

69770

Application No. 69770 *E*

Name Stan Kurzet

Permit No. 53663

By P.O. Box 5039

Address 8181 Seven Devils Road

Coos Bay, OR 97420

Certificate No. _____

Stream Index, Page No. 17-4AB

Date filed December 5, 1988

Priority _____

Action suspended until 3/15/00 *amita*

Return to applicant _____

Date of approval _____

SEE FILE R-69769

Date

To Whom

ASSIGNMENTS

Address

Volume

Page

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water _____

Extended to _____

REMARKS

See R-69769

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

FEEES PAID

Date	Amount	Receipt No.
12-05-88	433.00	56725
10-13-89	45.-	59243
Recording 1-24-95	210.-	121254

Cert. Fee _____

FEEES REFUNDED

Date	Amount	Check No.

17.1420.0020

8/10

53663

① need final plan x ples

② need DTW fish passage approval

③ need WRC review in Fall 1990

1 emailed

5/14/24

for update

Send 60-day
month next

69770

APPLICATION
CHECK-OFF LIST

~~RECEIPT POSTED~~
~~CONTENTS MARKED/STAMPED~~
~~FILE FOLDER TYPED~~
~~CALENDAR CARD TYPED~~
~~KARDEX TYPED~~
~~MAPS COPIED (4 COPIES)~~
~~APPLICATION COPIED (2)~~
~~STREAM INDEXED~~
~~ENTERED INTO WRIS~~
~~ACK LETTER TYPED~~

S-69770

SKAUG Jonnine L * WRD

From: Walter White <wwhite@shn-engr.com>
Sent: Thursday, October 17, 2024 1:36 PM
To: SKAUG Jonnine L * WRD
Cc: mdado
Subject: Re: Water Right Permit S-53663 - Action Required

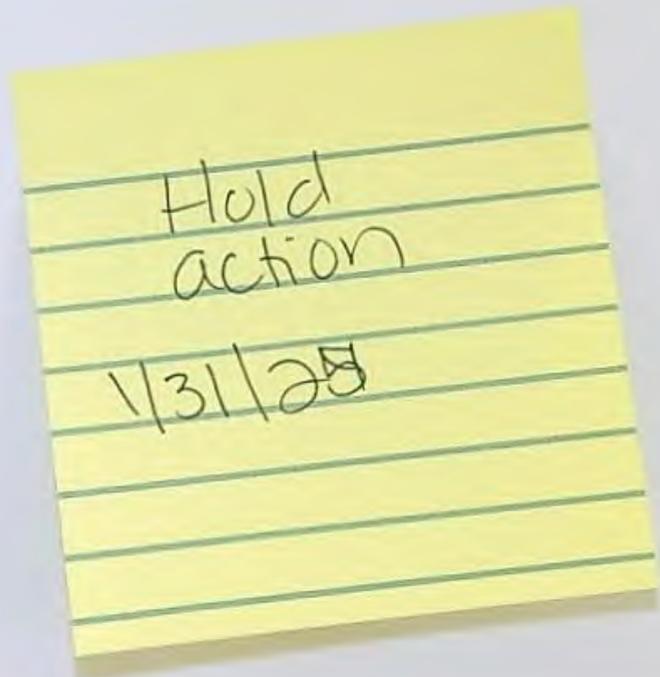
Follow Up Flag: Follow up
Flag Status: Flagged

Jonnine,
I will be helping Coos County with their Claim.
After I dig into the research and get a proposal to the County I will let you know if we will be doing an extension or going directly to the Claim.
Thank you

Walter White, PLS, CFedS, CWRE, UAV PILOT
Principal Surveyor



Civil Engineering, Environmental Services,
Geosciences, Planning & Permitting, Surveying
www.shn-engr.com
275 Market Avenue
Coos Bay, OR 97420
541-266-9890 w
541-290-7571 c
wwhite@shn-engr.com



From: Mike Dado <mdado@co.coos.or.us>
Sent: Monday, October 7, 2024 8:56 AM
To: Walter White <wwhite@shn-engr.com>
Cc: Tamara Smith <TSmith@co.coos.or.us>
Subject: FW: Water Right Permit S-53663 - Action Required

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Walter,

I am forwarding to you what was sent to me from Austin Patch. I opened it and looked at it but it makes no sense to me, hopefully it makes perfect sense to you.

Please work up a price for completing the required work and if there is anything we can do from this end to help out let me know.

Also let me know if you have trouble opening the attachment.

Thank you for looking at this for us.

Michael L. Dado

Coos County Surveyor

250 N. Baxter

Coquille, OR 97423

mdado@co.coos.or.us

(541) 396-7586

From: PATCH Austin D * WRD <Austin.D.PATCH@water.oregon.gov>

Sent: Wednesday, October 2, 2024 8:52 AM

To: Mike Dado <mdado@co.coos.or.us>; Cole Waddington <cwaddington@co.coos.or.us>

Cc: DOUTHIT Susan M * WRD <Susan.M.DOUTHIT@water.oregon.gov>; SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>

Subject: Water Right Permit S-53663 - Action Required

This Message originated outside your organization.

Good morning gentlemen,

Apologies for the late email, it seems that I couldn't send the email with attachments.

As discussed, [Water Right Permit 53663](#) is due to be proven up into a certificate. On 09/27/2024, a letter was sent in the mail explaining that if an extension or Claim of Beneficial Use was not submitted within 60 days of the date on the letter, then our department may issue a Final Order to cancel your water use permit without further notice. The letter should be delivered to 250 N Baxter St, Coquille OR 97423 shortly.

You have discussed your desire to keep this water right. I would advise that you contact a Certified Water Rights Examiner (CWRE) and have them file a Claim of Beneficial Use as soon as possible. I would also advise that you get in contact with the case worker that is assigned and let her know that you are working towards "proving up" your water right permit into a certificate. She may be able to provide you additional resources to assist you in this process. (Jonnine Skaug, jonnine.l.skaug@water.oregon.gov, 503-979-3943)

If you have any questions, feel free to reach out to me.

Regards,

[Austin Patch](#)

Southwest Region Assistant Watermaster

700 NW Dimmick Street, Grants Pass, OR 97526 | Office: 541-476-1288 | Cell: 971-428-7193

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$ _____

Total Postage and Fees

\$ _____

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

7022 1670 0001 3570 1422
025E T000 029T 220L

Mailing List for 60-Day Letter

Application: S-69770

Permit: S-53663

Permit Holder(s):

STAN KURZET
PO BOX 5039
COOS BAY OR 97420

Copies Mailed	
by:	<u>TM</u> (STAFF)
on:	<u>9.27.2024</u> (DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #15
2. File

Other persons to receive copies:

3. Russ Dodge, CWRE

Current Landowner:

4. Coos County
c/o Nathaniel Greenhalgh-Johnson
250 N Baxter St
Coquille OR 97423



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

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

*Certified mail number
Return receipt requested*

September 27, 2024

STAN KURZET
PO BOX 5039
COOS BAY, OR 97420

Reference: Application S-69770, Permit S-53663

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2004.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of **October 1, 2004**. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

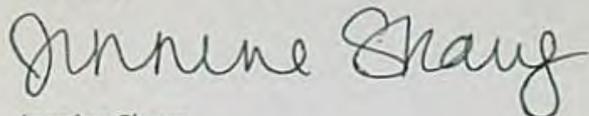
If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (**November 29, 2024**) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Jonnine.L.Skaug@water.oregon.gov, the address above or by telephone at 503-979-3943. Due to Covid-19, email may be the best way to reach me.

Sincerely,

A handwritten signature in cursive script that reads "Jonnine Skaug". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jonnine Skaug
Certificate Specialist

Enclosures (1)

cc: File
OWRD Watermaster District 15
Russ Dodge, CWRE
Coos County, c/o Nathaniel Greenhalgh-Johnson, 250 N Baxter St, Coquille OR 97423

RECEIVED

STATE OF OREGON

JUL 26 2000

COUNTY OF COOS

WATER RESOURCES DEPT.
SALEM, OREGON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STAN KURZET
PO BOX 5039
COOS BAY, OREGON 97420

(541)888-9269

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

APPLICATION FILE NUMBER: S-69770

SOURCE OF WATER: EAST FORK BIG CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-69769, Permit R-12793.

TRIBUTARY OF: PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 149.0 ACRES, LIVESTOCK AND AGRICULTURE (BARN WASHING)

MAXIMUM RATE ALLOWED: 1.865 CUBIC FEET PER SECOND (CFS), BEING 1.86 CFS FOR IRRIGATION AND 0.005 CFS FOR LIVESTOCK AND AGRICULTURE (BARN WASHING), FURTHER LIMITED TO 0.005 CFS FOR LIVESTOCK ONLY, AND 16.03 AF, BEING 11.41 AF FOR IRRIGATION AND 2.62 AF FOR LIVESTOCK AND AGRICULTURE (BARN WASHING)

PERIOD OF USE: MARCH 1 THROUGH MARCH 30 FOR IRRIGATION FROM LIVE FLOW AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER; MARCH 1 THROUGH MARCH 30 FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM LIVE FLOW AND YEAR ROUND FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM STORED WATER
DATE OF PRIORITY: DECEMBER 5, 1988

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 22, TOWNSHIP 26 SOUTH, RANGE 14 WEST W.M.; POD 1 - 10 FEET NORTH & 990 FEET EAST; POD 2 - 660 FEET NORTH & 180 FEET EAST; BOTH FROM THE SOUTH 1/4 CORNER, SECTION 22

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Application S-69770 Water Resources Department

PERMIT 53663

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	11.9 ACRES	9.7 ACRES
NW 1/4 SE 1/4	2.1 ACRES	2.5 ACRES
SE 1/4 SE 1/4	3.1 ACRES	15.3 ACRES
SECTION 16		
NE 1/4 NE 1/4	6.0 ACRES	15.1 ACRES
SW 1/4 NE 1/4	3.0 ACRES	
SE 1/4 NE 1/4	5.6 ACRES	6.3 ACRES
NE 1/4 SE 1/4	6.5 ACRES	
NW 1/4 SE 1/4	5.0 ACRES	
SW 1/4 SE 1/4	1.0 ACRES	
SE 1/4 SE 1/4	12.0 ACRES	
SECTION 21		
NW 1/4 NW 1/4	1.0 ACRES	0.2 ACRE AND BARN
SW 1/4 NW 1/4		12.2 ACRES
NE 1/4 SW 1/4		4.8 ACRES
NW 1/4 SW 1/4		3.7 ACRES
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4		3.0 ACRES
SECTION 22		
NW 1/4 NW 1/4	4.5 ACRES	
SECTION 27		
NE 1/4 NE 1/4	9.5 ACRES	
SW 1/4 NE 1/4	1.0 ACRES	
SE 1/4 NE 1/4	2.0 ACRES	
SECTION 28		
TOWNSHIP 26 SOUTH, RANGE 14 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information,

RECEIVED

JUL 26 2000

PAGE 3

including the place and nature of ~~WATER RESOURCES DEPT.~~ under the permit.
SALEM, OREGON

- 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.

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

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

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

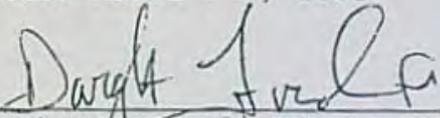
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

interest.

Actual construction work shall begin by March 17, 2001. Complete application of the water to the use shall be made on or before October 1, 2004.

Issued March 17, 2000


Martha C. Pagel, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application S-69770 Water Resources Department
Basin 17 Volume
AMH MGMT. CODE

PERMIT 53663
District 19



Notice to Permittee

Important Information Regarding Your Permit

Carefully review your permit and included conditions. Failure to comply with any of the permit provisions may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If you have any concerns about the Final Order, carefully review the Notice of Right to Petition for Reconsideration or Judicial Review or Notice of Hearing Rights included on the first page of your Final Order.

A water right permit does not authorize any work that is not in compliance with other local, state, or federal regulations pertaining to the use authorized by the permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under the water right permit. Please refer to the back of this sheet for more information.

Permit Condition Forms

This permit may specify conditions that require you to submit information using a form approved by the Oregon Water Resources Department (OWRD). Some common examples are water-use and water-level reporting. These forms are available from the OWRD website at www.oregon.gov/owrd/programs/WaterRights/Forms.

Assignment of Permit

Pursuant to Oregon Revised Statute (ORS) 537.220 and Oregon Administrative Rule (OAR) 690-320-0060, this permit may be assigned to a party other than the permittee(s) when a change of interest or ownership occurs in lands covered by the permit. Request for Assignment forms are available from the OWRD website at www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment.

Mailing Address Changes

If the mailing address of the permittee(s) named in the permit changes, it is important that OWRD be informed of the change. Address changes must be submitted in writing with the permittee's signature to OWRD's Water Rights Section using the address listed at the bottom of this page.

Real Estate Transactions

Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and the seller will deliver any permit, transfer approval order, or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Certified Water Right Examiner (CWRE)

A CWRE can be a useful resource and, for most permits, hiring this professional is a required part of the process to submit a claim of beneficial use and obtain a water right certificate. A list of CWREs can be found here:

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

Customer Service Support

For general questions, please contact the OWRD Customer Service team at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

Please refer to the back of this sheet for more information

ADDITIONAL FEDERAL OR STATE AGENCY APPROVALS MAY BE NECESSARY

Permittees are responsible for ensuring they comply with all applicable local, state, and federal regulations. The following information describes other federal and state permitting requirements that commonly apply to a use authorized by a water right permit. For more information, please refer to the contacts listed at the bottom of the page and www.oregon.gov/dsl/WW/Documents/water_related_permits_user_guide_2012.pdf

Construction Activities

For construction activities (clearing, grading, excavation, grubbing, stumping, demolition, staging, stockpiling and other land disturbing activities) that will disturb one or more acres, or that will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land and has the potential to discharge to surface waters or to a conveyance system that leads to surface waters of the state, the permittee is required to obtain from the Oregon Department of Environmental Quality (DEQ) a 1200-C National Pollution Discharge Elimination System Stormwater Construction Permit prior to project construction.

In-water, Wetland, or Riparian Construction

For in-water construction or construction in wetland or riparian areas, the permittee may be required to obtain additional permits from the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The permittee must contact these agencies to confirm requirements. DSL conducts offsite wetland determinations upon request and at no cost, but if desktop information indicates that wetlands or other regulated water bodies may be present, a wetland delineation by a qualified wetland consultant may be needed.

Cultural Resources Protection Laws

Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archaeological permit issued by the Oregon Parks and Recreation's State Historic Preservation Office.

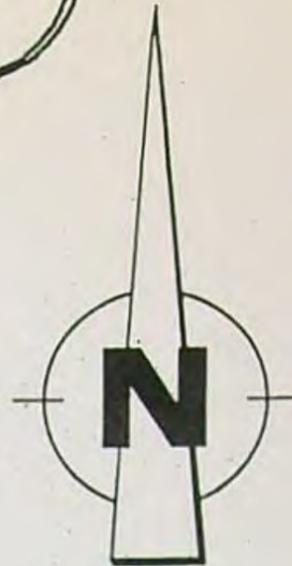
State Agency Contacts

- Department of Environmental Quality (DEQ)** – www.oregon.gov/DEQ 1-800-452-4011
Water quality for activities related to construction, wetlands and waterways
- Construction Sediment & Erosion Control (1200-C Permit) 503-229-5886
www.oregon.gov/deq/wa/wqpermits/Pages/Stormwater-Construction.aspx
 - 401 Water Quality Certification (wetlands and waterways work) 503-229-5395
www.oregon.gov/deq/wa/wqpermits/Pages/Section-401.aspx
- Department of Fish and Wildlife (ODFW)** – www.dfw.state.or.us 503-947-6201
Fish passage, fish screening and other wildlife protections
- Fish Passage – www.dfw.state.or.us/fish/passage/ 503-947-6228
 - Fish Screening – www.dfw.state.or.us/fish/screening/ 503-947-6274
- Department of State Lands (DSL)** – www.oregon.gov/DSL 503-986-5200
- Removal-fill permits for impacts in or near wetlands or waterways
www.oregon.gov/dsl/WW/Pages/Permits.aspx
 - Wetland determination requests – www.oregon.gov/dsl/WW/Pages/DeterminationRequest.aspx
- Department of Agriculture (ODA)** – www.oregon.gov/ODA 503-986-4700
Agricultural water quality and activities (irrigation, livestock, and ditch maintenance)
www.oregon.gov/oda/programs/NaturalResources/AgWQ/Pages/AgWQResources.aspx
- State Historic Preservation Office (SHPO)** – www.oregon.gov/oprd/OH 503-986-0690
www.oregon.gov/oprd/OH/pages/archaeology.aspx

Water Rights Application Map In Portions Of Sections 16, 21, 27 and 28 T. 26 S., R. 14 W., W.M., Coos County, OR

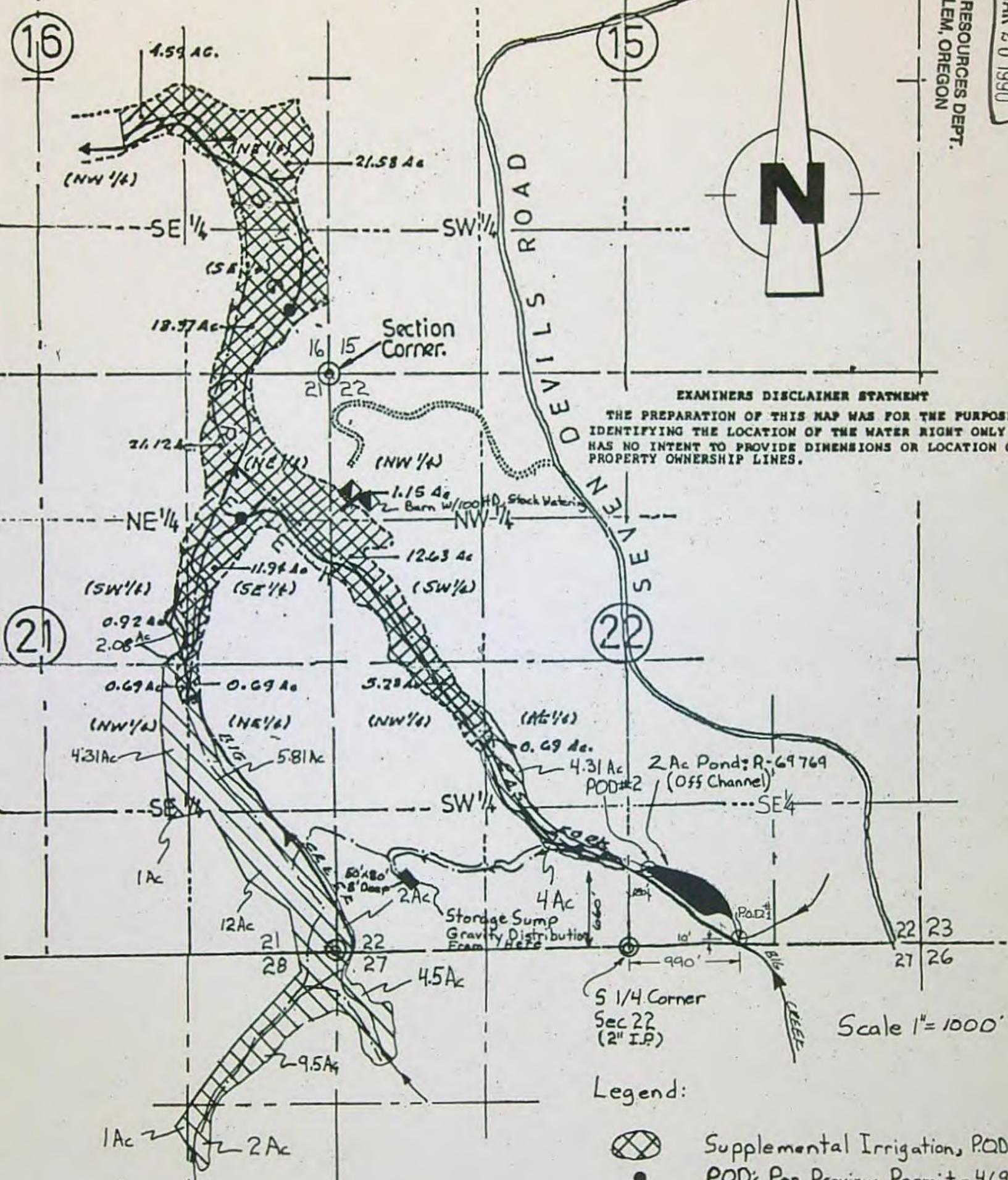
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MAR 20 1990
WATER RESOURCES DEPT.
SALEM, OREGON

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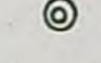
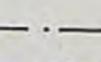
EXAMINERS DISCLAIMER STATEMENT

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



Scale 1" = 1000'

Legend:

-  Supplemental Irrigation, P.O.D.#1+2
-  P.O.D.'s Per Previous Permit - 46986
-  Primary Irrigation, P.O.D.#1+2
-  Monuments Per Survey By Stuntzner Engineering Dated July, 1984, CS Map # 21815
-  Proposed 4" Gravity Distrib. Lines
-  Proposed 2" Pressure Supply Line

Stuntzner Engineering & Forestry
TELEPHONE 267-2872
705 SO. 4TH, P.O. BOX 118 - COOS BAY, OREGON 97420

SEPT. 21, 1989
(P.O.D.'s REVISED MARCH 6, 1990)

COMPLETENESS PROJECT

P S-53663

Page 1

60 Day Letter

PERMIT STATUS REVIEW BY: Jonnine Skaug DATE: SEPTEMBER 2024 FILE# S-181770

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

Extension pending Yes/No (No)

Assignment is pending Yes/No (No)

Cancellation has been requested Yes/No (No)

Claim of Beneficial Use received Yes/No (No) Date information received

Dept. has already sent a certified 60-Day Compliance letter (date 3/17/21, Cert mail # 7018068000020011677)

Was 60 days notice allowed? (Y) N If No, How Much Time?
Was mail deliverable as addressed? Y N date
If mail returned, online/www check? Y N date successful? Y N
Re-send Cert. Letter? Y N date
Send cancellation order Y (N)

2. IF NONE OF THE ABOVE APPLY

Send certified "C" date notice packet to permit holder. "C" DATE 10/11/2004 BASIN NUMBER 17 WM# 15

CWRE or AGENT (Yes/No) Russ Dodge, CWRE

3. AOI Yes (NO) If Yes, name(s) of AOI

4. Current Landowner(s) and Mailing Address

If new owner: Coos County, c/o Nathaniel Greenhalgh-Johnson, 250 N Baxter St, Coquille OR 97423

County of Place of Use Coos Tax Lot(s) 100, 1001, 1000, 2200, 580

Attach copy of email from County Assessor or Printout from Assessor's Site

Contacts regarding 60 Day Letter:

Hold Action Request from Permit/Landowner - Date of Request Requesting Parties Name

Hold Action Until (Date)

No more than 60 days beyond original deadline to submit an extension, assignment, or Alt Res CBU

Hold Action Request from CWRE - Date of Request CWRE Name

Hold Action Until (Date)

No more than 6 months beyond original deadline to submit a CBU

26514220001001, 26514210000100, 26514160001000, 2651422002200

COMPLETENESS PROJECT

Page 2

Final Cancellation Review

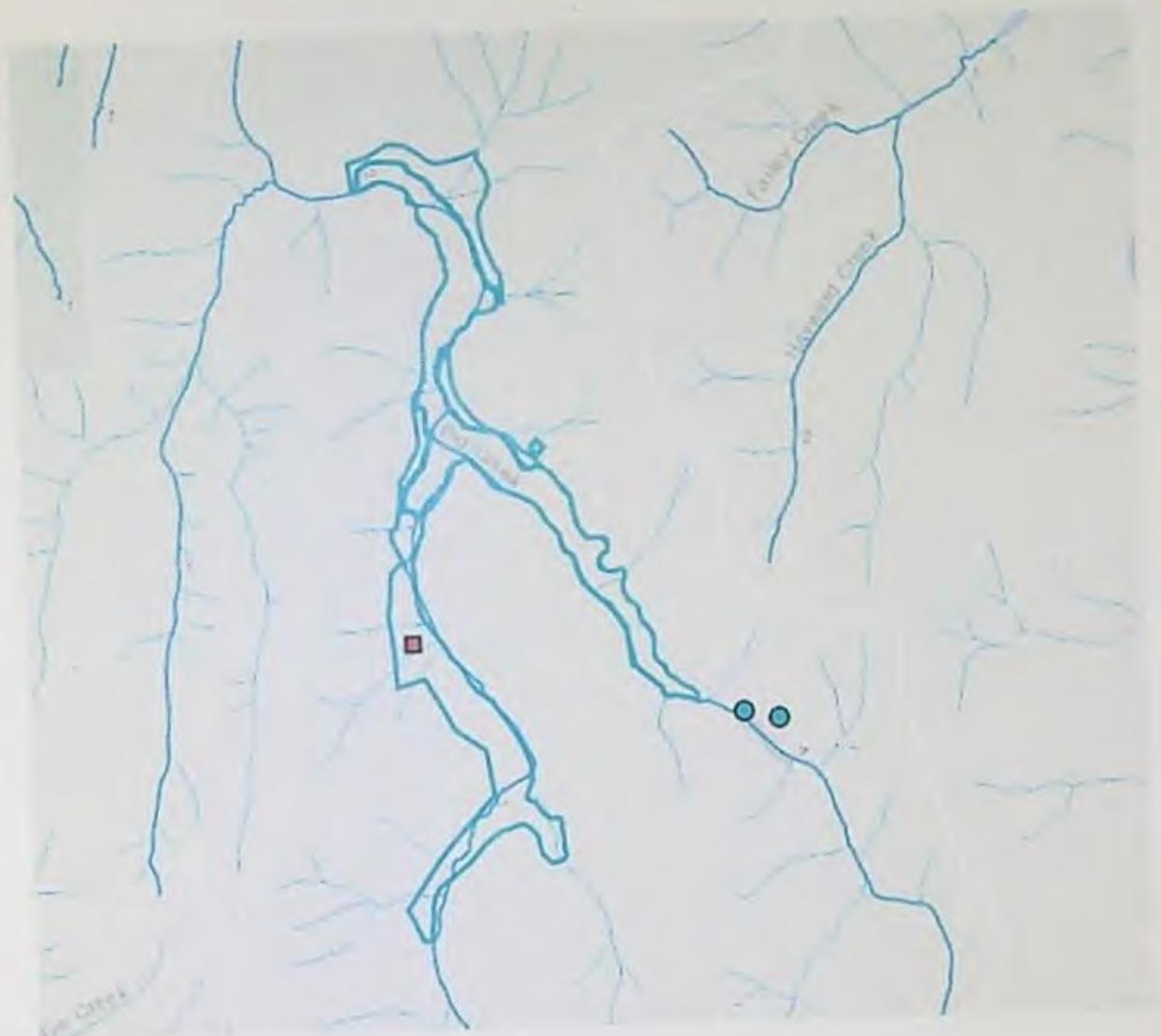
PERMIT STATUS REVIEW BY _____ DATE _____

1. C Date ____/____/____
 2. Certified Letter Date ____/____/____
 3. Return Receipt Rcvd. ____/____/____
 4. Return Receipt Signed By _____
 5. Other Communication: ____/____/____
-

Recommend Cancellation or

Hold Action until ____/____/____





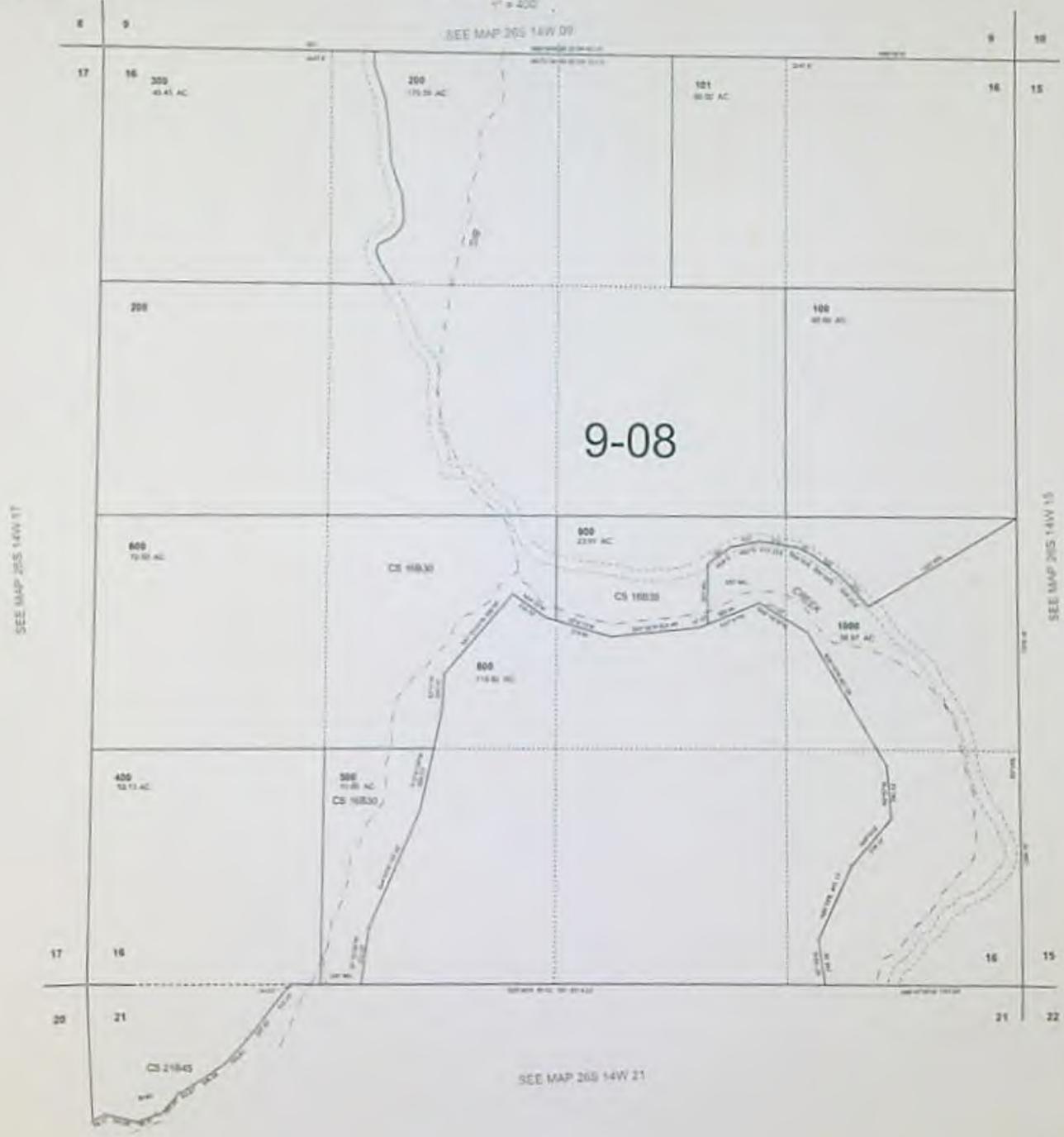
S-69770

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 16 T26S R14W W.M.
COOS COUNTY

