

Mike Wales →

541-404-7760

Permit S-53165

Cancellation Review

Date 11/26/13 File# S-81461

1. C Date 10/1/2001
2. Certified Letter Date 4/8/2013
3. Return Receipt Rcvd. 4/11/2013
4. Return Receipt Signed By permittee
5. Other Communication: 4/10/2013

Recommend Cancellation ☒ or
Hold Action until 6/1/2013

1 RESPONSE - NO FOLLOWUP BY ANY OF THEM.
ALL 3 CERT. LETTERS SIGNED BY OWNER. NOTHING FURTHER.
CANCEL FTMP. JS 1/7/2014

Jerry -

7/2/14

Former permit holder,
Kelly, was asked to
assign this to Wales
& Hardegger. I find
that unnecessary &
suspect CWRO has confused
this w/another permit.
I've encouraged them
to call you directly.

S-81461

- CERT SENT & RECEIVED
- 1 OF 3 PARTIES RESPONDED, STATED
HE WOULD WORK ON
- HOLD TIL SEPT. THEN CANCEL IN
NOTHING FURTHER.

J.H.

6/27/2013

Mailing List for Certificate

Application: S-81461

Permit: S-53165

Certificate: 93546

Permit/Certificate Holder:

✓ MICHAEL WALES
DEBRA LEE
PO BOX 45
PORT ORFORD OR 97465

✓ GARY ROBERTSON (copy)
PO BOX 121
PORT ORFORD OR 97465

Copies of Final Certificate to be sent to:

- ✓ 1. Watermaster District #: 19
- ✓ 2. Water Availability
- ✓ 3. Vault
- ✓ 4. File

Other persons to receive copies: (include map):

- ✓ 1. COREY WOODRUFF, CWRE
STUNTZNER ENGINEERING & FORESTRY, LLC

Copies Mailed

by: KW
(STAFF)

on: 1-26-2018
(DATE)



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED: January 26, 2018

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MICHAEL WALES
DEBRA LEE
PO BOX 45
PORT ORFORD OR 97465

GARY ROBERTSON
PO BOX 121
PORT ORFORD OR 97465

confirms the right to the use of water perfected under the terms of Permit S-53165. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-81461

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR TWO HOUSEHOLDS INCLUDING IRRIGATION LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA FOR EACH

MAXIMUM RATE/VOLUME ALLOWED: 0.02 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 26, 1996

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
33 S	15 W	WM	10	SE NW	1	NORTH 79 DEGREES 40 MINUTES 40 SECONDS WEST, 1228 FEET FROM C1/4, SECTION 10

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
33 S	15 W	WM	10	SW NW	1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

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

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

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

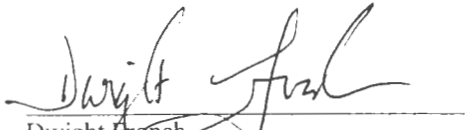
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

JAN 26 2018

Issued _____


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

CLAIM OF BENEFICIAL USE MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 10,
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY, OREGON
APPLICATION S-81461, PERMIT S-53165



SCALE
1" = 200 FT.

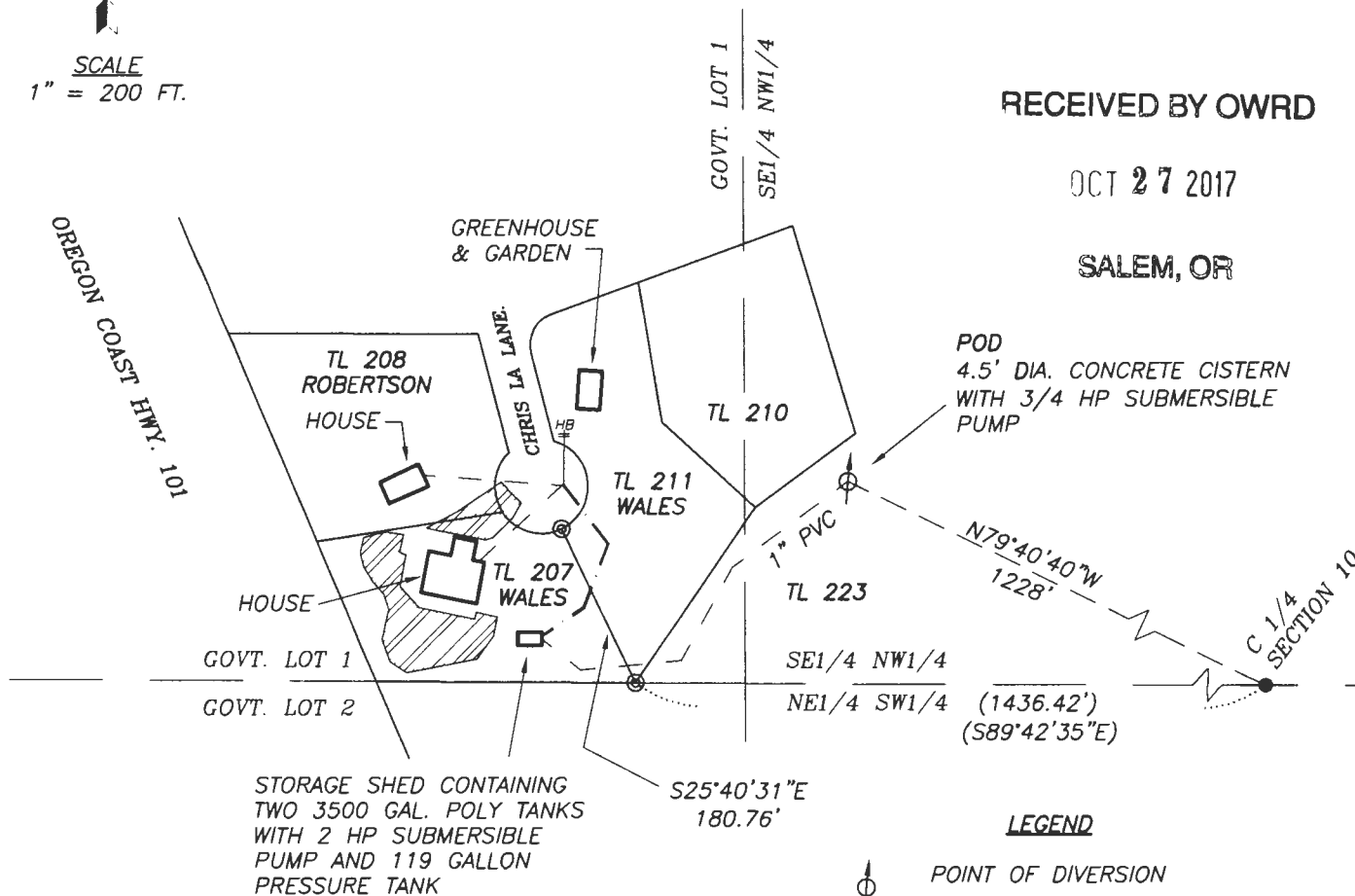
SURVEY METHOD:

THE POINT OF DIVERSION WAS TIED BY TOTAL STATION TRAVERSE TO THE MONUMENTS SHOWN PER CURRY COUNTY PARTITION PLAT 1991-46. THE POSITION OF THE CENTER 1/4 CORNER OF SECTION 10 WAS CALCULATED BASED ON DIMENSIONS SHOWN PER SAID PARTITION.

RECEIVED BY OWRD

OCT 27 2017

SALEM, OR



LEGEND

- POINT OF DIVERSION
- 1" PVC PIPE
- FOUND MONUMENT PER PARTITION PLAT 1991-46
- CALCULATED POSITION
- HOSE BIB
- IRRIGATED AREA = 0.3 ACRES
- RECORD DIMENSION PER PARTITION PLAT 1991-46

NOTE:

THE POINT OF DIVERSION BEARS NORTH 79°40'40" WEST 1228 FEET FROM THE CENTER 1/4 CORNER OF SECTION 10.

EXAMINER'S DISCLAIMER STATEMENT

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



Stuntzner

Engineering & Forestry, LLC

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

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

PHONE: (541) 267-2872
FAX: (541) 267-0588
www.stuntzner.com

JOB #: 114-012

DATE: rev. 10-18-17

DRAWN BY: CMW

CHECKED BY: CMW

PREPARED FOR:

FOR:

Mike Wales
Port Orford, Oregon

FILE NAME: 114-012 Wales COBU_2017.dwg

SHEET 1 OF 1

CLAIM OF BENEFICIAL USE MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 10,
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY, OREGON
APPLICATION S-81461, PERMIT S-53165



SCALE
1" = 200 FT.

