

FILE#: S 84136

GEORGE KELLY  
KELLY, JANET: OCEAN VIEW WATER USERS  
PO BOX 809  
PORT ORFORD, OR 97465

Application No. 84136

Permit No. 53686

**Certificate No.** \_\_\_\_\_

Stream Index, Page No. \_\_\_\_\_

Date filed \_\_\_\_\_

Priority \_\_\_\_\_

Action suspended until C 04

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_

## CONSTRUCTION

Date for beginning 5-31-01

Date for completion \_\_\_\_\_

Extended to \_\_\_\_\_

Date for application of water 10-01-04

Extended to \_\_\_\_\_

## PROSECUTION OF WORK

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Date Certificate issued \_\_\_\_\_

## ASSIGNMENTS

| Date    | To Whom                       | Address                                                              | Volume | Page    |
|---------|-------------------------------|----------------------------------------------------------------------|--------|---------|
| 4-11-00 | David, Deborah + Emma Kelly - | 8575 N. Purdue, Clovis, CA 93619<br>18173 Road 400, Madera, CA 93638 | 8      | 679-682 |

## REMARKS



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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

July 29, 2011

DAVID KELLY  
5875 N PURDUE Ave  
CLOVIS, CA 93619

REFERENCE: Application S-84136 / Permit S-53686

Dear Permit Holder:

The Water Right Services Division received your written progress report for Permit S-53686. Receipt of the progress report was published on the Department's weekly Public Notice, dated June 14, 2011. The Department did not receive any public comment on the progress report.

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

Your next written progress report for Permit S-53686 is due no later than **October 1, 2014**. The report must be received by the Department no sooner than 30 days prior to the due date.

For your convenience, I have enclosed your next *Progress Report Form*. Please calendar this October 1, 2014 due date, as no further reminders will be sent.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2019. ***Failure to submit a written progress report will most likely result in any future extensions being denied.***

If you have any questions, please feel free to contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece

Extensions

Water Rights Services Division

Enclosure

cc: Application S-84136  
Watermaster District 19 – Mitch Lewis



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

RECEIVED

OCT 20 2010

WATER RESOURCES DEPT  
SALEM, OREGON

Extension of Time  
**Progress Report Form**  
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holders: DAVID KELLY

Application S-84136

Permit S-53686

Report Due no later than **October 1, 2009**

**Progress Report Form for 2009**

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit S-53686

| INSERT DATES | LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS<br>For the period of time between October 1, 2004 and October 1, 2009 | FINANCIAL INVESTMENT |
|--------------|----------------------------------------------------------------------------------------------------------------------------|----------------------|
| 7/2009       | Pump & installation for home on lot 5                                                                                      |                      |
|              |                                                                                                                            |                      |
|              |                                                                                                                            |                      |
|              |                                                                                                                            |                      |
|              |                                                                                                                            |                      |
|              |                                                                                                                            |                      |
|              |                                                                                                                            |                      |

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

ok

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

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

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

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

Acre-feet stored to date = \_\_\_\_\_ AF

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

Signature David Kelly Date 10-15-10

*For OWRD use only*

Diligence Shown ☒ Yes ☐ No

Date Public Noticed: 6-14-2011

Reviewed by: ann

Date: 7-29-2011

After recording, return to (Name, Address, Zip):

CURRY COUNTY TITLE, INC.  
PO BOX 672  
GOLD BEACH, OR 97444

RECEIVED

OCT 20 2010

WATER RESOURCES DEPT  
SALEM, OREGON

LAND  
Cnt=1 Pgs=1 RECC  
\$5.00 \$11.00 \$15.00

10/16/2009 02:57 PM

\$31.00



I, Renee' Kolen, County Clerk, certify that the within document was received and duly recorded in the official records of Curry County.



Renee' Kolen - Curry County Clerk

## COMPLETION NOTICE

Notice is hereby given that the building, structure or other improvement on the following described premises (insert legal description, including street address if known):

Lot Five (5), PACIFIC BREEZE SUBDIVISION, PLAT NO. 2002-13, recorded June 28, 2002 Inst. #2002-3813 and Affidavit of Correction recorded June 7, 2004 Inst. #2004-3534, County of Curry, and State of Oregon.

*Chris La Lane*

Physical Address: 93480 Chris ~~LA Lane~~; Port Orford, OR 97465

has been completed.

All persons claiming a lien upon the same under Oregon's Construction Lien Law are hereby notified to file a claim of lien as required by ORS 87.035.

Dated ~~September~~ *October 14*, 2009.

LARRY W. YOUNG  
ORIGINAL CONTRACTOR, OWNER OR MORTGAGEE

By: *X*

LARRY W. YOUNG

Address: 995 Lorene Ave  
Fowler, CA 93625

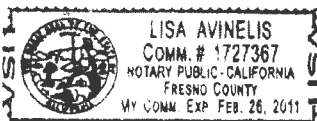
Note: Record this notice with the recording officer within 5 days after posting. ORS 87.045(3).

STATE OF California, County of Fresno ss.

I, LARRY W. YOUNG, being first duly sworn, depose and say:

I did on ~~Sept~~ *October* 14, 2009, duly post a notice, of which the above is a true copy, in a conspicuous place upon the land or upon the improvement situated thereon described in the notice, to-wit: by posting, nailing, tacking, pasting, fastening or otherwise affixing such notice at or to the front entrance of the building or improvement constructed, altered or repaired on the above described land. (If no building, state in what manner posted):

*Larry W. Young*  
This instrument was acknowledged before me on September 14, 2009 by Larry W. Young



*Lisa Avinelis*  
Notary Public for California

My commission expires: Feb. 26, 2011

RETURN TO:  
CURRY COUNTY TITLE  
P.O. BOX 672-GOLD BEACH, OR 97444

756209

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

### 1. Extension Specialist: Progress Report Review

Date Report Received: 10/20/10

Report Complete: YES

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

315 OAR Division under which Progress Report was required

- ☒ Publish on Public Notice Date: 6/14/11 JS
- ☒ Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record) 2009
- ☒ Return to Extension Specialist

### 3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

**Date Confirmation Letter Needed:**

- ☒ Update Progress Report Worksheet.xls
- ☒ Send to permit holder + anyone who made comments after 30 day public notice  
CC: Watermaster \_\_\_\_\_  
File \_\_\_\_\_

### 4. Return file to cabinet

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## PUBLIC NOTICE INFORMATION

Permit Holder's Name: DAVID, DEBORAH, AND EMMA KELLY

Application: S-84136

Permit: S-53686

County: Curry

Source: Noble Creek, Tributary of the Pacific Ocean

Use: Domestic for 13 Households and Irrigation



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

February 4, 2010

DAVID KELLY

5875 N PURDUE LANE <sup>AVC</sup>  
CLOVIS, CA 93611<sup>9</sup>

REFERENCE: Application S-84136 / Permit S-53868

Dear Permit Holder:

On April 20, 2005 the Department issued a Final Order approving an Extension of Time for Permit S-53868. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2009. This letter is being sent to you because the Department has not yet received the progress report.

For your convenience, I have enclosed a **Progress Report Form** for 2009 and an additional form for your next progress report which is due October 1, 2014. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2019. *Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2019, as future extensions are evaluated on past due diligence, and consequently may not be granted.*

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0813.

Sincerely,

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

Scott Kudlemyer

Extensions

Water Rights and Adjudications Division

Enclosure

cc:

Application S-84136

Watermaster District 19 - Mitch Lewis

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

## Mailing List for Extension FO Copies

Application #S-84136  
Permit #S-53686

FO Date: April 20, 2005

Original mailed to:

 David, Deborah and Emma Kelly  
8575 N. Purdue  
Clovis, CA 93611

Copies Mailed

By:   
(SUPPORT STAFF)

on: 4/22/05  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Appl. File #S-84136 / Permit #S-53686 ✓
2. WRD - Watermaster District: #19 - Mitch Lewis, Coquille ✓
3. WRD - Regional Manager: SWR - Grants Pass ✓
4. DEQ - Western Region - John Blanchard, Medford ✓
5. ODFW - District #0 - Todd Confer, Gold Beach ✓
6. WRD - Support Staff, Salem...Permit record update ✓

**Other interested parties:**

NONE

CASEWORKER: LJJ/JJU

**Final Order**  
**Extension of Time for Permit Number S-53686**

**Appeal Rights**

**This is a final order in other than contested case.** This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Application History**

On April 29, 2004, David, Deborah and Emma Kelly submitted an application to the Department for an extension of time for permit number S-53686. The Department issued permit number S-53686 on July 28, 2000. The permit called for complete application of water to beneficial use by October 1, 2004. In accordance with OAR 690-315-0050(2), on October 12, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2019. The protest period closed November 26, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

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

**CONDITIONS**

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

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

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

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

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

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

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

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

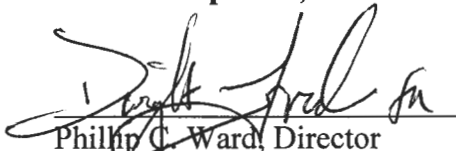
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

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

### **Order**

The extension of time for Application Number S-84136, Permit Number S-53686, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2019.

**DATED: April 20, 2005**



Phillip C. Ward, Director

Final Order: Permit #S-53686

**If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

942 SW 6th Street

Suite B

Grants Pass, OR 97526

(541) 471-2886

FAX (541) 471-2876

October 10, 2004

Mr. David Kelly  
8575 North Purdue  
Clovis, Ca. 93611

Dear Mr. Kelly:

On September 20, 2004, we met to look at five wells on your property located near Noble Creek, which is outside of Port Orford, Oregon. Three of these wells are dug wells that are less than twelve feet in depth. Since there are no standards for wells less than twelve feet in depth and you intend on transferring your surface water right to ground water and use these as your source of appropriation there is no further action needed for these wells.

If you do not transfer your surface water right to a ground water source you will need to properly abandon these well because of their proximate to your surface water source. Please contact me so I can arrange my schedule to witness their abandonment.

The other two wells we found are both fourteen feet deep and cased with six inch pvc casing. These wells do not meet well construction standards, and must be properly abandoned by a licensed bonded well constructor or under a landowner's permit and bond.

Since the site conditions will not allow the for the abandonment of these two wells at this time and probable not for several months please contact me at least five days prior to their abandonment so I can schedule my time to witness their abandonements.

If you have any questions concerning this matter, please feel free to contact me at the address or phone numbers listed above.

Sincerely,

David L. Cowgill

ATTN.

CONNIE

C. Dave Jarrett, SW Regional Manager  
Bruce Sund, Assistant Regional Manager  
Mitch Lewis, District 19 Watermaster  
Enforcement Section

800-795-9595 / www.2-1-0.com

2-1-0 HW Warranty  
OF California, Inc.  
Producers for the State of Oregon

# Extension "Final Order" Checklist

Application # 5-84136 / Permit # 5-53686

Permit Holder's Name David, Deborah and Emma Kelly

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

\_\_\_ 1. Date Extension Request submitted: 4-29-04

\_\_\_ 2. Date permit was issued: 7-28-00

\_\_\_ 3. Original "B" Date from permit:         
(Date for completion of construction)

\_\_\_ 4. Original "C" Date from permit: 10-1-04  
(Date for complete application of water)

\_\_\_ 5. Extension PFO Date: 10-12-04

\_\_\_ 6. WRD recommends extending "B" Date to:       

and extending the "C" Date to: 10-1-2019

\_\_\_ 7. Any conditions from PFO: 5 yr progress 2009, 2014

\_\_\_ 8. Protest Deadline Date from PFO: 11-26-04

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

Reviewer's Name: Ant. L. Th

Date: 10-7-04

Application No. 84136

APPLICATION MAP

RECEIVED

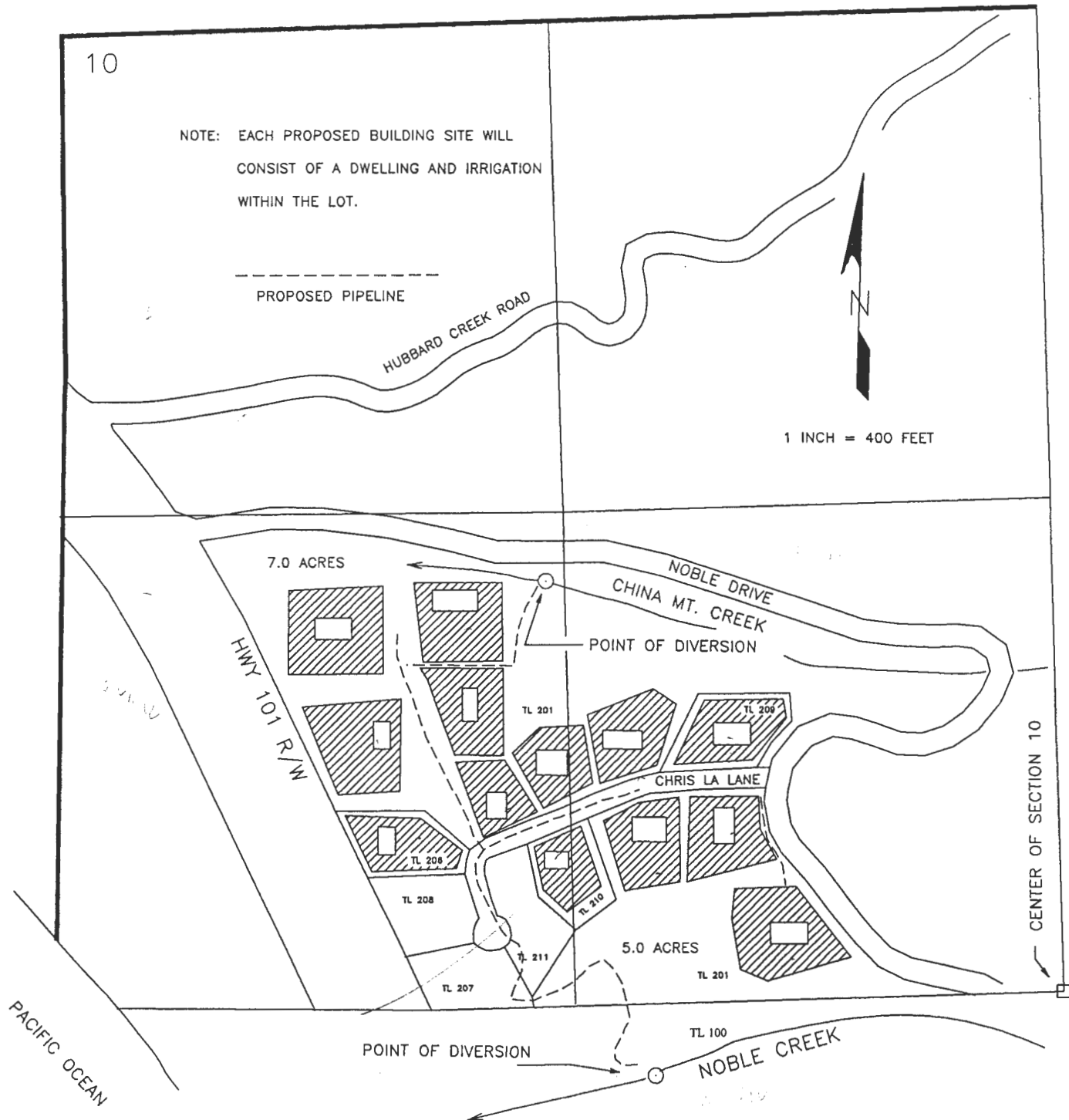
Permit No. 53686

IN THE NAME OF OCEAN VIEW WATER USERS

MAY 04 1999

SECTION 10, T 33 S, R 15 W, W.M.