26S 14W 16

CANCELLED NO.
700
201
301
302
102



SEE MAP 26S 14W 21

06-11-2019
26S 14W 16

SECTION 21 T26S R14W W.M.
COOS COUNTY

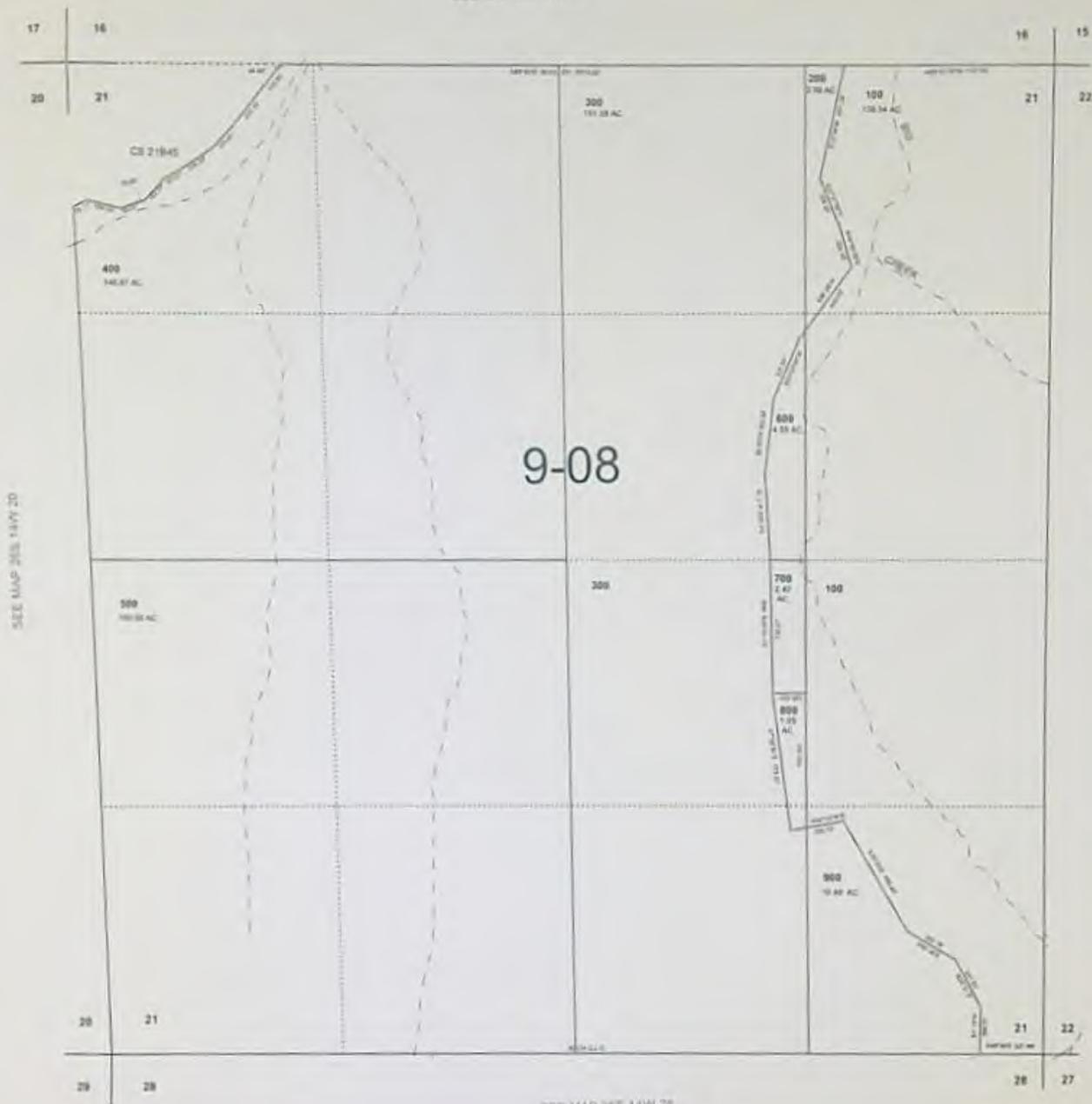
26S 14W 21

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

CANCELLED NO.
401

1" = 400'

SEE MAP 26S 14W 16



SEE MAP 26S 14W 20

SEE MAP 26S 14W 22

9-08

08-11-2019

26S 14W 21

SEE MAP 26S 14W 26

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

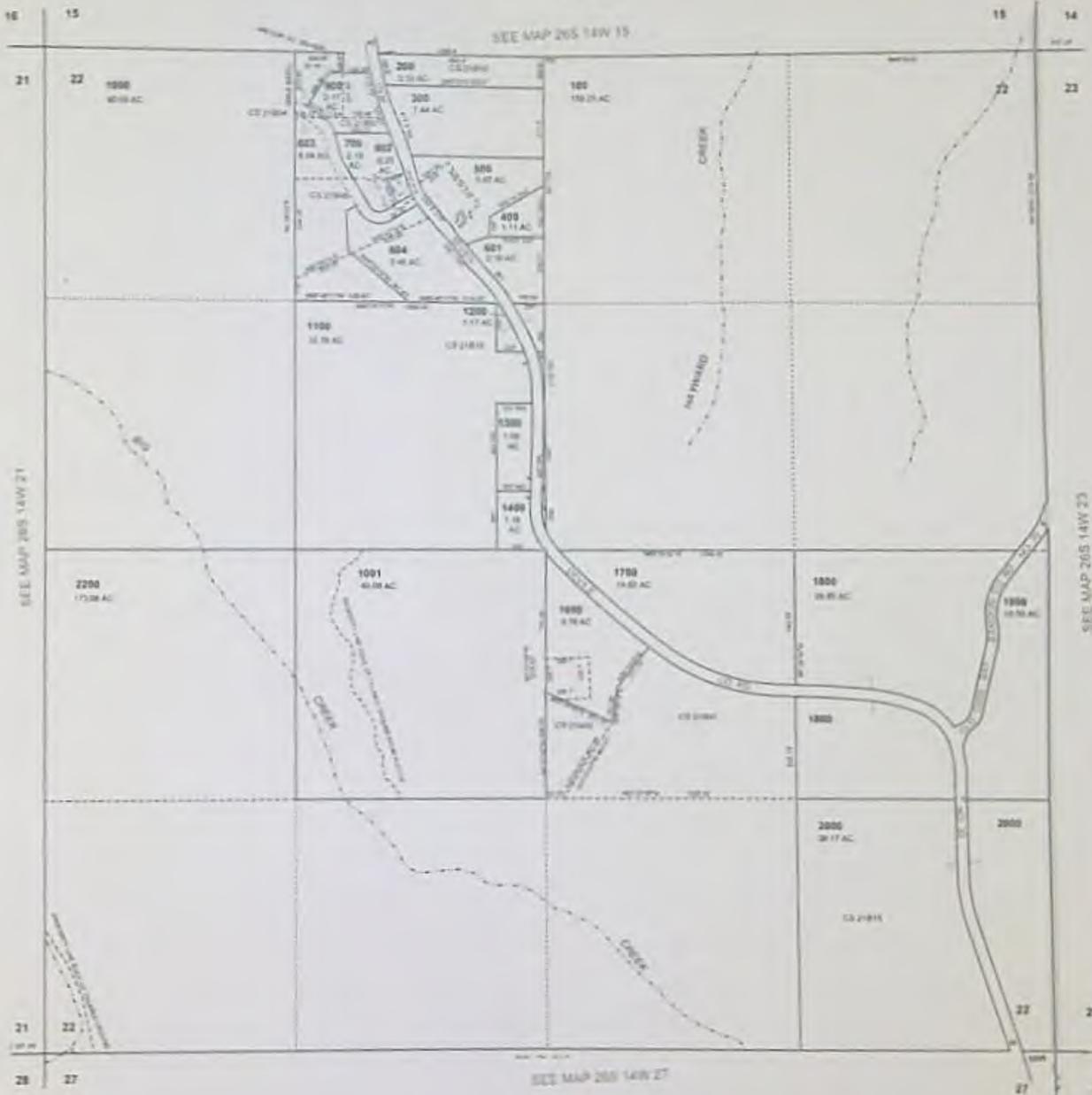
SECTION 22 T26S R14W W.M.
COOS COUNTY

1" = 400'

26S 14W 22

CANCELLED NO.

- 1002
- 1500
- 2100
- 1701
- 1151
- 1601
- 1003
- 600
- 1602
- 605
- 606
- 607
- 800
- 701
- 608
- 702
- 901



04-18-2023

26S 14W 22

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

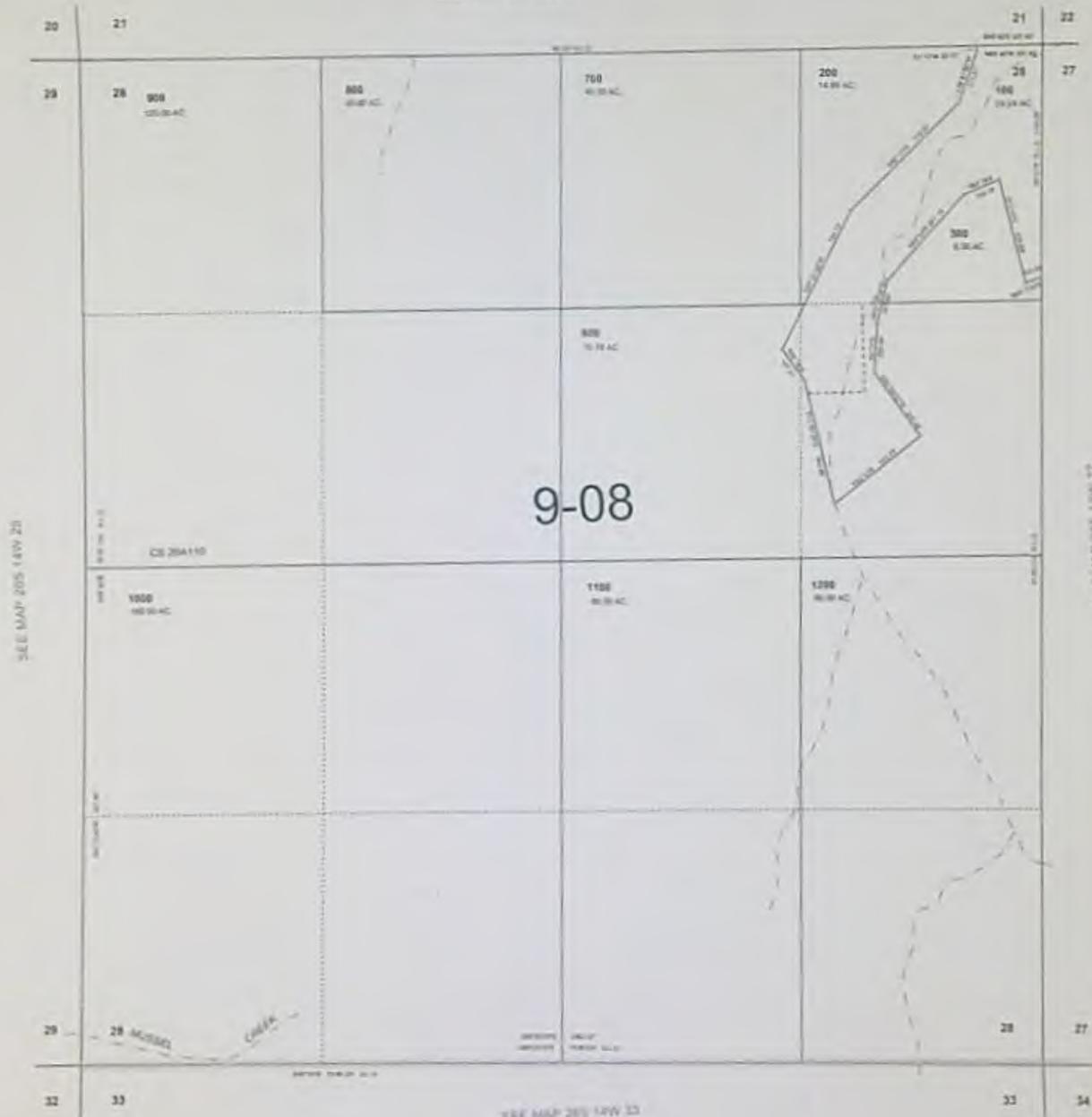
SECTION 28 T26S R14W W.M.
COOS COUNTY

1" = 400'

SEE MAP 26S 14W 21

26S 14W 28

CANCELLED NO.
400
500



SECTION 27 T26S R14W W.M.
COOS COUNTY

26S 14W 27

CANCELLED NO

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 400'

SEE MAP 26S 14W 22



96-16-2021

26S 14W 27

Account 174495 Assessment Summary

 Account Paid

[Account](#) [Taxes](#) [Value History](#) [Reports](#)

Manufactured Structure

Situs Address

62554 SEVEN DEVILS RD COOS BAY, OR 97420

Mailing Address

COOS COUNTY
250 N BAXTER ST
COQUILLE OR 97423-1875

Map and Taxlot

265142100 00100

Owner

COOS COUNTY

 Name Ledger

 Names

Real Property Information

Real Account # 580600

Park

Year
Built
1984

Brand/Model
COMMODORE /

Assessment

2024

Real Market Value

Total \$66,990

Assessed Value

Maximum Assessed \$62,160

Assessed Value \$0

Account Status A

Subtype R

Stat Class 462

Manufactured Structure

For tax purposes, a manufactured structure is a:

- Manufactured dwelling, or
- Prefabricated structure more than 8½ feet wide that can be moved to a new location, or
- Recreational vehicle more than 8½ feet wide, constructed for movement on public highways.

It can be used for a residence or for business, commercial, or office purposes. Most manufactured structures are assessed by the county.

Account 586100 Assessment Summary

 Account Paid

[Account](#) [Taxes](#) [Sales History](#) [Value History](#) [Reports](#)

Real Property

Situs Address

Mailing Address

COOS COUNTY
C/O NATHANIEL GREENHALGH-JOHNSON
250 N BAXTER ST
COQUILLE OR 97423-1875

Map and Taxlot

2651428-00-00100

Owner

COOS COUNTY

 [Related Accounts](#)

 [Name Ledger](#)  [Names](#)

Assessment

Assessment Year

 Assessment Summary

	RMV	MAV	AV
Land	\$74,250		
Improvements	\$0		
Total	\$74,250	\$0	\$0

Account Status Active

Size 25.24 Acre(s)

Property Class 997 - COOS COUNTY

Legal Description  See Record

Improvements

Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
--------	------------	-------------	--------------	------------	-----------

Account 585500 Assessment Summary

 Account Paid

[Account](#) [Taxes](#) [Sales History](#) [Value History](#) [Reports](#)

Real Property Situs Address

Mailing Address

COOS COUNTY
C/O NATHANIEL GREENHALGH-JOHNSON
250 N BAXTER ST
COQUILLE OR 97423-1875

Map and Taxlot

2651427-00-00500

Owner

COOS COUNTY

 Related Accounts

 Name Ledger  Names

Assessment

Assessment Year 2024

 Assessment Summary

	RMV	MAV	AV
Land	\$50,700		
Improvements	\$0		
Total	\$50,700	\$0	\$0

Account Status

Active

Size

16.79 Acre(s)

Property Class

997 - COOS COUNTY

Legal Description

 See Record

Improvements

Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
--------	------------	-------------	--------------	------------	-----------

Account 578900 Assessment Summary

 Account Paid

[Account](#) [Taxes](#) [Sales History](#) [Value History](#) [Reports](#)

Real Property Situs Address

Mailing Address

COOS COUNTY
C/O NATHANIEL GREENHALGH-JOHNSON
250 N BAXTER ST
COQUILLE OR 97423-1875

Map and Taxlot

26S1416-00-01000

Owner

COOS COUNTY

 [Related Accounts](#)

 [Name Ledger](#)  [Names](#)

Assessment

Assessment Year 2024

 Assessment Summary

	RMV	MAV	AV
Land	\$121,310		
Improvements	\$0		
Total	\$121,310	\$0	\$0

Account Status

Active

Size

58.97 Acre(s)

Property Class

997 - COOS COUNTY

Legal Description

 [See Record](#)

Improvements

Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
--------	------------	-------------	--------------	------------	-----------

Account 581200 Assessment Summary

 Account Paid

- [Account](#)
- [Taxes](#)
- [Sales History](#)
- [Value History](#)
- [Reports](#)

Real Property

Situs Address

Mailing Address

COOS COUNTY
C/O NATHANIEL GREENHALGH-JOHNSON
250 N BAXTER ST
COQUILLE OR 97423-1875

Map and Taxlot

2651422-00-01000

Owner

COOS COUNTY

 Related Accounts

 Name Ledger  Names

Assessment

Assessment Year 2024

 Assessment Summary

	RMV	MAV	AV
Land	\$167,240		
Improvements	\$0		
Total	\$167,240	\$0	\$0

Account Status

Active

Size

80.00 Acre(s)

Property Class

997 - COOS COUNTY

Legal Description

 See Record

Improvements

Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
--------	------------	-------------	--------------	------------	-----------

Account 581300 Assessment Summary

 Account Paid

[Account](#) [Taxes](#) [Sales History](#) [Value History](#) [Reports](#)

Real Property

Situs Address

Mailing Address

COOS COUNTY
C/O NATHANIEL GREENHALGH-JOHNSON
250 N BAXTER ST
COQUILLE OR 97423-1875

Map and Taxlot

2651422-00-01001

Owner

COOS COUNTY

 Related Accounts

 Name Ledger  Names

Assessment

Assessment Year 2024

 Assessment Summary

	RMV	MAV	AV
Land	\$101,080		
Improvements	\$0		
Total	\$101,080	\$0	\$0

Account Status

Active

Size

40.00 Acre(s)

Property Class

997 - COOS COUNTY

Legal Description

 See Record

Improvements

Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
--------	------------	-------------	--------------	------------	-----------

Account 581400 Assessment Summary

 Account Paid

- [Account](#)
- [Taxes](#)
- [Sales History](#)
- [Value History](#)
- [Reports](#)

Real Property

Situs Address

Mailing Address

COOS COUNTY
C/O NATHANIEL GREENHALGH-JOHNSON
250 N BAXTER ST
COQUILLE OR 97423-1875

Map and Taxlot

26S1422-00-02200

Owner

COOS COUNTY

 Related Accounts

 Name Ledger  Names

Assessment

Assessment Year 2024

 Assessment Summary

	RMV	MAV	AV
Land	\$262,690		
Improvements	\$0		
Total	\$262,690	\$0	\$0

Account Status Active

Size 173.98 Acre(s)

Property Class 997 - COOS COUNTY

Legal Description  See Record

Improvements

Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
--------	------------	-------------	--------------	------------	-----------

SKAUG Jonnine L * WRD

From: SKAUG Jonnine L * WRD
Sent: Tuesday, May 14, 2024 4:07 PM
To: Russ Dodge
Subject: Claim Status for Application S-69770

Hi Russ,

Its been a while since we last talked hope everything is going well? I was off the compliance project for a little over a year and half and have now been put back on it. The above file you were working on and we have not received the Claim.

Can you please give me a status update on this one?

Thank you,
Jonnine Skaug

From: SKAUG Jonnine L * WRD
Sent: Thursday, January 26, 2023 2:52 PM
To: Russ Dodge <rdodgesurvey@gmail.com>
Subject: RE: FW: S-53663

Sounds good, thank you for the quick response back!

From: Russ Dodge <rdodgesurvey@gmail.com>
Sent: Thursday, January 26, 2023 2:02 PM
To: SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>
Subject: Re: FW: S-53663

Jonnie,

I do plan on putting together a plan for the County.
It seems I am so far behind, I will pull the file and go over the issues.
Thank you for the reminder and I will get back to you by Tuesday.

Russ

On Thu, Jan 26, 2023 at 1:42 PM SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov> wrote:

Good afternoon,

I was going through the last few compliance files I have and this one I had an a hold action deadline of 12/1/2021 ... can you please give me an update on if you are still working on this one and when you think you may have it completed by?

never heard back
Sending a new
60-day ITR
9-27-24

Thank you,

Jonnine Skaug

From: SKAUG Jonnine L * WRD
Sent: Tuesday, September 7, 2021 10:03 AM
To: Russ Dodge <rdodgesurvey@gmail.com>
Subject: RE: S-53663

Good morning,

Thank you for staying in contact and giving me an update on the progress. I have moved the hold action time from 9/1/2021 to 12/1/2021 giving you a couple extra months to complete your work.

Please let me know if you need anything else!

Thank you,

Jonnine Skaug

From: Russ Dodge <rdodgesurvey@gmail.com>
Sent: Friday, September 03, 2021 7:51 AM
To: SKAUG Jonnine L * WRD <Jonnine.L.Skaug@oregon.gov>
Subject: S-53663

Jonnine;

Good Morning, I am still trying to put together the COBU for Coos County.

Our schedule is a bit off, are we able to be given an additional short period of time to finish the Submittal.

We will be including a New Reservoir Application.

Russ

--
dodge surveying & planning

six five six south 12th ct

Coos Bay, Oregon 97420

(541) 404-3799

--
dodge surveying & planning

six five six south 12th ct

Coos Bay, Oregon 97420

(541) 404-3799

SKAUG Jonnine L * WRD

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dodge surveying & planning

six five six [south 12th ct](#)

[Coos Bay, Oregon 97420](#)

(541) 404-3799

--

dodge surveying & planning

six five six south 12th ct

Coos Bay, Oregon 97420

(541) 404-3799

APP S-69770

SKAUG Jonnine L * WRD

From: SKAUG Jonnine L * WRD
Sent: Tuesday, September 7, 2021 10:03 AM
To: Russ Dodge
Subject: RE: S-53663

Good morning,

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Thank you,
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Russ

--
dodge surveying & planning
six five six south 12th ct
Coos Bay, Oregon 97420
(541) 404-3799

So
Oregon

Water Resources Department
Water Right Services Division
725 Summer St NE Ste A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

VELOPE TO T
OF THE RETURN ADDRESS, FOLD AT THIS LINE
CERTIFIED MAIL®



7018 0680 0002 0041 6777



U.S. POSTAGE FITNEY BOWES



ZIP 97301 \$ 006.96⁰
RESTON
0000361800 MAR 17 2021



S-69770
STAN KURZET
PO BOX 5039
COOS BAY, OR 97420

RECEIVED

MAR 22 2021

OWRD

*Deceased
5-6 yrs
Farm sold*

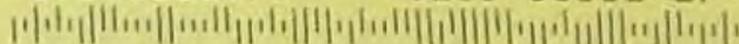
NIXIE 971 FE 1 8885/21/21

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UTF

BC: 97301126673 *8129-06221-17-43

97301>1266
9742080640 BG



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. A

S-69770
 STAN KURZET
 PO BOX 5039
 COOS BAY, OR 97420



9590 9402 4402 8248 9648 63

2. Article Number (Transfer from service label)

7018 0680 0002 0041 6777

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE Ste A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

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

Certified mail number 7018 0680 0002 0041 6777

Return receipt requested

March 17, 2021

STAN KURZET
PO BOX 5039
COOS BAY, OR 97420

Reference: Application S-69770, Permit S-53663

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2000

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2000. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (May 26, 2021) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Jonnine.L.Skaug@oregon.gov, the address above or by telephone at 503-986-0813. Due to Covid-19, email may be the best way to reach me.

Sincerely,

for Jonnine Skaug
Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 15



Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-986-0817 or by email at Mary.F.Bjork@oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-986-0802 or by email at Jeffrey.D.Pierceall@oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-986-0817 or by email at Mary.F.Bjork@oregon.gov

Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900, and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

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

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-986-0927 or by email at Kerry.L.Kavanagh@oregon.gov

74
comp/166

Oregon

Water Resources Department
Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

CERTIFIED MAIL



7018 0040 0000 3184 4631



U.S. POSTAGE **RTNEY ECHOLS**
ZIP 97301 **\$ 006.67⁰**
02 1W
00013930
RECEIVED

OCT 12 2018

DWRD

RTS

NO SUCH NUMBER
 INCORRECT ADDRESS
 ATTEMPTED DELIVERY
 NO MAIL DELIVERABLE

*He is
deceased
5-6 yrs
-red*

S-69770
Stan Kurzet
PO Box 5039
Coos Bay, Or. 97420



PARS

RTS

NIXIE 971 DC 1 0010/11/18
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

9742030640 B305
97301>1266

BC: 97301126699 *2289-01527-05-43

UTF

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

S-69770
Stan Kurzet
PO Box 5039
Coos Bay, Or. 97420



9590 9402 3788 8032 0665 51

2. Article Number (Transfer from service label)

7018 0040 0000 3184 4631

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

TM Komp/60



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.Oregon.gov/OWRD

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

October 3rd, 2018

Certified mail number 7018 0040 0000 3184 4631

Return receipt requested

STAN KURZET
PO BOX 5039
COOS BAY, OR 97420

Reference: Application S-69770, Permit S-53663

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2000.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2000. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 3rd, 2018) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

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

Sincerely,

Jeffrey Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-69770

OWRD Watermaster District 19





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE Ste A
Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

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

Certified mail number 7018 0680 0002 0041 6777

Return receipt requested

March 17, 2021

STAN KURZET
PO BOX 5039
COOS BAY, OR 97420

Reference: Application S-69770, Permit S-53663

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2000

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2000. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (May 26, 2021) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Jonnine.L.Skaug@oregon.gov, the address above or by telephone at 503-986-0813. Due to Covid-19, email may be the best way to reach me.

Sincerely,

for Jonnine Skaug
Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 15





Oregon
Kate Brown, Governor

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

March 17, 2021

Coos County
c/o Nathaniel GreenHalgh-Johnson
250 N Baker St
Coquille, OR 97423

Reference: Application #: S-69770 Permit#: S-53663

Dear Property Owner,

You have been identified as the owner of lands covered in part or in whole by the above referenced permit.

Please see the enclosed 'Resource Sheet' to access the assignment form if you wish to continue using this water.

Should you have any questions, please contact me at Jonnine.L.Skaug@oregon.gov, the address above or by telephone at 503-986-0813. Due to Covid-19, email may be the best way to reach me.

Sincerely,

for Jonnine Skaug
Certificate Specialist

cc: file
Watermaster # 15

Mailing List for 60-Day Letter

Application: S-69770

Permit: S-53663

Permit Holder(s):

STAN KURZET
PO BOX 5039
COOS BAY OR 97420

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES NO

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #15
2. File

Other persons to receive copies:

Coos County
c/o Nathaniel GreenHalgh-Johnson
250 N Baker St
Coquille, OR 97423

- 1.

Copies Mailed	
by: <u>Ja</u>	(STAFF)
on: <u>3/17/21</u>	(DATE)

7018 0680 0002 0041 6777

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

COMPLETENESS PROJECT

Page 1

60 Day Letter

PERMIT STATUS REVIEW BY: Jonnine Skaug DATE: January 12, 2021 FILE # 569770

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

- ___ Extension pending Yes / No _____
- ___ Assignment is pending Yes / No _____
- ___ Cancellation has been requested Yes / No _____
- ___ Claim of Beneficial Use received Yes / No _____
Date information received _____

yes Dept. has already sent a certified 60-Day Compliance letter (date 10/3/18, Cert mail # 7018 0040 0000 3184 4631)

Was 60 days notice allowed? Y N If No, How Much Time? _____
 Was mail deliverable as addressed? Y N date dont know
 If mail returned, online/www check? Y N date _____ successful? Y N
 Re-send Cert. Letter? Y N date _____
 Send cancellation order Y N

2. IF NONE OF THE ABOVE APPLY

yes Send certified "C" date notice packet to permit holder.
 "C" DATE 10/1/2000 BASIN NUMBER 17 WM # 19
 CWRE or AGENT Yes/No N/A

3. AOI Yes NO If Yes, name(s) of AOI N/A

4. Current Landowner(s) and Mailing Address

If new owner: Coos County, % Nathaniel GreenHalgh-Johnson, 250 N Baker St, Coquille, OR 97423

County of Place of Use COOS Tax Lot(s) 100, 1000, 1001 & 2200

Attach copy of email from County Assessor or Printout from Assessor's Site

Contacts regarding 60 Day Letter:

Hold Action Request from Permit/Landowner - Date of Request _____ Requesting Parties Name _____

Hold Action Until (Date) _____

No more than 60 days beyond original deadline to submit an extension, assignment, or Alt Res CBU

Hold Action Request from CWRE - Date of Request _____ CWRE Name _____

Hold Action Until (Date) _____

No more than 6 months beyond original deadline to submit a CBU

COMPLETENESS PROJECT
Page 2

Final Cancellation Review

PERMIT STATUS REVIEW BY _____ DATE _____

1. C Date ____/____/____
 2. Certified Letter Date ____/____/____
 3. Return Receipt Rcvd. ____/____/____
 4. Return Receipt Signed By _____
 5. Other Communication: ____/____/____
-

Recommend Cancellation or
Hold Action until ____/____/____



26S14W16TL010000, 26S14W21TL0010000, 26S14W22TL0100100
~~26S14W22TL220000~~
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.Oregon.gov/OWRD

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

October 3rd, 2018

Certified mail number 7018 0040 0000 3184 4631
Return receipt requested

STAN KURZET
PO BOX 5039
COOS BAY, OR 97420

Reference: Application S-69770, Permit S-53663

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2000.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2000. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed "Resource Sheet" for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 3rd, 2018) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

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

Sincerely,

Jeffrey Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-69770
OWRD Watermaster District 19



Tax Lots

Identify Tax Lots [QR Map](#)

Off
 On

County: **Coots**

Taxlot: **26S14W18TL0100000**

Owner1: **BUSH, JERALD & CAROL A ET AL**

Owner2:

Owner Address: **24402 MAXFIELD CREEK RD, PHILOMATH OR 97110-9756**

Site Address: **, , OR**

Acre: **0**

TRISQ: **WM26 00514 00W21XXXX**

Effective Date: **January 1, 2019**

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

Tax Lots

Identify Tax Lots [QR Map](#)

Off
 On

County: **Coots**

Taxlot: **26S14W18TL0100000**

Owner1: **BUSH, JERALD ET AL**

Owner2:

Owner Address: **24402 MAXFIELD CREEK RD, PHILOMATH OR 97110-9756**

Site Address: **, , OR**

Acre: **0**

TRISQ: **WM26 00514 00W16XXXX**

Effective Date: **January 1, 2019**

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

Tax Lots

Identify Tax Lots [QR Map](#)

Off
 On

County: **Coots**

Taxlot: **26S14W22TL0100100**

Owner1: **BUSH, JERALD ET AL**

Owner2:

Owner Address: **24402 MAXFIELD CREEK RD, PHILOMATH OR 97110-9756**

Site Address: **, , OR**

Acre: **0**

TRISQ: **WM26 00514 00W22XXXX**

Effective Date: **January 1, 2019**

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

Tax Lots

Identify Tax Lots [QR Map](#)

Off
 On

County: **Coots**

Taxlot: **26S14W22TL0220000**

Owner1: **BUSH, JERALD ET AL**

Owner2:

Owner Address: **24402 MAXFIELD CREEK RD, PHILOMATH OR 97110-9756**

Site Address: **, , OR**

Acre: **0**

TRISQ: **WM26 00514 00W22XXXX**

Effective Date: **January 1, 2019**

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

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

NOT OFFICIAL VALUE

January 14, 2021 4:23:54 pm

Account # 581300	Tax Status NONASSESSABLE
Map # 26S14220001001	Acct Status ACTIVE
Code - Tax # 0908-581300	Subtype NORMAL
Legal Descr See Record	
Mailing Name COOS COUNTY	Deed Reference # 2019-6113
Agent	Sales Date/Price 07-09-2019 / \$1,500,000.00
In Care Of C/O NATHANIEL GREENHALGH-JOHNSON	Appraiser
Mailing Address 250 N BAXTER ST COQUILLE, OR 97423-1875	
Prop Class 997 MA SA NH Unit	
RMV Class 000 01 03 CHA 10908-1	

Situs Address(s)	Situs City
------------------	------------

		Value Summary						
Code Area		RMV	MAV	AV	SAV	MSAV	RMV Exception	CPR %
0908	Land	101,080					Land	0
	Impr.	0					Impr.	0
Code Area Total		101,080	0	0	0	0		0
Grand Total		101,080	0	0	0	0		0

		Land Breakdown									
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0908	40	<input checked="" type="checkbox"/>	1	F, EFU	Market	100	A	6.00	MV	003	12,480
0908	10	<input checked="" type="checkbox"/>	1	F, EFU	Market	100	A	34.00	MV	003	88,600
Grand Total								40.00			101,080

		Improvement Breakdown					Total		
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Sq. Ft.	Ex%	MS Acct #	Trended RMV
Grand Total							0		0

Code Area	Type	Exemptions/Special Assessments/Potential Liability
-----------	------	--

NOTATION(S):

- FARM/FOREST POT'L ADD'L TAX LIABILITY
FARM/FORST
- DECLASS OF SA LAND & COLLECT ADDED 2020
2/19/20 DQ 34 ac DFL & 6 ac EFU & Collect \$2,294.80. Property class to 997, MJS

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

NOT OFFICIAL VALUE

January 14, 2021 4:23:12 pm

Account # 580600
 Map # 26S14210000100
 Code - Tax # 0908-580600

Tax Status NONASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name COOS COUNTY

