

FILE#: S 73348

SEA CREST HOMEOWNERS ASSOCIATION INC
PO BOX 101
DOTTER ROCK, OR. 97369

Application No. S-73348
Permit No. S-51552
Certificate No. _____

Stream Index, Page No. _____

BASIN 18 MISC. VOL 3 JOHNSON CR.
18-0730

ate filed _____

iority _____

ction suspended until BC 2001

"on exl db"

eturn to applicant _____

ate of approval 12/7/94

CONSTRUCTION

ate for beginning 12/7/95

ate for completion 10/1/96

Extended to 10-1-2001

ate for application of water 10/1/97

Extended to 10-1-2001

PROSECUTION OF WORK

orm "A" filed 1-26-96

orm "B" filed _____

orm "C" filed _____

FINAL PROOF

ank mailed _____

roof received _____

ate Certificate issued _____

FEES PAID

Date	Amount	Receipt No.
<u>4/20/93</u>	<u>325.00</u>	<u>98996</u>
<u>Ext. 10-1-96</u>	<u>100.00</u>	<u>7052</u>
<u>Ext. 9-27-01</u>	<u>100.00</u>	<u>48610</u>

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

A-Form 90 sent 1-5-96
118 sent 1/30/96
B+C to 10-1-2001 VSI P37 1-17-97

7-28-14

Lee Hardy
Agent for Sea Crest
Works at Yaquina
Bay Property Manag.
146 SE 1st St.
Newport, OR 97365

541-265-6202

lee@yaquinabayproperties
.com

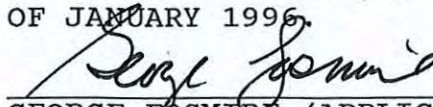
FORM A

NOTICE OF BEGINNING OF CONSTRUCTION

73348

THE SEA CREST HOMEOWNERS ASSOCIATION, THE HOLDER OF PERMIT NO 51552 TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON, STARTED CONSTRUCTION OF THE WORKS DESCRIBED THEREIN ON THE 25TH DAY OF FEBRUARY 1995. EXCAVATION OF THE SIRE HAS BEEN PERFORMED. FURTHER WORK HAS BEEN DELAYED BY BAD WHEATHER AND LIMITED FUNDS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 25TH DAY OF JANUARY 1996.


GEORGE FOSMIRE (APPLICANT)

PO BOX 101 OTTER ROCK OR 97369

RECEIVED

JAN 26 1996

OK
SM
WATER RESOURCES DE
SALEM, OREGON

Just (Done 3/19/97)
Please

CC: 1-27-97

Letter to
John Bowler

he is Care now
for this — DSM



Oregon

Kate Brown, Governor

Water Resources Department

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

January 17, 2020

Sea Crest Homeowner's Association Inc.
George Fpsmire
107 Sea Crest Ct.
Otter Rock, OR 97369

REFERENCE: Application S-73348 / Permit S-51552

Dear Permit Holder:

The Water Rights Section received your written progress report for Permit S-51552. Receipt of the progress report was published on the Department's weekly Public Notice, dated December 10, 2019. The Department did not receive any public comment on the progress report.

Although diligence toward completion of the project and/or compliance with the terms and conditions of the permit and extension is questionable, the Department decided not to apply additional conditions and not to cancel the remaining undeveloped portion of the permit.

It is in your best interest to make substantial progress on the development of Permit S-51552 by the next written progress report with a due date of **October 1, 2024**. Reports must be received by the Department not sooner than 30 days prior to the due date.

Please be aware that the deadline for completion of construction and full beneficial use of water under Permit S-51552 is October 1, 2024. If diligence continues to be questionable, an additional extension of time for Permit S-51552 will likely not be approved by the Department.

You also have a future report that will be due by **October 1, 2024**. For your convenience, I have enclosed your next *Progress Report Form*. Please calendar this **October 1, 2024** due date, as no further reminders will be sent. ***Failure to submit a written progress report will most likely result in any future extensions being denied.***

If you have any questions, please feel free to contact me by telephone at (503) 986-0802.

Sincerely,

Jeffrey D. Pierceall
Water Right Services Division, Extensions

cc: Appl S-73348
Watermaster District 1 - Nikki Hendricks





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

Extension of Time Progress Report Form

For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Sea Creast Homeowner's Association Inc.

Application S-73348

Permit S-51552

Report Due no later than October 1, 2024
DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2024

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit 51552. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, October 1, 2019 and October 1, 2024	FINANCIAL INVESTMENT

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date= _____ (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second)

Maximum rate used to date = _____ gpm (gallons per minute)

Acre-feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: October 1, 2019 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: December 9, 2019

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: January 17, 2020

2. Support Staff: Publish on the Department's Public Notice

☒ 315 ☐ 320 OAR Division under which Progress Report was required

☒ Publish on Public Notice Date: 12/10/19

☒ Update workflow in WRIS

☒ (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

☒ add record for Checkpoint Public Notice ("EPR" or "EP2")

☒ Return file to Jeffrey Pierceall

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: January 17, 2020

☐ Update Progress Report Worksheet.xls

☐ Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Sea Creast Homeowner's Association Inc. Attn: George Fpsmire

Application: S-73348

Permit: S-51552

County: Lincoln

Source: a spring and unnamed stream, tributaries of Pacific Ocean

Use: supplemental domestic expanded for 60 families

chil. not. demon.
Next 2024



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

Extension of Time Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Sea Crest Homeowner's Association Inc.

Application S-73348

Permit S-51552

Report Due no later than October 1, 2019

Diligence Progress Report for 2019

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit S-51552

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2014 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	FINANCIAL INVESTEMENT
9/2019	Researched possible water right conflict with prior water right.	
9/2019	Revised and updated prior bids and pricing for materials and labor needed to install springbox per engineer's design	
		RECEIVED
		NOV 12 2019

2. Compliance with terms and conditions of the permit and/or previous extension. **OWRD**

3. Total number of acres irrigated to date = N/A (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate = N/A cfs (cubic feet per second)

Maximum rate = N/A gpm (gallons per minute)

Acre Feet Stored = N/A AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature

George Smith

Date 11/6/2019

For OWRD use only

Diligence Shown ☐ Yes ☒ No

Date Public Noticed: 12-10-19

Reviewed by: J.P.

Date: 1-17-2020

Hi Jeffrey,

I called few days ago about being late for our 2019 diligence report and you said to send it in as soon as possible. So here it is.

Thanks for your help!

A handwritten signature in black ink, appearing to read "G. Fosmire".

George Fosmire

For The Sea Crest Homeowners Association

541 264 9009

RECEIVED

NOV 12 2019

OWRD

December 5, 2019

Hi Jeffrey,

Here are answers to the questions in your letter of November 14th.

1. There has been no physical work done at the spring site since October 2014.
2. There are currently 36 houses in Sea Crest.
3. Since 2014, a change in in our board of directors and subsequent changes to individuals responsible for the project caused delays in improving the spring source.
4. Sea Crest only had a handful of its 60 lots developed when we first applied for our water right in 1993. In 2001, on the advice of our water right consultant John Borden, we requested and were granted an extension of the deadline for completion to 2025. This was to allow time to develop more lots before the water right was finalized so more houses would have the right to use the water. As a result, we did not anticipate having to complete the project until the final five-year evaluation period of 2019 – 2024.

I was in charge of the project from the initial application in 1993 through the 2014 progress report.

The current Board of Directors, elected in September 2019, put me back on the spring committee in October.

Over the past 26 years I have spent hundreds of hours of my time on this project and am committed to seeing it through. Our water system design engineer, Curran-Mcleod has advised us from the get go that this is an important water resource that Sea Crest should develop (see attached memo) and the current board of directors agrees with that assessment.

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DEC 09 2019

OWRD

Going forward, our work plan to complete the project is as follows;

WORK PLANNED

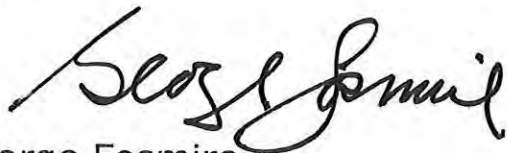
PHASE I (completion by end of 2021)

- Excavate a ditch from Sea Crest Way across common area to the spring with a small excavator and lay in;
 - o ter pipe from spring to water main
 - o drainpipe for surface water diverted away from spring. This would go into the into the culvert that goes under road
 - o power line for well pump
- Pump out test pit and clean out any debris that has covered the source
- Place pond liner, perforated pipe, gravel and well rings in the test pit per engineer's design (see attached plan)
- Landscape and conceal well ring top as required.

PHASE II

- Install hidden 300-500 gallon pressure tank on common area next to Sea Crest Way that water goes into before going into main water line
- Install a PUD power meter/service panel similar to the one at the front gate to provide power to the pump
- Tie water out line into main water line via a T at the fire hydrant
- Place Grundfos 85S50-4 SP submersible pump in perforated pipe in the spring box and connect to power

I hope this answers your questions (I can call to discuss).



George Fosmire

for Sea Crest Homeowners Association

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DEC 09 2019
OWRD

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

August 29, 2014

MEMORANDUM

TO: Sea Crest Subdivision
Attn: Gerry Van Tassel
197 Sea Crest Lane
Otter Rock, OR 97369

FROM: Patrick D. Curran, P.E.

RE: SEA CREST SUBDIVISION
WATER RIGHTS

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DEC 09 2019

OWRD

This is in response to inquiries regarding development of the spring in the Sea Crest Subdivision. Several concerns have been presented and this will address those most critical issues.

1. Sanitary Separation: State regulations restrict the proximity of sanitary risks to wells and water sources. For sewer properties, these include a 50-foot perimeter from the spring source for wastewater piping containing domestic sewage. This perimeter may include public rights of way, easements or other site controls.

In the case of the Sea Crest spring, the perimeter appears to have remained intact through the community efforts in the public interest.

2. Water Rights: The Sea Crest community has been encouraged to protect and preserve the water right presently active and in the name of the Sea Crest Home Owners Association. Those activities have included local actions needed to demonstrate to the Oregon Water Resources Dept that continuation of the 2025 permit extension is warranted.
3. Spring Conditions: The spring arises in the pool from a discrete fissure in the bedrock volcanics. In the past, attempts have been made to drill down up-gradient near Sea Crest Drive to intercept the water-bearing lens without success. This indicates that the source is likely a lava tube or fissure delivering the water, as in a pipe, to the opening in the floor of the pond.

The water contains no evidence of direct rainfall runoff, although without an impermeable barrier, it has to be affected during storms.

During dry weather, the water upwelling was observed to contain bubbles; likely carbon dioxide scavenged from the volcanics, pressurized and released under atmospheric pressure.

No evidence of high iron content has been observed, the water is clear and has no discernible odor indicating sulfides. No recent bacteriological testing has been performed.

4. Preliminary Development: The early plans target the capture of the water within a sealed concrete chamber by installing a pipe over the fissure and isolating the water from external contaminants. This will ensure the natural clarity and pristine quality, and avoid limiting its use as drinking water.

A submersible pump would be installed to pressurize the Sea Crest water system or deliver the supplementary water to the Johnson Creek Water Company reservoirs. The submerged pump and motor are insulated against noise and no moving parts are above the water. Disinfection will be assured by using a calcium hypochlorite tablet feed system which provides a controlled chlorine residual sufficient to sanitize the water and avoid any potential for bacterial growth.

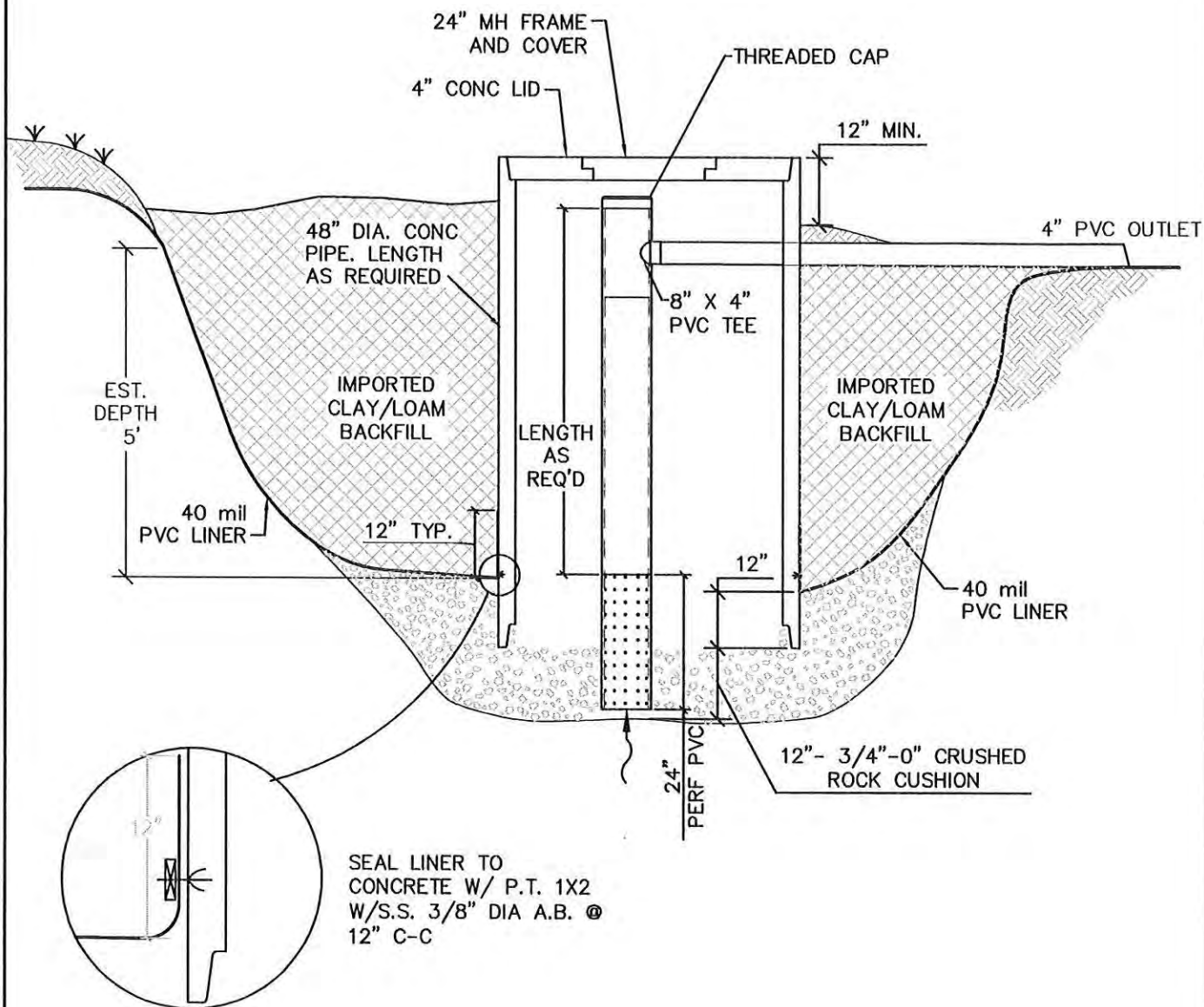
In Summary;

- the source is clean and originates in the volcanics of the Columbia River basalts underlying the Coast Range;
- the Water Right (Permit) should be preserved and protected for a future drinking water source;
- the spring development for public drinking water is feasible and affordable; and
- protections should be scrupulously maintained and activities documented so the Water Right permit is protected from cancellation by Oregon Water Resource Department.