WATER RESOURCES DEPT.  
SALEM, OREGON



THE POINTS OF DIVERSION ARE TO BE LOCATED: NOBLE CREEK: 220 FEET SOUTH AND 1,120 FEET WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; AND CHINA MT. CREEK: 1,100 FEET NORTH AND 1,400 WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; BOTH WITHIN SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.  
IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF  
PROPERTY OWNERSHIP BOUNDARY LINES.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID, DEBORAH AND EMMA KELLY  
18173 ROAD 400  
MADERA, CALIFORNIA 93638

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84136

SOURCE OF WATER: NOBLE CREEK, TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR 13 HOUSEHOLDS AND IRRIGATION OF 12.0 ACRES

MAXIMUM RATE ALLOWED: 0.17 CUBIC FOOT PER SECOND, BEING 0.02 CFS FOR DOMESTIC USE AND 0.15 CFS FOR IRRIGATION

PERIOD OF USE: YEAR ROUND FOR DOMESTIC USE AND MAY 1 THROUGH OCTOBER 15 FOR IRRIGATION

DATE OF PRIORITY: MAY 4, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T33S, R15W, W.M.; 220 FEET SOUTH & 1120 FEET WEST FROM C1/4 CORNER, SECTION 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

|               |           |              |
|---------------|-----------|--------------|
| SW 1/4 NW 1/4 | 7.0 ACRES | 8 HOUSEHOLDS |
| SE 1/4 NW 1/4 | 5.0 ACRES | 5 HOUSEHOLDS |
| SECTION 10    |           |              |

TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee

Application S-84136 Water Resources Department

PERMIT 53686

shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

#### 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.

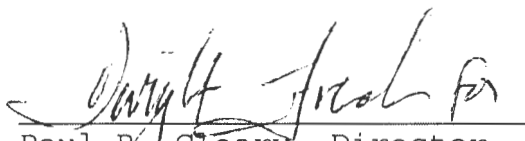
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 May 31, 2001. Complete application of the water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued July 28 , 2000

  
Paul R. Cleary, 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-84136    Water Resources Department  
Basin 17                    Volume 3 BASIN 17 MISC  
AMH                            MGMT.CODE

PERMIT 53686  
District 19

# Water Rights Information Query Results

**Owner(s) Information**

DAVID KELLY  
5875 N PURDUE  
CLOVIS CA 93611

DEBORAH KELLY  
8575 N PURDUE  
CLOVIS CA 93611

EMMA KELLY  
8575 N PURDUE  
CLOVIS CA 93611

**Application(s)**

| Application | Received   |     |
|-------------|------------|-----|
| S 84136     | 05/04/1999 | Map |

**Permit(s)**

| Permit | Signature  |     |
|--------|------------|-----|
| S53686 | 07/28/2000 | Map |

**Certificate(s)**

n/a

**Claim(s)**

n/a

**Decree(s)**

n/a

**Order(s)**

n/a

**Transfer(s)**

n/a

**Misc. Info**

| Authority | File Location |
|-----------|---------------|
|           | Salem         |

**Document Process**

n/a

**Point(s) of Diversion**

| Location (T-R-S-QQ) | DLC/Lot | Source   | Tributary to  | Max Rate | Rate | Max Acre Feet | Acre Feet | Legal Description                                            |
|---------------------|---------|----------|---------------|----------|------|---------------|-----------|--------------------------------------------------------------|
| 33.0S-15.0W-10-NESW |         | NOBLE CR | PACIFIC OCEAN | 0.17     | 0.17 |               |           | 220 FEET SOUTH & 1120 FEET WEST FROM C1/4 CORNER, SECTION 10 |

**Uses from this Point of Diversion**

| Use | P/S | Priority Date | Start Date | End Date | Acres | Rate/Acre | Duty | Max Rate | Rate | Max Acre Feet | Acre Feet | Status | Remarks     |
|-----|-----|---------------|------------|----------|-------|-----------|------|----------|------|---------------|-----------|--------|-------------|
| DO  | P   | 05/04/1999    | 1/1        | 12/31    |       |           |      | 0.02     | 0.02 |               |           | NC     | 13 HOUSEHOL |
| IR  | P   | 05/04/1999    | 1/1        | 12/31    |       | 1/80      | 2.5  | 0.15     | 0.15 |               |           | NC     | 5/1 10/15   |

**Place of Use**

| Use | P/S | Priority Date | Location (T-R-S-QQ) | DLC/Lot | Acres | Status | Remarks      |
|-----|-----|---------------|---------------------|---------|-------|--------|--------------|
| IR  | P   | 05/04/1999    | 33.0S-15.0W-10-SWNW |         | 7.0   | NC     |              |
| DO  | P   | 05/04/1999    | 33.0S-15.0W-10-SWNW |         |       | NC     | 8 HOUSEHOLDS |
| DO  | P   | 05/04/1999    | 33.0S-15.0W-10-SENW |         |       | NC     | 5 HOUSEHOLDS |

|    |   |            |                     |     |    |  |
|----|---|------------|---------------------|-----|----|--|
| IR | P | 05/04/1999 | 33.0S-15.0W-10-SENW | 5.0 | NC |  |
|----|---|------------|---------------------|-----|----|--|

[View Water Rights in same Family](#)

[Return to the Water Right Information search screen](#)

*Phillip C. Ward, Director*

*Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903*

# Mailing List for Extension PFO Copies

**Application #S-84136**  
**Permit #S-53686**

**PFO Date: October 12, 2004**

**Original mailed to:**

**Applicant: David, Deborah and Emma Kelly**  
**8575 N. Purdue**  
**Clovis, CA 93611** ✓

## **Copies Mailed**

**By:**   @    
(SUPPORT STAFF)  
**on:**   10-13-04    
(DATE)

### **For Extension PFO's - Copies sent to:**

1. WRD - Appl. File #S-84136 / Permit #S-53686 ✓
2. WRD - Watermaster District: #19 - Mitch Lewis, Coquille ✓
3. DEQ - Western Region - John Blanchard, Medford ✓
4. ODFW - District #0 - Todd Confer, Gold Beach ✓

### **Other interested parties:**

NONE

CASEWORKER: LJJ/JJU

**Oregon Water Resources Department  
Water Rights Division**

**Application for Extension of Time**

|                                  |   |                      |
|----------------------------------|---|----------------------|
| In the Matter of the Application | ) |                      |
| for an Extension of Time for     | ) |                      |
| Permit #S-53686, Water Right     | ) | PROPOSED FINAL ORDER |
| Application #S-84136             | ) |                      |
| (David, Deborah and Emma Kelly)  | ) |                      |

**Permit Information**

**Application File #S-84136 / Permit #S-53686**

Basin: #17 - South Coast Basin / Watermaster District: #19

Date of Priority: May 4, 1999

**Authorized Use of Water**

|                  |                                                                                                     |
|------------------|-----------------------------------------------------------------------------------------------------|
| Source of Water: | Noble Creek, tributary of Pacific Ocean                                                             |
| Purpose or Use:  | Domestic Use for 13 Households and<br>Irrigation of 12.0 acres                                      |
| Maximum Rate:    | 0.17 cubic foot per second (cfs), being<br>0.02 cfs for Domestic Use and 0.15 cfs for<br>Irrigation |

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

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

This Proposed Final Order applies only to Permit #S-53686, water right Application #S-84136. A copy of Permit #S-53686 is enclosed as Attachment 1.

# Summary of Proposed Final Order for Extension of Time

## The Department proposes to:

- grant the extension for complete application of water from October 1, 2004, to October 1, 2019; and
- make the extension subject to certain conditions set forth below.

## AUTHORITY

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

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

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

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

## **FINDINGS OF FACT**

### **Background**

1. Permit #S-53686 was granted by the Water Resources Department on July 28, 2000. The permit authorizes the appropriation of up to 0.17 cfs of water, being 0.02 cfs for Domestic Use and 0.15 cfs for Irrigation of 12.0 acres. The permit specified that complete application of water was to be made on or before October 1, 2004.
2. The permit holder submitted an "Application for Extension of Time" to the Department on April 29, 2004, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #S-53686 be extended from October 1, 2004, to October 1, 2019. This is the first permit extension requested for Permit #S-53686.
3. Notification of the permit holder's extension of time request for Permit #S-53686 was published on the Department's Public Notice dated May 10, 2004. No public comment on the extension application was received.

### **Review Criteria** [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248<sup>1</sup>, and 539.010(5).

### **Other Governmental Requirements** [ORS 537.230(2)]

4. Delay in the development of this project was not caused by any other governmental requirements.

### **Start of Construction** [ORS 537.230]

5. Construction of the water system began within the time specified in the permit, being May 31, 2001.

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<sup>1</sup> ORS 537.248 applies to reservoir permits only.

**Financial Investment [ORS 539.010(5)]**

6. As of April 29, 2004, the permit holder had invested a total of \$45,000 into the project, consisting of purchase and installation of pipe, conduit and wire. An additional \$50,000 investment is anticipated for the completion of this project.

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

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

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

**Amount of Construction**

7. The following construction was completed within the time allowed in the permit or previous extension:
  - a. Construction of the water system began within the time specified in the permit, being May 31, 2001. The work thus far consists of installation of pipe, conduit and wire.

**Beneficial Use of Water**

8. The following beneficial use was made of the water during the permit or previous extension time limits:
  - a. Since the issuance of Permit #S-53686 on July 28, 2000, no water has been appropriated for beneficial use.
  - b. Delay of full beneficial use of water under Permit #S-53686 was due to unexpected departure of the contractor who began the housing development project and the need for the permit holders to hire a new contractor. Additionally, an extension of time is needed to allow lots to be sold and homes to be constructed in order to fully apply water to beneficial use.

**Compliance with Conditions**

9. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The record does not raise concerns about the permit holder's compliance with conditions.

### Financial Investments

10. Financial investments made toward developing the beneficial water use.
  - a. As of April 29, 2004, the permit holder had invested approximately 47 percent of the total projected cost for complete development of this project. A total of \$45,000 has been invested into the project, consisting of installation of pipe, conduit and wire. An additional \$50,000 investment is anticipated for the completion of this project.

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

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

11. The amount of water available to satisfy other affected water rights and state scenic waterway flows.
  - a. The permitted point of diversion authorized under Permit #S-53686, is not located within or above the designated boundaries of a state scenic waterway.
12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
  - a. The permitted point of diversion, authorized under Permit #S-53686, is located within a stream segment that has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish.
  - b. The permitted point of diversion is located on Noble Creek, which has not been designated by the Oregon Department of Environmental Quality as a water quality limited stream.
  - c. The permitted point of diversion, authorized under Permit #S-53686, is not located within a segment of a designated federal wild and scenic river.
13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
  - a. The permitted point of diversion is located within a designated sensitive,

threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.

14. Economic investment in the project to date.
  - a. As of April 29, 2004, the permit holder had invested approximately 47 percent of the total projected cost for complete development of this project. A total of \$45,000 has been invested into the project, consisting of purchase and installation of pipe, conduit and wire. An additional \$50,000 investment is anticipated for the completion of this project.
15. Other economic interests dependent on completion of the project.
  - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power.
  - a. None have been identified.

**Fair Return Upon Investment [ORS 539.010(5)]**

17. The use of water from the permitted water development will result in reasonable returns against the investment made in the project to date.

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

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

18. As of April 29, 2004, the remaining work to be completed consists of complete application of water to beneficial use.
19. Delay of full beneficial use of water under Permit #S-53686 was due to the unexpected departure of the contractor who began the housing development project and the need for the permit holders to hire a new contractor. Additionally, an extension of time is needed to allow lots to be sold and homes to be constructed in order to fully apply water to beneficial use.
20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2019, to complete the application of water to beneficial use under the terms of Permit #S-53686 is both reasonable and necessary.

## **CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Full application of water to beneficial use can be completed by October 1, 2019<sup>2</sup>, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. In order to ensure future diligence is exercised in the development and perfection of Permit #S-53686, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

### **Proposed Order**

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

Extend the time for complete application of water to beneficial use under Permit #S-53686 from October 1, 2004, to October 1, 2019.

Subject to the following conditions:

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<sup>2</sup> Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

## CONDITIONS

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

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

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

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

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

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

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

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

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

DATED: October 12, 2004

  
Dwight French  
Water Rights Section Manager

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

**Proposed Final Order Hearing Rights**

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **Friday, November 26, 2004**, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
    - A. Upon review of the issues, the director finds there are significant disputes related to the proposed agency action; or
    - B. The applicant submitted a timely request for a contested case hearing.

**If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0900. Address all other correspondence to:**

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

**If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.**

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

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503)986-0900.**

Application # S-84136 / Permit # S-53686

## Route Slip ... Extension of Time

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

- ◆ **WRIG...**  
Money Received on: \$250.<sup>00</sup> on 4-29-04
- ◆ **Lisa Juul...**  
Extension Completeness: OK  
( If **NOT** complete, send certified letter requesting add'l information. )

***If Extension Appl complete and \$250 fee submitted, route to...***

- ◆ **Jonnine Fuss...**
  - ☒ Publish on Public Notice (initial 30-day comment): 5/10/04
  - ☒ Update "cdatewext.DB" Database:
  - ☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
  - ☒ In the "Ext Filed" field... Enter the date the Extension Application was received.

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

- ◆ **Lisa Juul...**
  - Pull files for Ext PFO review: \_\_\_\_\_
  - Extension PFO completed: \_\_\_\_\_

***Once Extension PFO signed by Dwight French...***

- ◆ **Jonnine Fuss...**
  - Prepare Ext PFO for mailing to applicant: \_\_\_\_\_
  - Mail to those who commented ***and*** paid copy fee: \_\_\_\_\_
  - Include Ext PFO on weekly Public Notice: \_\_\_\_\_

# EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: S - 84136 / Permit #: S - 53686

Permittee's Name: David, Deborah & Emma Kelly

Permittee's Mailing Address: 8575 N. Purdue, Clovis, CA 93611

POD Location: Township 33-S Range 15-W Section 10  $\frac{1}{4}$   $\frac{1}{4}$  NESW

Drainage Basin: Basin #17 - South Coast County: Curry Watermaster District #: 19  
WM Distr #19, Mitch Lewis

- ✓ 1. Has the applicant submitted the appropriate fees? Yes / No  
\*\*\*If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)  
\*\*\***(NOTE:** Any missing Extension information that is needed before an Extension PFO can be completed???)
- ✓ 2. Has the applicant completely filled out the Extension Application form? Yes / No  
\*\*\*If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
- ✓ 3. Date Permit was issued: 7-28-2000 Priority Date: 5-4-99
- ✓ 4. Source: Noble Creek, trib of Pacific Ocean
- ✓ 5. Use: Domestic Use for 13 Households & Irrigation of 12.0 ac
- ✓ 6. "Q": 0.17 cfs (being: 0.02 cfs for Domestic Use & 0.15 cfs for Irrigation)
- ✓ 7. Orig "A" Date: 5-31-2001 Orig "B" Date: - N/A - Orig "C" Date: 10-1-2004
- ✓ 8. Conditions of Permit:  
Before Use begins → shall install a meter or other suitable meas. device.  
shall install, maintain & operate fish screening & by-pass devices as required by ODFW prior to diversion of any water.  
shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream & downstream passage for fish. Shall contact ODFW prior to beginning any construction of in-channel obstruction.
- ✓ 9. Extension request received: 4-29-04 Request Number (...1<sup>st</sup> 2<sup>nd</sup>, 3<sup>rd</sup>): 1<sup>st</sup>
- ✓ 10. Last Authorized "B" Date: - N/A - Last Authorized "C" Date: 10-1-2004
- ✓ 11. Proposed "B" Date: - N/A - Proposed C Date: 10-1-2019
- ✓ 12. Amount Invested to date: \$45,000.00 Estimated Total Cost: \$95,000.00  
(47%) (\*\*\*)Estimated Remaining Cost: \$50,000.00

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

• no water used

14. Work on the water development project completed to date includes: \_\_\_\_\_

• installation of pipe, conduit, wye (and rings for the wye)

15. The work remaining to be completed consists of: \_\_\_\_\_

• completion of construction  
• complete application of water for ben. use.