Deed Reference # 2019-6113

Agent

Sales Date/Price 07-09-2019 / \$1,500,000.00

In Care Of C/O NATHANIEL GREENHALGH-JOHNSON

Appraiser

Mailing Address 250 N BAXTER ST
 COQUILLE, OR 97423-1875

Prop Class 997 MA SA NH Unit
 RMV Class 000 01 03 CHA 10879-1

Situs Address(s)	Situs City
ID# 62554 SEVEN DEVILS RD	COOS BAY

Code Area	RMV	MAV	Value Summary			RMV Exception	CPR %
			AV	SAV	MSAV		
0908 Land	297,180					0	
Impr.	189,780					0	
Code Area Total	486,960	24,510	0	0	0	0	
Grand Total	486,960	24,510	0	0	0	0	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	LUC	Trended RMV
						TD%	LS	Size			
0908	40	<input checked="" type="checkbox"/>	1	F, EFU	Market	100	A	3.60	MV	003	12,240
0908	50	<input checked="" type="checkbox"/>	1	F, EFU	Market	100	A	42.00	MV	003	63,600
0908	30	<input checked="" type="checkbox"/>	1	F, EFU	Market	100	A	89.94	MV	003	144,540
0908	20	<input checked="" type="checkbox"/>	1	F/EFU	Rural Site	100	A	1.00	HS	001	76,800
Grand Total								136.54			297,180

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
0908	6		335	MILKING PARLOR	100		1,464	100	3,720	
0908	5		341	HAY COVER	100		5,824	100	14,750	
0908	1	0	136	Carport- Class 3	100		0	100	25,650	
0908	2		303	General Purpose Building	100		2,700	100	49,430	
0908	3		316	FEEDER BARN	100		17,160	100	33,330	
0908	4		302	LOFT BARN	100		10,000	100	62,900	
0908	1	1984	462	MH REAL DOUBLE CLASS 6	100		1,539	100 R - 174495	66,990	
Grand Total								38,687		256,770

Code Area	Type	Exemptions/Special Assessments/Potential Liability
<p>NOTATION(S):</p> <ul style="list-style-type: none"> ■ FARM/FOREST POT'L ADD'L TAX LIABILITY FARM/FORST ■ DECLASS OF SA LAND & COLLECT ADDED 2019 6/27/19 DQ 3.60 ac NEFU & Collect \$289.57 - 3 yrs no income reported. Property class to 542. MJS ■ DECLASS OF SA LAND & COLLECT ADDED 2020 2/18/20 DQ 89.94 ac DFL & 42 ac EFU & Collect \$3,974.53. Property class to 997. Replace SAHS w/ rural homesite. MJS 		

MS Account(s): 0908-R-174495

*** The Real MS value is not included in the total of the real account

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

NOT OFFICIAL VALUE

January 14, 2021 4:18:15 pm

Account # 578900
 Map # 26S14160001000
 Code - Tax # 0908-578900

Tax Status NONASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name COOS COUNTY
 Agent
 In Care Of C/O NATHANIEL GREENHALGH-JOHNSON
 Mailing Address 250 N BAXTER ST
 COQUILLE, OR 97423-1875

Deed Reference # 2019-6113
 Sales Date/Price 07-09-2019 / \$1,500,000.00
 Appraiser

Prop Class 997 MA SA NH Unit
 RMV Class 000 01 03 CHA 10854-1

Situs Address(s) Situs City

		Value Summary						
Code Area		RMV	MAV	AV	SAV	MSAV	RMV Exception	CPR %
0908	Land	121,310					Land	0
	Impr.	0					Impr.	0
Code Area Total		121,310	0	0	0	0		0
Grand Total		121,310	0	0	0	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	LUC	Trended RMV
						TD%	LS	Size			
0908	10	<input checked="" type="checkbox"/>	1	EFU	Market	100	A	18.27	MV	003	59,010
0908	20	<input checked="" type="checkbox"/>	1	EFU	Market	100	A	40.70	MV	003	62,300
Grand Total								58.97			121,310

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
Grand Total										0

Code Area Type Exemptions/Special Assessments/Potential Liability

NOTATION(S):

- FARM/FOREST POT'L ADD'L TAX LIABILITY
FARM/FORST
- DECLASS OF SA LAND & COLLECT ADDED 2020
2/18/20 DQ 58.97 ac DFL & EFU & Collect \$2,344.53. Property class to 997, MJS

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

NOT OFFICIAL VALUE

January 14, 2021 4:24:30 pm

Account # 581400
 Map # 26S14220002200
 Code - Tax # 0908-581400

Tax Status NONASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name COOS COUNTY
 Agent
 In Care Of C/O NATHANIEL GREENHALGH-JOHNSON
 Mailing Address 250 N BAXTER ST
 COQUILLE, OR 97423-1875

Deed Reference # 2019-6113
 Sales Date/Price 07-09-2019 / \$1,500,000.00
 Appraiser

Prop Class 997 MA SA NH Unit
 RMV Class 000 01 03 CHA 10909-1

Situs Address(s) Situs City

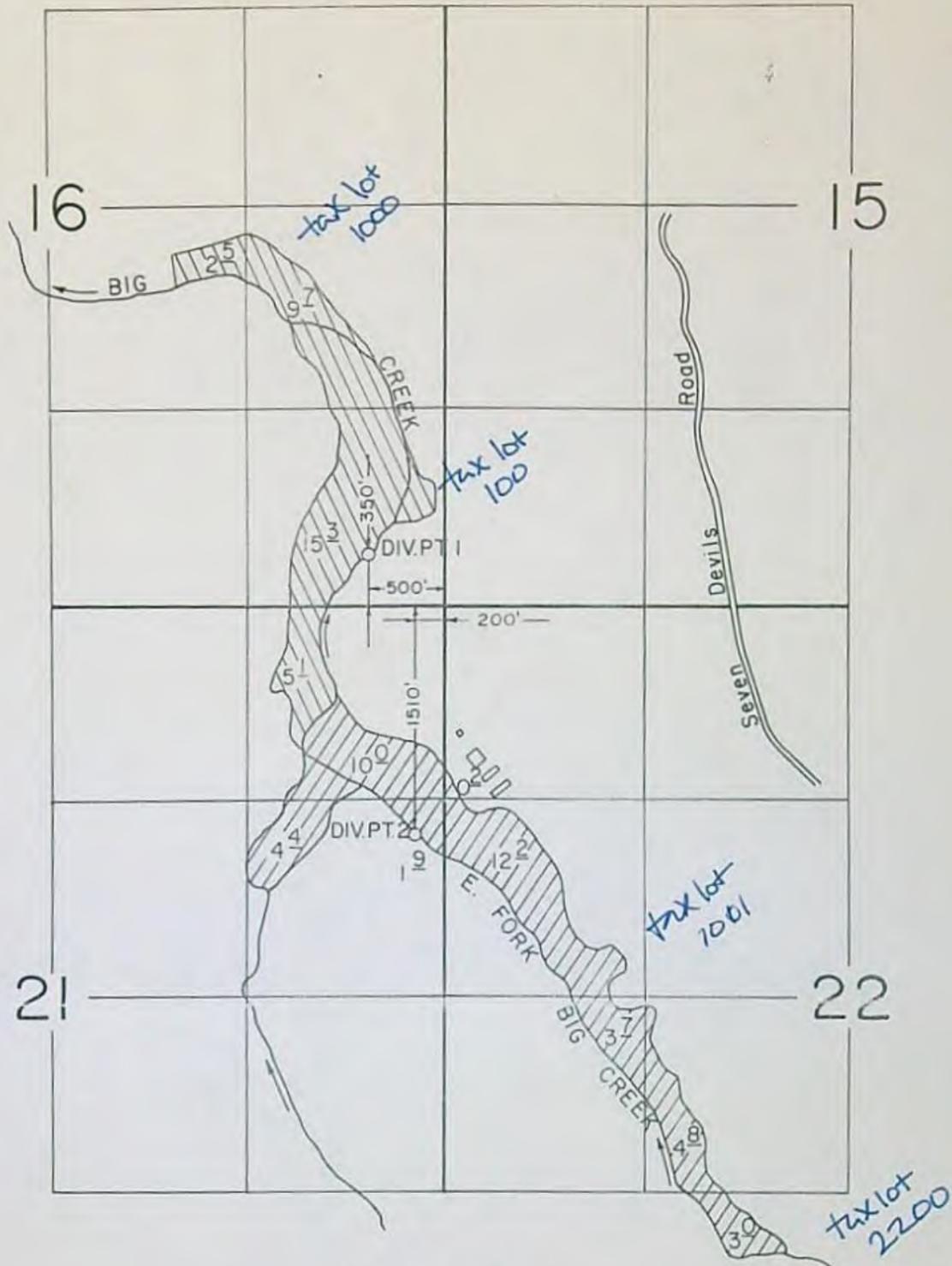
		Value Summary						
Code Area		RMV	MAV	AV	SAV	MSAV	RMV Exception	CPR %
0908	Land	262,690					Land	0
	Impr.	0					Impr.	0
Code Area Total		262,690	0	0	0	0		0
Grand Total		262,690	0	0	0	0		0

		Land Breakdown									
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0908	40	<input checked="" type="checkbox"/>	1	F, EFU	Market	100	A	8.70	MV	003	18,090
0908	30	<input checked="" type="checkbox"/>	1	F, EFU	Market	100	A	10.30	MV	003	35,020
0908	10	<input checked="" type="checkbox"/>	1	F, EFU	Market	100	A	154.98	MV	003	209,580
Grand Total								173.98			262,690

		Improvement Breakdown							
Code Area	Yr ID#	Stat	Built	Class	Description	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
Grand Total									0

		Exemptions/Special Assessments/Potential Liability									
Code Area	Type										
NOTATION(S):											
<ul style="list-style-type: none"> ■ FARM/FOREST POT'L ADD'L TAX LIABILITY FARM/FORST ■ DECLASS OF SA LAND & COLLECT ADDED 2019 6/28/19 DQ 10.30 ac NEFU & Collect \$811.14 - 3 yrs no income reported. Property class to 542. MJS ■ DECLASS OF SA LAND & COLLECT ADDED 2020 2/19/20 DQ 154.98 ac DFL & 8.70 ac EFU & Collect \$4,455.44. Property class to 997 MJS 											

T. 26 S., R. 14 W., W.M



SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. 63047. Permit No. 46986.....

IN NAME OF

ANNE L. KURZET

Surveyed SEPT. 17, 1988, by J. R. KAUPPILA.



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.Oregon.gov/OWRD

NOTE: For water rights information and useful forms, please see our web site at

www.oregon.gov/OWRD

October 3rd, 2018

Certified mail number 7018 0040 0000 3184 4631

Return receipt requested

STAN KURZET
PO BOX 5039
COOS BAY, OR 97420

Reference: Application S-69770, Permit S-53663

Dear Permit Holder:

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In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2000. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 3rd, 2018) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

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

Sincerely,

Jeffrey Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-69770

OWRD Watermaster District 19



WILLIAMSON Bethanie R

From: SAUTER Jerry K
Sent: Friday, January 30, 2015 10:07 AM
To: Chris Hood
Cc: WILLIAMSON Bethanie R
Subject: RE: E-mails

*Sonus 60 Day Letter
Filed 3/12/2018*

Thank you Chris, this helps a lot. We will place a copy in each file.
Have a great weekend!
JK

J.K. (Jerry) Sauter | Water Rights Program Analyst
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph. 503.986.0817 | Fax 503.986.0901
Information Requests may be made to : customerservice@wrd.state.or.us

From: Chris Hood [<mailto:hoodc@stuntzner.com>]
Sent: Friday, January 30, 2015 10:04 AM
To: SAUTER Jerry K
Subject: Re: E-mails

Jerry,

Pursuant to our conversation of January 22, 2015, I am contacting you on behalf of various water right permit holders that have received notice from the Department (ODWR) regarding the status of their permits. In most cases that letters require the permit holders to either submit to the department, a Claim of Beneficial Use or a Request for an Extension of Time. We are hereby notifying the department that the permit holders below have contacted our office and declared their intent to proceed with the necessary process to perfect their claim. However, due to the large volume of permit holders needing assistance, more time than the allotted 60 day time period is needed to complete extension requests or the COBU process. We will do our best to move the process forward as quickly as possible.

For your records, the following permit holder have contacted our office and expressed their intent complete the water right process. If there is any change with regard to the permit holders intent, we will promptly notify your office.

Raymond Gardner (permit holder)

Application S-69980, Permit S-53425
Application R-69989, permit R12500

Application G-14817, Permit G-13703 (canceled and reinstated)

Application G-14686, Permit G-13568

Stan Kurzet (permit holder)

Application R-69769, Permit 12793

Application S-69770, Permit 53663

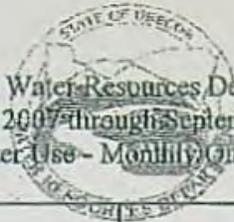
If you have any questions or need further information, please let me know.

Chris Hood, Stuntzner Engineering and Forestry, L.L.C.

app 564770 (permit 553043)

2007

Oregon Water Resources Department
October 2007 through September 2008
Annual Water Use - Monthly Quantities Form



USER-ID 50165

2008

RECEIVED

DEC 03 2008

Facility →					
Report ID →	✓				
October - 2007	0				
November - 2007	0				
December - 2007	0				
January - 2008	0				
February - 2008	0				
March - 2008	0				
April - 2008	0				
May - 2008	0				
June - 2008	0				
July - 2008	0				
August - 2008	0				
September - 2008	0				
Total *	0				

* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot)

Describe the method of measurement used: _____ If used for irrigation, total number of acres irrigated: _____

I certify this information is true and accurate to the best of my knowledge.

Anne Kurzet
Signature
Anne Kurzet
Name

Partner
Title
Kurzet Ranch
Reporting Entity
P.O. Box 5039 Charleston, OR 97420
Mailing Address

12/01/08
Date
541 888 9269
Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A; Salem, OR 97301-1266.

Dec 04 06 01:09p Kurzet, Newport Beach 9496400072 p.1

APP 569770

USER-ID 50165

2005

Oregon Water Resources Department
October 2005 through September 2006
Annual Water Use - Monthly Quantities Form

2006



Facility ID POD-ID					
	51528				
October - 2005	0				
November - 2005	0				
December - 2005	0				
January - 2006	0				
February - 2006	0				
March - 2006	0				
April - 2006	0				
May - 2006	0				
June - 2006	0				
July - 2006	0				
August - 2006	0				
September - 2006	0				
TOTAL *	None				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ If use is irrigation, total number acres irrigated 0

I certify this information is true and accurate to the best of my knowledge

Stan Kurzet owner Kurzet Ranch 12/01/06
 Signature Title Reporting Entity Date

Stan KURZET
Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program,
725 Summer Street NE, Suite A, Salem, OR 97301-1200

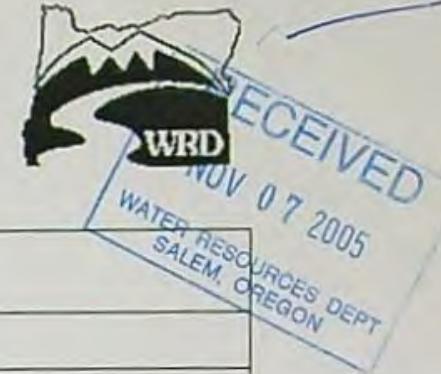


2004

Oregon Water Resources Department
October 2004 through September 2005
Annual Water Use - Monthly Quantities Form

USER-ID 50165

2005



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>					
October - 2004	0				
November - 2004	0				
December - 2004	0				
January - 2005	0				
February - 2005	0				
March - 2005	0				
April - 2005	0				
May - 2005	0				
June - 2005	0				
July - 2005	0				
August - 2005	0				
September - 2005	0				
TOTAL *	0				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ . If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Stan Kurzet
Signature

Stan Kurzet, Owner Kurzet Ranch

10/26/05

Stan Kurzet

Title

Reporting Entity

Date

Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

October 18, 2005

STAN KURZET,
KURZIT RANCH
PO BOX 5039
CHARLESTON, OR 97420

REFERENCE: USER_ID 50165

Dear Water User:

We have appreciated your cooperation with the Water Use Reporting program in the past. And now, with the loss of the water use coordinator position through budget reductions, we hope you can help us even more. We are requesting all who need to report monthly quantities and have Internet access to report those quantities online through our website. For the time being, the water use reporting database will not be updated with new water right information. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2005 monthly quantities form is printed on the reverse you can copy for your use.

To report monthly quantities data online, go to our web page at www.wrd.state.or.us and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. A logon screen then appears and you use your USER_ID for both the Username and Password. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter zeros if you did not use a diversion. At present, the system can receive data only for the 2005 water year (October 2004 – September 2005). If you wish to submit data for another year, you will need to submit a hard copy. Thank you in advance for your cooperation. The data you provide is valuable for water management in Oregon.

Finally, if you have small water rights (less than 0.1 cfs or 9.2 AF) and do not report monthly quantities for them, we will assume that you have used water according to those rights.

Yours truly,

Gary L. Ball, PE, PLS
Hydrographics/Measurement & Reporting Manager
Voice: 503-986-0831, Fax: 503-986-0902
Gary.L.BALL@wrd.state.or.us

2003

Oregon Water Resources Department
 October 2003 through September 2004
 Annual Water Use - Monthly Quantities Form

USER-ID 50165

2004



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>					
October - 2003	<i>0</i>				
November - 2003	<i>0</i>				
December - 2003	<i>0</i>				
January - 2004	<i>0</i>				
February - 2004	<i>0</i>				
March - 2004	<i>0</i>				
April - 2004	<i>0</i>				
May - 2004	<i>0</i>				
June - 2004	<i>0</i>				
July - 2004	<i>0</i>				
August - 2004	<i>0</i>				
September - 2004	<i>0</i>				
TOTAL *	<i>None</i>				

RECEIVED
 NOV 17 2004
 WATER RESOURCES DEPT
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ . If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Stan Kurzet *owner* *Kurzet Ranch* *11/15/04*
 Signature Title Reporting Entity Date

Stan Kurzet
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2004 has ended! All water use reports for October 2003 to September 2004 are requested to be submitted. During the past year we transferred our data to a new computer system, and have developed a website from which you may submit your data, if you so choose. In some cases the references numbers for points of diversion may have been changed. If this creates a problem for you, please contact me. If you would like to use the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by December 31, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter. Mary Grainey



STAN KURZET
 KURZIT RANCH
 PO BOX 5039
 CHARLESTON OR 97420

<http://www.wrd.state.or.us>

User-ID 50165
 Password: 50165

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
51528		0 S	53663	S 69770	12/5/1988	IC	L	26 S	14 W	22	SWSE	1.86 C C	BIG CR	PACIFIC OCEAN
51528		0 S	53663	S 69770	12/5/1988	LV	L	26 S	14 W	22	SWSE	0.005 C P	BIG CR	PACIFIC OCEAN
51528		0 S	53663	S 69770	12/5/1988	AG	L	26 S	14 W	22	SWSE	0.005 C A	BIG CR	PACIFIC OCEAN
51529		0 S	53663	S 69770	12/5/1988	LV	L	26 S	14 W	22	SWSE	2.62 A P	RES	BIG CR
51529		0 S	53663	S 69770	12/5/1988	IC	L	26 S	14 W	22	SWSE	11.41 A C	RES	BIG CR
51529		0 S	53663	S 69770	12/5/1988	AG	L	26 S	14 W	22	SWSE	2.62 A A	RES	BIG CR

APP-69770/

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

USER-ID 50165

2003



Facility	51528				
POD-ID	51529				
October - 2002	None				
November - 2002	None				
December - 2002	None				
January - 2003	None				
February - 2003	None				
March - 2003	None				
April - 2003	None				
May - 2003	None				
June - 2003	None				
July - 2003	None				
August - 2003	None				
September - 2003	None				
TOTAL *	NONE				

RECEIVED
MAR 02 2004
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ . If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Stan Kurzet Signature Owner/permit holder Stan Kurzet, Individual Title
Reporting Entity Date 2/24/04

STAN KURZET
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.
Mary Grainey



STAN KURZET
KURZIT RANCH
PO BOX 5039
CHARLESTON OR 97420

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 50165
Password: 50165

51528	0 S 53663 S 69770	12/5/1988	IC L	26 S 14 W 22 SWSE	1.86 C C BIG CR	PACIFIC OCEAN
51528	0 S 53663 S 69770	12/5/1988	LV L	26 S 14 W 22 SWSE	0.005 C P BIG CR	PACIFIC OCEAN
51528	0 S 53663 S 69770	12/5/1988	AG L	26 S 14 W 22 SWSE	0.005 C A BIG CR	PACIFIC OCEAN
51529	0 S 53663 S 69770	12/5/1988	AG L	26 S 14 W 22 SWSE	2.62 A A RES	BIG CR
51529	0 S 53663 S 69770	12/5/1988	IC L	26 S 14 W 22 SWSE	11.41 A C RES	BIG CR
51529	0 S 53663 S 69770	12/5/1988	LV L	26 S 14 W 22 SWSE	2.62 A P RES	BIG CR

USER-ID

50165

2001

Oregon Water Resources Department
October 2001 through September 2002
Annual Water Use - Monthly Quantities Form

USER-ID 50165

2002



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>					
October - 2001	<i>None</i>				
November - 2001	<i>None</i>				
December - 2001	<i>None</i>				
January - 2002	<i>None</i>				
February - 2002	<i>None</i>				
March - 2002	<i>None</i>				
April - 2002	<i>None</i>				
May - 2002	<i>None</i>				
June - 2002	<i>None</i>				
July - 2002	<i>None</i>				
August - 2002	<i>None</i>				
September - 2002	<i>None</i>				
TOTAL *	<i>None</i>				

RECEIVED
NOV 04 2002
WATER RESOURCES DEPT
SALEM OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ . If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Stan Kurzet
Signature

owner
Title

individual permit holder
Reporting Entity

10/25/02
Date

Stan KURZET
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Grainey

STAN KURZET
kurzit Ranch
PO BOX 5039
CHARLESTON OR 97420

USER-ID 50165

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
51528		0 S	53663	S 69770	12/5/1988	AG	L	26 S	14 W	22	SWSE	0.005 C	A BIG CR	PACIFIC OCEAN
51528		0 S	53663	S 69770	12/5/1988	IC	L	26 S	14 W	22	SWSE	1.86 C	C BIG CR	PACIFIC OCEAN
51528		0 S	53663	S 69770	12/5/1988	LV	L	26 S	14 W	22	SWSE	0.005 C	P BIG CR	PACIFIC OCEAN
51529		0 S	53663	S 69770	12/5/1988	AG	L	26 S	14 W	22	SWSE	2.62 A	A RES	BIG CR
51529		0 S	53663	S 69770	12/5/1988	IC	L	26 S	14 W	22	SWSE	11.41 A	C RES	BIG CR
51529		0 S	53663	S 69770	12/5/1988	LV	L	26 S	14 W	22	SWSE	2.62 A	P RES	BIG CR

USER-ID

50165



569770

USER-ID 50165

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



Facility					
POD-ID	51528				
October - 2000	0				
November - 2000	0				
December - 2000	0				
January - 2001	0				
February - 2001	0				
March - 2001	0				
April - 2001	0				
May - 2001	0				
June - 2001	0				
July - 2001	0				
August - 2001	0				
September - 2001	0				
TOTAL *	0				

RECEIVED
JUN 13 2002
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KC (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ . If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Stan Kurzet
Signature

property/permit owner Stan Kurzet
Title Reporting Entity Individual

5/15/02
Date

STAN KURZET

Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: Your water use report for October 2000 to September 2001 has not been received by our office. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary

STAN KURZET USER-ID 50165

PO BOX 5039
GOOS BAY OR 97420

Charleston

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
51528		0 S	53663 S	69770	12/5/1988	AG	L	26 S	14 W	22	SWSE	0.005 C	A BIG CR	PACIFIC OCEAN
51528		0 S	53663 S	69770	12/5/1988	IC	L	26 S	14 W	22	SWSE	1.86 C	C BIG CR	PACIFIC OCEAN
51528		0 S	53663 S	69770	12/5/1988	LV	L	26 S	14 W	22	SWSE	0.005 C	P BIG CR	PACIFIC OCEAN
51529		0 S	53663 S	69770	12/5/1988	AG	L	26 S	14 W	22	SWSE	2.62 A	A RES	BIG CR
51529		0 S	53663 S	69770	12/5/1988	IC	L	26 S	14 W	22	SWSE	11.41 A	C RES	BIG CR
51529		0 S	53663 S	69770	12/5/1988	LV	L	26 S	14 W	22	SWSE	2.62 A	P RES	BIG CR

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STAN KURZET
PO BOX 5039
COOS BAY, OREGON 97420

(541)888-9269

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

APPLICATION FILE NUMBER: S-69770

SOURCE OF WATER: EAST FORK BIG CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-69769, Permit R-12793.

TRIBUTARY OF: PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 149.0 ACRES, LIVESTOCK AND AGRICULTURE (BARN WASHING)

MAXIMUM RATE ALLOWED: 1.865 CUBIC FEET PER SECOND (CFS), BEING 1.86 CFS FOR IRRIGATION AND 0.005 CFS FOR LIVESTOCK AND AGRICULTURE (BARN WASHING), FURTHER LIMITED TO 0.005 CFS FOR LIVESTOCK ONLY, AND 16.03 AF, BEING 11.41 AF FOR IRRIGATION AND 2.62 AF FOR LIVESTOCK AND AGRICULTURE (BARN WASHING)

PERIOD OF USE: MARCH 1 THROUGH MARCH 30 FOR IRRIGATION FROM LIVE FLOW AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER; MARCH 1 THROUGH MARCH 30 FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM LIVE FLOW AND YEAR ROUND FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM STORED WATER
DATE OF PRIORITY: DECEMBER 5, 1988

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 22, TOWNSHIP 26 SOUTH, RANGE 14 WEST W.M.; POD 1 - 10 FEET NORTH & 990 FEET EAST; POD 2 - 660 FEET NORTH & 180 FEET EAST; BOTH FROM THE SOUTH 1/4 CORNER, SECTION 22

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	11.9 ACRES	9.7 ACRES
NW 1/4 SE 1/4	2.1 ACRES	2.5 ACRES
SE 1/4 SE 1/4	3.1 ACRES	15.3 ACRES
SECTION 16		
NE 1/4 NE 1/4	6.0 ACRES	15.1 ACRES
SW 1/4 NE 1/4	3.0 ACRES	
SE 1/4 NE 1/4	5.6 ACRES	6.3 ACRES
NE 1/4 SE 1/4	6.5 ACRES	
NW 1/4 SE 1/4	5.0 ACRES	
SW 1/4 SE 1/4	1.0 ACRES	
SE 1/4 SE 1/4	12.0 ACRES	
SECTION 21		
NW 1/4 NW 1/4	1.0 ACRES	0.2 ACRE AND BARN
SW 1/4 NW 1/4		12.2 ACRES
NE 1/4 SW 1/4		4.8 ACRES
NW 1/4 SW 1/4		3.7 ACRES
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4		3.0 ACRES
SECTION 22		
NW 1/4 NW 1/4	4.5 ACRES	
SECTION 27		
NE 1/4 NE 1/4	9.5 ACRES	
SW 1/4 NE 1/4	1.0 ACRES	
SE 1/4 NE 1/4	2.0 ACRES	
SECTION 28		
TOWNSHIP 26 SOUTH, RANGE 14 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information,

including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

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

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

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

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

interest.

Actual construction work shall begin by March 17, 2001. Complete application of the water to the use shall be made on or before October 1, 2004.

Issued March 17, 2000

Martha O. Pagel, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application S-69770 Water Resources Department
Basin 17 Volume
AMH MGMT. CODE

PERMIT 53663
District 19

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-69770

Final Order

Hearing and Appeal Rights

Under the provisions of ORS 527.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 527.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issued based on the above modifications to the proposed final order may be addressed.

SB 804 allows for additional appeal rights for other than contested case. This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Application History

On December 5, 1988, STAN KURZET submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 18, 1996. The protest period closed August 2, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the place of use.

The following correctly describes the place of use:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	11.9 ACRES	9.7 ACRES
NW 1/4 SE 1/4	2.1 ACRES	2.5 ACRES
SE 1/4 SE 1/4	3.1 ACRES	15.3 ACRES
SECTION 16		
NE 1/4 NE 1/4	6.0 ACRES	15.1 ACRES
SW 1/4 NE 1/4	3.0 ACRES	

SE 1/4 NE 1/4	5.6 ACRES	6.3 ACRES
NE 1/4 SE 1/4	6.5 ACRES	
NW 1/4 SE 1/4	5.0 ACRES	
SW 1/4 SE 1/4	1.0 ACRES	
SE 1/4 SE 1/4	12.0 ACRES	

SECTION 21

NW 1/4 NW 1/4	1.0 ACRES	0.2 ACRE AND BARN
SW 1/4 NW 1/4		12.2 ACRES
NE 1/4 SW 1/4		4.8 ACRES
NW 1/4 SW 1/4		3.7 ACRES
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4		3.0 ACRES

SECTION 22

NW 1/4 NW 1/4	4.5 ACRES
---------------	-----------

SECTION 27

NE 1/4 NE 1/4	9.5 ACRES
SW 1/4 NE 1/4	1.0 ACRES
SE 1/4 NE 1/4	2.0 ACRES

SECTION 28

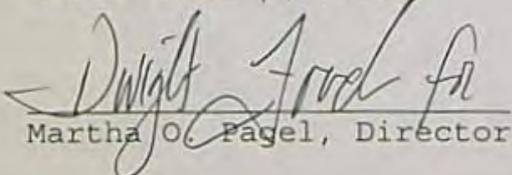
TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.

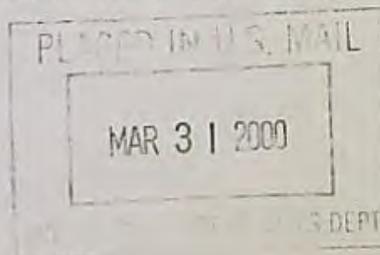
In addition, the Proposed Final Order stated no water shall be appropriated from the reservoir until a valid Division of State Lands (DSL) fill/removal permit is obtained and all required habitat enhancement and other conditions of the DSL fill/removal permit are completed to the Division's satisfaction. The Department has received information from DSL stating that the applicant has obtained and is in compliance with all conditions of the fill/removal permit.

Order

Application S-69770 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number 53663 is issued as limited by the conditions set forth therein.

