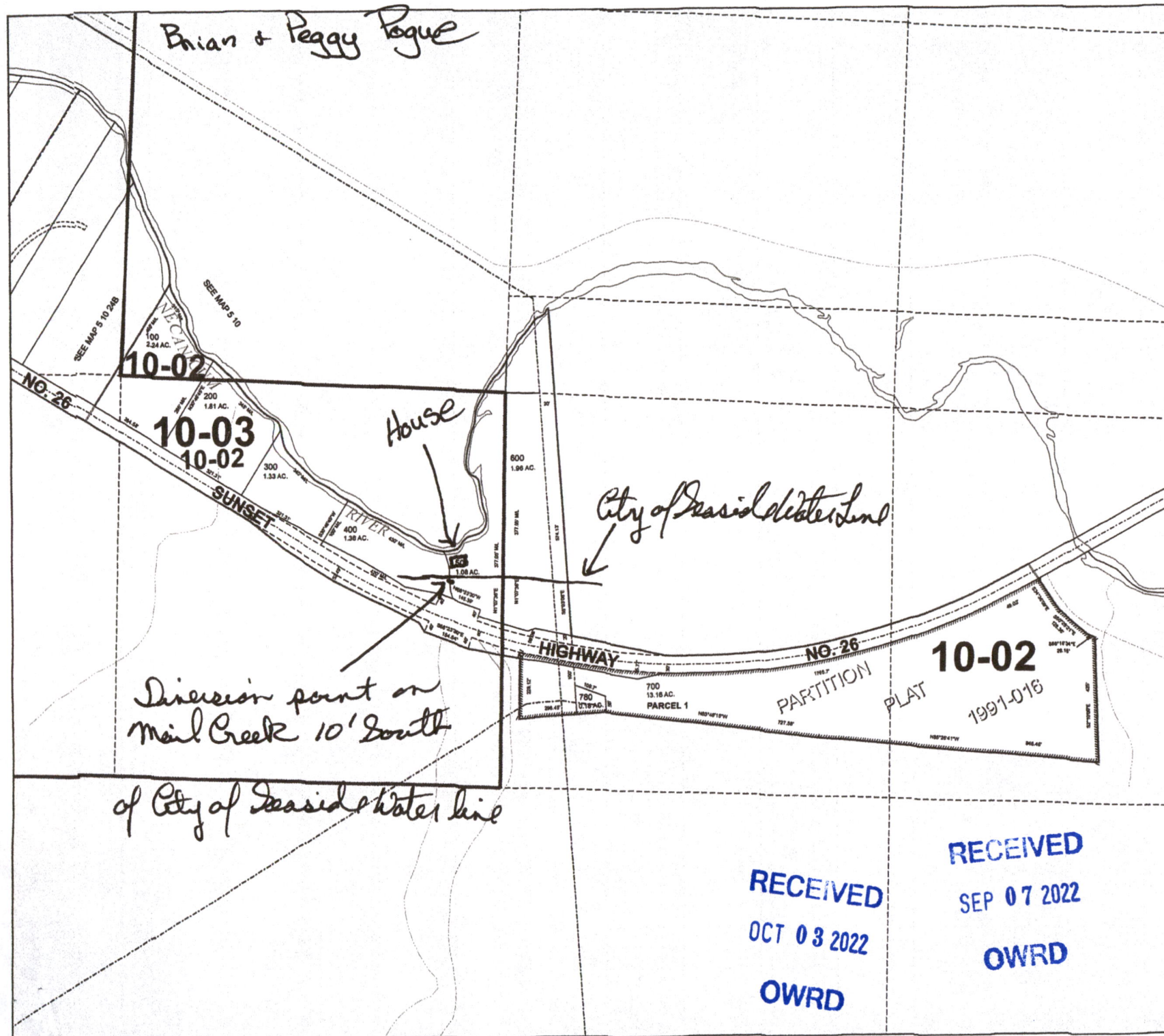
MAR 02 1924

1-31-86 LCR
ASTORIA, OREGON

N 1826² } of South
W 27² } 1/4 Cor. Sec. 24
TSN R10W

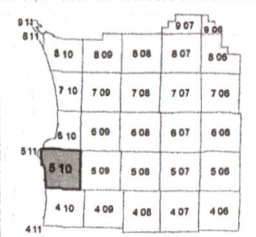
AA-2453

Brian & Peggy Pogue



5 10 24 C
CLATSOP COUNTY
SW 1/4 SEC. 24 T5N R10W WM
0 125 250 500 ft

Scale 1:2,400



CANCELLED TAXLOT NUMBERS

301 401 500