16. Progress in perfecting the permit is being held up by: \_\_\_\_\_

• Delay due to need to find a new contractor

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

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

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

- Permit holder has completed approximately 50 % of the construction.
- Permit holder has beneficially used 0 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? Yes / No  
—If No, reasons why not? \_\_\_\_\_
- Permit holder has invested approximately 47 % of the total estimated cost to complete the project.
- Other: \_\_\_\_\_

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

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

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

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? N/A
- within or above a state scenic waterway? no
- within a ground water limited/critical area? N/A
- within or above a segment that has been identified as a federal wild and scenic river? no
- within an area that ODFW has identified as an ST&E Area? yes
- within an area that ODFW has identified as a low Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? no
- Other: \_\_\_\_\_

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

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

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

20. Conditions to be included in Extension PFO (if applicable)? Yes / No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☒ 5-year Progress Report Checkpoints

☐ Other: \_\_\_\_\_

21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

☒ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☒ **COBU Requirement - Surface Water - post July 9, 1987**

"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

☐ **COBU Requirement - Ground Water - post July 9, 1987**

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

NOTES:

**Extension "PFO" Dates**

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_

Protest Deadline Date: \_\_\_\_\_

Date: \_\_\_\_\_

X-Sender: juullj@mailhub.wrd.state.or.us  
X-Mailer: QUALCOMM Windows Eudora Version 5.1  
Date: Mon, 19 Apr 2004 11:28:39 -0700  
To: Susan.M.DOOUTHIT@wrd.state.or.us  
From: Lisa J Juul <Lisa.J.JUUL@wrd.state.or.us>  
Subject: WRIS Address Update  
Cc: Lisa.J.JUUL@wrd.state.or.us  
X-Security: MIME headers sanitized on kettle.wrd.state.or.us  
See <http://www.impsec.org/email-tools/sanitizer-intro.html>  
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07

Hi Susan,

Please update WRIS with the following address change for Permit #S-53686 (Application #S-84136) under the names of David, Deborah and Emma Kelly:

Old Address: 18173 Road 400  
Madera, CA 93638

**NEW ADDRESS: 8575 North Purdue  
Clovis, CA 93611**

I have updated the file record.

Thank you,  
Lisa

Lisa J. Juul  
Water Rights Specialist  
Water Rights & Adjudications Division  
Oregon Water Resources Department  
725 NE Summer Street, Suite A  
Salem, Oregon 97301-1271

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Phone # (503) 986-0808  
FAX # (503) 986-0901  
E-Mail Address: Lisa.J.JUUL@wrd.state.or.us  
Homepage/Website Address: <http://www.wrd.state.or.us>

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

I, David Kelly, Deborah Kelly, Emma Kelly  
NAME  
*New address:* 8575 N. Purdue Cloris CA 93611 559-299-4835  
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. S84136, Permit No. S53686,  
do hereby request that the time in which to:

- ☐ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2004,  
be extended to October 1, 2019, *new date is 2019*

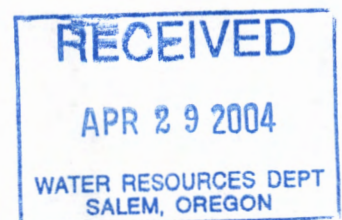
**and/or** the time in which to:

- ☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2004, be extended to October 1, 2019.

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

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

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 986-0800, and request assistance from the Water Rights Division, permit extensions personnel.



1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

yes

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

yes

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

Construction started on time as the permit required. Construction has not been completed due to contractor leaving the area.

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

We have complied with all applicable conditions within our control to date.

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

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

~~We~~ We have purchased and installed pipe, conduit, wire and the rings have been installed for the wells.

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

Financing and/or cash flow needs have not been a problem.

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

We have tried in good faith to follow permit conditions. Due to the rural area the property is in, we wanted to make sure that the contractor who would be completing the project was knowledgeable and trustworthy.

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

We had no control ~~to~~ over the sudden absence of our previous contractor. It is our understanding that we are not the only clients left high & dry. We have every intention of following all conditions and permits required by your office. We would ask though for the extension due to the fact that the full beneficial use will not be used for time in the future. We have no control over when the buyers choose to build.

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

Donna Kelly  
Signature

4-26-04  
Date

MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$250 TO:

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES DEPARTMENT  
725 NE SUMMER STREET, SUITE A  
SALEM, OREGON 97301-1271

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

NA

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

- A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

None yet

- B) Number of Acres Irrigated (if an irrigation permit):

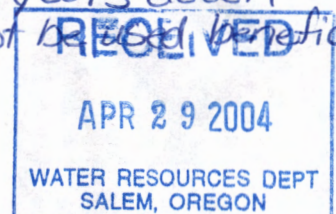
None yet

5. Cost of project to date 45,000. Estimated remaining cost to complete the project 50,000.

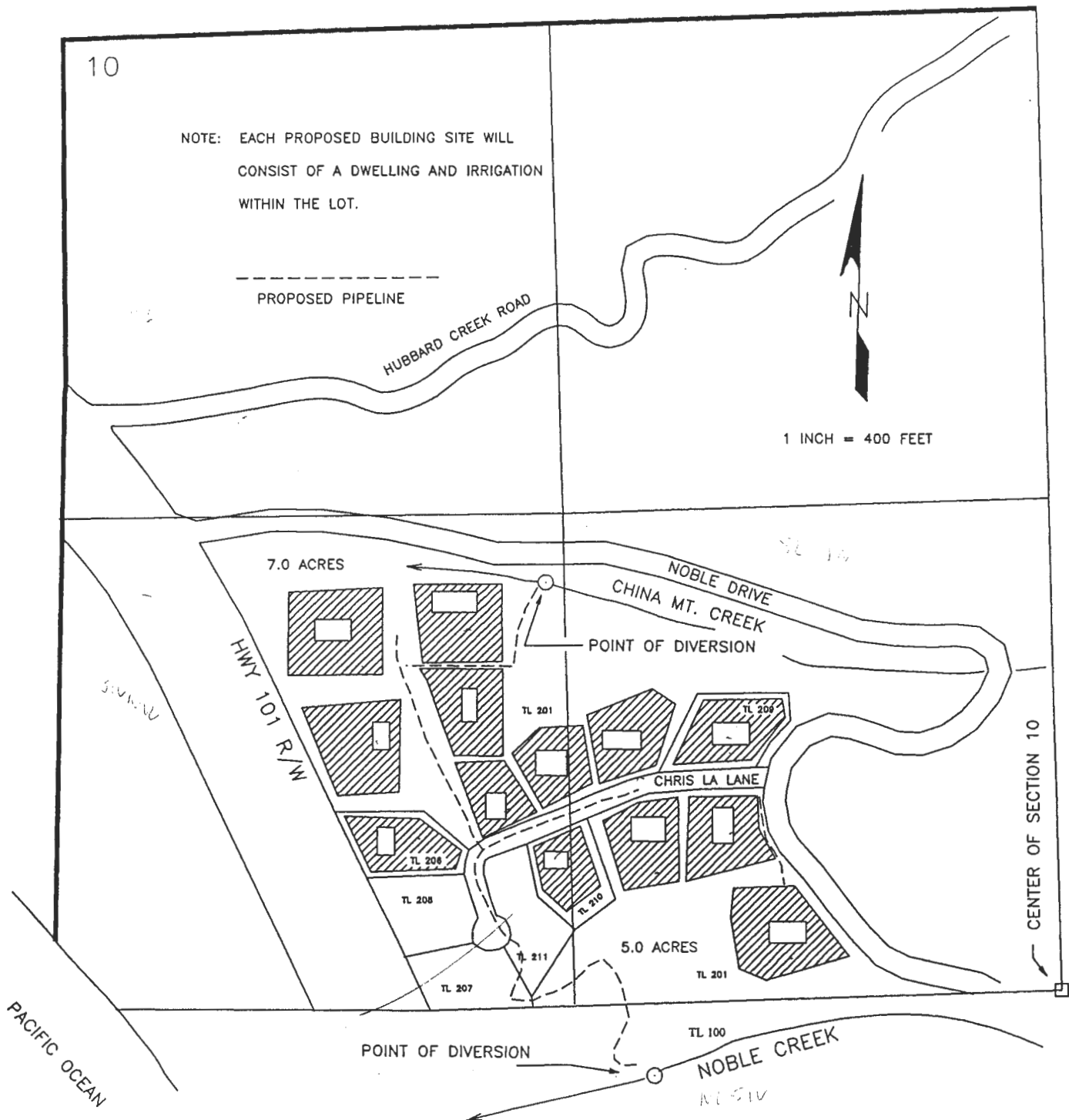
6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

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

Our intent was to have the project completed on time, but our contractor started then left the area due to reasons we are unclear of. The permit is for 13 households and while we have been working on this project & selling some lots, no one has yet to start construction. Most we are told are looking for retirement 10-15 years down the road. Therefore the water might not be used beneficially for some years to come.



SECTION 10, T 33 S, R 15 W, W.M.



THE POINTS OF DIVERSION ARE TO BE LOCATED: NOBLE CREEK: 220 FEET SOUTH AND 1,120 FEET WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE NE¼SW¼; AND CHINA MT. CREEK: 1,100 FEET NORTH AND 1,400 WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE SW¼NW¼; BOTH WITHIN SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

# Oregon Water Resources Department



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A, Salem, OR. 97301-1271  
Phone: 503-986-0900  
<http://www.wrd.state.or.us>

## FAX TRANSMITTAL

To: DAVE C

Fax Number: 541-332-3303

Date: MON 9-20-2004

Pages: \_\_\_\_\_, including cover sheet

From: HERB

Phone: 503-986-0804

Comments:

246 for permit

### **DIRECTOR'S OFFICE**

- Water Resources Commission
- Legislation and Rules
- Public Information

### **FIELD SERVICES**

- Regional Liaisons
- Transfers
- Hydrographics

### **NORTHWEST REGION**

- District 16 Watermaster

### **ADMINISTRATIVE SERVICES**

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

### **TECHNICAL SERVICES**

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

**Fax: 503-986-0902**

### **WATER RIGHTS**

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

**Fax: 503-986-0901**

**Fax: 503-986-0903 or  
503-986-0904**

# Mailing List for Permit Copies

Application# 84136

Mailing List Print Date July 10, 2000

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

Applicant: DAVID, DEBORAH AND EMMA KELLY, 18173 ROAD 400, MADERA, CALIFORNIA 93638

**For Permit only - Permit Copies sent to (Remember to reduce copy margins):**

1. WRD - File # 84136 ✓
2. WRD - Ken Stahr (map) ✓
3. WRD - Data Center ✓
4. WRD - Watermaster District #:19 (w/copy of permit map) ✓
5. WRD - Regional Manager: AL COOK, SWR (w/copy of permit map) ✓

~~6. John Falk - WRD~~

**COPIES TO Other Interested Persons**

6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

Caseworker: AMH

|                   |
|-------------------|
| Copies Mailed     |
| By: <u>CSP</u>    |
| (SUPPORT STAFF)   |
| on: <u>8-8-00</u> |
| (DATE)            |

Application No. 84136

APPLICATION MAP

RECEIVED

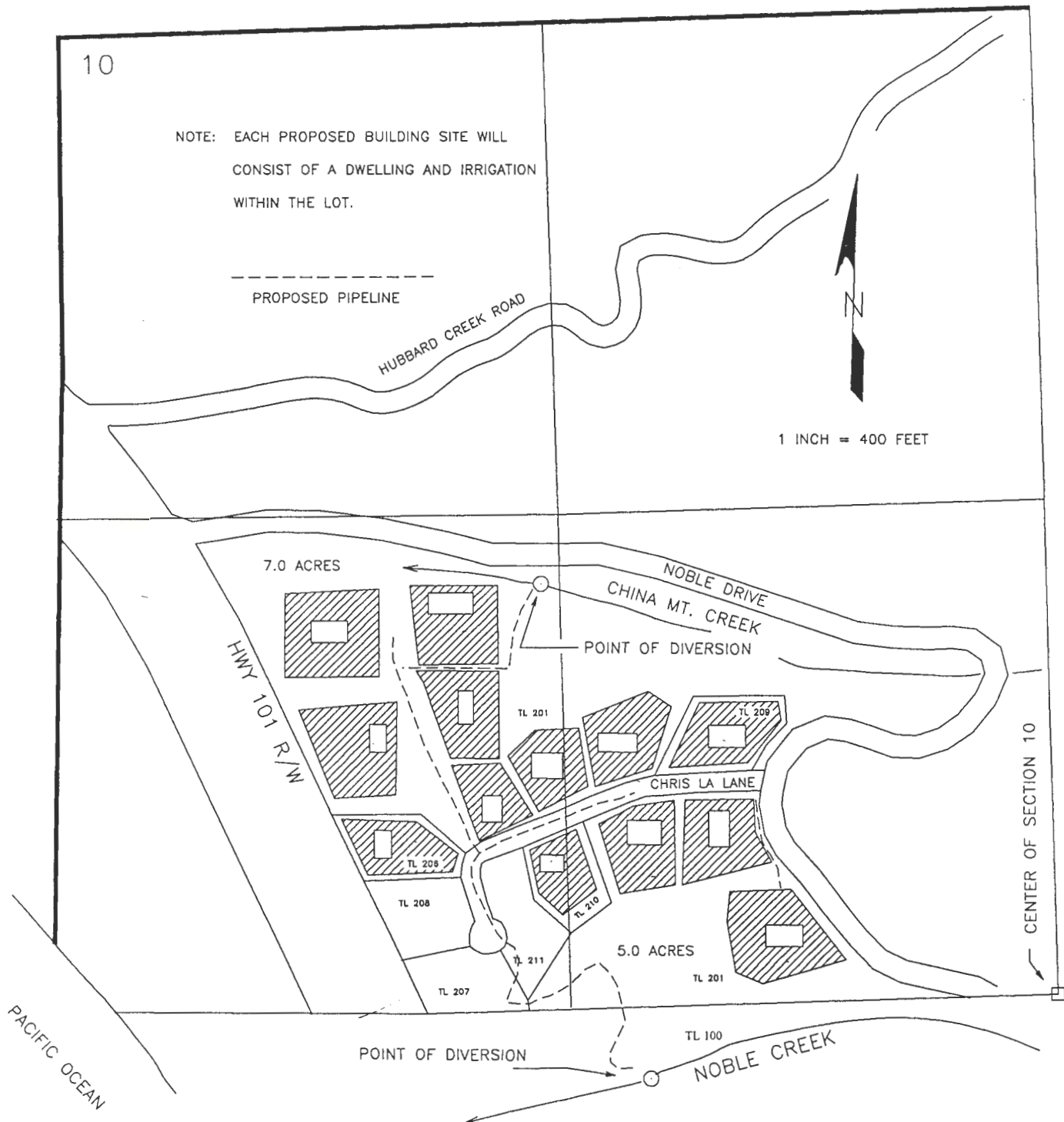
Permit No. 53686

IN THE NAME OF OCEAN VIEW WATER USERS

MAY 04 1999

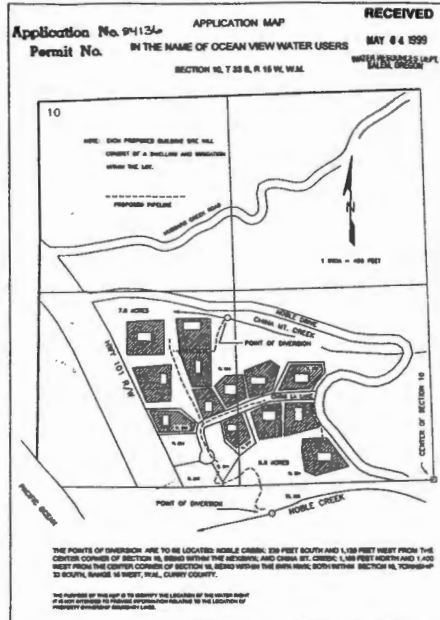
WATER RESOURCES DEPT.  
SALEM, OREGON

SECTION 10, T 33 S, R 15 W, W.M.