DATED March 17, 2000


Martha O. Pagel, Director



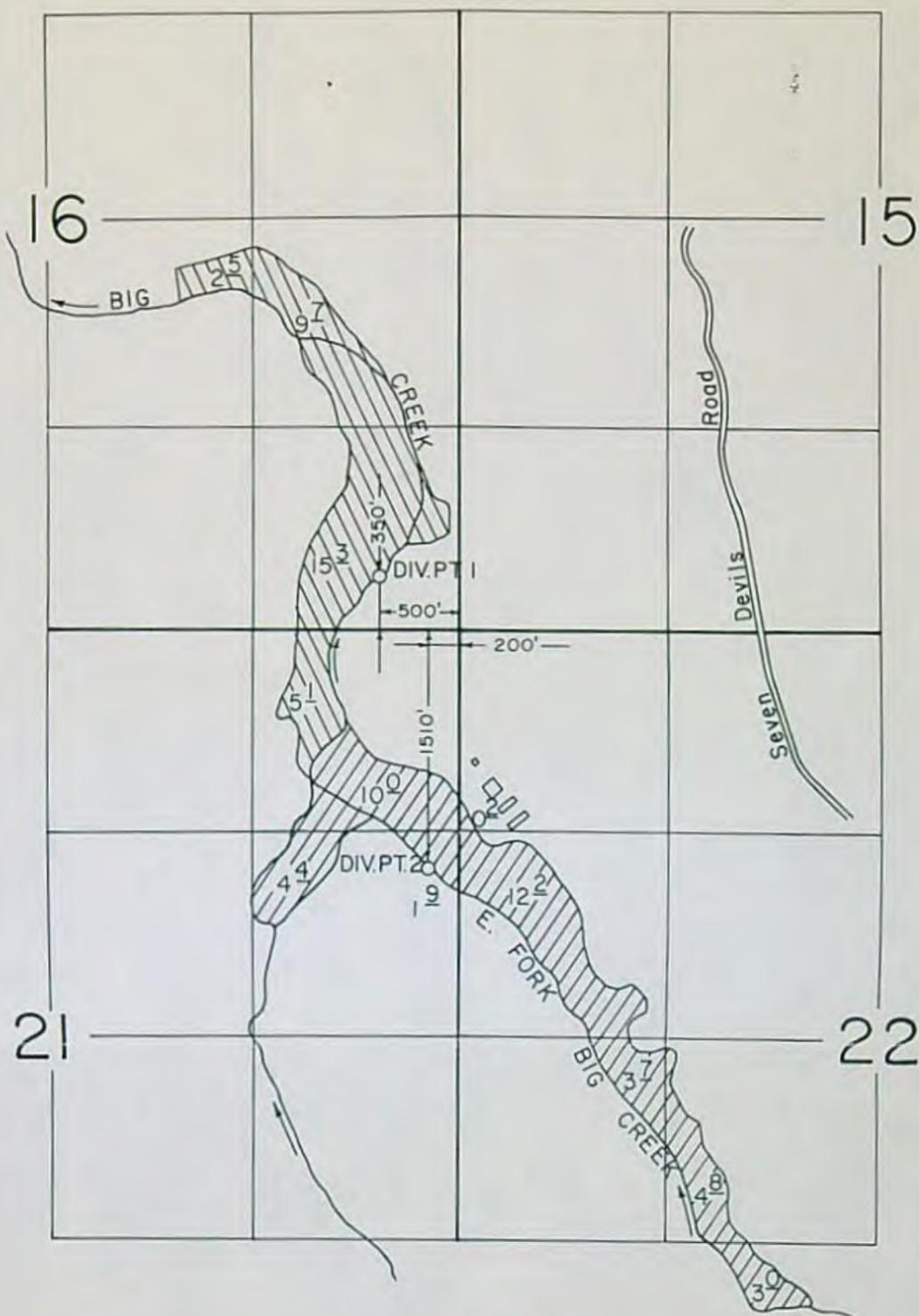
This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension

229. Outside of Oregon you can dial 1-503-378-8455.

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 Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

T. 26 S., R. 14 W., W.M



SCALE: 1" = ~~1320'~~

 DIV. PT. 1
 DIV. PT. 2

FINAL PROOF SURVEY UNDER

Application No. 63047. Permit No. 46986
IN NAME OF

ANNE L. KURZET

Surveyed SEPT. 17, 1988, by J. R. KAUPPILA

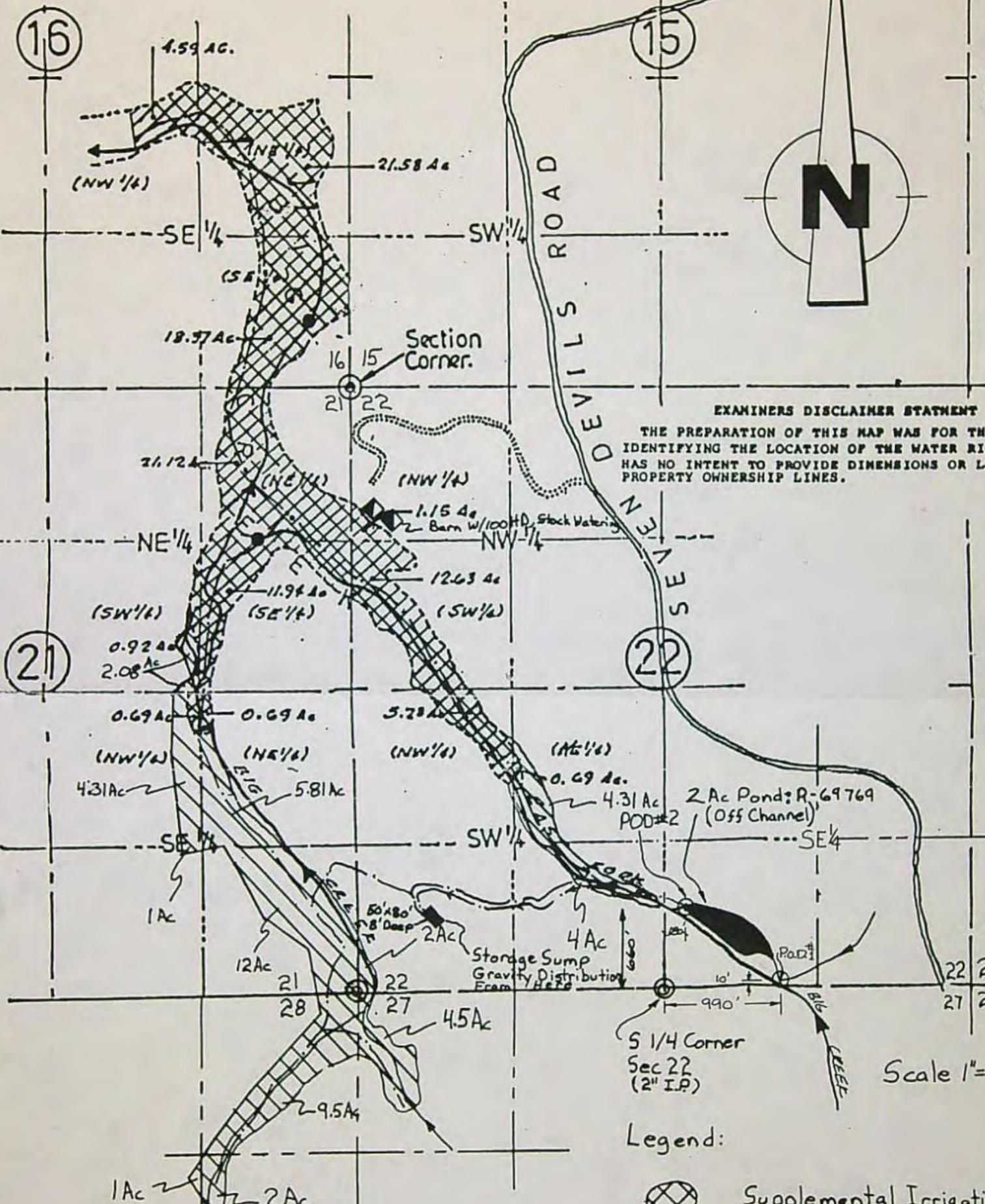
2-22-89
41011-180-4R

Water Rights Application Map In Portions Of Sections 16, 21, 27 and 28 T. 26 S., R. 14 W., W.M., Coos County, OR

WATER RESOURCES DEPT.
SALEM, OREGON

MAR 20 1990

RECEIVED



EXAMINERS DISCLAIMER STATEMENT

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

Scale 1" = 1000'

Legend:

- Supplemental Irrigation, P.O.D.#1+2
- P.O.D.'s Per Previous Permit - 46986
- Primary Irrigation, P.O.D.#1+2
- Monuments Per Survey By Stuntzner Engineering Dated July, 1984, CS Map # 21815
- Proposed 4" Gravity Distrib. Lines
- Proposed 2" Pressure Supply Line

Stuntzner Engineering & Forestry

TELEPHONE 267-2872

705 SO. 4TH, P.O. BOX 118 - COOS BAY, OREGON 97420

SEPT. 21, 1989

(P.O.D.'s REVISED MARCH 6, 1990)

*This map changed POD's
NOT POD.
USE FOR ROW - its better
cleaner*

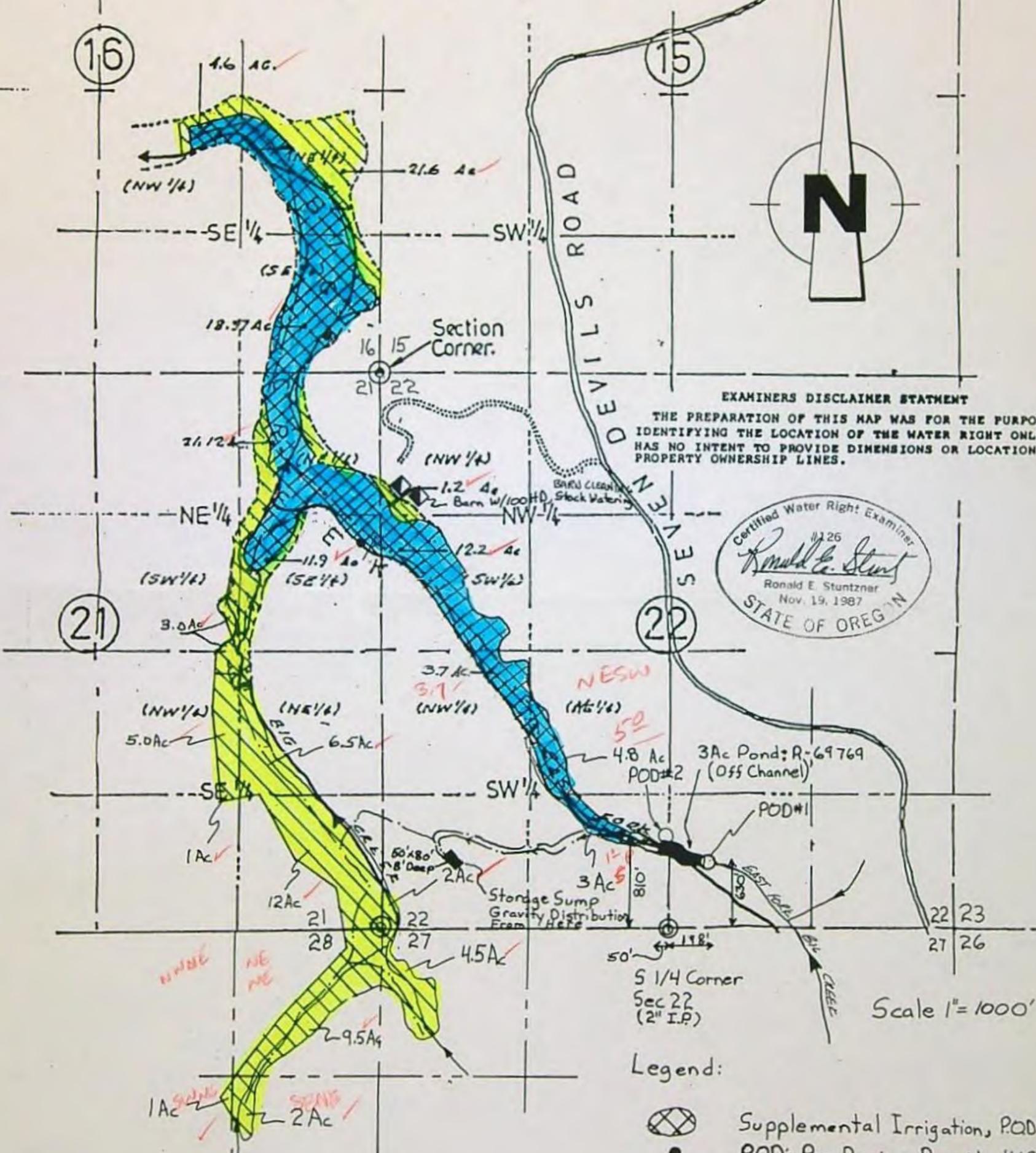
SUPERSEDED BY
MAR. 20, 1990

RECEIVED

OCT 13 1989

WATER RESOURCES DIVISION
STATE OF OREGON

Water Rights Application Map
In Portions Of Sections 16, 21, 27 and 28
T. 26 S., R. 14 W., W.M., Coos County, OR



EXAMINERS DISCLAIMER STATEMENT
THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Certified Water Right Examiner
#126
Ronald E. Stuntzner
Ronald E. Stuntzner
Nov. 19, 1987
STATE OF OREGON

Stuntzner Engineering & Forestry
TELEPHONE 267-2872
705 SO. 4TH, P.O. BOX 118 - COOS BAY, OREGON 97420

SEPT. 21, 1989

- Legend:**
- Supplemental Irrigation, P.O.D.#1+2
 - P.O.D.'s Per Previous Permit - 46986
 - Primary Irrigation, P.O.D.#1+2
 - Monuments Per Survey By Stuntzner Engineering Dated July, 1984, CS Map # 21815
 - Proposed 4" Gravity Distrib. Lines
 - Proposed 2" Pressure Supply Line

Water Rights Application Map
 In Portions Of Sections 16, 21, 27 and 28
 T. 26 S., R. 14 W., W.M., Coos County, OR

WATER RESOURCES DEPT.
 SALEM, OREGON

RECEIVED
 MAR 20 1990

PRI-

16

15

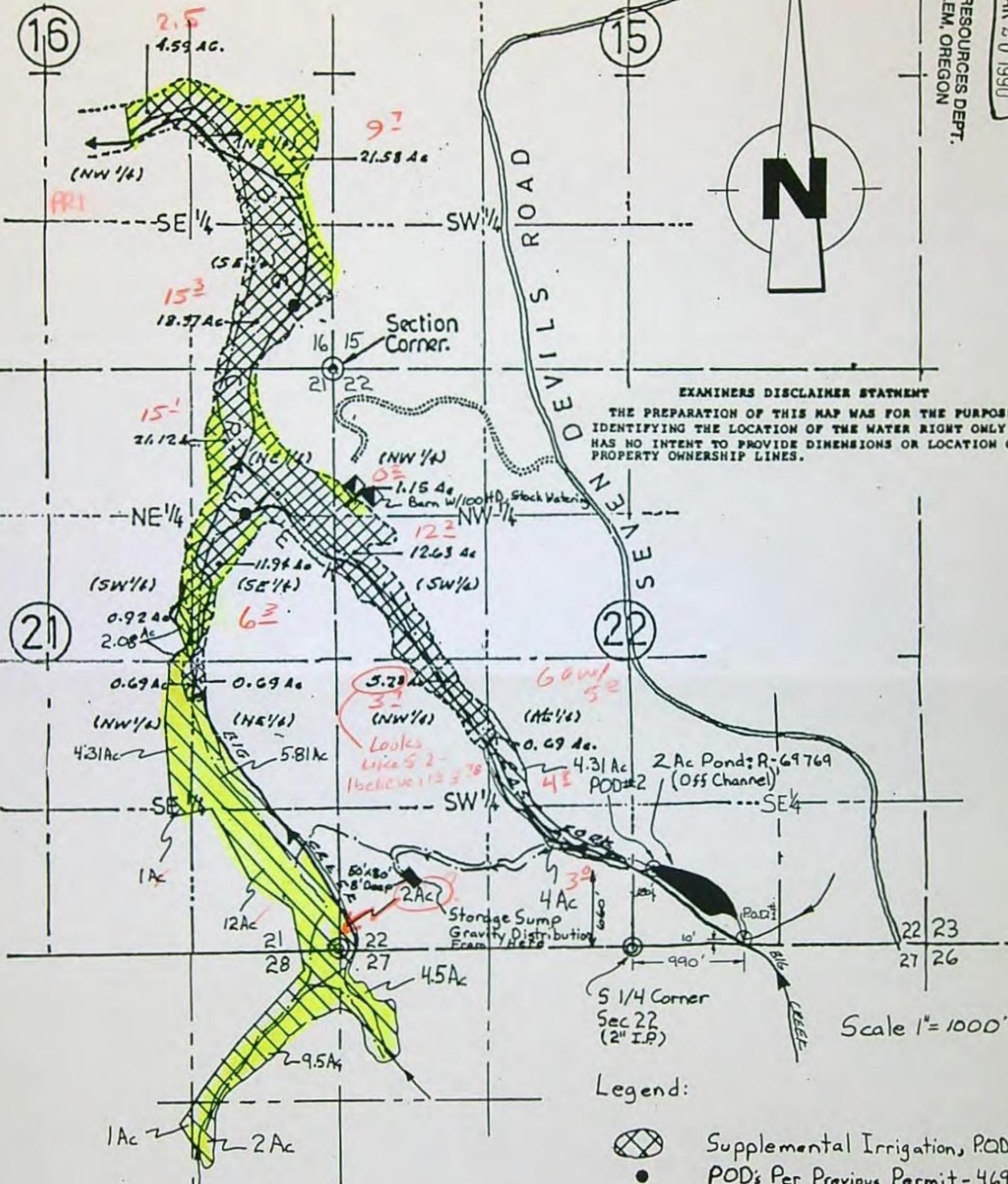
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22

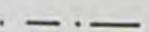
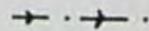


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Legend:

-  Supplemental Irrigation, P.O.D.#1+2
-  P.O.D's Per Previous Permit - 46986
-  Primary Irrigation, P.O.D.#1+2
-  Monuments Per Survey By Stuntzner Engineering Dated July, 1984, CS Map # 21815
-  Proposed 4" Gravity Distrib. Lines
-  Proposed 2" Pressure Supply Line

Stuntzner Engineering & Forestry

TELEPHONE 267-2872

705 SO. 4TH. P.O. BOX 118 - COOS BAY, OREGON 97420

SEPT. 21, 1989

(P.O.D.'s REVISED MARCH 6, 1990)

Mailing List for FO Copies

Application #69770

Mailing List Print Date March 10, 2000

Original mailed to (when permit issued, include copy of permit map):

Applicant: STAN KURZET, PO BOX 5039, COOS BAY, OR 97420

Copies Mailed
By: <u>CA</u>
(SUPPORT STAFF)
on: <u>3/31/02</u>
(DATE)

For FO w/Permit - Copies sent to:

1. WRD - File # 69770 ✓
2. WRD - Ken Stahr ✓
3. WRD - Data Center ✓
4. WRD - NWR

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

5. WRD - Watermaster District #: 19 ✓
6. WRD - Regional Manager: AL COOK, SWR ✓
7. ODFW District Biologist: ROGUE DISTRICT #1

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. DENNIS GOUDE, STUNTZNER ENGINEERING _____

CASEWORKER: AMH

FO CHECKLIST

FILE # 69770
PFO WEEK # 47
FO WEEK # 232

PFO TO FO CONVERSION

REVIEW DATE: 3, 8, 00
INITIALS: AK

Applicant Name and Mailing

Address: Stan Kusnet
PO Box 5039
Coos Bay 97470

In preparing to create the FO, you should check the following:

1. Y / N Were comments or protests received? If so, from whom and when?
2. On the PFO CC list, verify names and mailing addresses of ALL commentors (regardless of comment date, affected landowners, and those who paid the \$10 feet.
CWDE - Stutzner
3. Y / N / NA Have affected land owners been notified?
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N / NA Has ODFW asked for self certification of screening condition?
If so, write "ODFW CERT" in the permit block on the front of the file.
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file? Note: If short season letter is lacking, see item #10 below. Give applicant 60 days to submit required information.
8. Verify Payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO.
 - (2) Issue FO w/o permit if fees are lacking.

1 st CFS/AF _____	Exam Fee Paid _____
Add'l _____	Q fee _____
TOTAL Q _____	Recording fee _____
	Total _____
	Amount Paid _____
	Amount due/refund _____
9. Y / N Is further processing possible? If not state reason: _____
10. Y / N Do the PFO conclusions require modification? Why? POU wrong on draft PFO.
(If YES, circle FOMOD and one other type below)
11. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

- 12. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
- 13. Include or exclude permit conditions and management codes.
- 14. Assign permit numbers to files with oaths, fees, and no protests or other issues.

FO Type: (circle types) DENIAL FO w/o PERMIT (REASON: Lacks Fees Lacks Easement Map Other

FO & PERMIT (Permit # 53663) FOMOD MGMT CODES: Q

Once FO document is completed:

- 15. Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 232 & delete duplicates.
- 16. Print final draft of document and submit to team leader for review
- 17. Y / N Team leader review completed
- 18. Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\...\FO\TOOLS if possible)
- 19. Route to Dwight for signature
- 20. Update folders, E-mail data center, send copy to HTML
- 21. To support for mailing

Watermaster District _____
 Region Manager _____
 ODFW District _____

Application			PFO		Map 1 superceded		Map 2 superceding		
1/4	P	S	P	S	P	S	P	S	
NESE	11 ⁹	9 ⁷	11 ⁹	9 ⁷	(11 ⁹) 21 ⁶	9 ⁷	11 ⁸⁸ / 11 ³	9 ⁷	21 ⁵⁸
NWSE	2 ¹	2 ⁵	2 ¹	2 ⁵	(2 ¹) 4 ⁶	2 ⁵	2 ⁰⁰ 2 ¹	2 ⁵	4 ⁵⁹
SESE	3 ¹	15 ³	3 ¹	15 ³	(3 ¹) 18 ⁵	15 ³	3 ⁰¹ 3 ¹	15 ³	18 ³⁷
NENE	6 ⁰	15 ¹	6 ⁰	15 ¹	(6 ⁰) 21 ¹²	15 ¹	6 ⁰² 6 ⁰	15 ¹	21 ¹²
SWNE	3 ⁰		3 ⁰		3 ⁰		3 ⁰		
SENE	5 ⁶	6 ³	5 ⁶	6 ³	(5 ⁶) 11 ⁹	6 ³	5 ⁶⁴ 5 ⁶	6 ³	11 ⁹⁴
NESE	6 ⁵		6 ⁵		6 ⁵		6 ⁵	0⁰	
NWSE	5 ⁰		5 ⁰		5 ⁰		5 ⁰		
SWSE	1 ⁰		1 ⁰		1 ⁰		1 ⁰		
SESE	12 ⁰		12 ⁰		12 ⁰		12 ⁰		
NWNW	1 ⁰	0 ²	1 ⁰	0 ²		1 ²	1	0 ²	
SWNW		12 ²	0 ⁴	12 ²		12 ²	0 ⁴³ / 0	12 ²	12 ⁶³
NESW		4 ⁸	0 ⁷	4 ³		4 ⁸	0 ² / 0	4 ⁸	5 ⁰
NWSW		3 ⁷	1⁵	3 ⁷		3 ⁷	0² / 1	3 ⁷	5 ⁷⁸ ?
SWSW	2 ⁰		2 ⁰		2 ⁰		2 ⁰		
SESW		3 ⁰	1 ⁰	3 ⁰		3 ⁰	1⁰	3 ⁰	4 ⁰
NWNW	4 ⁵		4 ⁵		4 ⁵		4 ⁵		
NENE	9 ⁵		9 ⁵		9 ⁵		9 ⁵		
SWNE	1 ⁰		1 ⁰ / 1 ⁰		1 ⁰		1 ⁰		
SENE	2 ⁰		2 ⁰		2 ⁰		2 ⁰		
	76 ²	72 ⁴	80 ⁵	72 ³	76 ³⁷	72 ³	71 ¹³ / 77 ³	73 ⁴⁹	

149⁰

153¹

148⁸¹

151³²

150⁶²

76² + 72⁴

149⁰

53163

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-69770

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Additional Information Required: Prior to the issuance of a permit, the applicant must submit a valid Division of State Lands (DSL) fill/removal permit to cover the reservoir in application R-69769. Further, no water shall be appropriated from the reservoir until all DSL required habitat enhancement and other conditions of the fill/removal permit are completed.

Application History

On December 5, 1988, STAN KURZET submitted an application to the Department for the following water use permit:

- Amount of Water: 1.865 CUBIC FEET PER SECOND (CFS), BEING 1.86 CFS FOR IRRIGATION AND 0.005 CFS FOR LIVESTOCK AND AGRICULTURE (BARN WASHING), AND 16.03 ACRE-FEET (AF), BEING 11.41 AF FOR IRRIGATION AND 2.62 AF FOR LIVESTOCK AND AGRICULTURE (BARN WASHING)
- Use of Water: IRRIGATION OF 149.0 ACRES, LIVESTOCK AND AGRICULTURE (BARN WASHING)
- Source of Water: EAST FORK BIG CREEK, A TRIBUTARY OF PACIFIC OCEAN AND AN UNNAMED RESERVOIR, A TRIBUTARY OF EAST FORK BIG CREEK
- Area of Proposed Use: Coos County within SECTIONS 16, 21, 22, 27 AND 28, TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.
- Water Delivery System: Headgate diversion structure at POD #1 to be a permanent fixed weir, constructed off-channel that will divert waters only above normal stream flows to recharge the 16.03 acre-feet storage pond. Once the pond is full, the spillway outlet located three feet above the original stream channel flow line will return winter flow back to the original stream bed.

POD #1 and #2 water will be pumped approximately 2,000 feet via a two inch pressure line served by wind generated power operating pumps of equal capacities. This pressure line will supply a storage sump located on the ridge 200 feet above the

pond. This sump will have a holding capacity of approximately 250,000 gallons. From here, 2-4 inch gravity lines will distribute irrigation water over the 152.16 acres shown. A series of portable overhead or cannon type sprinkler lines will be moved over the total acreage irrigated. A one inch tap off this four inch line will feed 500 feet of poly pipe to serve a stock water tank and two hose bibs for barn cleaning.

The Department mailed the applicant notice of its Technical Review November 18, 1994, determining that the USE OF 1.86 CFS FOR IRRIGATION IS ALLOWED FROM MARCH 1 THROUGH JUNE 30; 0.005 CFS FOR LIVESTOCK BARN WATER IS ALLOWED YEAR ROUND; 11.41 AF FOR IRRIGATION IS ALLOWED MARCH 1 THROUGH OCTOBER 31; AND 2.62 AF FOR LIVESTOCK BARN WATER IS ALLOWED YEAR ROUND. The 60-day objection period closed January 27, 1995.

Within the 60-day period, objections were received from the Oregon Department of Fish and Wildlife (1/17/95) and WaterWatch (1/27/95).

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

Based on continued evaluation, the Department finds the determinations of the Technical Review require modification to further restrict the period of allowed use and to incorporate additional conditions set out by an interagency group to protect the resource.

In addition, a water right permit will not be issued until the applicant has applied for and received a valid "after the fact" fill/removal permit from the Division of State Lands (DSL) for the reservoir under application R-69769. Further, no water should be appropriated until all DSL required habitat enhancement and other conditions of the fill/removal permit are completed.

The South Coast Basin Program allows the following uses: IRRIGATION, AGRICULTURE (BARN WASHING) AND LIVESTOCK

Senior water rights exist on EAST FORK BIG CREEK, A TRIBUTARY OF PACIFIC OCEAN or on downstream waters.

EAST FORK BIG CREEK, A TRIBUTARY OF PACIFIC OCEAN is not within or above a State Scenic Waterway.

Water is available for further appropriation (at a 50 percent exceedance probability) for the proposed uses of irrigation for the period MARCH 1 THROUGH JUNE 30 and livestock for the period YEAR ROUND.

The Department finds that no more than 1.865 CFS, BEING 1.86 CFS FOR IRRIGATION AND 0.005 CFS FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) AND 16.03 AF, BEING 11.41 AF FOR IRRIGATION AND 2.62 AF FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) would be necessary for the proposed use. The amount of water requested, 1.865 CFS, BEING 1.86 CFS FOR IRRIGATION AND 0.005 CFS FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) AND 16.03 AF, BEING 11.41 AF FOR IRRIGATION AND 2.62 AF FOR LIVESTOCK AND AGRICULTURE (BARN WASHING), is allowable.

An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The period of use has been limited to MARCH 1 THROUGH MARCH 30 FOR IRRIGATION FROM LIVE FLOW AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER; MARCH 1 THROUGH MARCH 30 FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM LIVE FLOW AND YEAR ROUND FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM STORED WATER.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

The Department proposes to issue the attached permit contingent on the receipt of the attached "Limited Period of Use Acknowledgement Letter." This letter must be signed and returned to the Department within 45 days. Failure to return the letter may result in the Department withholding issuance of the permit and may result in the eventual rejection of your application.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS

536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the South Coast Basin Plan.

Preference for the livestock consumption portion of this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

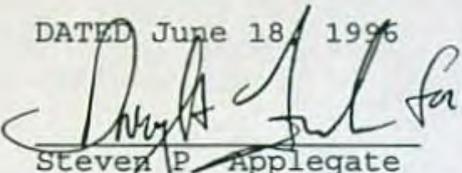
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED June 18, 1996


Steven P. Applegate
Administrator
Water Rights Division

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than August 2, 1996.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

BW

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF COOS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY, OREGON 97770

(541)888-9269

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

APPLICATION FILE NUMBER: S-69770

SOURCE OF WATER: EAST FORK BIG CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-69769

TRIBUTARY OF: PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 149.0 ACRES, LIVESTOCK AND AGRICULTURE (BARN WASHING)

MAXIMUM RATE ALLOWED: 1.865 CUBIC FEET PER SECOND (CFS), BEING 1.86 CFS FOR IRRIGATION AND 0.005 CFS FOR LIVESTOCK AND AGRICULTURE (BARN WASHING), FURTHER LIMITED TO 0.005 CFS FOR LIVESTOCK ONLY, AND 16.03 AF, BEING 11.41 AF FOR IRRIGATION AND 2.62 AF FOR LIVESTOCK AND AGRICULTURE (BARN WASHING)

PERIOD OF USE: MARCH 1 THROUGH MARCH 30 FOR IRRIGATION FROM LIVE FLOW AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER; MARCH 1 THROUGH MARCH 30 FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM LIVE FLOW AND YEAR ROUND FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM STORED WATER
DATE OF PRIORITY: DECEMBER 5, 1988

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 22, TOWNSHIP 26 SOUTH, RANGE 14 WEST W.M.; POD 1 - 10 FEET NORTH & 990 FEET EAST; POD 2 - 660 FEET NORTH & 180 FEET EAST; BOTH FROM THE SOUTH 1/4 CORNER, SECTION 22

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Application S-69770 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
NE 1/4 SE 1/4	11.9 ACRES -	9.7 ACRES - 21.6
NW 1/4 SE 1/4	2.1 ACRES -	2.5 ACRES - 4.6
SE 1/4 SE 1/4	3.1 ACRES -	15.3 ACRES - 18.4
SECTION 16		27.5
NE 1/4 NE 1/4	6.0 ACRES -	15.1 ACRES - 21.1
SW 1/4 NE 1/4	3.0 ACRES -	
SE 1/4 NE 1/4	5.6 ACRES -	6.3 ACRES - 11.9
NE 1/4 SE 1/4	6.5 ACRES -	
NW 1/4 SE 1/4	5.0 ACRES -	
SW 1/4 SE 1/4	1.0 ACRES -	
SE 1/4 SE 1/4	12.0 ACRES -	
SECTION 21		21.4
NW 1/4 NW 1/4	1.0 ACRES -	0.2 ACRE AND BARN - 1.2
SW 1/4 NW 1/4	0.4 ACRE -	12.2 ACRES - 12.6
NE 1/4 SW 1/4	0.7 ACRE -	4.3 ACRES - 5.0
NW 1/4 SW 1/4	1.5 ACRES -	3.7 ACRES - 5.2
SW 1/4 SW 1/4	2.0 ACRES -	
SE 1/4 SW 1/4	1.0 ACRE -	3.0 ACRES - 4.0
SECTION 22		23.4
NW 1/4 NW 1/4	4.5 ACRES -	
SECTION 27		
NE 1/4 NE 1/4	9.5 ACRES -	
SW 1/4 NE 1/4	1.0 ACRES -	
SW 1/4 NE 1/4	1.0 ACRES -	
SE 1/4 NE 1/4	2.0 ACRES -	
SECTION 28		150.6 based on my add
TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.		148.6

Keep per application
DRIVE
W/DRIVE

This page totals 153.6

DUPLICATE ENTRY

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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

~~No water shall be appropriated from the reservoir until a valid Division of State Lands (DSL) fill/removal permit is obtained and all required habitat enhancement and other conditions of the DSL fill/removal permit are completed to the Division's satisfaction.~~

STANDARD CONDITIONS

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

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

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

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

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:

Stan Kurzet
PO Box 680670
Salt Lake City, Utah 84108

R-69769 & 6A770

4a. Article Number

956581

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

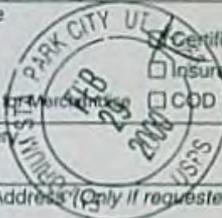
8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

STAN KURZET

6. Signature (Addressee or Agent)

Stan Kurzet



Thank you for using Return Receipt Service.



Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

Water Resources Department

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

February 15, 2000

Stan Kurzet
PO Box 5039
Coos Bay, Oregon 97420

PO Box 680670
Lake City, Utah 84608

RE: Application Files R-69770

Dear Mr. Kurzet:

The Department is currently reviewing the applications referenced above. However, additional information is needed and must be received:

*Call Mike
McLabe @
DSL -
said ok if
DDFW for F/R perm.
Per. Dennis Goude*

For the applications referenced above, the Department has determined that the following information is required:

- A copy of a permit to cover the reservoir in question.

For the applications referenced above, the Department has determined that the following information is required:

Please submit this information by the date requested above by this date, we will reject your reservoir application consistent with ORS 537.153. Application S-69770 will not consider stored water if a permit is issued. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

If you need to request additional time to submit the required information, the written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503)378-8455 extension 229, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Anita M. Huffman
Senior Water Rights Examiner

cc: Dennis Goude, CWRE
File
Watermaster, District 19





Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

Water Resources Department

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

February 15, 2000

Stan Kurzet
PO Box 5039
Coos Bay, Oregon 97420

PO Box 680670
Salt Lake City, Utah 84608

RE: Application Files R-69769, S-69770

Dear Mr. Kurzet:

The Department is currently in the process of preparing a Final Order for the applications referenced above. However, based upon continued review, the Department has determined that additional information is necessary in order to complete our review. The following information must be received:

- ▶ A copy of a *valid* Division of State Lands (DSL) fill/removal permit to cover the reservoir in application R-69769.

Please submit this information by **March 15, 2000**. If we do not receive the information requested above by this date, we **will** reject your reservoir application consistent with ORS 537.153. Application S-69770 **will not** consider stored water if a permit is issued. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

If you need to request additional time to submit the required information, the written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503)378-8455 extension 229, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Anita M. Huffman
Senior Water Rights Examiner

cc: Dennis Goude, CWRE
File
Watermaster, District 19





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

June 10, 1999

Dennis Goude
Stuntzner Engineering & Forestry
P.O. Box 118
Coos Bay, Oregon 97420

RE: Application R-69769 & R-69770

Dear Dennis:

On May 28, 1999, the Department received the additional information requested for a continued administrative hold on the above referenced applications.

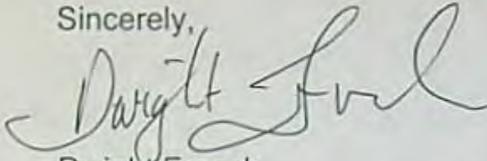
This application was originally placed on administrative hold on August 5, 1996. This application has been on administrative hold with the Department longer than the 180 days allowed under OAR 690-310-270. However, also under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary.

Based review of the information you have provided, the Director has determined that a longer administrative hold on the processing of the above referenced applications is reasonable and necessary. The Department has approved the request for an additional administrative hold for one year. The Department will not take any action on these applications until **November 1, 1999**. Please let us know if you are ready to proceed sooner.

If you need to request additional time, the request will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time-line, which identifies when the applicant anticipates being ready to continue with the application process.

If you have any questions, please give me a call. I can be reached at (503) 378-8455, extension 268, or toll free within Oregon at 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Dwight French". The signature is written in black ink and is positioned above the printed name.

Dwight French
Water Rights Division Acting Administrator

cc: John Drolet, Watermaster District 19
Stan Kurzet



TELEPHONE (541) 267-2872
FAX (541) 267-0588
dennisgoude@stuntzner.com

RECEIVED

MAY 28 1999

705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

WATER RESOURCES DEPT.
SALEM, OREGON
COOS BAY - BROOKINGS - WILSONVILLE

May 26, 1999

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210
Attention: Laura Snedaker

Re: Kurzet Application Numbers: R-69769 and S-69770

Dear Laura:

Mr. Kurzet must create two ponds for fish habitat adjacent to the main stream channel (Big Creek) as part of the projects' mitigation plan as required by ODF&W and DSL. I will clarify the time line and explain in depth the reason for the request for additional administrative hold on the Kurzet project: OAR: 629-24-623(8) Southwestern rules restrict the amount of time allowed for in waterway construction to low water periods. In the area of the Kurzet project ODF&W restrict this time line to the period from July 15 to September 15. Due to the wetter than normal spring last year (1998) the soil was saturated to the point that any attempted equipment movement in the project area would result in the equipment becoming stuck. Due to these conditions only one-half of the project was completed during the allotted time frame set down by ODF&W. Therefore the request for additional administrative hold.

Mr. Kurzet is ready to begin construction on the final phase of the mitigation required by ODF&W and DSL as soon as allowed (July 15) and weather permitting. We feel that if the mitigation is inspected in a timely manner Mr. Kurzet should be ready to proceed with his application by November 1, 1999. If you have any questions or require additional information, please call me a (541) 267-2872.

Sincerely,
Stuntzner Engineering & Forestry, LLC

Dennis Goude
Dennis Goude



TELEPHONE (541) 267-2872
FAX (541) 267-0588
dennisgoude@stuntzner.com

705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY - BROOKINGS - WILSONVILLE

May 10, 1999

RECEIVED

MAY 12 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210
Attention: Dwight French

Re: Kurzet Application Numbers: R-69769 and S-69770

Dear Mr. French:

I received the Department's Certified letter April 22, 1999 regarding Mr. Kurzet's Water Right Application status. I am requesting an additional administrative hold to enable Mr. Kurzet time to finish the required ODF&W & DSL mitigation. Due to the narrow time frame that work is allowed adjacent to Big Creek (July 15th through September 15th and the wet summer last year only one-half of the mitigation was completed. I spoke with Jim Muck of ODF&W this morning and he felt that we should complete the mitigation this year. If you have any questions or require additional information, please call me at (541) 267-2872.

Sincerely,
Stuntzner Engineering & Forestry, LLC

A handwritten signature in cursive script that reads "Dennis Goude".
Dennis Goude



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

May 14, 1999

Dennis Goude
Stuntzner Engineering & Forestry
P.O. Box 118
Coos Bay, Oregon 97420

RE: Application R-69769 & S-69770

Dear Dennis:

On May 10, 1999, the Department received your request for an additional administrative hold on the above referenced applications. However, the information provided in your letter is not quite sufficient enough for the Department to grant continued administrative hold on the applications.

Under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer administrative hold is reasonable and necessary. In order for the Director to make this finding some more detailed information than that presented in your letter is necessary. Please address the following:

A general time line for what is being done in order to get ready to proceed. And identify, as specifically as possible, when the applicant anticipates being ready to proceed with the application. If you are not sure, please provide your best estimate.

Please submit this information by **May 31, 1999**. If the requested information is not submitted by this date, the Department **may** continue processing the application based upon the information available. This could negatively affect the application.

If you have any questions about the necessary information, please give me a call. I can be reached at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Laura K. Snedaker
Senior Water Rights Examiner

cc: John Drolet, Watermaster District 19
Stan Kurzet

LAND SURVEYING

PLANNING

ENGINEERING

WATER RIGHTS

FORESTRY

MATERIAL TESTING



TELEPHONE (541) 267-2872

FAX (541) 267-0588

dennisgoude@stuntzner.com

705 SO. 4TH, P.O. BOX 118

COOS BAY, OREGON 97420

COOS BAY - BROOKINGS - WILSONVILLE

May 10, 1999

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210
Attention: Dwight French

Re: Kurzet Application Numbers: R-69769 and S-69770

Dear Mr. French:

I received the Department's Certified letter April 22, 1999 regarding Mr. Kurzet's Water Right Application status. I am requesting an additional administrative hold to enable Mr. Kurzet time to finish the required ODF&W & DSL mitigation. Due to the narrow time frame that work is allowed adjacent to Big Creek (July 15th through September 15th and the wet summer last year only one-half of the mitigation was completed. I spoke with Jim Muck of ODF&W this morning and he felt that we should complete the mitigation this year. If you have any questions or require additional information, please call me at (541) 267-2872.

Sincerely,
Stuntzner Engineering & Forestry, LLC

Handwritten signature of Dennis Goude in cursive script.
Dennis Goude



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL
Return Receipt Requested

April 16, 1999

Dennis Goude
Stuntzner Engineering & Forestry, LLC
705 South 4th
PO Box 118
Coos Bay, OR 97420

Reference File Numbers: R-69769 and S-69770

Dear Mr. Goude:

On May 6, 1997, the Department approved your request to put the above referenced application on administrative hold. The administrative hold on this application expired on August 30, 1997.

It appears that the application had been put on hold for the following reason:

- ▶ To work on ODF&W and DSL permit conditions.

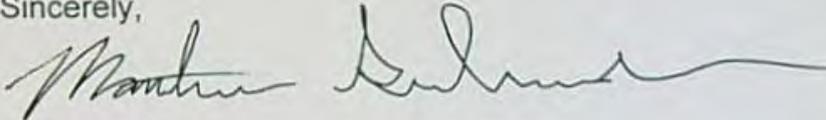
Please contact the Department and indicate whether you are ready to proceed with the application **by May 16, 1999**. If you do not contact the Department by this date, we have no choice but to assume that you are ready to proceed with the application. The Department will then continue review of the application based upon the information available. Failure to respond **may** lead to rejection of your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

If an additional administrative hold is necessary, please make your request in writing to Dwight French, Manager Water Rights Section, for consideration. Under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a

longer period is reasonable and necessary. In order for the Department to approve an additional hold, your request would need to show why an additional administrative hold is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time-line, which identifies when the applicant anticipates being ready to continue with the application process.

If you have any questions, please call Laura Snedaker at (503) 378-3739 extension 331 or toll free within Oregon at 1 (800) 624-3199, extension 331.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Gerbrandt", with a long horizontal flourish extending to the right.

Matthew Gerbrandt
Water Right File Technician

cc: Watermaster District 19 and Stan Kurzet

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Dennis Goude
 Stuntzner Engineering & Forestry
 PO Box 118
 Coos Bay, Oregon 97420

6A7693 69770

4a. Article Number

PS 6462

4b. Service Type

- Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

4-21-99

5. Received By: (Print Name)

Ronald E. Stuntzner

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Ronald E. Stuntzner*

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Water Resources Dept.
158 12th Street NE
Salem, Oregon 97310

WIR Hannah

Stuntzner**Engineering
& Forestry, LLC**
 TELEPHONE (541) 267-2872
 FAX (541) 267-0588

 705 SO. 4TH, P.O. BOX 118
 COOS BAY, OREGON 97420

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APR 17 1997

 WATER RESOURCES DEPT.
 SALEM, OREGON

Dwight French
 Water Resources Department
 Commerce Building
 158 12th Street NE
 Salem, Oregon 97310-0210

✓ files

#144

Dwight

4/30/97

5/14/97

RE: Stan Kurzet Water Rights Application R-69769 & S-69770, Time Out.

Unforeseen circumstances created a need to request an extension of our Time Out. As you are aware the severity of last winter's storms created priority situations for most state agencies. These priority situations created an inability for our company to make contact with key personnel in the various agencies.

A plan view of the proposed restoration and enhancement project has been drawn and presented to Jim Muck and Reese Bender of Oregon Department of Fish & Wildlife. A site visit was conducted with Jim and Reese on March 18, 1997 and the feeling is the plan, with minor modifications, is acceptable for the required mitigation.

A detailed drawing of a small screened diversion works needs to be submitted to the Division of State Lands and approved before issuing an enhancement/restoration permit. We have requested example drawings of different screened diversion works from ODF&W that will assist in our design. At this time we have not received all the materials requested.

Also adding to the need for the extension is the restriction of not being able to perform instream construction before July 1. With the cooperation of the agencies involved we feel this project can be brought to a satisfactory conclusion by the end of August. Thank you for your patience and assistance.

Sincerely,
 Stuntzner Engineering & Forestry, LLC

Dennis Goude

Voice mail

LKS

10-2-97 / 9:38

Dennis Gaudle - Stutzner Eng

541-267-2872

~~Kier~~ ^{UFZ} WR's

8:15 - returning call

Spoke w/ Dennis

R-69769

S-69770

need additional time -

still waiting on info

from ODFW

send written request

explaining situation to

Dwight F.

RECEIVED

JAN 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

January 17, 1995

DEPARTMENT OF
FISH AND
WILDLIFE



CHARLESTON
DISTRICT OFFICE

Water Rights Section
Water Resources Department
158 - 12th Street, NE
Salem, OR 97310

RE: Water Right Applications R 69769 & S 69770

The applicant illegally constructed a dam at the proposed reservoir site in 1989. Subsequently, the applicant was required to file an "after the fact" fill/removal application by the Division of State Lands (DSL). That DSL permit, # 5295, expired September 19, 1991. The applicant did not comply with the mitigation, fish passage and other conditions (#7, #8, #9, & #10) in the attached DSL permit. ODFW requests that these water right applications not be granted until the applicant has applied for and received a valid "after the fact" fill/removal permit to cover the reservoir. Furthermore, no water should be appropriated until all DSL required habitat enhancement and other conditions of the fill/removal permit are completed.

If the above conditions are met, ODFW supports the inclusion of Proposed Permit Condition #12 for R69769, because one or more species of game fish are present at the described POD.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Reese E. Bender".

Reese E. Bender
Assistant District Fishery Biologist

Enclosure

c: ODFW-HCD



4475 Boat Basin Drive
PO Box 5430
Charleston, OR 97420
(503) 888-5515
FAX (503) 888-6860

Big Creek

Division of State Lands
775 Summer Street NE
Salem, OR 97310
Phone: 378-3059
378-3805

SEP 23 1990
RECEIVED

JAN 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

70
USFW Removal
Permit No. 5295
Permit Type Removal/Fill
Waterway Big Creek
County Coos County
Expiration Date September 19, 1991

STAN KURZET

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Martha O. Pagel, Director
Oregon Division of State Lands


Authorized Signature

September 19, 1990
Date Issued

RECEIVED

JAN 20 1995

WATER RESOURCES DEPT
SALEM, OREGON

ATTACHMENT A

Special Conditions for Material Removal/Fill Permit No. 5295

1. This permit authorizes the removal of up to 16,000 cubic yards of material in Section 22, T26S, R14W (Big Creek) for irrigation reservoir construction as outlined in the attached permit application, map and drawings.

This permit also authorizes the removal of material and placement of rock and other material necessary to construct fish habitat enhancement structures and a fish passage facility.

2. Work in the waterway shall be done so as to minimize turbidity increases in the water that would degrade water quality and damage aquatic life. Turbidity shall not exceed 10% above natural stream turbidities, except as allowed by OAR 340-41.
3. Care shall be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.
4. Waste materials and spoils shall be placed above the bankline.
5. There shall be no operation of equipment in the active flowing stream between September 1 and June 15. All remaining work allowed or required by this permit shall be done during the 1991 construction season, unless otherwise specified in this permit.
6. Water shall not be withdrawn from the reservoir below the minimum nine acre feet residual storage capacity, and a minimum of two cubic feet per second shall be discharged from the reservoir at all times.

FISH HABITAT ENHANCEMENT CONDITIONS

7. Fish passage and screening devices, as required by ODFW, shall be installed, operated, and maintained at the expense of the permittee.
8. The permittee shall contact Oregon Department of Fish and Wildlife biologist, Reese Bender (phone: 888-5515), at least one week prior to construction fish habitat enhancement structures and fish passage facility.
9. Fish habitat enhancement structures shall be constructed at locations staked at the project site, under the supervision of Oregon Department of Fish and Wildlife personnel.
10. Settling basins shall be constructed on tributaries to Big Creek, as needed for controlling turbidity and sedimentation.

REVEGETATION CONDITIONS

11. Removal of existing woody vegetation shall be minimal.
12. All areas of soil disturbance shall be seeded or planted with grass and/or legumes.

RECEIVED

JAN 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Attachment A
RF 5295
Page two

13. Willows shall be planted along the reservoir, on 8 foot centers, in February or March, 1992. Willow slips, 18-24 inches in length, can be inserted into the soil, leaving 3 or 4 buds above the soil.
14. The sections of stream and reservoir where habitat enhancement structures and willow revegetation have occurred shall be fenced to prevent livestock grazing and disturbance.
15. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

September 19, 1990
3163p

May 6, 1997

DENNIS GOUDE
STUNTZNER ENGINEERING & FORESTRY, LLC
705 S 4TH
PO BOX 118
COOS BAY, OREGON 97420

RE: Application R-69769 & S-69770

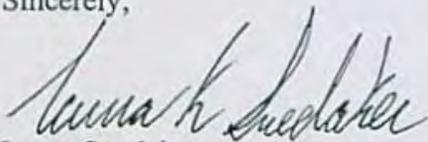
Dear Mr. Goude:

On April 17, 1997, the Department received your request for an additional extension of time, until August 30, 1997, for the above identified applications in the name of Stan Kurzet. The Department is granting an extension to submit the materials requested in the Proposed Final Order.

The Department will not take any action on this application until **August 30, 1997**. Please let us know if you are ready to proceed sooner.

If you have any questions, please feel free to give me a call. I can be reached toll free from within Oregon at 1 (800) 624-3199 extension 331.

Sincerely,



Laura Snedaker
Senior Water Rights Examiner

cc: File R-69769 and S-69770
John Drolet, Watermaster District 19
Stan Kurzet, applicant



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

Stuntzner**Engineering
& Forestry, LLC**TELEPHONE (541) 267-2872
FAX (541) 267-0588705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY • BROOKINGS • WILSONVILLE

RECEIVED

APR 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French
Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

RE: Stan Kurzet Water Rights Application R-69769 & S-69770, Time Out.

Unforeseen circumstances created a need to request an extension of our Time Out. As you are aware the severity of last winter's storms created priority situations for most state agencies. These priority situations created an inability for our company to make contact with key personnel in the various agencies.

A plan view of the proposed restoration and enhancement project has been drawn and presented to Jim Muck and Reese Bender of Oregon Department of Fish & Wildlife. A site visit was conducted with Jim and Reese on March 18, 1997 and the feeling is the plan, with minor modifications, is acceptable for the required mitigation.

A detailed drawing of a small screened diversion works needs to be submitted to the Division of State Lands and approved before issuing an enhancement/restoration permit. We have requested example drawings of different screened diversion works from ODF&W that will assist in our design. At this time we have not received all the materials requested.

Also adding to the need for the extension is the restriction of not being able to perform instream construction before July 1. With the cooperation of the agencies involved we feel this project can be brought to a satisfactory conclusion by the end of August. Thank you for your patience and assistance.

Sincerely,
Stuntzner Engineering & Forestry, LLC

Dennis Goude
Dennis Goude

✓ files
#144
Dwight
4/30/97
5/14/97

Stuntzner Engineering & Forestry, LLC

P. O. Box 118

705 South 4th

Coos Bay, Oregon 97420

Fold at line over top of envelope to
the right of the return address

CERTIFIED

P 161 972 935

MAIL

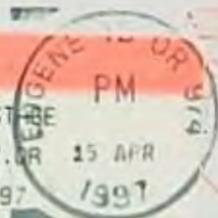


UNITED STATES
POSTAL SERVICE

U.S. POSTAGE
PAID
COOS BAY, OR 97420
APR 15, 1997
AMOUNT

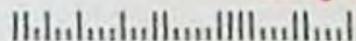
\$2.20

00063147-07



DWIGHT FRENCH
WATER RESOURCES DEPT
COMMERCE BLDG
158 12TH STREET NE
SALEM OREGON 97310-0210

**RETURN RECEIPT
REQUESTED**



May 6, 1997

DENNIS GOUDE
STUNTZNER ENGINEERING & FORESTRY, LLC
705 S 4TH
PO BOX 118
COOS BAY, OREGON 97420

RE: Application R-69769 & S-69770

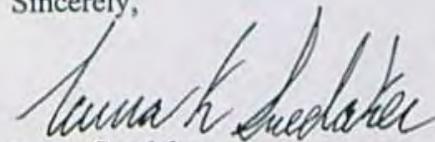
Dear Mr. Goude:

On April 17, 1997, the Department received your request for an additional extension of time, until August 30, 1997, for the above identified applications in the name of Stan Kurzet. The Department is granting an extension to submit the materials requested in the Proposed Final Order.

The Department will not take any action on this application until **August 30, 1997**. Please let us know if you are ready to proceed sooner.

If you have any questions, please feel free to give me a call. I can be reached toll free from within Oregon at 1 (800) 624-3199 extension 331.

Sincerely,



Laura Snedaker
Senior Water Rights Examiner

cc: File R-69769 and S-69770
John Drolet, Watermaster District 19
Stan Kurzet, applicant



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

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

MEMORANDUM OF PERSONAL OR TELEPHONE CONTACT

TO: FILES R-69769 & S-69770

DATE: 4/7/97

FROM: KEN DOWDEN

SUBJECT: ADD'L TIME NEEDED NAME: MR. DENNIS GOODE w/ STUNTNER ENGINEERING

TALKED W/ MR. GOODE BY PHONE. HE IS REQUESTING
ADDITIONAL TIME TO COMPLETE PROJECT INVOLVING
APPLICATIONS LISTED ABOVE.

THEY, STUNTNER & APPLICANT ARE WORKING W/ ODFW AND
DSC WITH PERMITS. PART OF PROJECT IS BEING
HELD UP FOR REASONS ?

ADVISED DENNIS TO FORMALLY, IN WRITING, REQUEST
AN ADD'L "TIME OUT" AND DIRECT IT TO DWIGHT
FRENCH. CONVEYED TO HIM NEED FOR INFORMATION
ON WORK THAT HAS BEEN COMPLETED THUS FAR
AND WHAT REMAINS, IN LETTER.

OCTOBER 21, 1996

RONALD E. STUNTZNER
705 S 4TH, PO BOX 118
COOS BAY, OR 97420

Reference File Number: File R-69769 & S-69770, Stan Kurzet

Dear Mr. Stuntzner,

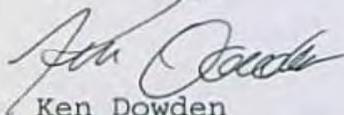
I am in receipt of your letter dated July 23, 1996 requesting the Department delay processing of the above listed file. I apologize for the delay in responding to your request.

The Department may allow a "Time Out" and hold up processing for a reasonable period of time. The extension time out period shall not exceed 180 days except upon a finding by the Director that a longer extension is reasonable and necessary. By asking for an extension, you are waiving your rights to expedient processing.

No action will take place on this application until after April 19, 1997, unless other arrangements are made earlier.

If you have any questions or concerns, please give me a call at (503) 378-8455 extension 269.

Sincerely,



Ken Dowden
Water Rights Examiner
Water Rights/Adjudication Division

cc: file
Stan Kurzet
District 19 Watermaster
Rachel Baer, OWRD, Tracking Center



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

TOWNSHIP 265 RANGE 14W W. M. SECTION 16

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
7 ²				7 ⁶												46598	34825	43126
MUNICIPAL																		
												21 ⁵⁵ 4 ⁵⁹ 18 ³¹				55369	41801	53521
																63047	46986	
																63237	47095	
																R.63956	R.8809	2
40 ³⁷ 40 ⁴⁰				25 ² 40 ² 40 ³³ 22 ² 40 ²				12 ¹ 9 ² 11 ²								63957	47712	2
MUNICIPAL																		
																610893	610132	
MUNICIPAL																		
																68795	50155	
																69770		5
																69770	suppl	

63047 Jeff
63957

TOWNSHIP 265 RANGE 14W W. M. SECTION 21

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
21 ¹²				0 ⁹² 11 ²²												55369	41801	53521
MUNICIPAL																		
																63047	46986	
																63237	47095	
																610893	610132	
MUNICIPAL																		
15 ²				3 ² 9 ²												68795	50155	
																69770		5

TOWNSHIP 265 RANGE 14W W. M. SECTION 22

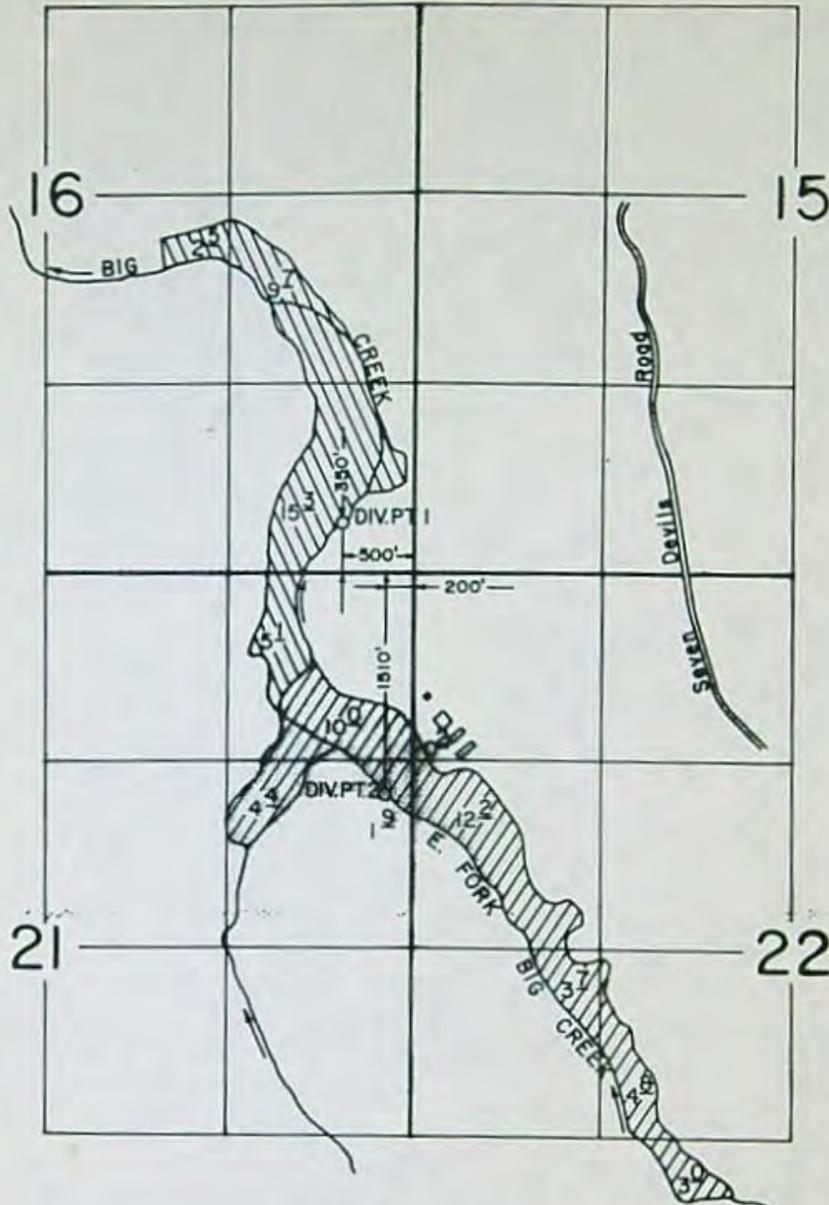
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																39210	29472	5311200
MUNICIPAL																		
																55369	41801	53521
																63047	46986	
																63237	47095	
																64586	48141	
																64819	48142	
																610893	610132	
MUNICIPAL																		
																68795	50155	
																R.69769		
																69770		5

63047
63237
64586
64819

R.69769

EXISTING RT,
on Appl. R-69769/70

T. 26 S., R. 14 W., W.M



SCALE: 1" = 1320'

FINAL PROOF SURVEY
UNDER

Application No. 63047. Permit No. 46986.....
IN NAME OF

ANNE L. KURZET

Surveyed SEPT. 17, 1988, by J. R. KAUPPILA.

address of applicant:

STAN KURZET
PO BOX 5039
COOS BAY, OR 97420

STAN KURZET
PO BOX 680670
PARK CITY, UTAH 84608

PLEASE SEND
COPY TO BOTH
ADDRESSES
W/ NOTE ON
UTAH LETTER
SAYING:

COPY ALSO SENT
TO OREGON ADDRESS



TELEPHONE (503) 267-2872
FAX (503) 267-0588

705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

RECEIVED

JUL 25 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Stan Kurzet
P.O. Box 680670
Park City, Utah 84608
(801) 645-9269

MA *MA* 10/17

"Time out"

record owner of applications R-69769 & S-69770, do hereby request an extension in time to August 2, 1997 so as to allow for a ODF&W and DSL site visits and inspection of the completed habitat enhancement and fish passage projects.

7/23/96
Date

Ronald E. Stuntzner
By: Ronald E. Stuntzner, CWRE

August 5, 1996

Dennis Goude
Stuntzner Engineering & Forestry
P.O. Box 118
Coos Bay, Oregon 97420

REFERENCE: Applications R-69769 and S-69770

Dear Dennis,

Enclosed please find a refund check for \$100.00. The type of request you made for an extension of time to meet the requirements of the Proposed Final Order did not require any money. By the way, your request for an extension of time is granted. Please keep me informed of your progress. If you have any questions, please don't hesitate to call me at 1-800-735-2900, ext. 452. Thank you.

Sincerely,

Bernadette Williams

Bernadette Williams
Senior Water Rights Examiner

enclosure



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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Stan Kuregt

P.O. Box 5039

Coos Bay, OR 97420

application # R-69769 & S-69770

4a. Article Number

P-56398

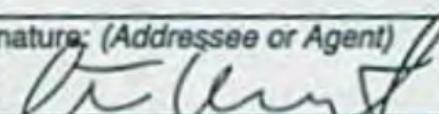
4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X 

Thank you for using Return Receipt Service.

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

June 12, 1996

STAN KURZET
P.O. BOX 5039
COOS BAY, OREGON 97420

RE: Application File # R-69769 and S-69770

Dear Mr. Kurzet,

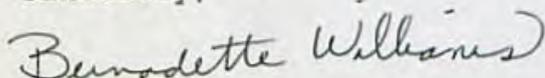
On June 18, 1996, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. These items must be submitted:

Prior to the issuance of a permit, the applicant must submit a valid Division of State Lands (DSL) fill/removal permit to cover the reservoir in application R-69769. No water shall be appropriated from the reservoir until all DSL required habitat enhancement and other conditions of the fill/removal permit are completed.

Please submit these items by August 2, 1996. If we do not receive the items requested above by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 452.

Sincerely,



Bernadette Williams
Senior Water Rights Examiner



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

9

Application S-69770

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-69770

WATERMASTER # 19: John Drolet

REGIONAL MANAGER: Al Cook

ODF&W - Coos County: YES!

CWRE (if agent): Stuntzner Engineering & Forestry; P.O. Box 118; Coos Bay, OR 97420

DEQ: YES!

OTHER STATE AGENCY IF NECESSARY: Division of State Lands

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

POWER BUILDER UPDATER; FRONT COUNTER; KEN STAHR

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

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

CASEWORKER : BW

PFO CHECKLIST

Application #: _____

Basin: _____ WAB: _____

Township _____ Range _____ Section _____ 1/4 1/4 _____

- A1. Public Interest Screen Criteria
1. Is the file complete by the Completeness Checklist?
2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)
3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other)
4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- a. Is second groundwater review necessary? (objection)
- b. Is HB 1033 review complete?
5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
6. Is the Proposed Use located in or above a Scenic Waterway?
7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
8. Is the use allowed or limited by the Basin Program?
9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
11. Rate 1/80 Duty 2.5 Irrigation Season 3/1 ~ 10/31
12. Period of Allowed Use See Permit
13. Is use from a B.O.R. project and if so, is a signed contract in the file?
14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
15. Have conflicts been identified, verified and/or addressed?
16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)?
17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
18. Fill out Accuracy Checklist
19. Spell Check
20. Documents used in determination are attached and highlighted
21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
22. Final PFO report hard copy check (format, margins, etc.)
23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Bernadette Date: 6/11/96 BW

Fish District: Coos/Coquille

WAB #

Application # 5-69770

Applicant Name S. Kurzet

Date: March 27, 1996

AREA

Source Watershed

Senior instream water right application to junior out-of-stream application

No water availability information

INFORMATION/CONDITIONS

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

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

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

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

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

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

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

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

FINDINGS

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

November 18, 1994

WATER
RESOURCES
DEPARTMENT

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY, OR 97770

Reference: File S 69770

Dear Applicant:

The Water Resources Department has finished the first step of its analysis of your application. Enclosed is a copy of this first report, which is called the Report of Technical Review.