The Water Right is a community asset and should not be lost or abandoned. The spring source was used by the Banfield Estate properties in the earlier part of the 20th Century. Evidence is still observable of past use. It should not be abandoned. Water is scarce at the Oregon Coast and this condition shows no signs of improving.



RECEIVED
DEC 09 2019
OWRD



SPRING DEVELOPMENT SEACREST SUBDIVISION

LINCOLN COUNTY, OREGON

N.T.S.

RECEIVED

DEC 09 2019

OWRD

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

November 14, 2019

Sea Crest Homeowners Association, Inc

George Fosmire

107 Sea Crest Ct.

Otter Rock, OR 97369

REFERENCE: Application S-73348; Permit S-51552

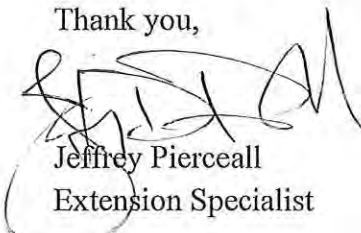
Dear George,

The Department has received the Progress Report due October 1, 2019, on November 12, 2019. Upon review, it has been determined that additional information is necessary to evaluate diligence in progress towards the development of this permit. Please provide a response to the following items by December 13, 2019, so the Department may continue to review progress made towards development of this permit. If you have any questions or concerns, please do not hesitate to contact me at 503-986-0802.

Please provide a response to each of the following items:

- 1) Please provide a list of physical construction that occurred at the point of diversion (spring) during the period between October 1, 2014, and October 1, 2019. This response should include only work actions that have been undertaken or completed. Please do not include planning and or testing information in this response.
- 2) Please provide an update to the number of households that have been constructed within the authorized service area.
- 3) Please provide an explanation of what has delayed the use of any water under this permit to date.
- 4) Please provide any additional information you feel may provide additional background for the Department to consider in determining if diligence has been demonstrated in the development of the permit.

Thank you,



Jeffrey Pierceall

Extension Specialist

Application No. 73348

RECEIVED

APR 20 1993

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Surface Water

Applicant(s) SEA CREST HOMEOWNERS ASSOCIATION, INC.

(Please print or type - use dark ink)

Mailing Address: P.O. Box 101

Otter Rock, Oregon, 97369 (503) 765-2911
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: a spring and an unnamed creek,
a tributary of the Pacific Ocean.
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.60 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: 0.30 cfs from each source.
3. **INTENDED USE(s) OF WATER:** to supplement existing water supply for
a sixty lot subdivision, for domestic use including irrigation
of lawn and gardens, not to exceed 1/2 acre per dwelling.
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; 60
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)

15

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).

Applicant states the existing system obtains water from
Johnson Creek and is diverted to a 300,000 gallon reservoir
that serves the development. This application is to cover
a supplemental source (a spring and an unnamed creek) that will
be diverted to the same reservoir.

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

Proposed date construction work will begin Summer, 1993

Proposed date construction work will be completed summer, 1994

Proposed date water use will be completed October, 1994

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: This application is use water sources that were covered under an application #15537, permit # 11541, issued in 1934 to T. H. Banfield. It has been a number of years since uses under this permit have been used; Points of diversion in this application are in the same general vicinity of the two westerly diversions in section 29. Remanets of pipelines, small diversion structure still remain at the point of diversion #1 in this application; a rocked retaining wall and catch basin has been developed at the spring point of diversion #2.

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

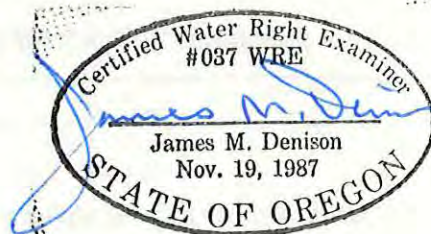
X *[Signature]*
Signature of Applicant
PRESIDENT SEACREST Homeowners Assoc.

X April 13 1993
Date

Signature of Co-Applicant, if any

Date

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.



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 3:45 Salem, Oregon, on the 20th day of April, 1993, at 3:45 o'clock, P M.

APPLICATION NO: 73348

PERMIT NO: 51552

ASSIGNED, See Misc. Rec. Vol. 5 Page 122, 573-576

STATE OF OREGON
COUNTY OF LINCOLN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That T. H. and MARGARET E. BANFIELD
of Portland, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
A spring in the Dope Creek drainage area, and an unnamed stream,
a tributary of Pacific Ocean for the purpose of
Domestic, operation of 2 dams, swimming tank, fish pond, and garden irrigation
under Permit No. 11541 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from September 15, 1934;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.38 cubic foot per second measured at the point of diversion from the stream,
being 0.3 c.f.s. from the unnamed stream for operating 2 dams, 0.04 c.f.s. from
the unnamed stream for domestic, including garden irrigation, and 0.04 c.f.s. from
the unnamed spring for fish pond and swimming pool, or its equivalent in case of rotation.
The point of diversion is located in the Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 29, and Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$),
Section 32, Township 9 South, Range 11 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

PLACE OF USE:

Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 32,
Township 9 South, Range 11 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any
federal power license issued in connection with this right, and after not less than two years' notice in
writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to
take over the dams, plants and other structures and all appurtenances thereto which have been con-
structed for the purpose of devoting to beneficial use the water rights specified herein, upon condition
that before taking possession the State or municipality shall pay not to exceed the fair value of the
property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable prop-
erty of the holder of this certificate, not taken over, as may be caused by the severance therefrom of
the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 16th day of December, 1937.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 11950

=1987

ASSIGNED, See Misc. Rec. Vol. 7Page 575-576

STATE OF OREGON

COUNTY OF

LINCOLN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That T. H. and MARGARET E. BANFIELD

of Portland, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a spring in the Dope Creek drainage area, and an unnamed stream, a tributary of Pacific Ocean for the purpose of

Domestic, operation of 2 dams, swimming tank, fish pond, and garden irrigation under Permit No. 11541 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 15, 1934;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.38 cubic foot per second measured at the point of diversion from the stream, being 0.3 c.f.s. from the unnamed stream for operating 2 dams, 0.04 c.f.s. from the unnamed stream for domestic, including garden irrigation, and 0.04 c.f.s. from the unnamed spring for fish pond and swimming pool, or its equivalent in case of rotation. The point of diversion is located in the Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 29, and Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 32, Township 9 South, Range 11 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

PLACE OF USE:

Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 32,
Township 9 South, Range 11 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years' notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 16th day of December, 1937.

CHAS. E. STRICKLIN

State Engineer

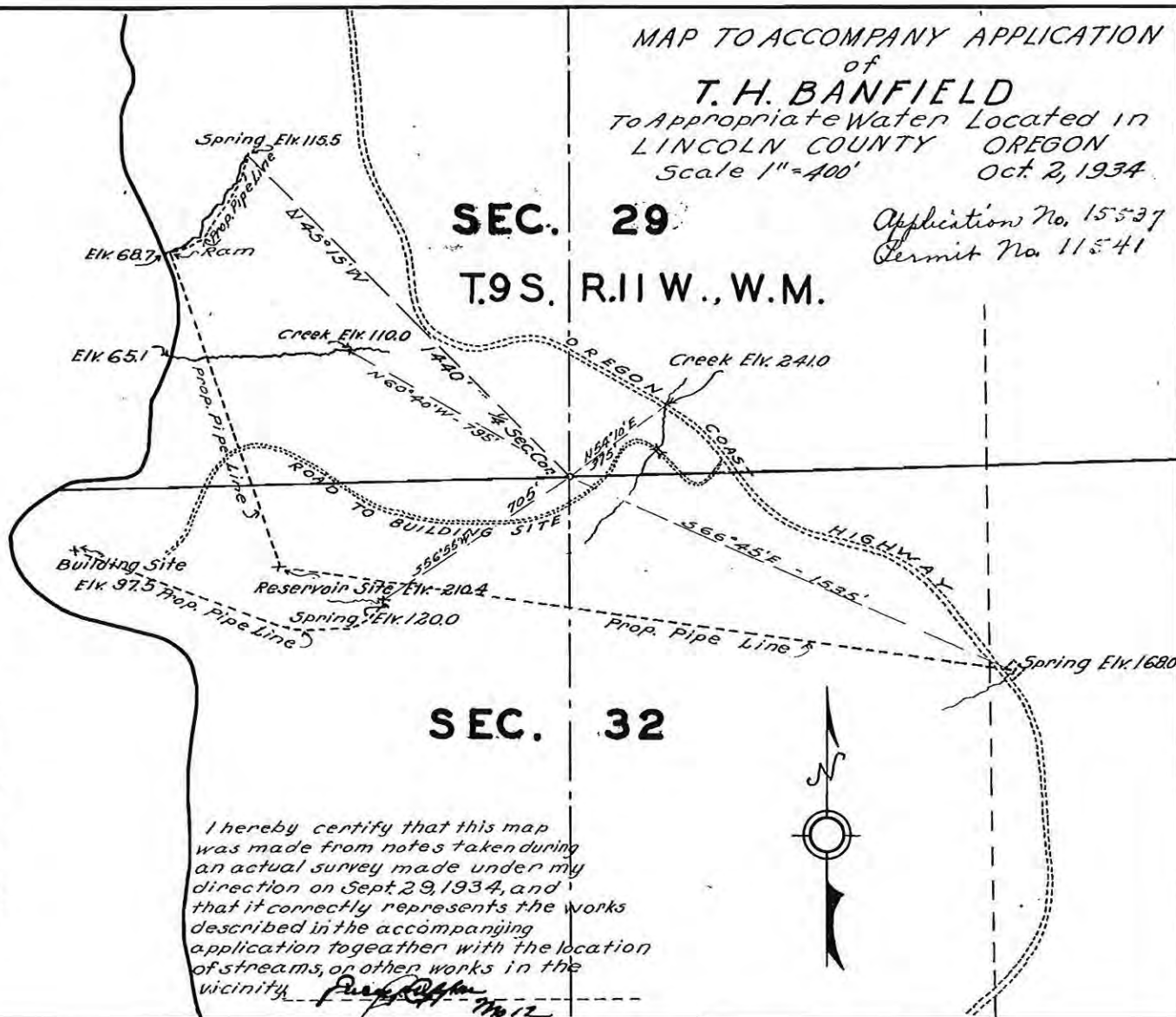
Recorded in State Record of Water Right Certificates, Volume 11, page 11950

PACIFIC OCEAN

MAP TO ACCOMPANY APPLICATION
of
T. H. BANFIELD
To Appropriate Water Located in
LINCOLN COUNTY OREGON
Scale 1"=400' Oct. 2, 1934

Application No. 15537
Permit No. 11541

SEC. 29
T.9S. R.11W., W.M.





Oregon

John A. Kitzhaber, MD, 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

November 1, 2014

SEA CREST HOMEOWNERS ASSOCIATION INC.
PO BOX 101
OTTER ROCK, OR 97369

REFERENCE: Application S-73348/ Permit S-51552

Dear Permit Holder:

The Water Right Services Division received your written progress report for 2014 Permit S-51552. Receipt of the progress report was published on the Department's weekly Public Notice, dated September 30, 2014. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

Your next written progress report for Permit S-51552 is due no later than **October 1, 2019**. The report must be received by the Department no sooner than 30 days prior to the due date. You also have (a) future report(s) that will be due by October 1, 2024.

For your convenience, I have enclosed your next *Progress Report Form*. Please calendar this October 1, 2019 due date, as no further reminders will be sent.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2025.

Failure to submit a written progress report will most likely result in any future extensions being denied.

If you have any questions, please feel free to contact me by telephone at (503) 986-0802.

Sincerely,

Machelle A Bamberger

Extensions

Water Right Services Division

Enclosure

cc: Application S-73348
Watermaster District 16 – Joel Plahn

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2014 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 9/23/2014

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: _____

2. Support Staff: Publish on the Department's Public Notice

☒ 315 ☐ 320 OAR Division under which Progress Report was required

☐ Publish on Public Notice Date: _____ 9-30

☐ Update workflow in WRIS

o (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

o add record for Checkpoint Public Notice ("EPR" or "EP2")

☐ Return file to Steve Parrett.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 10/30/2014 or later

☒ Update Progress Report Worksheet.xls

☐ Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

2019
2024

Wanina Bay Property
Newport, OR

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Sea Crest Homeowner's Association Attn:

Application: S-73348

Permit: S-51552

County: Lincoln

Source: A spring and unnamed stream, tributaries of Pacific Ocean

Use: Supplemental domestic expanded for 60 families

SEP 23 2014



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

SALEM, OR

Extension of Time Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Sea Crest Homeowner's Association Inc.