THE POINTS OF DIVERSION ARE TO BE LOCATED: NOBLE CREEK: 220 FEET SOUTH AND 1,120 FEET WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; AND CHINA MT. CREEK: 1,100 FEET NORTH AND 1,400 WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; BOTH WITHIN SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.  
IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF  
PROPERTY OWNERSHIP BOUNDARY LINES.



1" = 1320'



# Mailing List for FO Copies

Application #84136

Mailing List Print Date May 18, 2000

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

Applicant: DAVID, DEBORAH & EMMA KELLY, 18173 ROAD 400, MADERA, CALIFORNIA 93638

|                                                                                    |
|------------------------------------------------------------------------------------|
| Copies Mailed<br>By: <u>JCB</u><br>(SUPPORT STAFF)<br>on: <u>6/17/00</u><br>(DATE) |
|------------------------------------------------------------------------------------|

**For FO w/Draft Permit - Copies sent to:**

- ✓ 1. WRD - File # 84136

**For FO w/ Draft Permit - FO and Map Copies sent to:**

- ✓ 2. WRD - Watermaster District #19: JOHN DROLET  
✓ 3. WRD - Regional Manager: AL COOK, SWR  
✓ 4. ODFW District Biologist: TODD CONFER

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

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- ✓ 1. VANCE & HUGHES NOBLE, BOX 557, PORT ORFORD, OREGON 97465 \_\_\_\_\_  
2. \_\_\_\_\_

CASEWORKER: AMH

6-16-00

Water Rights Application  
Number S-84136

Permit recording fees \$175.00

From. David, Deborah + Emma Kelly  
18173 Road 460  
Madera, CA 93638  
559-674-3027

**RECEIVED**

JUN 26 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-84136

**Final Order**

*Application History*

On May 4, 1999, GEORGE KELLY AND JANET KELLY; OCEAN VIEW WATER USERS submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 23, 1999. The protest period closed January 7, 2000, and no protest was filed.

On April 11, 2000 the application was assigned to DAVID, DEBORAH, AND EMMA KELLY by Special Order Volume 8, Page 679.

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

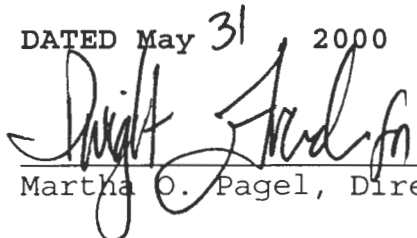
**Order**

Upon payment of outstanding permit recording fees, Application S-84136 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

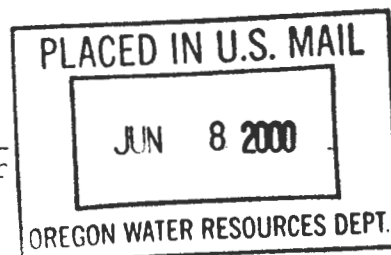
Permit recording fees are required in the amount of \$ 175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-84136.

*If you need to request additional time to submit the required fees, the written request should 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.*

DATED May 31, 2000

  
Martha O. Pagel, Director

*Appeal Rights*



This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review 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.

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 Renee Moulun. Her extension number is 239.

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

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DAVID KELLY, DEBORAH KELLY AND EMMA KELLY  
18173 ROAD 400  
MADERA, CALIFORNIA 93638

(559) 674-3027

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84136

SOURCE OF WATER: NOBLE CREEK, TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR 13 HOUSEHOLDS AND IRRIGATION OF 12.0 ACRES

MAXIMUM RATE ALLOWED: 0.17 CUBIC FOOT PER SECOND, BEING 0.02 CFS FOR DOMESTIC USE AND 0.15 CFS FOR IRRIGATION

PERIOD OF USE: YEAR ROUND FOR DOMESTIC USE AND MAY 1 THROUGH OCTOBER 15 FOR IRRIGATION

DATE OF PRIORITY: MAY 4, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T33S, R15W, W.M.; 220 FEET SOUTH & 1120 FEET WEST FROM C1/4 CORNER, SECTION 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

|               |           |              |
|---------------|-----------|--------------|
| SW 1/4 NW 1/4 | 7.0 ACRES | 8 HOUSEHOLDS |
| SE 1/4 NW 1/4 | 5.0 ACRES | 5 HOUSEHOLDS |
| SECTION 10    |           |              |

TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as

approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

#### 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 within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued \_\_\_\_\_, 2000

**DRAFT - THIS IS NOT A PERMIT**

---

Martha O. Pagel, Director  
Water Resources Department

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-84136

**Final Order**

*Application History*

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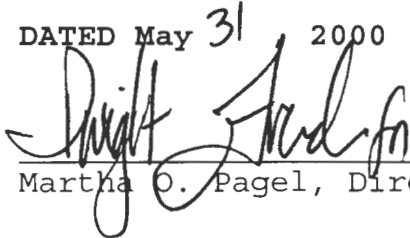
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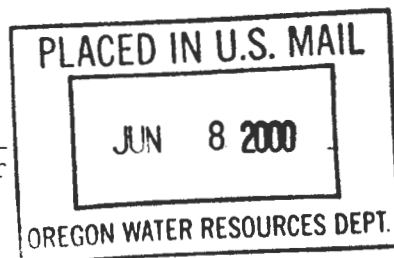
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Martha O. Pagel, Director

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(559) 674-3027

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| SECTION 10    |           |              |

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Issued \_\_\_\_\_, 2000

**DRAFT - THIS IS NOT A PERMIT**

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

# FO CHECKLIST

FILE # 84136  
PFO WEEK # 226  
FO WEEK # 243

PFO TO FO CONVERSION

REVIEW DATE: 5/18/00  
INITIALS: HL

Applicant Name and Mailing

Address: Assigned to David Delbrav & Emma Kelley  
18173 Road 400  
Madera, CA 93638 (559) (274-3027)  
4/11/2000

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 fee**.  
Hughes & Vance Noble } \$10 letter  
Box 557, Port Orford, OR 97465
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, <b>including standing fees if no protest is filed and no modifications are being made to the PFO.</b> |                                                                                                                                                                                                                                                                                                                                                                 |               |            |       |            |               |            |              |            |             |            |                          |            |
| (2)                      | Issue FO w/o permit if fees are lacking.                                                                                                                                           | <table border="0"> <tr> <td>Exam Fee Paid</td> <td><u>250</u></td> </tr> <tr> <td>Q fee</td> <td><u>150</u></td> </tr> <tr> <td>Recording fee</td> <td><u>175</u></td> </tr> <tr> <td><b>Total</b></td> <td><u>575</u></td> </tr> <tr> <td>Amount Paid</td> <td><u>400</u></td> </tr> <tr> <td><b>Amount due/refund</b></td> <td><u>175</u></td> </tr> </table> | Exam Fee Paid | <u>250</u> | Q fee | <u>150</u> | Recording fee | <u>175</u> | <b>Total</b> | <u>575</u> | Amount Paid | <u>400</u> | <b>Amount due/refund</b> | <u>175</u> |
| Exam Fee Paid            | <u>250</u>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                 |               |            |       |            |               |            |              |            |             |            |                          |            |
| Q fee                    | <u>150</u>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                 |               |            |       |            |               |            |              |            |             |            |                          |            |
| Recording fee            | <u>175</u>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                 |               |            |       |            |               |            |              |            |             |            |                          |            |
| <b>Total</b>             | <u>575</u>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                 |               |            |       |            |               |            |              |            |             |            |                          |            |
| Amount Paid              | <u>400</u>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                 |               |            |       |            |               |            |              |            |             |            |                          |            |
| <b>Amount due/refund</b> | <u>175</u>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                 |               |            |       |            |               |            |              |            |             |            |                          |            |
9. Y / ☒ N Is further processing possible? If not state reason: Reg's Fees
10. Y / ☒ N Do the PFO conclusions require modification? Why?  
(If YES, circle FOMOD and one other type below)
11. ☒ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

NO POD  
ALLOWED  
ON CHINA  
CL -  
NOBLE ONLY

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 # \_\_\_\_\_) FOMOD MGMT CODES::

**Once FO document is completed:**

15. ☒ Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 243 & 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

19  
SWR  
TODD CONFER

# Mailing List for PFO Copies

---

Application #S-84136

PFO Date November 23, 1999

## Original mailed to:

Applicant: GEORGE & JANET KELLY; OCEAN VIEW WATER USERS, PO BOX 809, PORT ORFORD, OREGON 97465

## Copies sent to:

1. WRD - File # S-84136 ✓

## PFO, Map, and Fact Sheet Copies sent to:

2. WRD - Watermaster # District 19 ✓

3. WRD - Regional Manager: SWR

DIV 33stwd 4. ODFW District Biologist: Todd Confer

5. DEQ (Portland): Russell Harding

6. DOA (Salem): Steve Applegate

|                     |
|---------------------|
| Copies Mailed       |
| By: <u>Cal</u>      |
| (SUPPORT STAFF)     |
| on: <u>11/23/99</u> |
| (DATE)              |

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

7. David, Deborah and Emma Kelly 18173 Road 400 Madera, CA 93638

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. Hughes and Vance Noble Box 557 Port Orford, OR 97465

CASEWORKER : RWK WEEK 226



# Oregon

John A. Kitzhaber, M.D., Governor

May 3, 2000

## Water Resources Department

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

DAVID, DEBORAH & EMMA KELLY  
18173 ROAD 400  
MADERA CA 93638

REFERENCE: File 84136

The assignment by deed to you of Application 84136 has been filed in the records of the Water Resources Department. Our records have been changed accordingly.

Receipt number 37175 covering the \$15 recording fee balance is enclosed.

If you have any questions, please contact me at the number above, or toll-free 1-800-624-3199.

Sincerely,

DALLAS S. MILLER  
Water Rights Specialist

DSM:jh

enclosure

cc: Watermaster # 19  
George & Janet Kelly - P.O. Box 809 - Port Orford, OR 97465  
Curry County Title - P.O. Box 672 - Gold Beach, OR 97444



SEP 17 1999

JAN 31 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

## REQUEST FOR ASSIGNMENT

**WATER RESOURCES DEPT.  
SALEM, OREGON**

I, (permit holder, applicant) George & Janet Kelly

P.O. Box 809 Port Orford OR 97465  
(mailing address) (city) (state) (zip) (phone)

**RECEIVED**

SEP 17 1999

## CHECK ONE

[X] - hereby assign all my interest in and to application/personal <sup>WATER RESOURCES DEPT.</sup> ~~SALEM~~, OREGON

WATER RESOURCES DEPT.  
/per SALEM, OREGON

[ ] - hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);

[ ] - hereby assign a portion of my interest in and to the entire application/permit;

Application # 5-84136, Permit # \_\_\_\_\_;  
OR GR Statement # \_\_\_\_\_, GR Certificate of Registration # \_\_\_\_\_  
 as filed in the office of the Water Resources Director, to:

David, Deborah & Emma Kelly  
(name of new owner)

18173 Road 400 Madera CA 93638 559-674-3027  
(address) (city) (state) (zip) (phone)

(Note: If there are other owners of the property described in this Application, Permit of Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

applicant/permit holder

but have enclosed  
applicant/permit holder

DO NOT WRITE IN THIS BOX

STATE OF OREGON, )

) 38

County of Marion. )

I certify that the within was received by me on the 11th day of April, 2000 at 8 o'clock

A m., and was recorded in the Miscellaneous Records, Vol. 8

Page 679

Water Resources Director

Unable to obtain signature,  
~~we~~ need to prove that we have  
since acquired full interest  
in this property.

The completed assignment must be submitted to the Water Resources Department together with a recording fee of \$25. Additional pages will cost \$5 per page.

WATER RESOURCES DEPARTMENT  
158 12TH STREET NE  
SALEM, OREGON 97310-0210

OK  
DSM

84136

Ref # 84136

APR 11 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

WARRANTY DEED (INDIVIDUAL)

GEORGE KELLY and JANET KELLY, Trustees of the KELLY FAMILY TRUST, as to their undivided 1/4 interest, herein called grantor, convey(s) to DAVID E. KELLY and DEBORAH M. KELLY, Trustees of the Kelly Family Trust dated April 15, 1997, as to an undivided one-eighth interest and EMMA KELLY, Trustee of the Emma Kelly Intervivos Trust, as to an undivided one-eighth interest, as tenants in common all that real property situated in the County of CURRY, State of Oregon, described as:

See Exhibit A attached hereto and made a part hereof.

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except

As Described in Exhibit "A" Attached

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$70,000.00.

Dated this 16 day of July, 1999.

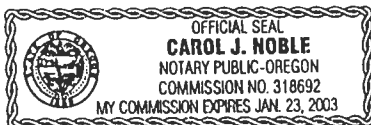
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

George D Kelly  
GEORGE KELLY Trustee of the KELLY FAMILY TRUST

Janet Kelly  
JANET KELLY Trustee of the KELLY FAMILY TRUST

STATE OF OREGON, County of Curry) ss.

July 16, 1999 personally appeared the above named GEORGE KELLY and JANET KELLY, Trustees of the KELLY FAMILY TRUST and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me:  
Carol J. Noble  
Notary Public for Oregon  
My commission expires: 1-23-2003

The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.

WARRANTY DEED (INDIVIDUAL)

GEORGE KELLY and JANET KELLY,  
Trustees of the KELLY FAMILY TRUST  
TO  
DAVID E. KELLY and DEBORAH M.  
KELLY, Trustees of the Kelly Family Trust  
dated April 15, 1997, and EMMA KELLY,  
Trustee of the Emma Kelly Intervivos Trust,

After Recording Return to:  
Curry County Title, Inc.  
P.O. Box 672, 29820 Ellensburg Ave.  
Gold Beach, OR 97444

Send Tax Statements To:  
DAVID E. KELLY Trustee  
DEBORAH M. KELLY Trustee  
EMMA KELLY, Trustee  
18173 Road 400  
Madera, CA 93638

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

I certify that the within was  
received by me on the 16th day of  
April, 2000 at 8 o'clock  
A. m., and was recorded in the  
Miscellaneous Records, Vol. 8  
Page 600

Water Resources Director

07/16/1999 02:12 REC FEE: \$40.00  
CURRY COUNTY, OR, RENEE' KOLEN - COUNTY CLERK

PAGE #: 0001 OF 0002  
INST#: 1999 3959 \*\*

84136

2-3



CURRY COUNTY TITLE  
INSURANCE COMPANY

CURRY COUNTY

400  
14.94 Ac.

THIS SEARCH IS MADE TO ASSIST  
IN PROPERTY LOCATION AND THE  
COMPANY ASSUMES NO LIABILITY  
FOR ANY VARIATION DIMENSIONS  
OR LOCATIONS ASCERTAINABLE  
BY ACTUAL SURVEY.

RECEIVED  
MAY 04 1999  
WATER RESOURCES DEPT.  
SALEM, OREGON

MAY 04 1999

Application No. 84136  
Permit No.

PARTITION

PLAT

CHRIS LA LANE

1993-54

A

Water Resources Director

STATE OF OREGON, ) ss  
County of Marion. )

I certify that the within was  
received by me on the 11th day of  
April, 1999, at 8 o'clock  
A. m., and was recorded in the  
Miscellaneous Records, Vol. \_\_\_\_\_  
Page 662

201  
30.00 Ac.

NOBLE

DRIVE

PART, PLAT  
1992-78  
C

209  
1.22 Ac.

500  
0.52 Ac.