The technical review is the Department's legal and scientific analysis of the application, including a calculation of the expected availability of water for your proposed use, an analysis of whether the use would conflict with other existing water rights, and if the use is compatible with the Department's river basin programs and local land use plans. Step two, is the 60-day public review period.

In the case of your application, the Technical Review was satisfactory, and it concluded that water would be available for this use for the time period described in the permit conditions of the attached Report. The Report also includes other conditions which may be placed in the water right permit to protect other water users, the public or fish and wildlife resources.

The Report of Technical Review is only the first step of the review process and does not authorize you to construct a water system or to use the public waters. The Report does not represent any commitment by the Department ultimately to approve your application. Before a permit may be granted, the Department must complete a public interest review.

In this second step of the review process, state regulations require that other water users and the general public be given an opportunity to object to your proposed water use. You also may object to any of the Department's findings or proposed permit conditions contained in the technical report. If you wish to object, you must file your objection with the Department in writing by 5 p.m. on or before JANUARY 27, 1995. Interested parties must also submit their objections before the same deadline.

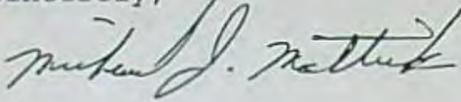
Please review the enclosed informational sheet which describes the appeals process and the steps that must be taken by any party objecting to your Report of Technical Review or by parties wishing to protest issuance of the permit.



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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Mattick".

Michael J. Mattick
Water Rights Specialist

Enclosures

Report Date: November 18, 1994

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, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: JANUARY 27, 1995

1. APPLICATION FILE NUMBER -S 69770
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

STAN KURZET
8181 SEVEN DEVILS ROAD 503-888-9269
COOS BAY, OR 97770
COUNTY OF COOS

Date application received for filing and/or tentative date of priority: 12/5/1988 FOR 1.588 CFS AND THE USE OF 9 ACRE FEET, AND 10/13/89 FOR 0.277 CFS THE USE OF 7.03 ACRE FEET.

SOURCE: EAST FORK OF BIG CREEK AND WATER STORED IN 2 ACRE RESERVOIR (APPLICATION R-69769), A TRIBUTARY BIG CREEK.

Purpose and/or use: IRRIGATION OF 126.5 ACRES (80.6 PRIMARY AND 72.3 SUPPLEMENTAL) AND LIVESTOCK BARN WATER USE.

Flow: 1.865 CUBIC FEET PER SECOND AND 16.03 ACRE FEET BEING: 1.86 CFS AND 11.41 ACRE FEET FOR IRRIGATION, AND 0.005 CFS AND 2.62 ACRE FEET FOR LIVESTOCK BARN WATER USE, 2.0 ACRE FEET OF DEAD STORAGE.

Point of Diversion Location:

#1 - SW 1/4 SE 1/4, SECTION 22, T 26 S, R 14 W, W.M.;
10 FEET NORTH AND 990 FEET EAST OF THE S 1/4 CORNER SECTION 22;
SE 1/4 SW 1/4, SECTION 22, T 26 S, R 14 W, W.M.;
#2 - 660 FEET NORTH AND 180 FEET EAST OF THE S 1/4 CORNER SECTION 22.

Place of use:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	11.9 ACRES	9.7 ACRES
NW 1/4 SE 1/4	2.1 ACRES	2.5 ACRES
SE 1/4 SE 1/4	3.1 ACRES	15.3 ACRES
SECTION 16		
NE 1/4 NE 1/4	6.0 ACRES	15.1 ACRES
SW 1/4 NE 1/4	3.0 ACRES	
SE 1/4 NE 1/4	5.6 ACRES	6.3 ACRES
NE 1/4 SE 1/4	6.5 ACRES	
NW 1/4 SE 1/4	5.0 ACRES	
SW 1/4 SE 1/4	1.0 ACRES	
SE 1/4 SE 1/4	12.0 ACRES	
SECTION 21		
NW 1/4 NW 1/4	1.0 ACRES	0.2 ACRE AND BARN
SW 1/4 NW 1/4	0.4 ACRE	12.2 ACRES
NE 1/4 SW 1/4	0.7 ACRE	4.3 ACRES
NW 1/4 SW 1/4	1.5 ACRES	3.7 ACRES
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4	1.0 ACRE	3.0 ACRES
SECTION 22		
NW 1/4 NW 1/4	4.5 ACRES	
SECTION 27		
NE 1/4 NE 1/4	9.5 ACRES	
SW 1/4 NE 1/4	1.0 ACRES	
SW 1/4 NE 1/4	1.0 ACRES	
SE 1/4 NE 1/4	2.0 ACRES	

SECTION 28

TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.

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.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights and scenic waterway needs 50% 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.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 1.86 is likely available during 4 months for irrigation, 0.005 CFS is likely available year round for livestock and stored water is likely available year round.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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 69770

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: FOR IRRIGATION MARCH 1 THROUGH JUNE 30 FOR USE OF LIVE FLOW, MARCH 1 THROUGH OCTOBER 31 FOR ~~SUPPLEMENTAL~~ USE OF STORED WATER; LIVESTOCK BARN WATER USE OF LIVE FLOW AND SUPPLEMENTAL USE OF STORED WATER ALLOWED YEAR ROUND.
3. Rate of use: 1.86 CFS AND 11.41 ACRE FEET OF STORED WATER FOR IRRIGATION AND 0.005 CFS AND 2.62 ACRE FEET OF STORED WATER FOR LIVESTOCK BARN WATER.
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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.
10. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

1/10/95

See change
to Permit Cond. #2

Remove
SUPPLEMENTAL

from 3rd line.
I do not intend to
limit use of stored
water only to loads
with old underlying
right.

MM

WaterWatch

Water Resources Dept.
Page 1

RECEIVED

JAN 30 1995

WATER RESOURCES DEPT
SALEM, OREGON

Delivered via FAX and Regular Mail

January 27, 1995

Oregon Water Resources Department
Water Rights Section
158 12th NE
Salem, Oregon 97310

Re: Objection to Technical Reports for:
R69769, S69770, Kurzet, Irrigation and Livestock, E. Fk. Big Creek
Big Creek, South Coast

We submit the following objections pursuant to OAR 690-11-170:

The Technical Reports are Defective

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1).

The Water Availability Analyses in the Technical Reports are Defective

- The analyses failed to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.
- The technical report fails to contain any analysis of water availability, contrary to OAR 690-11.
- The technical reports for the applications propose to allow use of water during months when the water availability analysis in the file shows that the source or waterbodies that the source is tributary to are overallocated. This is contrary to the water allocation policy which prohibits further overallocation of Oregon's water resources.

- There has been no review of the cumulative effects of these and other pending applications on the resources and flows in the Basin. Failure to ensure that these and other proposed uses for this area do not impair the public's interest in the wetlands, fish and wildlife which rely on surface and ground water is contrary to the statewide Allocation Policy. This policy prohibits the overallocation of ground and surface water. OAR 690-410-070. The policy requires that new out-of-stream applications be conditioned to protect public uses. OAR 690-410-070(2)(h). See also Instream Flow Protection policy OAR 690-410-030 and the Groundwater Management policy OAR 690-410-010.

The Uses As Proposed are Not in the Public Interest

The proposed uses fail to pass the public interest considerations in ORS 537.170(5) and the policies of Oregon's water laws including ORS 468B.155 and 468B.015. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(d)(B), (4)(e), and (4)(f).

- 1. The proposed use is not in the public interest because it will deplete surface waters which provide habitat for public instream and riparian area uses.**

The South Coast Basin plan states:

Income from water-related recreation is a major contributor to the economy of the South Coast Basin. Finding 39.

The natural lakes, storage reservoirs and free-flowing streams support part of the water-based recreation use. Finding 40.

The water resources, wetlands and associated habitat are critical to the subsistence and propagation of wildlife in the Basin. Finding 42.

Reduction in surface water contribution to wetlands will decrease contributions to existing wetlands, decrease inflows into the lake and hinder or destroy the filtering capacity and other functions of the wetlands. Surface water in this area is vital to the maintenance of lake levels, surface water flows, wetlands and the protection of public uses of water including wildlife, recreation and fish.

The proposed uses propose to divert water from East Fork Big Creek, tributary to Big Creek. These creeks support steelhead, coho and chinook. Coastal coho populations, which utilize this stream, have been petitioned for listing under the federal Endangered Species Act. Coastal stocks of fall chinook and coastal cutthroat trout are identified by the state as species of concern. This creek supplies important habitat for these species. This creek is overappropriated.

Resident and anadromous fish species which rely on coastal streams are recognized in the Commission's South Coast Basin Program as "significant" to the State of Oregon. Finding 43, 44. The basin program also recognizes that "(a)adequate streamflow throughout the year is necessary for the maintenance of aquatic life in the coastal streams." Finding 45. Lakes and streams in the area are also important to recreational use in the basin, a use which is a major contributor to the economy of the South Coast Basin. Program Finding 39, 40. Surface waters also contributes to wetlands which are critical to the ecological integrity of the area.

The state and federal Endangered Species Acts also place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival of recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above referenced Palilia case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

These and other pending applications, both individually, and cumulatively, will deplete flows that currently provide habitat for the fish and wildlife mentioned above. Even without taking instream water rights into account, as the Department has noted it need not do because of priority dates, the river is overappropriated most months of the year.

2. Measurement and reporting.

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

The technical reports propose to limit the type of use and the months of use to which water can be used by this applicant. The Department's enforcement staff is already stretched to the limit. These proposed uses add yet another enforcement responsibility on top of an already unmanageable load. Under these circumstances, it is difficult if not impossible for the state to ensure that this applicant will, **at all times**, use water in compliance with the permit conditions. Given the critical state of the water resource in this river basin and the Department's inability to control this and other uses, even with measurement and reporting, these uses are not in the public interest.

- 3. The uses of surface water will impair the public interest because fish screening and passage facilities are not clearly mandatory conditions of use.**

The technical reports do not require mandatory fish screening and passage facilities prior to diversion and use of water. Given the critical status of fish populations in the this basin, the adverse impact diversions and dams have on fish habitat, screening and passage should clearly be required to be in place **before** any diversion or storage of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which **clearly** states these requirements.

In addition to requesting a fish screening and passage condition, ODFW requested a condition that "No water shall be diverted when the by-pass flow past the point of diversion is less than 2 cfs." The Department did not include this in the proposed permit conditions. As we understand it, one of the reasons that the application was pulled from Commission review in 1990 was the concern over fish protection. To omit a condition that was specifically requested by ODFW in the interest of fish protection, is not in the public interest.

Moreover, though ODFW did recommend fish screening and passage conditions in their March 16, 1990 letter, in a later letter dated March 21, 1990 ODFW recommended that WRD not issue this permit. The reason for this was that ODFW wanted preliminary and final fish passage and screening design characteristics and reservoir operations plans firmly in place prior to water right permit issuance. There is no evidence in the file that these characteristics and plans have taken place.

4. The proposed uses are contrary to Oregon policy.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). No such consideration has been done.

5. Conservation Conditions are inadequate

Oregon statutes and rules call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. These proposed uses should be held to a specific efficiency standard **prior to** any permit approval and the applicant should have an approved conservation plan in place and approved by the Department **prior to** any permit issuance.

6. This proposed permit is not in the public interest given the violation of the Removal-Fill law

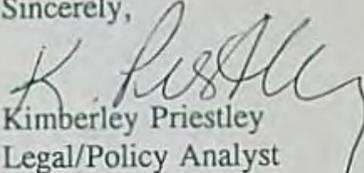
The Applicant removed 16,000 cubic yards of material for an irrigation reservoir without a Removal Fill permit. As to the DSL permit, ODFW has stated that they do "not believe the application meets the criteria of issuance of an after-the-fact permit under the Divisions's administrative rules including (OAR 141-85-085(2)): 'The project has caused no harm to the water resources of the State.'" See ODFW letter to DSL dated 3/26/90. ODFW also requested that an approved reservoir would not result from the applicant's illegal action. WaterWatch concurs with ODFW.

It is unclear at this point what has been done with regards to this issue. We could not find any information in the files documenting permits obtained. Given the illegal action surrounding this reservoir, giving the go-ahead is not in the public interest.

7. Livestock

The use of water for livestock which is contemplated in this application is not in the public interest because it is not sufficiently conditioned to protect the resource. Livestock will enter the riparian areas and stream beds not only to drink from the stream, but also to eat the lush riparian vegetation. Failure to require fencing of the riparian area as a condition of water use results in no assurance that livestock will stay out of the riparian areas. Thus, the use as proposed is not in the public interest.

Sincerely,



Kimberley Priestley
Legal/Policy Analyst



Jake

why Young Borden WRC

Department of Fish and Wildlife

P.O. BOX 59, PORTLAND, OREGON 97207

RECEIVED

MAR 28 1990

WATER RESOURCES DEPT.
SALEM, OREGON

Memorandum

Date: March 21, 1990

To: John Borden

Fm: Greg Robart

Subj: Water Right R69769, 67770, Stan Kurzet, Big Creek

This memorandum is to request Water Resources Department (WRD) not issue this permit. The reason for this request is that the Oregon Department of Fish and Wildlife (ODFW) wants preliminary and final fish passage and screening design characteristics and reservoir operations plans firmly in place prior to water right permit issuance.

I visited the reservoir site on March 21, 1990 along with Mr. Kurzet's engineer and representatives from our Coos-Coquille District Office and the Division of State Lands. We discussed several **conceptual** ideas but nothing, to date, is firm and no preliminary drawings or plans have been submitted by the applicant.

Mr. Kurzet excavated 16,000 cubic yards of soil from the Big Creek corridor to create this reservoir. We are now addressing if and how fish and wildlife resource impacts can be mitigated after-the-fact. Neither a water right nor a waterway alteration permit were obtained prior to construction.

At this time, it is unclear whether adequate fish passage facilities can be installed, operated and maintained by the applicant. ODFW requests more time to adequately assess alternatives. Until plans are clarified, deemed feasible and agreed upon by ODFW and the applicant, we recommend this permit be denied.

Thank you for the opportunity to comment.

c Division of State Lands - Siegfried
WRD Applegate/Szramek
Water Resources Commission - Blosser

*Jake said
to pull item O.
from the agenda.
J.*



Bill -
I asked Tabe to pull this work stuff
report unless applicant or ODFW brought
evidence of an agreement
to Friday's meeting 8/19/90
John

RECEIVED
MARCH 8 1990

Department of Fish and Wildlife

P.O. BOX 59, PORTLAND, OREGON 97207

WATER RESOURCES DEPT.
SALEM, OREGON

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Thank you for the opportunity to comment.

c Division of State Lands - Siegfried
WRD Applegate/Szramek
Water Resources Commission - Blosser



Department of Fish and Wildlife

P.O. BOX 59, PORTLAND, OREGON 97207

March 26, 1990

RECEIVED

MAR 28 1990

WATER RESOURCES DEPT.
SALEM, OREGON

Earle Johnson
Division of State Lands
1600 State Street
Salem, OR 97310

RE: RP 5295 (Big Creek Reservoir)

Dear Earle:

We have reviewed the application for an after-the-fact permit on Big Creek. The violation involved removal of 16,000 cubic yards of material for an irrigation reservoir. The Department does not believe the application meets the criteria for issuance of an after-the-fact permit under the Division's administrative rules including (OAR 141-85-085(2)): "The project has caused no harm to the water resources of the State."

The Department requests that the applicant be cited for violation of the Removal Fill law and required to restore the area. The Department does not believe it is appropriate to issue an after-the-fact permit for a violation of this magnitude. We are very concerned that there will be a perception that "forgiveness is easier to get than permission" for removal/fill actions if after-the-fact permits are routinely issued. Conditions which were discussed at the March 21, 1990 on-site meeting with ODFW and DSL staff would be appropriate conditions to be placed on the restoration order. The Department hopes an approved reservoir will not result from the applicant's illegal action.

Thank you for the opportunity to comment on the permit application and draft conditions. If you have any questions regarding our comments, please feel free to call me at 229-5400 (442).

Sincerely,

Patricia Snow
Waterway Alterations Coordinator
Habitat Conservation Division

ps

c Water Resources Department-Szramek



Department of Fish and Wildlife

P.O. BOX 26, PORTLAND, OREGON 97209

March 26, 1980

Earle Johnson
Division of State Lands
1400 State Street
Seas, OR 97310

RE: WE 5295 (Big Creek Reservoir)

Dear Earle:

We have reviewed the application for an after-the-fact permit on Big Creek. The violation involved removal of 10,000 cubic yards of material for an irrigation reservoir. The Department does not believe the application meets the criteria for issuance of an after-the-fact permit under the Division's Administrative rules including OAR 141-85-02(1)(i) "the project has caused no harm to the water resources of the State."

The Department requests that the Applicant be cited for violation of the removal fill law and required to restore the area. The Department does not believe it is appropriate to issue an after-the-fact permit for a violation of this magnitude. We are very concerned that there will be a perception that "forgiveness is easier to get than permission" for removal/fill actions if after-the-fact permits are arbitrarily issued. Conditions which were discussed at the March 21, 1980 on-site meeting with your staff would be appropriate conditions to be placed on the removal/fill order. The Department hopes an appropriate permit will not result from the applicant's illegal action.

Thank you for the opportunity to comment on the permit application and draft conditions. If you have any questions regarding our comments, please feel free to call 333 333-2408 (111).

Sincerely,

Delvin Shaw
Deputy Assistant Commissioner
Division of State Lands

cc: Robert
Barnett
Barnowitz
Mullarkey
Silovsky



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

67770
See changes
on "draft permits"
PHONE 378-3066

MEMORANDUM

TO: Water Resources Commission

FROM: Director *why*

SUBJECT: Agenda Item O, March 30, 1990, Water Resources Commission Meeting

Consideration for Approval of Applications R-69769 and 69770 for Stan Kurzet for Irrigation from East Fork Big Creek, Tributary to Big Creek, Coos County.

Background:

In December 1988, Stan Kurzet submitted Applications R-69769 (Attachment 1) and 69770 (Attachment 2). The applicant proposes to store up to 16.03 acre feet of water in a reservoir behind a dam that is 3 feet high, and to divert up to 1.59 cfs of water from East Fork Big Creek for the irrigation of 76.2 acres primary land and 72.8 acres supplemental pasture lands. The proposed use is located south of Coos Bay (Attachments 3 and 4).

The question before the Commission is whether the issuance of a permit for up to 16.03 acre-feet of storage would have a significant adverse effect on the public interest. Administrative Rule 690-11-080 (2)(a)(C) specifies that appropriations for greater than 9.2 acre-feet of storage be referred to the Commission to make a public interest determination under ORS 537.170.

Discussion:

Mr. Kurzet requests the storage and use of water for the irrigation of hay and pasture. The structure and by-pass channel were constructed about two years ago.

The Kurzet reservoir was built in the stream channel, but a by-pass channel was constructed around the reservoir. The by-pass channel will be used as the main channel during the summer. A weir controls the flow of water into the reservoir. Before water can be diverted into the reservoir, a flow of at least two cfs must be available to the by-pass channel. The reservoir should fill during the winter. This reservoir is located about 2,000 feet below the basin divide.

The Dam Safety Section reviewed and approved the plans with conditions. Those conditions are listed in the draft permit (Attachment 6).

Notice of these applications was provided to the public. The Oregon Department of Fish and Wildlife recommended that the permits be conditioned to require the applicant to install, operate and maintain all fish screening devices that the ODFW determines necessary to prevent fish from leaving the creek system and entering the diversion. In addition, the Kurzet secondary application will be limited to stored water only. As such, only up to 16.03 acre feet of water can be diverted from the creek each year to fill the reservoir. The applicant will leave 2 acre-feet in the pool to maintain fish. Mr. Kurzet has agreed to meet the first three recommendations of the ODFW as identified in their letter (Attachment 5). Upon further discussions with ODFW, the fourth recommendation, as described in the letter, was modified from 12 cfs to two cfs. Flows are not more than 6 to 8 cfs during the winter. The diversion of water will only occur when there is more than two cfs passing the weir. Staff agrees with this recommendation and the applicant will be required to comply with this request.

No other public comments were received on this application.

Water is available to meet this request and the use of water should not be a problem as conditioned. Staff does not believe that this proposal would have a significant adverse effect on the public interest or have an adverse impact on the water resources in the basin.

Alternatives:

1. Find that the proposed use of water may have a significant adverse effect on the public interest, and schedule a hearing to assist the Commission in making its determination.
2. Find that the proposed use of water would not have a significant adverse effect on the public interest, and authorize the Director to issue the permit with the appropriate conditions.

Summation:

The proposed use of water is for a small single-purpose reservoir. The applicant would store the water for future use for irrigation. Water is available in the off season to fill the reservoir and the secondary permit would be limited to the use of storage. This use of water should not have a detrimental effect on the water resources in the basin.

Director's Recommendation:

The staff recommends Alternative 2, that the Commission find that the project would not have a significant adverse effect on the public interest and authorize the Director to issue the permit for the use of water.

Attachments:

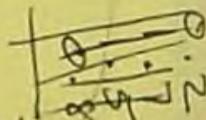
- 1) Copy of Application R- 69769
- 2) Copy of Application 69770
- 3) Copy of location map
- 4) Copy of project map
- 5) Copy of ODFW comments
- 6) Copy of Draft Permits

cc: Stan Kurzet, Applicant
ODFW Portland Office
Watermaster, District 19

Howard Daggert

69769

Commission



Couple weeks

Tom 267-2872

Date Jan 3.0

Deferred until
March

SUPERSEDED BY 1/25/90

Application No. K-01161

Permit No.

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

Superseding Application for a Permit to Construct a Reservoir **OCT 13 1989**

WATER RESOURCES DEPARTMENT REGC

I, Stan Kurzet (Name of Applicant)

of 8181 Seven Devils Road, Coos Bay (City)

State of Oregon, 97420 (Zip Code), Phone No. 888-9269

do hereby make application for a permit to construct the 3 acre reservoir and to store the unappropriated waters of the State of Oregon, subject to existing rights.

1. The name of the stream from which the reservoir is to be filled is East Fork Big Creek tributary to Pacific Ocean

2. If not in channel of a stream, state how it is to be filled. off-channel via a permanent fixed weir constructed to divert waters only above normal stream flow.

✓ 3. The dam will be located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Township 26S, Range 14W, W. M.

4. The maximum height will be 3 feet above stream bed or ground surface at the centerline. The top width will be 8 feet, slope of upstream face 3:1, slope of downstream face 2:1, and height of dam above water line when full 2 1/2 feet.

5. The dam will be (check one) earthfill, concrete, flashboard, other. If "other", give description: See attached plans

6. Give the location, description, and dimensions of the outlet conduit: located 3' below spillway in spillway structure at original creek flowline, 8" pipe with gate valve or slide gate on upstream side of spillway

Application No.

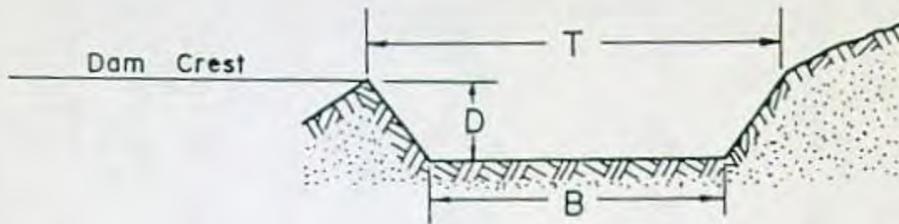
Permit No.

7. The impounded water will be used for primary and supplemental irrigation (12.41 ac.ft.) ; livestock barn use to include stock waterline and barn cleaning (3.62 ac.ft.)

8. The amount of water to be stored is 16.03 acre feet.

9. The area submerged by the reservoir, when full, will be 3 acres, and the maximum depth of water will be 16 feet.

10. Give the location and dimensions of the spillway located in original natural channel
(State whether over or around dam)



The bottom width of the spillway, B, will be 6 feet.

The top width of the spillway, T, will be 12 feet.

The distance between the crest of the dam and the crest of the spillway, D, will be 2 1/2 feet.
(Must be at least 2 1/2 feet)

If any other type of spillway describe and give dimensions:

The proposed outlet structure (see plans attached) will be of permanent construction (concrete) and located in the original stream channel 2 1/2 feet below the original ground at top of bank. A treated (concrete and/or riprap) outfall will converge with the year-round flow diverted along the Southerly edge of the reservoir site (see detail map attached)

11. Construction work will begin on or before has begun

12. Construction work will be completed and the reservoir filled by December 1, 1990

Remarks: Currently the spillway is the natural channel of the original creek; proposed is to raise the reservoir elevation 3 feet above original creek flowline via the construction of the above in-channel spillway.

EXTENSION REQUEST:

Please allow a 30 day extension for the submittal of the required plans and specifications for this project. The recent revision to increase the reservoir to 16.03 ac.ft. is requiring additional field survey and mapping (x-sections and conour map) which are currently in progress and will be completed and submitted prior to November 13, 1989.

Also, public interest issues will be addressed through the Coos County Planning Department (per submitted ACU Application #) open hearing scheduled for December 7, 1989. The Department of Fish & Wildlife's proposed conditions will hopefully be addressed with submitted plan and specs.

This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

[Handwritten Signature]
Signature of Applicant

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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before....., 19.....

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

Water Resources Director

By.....

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 5th day of December, 1988, at 8:00 o'clock A.M.

Application No. R-69769

Permit No.....

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

Superseding Application for Permit to Appropriate Surface Water **OCT 13 1989**

WATER RESOURCES DIVISION

I, Stan Kurzet (Name of Applicant)
of 8181 Seven Devils Road (Mailing Address), Coos Bay (City)
State of Oregon (Zip Code) 97420, Phone No. 888-9269 do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is East Fork Big Creek & Reservoir Per Application R69769, a tributary of Pacific Ocean

See Attached Sheet
2. The point of diversion is to be located 630 ft. N and 198 ft. W from the South 1/4 corner of Section 22, T26S, R14W, W.M., in the County of Coos. The second source of the proposed appropriation is East Fork Big Creek and Reservoir per Application R69769. The point of diversion is

(If there is more than one point of diversion, each must be described)
to be located 810 ft. North and 110 ft. West from the South 1/4 corner of Section 22 being within the POD #1 SW 1/4 SE 1/4 and POD #2 SE 1/4 SW 1/4 of the 1/4 of Sec. 22 Tp. 26S R. 14W, W.M., in the county of Coos

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
26S	14W	16	NW 1/4 SE 1/4	2.5 Ac. Supp./2.1 AC. Primary
"	"	"	NE 1/4 SE 1/4	9.7 " " / 11.9 " "
"	"	"	SE 1/4 SE 1/4	15.3 " " / 3.1 " "
"	"	21	NE 1/4 NE 1/4	15.1 " " / 6.0 " "
"	"	"	SE 1/4 NE 1/4	6.3 " " / 5.6 " "
"	"	"	SW 1/4 NE 1/4	3.0 Ac. Primary
"	"	"	NW 1/4 SE 1/4	5.0 " "
"	"	"	NE 1/4 SE 1/4	6.5 " "
"	"	"	SE 1/4 SE 1/4	12 " "
"	"	"	SW 1/4 SE 1/4	1 " "
"	"	27	NW 1/4 NW 1/4	4.5 " "
"	"	28	NE 1/4 NE 1/4	9.5 " "
"	"	"	SE 1/4 NE 1/4	2 " "
"	"	"	SW 1/4 NE 1/4	1 " "
"	"	22	NW 1/4 NW 1/4	0.2 Ac. Supp./1.0 Ac. Prim.
"	"	"	SW 1/4 NW 1/4	12.2 " "
"	"	"	NW 1/4 SW 1/4	3.7 " "
"	"	"	NE 1/4 SW 1/4	4.8 " "
"	"	"	SE 1/4 SW 1/4	3.0 " "
"	"	"	SW 1/4 SW 1/4	2 " "
"	"	"	NW 1/4 NW 1/4	stock barn uses to include stock watering and barn cleaning

PODs superseded by memo 06/26/90

Form 690-1-0-1-77

200 28
130 10
276 34
100 600
676

Total 149.00 Ac. to be Irrigated
(72.8 Ac. Supplemental)
(76.2 Ac. Primary)

4. The amount of water which the applicant intends to apply to beneficial use is 1.865 total; 1.86 for cubic feet per second for irrigation & .005 cfs for stock barn uses to include watering & barn cleaning (based on 32 1/3 gal/day/head); 0.91 cfs supplemental irrigation, 0.95 cfs primary irrigation & .005 cfs livestock barn use from POD #1; 16.03 ac.ft. from POD #2

5. The use to which the water is to be applied is overhead irrigation of 152.16 acres of improved pasture & barn uses to include stock watering & barn cleaning for 100 head of beef cattle.

6. DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Headgate diversion structure (see plans) at POD #1 to be a permanent fixed weir, constructed off-channel that will divert waters only above normal stream flows to recharge the 16.03 acre/ft. storage pond (see reservoir application submitted also). Once the pond is full, the spillway outlet located 3 ft. above the original stream channel flow line will return winter flow back to the original stream bed.

POD #1 and #2 water will be pumped approximately 2,000 feet (see map) via a 2" pressure line served by wind generated power operating pumps of equal capacities. This pressure line will supply a storage sump located on the ridge 200' above the pond. (This sump will have a holding capacity of approx. 250,000 gal.) From here 2-4" gravity lines will distribute irrigation water over the 152.16 acres shown. A series of portable overhead or cannon type sprinkler lines will be moved over the total acreage irrigated. A 1" tap off this 4" line will feed 500' of poly pipe to serve a stock water tank and 2 hose bibs for barn cleaning.

If for domestic use state number of families to be supplied none

7. Construction work will begin on or before has begun

8. Construction work will be completed on or before December 1, 1990

9. The water will be completely applied to the proposed use on or before December 1, 1991

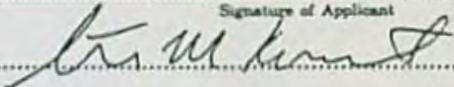
Application No.

Permit No.

Handwritten red notes: 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Remarks:.....
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This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Signature of Applicant


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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

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

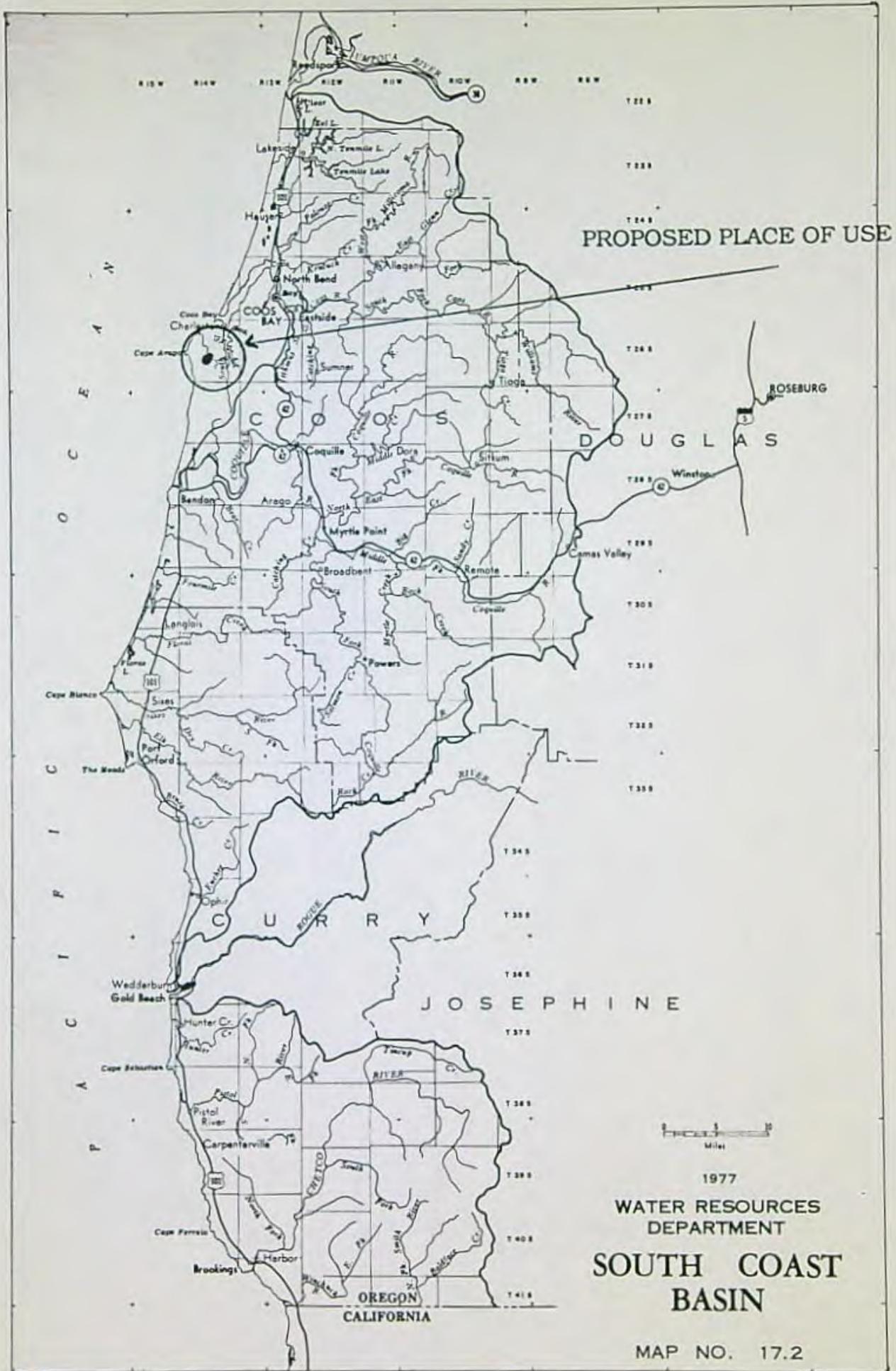
Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the day of, 19....., at o'clockM.