Application S-73348

Permit S-51552

Report Due no later than October 1, 2014

Diligence Progress Report for 2014

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit S-51552

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTMENT SINCE OCTOBER 1, 2009 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	FINANCIAL INVESTMENT
9/19/14	Contracted with Horning Geosciences of Seaside, Oregon to obtain a report to ensure there would be no change in water surface elevation and no negative environmental impact and no change in water surface elevation on adjacent properties from installing a spring box designed by Curran-McLeod Engineering	\$900
8/26/14	Obtained Service Agreement Quotation and details from H. G. Schlicker & Associates for Engineering Geologic Site Observations, Review of provided plot plan and spring development detail for adjacent properties impact.	\$2,500

(Note: See attached sheet for continuation. Not all amounts shown expended to date.)

2. Compliance with terms and conditions of the permit and/or previous extension.

Submission of Extension Request within specified time frame.

3. Total number of acres irrigated to date= N/A (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate = N/A cfs (cubic feet per second)

Maximum rate = N/A gpm (gallons per minute)

Acre Feet Stored = N/A AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet - usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature

Date 9/21/14

For OWRD use only

Diligence Shown ☒ Yes ☐ NoDate Public Noticed: 9-30-14Reviewed by: Nachelle BambergerDate: 9-25-14

**Continuation of Extension of Time
Diligence Progress Reporting Form for October 1, 2014 Submission Deadline**

SEP 23 2014

Permit Holder: Sea Crest Homeowner's Association Inc.

Application S-73348
Permit S-51552

SALEM, OR

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTMENT SINCE OCTOBER 1, 2009 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	FINANCIAL INVESTMENT
8/29/14	Consulted further with Curran-Mcleod Engineering and obtained report on various details of the	
	spring box design to answer questions by local residents who will be using the water.	
7/29/14	Obtained proposal for evaluation from Earth Consultants International and scope of work.	\$37,695
9/18/14	Obtained quotation and directed ordering of concrete well rings from Spec Industries Inc. of	\$1,157
	Eugene, OR.	
9/17/14	Obtained bid from Paul Lindsey Excavating of Otis, Oregon CCB 149835 for installing well rings	\$600
	per Curran-Mcleod design.	
9/5/14	Contacted John Borden to request help with completing the 2014 Due Diligence report.	

STATE OF OREGON

COUNTY OF LINCOLN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEA CREST HOMEOWNERS ASSOCIATION, INC.

PO BOX 101

503-765-2911

OTTER ROCK, OREGON 97369

to use the waters of A SPRING AND UNNAMED STREAM, tributaries of PACIFIC OCEAN, for SUPPLEMENTAL DOMESTIC EXPANDED FOR 60 FAMILIES.

This permit is issued approving Application S-73348. The date of priority is APRIL 20, 1993. The use is limited to not more than 0.60 CUBIC FOOT PER SECOND (CFS); BEING 0.3 CFS FROM EACH SOURCE, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 29, TOWNSHIP 9 SOUTH, RANGE 11 WEST, W.M.,
SPRING - NORTH 62 DEGREES 23 MINUTES 14 SECONDS WEST, 507.1 FEET FROM
THE SOUTH 1/4 CORNER, SECTION 29, UNNAMED STREAM - NORTH 41 DEGREES 17
MINUTES 54 SECONDS 1211 FEET FROM THE SOUTH 1/4 CORNER, SECTION 29.

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

A description of the proposed place of use under this permit is as follows:

SE 1/4 SW 1/4

SECTION 29

TOWNSHIP 9 SOUTH, RANGE 11 WEST, W.M.

Measurement, recording and reporting conditions:

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

Actual construction work shall begin on or before DECEMBER 7, 1995 and shall be completed on or before October 1, 1996. Complete application of the water to the use shall be made on or before October 1, 1997.

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.

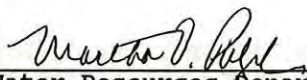
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date December 7, 1994.


Water Resources Department
Martha O. Pagel
Director

*APPLICATION FOR PERMIT

ASSIGNED. See Misc. Rec., Vol.

By Declaration

To Appropriate the Public Waters of the State of Oregon

I, OTTER ROCK WATER DISTRICT
(Name of applicant)
 of OTTER ROCK
(Mailing address)
 State of OREGON, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation OCT. 18, 1937

PAPERS SIGNED IN TOLEDO OREGON

- The source of the proposed appropriation is JOHNSON CREEK
(Name of stream)
PACIFIC OCEAN
a tributary of
- The amount of water which the applicant intends to apply to beneficial use is ~~xxx5x4~~ 4.00
cubic feet per second.
(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is MUNICIPAL WATER
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)
SERVICE

4. The point of diversion is located 350 ft. S and 1320 ft. W from the NE
(N. or S.) (E. or W.)
 corner of SECTION 5
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)
 being within the NW 1/4 NE 1/4 of Sec. 5, Tp. 10S
(Give smallest legal subdivision) (N. or S.)

R. 11W, W. M., in the county of LINCOLN
(E. or W.)

5. The PIPELINE to be 2270 feet
(Main ditch, canal or pipe line) (Miles or feet)
 in length, terminating in the NW 1/4 of SE 1/4 of Sec. 3, Tp. 9S
(Smallest legal subdivision) (N. or S.)

R. 11W, W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom
 feet; material to be used and character of construction
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description 200 GPM @ 300' TDH
(Size and type of pump)

20 H.P. VERTICAL TURBINE PUMP

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

35342

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
9 S	R11W	32	NE NE	30
			NW NE	40
			NE NW	35
			NW NW	2
			SE NE	35
			SW NE	40
			SE NW	35
			SW NW	3
			NE SE	35
			NW SE	38
			NE SW	7
			NW SW	2
			SE SE	40
			SW SE	30

(If more space required, attach separate sheet)

(a) Character of soil SAND - ROCK

(b) Kind of crops raised GRASS, FLOWERS

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.

(Legal subdivision)

Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(f) Is water to be returned to any stream?

(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

35342

10. (a) To supply the city of OTTER ROCK UNINCORP.
LINCOLN County, having a present population of 196
 (Name of)
 and an estimated population of 875 in 1980

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 21,080
 12. Construction work will begin on or before July 1971
 13. Construction work will be completed on or before Nov. 1971
 14. The water will be completely applied to the proposed use on or before Nov. 1971

Campbell H. Stokute
 (Signature of applicant)
 Engineer for District

Remarks:

STATE OF OREGON, }
 County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before November 2nd, 1970

WITNESS my hand this 31st day of August, 1970

RECEIVED
 SEP 8 1970
 STATE ENGINEER
 SALEM, OREGON

CHRIS L. WHEELER
 STATE ENGINEER
 By *Larry W. Jebousek*
 Larry W. Jebousek
 ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 4.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Johnson Creek

The use to which this water is to be applied is municipal

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is July 17, 1970

Actual construction work shall begin on or before December 18, 1971 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1972

Complete application of the water to the proposed use shall be made on or before October 1, 1973

WITNESS my hand this 18th day of December, 1970

Chris L. Wheeler
STATE ENGINEER

Application No. 47226
Permit No. 35342

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 17 day of July,
1970, at 11:35 o'clock A. M.

Returned to applicant:

Approved:

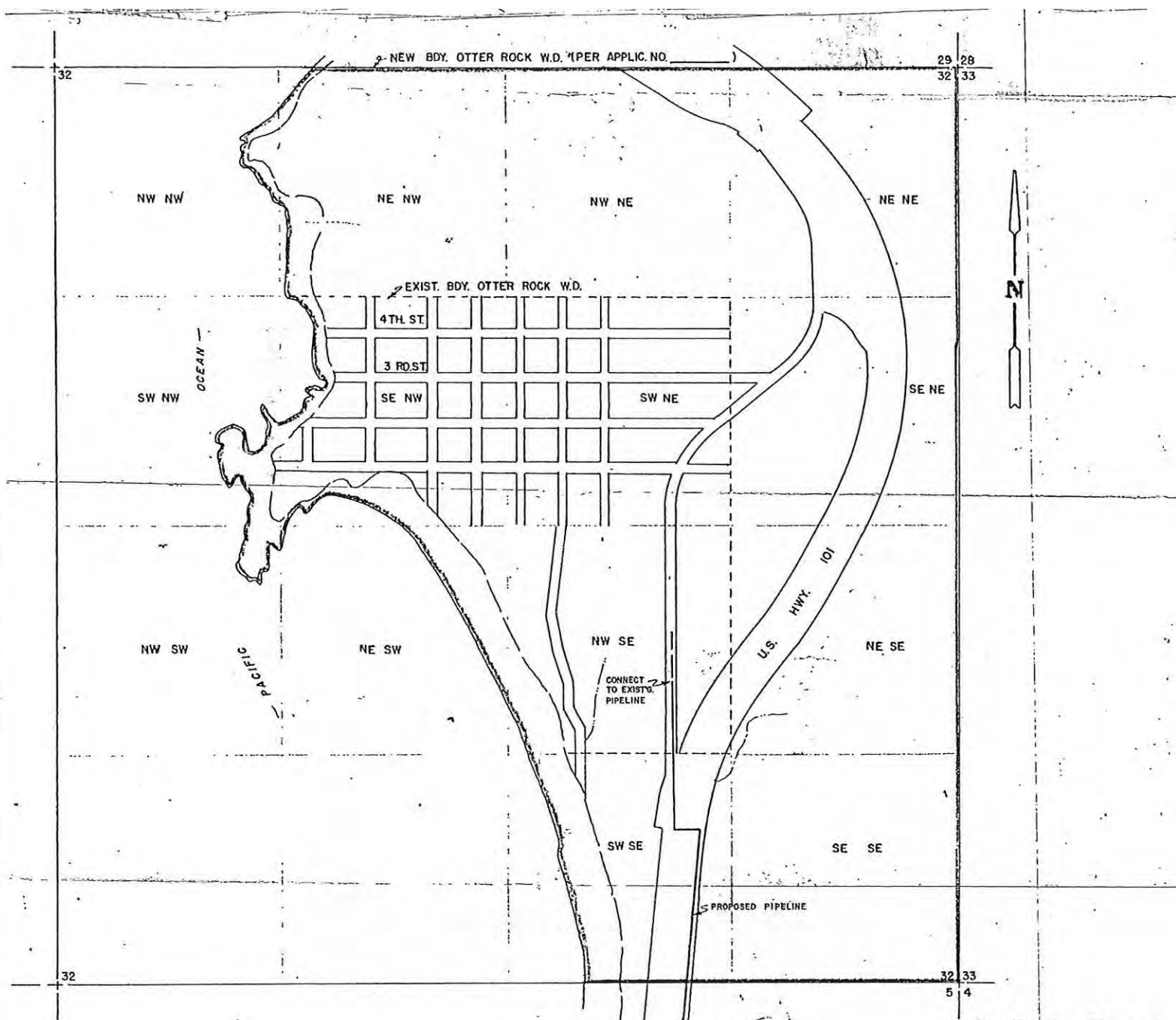
December 18, 1970

Recorded in book No. of

Permits on page 35342

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 18 page 54
Fees \$3.00



SECTION 32, T9S, R11W, W.M.
SCALE: 1" = 400'

WATER RIGHTS MAP
FOR
OTTER ROCK WATER DISTRICT

POINT OF DIVERSION
FROM JOHNSON CREEK
1320' W & 350' S NE COR., SEC. 5

Application No. 47226
Permit No. 35342



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 17, 2009

SEA CREST HOMEOWNERS ASSOCIATION
107 SEA CREST COURT
OTTER ROCK OR, 97369

REFERENCE: Application S-73348 / Permit S-51552

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit S-51552. Receipt of the progress report was published on the Department's weekly Public Notice, dated September 15, 2009. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2025.

If you have any questions, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

A handwritten signature in dark ink, appearing to be "S. Kudlemyer", with a long horizontal flourish extending to the right.

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc: Application S-73348



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

Extension of Time Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Sea Crest Homeowner's Association Inc.

Application S-73348

Permit S-51552

Report Due no later than October 1, 2009

Diligence Progress Report for 2009

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit S-51552

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2004 List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form	FINANCIAL INVESTEMENT
5/15/2009	Contracted with Curran-McLeod Inc to design capture system	
7/21/2009	Preliminary design completed. Engineer recommends we obtain at least one year of flow data before finalizing design with exact pump and pipe sizing	
8/15/2009	Installed a weir per Engineer's specifications and are now capturing flow data	\$107
8/18/2009	Paid engineer for work done so far	\$1632.50

2. **Compliance with terms and conditions of the permit and/or previous extension.**

Please let us know as soon as you can if there is there anything additional we need to do before our October 1, 2009 deadline for progress report. Thank you.
541 765 2853

3. **Total number of acres irrigated to date=** — *(if applicable)*

4. **Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.**

Maximum rate = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet - usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature

George Jomir

Date

9/3/2009

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

RECEIVED

SEP 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

Sea Crest Homeowners Association



Northwest Community Management, LLC

P.O. Box 23099

Tigard, Oregon 97281

Tel: 503.670.8111 • Fax: 503.670.0775

Toll-Free: 877.852.8100

info@nwcommunity.com • www.nwcommunity.com

May 15, 2009

To: Mr. Pat Curran
Curran-McLeod Inc.
6655 SW Hampton Street, Suite 210
Portland, OR 97223

Dear Mr. Curran,

Subsequent to your discussions with George Fosmire, resident of Sea Crest, the Sea Crest Board approved a motion to allocate \$3500 of our funds for the proposal you submitted dated September 10, 2001. The referenced proposal concerns planning for development of our natural spring waters.

We wish to proceed at your earliest convenience with the work outlined in the proposal in order to meet an October, 2009 deadline for a progress report to the state water rights authorities.