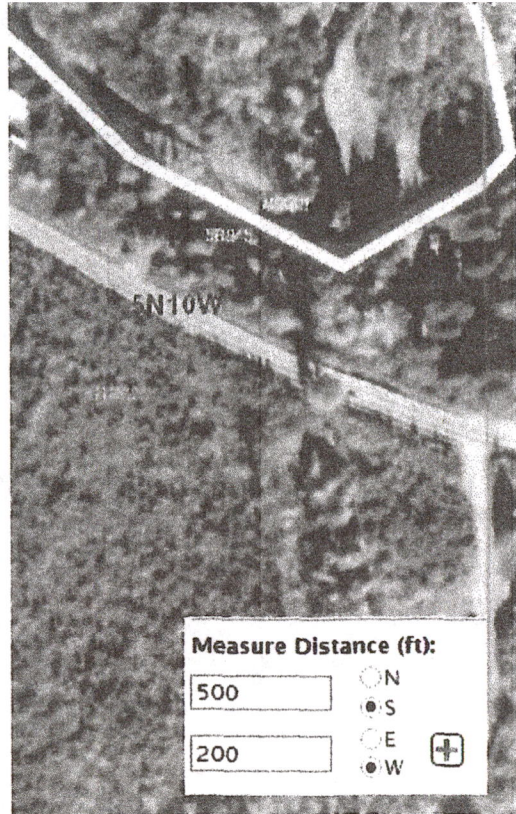
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.clatsop.or.us

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PLOT DATE: 10/30/2019
5 10 24 C

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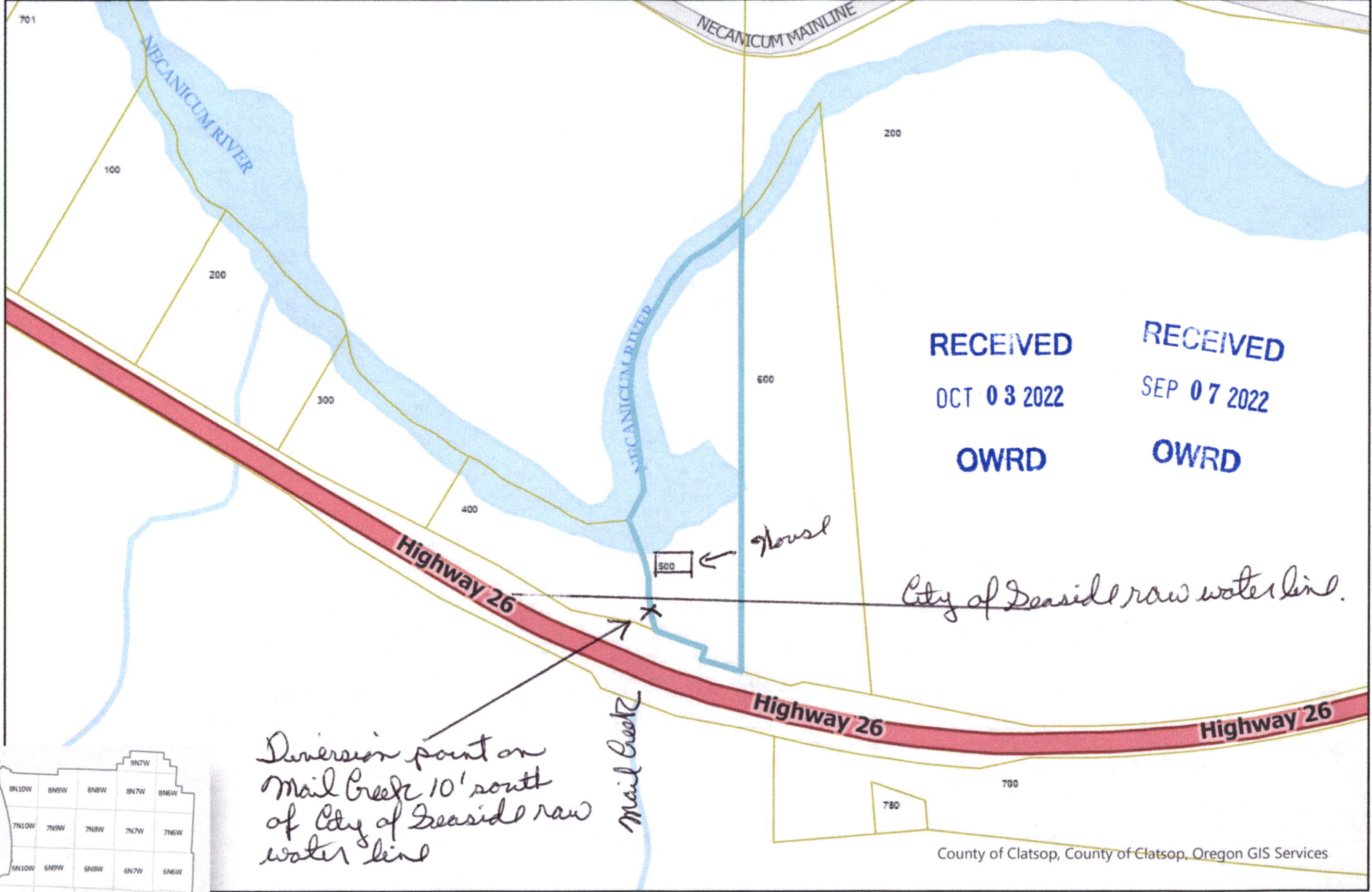
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51024C