Application No.....

Permit No.....

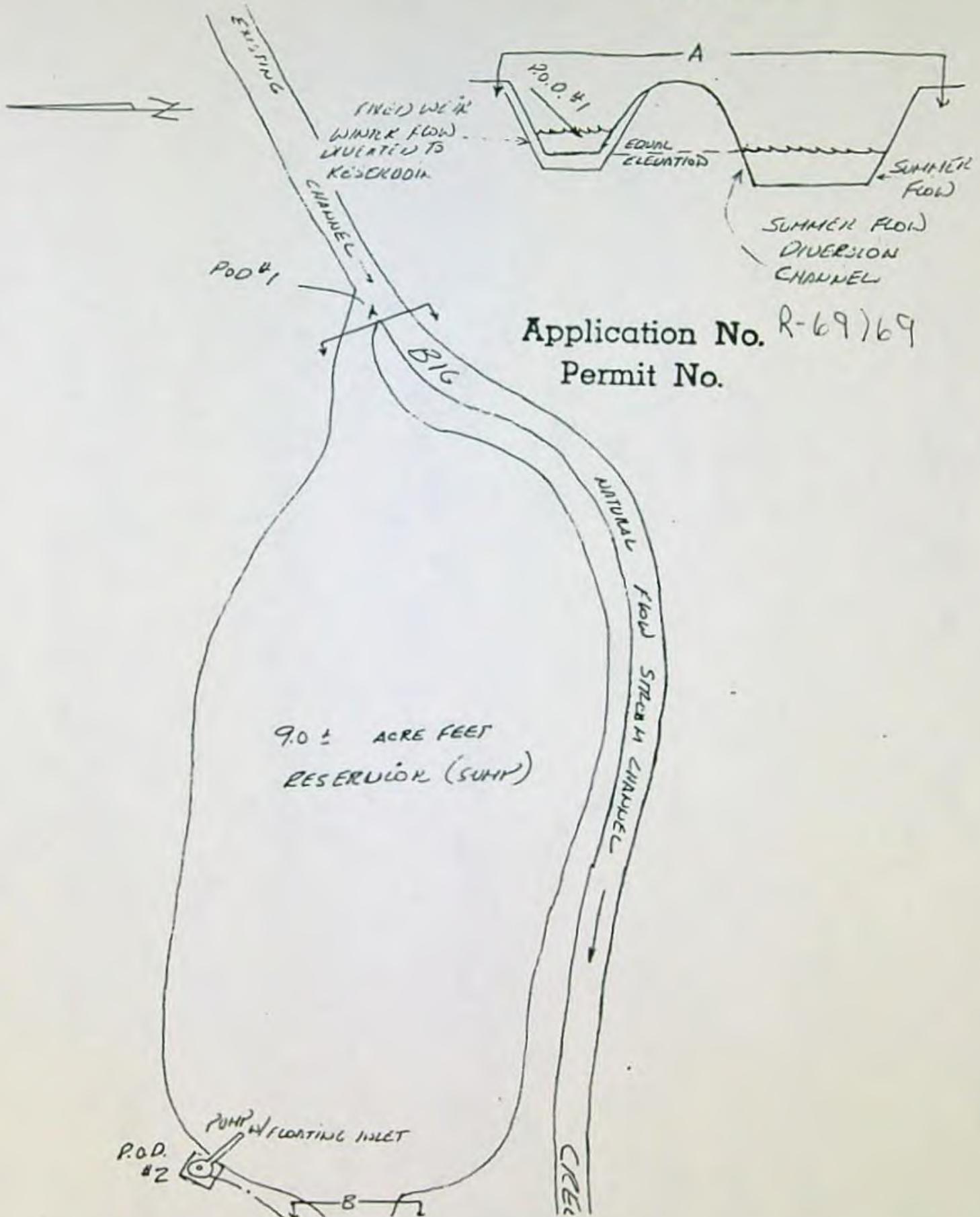


SKETCH OF PROPOSED SUMP (RESERVOIR)

FOR: STAN KURZET

(ALSO SEE SURFACE WATER APPLICATION)

NO SCALE



Application No. R-69769
Permit No.



Department of Fish and Wildlife

506 SW MILL STREET, P.O. BOX 59, PORTLAND, OREGON 97207

RECEIVED

MAR 10 1989

WATER RESOURCES DEPT.
SALEM, OREGON

January 23, 1989

*Superseded
by 3/16/90
Dr.*

Jake Szramek
Water Resources Department
3850 Portland Road NE
Salem, OR 97310

Dear Jake:

Re: Water Right Application R69769, S. Kurzet, 9.0 acft, Big Creek.

Our District Biologist, Bill Mullarkey, and staff biologists reviewed this application and we believe this water development project could adversely impact coho, resident and anadromous cutthroat trout, and winter steelhead.

Reservoir design and operation could, however, be tailored to mitigate losses and even enhance wintering salmon and trout habitat. To ensure fish habitat protection, we recommend these design and operation conditions as permit requirements:

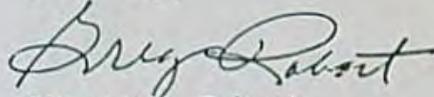
1. Fish screening devices as the Oregon Department of Fish and Wildlife deems necessary to prevent fish from leaving the reservoir and entering the water diversion pipeline shall be installed, operated and maintained at the expense of the permittee in compliance with ORS 498.248.
2. One quarter of the reservoir shall be excavated to a depth of 6-8 feet lower than the remainder of the reservoir.
3. A minimum of two (2) acre feet of residual water shall be left in the reservoir during the summer months. Water shall not be withdrawn from the reservoir to exceed the two acre feet residual storage capacity.
4. No water shall be diverted when the by-pass flow past the point of diversion is less than 12 cfs.

Jake Szramek
January 23, 1989
Page 2

3/2/89
The applicant's agreement to accept these permit conditions will satisfy the Oregon Department of Fish and Wildlife recommendation for fish resource conservation. If these permit conditions are not agreeable to the applicant, we recommend application referral to the Water Resources Commission for public interest determination in accordance with OAR 690-11-080.

Thank you for the opportunity to comment.

Sincerely,



Gregory P. Robart
Staff Biologist
Aquatic Habitat Program
Habitat Conservation Division

gpr

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND TO STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY, OREGON 97420

503-888-9269

to construct TWO ACRE RESERVOIR and store the waters of EAST FORK BIG CREEK, a tributary of PACIFIC OCEAN, to be appropriated under Application 69770, Permit, for PRIMARY AND SUPPLEMENTAL IRRIGATION AND BARN USES, to include stock watering and barn cleaning.

This Permit to store waters is issued approving Reservoir Application R-69769. The date of priority is DECEMBER 5, 1988 for 9.00 AF and OCTOBER 13, 1989 for 7.03 AF. The amount of water entitled to be stored each year is not more than 16.03 ACRE-FEET, being 11.41 AF for irrigation and 2.62 AF for barn uses. Two acre-feet of water will be used for minimum pool storage.

The dam will be located as follows:

SE 1/4 SW 1/4, SECTION 22, T 26 S, R 14 W, W.M.

1.9 per Dam Safety

The area submerged by the reservoir, when full, will be 3.0 acres and the maximum depth of water will be 16.0 feet.

ADD Dam Height? 5'5"

The area to be submerged by the reservoir is described as follows:

~~SE 1/4 SW 1/4 and SE SW (in both)~~
OK → SE 1/4 SW 1/4
SECTION 22
TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.

This project was considered and approved by the Water Resources Commission on

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permit is subject to the following conditions:

1. The structure shall be constructed, operated and maintained in accordance with the approved plans and specifications and with the design intent.
2. The repairs to the structure shall be constructed under the supervision of a registered engineer licensed in Oregon. No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department.
3. The outlet gate shall be cycled at least once each year in order to assure smooth operation.

4. The embankment and spillway channel shall be kept clear of trees and brush and other debris.

5. The embankment shall be kept free of burrowing animals.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1992. The reservoir shall be filled, and complete application of the stored water to the use shall be made on or before October 1, 1993.

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.

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.

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

Issued this date, . . .

OK

Water Resources Department
William H. Young
Director

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY, OREGON 97420

503-888-9269

to use the waters of EAST FORK BIG CREEK AND TWO ACRE RESERVOIR, to be constructed under Application R-69769, Permit R-, tributaries of PACIFIC OCEAN, for IRRIGATION OF 76.2 ACRES, SUPPLEMENTAL IRRIGATION OF 72.8 ACRES, BARN USES, to include stock watering and barn cleaning.

This Permit is issued approving Application 69770. The date of priority is DECEMBER 5, 1988 for 9.0 AF for irrigation and barn uses, and OCTOBER 13, 1989 for 7.03 AF for irrigation. The use is limited to not more than 16.03 ACRE-FEET of STORED WATER ONLY, or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

10'
180 SW 1/4 SE 1/4, SE 1/4 SW 1/4, SECTION 22, T 26 S, R 14 W, W.M.; CREEK
- 630 FEET NORTH AND 198 FEET WEST; CREEK/RESERVOIR - 810 FEET NORTH AND
110 FEET WEST, BOTH FROM S 1/4 CORNER, SECTION 22. *990'* *EAST* *P.O. #2* *P.O. #1*
660'

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 a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Use shall be limited to stored water only. Only water available in excess of the required 2.0 CFS bypass flow may be diverted from East Fork Big Creek at the described point of diversion.

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 the Permit is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	11.9 ACRES	9.7 ACRES
NW 1/4 SE 1/4	2.1 ACRES	2.5 ACRES
SE 1/4 SE 1/4	3.1 ACRES	15.3 ACRES
SECTION 16		
NE 1/4 NE 1/4	6.0 ACRES	15.1 ACRES
SW 1/4 NE 1/4	3.0 ACRES	
SE 1/4 NE 1/4	5.6 ACRES	6.3 ACRES
NE 1/4 SE 1/4	6.5 ACRES	
NW 1/4 SE 1/4	5.0 ACRES	
SW 1/4 SE 1/4	1.0 ACRE	
SE 1/4 SE 1/4	12.0 ACRES	
SECTION 21		
NW 1/4 NW 1/4	1.0 ACRE	0.2 ACRE and BARN
SW 1/4 NW 1/4		12.0 ACRES
NE 1/4 SW 1/4		4.8 ACRES
NW 1/4 SW 1/4		3.7 ACRES
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4	1.0 ACRE	3.0 ACRES
SECTION 22		

*superseded
by 3/20/80
memo*

Map ok on these

NW 1/4 NW 1/4 4.5 ACRES
SECTION 27

NE 1/4 NE 1/4 9.5 ACRES
SW 1/4 NE 1/4 1.0 ACRE
SE 1/4 NE 1/4 2.0 ACRES
SECTION 28

TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.

This project was considered and approved by the Commission on

Actual construction work shall begin and be completed on or before October 1, 1992. Water to the use shall be made on or before

Diversion screening or fish passage facilities shall be installed, and operated to Oregon Department of Fish and Game specifications.

Failure to comply with any of the provisions of this permit in action including, but not limited to, fines, penalties, or cancellation of the permit.

This permit is for the beneficial use of water. The user is advised that new regulations may be adopted and practical technologies or conservation practices may be required.

By law, the land use associated with this permit shall comply with statewide land-use goals and any local government 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 rights for maintaining instream flows.

Issued this date, .

Water Resources Department
William H. Young
Director

Location ?
Engineering Stamp all pages of P & S
Need final P & S
1- Sepia + 1 print

Map ok on these

NW 1/4 NW 1/4 4.5 ACRES
SECTION 27

NE 1/4 NE 1/4 9.5 ACRES
SW 1/4 NE 1/4 1.0 ACRE
SE 1/4 NE 1/4 2.0 ACRES
SECTION 28

TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.

This project was considered and approved by the Water Resources Commission on

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1992. Complete application of the water to the use shall be made on or before October 1, 1993.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

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 rights for maintaining instream flows.

Issued this date, .

Water Resources Department
William H. Young
Director

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

Superseding **Application for Permit to Appropriate Surface Water** **OCT 13 1989**

WATER RESOURCES DEPARTMENT
SALEM, OREGON

I, Stan Kurzet (Name of Applicant)
of 8181 Seven Devils Road (Mailing Address), Coos Bay (City)
State of Oregon (Zip Code) 97420 Phone No. 888-9269 do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is East Fork Big Creek & Reservoir Per Application R69769, a tributary of Pacific Ocean

PODs superseded by 3/20/90 memo

2. The point of diversion is to be located 630 ft. N. and 198 ft. W. (N. or S.) (E. or W.)
from the South 1/4 corner of Section 22, T26S, R14W, W.M., in the County of Coos. The second source of the proposed appropriation is East Fork Big Creek and Reservoir per Application R69769. The point of diversion is

(If there is more than one point of diversion, each must be described)
to be located 810 ft. North and 110 ft. West from the South 1/4 corner of Section 22 being within the POD #1 SW 1/4 SE 1/4 and POD #2 SE 1/4 SW 1/4 of the 1/4 of the 1/4 of Sec. 22 Tp. 26S R. 14W, W. M., in the county of Coos (N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
26S	14W	16	NW 1/4 SE 1/4	2.5 Ac. Supp./2.1 AC. Primary ✓
"	"	"	NE 1/4 SE 1/4	9.7 " " / 11.9 " " ✓
"	"	"	SE 1/4 SE 1/4	15.3 " " / 3.1 " " ✓
"	"	21	NE 1/4 NE 1/4	15.1 " " / 6.0 " " ✓
"	"	"	SE 1/4 NE 1/4	6.3 " " / 5.6 " " ✓
"	"	"	SW 1/4 NE 1/4	3.0 Ac. Primary ✓
"	"	"	NW 1/4 SE 1/4	5.0 " " ✓
"	"	"	NE 1/4 SE 1/4	6.5 " " ✓
"	"	"	SE 1/4 SE 1/4	12 " " ✓
"	"	"	SW 1/4 SE 1/4	1 " " ✓
"	"	27	NW 1/4 NW 1/4	4.5 " " ✓
"	"	28	NE 1/4 NE 1/4	9.5 " " ✓
"	"	"	SE 1/4 NE 1/4	2 " " ✓
"	"	"	SW 1/4 NE 1/4	1 " " ✓
"	"	22	NW 1/4 NW 1/4	0.2 Ac. Supp./1.0 Ac. Prim. ✓
"	"	"	SW 1/4 NW 1/4	12.2 " " ✓
"	"	"	NW 1/4 SW 1/4	3.7 " " ✓
"	"	"	NE 1/4 SW 1/4	4.8 " " ✓
"	"	"	SE 1/4 SW 1/4	3.0 " " ✓
"	"	"	SW 1/4 SW 1/4	2 " " ✓
"	"	"	NW 1/4 NW 1/4	

stock barn uses to include stock watering and barn cleaning

200 20
100 10
278 20
100 barn
578

Total 149.00 Ac. to be Irrigated
(72.8 Ac. Supplemental)
(76.2 Ac. Primary) ✓

4. The amount of water which the applicant intends to apply to beneficial use is 1.865 total; 1.86 for cubic feet per second for irrigation & .005 cfs for stock barn uses to include watering & barn cleaning (based on 32 1/3 gal/day/head); 0.91 cfs supplemental irrigation, 0.95 cfs primary irrigation & .005 cfs livestock barn use from POD #1; 16.03 ac.ft. from POD #2

5. The use to which the water is to be applied is overhead irrigation of 152.16 acres of improved pasture & barn uses to include stock watering & barn cleaning for 100 head of beef cattle.

6.

Include dimensions and type of ditch or pipeline, size and type distribution system.

12/5/88 1.588
10/13/89 0.277

length and dimensions of supply adequately describe the proposed

Headgate diversion structure off-channel that will divert 16.03 acre/ft. storage pond (the spillway outlet located winter flow back to the POD #1 and #2 water will

permanent fixed weir, constructed on flows to recharge the 16.03 also). Once the pond is full, channel flow line will return (see map) via a 2" pressure

line served by wind generated power operating pumps of equal capacities. This pressure line will supply a storage sump located on the ridge 200' above the pond. (This sump will have a holding capacity of approx. 250,000 gal.) From here 2-4" gravity lines will distribute irrigation water over the 152.16 acres shown. A series of portable overhead cannon type sprinkler lines will be moved over the total acreage irrigated. A 1" tap off this 4" line will feed 500' of poly pipe to serve a stock water tank and 2 hose bibs for barn cleaning.

W.S.W.P. 12/2/89 2nd 22999 6002

If for domestic use state number of families to be supplied none

7. Construction work will begin on or before has begun

8. Construction work will be completed on or before December 1, 1990

9. The water will be completely applied to the proposed use on or before December 1, 1991

Application No.

Permit No.

4. The amount of water which the applicant intends to apply to beneficial use is 1.865 total; 1.86 for cubic feet per second for irrigation & .005 cfs for stock barn uses to include watering & barn cleaning (based on 32 1/3 gal/day/head); 0.91 cfs supplemental irrigation, 0.95 cfs primary irrigation & .005 cfs livestock barn use from POD #1; 16.03 ac.ft. from POD #2 (If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is overhead irrigation of 152.16 acres of improved pasture & barn uses to include stock watering & barn cleaning for 100 head of beef cattle.

6. **DESCRIPTION OF WORKS**

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Headgate diversion structure (see plans) at POD #1 to be a permanent fixed weir, constructed off-channel that will divert waters only above normal stream flows to recharge the 16.03 acre/ft. storage pond (see reservoir application submitted also). Once the pond is full, the spillway outlet located 3 ft. above the original stream channel flow line will return winter flow back to the original stream bed.

POD #1 and #2 water will be pumped approximately 2,000 feet (see map) via a 2" pressure line served by wind generated power operating pumps of equal capacities. This pressure line will supply a storage sump located on the ridge 200' above the pond. (This sump will have a holding capacity of approx. 250,000 gal.) From here 2-4" gravity lines will distribute irrigation water over the 152.16 acres shown. A series of portable overhead cannon type sprinkler lines will be moved over the total acreage irrigated. A 1" tap off this 4" line will feed 500' of poly pipe to serve a stock water tank and 2 hose bibs for barn cleaning.

W6100
POD #1
200' above pond
POD #2

If for domestic use state number of families to be supplied none

7. Construction work will begin on or before has begun

8. Construction work will be completed on or before December 1, 1990

9. The water will be completely applied to the proposed use on or before December 1, 1991

Stuntzner Engineering & Forestry

705 SO. 4th - P.O. BOX 118 COOS BAY, OREGON 97420

TELEPHONE 267-2872

WATER RESOURCES DEPARTMENT
ATTN: JAKE SZRAMEK

RECEIVED
MAR 20 1990
WATER RESOURCES DEPT.
SALEM, OREGON
Superseding
(memo)

PLEASE AMEND MY RESERVOIR APPLICATION NO. R-69769 AS FOLLOWS:

- ✓ - TO A 2 ACRE RESERVOIR (PREVIOUSLY 3 AC.)
- ✓ - LOCATED IN THE SW1/4 OF THE SE1/4, SEC. 22 ✓
- USES: IRRIGATION 11.41 AC/FT.; LIVESTOCK 2.61² AC/FT. AND 2.0 AC/FT. OF DEAD STORAGE. ✓
- ✓ - TOTAL STORAGE 16.03 AC/FT.
- BOTTOM WIDTH OF SPILLWAY AT 0 FT. (SEE PLANS PG. 2 A-A)
- TOP WIDTH OF SPILLWAY AT 20 FT. (")

PLEASE AMEND MY SURFACE WATER APPLICATION NO. 69770 AS FOLLOWS:

- ✓ - P.O.D. #1 IS 10 FT. NORTH AND 990 FT. EAST OF THE SOUTH 1/4 CORNER OF S22.
- ✓ - P.O.D. #2 IS 660 FT. NORTH AND 180 FT. EAST OF THE S1/4 CORNER OF S22.
- BOTH WITHIN THE SW1/4 OF THE SE1/4
- STORED QUANTITY TO BE USED AS NOTED ABOVE.

ALSO SUBMITTED IS MY REVISED APPLICATION MAP, WHICH CONFORMS THE P.O.D.'S (AS NOTED ABOVE) TO AGREE WITH THE SUBMITTED CONSTRUCTION PLANS.

Stuntzner

Remarks:

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This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Signature of Applicant
[Handwritten Signature]

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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

WITNESS my hand this *day of*, 19.....

..... *Water Resources Director*

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the *day of*, 19....., *at* *o'clock*
.....*M.*

Application No.

Permit No.

Application No.....

Permit No.....

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD 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 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

.....
.....

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

.....
.....

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

Actual construction work shall begin on or before..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

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

.....
Water Resources Director

RE: STAN KURZET PERMITS

OWNERSHIP/EASEMENT FORM

R-69769
S-69770

RECEIVED

DEC 21 1995

WATER RESOURCES DEPT
SALEM, OREGON

1. Do you own all property related to this application?

YES / NO
(circle your answer)

If you answered "NO," please submit the names and addresses of the legal owners of all property related to this application that you do not own.

2. If you answered "NO" to question #1 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES / NO / NOT APPLICABLE (I answered "YES" to #1.)
(circle your answer)

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

SIGNATURE: Stan Kurzet TITLE: OWNER DATE: 12/17/95

WATER RIGHTS LOCATION MAP

IN PORTIONS OF SECTIONS 16, 21, 27, AND 28
T. 26 S., R. 14 W., W.M., COOS COUNTY,

OREGON
SCALE 1" = 1000'

DATE: Nov. 17, 1988

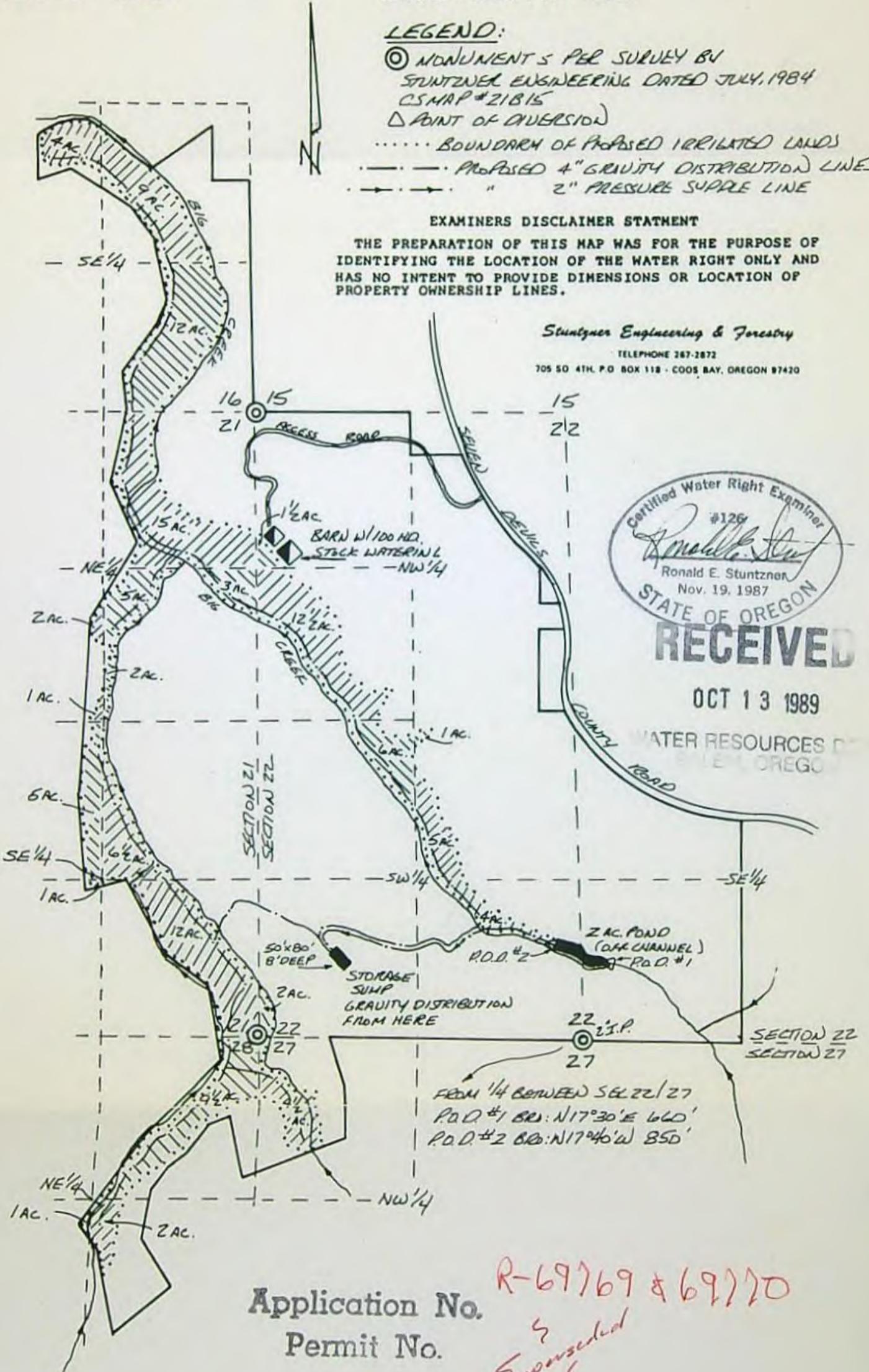
LEGEND:

- ⊙ MONUMENTS PER SURVEY BY STUNTZNER ENGINEERING DATED JULY, 1984 CS MAP # 21815
- △ POINT OF DIVERSION
- BOUNDARY OF PROPOSED IRRIGATED LANDS
- PROPOSED 4" GRAVITY DISTRIBUTION LINES
- - - - " 2" PRESSURE SUPPLY LINE

EXAMINERS DISCLAIMER STATEMENT

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

Stuntzner Engineering & Forestry
TELEPHONE 287-2872
705 SO 4TH, P.O. BOX 118 · COOS BAY, OREGON 97420



RECEIVED
OCT 13 1989
WATER RESOURCES DISTRICT
COOS COUNTY, OREGON

FROM 1/4 BETWEEN SE 22/27
P.O.D. #1 BR: N17°30'E 660'
P.O.D. #2 BR: N17°40'W 850'

Application No.
Permit No.

R-69769 & 69770
Supervised

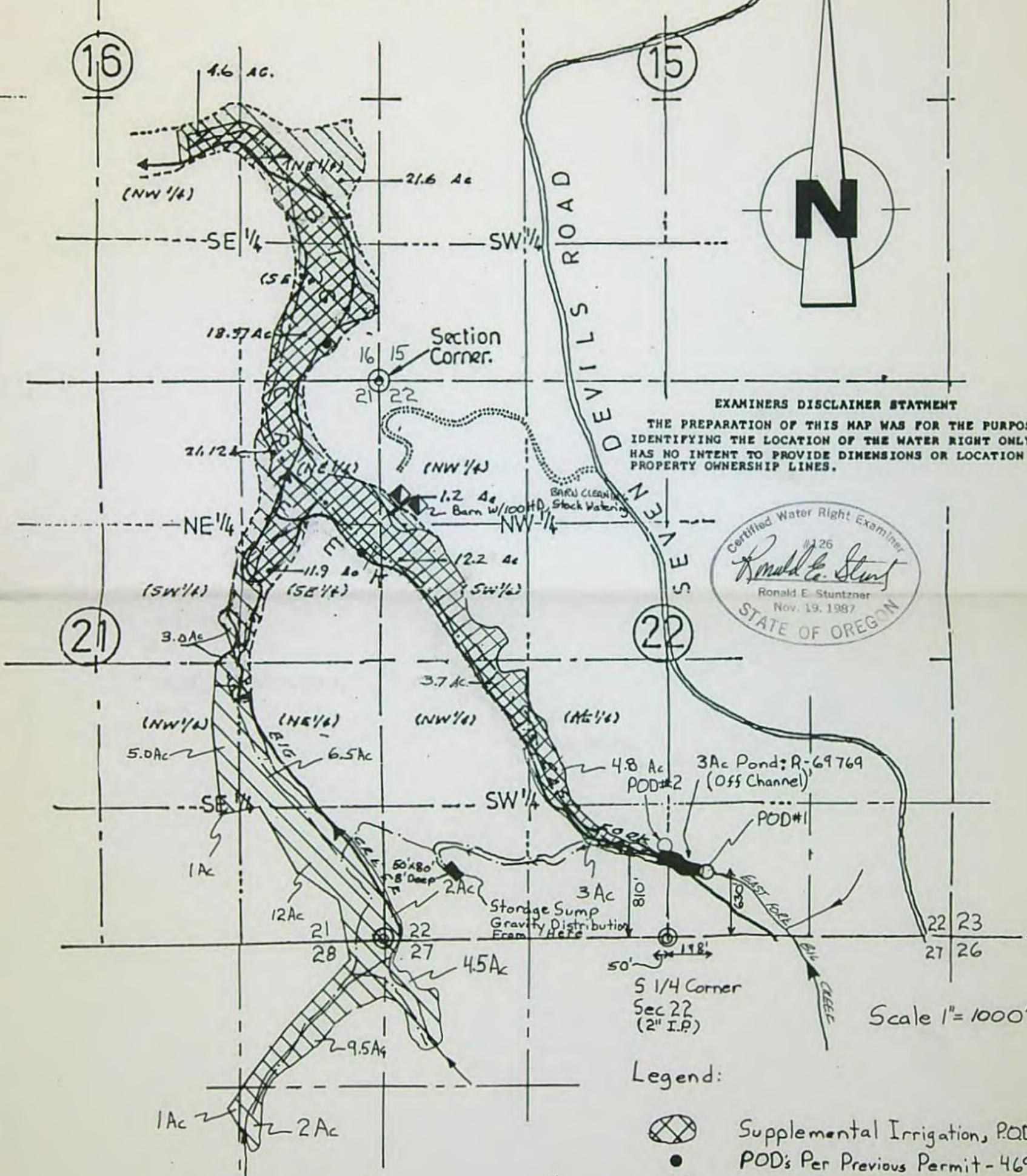
SUPERSEDED BY
MAR. 20, 1990

RECEIVED

OCT 13 1989

WATER RESOURCES DEPT
SALEM, OREGON

Water Rights Application Map
In Portions Of Sections 16, 21, 27 and 28
T. 26 S., R. 14 W., W.M., Coos County, OR



EXAMINERS DISCLAIMER STATEMENT
THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Certified Water Right Examiner
#126
Ronald E. Stuntzner
Ronald E. Stuntzner
Nov. 19, 1987
STATE OF OREGON

Scale 1" = 1000'

Legend:

- Supplemental Irrigation, P.O.D. #1+2
- P.O.D.'s Per Previous Permit - 46986
- Primary Irrigation, P.O.D. #1+2
- Monuments Per Survey By Stuntzner Engineering Dated July, 1984, CS Map # 21815
- Proposed 4" Gravity Distrib. Lines
- Proposed 2" Pressure Supply Line

Stuntzner Engineering & Forestry
TELEPHONE 267-2872
705 SO. 4TH, P.O. BOX 118 - COOS BAY, OREGON 97420

SEPT. 21, 1989

December 4, 1995

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY OREGON 97420

RE: Application File # R-69769 & S-69770

Dear Mr. Kurzet,

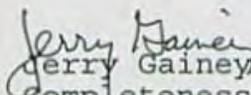
The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ Your application does not indicate who owns the lands crossed by your proposed water works. Please complete and return the enclosed OWNERSHIP/EASEMENT FORM.