Please confirm that this date is acceptable to you.

Your contact for gate entry at Sea Crest will be Dan Goins (541-270-7165) or Bill Pickering (541-765-2396).

Thank you,

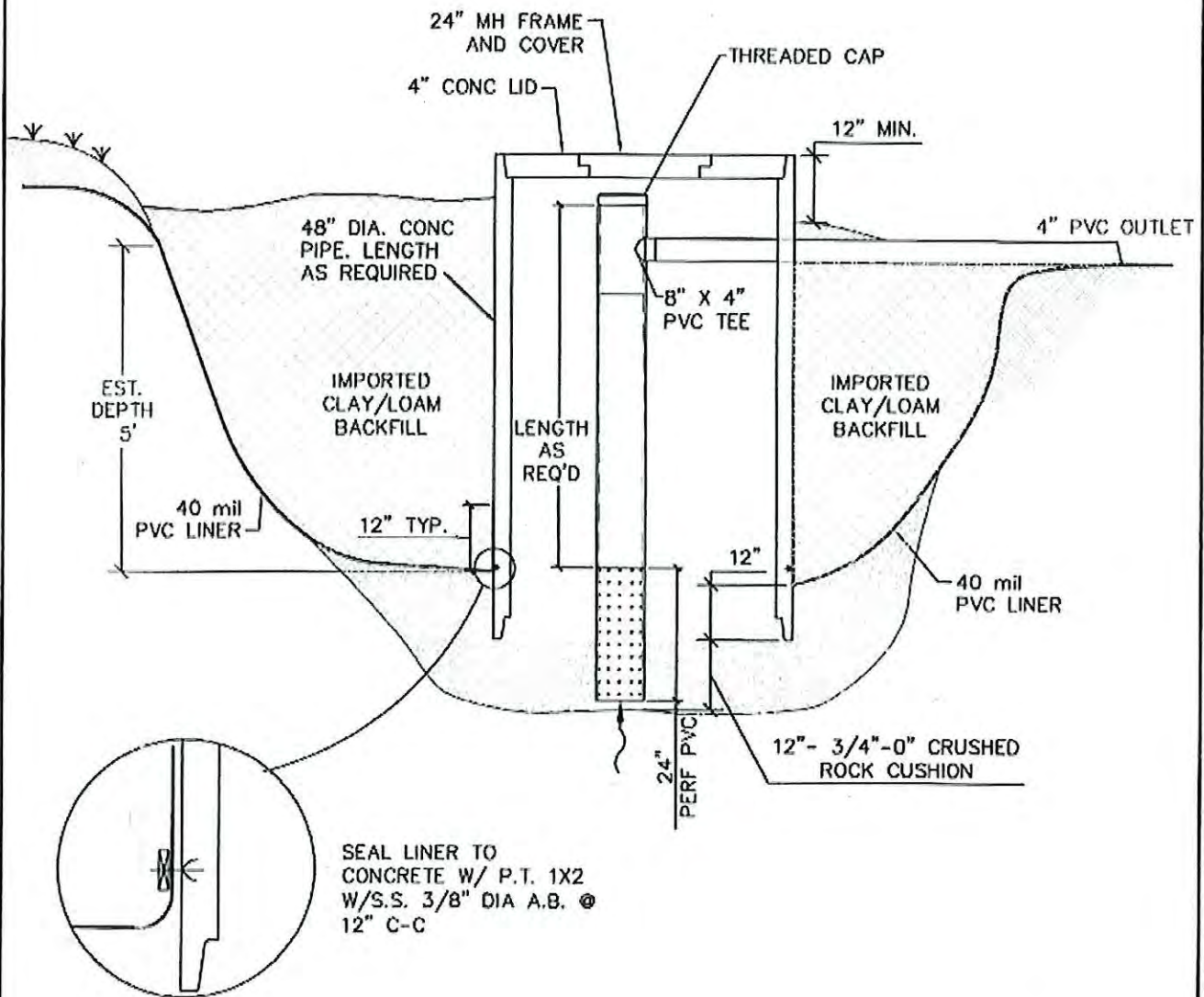
Cathi Sleight
Executive Manager
Agent for the Board of Directors Sea Crest HHOA
503-670-8111 ext:239
Cathi.sleight@nwcommunity.com

Cc: Sea Crest Board of Directors

RECEIVED

SEP 04 2009

**WATER RESOURCES DEPT
SALEM, OREGON**



SPRING DEVELOPMENT
SEACREST SUBDIVISION
LINCOLN COUNTY, OREGON

N.T.S.

RECEIVED

SEP 04 2009

CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS

6655 SW HAMPTON ST, SUITE 210
 PORTLAND, OREGON 97223
 PHONE (503) 684-3478

WATER RESOURCES DEPT
SALEM, OREGON

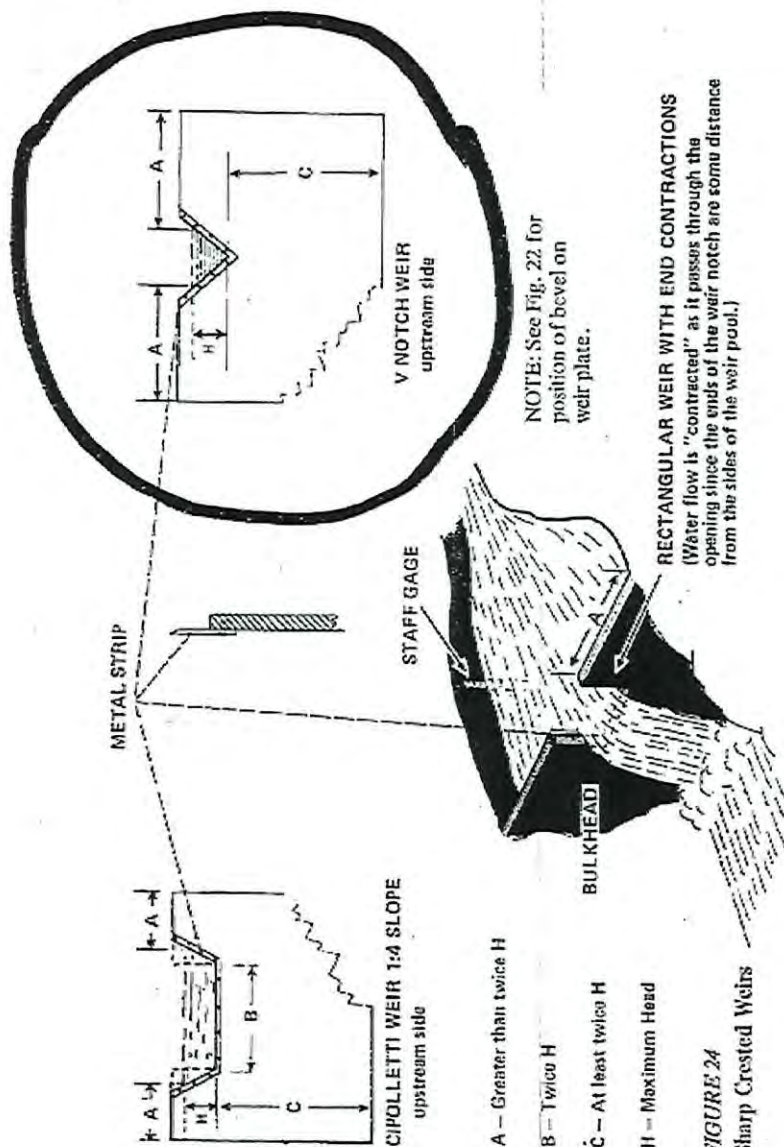


FIGURE 24
Typical Sharp Crested Weirs

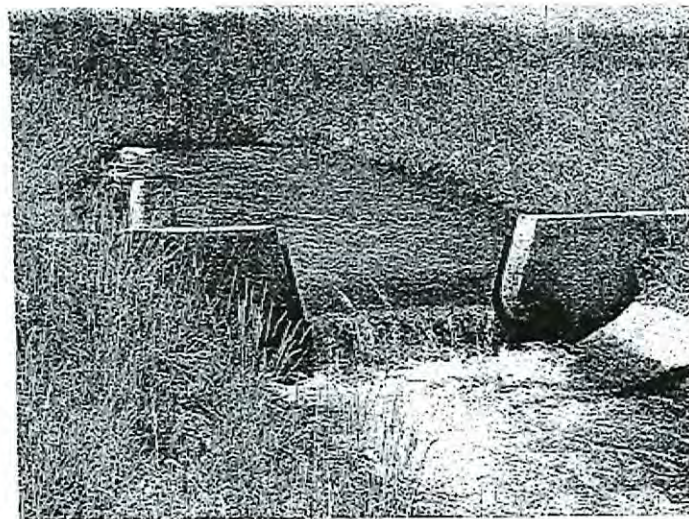


FIGURE 25

Stevens Type F Level Recorder

This versatile, low cost instrument is used for applications in stream gaging, irrigation, domestic water supplies, sewerage and in flow measurement.

In operation, the horizontally supported chart drum is turned by the float (resting on the water being measured) proportional to changes in water level. A pulley drive mechanism, controlled by a Quartz Multispeed Timer with seven switch selectable time scales, moves the pen across the chart at a constant speed. The combined movements of the drum and pen produce a graphic record of changing water levels. The range in stage is limited only by the length of the float line, since the drum may make any number of revolutions.

In this photo, the Type F Recorder is measuring level behind a Cipolletti weir on an irrigation canal. The level record will be used to compute the discharge or flow, over the weir.

RECEIVED

SEP 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

08/18/2009

RECEIVED

SEP 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: 8/29/2009

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: _____

2. Jonnine: Publish on the Department's Public Notice

☒ 315 ☐ 320 OAR Division under which Progress Report was required

☒ Publish on Public Notice Date: 9/15/09 JLS

☒ Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record)

☒ Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See ..Procedures progress reports

(date / mail out after 30 day comment period)

Date Letter Needed: 10/15/2009

☒ Update Progress Report Worksheet.xls

☒ Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster Wm # 1

File S-73348

JLS
10/15/09

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Sea Crest Homeowners Assoc Attn: George Fosmire

Permit Holder's Mailing Address: 107 Sea Crest Ct
Otter Rock OR
97369

Application: S- 73348 Permit: S- 51552

County: Lincoln

Quantity of Water: 0.6 cfs

Source: One spring and an unnamed stream

Use: Supplemental Domestic Expanded for 60 Homes

Current Authorized Extension Date: 10/1/2025



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

October 15, 2009

SEA CREST HOMEOWNERS ASSOCIATION
107 SEA CREST COURT
OTTER ROCK OR, 97369

REFERENCE: Application S-73348 / Permit S-51552

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit S-51552. Receipt of the progress report was published on the Department's weekly Public Notice, dated September 15, 2009. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2025.

If you have any questions, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Kudlemyer", with a long horizontal stroke extending to the right.

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc: Application S-73348
Watermaster District 1 – Greg Beaman

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-73348

Final Order
Extension of Time for Permit Number S-51552

Appeal Rights

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

Application History

On SEPTEMBER 27, 2001, SEA CREST HOMEOWNERS ASSOCIATION, INC. submitted an application to the Department for an extension of time for permit number S-51552. The Department issued permit number S-51552 on DECEMBER 7, 1994. The permit called for completion of construction of the water development project by OCTOBER 1, 1996, and complete application of water to the full beneficial use by OCTOBER 1, 1997. In accordance with OAR 690-315-0050(2), on MARCH 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2025. The protest period closed MAY 14, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

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

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, of the years 2009, 2014, 2019 and 2024.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and

- d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

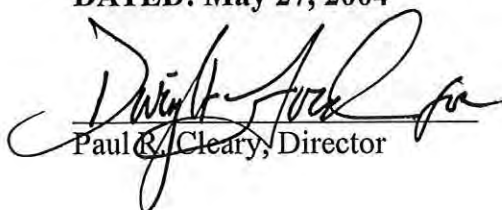
In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

Order

The extension of time for Application Number S-73348, Permit Number S-51552, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2025. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2025.

DATED: May 27, 2004


Paul R. Cleary, Director

Extension "Final Order" Checklist

Application # S-73348 / Permit # S-51552

Permit Holder's Name Sea Crest Homeowners Assoc. Inc.
Attn: Don Tyler, PO Box 101, Otter Rock, OR 97369

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

✓ 1. Date Extension Request submitted: 9-27-2001

✓ 2. Date permit was issued: 12-7-1994

✓ 3. Original "B" Date from permit: 10-1-96
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-97
(Date for complete application of water)

✓ 5. Extension PFO Date: 3-30-2004

✓ 6. WRD recommends extending "B" Date to: 10-1-2025
and extending the "C" Date to: 10-1-2025

✓ 7. Any conditions from PFO: Yes - 5-Yr Progress Reports
in 2009, 2014, 2019 & 2024

✓ 8. Protest Deadline Date from PFO: 5-14-2004

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

Reviewer's Name: [Signature]

Date: 5-20-04

NOTE: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

Mailing List for Extension FO Copies

Application #S-73348
Permit #S-51552

FO Date: May 27, 2004

Original mailed to:

Applicant: Sea Crest Homeowners Assoc., Inc.
Attn: Don Tyler
PO Box 101
Otter Rock, OR 97369 ✓

Copies Mailed

By: [Signature]
(SUPPORT STAFF)

on: 5/28/04
(DATE)

For Extension PFO's - Copies sent to:

2. WRD - Appl. File #S-73348 / Permit #S-51552 ✓
3. WRD - Watermaster District: #1 - Greg Beaman, Tillamook ✓
4. WRD - Regional Manager: NWR - Dave Jarrett, Salem ✓
5. ODFW - Biologist District: #2 - Bob Buckman, Newport ✓
6. DEQ - Regional Office: Western Region - John Blanchard, Medford ✓
7. WRD - Support Staff, Salem...*Permit record update* ✓

Other interested parties:

8. Alvin D. Mills ✓
PO Box 279
Otter Rock, OR 97369

CASEWORKER: LJJ

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application	)	
for an Extension of Time for	)	
Permit #S-51552, Water Right	)	PROPOSED FINAL ORDER
Application #S-73348	)	
(Sea Crest Homeowners Assoc., Inc.)	)	

Permit Information

Application File #S-73348 / Permit #S-51552

Basin: #18 - Mid Coast Basin / Watermaster District: #1

Date of Priority: April 20, 1993

Authorized Use of Water

Source of Water:	A Spring and an Unnamed Stream, tributaries of the Pacific Ocean
Purpose or Use:	Supplemental Domestic Expanded for 60 families
Maximum Rate:	0.6 cubic foot per second (cfs), being 0.3 cfs from the Spring and 0.3 cfs from the Unnamed Stream

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

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

This Proposed Final Order applies only to Permit #S-51552, water right Application #S-73348. A copy of Permit #S-51552 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 2001, to October 1, 2025;
- grant the extension for complete application of water from October 1, 2001, to October 1, 2025; and
- make the extension subject to certain conditions set forth below.