Clatsop County Webmaps



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City of Seaside raw water line.

Diversion point on
Mail Creek 10' south
of City of Seaside raw
water line

Mail Creek

Highway 26

Highway 26

County of Clatsop, County of Clatsop, Oregon GIS Services

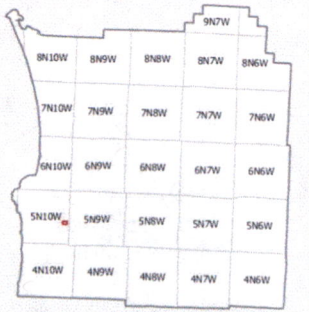
Clatsop County

0.1

mi



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8/23/2022 3:46 PM



T5N R10W SEC 24C WM
CLATSOP COUNTY
Scale 1:2400

NAD 1983/01 NAD83 StatePlane Oregon North FIPS 3201 100 Feet

Cancel
Account

Jul
01
09

1.06 acres house
1.08 acres land only
house Map 51024C00500
land Map 51024C00600

1.08 acres
plus
adjacent
land
1.96

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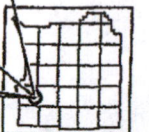
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31	32	33	34	35	36
6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

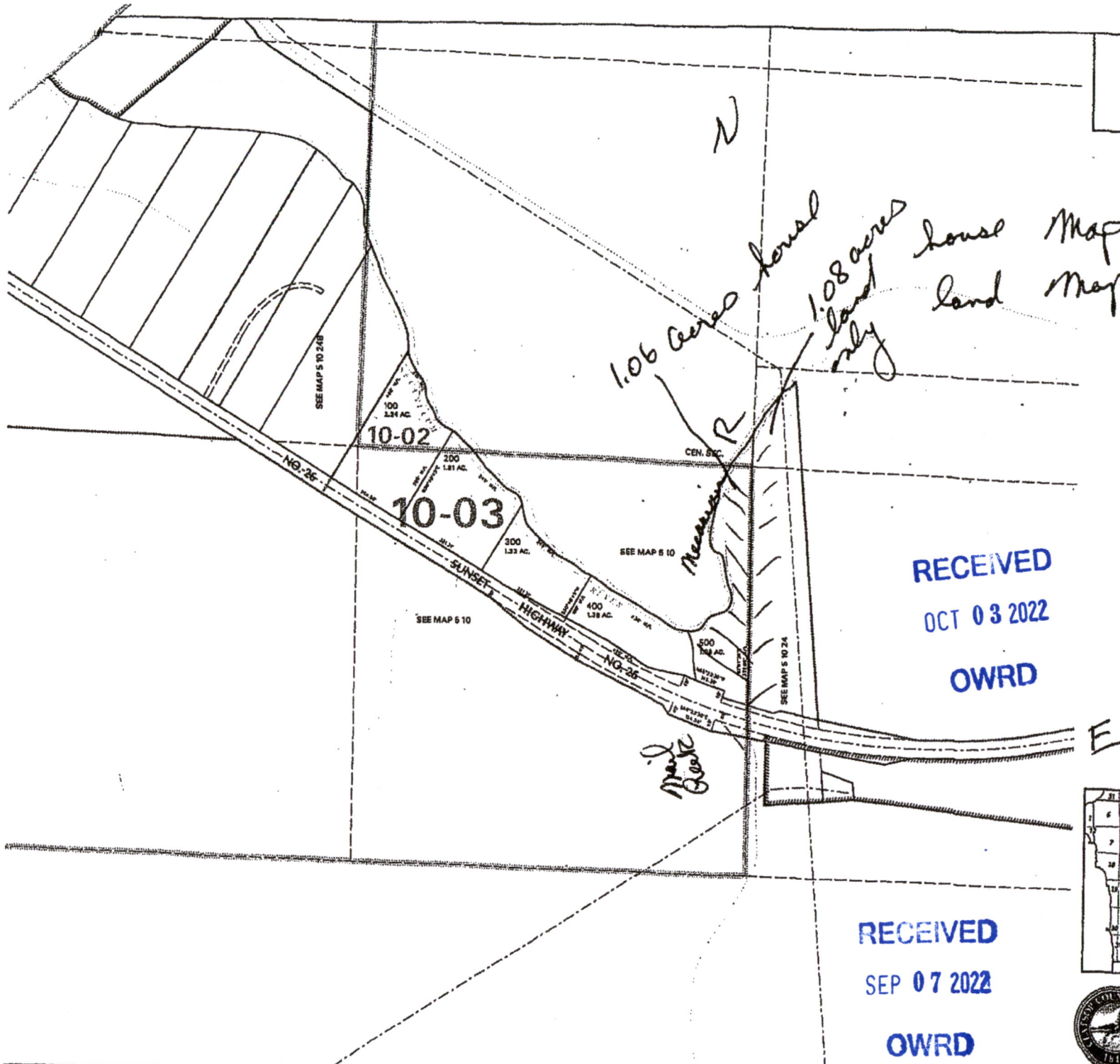


June 08, 2018



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5.10.24C



SURVEYED BY: E. GERRY DUVAL
CROWN ZELLERBACH CORP.
P.O. BOX 998
SEASIDE, OREGON 97138

REGISTERED
PROFESSIONAL
LAND SURVEYOR

E. George Duval

OREGON
JULY 13, 1984
E. GERRY DUVALL
2092

BASIS OF BEARING

BEARINGS SHOWN ON THIS SURVEY
WERE TAKEN FROM A TOM B. WAGNER
(RLS 1373) SURVEY (CS# B-6687) DATED
JAN. 18, 1979. THE BEARING BETWEEN
POINTS ① AND ② IS FROM THE
WAGNER SURVEY.

LEGEND

- FOUND MONUMENT
- ◎ SET MONUMENT

G.I.P. - GALVANIZED IRON PIPE

SCALE - 1" = 100'

4-8-85 EGD

CLATSOP COUNTY
SURVEYOR
RECEIVED

APR 12 1985

FILED

ASTORIA, OREGON

POGUE
BK.520
PG.808

CZ
TO
POGUE

CZ

FOUND $\frac{3}{4}$ " I.P.
BENT OVER
S 85° 39' 32" E 209'

OREGON STATE HIGHWAY NO. 26
(SUNSET)

SET 1 1/2" G.I.P.
3" CZ BRASS CAP
RLS 2092