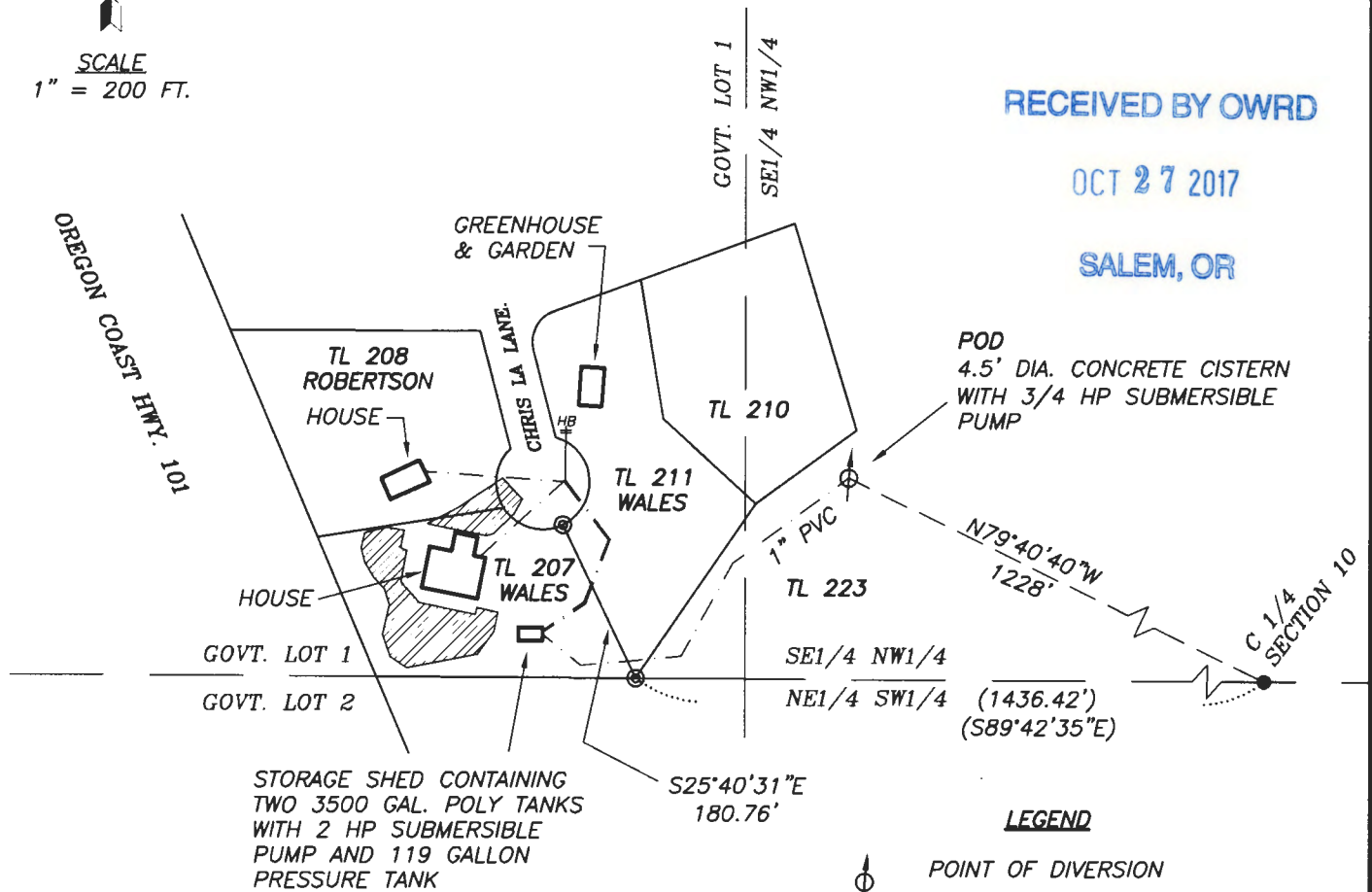
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Engineering - Land Surveying - Forestry - Land Planning - Water Rights

JOB #: 114-012

DATE: rev. 10-18-17

DRAWN BY: CMW

CHECKED BY: CMW

PREPARED

FOR:

Mike Wales
Port Orford, Oregon

FILE NAME: 114-012 Wales COBU_2017.dwg

SHEET 1 OF 1

MEMO –Proof to Satisfaction (March 17, 2014)

Application # <u>5-81461</u>	Permit # <u>5-53165</u>	Transfer #
WRD Reviewer <u>Mary Bjor E</u>	Date <u>9-27-16</u>	
WRD Peer Reviewer <u>J Skaug</u>	Date <u>10-3-17</u>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor Confirmed by phone TLS 207, 208, 211 printout see
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes GLot I
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- N/A Fish Conditions
- ☒ Meter/measuring device may
- ☒ Water Use Reporting may
- ☒ Pump Test (post December 19, 1988)
- ☒ Other Conditions _____
- ☒ SWL
- YES C-Date 10-1-00 Accomplished Aug '98
perm. 5-28-97
- ☒ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate) → 0.02 cfs

NOTES:

DN for 3 HHs @ 0.02 cfs

COBU describes use for 2 HHs only, *w/o signature

for 1. File contains documenting of attempt to obtain sig. TT GC - Go Proposed for 1 HH (wales) &

* Excluded LO. for (Robertson). → at full rate,
there is nothing on
permit to limit rate
per HH.

OWRE - Corey Woodruff 10-27-17
→ Rec'd Revised Map & CBU for Measured Distances & Direction

Determination

☒ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

*Rec'd signature from Robertson on 12-11-17
Final Cert Prepared for 2 HH's*

☒ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

developed less, see notes pg. 7

☐ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

☐ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

☐ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

☐ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

☐ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID KELLY
18173 ROAD 400
MADERA, CALIFORNIA 93638

Assignment as
2/3 → Michael / Debra Wales
1/3 → Gary Robertson

PHONE: (209) 674-3027

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

APPLICATION FILE NUMBER: S-81461

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR THREE HOUSEHOLDS INCLUDING IRRIGATION
LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA FOR EACH

MAXIMUM RATE/VOLUME ALLOWED: 0.02 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 26, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 10, T 33 S, R 15 W,
W.M.; 245 FEET NORTH AND 1230 FEET WEST FROM THE CENTER SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4
SECTION 10
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

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

Application S-81461 Water Resources Department

PERMIT 53165

the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

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

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

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

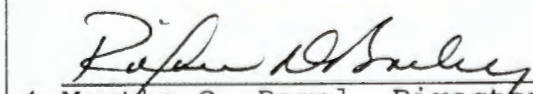
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(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 permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