AUTHORITY

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

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

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

OAR 690-315-0050(6) allows the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit #S-51552 was granted by the Water Resources Department on December 7, 1994. The permit authorizes the use of up to 0.6 cfs of water, being 0.3 cfs from a Spring and 0.3 cfs from an Unnamed Stream, tributaries of the Pacific Ocean, for Supplemental Domestic Expanded for 60 families. The permit specified that construction of the water development project was to be completed by October 1, 1996, and that complete application of water was to be made on or before October 1, 1997.
2. One prior extension has been granted for Permit #S-51552. It extended the time in which to complete construction of the water system and the time in which to accomplish full beneficial use of water to October 1, 2001.
3. On September 27, 2001, the permit holder submitted a "Application for Extension of Time" to the Department requesting the time in which to complete construction of the water system be extended from October 1, 2001, to October 1, 2007, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #S-51552 be extended from October 1, 2001, to October 1, 2025.
4. Notification of the extension of time request for Permit #S-73348 was published in the Department's Public Notice dated October 8, 2001. No public comment on the extension application was received.
5. On March 22, 2004, the permit holder revised the time requested to complete construction of the water system under Permit #S-51552 to October 1, 2025.

Review Criteria /OAR 690-315-0040(1)(2)/

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

¹ ORS 537.248 applies to reservoir permits only.

Other Governmental Requirements *ORS 537.230(2)*

6. Delay in the development of this project was caused, in part, by other governmental requirements. Specifically, preliminary steps to satisfy the Oregon Health Division's requirement to provide a fifty foot easement around the point of diversion(s) have been taken. The process of making arrangements with affected landowners and/or acquiring land, however, may take a considerable amount of time.

Start of Construction *ORS 537.230*

7. Construction of the water system began within the time specified in the permit, being December 7, 1995.

Financial Investment *ORS 539.010(5)*

8. As of September 27, 2001, the permit holder had invested a total of \$89,000.00 into the project, consisting of development of the spring diversion, installation of 5,000 feet of water lines, installation of blow out valves, installation of fire hydrants and construction of 10 homes. An additional \$15,000.00 investment is anticipated for the completion of this project.

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

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

9. In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:
 - a. The amount of construction completed within the time allowed in the permit or previous extension.

- Construction of the water system began within the time specified in the permit, being December 7, 1995. The work thus far consists of development of the spring diversion, installation of 5,000 feet of water lines, installation of blow out valves, installation of fire hydrants and construction of 10 homes.
- b. The amount of beneficial use made of the water during the permit or previous extension time limits.
- Since the issuance of Permit #S-51552 on December 7, 1994, the permit holder has not yet diverted any water for beneficial purposes, as allowed under the permit.
 - Delay of full beneficial use of water under Permit #S-51552 was due, in part, to the length of time necessary to sell and build homes on the 50 remaining undeveloped lots and to other governmental requirements.
- c. The water right permit holder's conformance with the permit or previous extension conditions.
- The record does not raise concerns about the permit holder's compliance with conditions.
- d. Financial investments made toward developing the beneficial water use.
- As of September 27, 2001, the permit holder had invested approximately 86 percent of the total projected cost for complete development of this project. A total of \$89,000.00 has been invested into the project, consisting of development of the spring diversion, installation of 5,000 feet of water lines, installation of blow out valves, installation of fire hydrants and construction of 10 homes. An additional \$15,000.00 investment is anticipated for the completion of this project.

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

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

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - The permitted points of diversion, authorized under Permit S-51552, are not located within or above the designated boundaries of a state scenic waterway.
- b. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
 - The permitted points of diversion, authorized under Permit #S-51552, are located within a stream segment that has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish.
 - The permitted points of diversion, authorized under Permit #S-51552, are not located within a stream segment that has been designated a federal wild and scenic river or identified by the Oregon Department of Environmental Quality as water quality limited.
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
 - The permitted points of diversion are located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.
- d. Economic investment in the project to date.
 - As of September 27, 2001, the permit holder had invested approximately 86 percent of the total projected cost for complete development of this project. A total of \$89,000.00 has been invested into the project, consisting of development of the spring diversion, installation of 5,000 feet of water lines, installation of blow out valves, installation of fire hydrants and construction of 10 homes. An additional \$15,000.00 investment is anticipated for the completion of this project.

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

Fair Return Upon Investment /ORS 539.010(5)/

- 11. Use of water under the permitted water development will result in reasonable returns upon the investment made in the project to date. Without this supplemental source of water, the available water supply may prove inadequate for Sea Crest Homeowners Association at its full build-out development stage.

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

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

- 12. As of September 27, 2001, the remaining work to be completed consists of completion of construction of the water distribution system and complete application of water to beneficial use.
- 13. Prior to September 27, 2001, the historical rate of growth for the permit holder indicated it could take another 35 years to complete development of the remaining 50 lots under Permit #S-51552. Over the last two to three years, however, the Sea Crest Homeowner's Association has seen a upsurge in home construction. Since September 27, 2001, four homes have been constructed or are under construction and another four homes are in various planning stages of construction. Given this new rate of progress, full development of Permit #S-51552 could approximately occur by the year 2023.
- 14. The scope and nature of the project extended the length of time needed to fully develop and perfect the permit, caused mainly by the need to sell and construct homes on the 50 remaining undeveloped lots. Additionally, other

governmental requirements have delayed development of the water use project under Permit #S-51552.

15. Given the amount of development left to occur and the expected rate of growth, the Department has determined that the permittee's request to have until October 1, 2025, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #S-51552 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Completion of construction and full application of water to beneficial use can be completed by October 1, 2025², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

² Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

6. In order to ensure future diligence is exercised in the development and perfection of Permit #S-51552, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

Proposed Order

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

Extend the time for complete construction of the water system under Permit #S-51552 from October 1, 2001, to October 1, 2025; and

Extend the time for complete application of water to beneficial use under Permit #S-51552 from October 1, 2001, to October 1, 2025.

Subject to the following conditions:

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, of the years 2009, 2014, 2019 and 2024.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

DATED: March 30, 2004



Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, May 14, 2004***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

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

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

This document was prepared by Lisa J. Juul. If you have any questions about any of the statements contained in this document, I am most likely the best person to answer your questions. You may contact me by telephone at (503) 986-0808.

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

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

Mailing List for Extension PFO Copies

Application #S-73348
Permit #S-51552

PFO Date: March 30, 2004

Original mailed to:

Applicant: Sea Crest Homeowners Assoc., Inc.
Attn: Don Tyler
PO Box 101
Otter Rock, OR 97369

Copies Mailed	
By:	 (SUPPORT STAFF)
on:	<u>3/29/04</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #S-73348 / Permit #S-51552
2. WRD - Watermaster District: #1 - Greg Beaman, Tillamook
3. DEQ - Dist #2 - Bob Buckman, Newport
4. ODFW - Western Reg. - John Blanchard, Medford

Other interested parties:

5. **Alvin D. Mills**
PO Box 279
Otter Rock, OR 97369

CASEWORKER: LJJ

S:\groups\wr\extensions\PF O\Work_315 rules\s73348.wpd

Al Mills

To: Lisa Juul; OR Water Resources Dept.; 725 N E Summer Street; Suite A; Salem; OR 97301-1271
Cc: Daus, David; Tyler, Don & Betty E.
Subject: Time Extension: Application S-73348; Permit No. 51552

Friday, March 19, 2004

As per our phone discussion of Fri. March 19, 04 at approx. 1:30 regarding the above referenced "Application For Extension Of Time" I submit the following addendum material (on behalf of the Sea Crest Homeowners Association) as you suggested, to support and expedite the process:

DISCUSSION:

- Administrative changes and "turnover" on the Homeowners Board of Directors has caused us some delay in following up on this water rights application, and for that we apologize if there has been any inconvenience.
- Sea Crest to date has invested substantial funds (for this small community of residents) toward the development of this spring source. It has the ultimate potential to support the entire water needs of Sea Crest.
- Sea Crest is a slowly developing gated community approx. 6 miles North of Newport and just a short distance West of Hwy. 101. It's financial and administrative history plus it's distance from Newport have combined to cause slow development over the last number of years.
- There are only ten or so completed and occupied homes in the complex designed for approximately 70 homes upon it's ultimate development.
- Ultimate development may take at least another 15 to 20 years at the current pace.
- There has been a slight recent upsurge in building in Sea Crest. There are four homes under some stage of completion and another three or four under some stage of planning.
- Some, but very few of the homes in the community appear at this stage to be destined for partial year occupancy.

REQUEST:

- In light of the above statements and our phone discussion this date, we hereby request that the application items you referred to as "B and C dates" be amended on the application you currently have under consideration, so that both dates read the same---2025.

If you have any questions or need additional documentation or clarification, please feel free to contact me at the address and/or phone number below.

Sincerely,

Alvin D. Mills
PO Box 279
Otter Rock, OR 97369
Ph: (541) 765-2797

RECEIVED

MAR 22 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

Route Slip ... Extension of Time

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

♦ ☒ WRIG...

Money Received:

\$100.⁰⁰ on 9-27-01

♦ ☒ Lisa Juul...

Extension Completeness:

OK 10-2-01 (If NOT complete, send certified letter requesting add'l information.)

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

♦ Jonnine Fuss...

Initial 30-day Public Notice:

JK 10/8/01

Files back to filing cabinets:

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

♦ Lisa Juul...

Pull files for Ext PFO review:

Extension PFO completed:

Once Extension PFO signed by Dwight French...

♦ Jonnine Fuss...

Prepare Ext PFO for mailing to applicant:

Mail to those who commented and paid copy fee:

Include Ext PFO on weekly Public Notice:

Within 60 days after the close of the 45-day PFO Protest Period...

(PFO Protest Period ends 45 days from PFO sign date)...

♦ Lisa Juul...

Issue an Extension FO:

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

Application #: S - 73348 / Permit #: S - 51552

Permittee's Name: Sea Crest Homeowners Assoc. Inc.

Permittee's Mailing Address: PO Box 101, Otter Rock, OR 97369

POD Location: Township 9 S Range 11 W Section 29 1/4 1/4 SESW

Stream Basin: Johnson Cr. & misc. County: Lincoln

Attn: Don Tyler
- New Contact as of 2-9-04

✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No \$100.00 - Yes
***If "No"..... has certified request for the new extension form been sent? Yes / No

✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**

✓ 3. Date Permit was issued: 12-7-94 (priority = 4-20-93)

✓ 4. Source: A Spring & Unnamed Stream, tribs to Pacific Ocean

✓ 5. Use: Supplemental Domestic Expanded for 60 families

✓ 6. "Q": 0.6 cfs

✓ 7. Original "B" Date: 10-1-96 Original "C" Date: 10-1-97

✓ 8. Conditions of Permit: Original "A" Date: 12-7-95

• Before Water Use begins → install a meter... or other suitable measuring device.

• May be required to maintain water use records & submit to WRD

✓ 9. Extension request received: 9-27-01 Request Number (...1st 2nd, 3rd): 2nd

✓ 10. Last Authorized "B" Date: 10-1-2001 Last Authorized "C" Date: 10-1-2001

✓ 11. Proposed "B" Date: 10-1-2007 ~~2025~~ 2025 See letter from Al Mills revid on 3-22-04. Proposed C Date: 10-1-2025

✓ 12. Amount Invested to date: \$89,000.00 Estimated Total Cost: \$104,000.00

(***Estimated Remaining Cost: \$15,000.00*)

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

Water Use has not yet begun... SO still have time to install meter.
"A" Date met --- See Ext. Appl. Item # 2-A. of Form A.

✓ 14. Work on the water development project completed to date includes:
• 10 homes built & using water under primary right (adequate for these 10 homes)
• spring developed • installed spring box ring, installed 5,000 ft of water lines, installed blow out valves
• repaired existing collection box. • installation of fire hydrants.

✓ 15. The work remaining to be completed consists of:
• Completion of construction (50 lots left to be sold & built upon)
• Full Use of Water ---- OR --- being ready, willing & able to use the water.

✓ 16. Progress in perfecting the permit is being held up by:
• Oregon Health Division requirements - assessment.
• Time necessary to sell & build on all 60 lots
• Litigation with neighboring properties concerning adequacy of primary system.

✓ 17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? (Yes/No)

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

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

• Have invested 86% of the total projected cost.
• Conditions are OK
• 0% of total permitted "Q" used to date
• Construction is 25% complete - approximately

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

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

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

Litigation issues - reduced amount of water avail from primary source.