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 12, 2022

Brian & Peggy Pogue
35103 HWY 26
Seaside, OR 97138

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Dear Applicant:

The Water Resources Department has received your application for a permit to use surface water. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 0050.

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801 or 503-986-0810.

Sincerely,

Corie Lovrien
Water Rights Customer Service

Cc: OWRD Fiscal (Check #5012),

Enclosures: Application & Check

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made. Fees may change.

Application Completeness | Summary of Needed Items:

Additional Application Materials or Forms:

☒ Provide the **Legal Description** of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal, or other work, and (3) any property on which the water is to be used as depicted on the map. This requirement can be met by providing a copy of the deed, land sales contract, title insurance policy, or a lot book report prepared by a title company. Copies of tax bills are not acceptable.

☒ A **Map** that includes the following items:

☒ Location of **each** point of diversion by measured distance to a recognized public land survey corner. A measured distance includes how many feet north or south, and how many feet east or west, from a recognized survey corner (Example: 495 feet South and 200 feet West from the NW Corner, Section 16). **City of Seaside water line is not a recognized public land survey corner.**

☒ Place of use, $\frac{1}{4}$ - $\frac{1}{4}$'s clearly identified.

☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft. One of your maps has .1 equals 1 mile, this is not an acceptable scale.

☒ Reference corner on map.

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