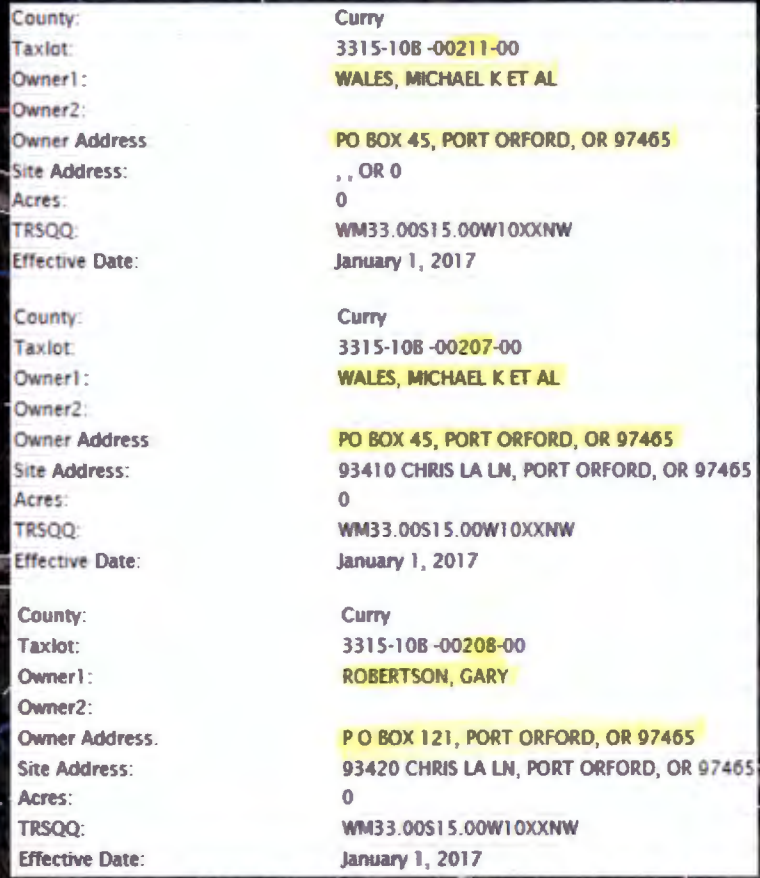
Issued May 28, 1997


for Martha O. Pagel, Director
Water Resources Department

Application S-81461 Water Resources Department
Basin 17 Volume 3 Basin 17 Misc.
LKS MGMT.CODE

PERMIT 53165
District 19

County



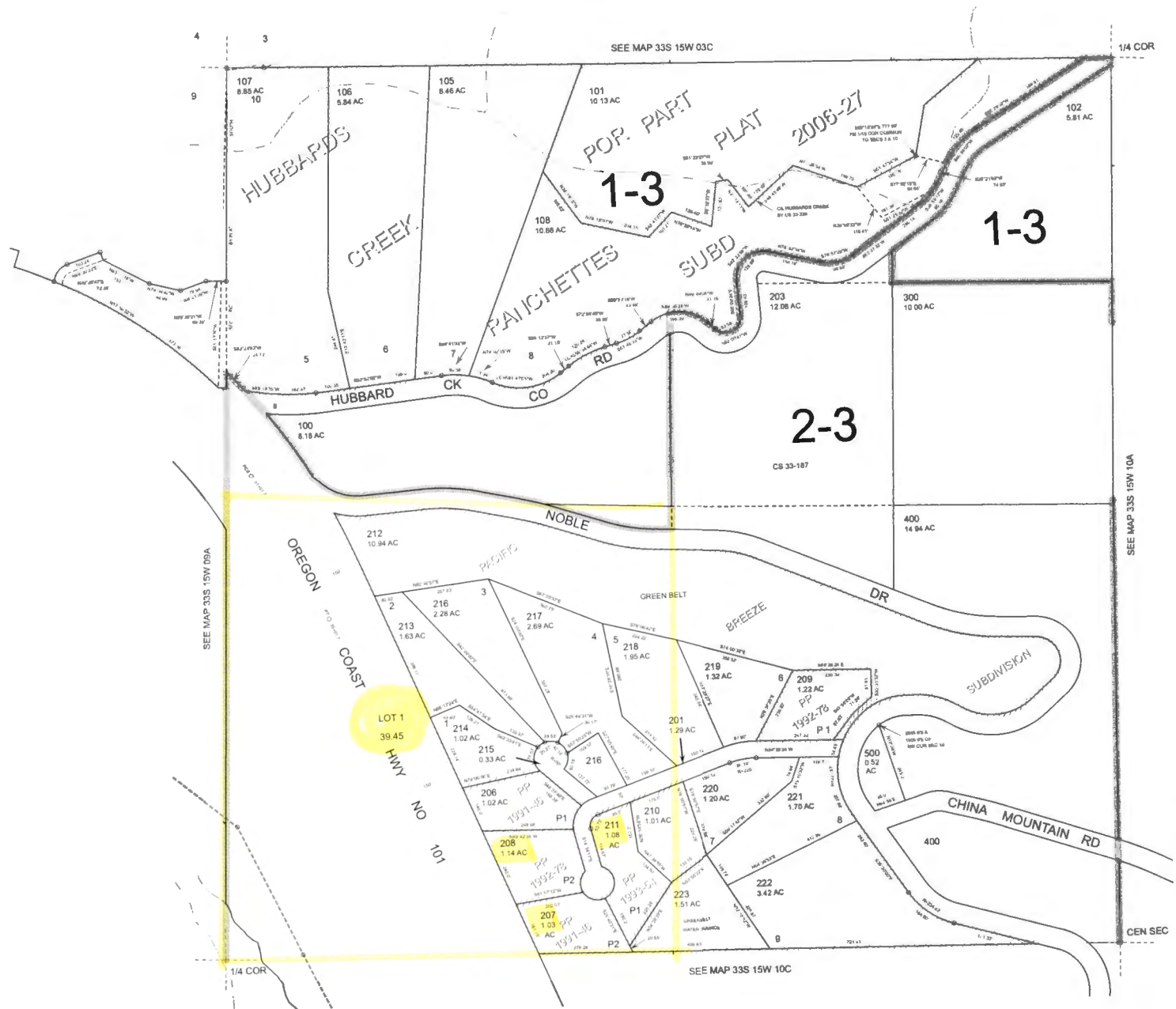
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 100 200 300 400 Feet