CHINA MOUNTAIN

400

PARCEL 3

84136

206  
1.15 Ac.  
PART B  
PLAT 1991-48  
PAR 1

208  
1.14 Ac.  
PART, PLAT  
1992-78  
PAR 2

207  
1.03 Ac.  
PLAT 1991-48  
PAR 2

210  
1.01 Ac.  
D  
PAR 2

211  
1.08 Ac.  
PAR 1



# 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

April 18, 2000

DAVID, DEBORAH & EMMA KELLY  
18173 ROAD 400  
MADERA CA 93638

RE: File 84136

Thank you for sending us your assignment request. We will process it upon receipt of the remaining assignment fee of \$15.00. To date we have received \$25 towards the \$40 recording fee. Our recording fees are \$25 for the first page and \$5 for each additional page. Your assignment has 4 pages to be recorded.

If you have any questions, please contact me at the number above, or toll-free 1-800-624-3199.

Sincerely,

Janet Halladey  
Water Rights Division

cc: Curry County Title - P.O. Box 672 - Gold Beach, OR 97444

# Curry County Title

29820 Ellensburg Avenue  
P.O. Box 672  
Gold Beach, Oregon 97444  
Phone: (541) 247-6645  
FAX #: (541) 247-6914

430 Oak St.  
P.O. Box 1363  
Brookings, Oregon 97415  
Phone: (541) 469-2101  
FAX #: (541) 469-9509

PLEASE DELIVER THE FOLLOWING TO:

*Anita Huffman or*  
NAME: Dallas Miller Company: \_\_\_\_\_  
LOCATION: Oregon Water Resources Dept  
FROM: Carol N for Emma Kelly RE: \_\_\_\_\_  
DATE: 4-10-00 NO. PAGES (Including Cover): 3

If you do not receive all of the described material, please call.

COMMENTS: \_\_\_\_\_

HARD COPY IN THE MAIL \_\_\_\_\_



# 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

February 1, 2000

DEBRA KELLY  
18173 ROAD 400  
MADERA, CA 93638

REFERENCE: File 84136

Dear Ms. Kelly:

Thank you for the letter explaining the assignment of application question I asked. I apologize for not noticing before that we need some more information. The copy of the deed you sent does not include exhibit 'A' (property description) which we need to process the request.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller  
Water Rights Specialist

cc: Watermaster, District 19



January 25, 2000

Mr. Dallas Miller  
Oregon Water Resources  
Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210

**RECEIVED**

JAN 31 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

Re: Reference File 84136

Dear Mr. Miller;

As per our phone conversation in early December 1999 this is the brief note you asked for explaining about the change in title for file 84136.

As you are already aware George & Janet Kelly were 1/4 owners in the property for this permit. David, Deborah and Emma were the other 3/4 owners. Since the time of application the 1/4 interest in the property has been purchased by David, Deborah and Emma Kelly. The atmosphere under which it was purchased was not pleasant and there is no contact with George and Janet Kelly at this time.

As you mentioned to me on the phone, the state has already retained or cashed the \$25 fee for change of name, so that after receiving this note you would do the necessary paperwork.

Thank you for your help in this matter.

Sincerely;

*Deborah Kelly*  
Deborah Kelly



# Oregon

John A. Kitzhaber, M.D., Governor

October 5, 1999

## Water Resources Department

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

DAVID, DEBRA AND EMMA KELLY  
18173 ROAD 400  
MADERA, CA 93638

REFERENCE: File 84136

Dear Applicants:

Regarding your request for an assignment of application 84136, I have a question about the applicants not signing the form. A note on the form says the applicants are unable to sign the form. I noticed that you and the applicants are trustees in the same trust, so it seems unusual that George and Janet Kelly would not be available to sign the form.

Perhaps it could be explained further why the applicants cannot sign the assignment form. I am enclosing the form in case their signatures can be obtained. If that is not possible, we can assign it with a further explanation of why the applicants cannot sign.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller  
Water Rights Specialist

cc: 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 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

April 3, 2000

DEBORAH KELLY  
18173 ROAD 400  
MADERA, CA 93638

RE: Application Files 84136

Dear Ms Kelly:

The Department is currently in the process of preparing a Final Order for the application 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 the deed exhibit 'A' (property description) that was requested by Dallas Miller of this Department on February 1, 2000.

Please submit this information by **April 17, 2000**. If we do not receive the information requested above by this date, we will issue a Final Order to *George and Janet Kelly* and the assignment of application 84136 will not be processed until the material above is submitted.

*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.*

As a note, if you do complete the assignment of application 84136 from George and Janet Kelly to you and your party the Final Order will be issued to the assignees. The Final Order will also be issued with a draft permit until the permit recording fees are paid. At this time, you can submit the permit recording fees of \$175.00 along with the information requested above, and the permit will then be issued along with the Final Order with no delay. Permit recording fees *do not* need to be submitted at this time, but they will be required in order for the Department to issued a permit to any party, assignees or assignors.

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.

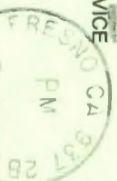
Sincerely,

Anita M. Huffman  
Senior Water Rights Examiner



cc: File  
John Drolet, Watermaster, District 19

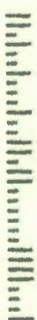
UNITED STATES POSTAL SERVICE



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

• Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT  
158 12<sup>TH</sup> STREET NE  
SALEM, OR 97301-4172



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-84136

**Proposed Final Order**

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

*Application History*

On May 4, 1999, GEORGE & JANET KELLY, for OCEAN VIEW WATER USERS, submitted an application to the Department for the following water use permit:

- Amount of Water: 0.21 CUBIC FOOT PER SECOND, BEING 0.06 CFS FROM NOBLE CREEK FOR DOMESTIC USE AND 0.15 CFS FROM NOBLE CREEK FOR PRIMARY IRRIGATION AND FROM CHINA MOUNTAIN CREEK FOR SUPPLEMENTAL IRRIGATION
- Use of Water: DOMESTIC USE FOR 13 HOUSEHOLDS AND IRRIGATION OF 12.0 ACRES
- Source of Water: NOBLE CREEK AND CHINA MOUNTAIN CREEK, TRIBUTARIES OF PACIFIC OCEAN
- Area of Proposed Use: CURRY County within SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

On 8/3/99, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.17 CUBIC FOOT PER SECOND, BEING 0.02 CFS FROM NOBLE CREEK FOR DOMESTIC USE FOR 13 HOUSEHOLDS AND 0.15 CFS FROM NOBLE CREEK FOR PRIMARY IRRIGATION AND FROM CHINA MOUNTAIN CREEK TO MAKE UP A DEFICIENCY IN RATE FROM NOBLE CREEK FOR IRRIGATION , TRIBUTARIES OF PACIFIC OCEAN is allowable year-round." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 8/17/99, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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*

The South Coast Basin Program allows the following uses: DOMESTIC USE AND IRRIGATION.

Upon further review the Department finds that China Mountain Creek is tributary to Hubbard Creek. The application erroneously indicated that China Mountain Creek flowed directly into Pacific Ocean.

Senior water rights exist on NOBLE CREEK, TRIBUTARY OF PACIFIC OCEAN, AND CHINA MOUNTAIN CREEK, TRIBUTARY OF HUBBARD CREEK, or on downstream waters.

NOBLE CREEK, TRIBUTARY OF PACIFIC OCEAN, AND CHINA MOUNTAIN CREEK, TRIBUTARY OF HUBBARD CREEK, are not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined **water is NOT available for further appropriation(at an 80 percent exceedance probability) from China Mountain Creek due to instream water rights on Hubbard Creek.** Information received from John Drolet, watermaster for district 19, indicates that water is available for domestic use and irrigation from Noble Creek.

The Department finds that no more than 0.15 CFS would be necessary for the proposed use. The amount of water requested, 0.21 CFS, shall be restricted to 0.15 CFS, being 0.02 CFS for domestic use and 0.15 CFS for irrigation.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered 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 permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

#### *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.

No preference for 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 other rules of the Water Resources Commission not otherwise described above.

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.

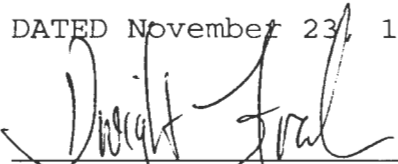
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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 November 23, 1999

  
Dwight French  
Water Rights Section Manager

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

*Protest Rights and Standing*

Under the provisions of 537.621(7), you have the right to protest 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 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

## Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **January 7, 2000**.

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.

*This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. 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 499. Address all other correspondence to:*

Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310  
Fax: (503)378-2496

DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

OCEAN VIEW WATER USERS  
GEORGE & JANET KELLY  
PO BOX 809  
PORT ORFORD, OREGON 97465

(541) 332-5325

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84136

SOURCE OF WATER: NOBLE CREEK, TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR 13 HOUSEHOLDS AND IRRIGATION OF 12.0 ACRES

MAXIMUM RATE ALLOWED: 0.17 CUBIC FOOT PER SECOND, BEING 0.02 CFS FOR DOMESTIC USE AND 0.15 CFS FOR IRRIGATION

PERIOD OF USE: YEAR ROUND FOR DOMESTIC USE AND MAY 1 THROUGH OCTOBER 15 FOR IRRIGATION

DATE OF PRIORITY: MAY 4, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T33S, R15W, W.M.; 220 FEET SOUTH & 1120 FEET WEST FROM C1/4 CORNER, SECTION 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 7.0 ACRES 8 HOUSEHOLDS

SE 1/4 NW 1/4 5.0 ACRES 5 HOUSEHOLDS

SECTION 10

TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

**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 within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued \_\_\_\_\_, 199\_\_

**DRAFT - THIS IS NOT A PERMIT**

---

Martha O. Pagel, Director  
Water Resources Department



# 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

August 3, 1999

GEORGE KELLY  
JANET KELLY  
OCEAN VIEW WATER USERS  
PO BOX 809  
PORT ORFORD, OREGON 97465

( 541)332-5325

RE: Application File #S-84136

Dear Applicants:

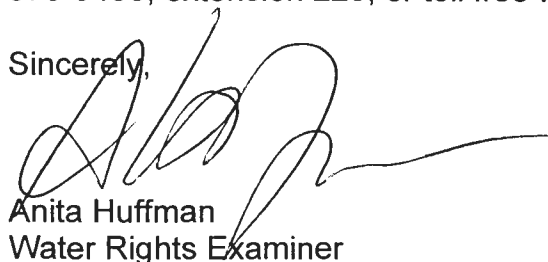
Your Initial Review has been processed, and I found that additional information is required to complete your application for water use. The following information must be received:

- ▶ **Please submit the names and mailing addresses of the other landowners of Ocean View Water Users.**

Please submit the requested items by **September 23, 1999**. If we do not receive the items requested above by this date, or a request for time out from processing, we **will** 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 at (503) 378-8455, extension 229, or toll free within Oregon at 1-800-624-3199.

Sincerely,



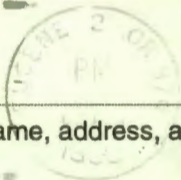
Anita Huffman  
Water Rights Examiner

cc: Watermaster Dist 19

File



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 DEPARTMENT  
158 12th ST NE  
SALEM OR 97310



# 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:

GEORGE & JANET KELLY  
OCEAN VIEW WATER USERS  
PO BOX 809  
PORT ORFORD, OR 97465

5-84136

4a. Article Number

D56282

4b. Service Type

- |                                                         |                                               |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery

8-5-99

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

*George Kelly*

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



# 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

August 3, 1999

GEORGE KELLY  
JANET KELLY  
OCEAN VIEW WATER USERS  
PO BOX 809  
PORT ORFORD, OREGON 97465

( 541)332-5325

Reference: File S-84136

Dear Applicants:

### **THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

#### Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from NOBLE CREEK AND CHINA MOUNTAIN CREEK, TRIBUTARIES OF PACIFIC OCEAN for DOMESTIC USE FOR 13 HOUSEHOLDS AND PRIMARY AND SUPPLEMENTAL IRRIGATION OF 12.0 ACRES **is allowable** under OAR 690-517-001(8), the South Coast Basin Program.
3. Water in the amount of 0.21 CUBIC FOOT PER SECOND, BEING 0.06 CFS FROM NOBLE CREEK FOR DOMESTIC USE FOR 13 HOUSEHOLDS AND 0.15 CFS FROM NOBLE CREEK FOR PRIMARY IRRIGATION AND FROM CHINA MOUNTAIN CREEK TO MAKE UP A DEFICIENCY IN RATE FROM NOBLE CREEK FOR IRRIGATION 12.0 ACRES **is likely available** year-round per information provided by the Watermaster.
4. The Department finds that no more than 0.17 CUBIC FOOT PER SECOND, BEING



0.02 CFS FOR DOMESTIC USE FOR 13 HOUSEHOLDS AND 0.15 CFS FOR IRRIGATION would be necessary for the proposed uses.

### **Summary of Initial Determinations**

**The use of 0.17 CUBIC FOOT PER SECOND, BEING 0.02 CFS FROM NOBLE CREEK FOR DOMESTIC USE FOR 13 HOUSEHOLDS AND 0.15 CFS FROM NOBLE CREEK FOR PRIMARY IRRIGATION AND FROM CHINA MOUNTAIN CREEK TO MAKE UP A DEFICIENCY IN RATE FROM NOBLE CREEK FOR IRRIGATION , TRIBUTARIES OF PACIFIC OCEAN is allowable year-round.**

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

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

### **To Proceed With Your Application:**

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

### **Withdrawal Refunds:**

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, August 17, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

### **Additional Information Required:**

**Please submit the names and mailing addresses of the other landowners of Ocean View Water Users. This information must be submitted no later than September 23, 1999 or the Department may propose to reject your application at the next phase of processing.**

**If you are unable to submit the above listed information, you may request a "time out from processing" for up to an additional 180 days. You must submit the request in writing,**

**stating how much more time you will need and why you need additional time. If a time out is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.**

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

1. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is May 4, 1999.

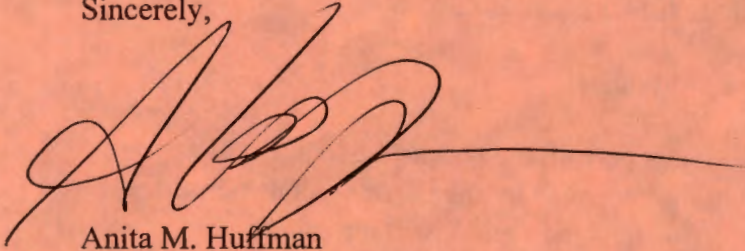
**WARNING:** This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

**If you have any questions:**

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229

if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Huffman', followed by a long horizontal line extending to the right.

Anita M. Huffman  
Water Rights Specialist

cc: Regional Manager, Watermaster District 19, Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

S-84136  
wab 17-WATERMASTER WA  
pou 17-WATERMASTER WA  
gw



State of Oregon  
**Water Resources Department**  
 158 12th Street NE, Salem, OR 97310  
 (503)378-8455 • (800)624-3199  
 www.wrd.state.or.us

# Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

**RECEIVED**

MAY 04 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

## 1. APPLICANT INFORMATION

### A. Individuals

Ocean View Water Users  
 Applicant: % George and Janet Kelly  
 First Last

Co-applicant: First Last

Mailing address: P.O. Box 809  
 Port Orford Oregon 97465  
 City State Zip

Phone: (541) 332-5325  
 Home Work Other

\*Fax: \*E-Mail address:

### B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization:

Name and title of person applying:

Mailing address of organization:

City State Zip

Phone: Day Evening

\*Fax: \*E-Mail address:

\*Optional information

|                    |                  |             |
|--------------------|------------------|-------------|
| For Department Use |                  |             |
| App. No. 84136     | Permit No. _____ | Date 5/4/99 |

## 2. SOURCE AND PROPERTY OWNERSHIP

### A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Noble Creek Tributary to: Pacific Ocean  
Source 2: China Mountain Creek Tributary to: Pacific Ocean  
Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

### B. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

- ☐ Yes (Skip to section 3 "Water Use.")  
☒ No Please check the appropriate box below.  
☒ I have a recorded easement or written authorization permitting access.  
☐ I do not currently have written authorization or an easement permitting access.