In order to expedite the processing of your application, we request that you submit these items by **December 23, 1995**. I have enclosed a stamped envelope for your use.

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

Sincerely,


Jerry Gainey
Completeness Team

Enclosures



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

COMPLETED

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
S-69770	12/4/95	CORY

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

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

COMPLETED

TL. I.D. ON PLANS O.K. AS PER D.W.F.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **121254**

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

INVOICE # _____

RECEIVED FROM: KWZet Family Trust
BY: _____

APPLICATION	69770
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 210.-

01-00-0 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$ _____
VOUCHER # _____

COST CENTER AND OBJECT CLASS

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	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$ <u>210.-</u>
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #
_____	MONITORING WELLS	\$	CARD #

OTHER (IDENTIFY) _____

45-00-0 LOTTERY PROCEEDS

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

07-00-0 HYDRO ACTIVITY

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

RECEIPT # **121254**

DATED: 1-24-95 BY: D. Bushnell

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **121254**

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

INVOICE # _____

RECEIVED FROM: Kurtzel Family
BY: Trust

APPLICATION	69770
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 210.7

01-00-0 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$ _____
VOUCHER # _____

COST CENTER AND OBJECT CLASS

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)	\$

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842.003	GROUND WATER	\$	842.004	\$ <u>210.7</u>
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

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

45-00-0 LOTTERY PROCEEDS

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

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FWWRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT **121254**

DATED: 1-24-95 BY: D. Bushnell

NUMBER 00432

Check 2/0 NO Cash

Surface Application 0
2/0

Reservoir Application

Ground Water Application

Transfer Application

Power Claim

Hydroelectric Examination

Hydroelectric License

Copying

Assignment

Extension of Time

Other Re file

P-6

Quadrangle

Basin

Protest

Constructors Examination

Constructors License

Adjudication

Kurzet Ranch

RECEIVED

JAN 24 1995
WATER RESOURCES DEPT.
SALEM, OREGON

503/888-9269

CERTIFIED #P760374444

January 17, 1995

State Of Oregon
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE Files: R 69769
S 69770

Att. Mr. Michael J. Mattick

Dear Sir:

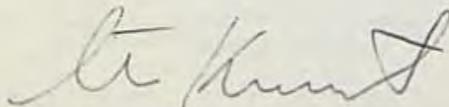
Pursuant to your letter of November 18, 1994, I remit herewith my check in the amount of \$210.00 as requested.

I certify that the information provided in applications S 69770 and R 69770 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

It is my understanding that pursuant to your agreement with Stuntzner Engineering, the "supplemental" restriction on the use of the stored water will be removed.

Please accept my sincere thanks for your cooperation in this matter. Should you require any further inputs from me, or Stuntzner Engineering, please do not hesitate to call on us.

Very truly yours,



Stan Kurzet

Encl:

KURZET FAMILY TRUST

1234

Applications 569770 & R 69770

Balance due permit fee - \$210.00

Reference File #R 69769

RECEIVED

JAN 24 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Kurzet Ranch

Post Office Box 5039
Charleston, Oregon 97420

CERTIFIED

P 760 374 444

MAIL



UNITED STATES
POSTAL SERVICE

0000

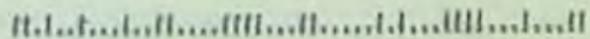
U.S. POSTAGE
PAID
MAY 1997
\$2.52
0002342-92

\$2.52

0002342-92

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

97310-0210



COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 69770

~~WATERWATCH~~

~~ODF&W - County: Coos~~

~~WATERMASTER #: 19~~

~~REGIONAL MANAGER: South West~~

~~CWRE: Ronald E Stautzner #126~~

~~DEQ~~

~~OREGON ASSOCIATION OF NURSERYMEN INC.~~

~~KEN STAHR~~

OTHER ADDRESSES:

CASEWORKER (initials/date) MM 11/15/94

ORIGINAL TO APPLICANT 6/28/94

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 62770

WATERWATCH

ODF&W

WATERMASTER # 19

REGIONAL MANAGER - SW

CWRE - STUNTZNER

DEQ

KEN STAHR

OTHER ADDRESSES:

CASEWORKER

MM T:\

ORIGINAL TO APPLICANT 11/15/93

November 18, 1994

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY, OR 97770

Reference: File R 69769 & S 69770

Dear Applicant:

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

Prior to issuance of the permit, we will need to receive total fees in the amount of \$688; being an examination fee of 200.00, and permit recording fee for the irrigation of 153.1 acres of \$388 and permit recording fee for livestock barn water use of \$100. Since you have previously submitted \$478 an additional amount of \$210 is required.

Before we can process your application further, you will need to submit an oath:

"I certify that the information provided in applications S 69770 and R 69770 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge".

This requirement was created by an amendment of our administrative rules and applies to all applications regardless of when the application was filed.

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,



Michael J. Mattick
Water Rights Specialist

cc: Ronald E. Stuntzner, CWRE



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

November 18, 1994

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY, OR 97770

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Sincerely,



Michael J. Mattick
Water Rights Specialist

cc: Ronald E. Stuntzner, CWRE



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

TECHNICAL REVIEW CHECKLIST

Application: 69770 *CSP*

Review Date: 4/20/93
11/6/99 N/A

- OK indicates information was completed or adequately addressed.
- N indicates information is needed, or incomplete, or inadequately addressed
- N/A indicates Not Applicable

SUMMARY	
<u>OK</u>	Completeness <i>Feet 200</i>
<u>N/A</u> <i>OK</i>	Land Use <i>Pre-land use form (no comment to public notice)</i>
<u>N/A</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>OK</u>	Conflicts
<u>5</u>	Water Availability <i>10 oct. → July.</i>
S or U	Satisfactory or Unsatisfactory Conclusions based on information available on the review date above.

N/A 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.

OK No oath is required because application was filed before June 5, 1992.

\$ Due

Application fees:

Examination fee:	\$ 200 200
Recording fee:	\$ 478 478
TOTAL REQUIRED	\$ 678 678
TOTAL SUBMITTED	\$ 478 478
AMOUNT DUE prior to issuance of permit	\$ <u>200</u>

*stocks = 100 +
 way 152/acre = 100 + 2 x 144 = 388*

OK

Proposed dates of beginning and completion of construction, and complete application of water.

OK

A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

N/A

A CWRE map is not required for applications filed before November 9, 1987.

OK

A written copy of the legal description of the property on which the water is to be used.

to Coman without the legal. nor is the legal info in existing file 63047.

N/A

A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

OK

No statement of ownership was required for applications filed before August, 1990.

OK

The report from watermaster has been received.

OK

The proposed use is not restricted or prohibited by statute.

OK

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.

OK

Swing & livestock/barn use(s) is/are classified uses(s) under the *South Coast* Basin Program, OAR 690 - *517*.

OK

The application, map and supporting data are complete and free of defects.

Land Use Compatibility: *OK - pre-land use form, but rec'd no obj.'s to public notice.*

As expressed by the Planning Department of COOS CO.

N/A

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 COOS).

N/A

The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

OK

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:

n/a

A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.

n/a

The report from groundwater section has been received.

For reservoir applications:

n/a

Plans, specifications and supporting information for the dam and impoundment area.

Application No. 69770

Permit No. Supplemental 3

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

DEC-5 1988

WATER RESOURCES DEPT.
SALEM, OREGON

I, Stan Kurzet
(Name of Applicant)

of 8181 Seven Devils Road, Coos Bay
(Mailing Address) (City)

State of Oregon, 97420 Phone No. 888-9269 do hereby
(Zip Code)

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Big Creek
....., a tributary of Pacific Ocean
See Below

2. The point of diversion is to be located ft. (N. or S.) and ft. (E. or W.)
from the South 1/4 corner of
(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

P.O.D. #1 bears N 17°30' E 660 feet

P.O.D. #2 bears N 17°40' W 850 feet

..... being within the P.O.D. #1 SW 1/4 SE 1/4
POD #2 SE 1/4 of the SW 1/4 of

Sec. 22 Tp. 26S R. 14W, W. M., in the county of Coos
(N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
26S	14W	16	NW 1/4 SE 1/4	4 Ac.
"	"	"	NE 1/4 SE 1/4	9
"	"	"	SE 1/4 SE 1/4	12 1/2
"	"	21	NE 1/4 NE 1/4	15
"	"	"	SE 1/4 NE 1/4	9 1/2
"	"	"	SW 1/4 NE 1/4	3
"	"	"	NW 1/4 SE 1/4	5
"	"	"	NE 1/4 SE 1/4	6 1/2
"	"	"	SE 1/4 SE 1/4	12
"	"	"	SW 1/4 SE 1/4	1
"	"	27	NW 1/4 NW 1/4	4 1/2
"	"	28	NE 1/4 NE 1/4	9 1/2
"	"	"	SE 1/4 NE 1/4	2
"	"	"	SW 1/4 NE 1/4	1
"	"	22	NW 1/4 NW 1/4	1 1/2
"	"	"	SW 1/4 NW 1/4	12 1/2
"	"	"	NW 1/4 SW 1/4	6
"	"	"	NE 1/4 SW 1/4	6
"	"	"	SE 1/4 SW 1/4	4
"	"	"	SW 1/4 SW 1/4	2

Total 126 1/2 Ac. to be Irrigated

4. The amount of water which the applicant intends to apply to beneficial use is 1.588 Total; 1.58 cubic feet per second for irrigation & .008 cfs for stock (based on 50 gal/day/head) (If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is overhead irrigation of 126 1/2 acres of improved pasture and stock watering and barn cleaning for 100 head of beef cattle

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Headgate at P.O.D. #1 to be a permanent fixed weir, constructed off-channel that will divert waters only above normal stream flows to recharge the 9 acre/ft. storage pond (see reservoir application submitted also). Once the pond is full, the spillway outlet located at the level of the original stream channel will return winter flow back to the original stream bed.

P.O.D. #2 water will be pumped approximately 2,000 feet via a 2" pressure line served by wind generated power operating a pump of equal capacities. This pressure line will supply a storage sump located on the ridge 200' above the pond. (This sump will have a holding capacity of approx. 250,000 gals.) From here 2-4" gravity lines will distribute irrigation water over the 126 1/2 acres shown. A series of portable overhead or cannon type sprinkler lines will be moved over the total acreage irrigated. A 1" tap off this 4" line will feed 500' of poly pipe to serve a stock water tank and 2 hose bibs for barn cleaning.

If for domestic use state number of families to be supplied none

7. Construction work will begin on or before has begun

8. Construction work will be completed on or before December 1, 1990

9. The water will be completely applied to the proposed use on or before December 1, 1991

Application No. 69770

Permit No.

Remarks:

This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Signature of Applicant
[Handwritten Signature]

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 Water Resources Director with corrections on or before .. October 13 .., 19 89

WITNESS my hand this .. 13th .. day of .. July .., 1989

William H. Young, .. Water Resources Director

By .. *[Handwritten Signature]* ..
WAYNE J. OVERCASH

RECEIVED

OCT 13 1989

WATER RESOURCES DE
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

5 day of .. December .., 19 88 .., at .. 8 .. o'clock

AM

Application No. 69770

Permit No. 3
Suspended
5

Application No. 69770

Permit No. PC
CANT FIND
63047

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD 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 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

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

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

Handwritten note on yellow sticky paper:
OAK
529
Rear IR
MUNN

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

Actual construction work shall begin on or before..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

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

STATE OF OREGON

COUNTY OF COOS

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ANNE L. KURZET
 THE KURZET FAMILY TRUST
 394 S. ESPLANADE STREET
 ORANGE, CALIFORNIA 92669

confirms the right to use the waters of BIG CREEK AND EAST FORK BIG CREEK, a tributary of PACIFIC OCEAN, for the purpose of IRRIGATING 72.8 ACRES.

The right has been perfected under Permit 46986. The date of priority is NOVEMBER 16, 1981. The right is limited to not more than 0.91 CUBIC FOOT PER SECOND; BEING 0.41 CFS FROM BIG CREEK AND 0.50 CFS FROM EAST FORK BIG CREEK, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SE 1/4 SE 1/4, SECTION 16, SE 1/4 NE 1/4, SECTION 21, T 26 S, R 14 W, W.M.; BIG CREEK - 350 FEET NORTH AND 500 FEET WEST, EAST FORK BIG CREEK - 1510 FEET SOUTH AND 200 FEET WEST, BOTH FROM THE SE CORNER OF SECTION 16.

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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

	BIG CREEK	EAST FORK BIG CREEK
NE 1/4 SE 1/4	9.7 ACRES	
NW 1/4 SE 1/4	2.5 ACRES	
SE 1/4 SE 1/4	15.3 ACRES	
SECTION 16		
	} 0.41 cfs	
NE 1/4 NE 1/4	5.1 ACRES	10.0 ACRES
SE 1/4 NE 1/4	32.6	6.3 ACRES
SECTION 21		
	} 0.50 cfs	
NW 1/4 NW 1/4		0.2 ACRE
SW 1/4 NW 1/4		12.2 ACRES
NE 1/4 SW 1/4		4.8 ACRES
NW 1/4 SW 1/4		3.7 ACRES
SE 1/4 SW 1/4		3.0 ACRES
SECTION 22		
TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.		
		40.2 72.8

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

63047.JCL

[Handwritten signature]

W/M# 19

WATER AVAILABILITY-SURFACE WATER APPLICATIONS

Name of Applicant Stan Kurzet Application Number 69770

RECEIVED

1. Is there a gaging station at or nearby the point of diversion for this application that gives a record of water supply?

JAN 25 1989

Yes No

If yes, how long is the record? _____ years, from 19 82 through 19 Present

WATER RESOURCES DEPT. SALEM, OREGON

Does the record include any extremely low flows years?

Yes No

If yes, list low flow years.

Q regularly measured \approx 1 Mi. d.s. (and below ~~a~~ significant appropriative right - Sunset Bay Golf Course) at 0.3 cfs to 0.4 cfs during August and September.

2. Have any miscellaneous measurements been made at or near the point of diversion?

Yes No

If yes, list measured flows and dates.

3. Has the stream or basin that is the source for this application ever been regulated for prior rights or minimum streamflows?

RECEIVED

Yes No

JAN 20 1989

If yes, explain by giving dates and rights involved.

WML DIST. 14 GRANTS PASS, ORE.

4. Do you observe this stream system in your routine, regular field work?

Yes No

If yes, list number of years of observation.

1981 to present

5. Based on routine observation, do you think there would be enough water available in the quantity and at time needed to supply this application and do you think use may be made without harming vested and inchoate rights?

Yes No

If yes, what would you recommend for conditions for this permit.

Water Streamflow, in the quantity applied for should be available during the average water year. There are two downstream water users. The applicant may periodically expect to be regulated because of down stream demand. J.P. Drolet /dt 01-18-89



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

July 13, 1989

Stan Kurzet
8181 Seven Devils Road
Coos Bay, OR 97420

REFERENCE: Files R-69769, 69770 and 63047

Your Reservoir Application R-69769 describing the proposed construction of the 2 acre reservoir and storage of 9.0 acre-feet of water from Big Creek for irrigation of 126 acres of improved pasture and stock watering, together with the sketch of the proposed sump (reservoir), has been reviewed.

Also, your Secondary Application 69769 describing the proposed use of 1.588 cubic feet of water per second from Big Creek, being use of 1.58 cfs for irrigation of 126.5 acres and use of 0.008 cfs for stock, together with the supporting map, has been reviewed.

Before your applications can be considered for approval, it will be necessary for you to make certain amendments to the applications and supply additional information and supporting data. Also, any public interest issue that may arise will need to be resolved.

Your proposed reservoir is approaching the size that requires engineering data prepared by a licensed engineer. If it is found that a dam or dike is constructed 10 feet or higher or that the reservoir impounds more than 9.2 acre-feet, as built plans, specifications and a statement of adequacy prepared by an engineer licensed in Oregon will be required.

Since you intend to store water for more than one purpose, it will be necessary for you to further state in Item 7 of the Reservoir Application R-69769 the amount of water to be stored for each purpose, being an amount of water for stock watering and the amount of water to be stored for irrigation purposes.

Incidentally, it would be best not to limit the number of acres to be irrigated or the type of crop to be irrigated in Item 7 on the reservoir application. Only the uses to be made of the stored water should be stated along with noting the amount to be stored for each use.

The amount of water to be stored in the reservoir will need to be stated in Item 8 of the reservoir application without using an approximate figure. The maximum capacity of the proposed reservoir will need to be determined and noted.

Stan Kurzet
July 13, 1989
Page 2

Since the "2 acre reservoir" would be considered a source of water, the "2 acre reservoir" needs to be included as a source in Item 1 of the Secondary Application 69770.

The two points of diversion as shown on the map appear to be points in the creek channel. For your type of development, both the point where water will be diverted from the creek and the point where stored water will be diverted from the reservoir will need to be properly located on the map and in Item 2 of the secondary application.

The reference corner used in locating the points of diversion will need to be properly identified in the first part of Item 2 of the secondary application. According to information shown on the supporting map, the reference corner used is the "south 1/4 corner of Section 22". If so, the reference corner needs to be identified as such in the application.

In addition to listing the acreage to be irrigated in Item 3 of the secondary application, the other uses to be made of the water also need to be listed with respect to the proper quarter-quarter section.

The stock watering and barn cleaning are presently listed as two separate uses in Item 5 of your secondary application. As such, it will be necessary to further note the amount of water to be appropriated from each source for each use and we will need a separate recording fee for each use. However, if you wish, you may list the use as "stock barn uses to include stock watering and barn cleaning" as one use in Item 7 of your reservoir application and in Items 4 and 5 of your secondary application.

We will need clarification on your intentions regarding the existing right involved and how water under permits approving your applications will be used in connection with use allowed under the existing right.

We recently sent to you a proposed certificate of water right which is to confirm the right perfected under the terms of Permit 46986. We would not be able to issue you another permit to provide for the use from the same creek for irrigation of the same acreage allowed under the existing right.

However, your secondary application could be completed to apply for the use of water from the creek as a primary source and the reservoir as a supplemental source for the irrigation of acreage not allowed under the existing right and apply for the use of stored water from the reservoir as a supplemental supply for the irrigation of acreage presently having an existing right from the creek or creeks.

Stan Kurzet
July 13, 1989
Page 3

Your supporting map will then need to be revised to show in different manners the lands to receive the primary supply and the lands to receive the supplemental supply. The acreage to receive the supplemental supply in each quarter-quarter section cannot exceed the acreage allowed or to be allowed under the existing right perfected under Permit 46986. To assist you, I am enclosing a print of the Final Proof Survey map made in connection with the earlier permit. This map is enlarged to about the same scale as the map submitted with your applications. Any revisions to your application map must be done by a Certified Water Rights Examiner.

There is an issue relative to the identity of the creek that should be resolved. When Cottell Brothers filed for their Permit 46986 in November of 1981, they identified the creek where your proposed reservoir is located as "East Fork Big Creek". Your application and supporting map identify the creek in the vicinity of the reservoir as Big Creek. Other maps in our office indicate that the creek in the vicinity of your proposed reservoir is Big Creek. Based upon your and other parties local knowledge, which do you believe is correct. Also, if you feel that any of our records relative to the existing Permit 46989 or your applications need to be corrected to properly identify the creek or creeks involved, please advise.

The Department of Fish and Wildlife is recommending design and operation conditions for your development. A copy of their letter received in this office March 10th of this year is enclosed. Matters regarding the conditions proposed by their letter will need to be resolved.

I am returning both of your applications and your supporting map for correction and completion. The applications are endorsed, so that in order to retain their priority dates, they must be received in this office on or before October 13, 1989.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

Enclosures

WJO

cc: Ronald E. Stuntzner, CWRE
John Drolet, Watermaster District 19



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

December 21, 1988

Stan Kurzet
8181 Seven Devils Road
Coos Bay, OR 97420

REFERENCE: Files R-69769 and 69770

We received the applications you submitted on December 5, 1988, describing the proposed construction of Two Acre Reservoir and storage of 9.0 acre-feet of water from Big Creek and use of 1.588 cubic feet per second of water from Big Creek and the reservoir for irrigation and stock. The supporting data and fees were also received. Our Receipts 56724 and 56725 are enclosed. The applications have been filed, assigned numbers R-69769 and 69770 and will be reviewed in detail as time allows.

Applications which are received in proper form with required maps, supporting data and fees, can be considered for approval by issuance of a permit after the 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will, if necessary, be returned for correction and/or completion. Due to the present backlog of applications and other matters needing attention, we have been unable to process applications as rapidly as would be liked. If you feel that a delay in the processing of the applications will cause a hardship, please advise.

You will be required to hire a Certified Water Right Examiner to survey the extent of use of water perfected under the terms of the permits that may be issued approving the applications. Within one year of application of water to beneficial use or the date to make complete application of water allowed in the permit, you will be required to submit a map of the survey prepared by the Certified Water Right Examiner.

If the applications are approved, the project described in the applications will be subject to the Water Resources Commission's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely,

Wayne J. Overcash
Water Rights Specialist
Application/Permit Section

Enclosure



While You Were Out

To

Jake

Date

10/17

Time

12:47

of

Stan Kurzet

called

Phone

888-9269



Telephoned



In person



Please call



Wants to see you



Will call again



Returned your call

Message

won't be there

Wed A.M.

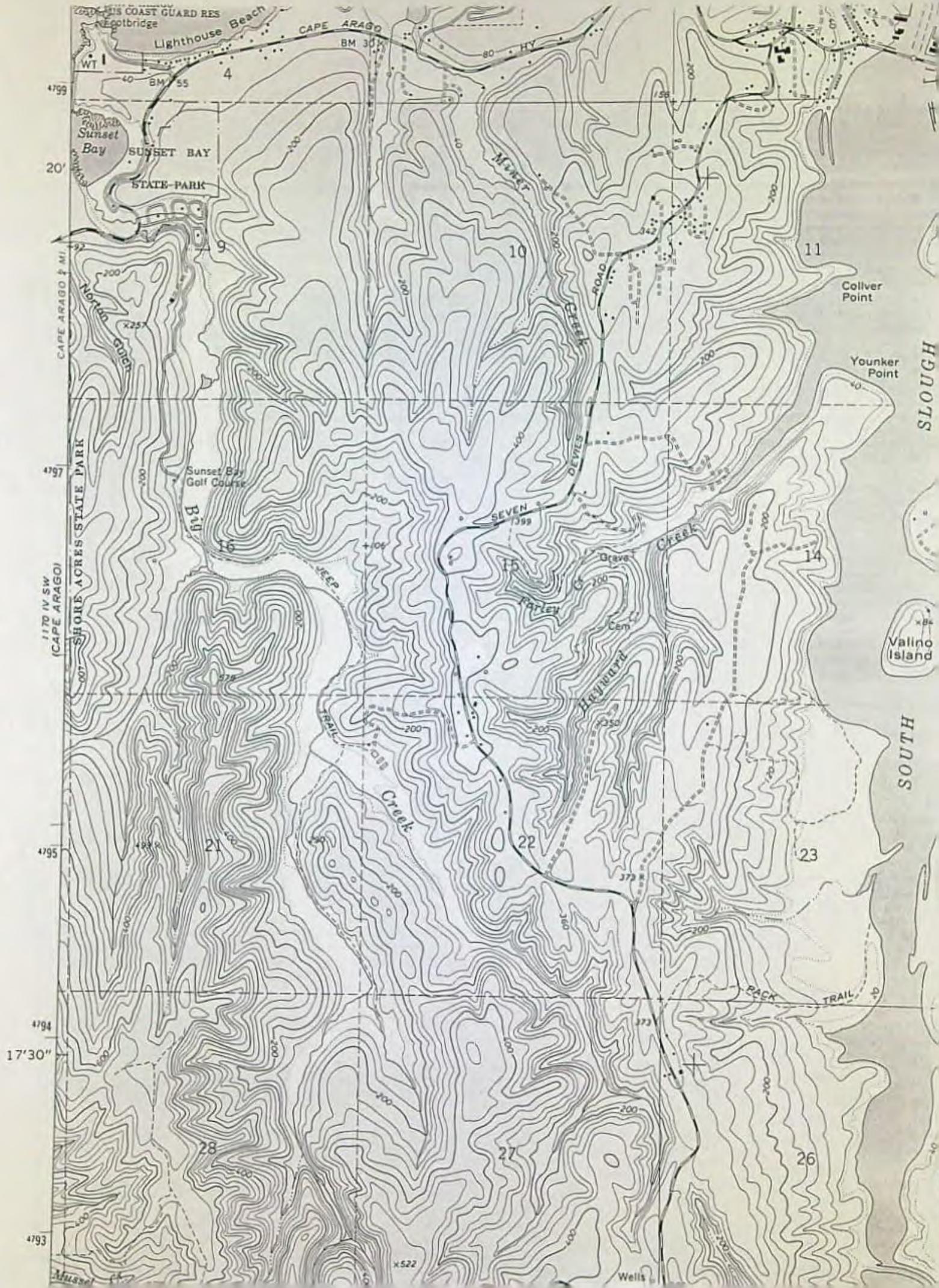
Will stay by phone

~~no~~ till about 1:05

Taken by



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1	2	6.50	1
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		0.00	1



U.S. COAST GUARD RES
Footbridge

Lighthouse Beach
CAPE ARAGO
BM 30

4799
40
BM 55
4

Sunset Bay
STATE-PARK

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CAPE ARAGO

80 HY

100

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

2800

2900

3000

3100

Colliver Point

Yunker Point

Valino Island

SOUTH

SLOUGH

Wells

x522

x257

x258

x259

x260

x261

x262

x263

x264

x265

x266

x267

x268

x269

x270

x271

x272

x273

x274

x275

x276

x277

x278

x279

x280

x281

x282

SHORE ACRES STATE PARK

Sunset Bay Golf Course

North

Devils Creek

Seven Mile Creek

Howard Creek

Trail

Jeep

Gravel

Cem

Parley

Trail

1170 14 SW
(CAPE ARAGO)

1170 15 SW

1170 16 SW

1170 17 SW

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1170 45 SW

1170 46 SW

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY, OREGON 97420

503-888-9269

to construct TWO ACRE RESERVOIR and store the waters of EAST FORK BIG CREEK, a tributary of PACIFIC OCEAN, to be appropriated under Application 69770, Permit , for PRIMARY AND SUPPLEMENTAL IRRIGATION AND BARN USES, to include stock watering and barn cleaning.

This Permit to store waters is issued approving Reservoir Application R-69769. The date of priority is DECEMBER 5, 1988 for 9.00 AF and OCTOBER 13, 1989 for 7.03 AF. The amount of water entitled to be stored each year is not more than 16.03 ACRE-FEET, being 11.41 AF for irrigation and 2.62 AF for barn uses. Two acre-feet of water will be used for minimum pool storage.

The dam will be located as follows:

SE 1/4 SW 1/4, SECTION 22, T 26 S, R 14 W, W.M.

The area submerged by the reservoir, when full, will be 3.0 acres and the maximum depth of water will be 16.0 feet.

The area to be submerged by the reservoir is described as follows:

SE 1/4 SW 1/4
SECTION 22
TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.

This project was considered and approved by the Water Resources Commission on

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permit is subject to the following conditions:

1. The structure shall be constructed, operated and maintained in accordance with the approved plans and specifications and with the design intent.
2. The repairs to the structure shall be constructed under the supervision of a registered engineer licensed in Oregon. No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department.
3. The outlet gate shall be cycled at least once each year in order to assure smooth operation.

4. The embankment and spillway channel shall be kept clear of trees and brush and other debris.

5. The embankment shall be kept free of burrowing animals.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1992. The reservoir shall be filled, and complete application of the stored water to the use shall be made on or before October 1, 1993.

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.

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.

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

Issued this date, .

Water Resources Department
William H. Young
Director

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

PRELIMINARY
SUBJECT TO REVISION

THIS PERMIT IS HEREBY ISSUED TO

STAN KURZET
8181 SEVEN DEVILS ROAD
COOS BAY, OREGON 97420

503-888-9269

to use the waters of EAST FORK BIG CREEK AND THREE ACRE RESERVOIR, to be constructed under Application R-69769, Permit R-, tributaries of PACIFIC OCEAN, for IRRIGATION OF 76.2 ACRES, SUPPLEMENTAL IRRIGATION OF 72.8 ACRES, ~~LIVESTOCK AND STOCK BARN CLEANING~~ *uses to include stock watering and barn cleaning for irrigation and barn uses*

This Permit is issued approving Application 69770. The date of priority is DECEMBER 5, 1988 for 1.588 cfs, and OCTOBER 13, 1989 for 0.277 cfs. The use is limited to not more than 1.865 CUBIC FEET PER SECOND, being ~~0.95 cfs~~ *0.85 cfs* for irrigation, ~~0.91 cfs~~ *0.91 cfs* for supplemental irrigation, ~~0.005 cfs for livestock and barn~~ *uses*, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 SE 1/4, SE 1/4 SW 1/4, SECTION 22, T 26 S, R 14 W, W.M.; CREEK - 630 FEET NORTH AND 198 FEET WEST; CREEK/RESERVOIR - 810 FEET NORTH AND 110 FEET WEST, BOTH FROM S 1/4 CORNER, SECTION 22.

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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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 the Permit is as follows:

	PRIMARY	SUPPLEMENTAL	
NE 1/4 SE 1/4	11.9 ACRES	9.7 ACRES	→
NW 1/4 SE 1/4	2.1 ACRES	2.5 ACRES	→
SE 1/4 SE 1/4	3.1 ACRES	15.3 ACRES	→
SECTION 16			
NE 1/4 NE 1/4	6.0 ACRES	15.1 ACRES	→
SW 1/4 NE 1/4	3.0 ACRES		
SE 1/4 NE 1/4	5.6 ACRES	6.3 ACRES	→
NE 1/4 SE 1/4	6.5 ACRES		
NW 1/4 SE 1/4	5.0 ACRES		
SW 1/4 SE 1/4	1.0 ACRE		
SE 1/4 SE 1/4	12.0 ACRES		
SECTION 21			
NW 1/4 NW 1/4	1.0 ACRE	0.2 ACRE	
SW 1/4 NW 1/4		12.0 ACRES	
NE 1/4 SW 1/4		4.8 ACRES	
NW 1/4 SW 1/4		3.7 ACRES	
SW 1/4 SW 1/4	2.0 ACRES		
SE 1/4 SW 1/4	1.0 ACRE	3.0 ACRES	
SECTION 22			
			BARN & STOCK

NW 1/4 NW 1/4 4.5 ACRES
SECTION 27

NE 1/4 NE 1/4 9.5 ACRES
SW 1/4 NE 1/4 1.0 ACRE
SE 1/4 NE 1/4 2.0 ACRES

SECTION 28

TOWNSHIP 26 SOUTH, RANGE 14 WEST, W.M.

This project was considered and approved by the Water Resources Commission on _____

Actual construction work shall begin on or before _____, and shall be completed on or before October 1, 1991. Complete application of the water to the use shall be made on or before October 1, 1992.

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 rights for maintaining instream flows.

Issued this date, .

Water Resources Department
William H. Young
Director

Use under this permit

It is further conditioned as follows:

① Fish Screening

② ~~One quarter of the reservoir shall be~~
Direct flow will not be allowed unless
the flow is greater than 2 cfs.

(Use shall be limited to stand water only during periods when natural flows at the point of diversion on E. Fh. Big Creek is less than 2.0 cfs)