N.W. 1/4 SEC. 10 T.33S. R. 15W. W.M.
CURRY COUNTY
1" = 200'

33S15W10B

Cancelled
103
103U1
103U2
104
200
202
204
205



No ConflictsOregon Water Resources Department
Water Rights Platcard Report
[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Search Criteria

Meridian: Township: Range: Section: Records per Page:

Platcards Maps!
[Learn about](#) * [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Q(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	QQ
Select Permit: S 53686 *		5/4/1999	IRRIGATION											7	5									
Additional Info: DAVID KELLY App: S84136 Permit: S53686																								
Select Permit: S 53165 *		8/26/1996	DOMESTIC EXPANDED											*										
Additional Info: MICHAEL WALES App: S81461 Permit: S53165 <i>Right of Record</i>																								
Select Permit: S 53686 *		5/4/1999	DOMESTIC											*	*									
Additional Info: DAVID KELLY App: S84136 Permit: S53686 <i>N/C does not involve</i>																								
Select Cert: 68139 OR *		11/19/1990	IRRIGATION					1			0.5													
Additional Info: JACK QUATTRIN App: G12301 Permit: G11192 Cert: 68139 <i>TLs 207 208 211</i>																								
Select Permit: S 54601 *		2/17/2009	DOMESTIC EXPANDED															*						
Additional Info: TEAL FLEMING App: S87394 Permit: S54601																								
Select Cert: 87871 OR *		5/4/1999	DOMESTIC EXPANDED																*					
Additional Info: REGAN BAYLESS App: S84132																								

Permit: S53661 Cert: 87871																			
<u>Select</u> Cert:90589 OR * 4/2/1992 STORAGE Additional Info: IRA ANDERSON App: R72294 Permit: R11990 Cert: 90589				*															
<u>Select</u> Cert:90590 OR * 4/2/1992 IRRIGATION Additional Info: IRA ANDERSON App: S72295 Permit: S51876 Cert: 90590				10		2													
<u>Select</u> Cert:90590 OR * 4/2/1992 AQUACULTURE Additional Info: IRA ANDERSON App: S72295 Permit: S51876 Cert: 90590				*															
<u>Select</u> Cert:93215 OR * 11/13/1992 HUMAN CONSUMPTION Additional Info: CHARLENE RENNE App: S72989 Permit: S52123 Cert: 93215			*																