List the names and mailing addresses of all affected landowners.\*

Vance Noble, Box 557, Port Orford, Or. 97465  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*\*If more than 25 landowners are involved, a list is not required. See instructions.*

## 3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

### A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 13
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

## B. Amount of Water

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

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

| Source               | Use                 | Amount                                                                                               |
|----------------------|---------------------|------------------------------------------------------------------------------------------------------|
| Noble Creek          | Domestic            | .06 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af |
| Noble Creek          | Irrigation          | .15 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af |
| China Mountain Creek | Supplemental Irrig. | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                |
|                      |                     | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                |

## C. Period of Use

Domestic - year around

Indicate the time of year you propose to use the water: Irrigation - May-Oct. 15

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

## D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 12 acres

(This number should be consistent with your application map.)

# 4. WATER MANAGEMENT

## A. Diversion

What method will you use to divert water from the source?

☒ Pump (give horsepower and pump type) 2 HP Submersible

☐ Head-gate (give dimensions)

☐ Other means (describe)

## B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

☐ Weir

☒ Meter

☐ Periodic Sampling

☐ Other (describe)

### C. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)

Width \_\_\_\_\_ Depth \_\_\_\_\_

Is the ditch or canal to be lined? ☐ Yes ☐ No

- ☒ Pipe (give diameter and total length)

Diameter 6" Length 1200'  
2" 1500'

- ☐ Other (describe) \_\_\_\_\_

### D. Application/Distribution Method

What equipment will you use to apply water to your place of use? Water pumped to storage tank  
then repumped to individual properties.

Irrigation or land application method (check all that apply):

- |                                                                  |                                                  |                                                 |
|------------------------------------------------------------------|--------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Flood                                   | <input type="checkbox"/> High-pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip                                    | <input type="checkbox"/> Water cannons           | <input type="checkbox"/> Center pivot system    |
| <input type="checkbox"/> Hand lines                              | <input type="checkbox"/> Wheel lines             |                                                 |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows |                                                  |                                                 |

☒ Other, describe Faucets at dwellings

Distribution method

- ☐ Direct pipe from source ☒ In-line storage (tank or pond) ☐ Open canal

### E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

Water used in proposed subdivision similar to municipal use/minimal outside  
use. Will adhere to Curry County building code.

## 5. RESOURCE PROTECTION

### Protection Practices

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

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: Rainey type collection system to be used

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Bank will be reestablished so diversion will

not be visible.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: Future work will be coordinated with ODFW biologist.

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Use of water will be away from stream channel and do not expect return flows

☐ Other: \_\_\_\_\_

## 6. PROJECT SCHEDULE

*Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.*

Proposed date construction will begin 10-1-2000

Proposed date construction will be completed 10-1-2003

Proposed date beneficial water use will begin 10-1-2005

## 7. REMARKS

*If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.*

China Mountain Creek will be used to fulfill any deficiency in supply from  
Noble Creek.

## 8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

## 9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Signature of Applicant

Date

Signature of Co-applicant

Date

### Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

# Mailing List for IR Copies

Application #S-84136

IR Date: August 3, 1999

## Original mailed to:

Applicant: GEORGE KELLY KELLY, JANET; OCEAN VIEW WATER USERS, PO BOX 809, PORT ORFORD, OREGON 97465

## Copies sent to:

1. WRD - File # S-84136
2. WRD - Water Availability: Ken Stahr

|                 |                |
|-----------------|----------------|
| Copies Mailed   |                |
| By:             | <u>JF</u>      |
| (SUPPORT STAFF) |                |
| *:              | <u>7/28/99</u> |
| (DATE)          |                |

## IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 19
4. WRD - Regional Manager (not Bob Main):SWR
5. ODFW District Biologist: (CURRY County) Todd Confer
6. DEQ (Portland): Tom Rosetta
7. DOA (Salem): Steve Applegate

## Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

8. Hughes and Vance Noble Box 557 Port Orford, OR 97465
9. David, Deborah and Emma Kelly 18173 Road 400 Madera, CA 93638
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_

ID# AMH

COPYSHIT.IR

# PFO CHECKLIST

Application #: 5 84136

County Cover Basin: 5 Coast 17  
Township 335 Range 15W Section 10 1/4 1/4 SW NW  
NE SW

1. Complete by Minimum Requirements Checklist? Y / N  
2. Shortcomings (items needed before a permit and/or FO can be issued) Y / N Should process continue Y / N

3. Groundwater Review **A B C D** River/Stream Name \_\_\_\_\_  
a. Groundwater Availability **A B C**  
b. Is second groundwater review complete Y / N necessary? (comments) Y / N  
c. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y / N within area

4. Is use from **BOR** / Doug Co. project? Y / N Contract in file? Y / N Contract # \_\_\_\_\_

5. Is the use allowed by the **Basin Program**? Y / N Limited? Y / N

6. Water Availability Data **OK** REDONE **NA** (80% live flow & 50% storage) - CHINA MT CRK IS TRIB TO HUBBARD CK  
WA IN FEB ONLY (NO NEG NET FLOWS)  
NOBLE CRK YR RND OK

7. Is the source **withdrawn** or limited by statute or Department order? Y / N

8. Is the Proposed Use located in or above a **SWW**? Y / N

9. Division 33: Y **N / NA** Above Bonn (after July 17, 1992) Y / N  
Below Bonn (after April 8, 1994; June 3, 1994) Y / N  
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N

10. IR identifies as on DEQ 303d List? Y / N **NA** Comments received? Y / N

11. Have **conflicts** been addressed? Y / N NA

12. Duty 180, 2.5 Irrigation Season \_\_\_\_\_

13. Period of Allowed Use IRR - 5 - 0/5; DOM - 10 RND

14. Allowed Rate CHINA MT CRK TO MAKE UP DEF FOR IRR 12 x .0125 = .15  
13 = .02 REQ .21

summary:

\*SEE IN CHINA MT CRK IS  
TRIB TO HUBBARD CRK  
JOHN DEBLET - "I DON'T KNOW"  
TODD CONFER - "YES, I BELIEVE SO"

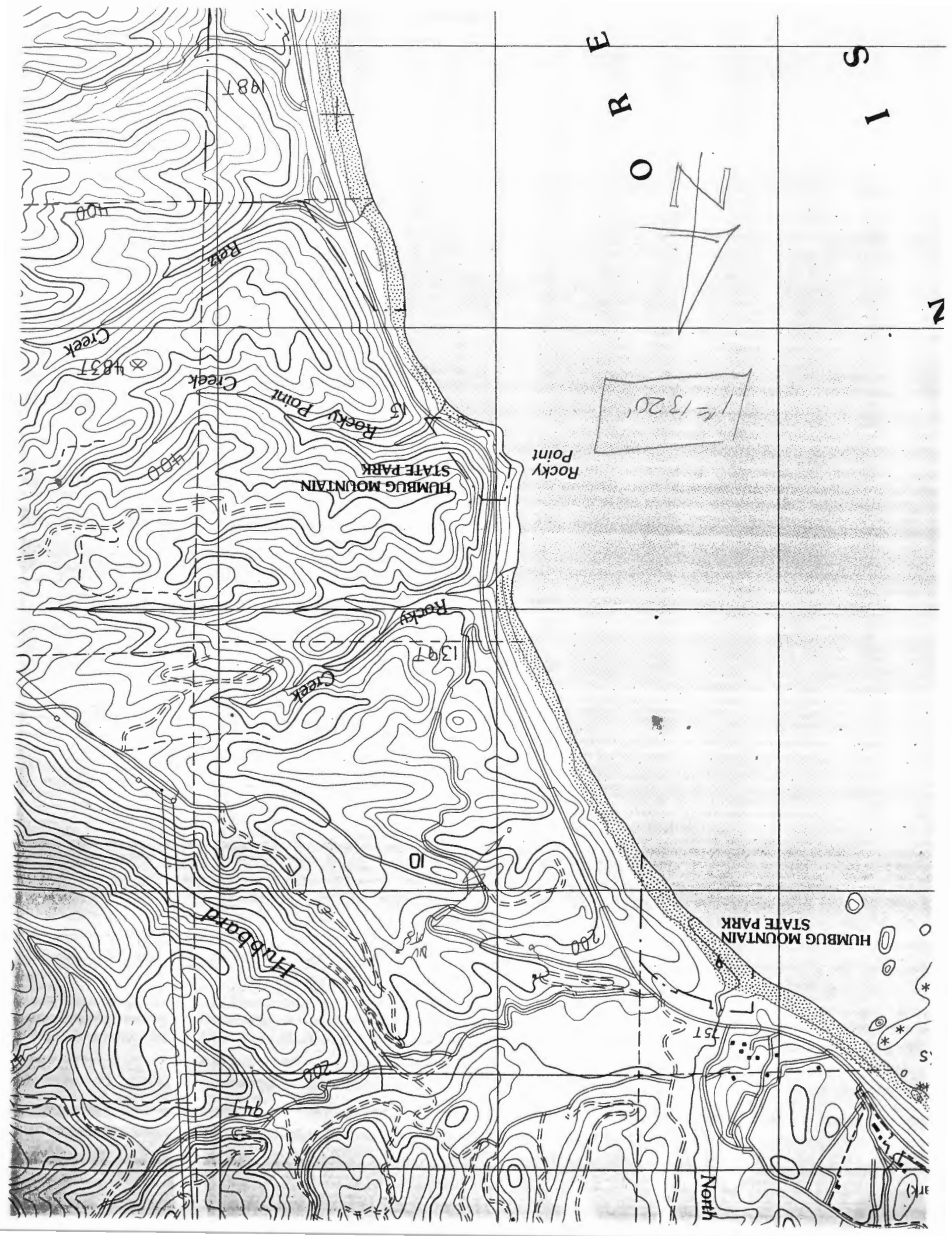
15. **Small** ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), **Medium** ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or **Large** ( $\geq 1.5$  cfs,  $\geq 100$  AF)  
condition 7I and **municipal** use  $\leq 0.1$  cfs require the **Large** condition

16. **Conditions** B54C, FISH  
New River Basin? Y / N / NA (see M:\groups\wr\pof\findings & other lang)

17. IR Date 8/3/99 Public Notice Date 8/17/99 Comment Rec'd \_\_\_\_\_

18. CWRE, representatives or  
Property owners to notify? Y / N  
\$10 VANCE NOBLE  
Box 557  
PO Box 557, OR 97465  
COPY DAVID, DEBORAH & EMMA KELLY  
18173 ROAD 400  
MADERA, CA 95638

Initials: RWK Date: 11/8/99



## WATER AVAILABILITY TABLE

Basin: SOUTH COAST

Exceedance Level: 80

Water Availability Subbasin: 2400000000000000 (and Nested Subbasins)

Time: 10:03

Date: 11/08/1999

| Item # | W.A. Subbasin    | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Sto |
|--------|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1      | 2400000000000000 | NO  | YES | NO  | NO  | NO  | NO  | NO  | NO  | NO  | NO  | NO  | NO  | YES |

## STREAM NAMES

Basin: SOUTH COAST

Water Availability Subbasin: 2400000000000000 (and Nested Subbasins)

Time: 10:03

Date: 11/08/1999

| WAB #            | Stream Name        |
|------------------|--------------------|
| 2400000000000000 | HUBBARD CR @ mouth |

## LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 2400000000000000

Basin: SOUTH COAST

Exceedance Level: 80

Time: 10:03

Date: 11/08/1999

| Mnth | Limiting Subbasin | Stream Name        | Water Avail? | Net Water Available |
|------|-------------------|--------------------|--------------|---------------------|
| 1    | 2400000000000000  | HUBBARD CR @ mouth | NO           | -4.8                |
| 2    | 2400000000000000  | HUBBARD CR @ mouth | YES          | .4                  |
| 3    | 2400000000000000  | HUBBARD CR @ mouth | NO           | -2.1                |
| 4    | 2400000000000000  | HUBBARD CR @ mouth | NO           | -10.6               |
| 5    | 2400000000000000  | HUBBARD CR @ mouth | NO           | -3.7                |
| 6    | 2400000000000000  | HUBBARD CR @ mouth | NO           | -7.1                |
| 7    | 2400000000000000  | HUBBARD CR @ mouth | NO           | -5.2                |
| 8    | 2400000000000000  | HUBBARD CR @ mouth | NO           | -3.0                |
| 9    | 2400000000000000  | HUBBARD CR @ mouth | NO           | -1.6                |
| 10   | 2400000000000000  | HUBBARD CR @ mouth | NO           | -2.8                |
| 11   | 2400000000000000  | HUBBARD CR @ mouth | NO           | -16.6               |
| 12   | 2400000000000000  | HUBBARD CR @ mouth | NO           | -7.8                |
| Stor | 2400000000000000  | HUBBARD CR @ mouth | YES          | 6150.0              |

Is CHINA Mt CR

TRIB TO

HUBBARD CR ?

## DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Exceedance Level: 80

Stream: HUBBARD CR @ mouth

Water Availability Subbasin: 2400000000000000

ID Number: 72974

Time: 10:03

Date: 11/08/1999

| Month | Natural<br>Stream<br>Flow | CU + Stor<br>Prior to<br>1/1/93 | Net Min.<br>Flow<br>1/1/93 | CU + Stor<br>After<br>1/1/93 | Net Min.<br>Flow<br>Now | Instream<br>Water<br>Rights | Net<br>Water<br>Available |
|-------|---------------------------|---------------------------------|----------------------------|------------------------------|-------------------------|-----------------------------|---------------------------|
| 1     | 22.70                     | 1.28                            | 21.40                      | .17                          | 21.23                   | 26.00                       | -4.77                     |
| 2     | 27.90                     | 1.28                            | 26.60                      | .17                          | 26.43                   | 26.00                       | .43                       |
| 3     | 25.40                     | 1.28                            | 24.10                      | .16                          | 23.94                   | 26.00                       | -2.06                     |
| 4     | 14.90                     | 1.28                            | 13.60                      | .03                          | 13.60                   | 24.20                       | -10.60                    |
| 5     | 7.70                      | 1.28                            | 6.42                       | .04                          | 6.38                    | 10.10                       | -3.72                     |
| 6     | 5.17                      | 1.28                            | 3.89                       | .08                          | 3.81                    | 10.90                       | -7.09                     |
| 7     | 4.33                      | 1.28                            | 3.05                       | .25                          | 2.80                    | 7.97                        | -5.17                     |
| 8     | 3.62                      | 1.28                            | 2.34                       | .13                          | 2.21                    | 5.23                        | -3.02                     |
| 9     | 3.26                      | 1.28                            | 1.98                       | .05                          | 1.93                    | 3.50                        | -1.57                     |
| 10    | 2.79                      | 1.28                            | 1.51                       | .02                          | 1.49                    | 4.33                        | -2.84                     |
| 11    | 8.17                      | 1.28                            | 6.89                       | .03                          | 6.90                    | 23.50                       | -16.60                    |
| 12    | 19.70                     | 1.28                            | 18.40                      | .17                          | 18.23                   | 26.00                       | -7.77                     |
| Stor  | 18100                     | 918                             | 17200                      | 77                           | 17100                   | 11600                       | 6150                      |

## DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: HUBBARD CR @ mouth

Water Availability Subbasin: 2400000000000000

Time: 10:03

Date: 11/08/1999

| -----ISWRs----- |        |     |     |     |     |           |  |
|-----------------|--------|-----|-----|-----|-----|-----------|--|
| APP #           | 72974A | 0   | 0   | 0   | 0   | RESULTANT |  |
| STATUS          | Cert.  |     |     |     |     |           |  |
| 1               | 26.00  | .00 | .00 | .00 | .00 | 26.00C    |  |
| 2               | 26.00  | .00 | .00 | .00 | .00 | 26.00C    |  |
| 3               | 26.00  | .00 | .00 | .00 | .00 | 26.00C    |  |
| 4               | 24.20  | .00 | .00 | .00 | .00 | 24.20C    |  |
| 5               | 10.10  | .00 | .00 | .00 | .00 | 10.10C    |  |
| 6               | 10.90  | .00 | .00 | .00 | .00 | 10.90C    |  |
| 7               | 7.97   | .00 | .00 | .00 | .00 | 7.97C     |  |
| 8               | 5.23   | .00 | .00 | .00 | .00 | 5.23C     |  |
| 9               | 3.50   | .00 | .00 | .00 | .00 | 3.50C     |  |
| 10              | 4.33   | .00 | .00 | .00 | .00 | 4.33C     |  |
| 11              | 23.50  | .00 | .00 | .00 | .00 | 23.50C    |  |
| 12              | 26.00  | .00 | .00 | .00 | .00 | 26.00C    |  |

STATE OF OREGON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

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

Source: HUBBARD CR tributary to PACIFIC OCEAN

County: CURRY

Purpose: The public use this instream water right is based on is providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

HUBBARD CREEK FROM AN UNNAMED TRIBUTARY AT RIVER MILE 1.0 (SE1/4, SECTION 3, TOWNSHIP 33S, RANGE 15W WM); TO THE MOUTH AT RIVER MILE 0.0 (NE1/4, SECTION 9, TOWNSHIP 33S, RANGE 15W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 11/ 4/1992.