• Is within an ODFW ST&E Area
• Is within an ODFW "Low" needs ranking area for flow restoration for fish.
• Is NOT in a SWW Area
• Is NOT in a GW Ltd Area
• Not within a federal wild & scenic River area
• Not within a DEQ water quality limited stream

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

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

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

CC: Alvin D. Mills
PO Box 279
Otter Rock, OR 97369

✓ 20. Conditions to be included on Extension PFO: • 5-y.r. Progress Reports (2009, 2014, 2019, 2024)

Extension "PFO" Dates

Mailing / Issuance Date:

Protest Deadline Date:

3-30-04
5-14-04

Reviewer's Name:

Date:

Checklist Last Revised: 9/12/2001

12-5-03

Sea Crest Homeowners
Appl #S-73348 / Permit #S-51552

L. Jun 1
3-23-04

- Over 7 years (Dec. 1994 to Sept. 2001)

10 homes constructed.

10 homes ($\div$) 7 years = 1.43 homes built per year

Permit #S-51552 allows Supplemental Group Domestic for 60 Families

Considering this past rate of growth, it could take 35 years to complete development.

Remaining 50 lots ($\div$) 1.43 homes built per year = approx. 35 years.

- However, over last 2 to 3 years, Sea Crest has seen an upsurge in home construction. 4 homes are (or are being) constructed & another 4 are in planning stages of construction.

— Considering this new growth rate:

8 homes built or being constr. within 3 years = 2.67 homes/year

50 remaining lots ($\div$) 2.67 homes/year = approx 19 years to complete

Year 2004 (+) approx 19 years = Year 2023 approx.

Therefore: An Ext. through Year 2025 is reasonable.

RECEIVED

SEP 27 2001

WATER RESOURCES DEPT.
SALEM, OREGON

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

I, SEA CREST HOMEOWNERS ASSOCIATION

P.O. BOX 264

OTTER ROCK, OREGON ⁹⁷³⁶⁹~~97639~~ (541) 764 5019

ADDRESS

CITY

STATE

ZIP

PHONE

owner of record, or duly authorized agent, of Application No. S-73348, Permit No. 51552, do hereby request that the time in which to:

☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2001, be extended to October 1, 2007,

and/or the time in which to:

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2001, be extended to October 1, 2025.

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

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

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

1. Did water system construction/well drilling begin within the time specified in the permit?
☒ Yes ☐ No
2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit?
☒ Yes ☐ No

But, construction is not yet complete.

10/9/01
JB

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

The two applicable time sensitive conditions were beginning of construction before Dec 7, 1995 and completion by Oct 1, 1997. Construction was begun before Dec 7, 1995 and an extension for completion was granted to Oct 1, 2001

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

At such time as the works are operational, a water meter or other measuring device will be installed and functioning. The water master will have access to that measuring device.

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

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

During last extension period

- | | |
|--|--------|
| 1. Spring Development | \$1000 |
| 2. Installed spring box ring | \$800 |
| 3. monitored spring production | |
| 4. performed water quality test | \$150 |
| 5. contracted with Curran-McLeod to develop works design | \$3000 |

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

- | | |
|---|----------|
| 1. Installed 5000 feet of water lines to lots @ \$15 / ft | \$75,000 |
| 2. Installed blow out valves @ \$150 each | \$900 |
| 3. Installed Fire hydrants @ \$1200 each | \$7,200 |
| 4. Constructed access road to p.o.d. | \$1000 |
| 5. Repaired existing collection box | \$250 |

- C I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

No beneficial use has been made thus far because only ten of the 60 homes have been built and the primary supply has been adequate for the existing ten homes to date.

4. Cost of project to date \$ 89,000. Estimated remaining cost to complete the project \$ 15,000.

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

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

Lots have not sold as fast as originally anticipated so that the sixty 60 homes allowed in the permit could not be completed and the water could not be put into full beneficial use in the time allowed.

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

N/A

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

Oregon Health Division requires a fifty foot easement around the point diversion. Preliminary steps have been taken but further arrangements with the affected lot owners and or aquisition of land may be required to satisfy OHD. This may take considerable time.

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

N/A

6. Please identify the economic market or markets to which beneficial use of water under the permit is responding.

The market is domestic water supply for 60 homes.

A Has there been any change in this market since the permit was issued?

Development of the sixty homes which comprise the market for this water has been slower than anticipated due in large part to litigation with neighboring properties concerning the adequacy of the primary water system to serve Sea Crest. Settlement of the litigation included concession of first 75,000 gallons per day from the primary source to the Inn at Otter Crest which is close to the maximum daily production capacity of the water treatment plant due to the high turbidity conditions. The timeframe for completion of the sixty home market is uncertain due to real estate market conditions beyond our control.

B Have these changes, if any, affected the economic feasibility of your project?

NO

7. Are there other present competing demands for water in your community?

NO

A Has there been any change in these demands for water since the permit was issued?

NO

B Are you aware of alternative sources of water that may be able to satisfy the competing demands?

N/A

C Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

N/A

FROM: SEARIDGE

FAX NO. : 541 7642995

Sep. 25 2001 11:24AM P6

8. Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?

Without this additional water source, the primary source (treated water from Johnson Creek pursuant to application 47228, permit 35342) could turn out to be inadequate to serve Sea Crest, especially in drought years, which would render the lots in Sea Crest valueless.

9. If the extension request is denied, is the current level of water use economically feasible?

N/A

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

Linda Lelyea, President

FOR PERMITTEE:

9-21-2001

Signature

Date

SEA CREST HOMEOWNERS ASSOCIATION
MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100 TO:
(360) 693-1468
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

revised: June 11, 1999

RECEIVED

SEP 27 2001

WATER RESOURCES DEPT.
SALEM, OREGON

January 29, 1997

WATER
RESOURCES
DEPARTMENT

SEA CREST HOMEOWNERS ASSN INC
PO BOX 101
OTTER ROCK OR 97369

REFERENCE: File 73348

We have received your application for extension of the time limits to complete construction and make complete application of water under Permit 51552. We also have your check in the amount of \$100. Our receipt number 7052 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limits to complete construction and make complete application of water are extended to October 1, 2001. The order approving the extension was entered January 17, 1997, at Volume 51, Page 37.

If you have any questions, please contact me at extension 272 (503)-378-3739, or toll-free 1-(800)-624-3199.

Sincerely,

Dallas Miller
Water Rights Specialist

DM:jh

enclosure

cc: ~~James Denison~~, CWRE

John Borden



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

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: S73348

PERMIT NO: 51552

DATE: November 20, 1996

1. Has the applicant requested any previous extensions? How many?
NO. This is the FIRST request.
2. What water right development steps has the permittee completed within the past year?
Repaired existing collection box at P.O.D., plan prepared for method to deliver water to existing system from P.O.D.
3. What water right development steps has the permittee completed prior to this past year?
Repaired collection box at P.O.D.
4. Is the permittee currently meeting all conditions of the permit?
YES. No special conditions.
5. What is the current use of water under the permit?
None.
6. What percent of the total allowable use under the permit does the current use represent?
0%
7. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
YES. Problem with building treatment facility adequate for safe drinking standards. This is supplemental and so far this year the primary source has met demand.
8. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
NO.
9. Has there been any change in demand for water or power since the permit was granted?
NO.
10. If the extension request is denied, is the current level of water use under the permit economically feasible?
NO.
11. Is there an alternate source of water available at this time?
YES. This is supplemental.
12. Has use of water under the permit caused an adverse impact on the surface/groundwater resource in the area?
NO.
13. Have there been claims of injury to other water right holders or water users in the area?
NO.
14. Any conditions on previous orders?
NO.

REMARKS:

Requesting B-C extension to 10/1/2001. Part of system built, no water use yet. Recommend extend B-C to 10/1/2001.

APPLICATION FOR EXTENSION OF TIME OCT - 1 1996

TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

I, George Fosmire, representing Sea Crest Homeowners Association, Inc.,
name (206) 914-5355 (FAX)
P.O. Box 101, Otter Rock, Oregon 97369 (541) 270-2171 (voice mail)
address city state zip phone

record owner of permit No. 51552, do hereby request that the time in which to:

~~XXX~~ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1996, be extended to October 1, ~~XX~~ 2001, and/or the time in which to

~~XXX~~ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1997, be extended to October 1, ~~XX~~ 2002

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

(1) within past year the Association has constructed access roads to both POD's; repaired the existing collection box; and, agreed upon the method to deliver this supplemental water to the existing water distribution system in time of emergencies.

(2) prior to this past year an existing collection box, which had apparently diverted water to a farm or dairy, had fallen into disrepair. Our initial action was to clean it up.

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated) developing a use plan. No use has been made thus far because our primary supply has been reliable and many lots remain undeveloped. If no emergency or shortage arises during the time of the extension, then the Association will simulate an emergency & test it

(4) unable to complete construction and/or application of water within the permit time limits because it has been unclear how to collect & treat the water to meet drinking water standards. Also, many lots remain undeveloped. We now have a treatment & connection plan & consider this water source essential to our secure and continued operations. As such, we will complete construction & use during the extension

George Fosmire
signature

Sept 30 1996
date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
 WATER RESOURCES DEPARTMENT
 158 12TH ST NE
 SALEM, OREGON 97310

C:\WP51\FORMS\EXTFORM

OK 10-7-2001 B-C DSM

December 23, 1993

WATER
RESOURCES
DEPARTMENT

SEA CREST HOMEOWNERS ASSOCIATION, INC.
P.O. BOX 101
OTTER ROCK, OREGON 97369

503 765-2911

Reference: File - S 73348

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before MARCH 4, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

SB/drg

Report Date: December 23, 1993

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: MARCH 4, 1994

1. APPLICATION FILE NUMBER - S 73348
2. MINIMUM APPLICATION INFORMATION

SEA CREST HOMEOWNERS ASSOCIATION, INC.
P.O. BOX 101
OTTER ROCK, OREGON 97369
LINCOLN COUNTY

503 765-2911

Date application received for filing and/or tentative date
of priority: APRIL 20, 1993

SOURCE: A SPRING AND UNNAMED STREAM TRIBUTARY TO: PACIFIC OCEAN

Purpose and/or use: SUPPLEMENTAL DOMESTIC FOR 30 HOUSEHOLDS
INCLUDING IRRIGATION OF LAWN AND GARDEN
NOT TO EXCEED 1/2 ACRE PER DWELLING

```
Flow: 0.30 CFS FROM SPRING
      0.30 CFS FROM UNNAMED STREAM
```

Point of Diversion Location: SPRING - SE 1/4 SW 1/4 SECTION
29, NORTH 62 DEG 23 MIN 14 SEC WEST, 507.1 FT FROM THE
SOUTH 1/4 CORNER. UNNAMED STREAM - SE 1/4 SW 1/4 SECTION
29, NORTH 41 DEG 17 MIN 54 SEC, 1211 FT FROM THE SOUTH
1/4 CORNER SECTION 29, TOWNSHIP 9 SOUTH, RANGE 11 WEST,
W.M.

Place of use: SE 1/4 SW 14
SECTION 29
TOWNSHIP 9 SOUTH, RANGE 11 WEST

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 0.60 CFS is likely available for 12 months of the normal period of use for SUPPLEMENTAL DOMESTIC EXPANDED.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: S 73348

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: YEAR ROUND
3. Rate of use: 0.30 CFS FROM SPRING FOR SUPPLEMENTAL DOMESTIC EXPANDED, 30 HOUSEHOLDS
0.30 CFS FROM UNNAMED STREAM FOR SUPPLEMENTAL DOMESTIC EXPANDED, 30 HOUSEHOLDS
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting

procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Sea Crest Homowners Association
PO BOX 101
Otter Rock, OR 97369

RECEIVED

APR 27 1994

WATER RESOURCES DEPT.
SALEM, OREGON

April 26, 1994

Mr. Doug Bear
Oregon Water Resources Department
3850 Portland Road NE
Salem, OR 97310

Dear Mr. Bear,

This is to confirm our phone conversation on April 20th regarding
water rights application # S-73348 .

The legal description of the property is;

Sea Crest Phase I, a replat of Otter Village.

Thank you for your help.

Sincerely,



George Fosmire
President

RECEIVED
MAR - 7 1994
WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

March 2, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #73348; Report of Technical
Review

This diversion has a low probability for negative impact to
fish or other aquatic life in the subject stream and in
downstream reaches.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati, Jr.".

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Buckman, Newport

FILE: 73348.TEC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 73348

WATERWATCH

ODF&W

WATERMASTER # 16

REGIONAL MANAGER - Northwest - Tom PAUL

CWRE - James Denison

DEO

KEN STAHR

OTHER ADDRESSES:

CASEWORKER

DRG

ORIGINAL TO APPLICANT 11/15/93

12-22-93 Kay

December 23, 1993

SEA CREST HOMEOWNERS ASSOCIATION, INC.
P.O. BOX 101
OTTER ROCK, OREGON 97369

503 765-2911

Reference: File S 73348

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional documentation.

Please send the following:

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

SB\drg

cc: JAMES DENISON , CWRE



TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: 73348
- (2) Review Date: 12-6-93 DRG

S Indicates information was completed or adequately addressed.
 U Indicates information is needed, or incomplete, or inadequately addressed
 N/A Indicates Not Applicable

SUMMARY

S Completeness

U Land Use

NA GW Interference (if potential interference with surface water, see results of water availability analysis)

None Conflicts

S Water Availability

- (3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

- (4) NA No oath is required because application was filed before June 5, 1992.

- (5) S Application fees:

Examination fee:	\$ 200 ⁰⁰
Recording fee:	\$ 125 ⁰⁰
TOTAL REQUIRED	\$ 325 ⁰⁰
TOTAL SUBMITTED	\$ 325 ⁰⁰
AMOUNT DUE prior to issuance of permit	\$ <u>0</u>
AMOUNT OVERPAID	\$ <u>0</u>
refund due applicant	\$ <u>0</u>

- (6) S Proposed dates of beginning and completion of construction, and complete application of water.