Acreage Legend: 12.25 Regular
acreege

~~12.25~~ Acreage is on a
canceled right

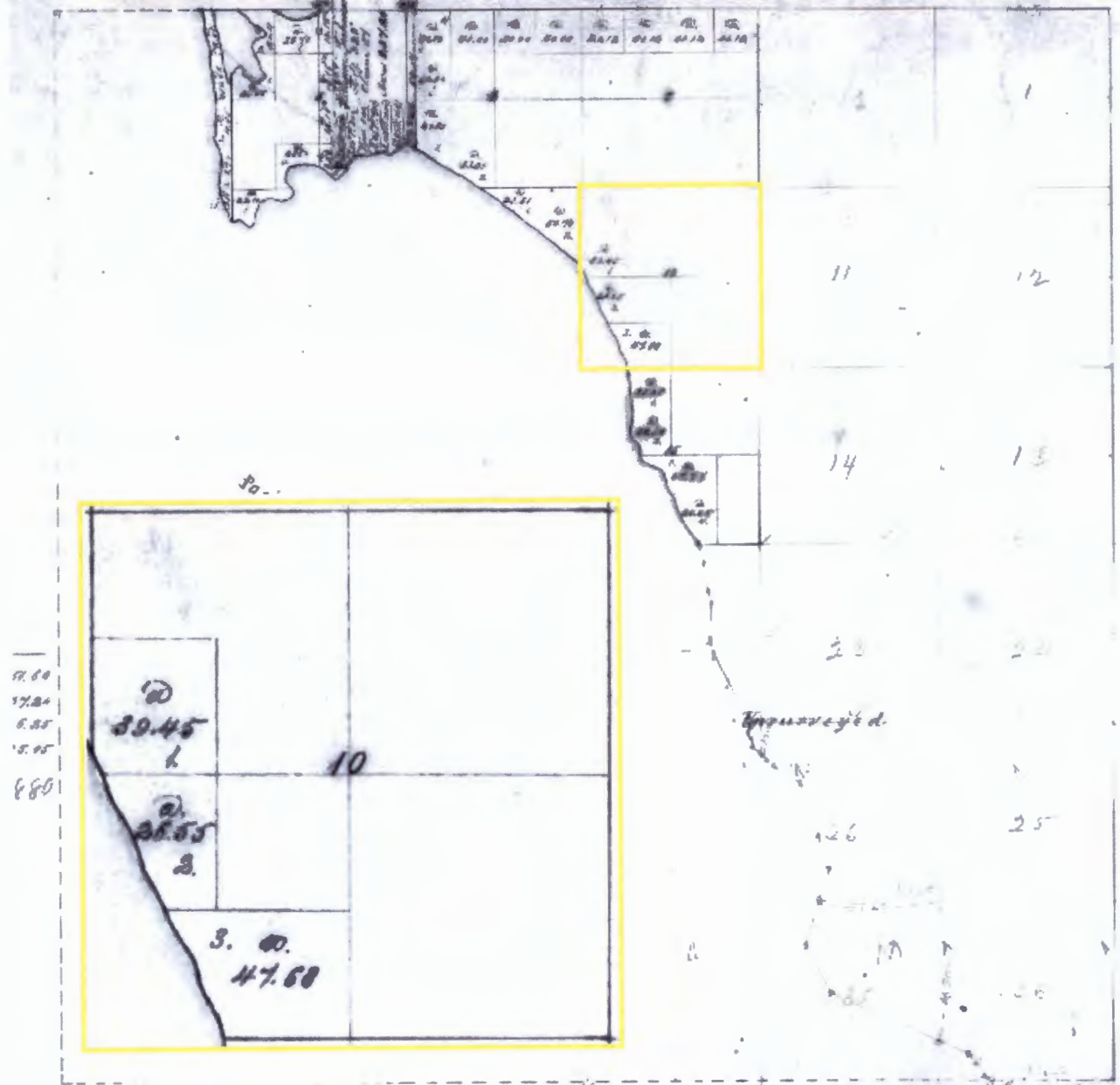
(12.25) Acreage is part of a transfer and has not been
proven up on yet (inchoate)

[12.25] Acreage has been
suspended

* Acreage is not
specified

Township No 33 South, Range No 10 West, Willamette Meridian.

1739



The above Map of Claims on Township No 33 South, Range No 10 West, Willamette Meridian, Oregon, is hereby forwarded to the field the records thereof on file in this Office, which have been examined on Oregon General Office.
Eugene, Ore., December 23rd 1902

Pump Capacity Calculator

using Department designed formula:

$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>0.75</u>
Efficiency =	<u>7.04</u>
Lift =	<u>90</u>
PSI =	<u>50</u>

Results Calculated

(hp)(efficiency) =	5.28
Head based on psi =	127.0
Total dynamic head =	217.0
(head + lift)	

Pump Capacity = 0.024 cubic feet per second

Checklist for Claims of Beneficial Use Received At Customer Service Counter

Date Received 7/17/14 CWRE Corey M. Woodruff

By Joan

File Marked yes

Claim Logged

Application # S-81461 \$175.00 Fee

Transfer # \$175.00 Fee if priority date is after July 9, 1987.

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☐ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee or transfer holder (OAR 690-014-0100)

Accept CBU as signed
Notify Gary Robertson
that signature is needed

Or, he will need to submit a new claim and
pay the \$175 CBA Fee. JC 7/24/13

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming 0.1 cfs or less**



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

RECEIVED BY OWRD

JUL 17 2014

SALEM, OR

**A fee of \$175 must accompany this form for permits
with priority dates after July 8, 1987.**

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
S-81461	S-53165	

SECTION 3

CLAIM DESCRIPTION

1. POD source and, if from surface water, the tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD	An unnamed stream	Pacific Ocean

2. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD	Domestic use for three households including 1/2 acre irrigation for lawn & garden for each	Lawn & Garden	Year – Round	0.02 cfs
Total Quantity of Water Used				0.02 cfs

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the place of use:

The point of diversion is a 4.5 ft. diameter, concrete cistern which is adjacent to a swampy ravine. The cistern contains a 3/4 HP submersible pump. From the cistern, water is pumped through approximately 450 feet of 1" PVC pipe to a storage building which contains two 3500-gallon poly tanks and a 119-gallon pressure tank. Water from the cistern enters the first tank, which acts as a settling tank. From the first tank, water gravity feeds to the second tank. This second tank contains a 2 HP submersible pump. From the tank, water is pumped to a manifold through 2" PVC pipe. From the manifold, water is supplied to each household via separate 1" PVC pipes. Both tanks contain ozone generators and the two separate household supplies have in-line UV filters. Irrigation for lawn and garden is provided using hand watering, portable sprinklers and approximately 36 underground sprinklers in landscaped areas.

Water is provided to the greenhouse and garden by hand lines run from a hose bib.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

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4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below.

YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

The permit allowed for domestic use for three households. Currently only two separate households, one owned by Wales and one owned by Robertson, utilize the water. However, water is supplied to and used on a third parcel owned by Wales which contains a greenhouse and garden area.

Per the permit, place of use is noted as the SW 1/4 NW 1/4 of Section 10. It appears that it should read Government Lot 1 of Section 10.