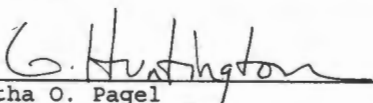
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

|      | JAN | FEB | MAR | APR  | MAY  | JUN  | JUL  | AUG  | SEP | OCT  | NOV  | DEC |
|------|-----|-----|-----|------|------|------|------|------|-----|------|------|-----|
| 1st½ | 26  | 26  | 26  | 24.2 | 10.1 | 10.9 | 7.97 | 5.23 | 3.5 | 4.33 | 15   | 26  |
| 2nd½ | 26  | 26  | 26  | 24.2 | 10.1 | 10.9 | 7.97 | 5.23 | 3.5 | 4.33 | 23.5 | 26  |

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed OCTOBER 18, 1996.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 73135.

IS CHINA MT CK  
TRIB TO  
HUBBARD C.?

## Classifications 690-517-000(8)

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

# IR CHECKLIST

Application # S-84136 Priority Date: 5/4/99

Basin: 14-50 COAS County: CURRY

Township \_\_\_\_\_ Range \_\_\_\_\_ Section 1/4 1/4

WAB: \_\_\_\_\_ POU WAB: \_\_\_\_\_

CHINA - POD 1, SWNW 33S 15W 10

NOBLE - POD 2 NESW

33S 15W 10

1. Complete by Minimum Requirements checklist Y (N) Items still required: CITY L.U.

2. Groundwater Review A B C D River/Stream Name \_\_\_\_\_

Conditions \_\_\_\_\_ Water Availability A B C

3. Is the well located in a groundwater limited area? Y N Name \_\_\_\_\_

4. Is the well located in T1N R3E SEC 20, 21, 28, 29 Y N

5. Within or above a Scenic Waterway Y (N) Conditions/Restrictions Y (N)

6. Basin Maps have been checked Y N Hubbard c/c 7 APR 00.

7. Allowed under Basin Program Y N Limitations Y N 1290-519-001(8)

8. Withdrawn Y N Season Allowed \_\_\_\_\_

9. Water Availability 80% \_\_\_\_\_ 50% \_\_\_\_\_ N/A

10. Use DO NOT IRR Period of allowed use \_\_\_\_\_

11. Season requested by applicant 4/12

12. For Irrigation: Rate 1/80 Duty 2 1/2 Season \_\_\_\_\_

13. For Nursery or Cranberry: Rate \_\_\_\_\_ Duty \_\_\_\_\_ Season \_\_\_\_\_

14. Allowable rate of use: 12/80 = .15 0.02 DO, 0.164 DOA 17.956A

Requested Rate: .06 DO, .15 IRR

15. BOR project Y (N) Contract # \_\_\_\_\_

16. Subject to Division 33: (Y) N N/A Above Bonneville \_\_\_\_\_ TES Y N

Below Bonneville \_\_\_\_\_ TES Y N TES only (Y) N

17. Conflict Y N \_\_\_\_\_

18. Conditions? (BOR, GW, other) Y N \_\_\_\_\_

19. Measuring condition Small \_\_\_\_\_ Medium \_\_\_\_\_ Large \_\_\_\_\_

20. Within Dept. Of Agriculture Water Quality Management Area Y N N/A

TUALATIN \_\_\_\_\_ BEAR CREEK(ROGUE) \_\_\_\_\_

21. On DEQ 303d list Y N N/A

22. Land use approval OK'd Needs Approval \_\_\_\_\_ County Notified N/A

23. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5 NCR) (6 8 9 10 ER)

(11 12 17 SCR) (13 14 15 19 SWR)

24. ODFW Biologist Jodd Cooper

24. Letter will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

- Land is w/in City of Port Orford  
U.G.B. per Coos Co. planning.

Name: \_\_\_\_\_

Date: 7/12/99

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SALEM, OREGON

1/996

**Watermaster Determination of Water Availability**

The following application for use of water is from a surface water source for which a reasonable water availability analysis can not be made. The use is out of stream and consumptive. The determination of water availability is to be made by the Watermaster based on observations of the water source and knowledge of existing water use from that source.

**SECTION 1 - COMPLETED BY WATER RIGHTS DIVISION**

Application # S-84136  
 Source CHINA MT. CK & NOBLE CK ②  
 Tributary To PACIFIC OCEAN  
 Basin SO. COAST POD T 335R 15WS 10  
 Proposed Use ① - <sup>SUP.</sup> IRR ② - <sup>DO. & IRR</sup> ~~IRR~~  
 Requested Rate .21 Duty 2 1/2  
 Allowable Rate .17

**SECTION 2 - COMPLETED BY REGION OFFICE STAFF**

- Are there existing diversions for water use downstream? No
- What impact could the existing diversions have on availability for the proposed use? Upstream POD
- Are there periods when there is insufficient water to satisfy existing rights? Do not know.  
This is not a stream that OWRD has had reason to monitor or observe
- Is there sufficient water from this source to meet the proposed use a reasonable amount of the time?  
See ANS. quest. #3
- Will the user have use of water at least 80 percent of the time (list by months)?  
See ANS. quest. #3

Watermaster J.P. DroletRegion Dist 19Signature [Signature]Date 07-14-99

| New App #      | Acres | Use  | Prim/Supp  | Existing APP # | PERMIT  | CERT # | Status | Use | Acres | Prim/Supp |
|----------------|-------|------|------------|----------------|---------|--------|--------|-----|-------|-----------|
| S 84136        | 7.00  | IR   | P          |                |         |        |        |     |       |           |
| 33.00S15.00W10 |       | SWNW | Conflicts: | S 81461        | S 53165 | 0      | V      | DN  | 0.000 | P         |
|                |       |      |            | S 81461        | S 53165 | 0      | V      | DN  | 0.000 | P         |
|                |       |      |            | S 81461        | S 53165 | 0      | V      | DN  | 0.000 | P         |

NO  
 TLS  
 207  
 208  
 211

**Division 33 Application Review Sheet for Use by ODFW Staff**  
**Recommendations for Water Right Applications that may affect the Habitat of**  
**Sensitive, Threatened or Endangered Fish Species OAR 690-33-310 through 340**

Date: Aug 13 14 Day Deadline: \_\_\_\_\_

Application # 5-84136 Name: George Kelly, Janet Kelly

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened or endangered fish species? [690-33-330(1)]

No / Yes Species? \_\_\_\_\_ Status S T E

If Yes, continue, if NO go to Public Interest Review Sheet  (BACK PAGE)

What stage or value is at risk: Spawning; Incubation; Rearing; Passage; Habitat Value

2) Will the proposed use result in a loss in the essential habitat of threatened or endangered species or a net loss in the habitat of sensitive species? No / Yes

A) Standard of "net loss" applies to sensitive species statewide [690-33-330(2)(a)]

B) Standard of "loss" of applies to T or E species outside the Columbia Basin [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of STE species?

No / Yes [690-33-330(3)] Yes or no, which conditions are recommended? (Try to select those from the menu) \_\_\_\_\_

4) If conditions cannot be identified to offset impacts to the essential habitat of STE fish species, would the proposed use harm the species? [690-33-330(4)] No / Yes If yes, explain

WRD Contact: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ODFW Recommendation:**

\_\_\_\_ Approval with fishery conditions See #3 Above

\_\_\_\_ Approval without fishery conditions

\_\_\_\_ Denial

**ODFW Representative(s)**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_ (M:\div.33\odfw chk lst i modified.6-25...

**BACK PAGE**

**Public Interest Review Sheet for Use by ODFW Staff**  
**Recommendations for Applications that may affect the Habitat of**  
**Non S T & E Fish or Wildlife Species OAR 690-310-140(3)(b)(D)**

Date: August 3Application # 5-84136Name: George Kelly, Janet Kelly

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

No / Yes Species? Cutthroat Trout, Amphibians

What stage or value is at risk: Spawning; Incubation; Rearing; Passage; Habitat Value

Other \_\_\_\_\_

2) Will the proposed use result in a loss of habitat? No / Yes

3) Can conditions be applied to mitigate the impact the loss of habitat?

No / Yes

Yes or no, which conditions are recommended? (Try to select

those from the menu) 654c - Shall not construct artificial obstruction.Fish - Shall install fish screening

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species? No / Yes If yes, explain \_\_\_\_\_

WRD Contact: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

ODFW Recommendation:

X Approval with conditions See #3 Above

\_\_\_\_ Approval without conditions

\_\_\_\_ Denial

ODFW Representative(s)

Name: David Cifer Date: 8/9/99

Name: \_\_\_\_\_ Date: \_\_\_\_\_

# APPLICATION FACT SHEET

*Mail to: Applicant, Watermaster, District Biologist (ODFW)*

*If necessary, also mail to : Regional Water quality manager (DEQ), and DOA*

Application File Number: S-84136

Applicant: GEORGE KELLY KELLY, JANET; OCEAN VIEW WATER USERS

County: CURRY

Watermaster: District 19

Priority Date: May 4, 1999

Source: NOBLE CREEK AND CHINA MOUNTAIN CREEK, TRIBUTARIES OF PACIFIC OCEAN

Use: DOMESTIC USE FOR 13 HOUSEHOLDS AND PRIMARY AND SUPPLEMENTAL IRRIGATION OF 12.0 ACRES

Quantity: 0.21 CUBIC FOOT PER SECOND, BEING 0.06 CFS FROM NOBLE CREEK FOR DOMESTIC USE AND 0.15 CFS FROM NOBLE CREEK FOR PRIMARY IRRIGATION AND FROM CHINA MOUNTAIN CREEK FOR SUPPLEMENTAL IRRIGATION

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 3 BASIN 17 MISC

Point of Diversion Location: NESW, SECTION 10, T33S, R15W, W.M.; 220 FEET SOUTH & 1120 FEET WEST FROM C1/4 CORNER, SECTION 10 SWNW, SECTION 10, T33S, R15W, W.M.; 1100 FEET NORTH & 1400 FEET WEST FROM C1/4 CORNER, SECTION 10

Place of Use: SWNW SWNW 7.0 ACRES SWNW 7.0 ACRES SENW 5.0 ACRES SENW SENW 5.0 ACRES, SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, August 17, 1999

PUBLIC NOTICE DATE: Tuesday, August 24, 1999

30 DAY COMMENT DEADLINE DATE: Thursday, September 23, 1999

**State of Oregon  
Water Rights Division**

**Water Resources Department  
Initial Review Section**

**TO:** File S-84136  
**FROM:** Anita Huffman  
**DATE:** July 9, 1999  
**SUBJECT:** Clarification

I spoke with George Kelly regarding this application. The subdivision is in the name of the applicants and David, Deborah and Emma Kelly of 18173 Road 400, Madera, CA 93638.

All the land is currently under this particular ownership. The 13 lots have not been sold off nor are they currently developed; George Kelly wanted to file for rights before the City of Port Orford. Mr. Kelly is aware of the assignment of water rights when or if parcels are sold.

The subdivision is also within the Urban Growth Boundary of the City of Port Orford. I am sending George another land use form to be completed by the City.

The uses of water are to be domestic and irrigation only, no uses such as those with a quasi-municipal right are being sought.



Application No. 84136  
Oregon Water Resources Department  
Permit No.

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WATER RESOURCES DEPT.  
SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☒ Primary ☒ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 12.00 Acres

Secondary: 12.00 Acres

List the permit or certificate number of the primary water right:

no. None

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- |                                |                                                 |                                                                                             |
|--------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------|
| 1. <u>Noble Creek</u>          | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: <u>May</u> to <u>Oct</u> )                   |
| 2. <u>China Mountain Creek</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: <u>Supplemental</u> to <u>Supplemental</u> ) |
| 3. _____                       | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____)                              |
| 4. _____                       | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____)                              |

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

14.00 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- |                                                                   |                                                                     |
|-------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Daily during daytime hours               | <input type="checkbox"/> Daily during nighttime hours               |
| <input type="checkbox"/> Two or three times weekly during daytime | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours             | <input type="checkbox"/> Weekly, during nighttime hours             |

☒ Other, explain: Unknown - up to each individual owner

Note: Any deficiency from Noble Creek will be made up from China Mountain Creek.

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**WATER RESOURCES DEPT.  
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**Curry County Title, Inc.**

**E. The land referred to in this Guarantee is situated in the County of , State of Oregon, and is described as follows:**

(A) Parcel Three (3), KELLY PARTITION PLAT NO. 1993-54, recorded November 4, 1993, Inst. #93-06014, Curry County, Oregon.

(B) Parcel One (1), NOBLE PARTITION PLAT NO. 1991-46, recorded September 23, 1991, Inst. #91-5021, Curry County, Oregon.

(C) Parcel One (1), KELLY PARTITION PLAT NO. 1992-78, recorded December 8, 1992, Inst. #92-9973, Curry County, Oregon.

(D) Parcel Two (2), KELLY PARTITION PLAT NO. 1993-54, recorded November 4, 1993, Inst. 393-06014, Curry County, Oregon.

**Application No 84134**

**Permit No.**

Application No. 84136

WARRANTY DEED (INDIVIDUAL)

1991 Curry Co.  
Instrument 91 03458 (NDE)

**Permit No.**

VANCE W. NOBLE and HUGHES NOBLE, each as to an undivided one-half (1/2) interest, as tenants in common hereinafter called grantor, convey(s) to GEORGE D. KELLY and EMMA KELLY, each as to an undivided one-quarter (1/4) interest, as tenants in common and DAVID\*\* all that real property, situated in the County of Curry, State of Oregon, described as: \*\*KELLY and DEBORAH KELLY, husband and wife, as to an undivided one-half (1/2) interest

The Southeast quarter of the Northwest quarter of Section 10, Township 33 South, Range 15 West of the Willamette Meridian lying westerly of Noble Drive, also known as Old Highway 101; and Government lot 1, Section 10, Township 33 South, Range 15 West of the Willamette Meridian lying southerly of Noble Drive, also known as old Highway 101, and lying easterly of the Relocated Coast Highway No. 101; all in Curry County, Oregon.