- (7) S MAP: ☒ Prepared by a CWRE
☐ Exempt under OAR 690-11-150(3)
☐ A map or drawing included (non-CWRE)
☐ No map or drawing in file

- (8) NA A CWRE map is not required for applications filed before November 9, 1987.
- (9) US A written copy of the legal description of the property on which the water is to be used.
- (10) NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S Domestic use(s) is/are classified uses(s) under the Mid Coast Basin Program, OAR 690 - 518.
- (14) US The application, map and supporting data are complete and free of defects. NO legal DRS

Land Use Compatibility:

- (15) As expressed by the Planning Department of Lincoln
- (16) S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section NO #).
- (17) NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) NA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) NA A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) NA The report from groundwater section has been received.

For reservoir applications:

- (22) NA Plans, specifications and supporting information for the dam and impoundment area.

PUBLIC INTEREST REVIEW

The proposed water use described in Application #S-73348 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of 0.60 CFS from A SPRING AND UNNAMED STREAM tributary to the PACIFIC OCEAN for the purpose(s) of SUPPLEMENTAL DOMESTIC USE EXPANDED FOR 60 HOUSEHOLDS INCLUDING 0.5 ACRE LAWN OR GARDEN FOR EACH. The Technical Review Report limits the proposed use to 0.30 CFS FROM EACH SOURCE FOR USE YEAR ROUND.

The proposed use described in Application #S-73348 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

Water use Application #S-73348 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

**PUBLIC INTEREST REVIEW
CHECKLIST**

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application #S-73348, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

I. Existing claims to water from the same source.



There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

II. Land use matters.



The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.



Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.



There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.



If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.



An applicant for municipal water use has submitted information showing the proposed water use is compatible with comprehensive plan policies concerning urban services, urban growth boundaries, and Public Facilities Plans.

III. Identified environmental concerns.



The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

IV. The character and extent of other natural resources which are present in the water source basin.



The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.



There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

V. Riparian characteristics.



There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

VI. Recreational use and potential of the water source and

its basin area.



There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

VII. Agricultural potential of the area.



There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

VIII. Designated historic, cultural, or natural resource protection areas.



There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

IX. Identified health or safety requirements.



There nothing in the record to indicate any identified health and safety requirements.

**PUBLIC INTEREST REVIEW
FINDINGS AND CONCLUSIONS**

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).

The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record of the Department and has made the following public interest determination.

The Director has determined that the proposed water use described in Application #S-73348:

_____ WILL IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director hereby proposes rejection of the application and shall schedule a contested case hearing.

✓ WILL NOT IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director shall issue a water use permit with appropriate conditions.



A. Reed Marbut, Administrator
Water Rights/Adjudication Division

Dated : 11/30/94

Use for #S72899 and #R73348

Unnamed Creek trib. Pacific Ocean

Flows based on Cooper Water Availability Model
Point of determination is at the mouth.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Ex. Flow	0.45	0.53	0.46	0.32	0.19	0.14	0.10	0.08	0.06	0.06	0.15	0.47
50% Ex. Flow	0.98	0.83	0.80	0.51	0.27	0.22	0.15	0.11	0.09	0.09	0.40	0.96
ISWR req. (Max value)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ISWR req. (Min value)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Available 80% Ex.	0.5	0.5	0.5	0.3	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.5
Available 50% Ex.	1.0	0.8	0.8	0.5	0.3	0.2	0.2	0.1	0.1	0.1	0.4	1.0

Out-of-stream Water Rights (CFS)

Acres Irrigated	0
Total WR Rate	0
Ag., Mun., Dom. Rate	0
Agric. Rate	0

TOWNSHIP 9 S. RANGE 11 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			
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 CONVEYANCE PLAT IF OTHER THAN 40 ACRES																		
	1420	825			1420	825			4203			3003				10410	6926	
																15537	11950	
																21374	16743	
																30531	24040	
																46529	34174	
																10410	6926	
																71514		
																72849		
																73348		

(SEE BACK OF CARD FOR PLAT OF SECTION)

Description of Water Use

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

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

Applicant Name: SEA CREST HOMEOWNERS ASSN., INC.
 Address: PO BOX 101
OTTER ROCK
OREGON 97369
 Phone: (503) 765-2911

RECEIVED

APR 20 1993

WATER RESOURCES DEPT.
 SALEM, OREGON

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

☐	Irrigation (crop type, golf course, nursery or greenhouse): _____
☐	Livestock (type of livestock, feedlot, slaughterhouse): _____
☒	Residential (# units, single or multi-family, # lots if partition or subdivision): <u>60</u>
☐	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.
☒ Surface Water Name sources: <u>SPRING & UNNAMED CREEK</u>	<u>0.60</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

WaterWatch

O F O R E G O N

RECEIVED

MAY 18 1993

WATER RESOURCES DEPT.
SALEM, OREGON

May 17, 1993

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #73348, Sea Crest Assn.
Unnamed Cr., Lincoln Co., Group Domestic

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 80% exceedence level?

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, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

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. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). 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?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

Jim Myron

bc:

WaterWatch of Oregon, Inc. 921 S.W. Morrison. Suite 438 Portland, Oregon 97205 (503) 295-4039

April 27, 1993

SEA CREST HOMEOWNERS ASSOCIATION INC.
PO BOX 101
OTTER ROCK, OR 97369

REFERENCE: File(s) S-73348

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 without a water right permit.

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. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - S-73348

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. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

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, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Laurie Beth English *CAK*
Water Rights Program Analyst

cc:CWRE

DATE INITIALS

MINIMUM REQUIREMENTS TO FILE

Name and mailing address
 Source of water
 Quantity of water
 Location of project
 Use of water
 Signature of applicant
 Allowable use by policy
 State Engineer withdrawal
 Legislative withdrawal
 Land use approved _____ pending _____

FIELD OPERATIONS

Application date stamped per money receipt date
 Stream Indexed
 Stream Code _____
 Scenic Waterway _____

Findings:

- 1) Concluded - Scenic-Reg Ack letter
- 2) Under Study - Scenic-Ack letter
- 3) Basin 2 - Willamette-Ack letter

Plat Carded and copy made YES NO

Conflicts (well _____ surface _____) _____

Prior ISWR # _____

Within Irrigation District _____ (name)

Notified

District excerpt received _____

Entered in Paradox

Prepare six copies of Draft Permit

Send one copy to Data Center

SUPPORT SERVICES

Stamp contents with application number

Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and card

If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

Notify Irrigation District

FIELD OPERATIONS

Ownership Statement YES NO

Name and address of all owners _____

Other landowners notified _____

Legal Description _____

Need Commission review _____

Requests greater than 5.0 cfs _____

Dam height greater than 20 feet _____

Storage greater than 100 acre-feet _____

Out of Basin diversion _____

Groundwater recharge project _____

Other substantial public interest _____

GW comments received _____ resolved _____

ODFW comments received _____ resolved _____

DEQ comments received _____ resolved _____

Interest Groups _____

Water availability received _____

Objections received _____ resolved _____

Protest received _____ resolved _____

Management Codes

EXAMINATION FEE: _____

RECORDING FEE: _____

TOTAL: _____

REFUND: _____

DEFICIENT: _____

REMARKS: _____

RECEIVED

OCT - 1 1996

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF LINCOLN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEA CREST HOMEOWNERS ASSOCIATION, INC.
PO BOX 101
OTTER ROCK, OREGON 97369

503-765-2911

to use the waters of A SPRING AND UNNAMED STREAM, tributaries of PACIFIC OCEAN, for SUPPLEMENTAL DOMESTIC EXPANDED FOR 60 FAMILIES.

This permit is issued approving Application S-73348. The date of priority is APRIL 20, 1993. The use is limited to not more than 0.60 CUBIC FOOT PER SECOND (CFS); BEING 0.3 CFS FROM EACH SOURCE, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 29, TOWNSHIP 9 SOUTH, RANGE 11 WEST, W.M.,
SPRING - NORTH 62 DEGREES 23 MINUTES 14 SECONDS WEST, 507.1 FEET FROM
THE SOUTH 1/4 CORNER, SECTION 29, UNNAMED STREAM - NORTH 41 DEGREES 17
MINUTES 54 SECONDS 1211 FEET FROM THE SOUTH 1/4 CORNER, SECTION 29.

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

A description of the proposed place of use under this permit is as follows:

SE 1/4 SW 1/4
SECTION 29
TOWNSHIP 9 SOUTH, RANGE 11 WEST, W.M.

Measurement, recording and reporting conditions:

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

Actual construction work shall begin on or before DECEMBER 7, 1995 and shall be completed on or before October 1, 1996. Complete application of the water to the use shall be made on or before October 1, 1997.

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.

Application S-73348 - Water Resources Department

PERMIT 51552

RECEIVED

OCT - 1 1996

PAGE TWO

WATER RESOURCES DEPT.
SALEM, OREGON

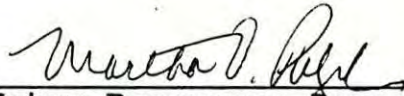
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date December 7, 1994.



Water Resources Department
Martha O. Pagel
Director

Application S-73348
Basin 18

Water Resources Department
Volume 3
Johnson Creek & Misc.

PERMIT 51552
District 16

Application No. 73348
Permit No. 51552
Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in
Addition to Classified Uses

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

RECEIVED
APR 20 1993

WATER RESOURCES DEPT.
SALE, OREGON

Applicant's Name: SEA CREST HOMEOWNERS ASSN, INC.
Address: P.O. Box 101
City: Otter Rock State: ORE Zip: 97369 Day Phone: (503) 765-2911

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
<u>9-11-2900</u>		☒	☒	☒

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

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

For Local Government Use Only

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

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

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

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

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

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: SEA CREST HOMEOWNERS ASSN, INC.

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

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

Version: 6/15/92

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Steve Morris
Title: Planting Tech

Title: Planting Tech

Signature: Steve - M/MS

Date: 4-19-93
Phone: 265-4142

Phone: 263-4142

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

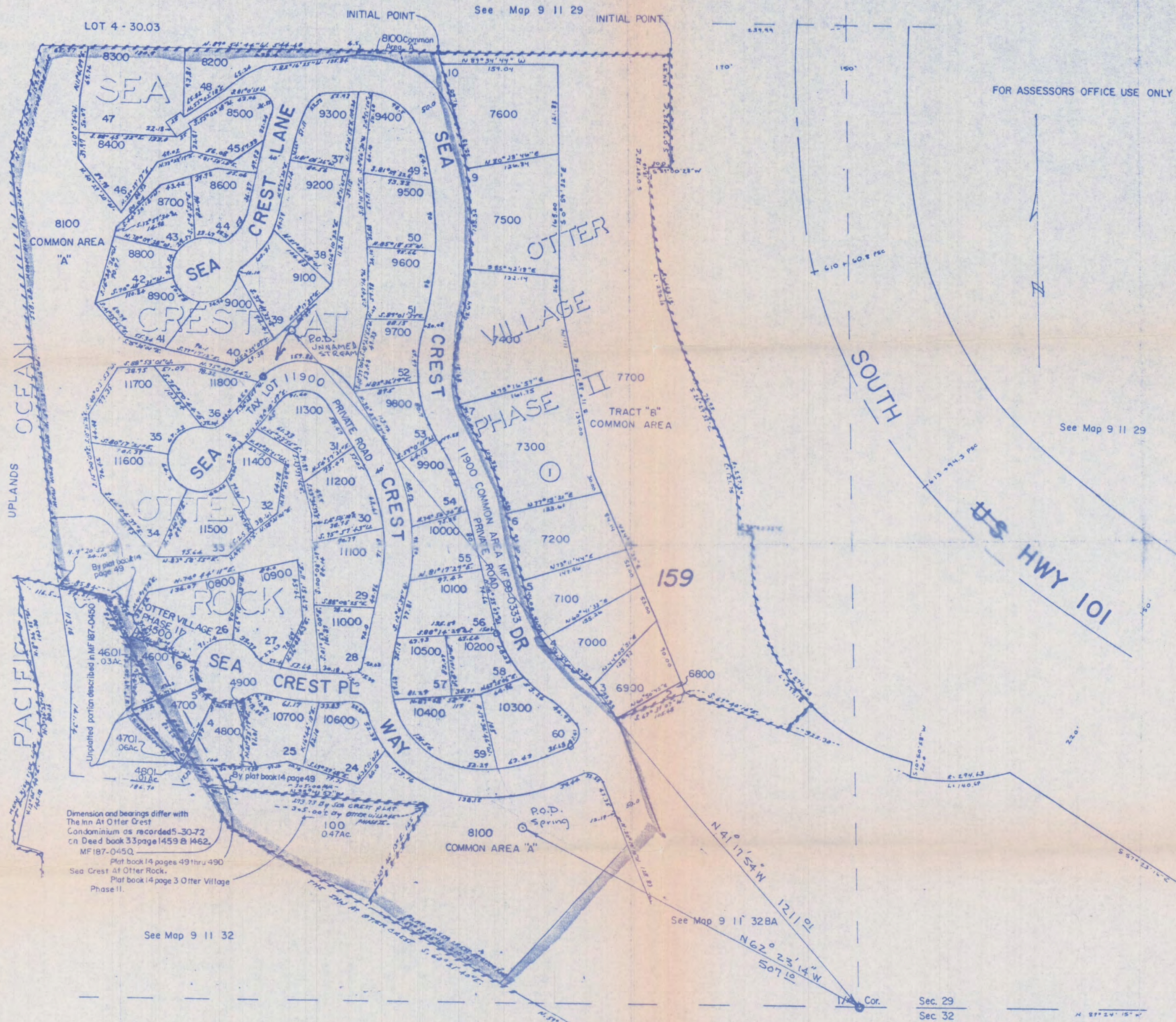
Additional Comments: _____

9 11 29CD

SE 1/4 SW 1/4 SECTION 29 T9S R11W WM
LINCOLN COUNTY

9 11 29CD

1" = 100'



DEAD NOS.
101
102
103
200
300
400
500
600
700
800
900
1000
1100
1200
1300
1400
1500
1600
1700
1800
1900
2000
2100
2200
2300
2400
2500
2600
2700
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6200
6300
6400
6500
6600
6700
6800
6900
7000
7100
7200
7300
7400
7500
7600
7700
7800
7900
8000