5. Claim Summary:

POD/POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD	.02 cfs	.02 cfs	n/a	Domestic use for three households & 1/2 acres of lawn-garden irrigation for each	0.5	0.3

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SALEM, OR

SECTION 4
SYSTEM DESCRIPTION

Are there multiple PODs?

NO

If "YES" you will need to copy and complete Sections 4B through 4E for each POD.

POD Name or Number this section describes (only needed if there is more than one):

POD

A. Place of Use

Attach Claim of Beneficial Use map.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 5 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Unknown	Unknown	Unknown	Submersible

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
3/4	50	0	90 feet	0.02 cfs

4. Provide pump calculations:

See attached pump calculation sheet

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
n/a			

Reminder: For pump calculations use the reference information at the end of this document.

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6. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)

Reminder: For sprinkler output determination use the reference information at the end of this document.

7. Additional notes or comments related to the system:

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

YES

Bulge in System / Reservoir

NO

Complete appropriate table(s), unused table may be deleted.

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Two Poly tanks	3500 gal. each	Above

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
n/a		

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Provide description and calculations if necessary:

n/a

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SALEM, OR

SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	May 28, 1997		
BEGIN CONSTRUCTION (A)	May 28, 1998	August, 1996	Began system construction. This date is estimated by the current owner who purchased the property after the system was developed.
COMPLETE CONSTRUCTION (B)	October 1, 2001	August, 1998	Completed system construction. This date is estimated by the current owner who purchased the property after the system was developed.
COMPLETE APPLICATION OF WATER (C)	October 1, 2001	August, 1998	Completed application of water. This date is estimated by the current owner who purchased the property after the system was developed.

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

NO

If "NO", items 3b through 3f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

If "NO", item 4b relating to this section may be deleted.

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

NO

If "NO", items 5b through 5e relating to this section may be deleted.

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6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items 6b and 6c relating to this section may be deleted.

7. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed?

NO

b. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

n/a

SECTION 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Pump calculation sheet	Cistern pump capacity calculations

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The point of diversion was tied to several monuments shown on Curry County Partition Plat 1991-46 via a total station traverse. The position of the Center 1/4 corner of Section 10 was calculated based on dimensions provided on said Partition.

The point of diversion bears North 79°41'49" West 1228 feet from this Center 1/4.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☐ Map on polyester film.
- ☐ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☐ Township, Range, Section, Donation Land Claims, and Government Lots
- ☐ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☐ Locations of meters and/or measuring devices in relationship to point of diversion
- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☐ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☐ Tax lot boundaries and numbers
- ☐ Source illustrated if surface water
- ☐ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☐ Application and permit number or transfer number
- ☐ North arrow
- ☐ Legend
- ☐ CWRE stamp and signature

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Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 0.75
Efficiency = 7.04
Lift = 90
PSI = 50

Results Calculated

$(hp)(\text{efficiency}) = 5.28$
Head based on psi = 127.0
Total dynamic head = 217.0
(head + lift)

Pump Capacity = 0.02 feet per second

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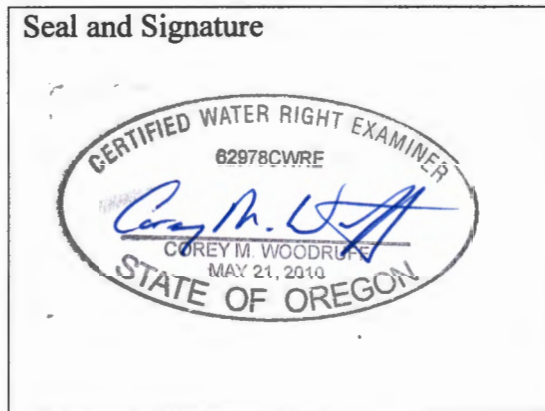
JUL 17 2014

SALEM, OR

SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Corey M. Woodruff		PHONE NO. 541-267-2872	ADDITIONAL CONTACT NO.
ADDRESS PO Box 118			
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL

Permit Holder's of Record Signature or Acknowledgement

***Each** permit holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Michael Wales	Owner/USER	7/15/14
	Gary Robertson		

RECEIVED BY OWRD

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Michael Wales		PHONE No. 541-332-0358	ADDITIONAL CONTACT No.
ADDRESS PO Box 45			
CITY Port Orford	STATE OR	ZIP 97465	E-MAIL
APPLICANT/BUSINESS NAME Gary Robertson		PHONE No.	ADDITIONAL CONTACT No.
ADDRESS PO Box 121			
CITY Port Orford	STATE OR	ZIP 97465	E-MAIL

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. **Each** permit holder of record must sign this form.