**CONDITIONS:**

Sellers agreement to release the title to any one or more acres upon receipt of 1/40th of the outstanding principal balance per acre released

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and covenant(s) that grantor is the owner of the above described property free of all encumbrances except

See Attached Exhibit "A"

WATER RESOURCES DEPT.  
SALEM, OREGON

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$ 250,000.00

Dated this 3<sup>RD</sup> day of July, 19 91

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

X Vance W. Noble

VANCE W. NOBLE

X Hughes Noble

HUGHES NOBLE

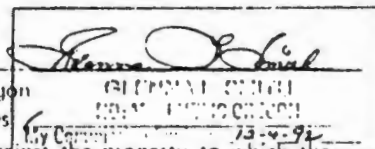
STATE OF OREGON, County of Curry ) ss.

July 3, 19 91 personally appeared the above named Vance W. Noble and Hughes Noble and acknowledged the foregoing instrument to be their voluntary act and deed

Before me:

Notary Public for Oregon

My commission expires



- The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.
- ~~The consideration includes other property or value, add the following: "However, the actual consideration consists of or includes other property or value given or promised which is part of the whole consideration." Herein which~~

**WARRANTY DEED (INDIVIDUAL)**

Vance W. Noble  
Hughes Noble

George D. Kelly, Emma Kelly,  
David Kelly and Deborah Kelly

~~AMERICAN EXPRESS~~

Send Tax Statement to:

George D. Kelly, Emma Kelly,  
David Kelly and Deborah Kelly  
18173 Road 400  
Madera, CA. 93638

STATE OF OREGON,

County of ) ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and recorded in book \_\_\_\_\_ on page \_\_\_\_\_ Records of Deeds of said County.

Witness my hand and seal of County affixed.

By \_\_\_\_\_ Title \_\_\_\_\_ Deputy \_\_\_\_\_

EXHIBIT "A"

The rights of the public in and to that portion of the herein described property lying within the limits of public roads or highways.

An easement created by instrument, including the terms and provisions thereof

Dated : May 17, 1982  
Recorded : June 17, 1982 BR: 92 Page 23  
In Favor of : Coos-Curry Electric Cooperative, Inc.  
For : Right of way easement

As disclosed by the assessment and tax roll, the premises herein have been specially assessed as forest land. If the land becomes disqualified for this special assessment under the statute, an additional tax plus interest may be levied for the last five or lesser number of years in which the land was subject to this special land use assessment.

STATE OF OREGON }  
COUNTY OF CURRY }

91 JUN 9 AM 9 42  
T. ELAINE JOY  
CURRY COUNTY CLERK

I hereby certify that the within  
Instrument was received and duly  
recorded in the OFFICIAL RECORDS  
OF CURRY COUNTY

By: *MW*  
Fee: 3500 Pgs: 2  
1991  
Instrument 91 03458

AGREEMENT FOR EASEMENT

THIS AGREEMENT, Made and entered into this 4th day of February, 1992, by and between Hughes & Vance Noble hereinafter called the first party, and George Kelly, Emma Kelly, David & Deborah Kelly, hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Curry County, State of Oregon, to-wit:

The SW  $\frac{1}{4}$  of Section 10, 33-15-10C, also known as Tax Lot # 100 as of this date.

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SALEM, OREGON

and has the unrestricted right to grant the easement hereinafter described relative to said real estate;

NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

An easement starting at the quarter section between Kelly's and Nobles property line in a southerly direction to an unnamed creek located in the SW portion of Section 10 33-15-10C. Also known as Tax Lot 100 as of this date.

(Insert here a full description of the nature and type of the easement granted to the second party.)

The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of indefinite, always subject, however, to the following specific conditions, restrictions and considerations:

NA

Application No 84136  
Permit No.

If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows:

The most feasible route.

and second party's right of way shall be parallel with said center line and not more than 12 1/2 feet distant from either side thereof.

During the existence of this easement, its maintenance and the cost of said maintenance shall be the responsibility of (check one): ☐ the first party; ☒ the second party; ☐ both parties, share and share alike; ☐ both parties, with the first party being responsible for \_\_\_\_\_% and the second party being responsible for \_\_\_\_\_%. (If the last alternative is selected, the percentages allocated to each party should total 100.)

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and to corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties hereto have executed this easement in duplicate.

Dated 2/2/92 19

Dane W. Noble

Hughes Noble

FIRST PARTY

SECOND PARTY

STATE OF OREGON, County of Curry ss.

This instrument was acknowledged before me on Feb. 2, 1992, by Dane W. Noble and Hughes Noble

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

of \_\_\_\_\_

*[Signature]*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires 5-11-93

*[Signature]*  
Notary Public for Oregon  
My commission expires 5-11-93

AGREEMENT  
FOR EASEMENT  
BETWEEN

AND

AFTER RECORDING RETURN TO

VANCE W. NOBLE

P.O. Box 557

Port Orford, OR. 97465

STATE OF OREGON,

STATE OF OREGON, COUNTY OF CURRY  
I hereby certify that the within instrument was received and duly recorded in the OFFICIAL RECORDS OF CURRY COUNTY.  
FEB 24 PM 3:26  
CLERK OF CURRY COUNTY

By: *[Signature]*  
Fee: 3500  
Pgs: 2  
1992  
Instrument 92 909

Additional Information Required  
Per George Kelly + Janet Kelly  
Ocean View Water Users

RECEIVED

Ref. File 5-84136

AUG - 6 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

David Debra + Emma Kelly  
18173 Road 400  
Madera Ca 93638

Let us know if any other  
information is required.

Thank you

Geo + Janet Kelly  
PO Box 809  
Port Orford Or 97462

## Exhibit A

(A) Parcel Three (3), KELLY PARTITION PLAT NO. 1993-54, recorded November 4, 1993, Inst. #93-06014, Curry County, Oregon.

(B) Parcel One (1), NOBLE PARTITION PLAT NO. 1991-46, recorded September 23, 1991, Inst. #91-5021, Curry County, Oregon.

(C) Parcel One (1), KELLY PARTITION PLAT NO. 1992-78, recorded December 8, 1992, Inst. #92-9973, Curry County, Oregon.

(D) Parcel Two (2), KELLY PARTITION PLAT NO. 1993-54, recorded November 4, 1993, Inst. 393-06014, Curry County, Oregon.

TOGETHER WITH an appurtenant easement for ingress, egress & utilities as shown on the recorded plat no. 1991-46, recorded September 23, 1991 Inst. #91-5021."

## Exceptions:

- The rights of the public in and to that portion of the herein described property lying within the limits of public roads or highways.
- An easement created by instrument, including the terms and provisions thereof,  
Dated : May 19, 1982  
Recorded : June 17, 1982 BR: 92 Page: 23  
In Favor of : Coos Curry Electric Cooperative, Inc.
- Conditions Easements & Restrictions, including maintenance of private roadway, as disclosed on the recorded Plat of #1991-46.  
Recorded : September 23, 1991 Inst. #91-5021
- An easement created by instrument, including the terms and provisions thereof,  
Recorded : November 15, 1994 Inst. #94-06557  
In Favor of : Marvin Hardegger and Betty L. Hardegger
- Covenants, easements and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms and provisions thereof,  
Recorded : December 6, 1994 Inst. #94-6874
- An easement created by instrument, including the terms and provisions thereof,  
Dated : December 6, 1994  
Recorded : December 6, 1994 Inst. #94-6875  
In Favor of : Debra Lee and Michael K. Wales
- Covenants, easements and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms and provisions thereof,  
Recorded : June 22, 1993 Inst. #93-3310-3311  
Amended : December 6, 1994 Inst. #94-06873
- Road and Water Maintenance agreement, including the terms and provisions thereof;  
Recorded : June 22, 1993 Inst. #93-3310
- As disclosed by the assessment and tax roll, the premises herein have been specially assessed as forest land. If the land becomes disqualified for this special assessment under the statute, an additional tax plus interest may be levied for the last five or lesser number of years in which the land was subject to this special land use assessment.

County of Marion. )

I certify that the within was  
received by me on the 11th day of  
April, 2000, at 8 o'clock  
m., and was recorded in the  
Miscellaneous Records, Vol. 8  
Page 681

Water Resources Director

07/16/1999 02:12 REC FEE: \$40.00  
CURRY COUNTY, OR, RENEE' KOLEN - COUNTY CLERK

PAGE #: 0002 OF 0002  
INST#: 1999 3959



Oregon Water Resources Department  
Land Use Information Form

5-84136 RECEIVED

JUL 22 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

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

**To Be Completed By Applicant**

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

**A. Applicant**

Name: Ocean View Water Users % George and Janet Kelly

Address: P.O. Box 809

City: Port Orford State: Or Zip: 97465 Day Phone: (541) 332-5325

**B. Land and Location**

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

T33S./R15W/Sec. 10

| Tax Lot I.D.    | Plan Designation (e.g. Rural Residential/RR-5) | Water to be: (check all that apply)          |                                              |                                          |
|-----------------|------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|
| TL 100          |                                                | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |
| TL 201          |                                                | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |
| TL 206          |                                                | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used |
| TL 207 & TL 211 |                                                | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |
| TL 209          |                                                |                                              |                                              |                                          |
| TL 210          |                                                |                                              |                                              | <input checked="" type="checkbox"/> Used |

List counties and cities where water is proposed to be diverted, conveyed, or used. Curry County

**C. Description of Water Use**

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Domestic and irrigation

Briefly describe: Inhouse use and irrigation lawn and garden

**D. Source**

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Noble Creek and China Mountain Creek  
(source)

**E. Quantity**

Indicate the estimated quantity of water the use will require.

.21 ☒ CFS ☐ GPM ☐ Acre-Feet

**Receipt for Request for Land Use Information**

State of Oregon  
Water Resources Department  
Commerce Bldg.  
158 12th St. NE  
Salem, OR 97310-0210  
(503)378-8455

**For Local Government Use Only**

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

**A. Allowed Use**

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); \_\_\_\_\_. Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

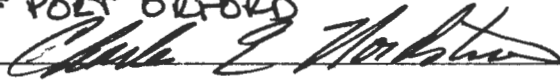
| Type of Land Use Approval Needed<br>(e.g. plan amendments, rezones,<br>conditional use permits, etc.) | Cite Most Significant, Applicable<br>Plan Policies & Ordinance<br>Section References | Check the item that applies:<br>Land Use Approval:                   |                                                                                      |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

**PROPERTY IS LOCATED WITHIN  
CITY OF PORT ORFORD UGB**

Name: CHARLES E. NORDSTROM Date: JULY 20, 1999  
Title: PLANNING DIRECTOR Phone: (541) 332-3681  
CITY OF PORT ORFORD  
Signature: 

**C. Additional Comments**

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

SUBJECT PROPERTY IS LOCATED WITHIN THE CITY  
OF PORT ORFORD URBAN GROWTH BOUNDARY  
AND IS ZONED FOR RESIDENTIAL USE.

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

**Receipt for Request for Land Use Information**

Name of water right applicant: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Application No 84136

**Permit No.**  
**Oregon Water Resources Department**  
**Land Use Information Form****RECEIVED**

MAY 04 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

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

**To Be Completed By Applicant**

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

**A. Applicant**Name: Ocean View Water Users % George and Janet KellyAddress: P.O. Box 809City: Port Orford State: Or Zip: 97465 Day Phone: (541) 332-5325**B. Land and Location**

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

T33S./R15W/Sec. 10B

| Tax Lot I.D.    | Plan Designation (e.g. Rural Residential/RR-5) | Water to be: (check all that apply)          |                                              |                                          |
|-----------------|------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|
| TL 201          | RESIDENTIAL (R-2)                              | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |
| TL 206          |                                                | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used |
| TL 207 & TL 211 |                                                | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |
| TL 209          |                                                |                                              |                                              |                                          |

TL 210  
List counties and cities where water is proposed to be diverted, conveyed, or used. Curry Countyw/Im city  
UGB

Port Orford.

**C. Description of Water Use**

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Domestic and irrigationBriefly describe: Inhouse use and irrigation lawn and garden**D. Source**

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Noble Creek and China Mountain Creek  
(source)**E. Quantity**

Indicate the estimated quantity of water the use will require.

.21☒ CFS☐ GPM☐ Acre-Feet**Receipt for Request for Land Use Information**

State of Oregon  
Water Resources Department  
Commerce Bldg.  
158 12th St. NE  
Salem, OR 97310-0210  
(503)378-8455

**For Local Government Use Only**

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

**A. Allowed Use**

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 3.111. Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

| Type of Land Use Approval Needed<br>(e.g. plan amendments, rezones, conditional use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Check the item that applies:<br>Land Use Approval:                   |                                                                                      |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                    |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                    |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                    |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                    |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                    |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

Name: DIANNE L. SNOW
 Date: 4/30/99

Title: ASSOCIATE PLANNER
 Phone: 247-7011

Signature: Dianne L. Snow

**C. Additional Comments**

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

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

**Receipt for Request for Land Use Information**

Name of water right applicant: \_\_\_\_\_

*This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.*

City or County: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 29369

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

INVOICE #

RECEIVED FROM: George D. Kelly

BY:

APPLICATION 5-841136  
PERMIT 441086  
TRANSFER

CASH: ☐ CHECK: # 46-242 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 400.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY)

OTHER: (IDENTIFY)

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY)

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

EXAM FEE

\$ 400.00

0202

0204

0206

EXAM FEE

\$

0219

0220

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY)

CARD #

CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION

RECEIPT # 29369

DATED: 5-4-99 BY: Roger Wright

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 37175

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

INVOICE #

RECEIVED FROM: Emma Jean Kelly

BY:

APPLICATION  
PERMIT  
TRANSFER

CASH: ☐ CHECK: # 90-4001 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 15.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY)

OTHER: (IDENTIFY)

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY)

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

EXAM FEE

\$

\$

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EXAM FEE

\$

\$

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY)

CARD #

CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION

RECEIPT # 37175

DATED: 4/28/00 BY: Emma Jean Kelly

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

## WATER RESOURCES DEPARTMENT

RECEIPT # 38512

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: David Kelly

BY: \_\_\_\_\_

APPLICATION 5-84136

PERMIT

TRANSFER

CASH: ☐

CHECK: #

90-8186

OTHER: (IDENTIFY)

TOTAL REC'D

\$

175

## 0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

## REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

## 0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY &amp; TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

## 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

## 0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

## 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # 38512

DATED: 6-26-00BY: Smith Henderson

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

## WATER RESOURCES DEPARTMENT

RECEIPT # 32987

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: David Kelly

BY: \_\_\_\_\_

APPLICATION 84136

PERMIT

TRANSFER

CASH: ☐

CHECK: #

90-7526

OTHER: (IDENTIFY)

TOTAL REC'D

\$

25.00

## 0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

## REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

## 0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY &amp; TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

## 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

## 0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

## 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # 32987

DATED: 9-17-99BY: Roger Wright

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

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **66926**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: David Kelly  
BY: \_\_\_\_\_

|             |       |
|-------------|-------|
| APPLICATION | 84136 |
| PERMIT      |       |
| TRANSFER    |       |

CASH: ☐ CHECK: # 225 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 250.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ 250.00

**WATER RIGHTS:**

|                    |                   |               |
|--------------------|-------------------|---------------|
| 0201 SURFACE WATER | EXAM FEE \$ _____ | 0202 \$ _____ |
| 0203 GROUND WATER  | EXAM FEE \$ _____ | 0204 \$ _____ |
| 0205 TRANSFER      | EXAM FEE \$ _____ |               |

**WELL CONSTRUCTION**

|                             |                   |               |
|-----------------------------|-------------------|---------------|
| 0218 WELL DRILL CONSTRUCTOR | EXAM FEE \$ _____ | 0219 \$ _____ |
| LANDOWNER'S PERMIT          |                   | 0220 \$ _____ |
| OTHER (IDENTIFY) _____      |                   |               |

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \$ \_\_\_\_\_

RECEIPT: **66926**

DATED: 4/29/04 BY: L. Albin

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