Certified Water Right Examiner
#037 WRE
James M. Denison
Nov. 19, 1987
STATE OF OREGON

Application No. 73348
Permit No. 51552

9 11 29CD

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

7052

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Sea Crest Homeowners Assoc.
BY: _____

APPLICATION	73348
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 24-666 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100⁰⁰

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$ 100⁰⁰

TC165 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

RECORD FEE

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT #

7052

DATED: 10-1-96

BY: J. Green

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **48610**

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

INVOICE # _____

RECEIVED FROM: SeaCrest Homeowners

BY: _____

APPLICATION	573348
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-8 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT. _____

PCA AND OBJECT CLASS _____

VOUCHER # _____

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

0240 OTHER (IDENTIFY) Ext. of time

\$ 100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD # _____

0210 MONITORING WELLS

\$

CARD # _____

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION _____

\$

RECEIPT # **48610**

DATED: 9/27/01

BY: C. Vance

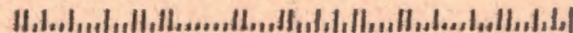
Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

Al Mills
PO Box 279
Otter Rock, OR
97369



Lisa Juul
Oregon Water Resources Dept.
725 N.E. Summer Street, Suite A
Salem, OR 97301-1271

97301+1266



George Fasimire
107 Sea Crest Ct
Oter Rock OR 97369

CERTIFIED MAIL



7018 3090 0000 9347 0034

Oregon Water Resources Dept
725 Summer Street NE Suite A
Attn: Jeffrey Pierceall
SALEM OR 97301-1266

97301-126673



97301

U.S. POSTAGE
METTER
PORT, OR
96-19
\$4.05
R2304H108208-9



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



1021



G. Fosmire
107 Sea Crest Ct
Otter Rock OR
97369

CERTIFIED MAIL



7018 3090 0001 9645 4894



1021



97301

U.S. POSTAGE PAID
FCM LETTER
NEWPORT, OR
97365
DEC 05, 19
AMOUNT

\$4.05

R2304H108208-9

WATER RESOURCES DEPT.
ATTN: Jeffrey Pierceall
725 SUMMER ST NE STE A
SALEM OR 97301

97301-126673



CERTIFIED MAIL™

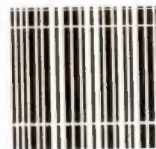
From: G. L. VAN TASSEL
1/2 YERQUINA BAY PROPERTY
146 SE FIRST ST.
NEWPORT, OR 97365



7014 0510 0001 8111 5245



1000



97301

U.S. POSTAGE
PAID
NEWPORT, OR
97365
SEP 22, 14
AMOUNT

\$6.49
00100515-01

RETURN RECEIPT
REQUESTED

RECEIVED
SEP. 23 2014
OWRD

To: OREGON WATER RESOURCES DPT.
725 SUMMER ST., SUITE A
SALEM, OR 97301-1266

ReadyPost.

Document Mailer



1PJE2150 • AIC-093
Product Code 93300006
www.usps.com

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

933000006

6" x 9" Envelope

\$.49



RECEIVED FROM:

BY:

George Josmie

APPLICATION

PERMIT

TRANSFER

73348

CASH:

CHECK: #

OTHER: (IDENTIFY)

☒ 5-2

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.

COST CENTER AND OBJECT CLASS

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:		
842.001	SURFACE WATER	\$ 200.00
842.003	GROUND WATER	\$
842.005	TRANSFER	\$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	\$
842.016	WELL DRILL OPERATOR	\$
LANDOWNER'S PERMIT		
		\$

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE

MONITORING WELLS

\$

\$

CARD #

CARD #

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

\$

This is the
Cert mentioned
in Permit App.

This Permit

^{TS}
~~may~~ be supplying

primary water
to Sea Crest
outside its POU

as allowed by

540.510(3)(a)

7-28-14

Mailed copy
of 2009 Progress
Report and
2014 Form
to Lee Hardy

SWP

NUMBER

7918

Check 100 Mo. Cash

- _____ Surface Application
- _____ Reservoir Application
- _____ Ground Water Application
- _____ Transfer Application
- _____ PFO Request
- _____ Research
- _____ Hydroelectric Fees
- _____ Copying
- _____ Assignment
- ☒ Extension of Time
- _____ Protest
- _____ Other

Dallas

BC 2001

Application No. 73348
Permit No. 51552

Name SEA CREST HOMEOWNERS ASSOCIATION INC
PO BOX 101
Address OTTER ROCK, OR 97369

Assigned

Address

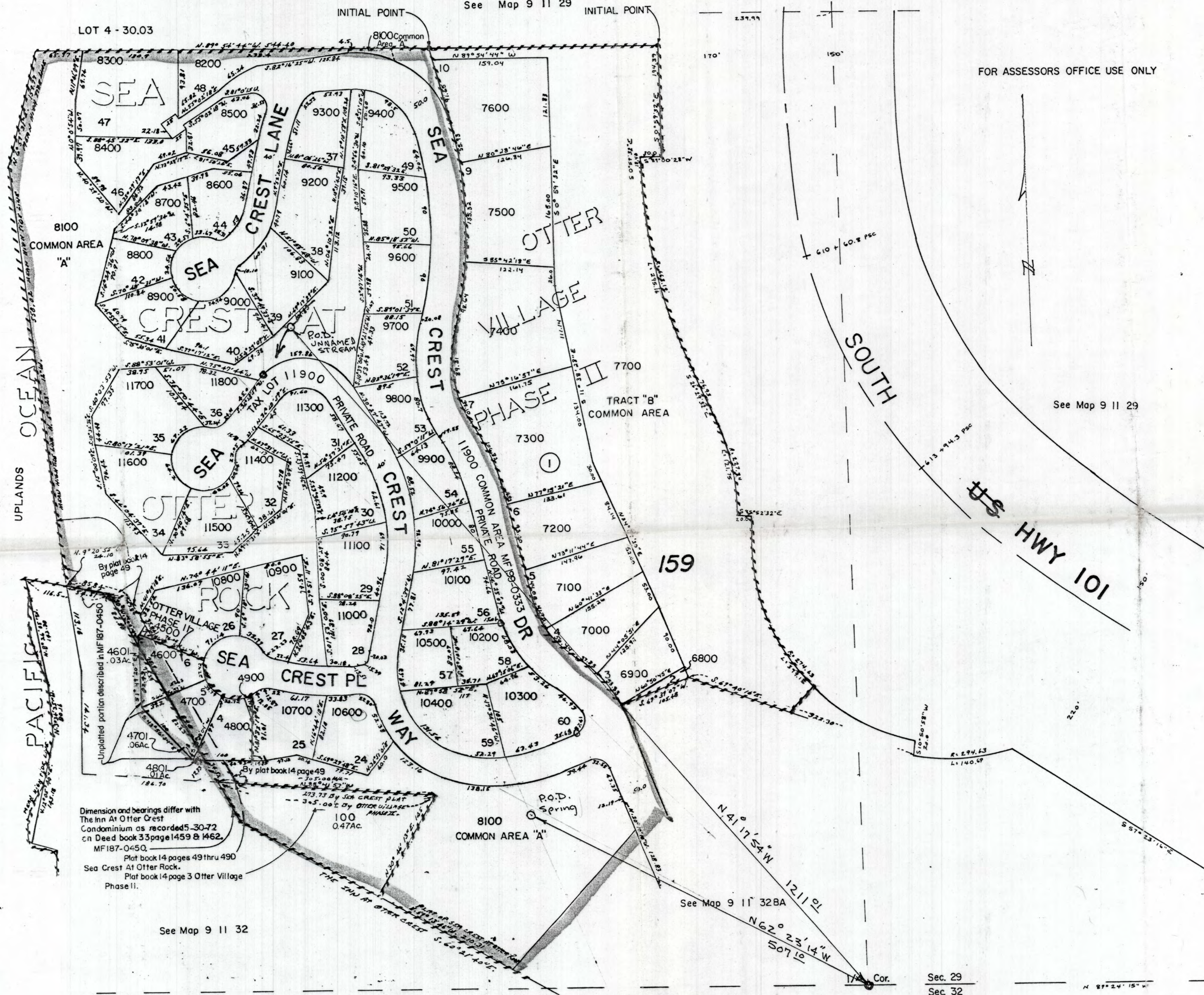
Beginning construction 12/7/95

Completion of construction 10/1/96

Extended to 10-1-2001

Complete application of water 10/1/97

Extended to 10-1-2001



DEAD NOS.

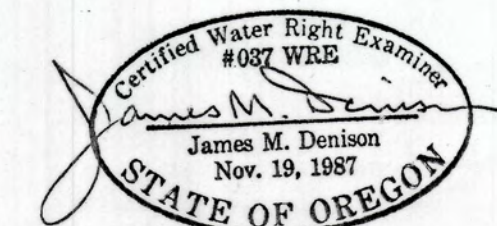
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- 7900
- 8000

Dimension and bearings differ with
The Inn At Otter Crest
Condominium as recorded 5-30-72
in Deed book 33 page 1459 & 1462
MF187-0450.
Plat book 14 pages 49 thru 490
Sea Crest At Otter Rock.
Plat book 14 page 3 Otter Village
Phase II.

See Map 9 11 32

See Map 9 11 32BA

Sec. 29
Sec. 32



Application No. 73348
Permit No. 51552

LINCOLN COUNTY

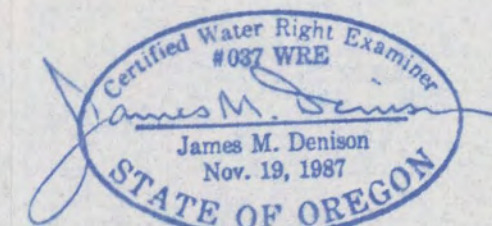
1" = 100'



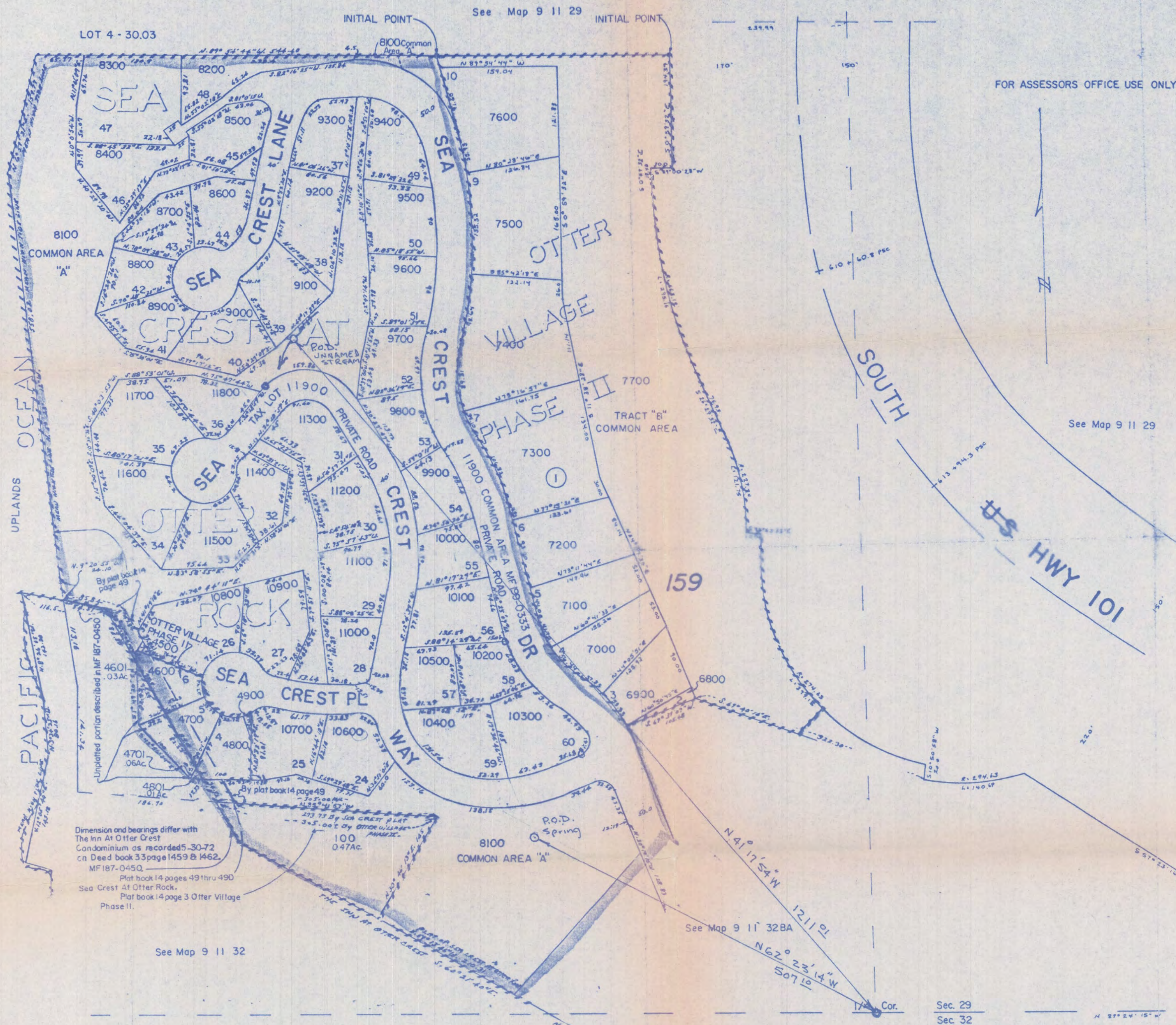
DEAD NOS.

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Sec. 29
Sec. 32



Application No. 73447
Permit No. 51552

$$1'' = 100$$


DEAD NOS

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Sec. 29
Sec. 32

Certified Water Right Examiner
#037 WRE
James M. Denison
James M. Denison
Nov. 19, 1987
STATE OF OREGON

Application No. 73348
Permit No. 51552