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD David Kelly (original permit holder prior to assignments)		
ADDRESS 18173 Road 400		
CITY Madera	STATE CA	ZIP 93638

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **February 28, 2014**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Mike Wales	6/3/14	Water user

6. County: **Curry**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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**SECTION 2
SIGNATURES**

NOV 07 2014

SALEM, OR

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

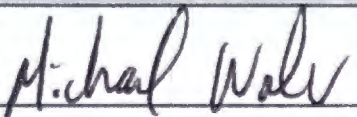
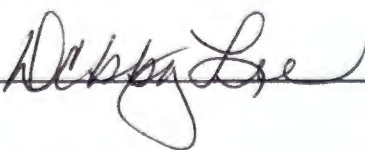


CWRE NAME Corey M. Woodruff		PHONE No. 541-267-2872	ADDITIONAL CONTACT No.
ADDRESS PO Box 118			
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL

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SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Michael Wales	Owner/USER	7/15/14
	Gary Robertson		
	Debby Lee	owner/user	7/15/14

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SALEM, OR

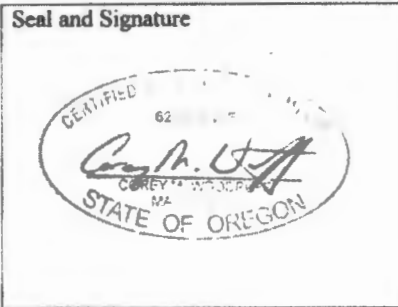
WR

SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature



CWRE NAME Corey M. Woodruff		PHONE NO. 541-267-2872	ADDITIONAL CONTACT NO.
ADDRESS PO Box 118			
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL

Permit Holder's of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Michael Wales	OWNER/USER	7/15/14
	Gary Robertson		
	Debby Lee	owner/user	7/15/14
			RECEIVED BY OWRD

CLARK Gerry E

From: Mike Wales <mike@windwhisper.us>
Sent: Tuesday, November 04, 2014 6:09 PM
To: CLARK Gerry E
Subject: Re: Application S-81461, Permit S-53165 - Signature needed
Attachments: LEE Wales Water Rights Sig pg.jpg

Hi Gerry,
Here is the signed doc you sent to us.

Let me know if you have any problem with it.

I will put the original into the mail tomorrow.

Mike Wales
541-332-0358

On November 4, 2014 at 9:40 AM CLARK Gerry E <gerald.e.clark@state.or.us> wrote:

Mike,

I have attached a copy of the of the signature page for Debra to sign. As we discussed, I would like her original signature for the file.

As it relates to "Domestic" use, here is the definition from our rules:

OAR 690-300-0010(14) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811



Oregon

John A. Kitzhaber, MD, Governor

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

November 14, 2014

**MICHAEL WALES
PO BOX 45
PORT ORFORD OR 97465**

On July 17, 2014 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-81461 Permit S-53165

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

Customer Service phone: (503) 986-0801

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items 6b and 6c relating to this section may be deleted.

7. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed?

NO

b. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

n/a

SECTION 6 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Pump calculation sheet	Cistern pump capacity calculations

SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The point of diversion was tied to several monuments shown on Curry County Partition Plat 1991-46 via a total station traverse. The position of the Center 1/4 corner of Section 10 was calculated based on dimensions provided on said Partition.

The point of diversion bears North 79°40'40" West 1228 feet from this Center 1/4.

Revised
10-19-17
D. J. [Signature]

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OCT 19 2017

OWRD

WR

NOV 07 2014

SECTION 2 SIGNATURES

SALEM, OR

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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DEC 11 2017

SALEM, OR

CWRE NAME Corey M. Woodruff		PHONE No. 541-267-2872	ADDITIONAL CONTACT No.
ADDRESS PO Box 118			
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL

Permit Holder's of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Michael Wales	OWNER/USER	7/15/14
	Gary Robertson	OWNER/USER	12/8/2017
	Debby Lee	owner/user	1 Jan 14
			RECEIVED BY OWRD

JUL 17 2014

SALEM, OR

December 8, 2017

Oregon Water Resources Department
Attention: Mary Bjork
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Application S-81461, Permit S-53165

Mary and Staff:

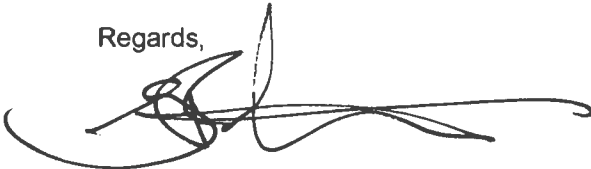
I am writing this letter to request that the Department reconsider the proposed certificate that was mailed to me on November 21, 2017, and that you accept the submitted Claim of Beneficial Use, prepared by Corey Woodruff, CWRE, as acknowledgement of his findings.

An oversight was made on the original application where my signature was missing. My residence was the first built in the entire sub-division and I have been using the water from this system since 2002.

Should you need any additional information or have questions, please do not hesitate to contact me directly via phone (206-295-6211) or email (gary@edoba.net).

Thank you in advance for your attention to this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Gary A. Robertson', with a long horizontal flourish extending to the right.

Gary A. Robertson

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DEC 11 2017

SALEM, OR

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming 0.1 cfs or less**



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

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JUL 17 2014

**A fee of \$175 must accompany this form for permits
with priority dates after July 8, 1987.**

SALEM, OR

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
S-81461	S-53165	

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SALEM, OR

SECTION 3

CLAIM DESCRIPTION

1. POD source and, if from surface water, the tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD	An unnamed stream	Pacific Ocean

2. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD	Domestic use for three households including 1/2 acre irrigation for lawn & garden for each	Lawn & Garden	Year – Round	0.02 cfs
Total Quantity of Water Used				0.02 cfs

3. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the place of use:

The point of diversion is a 4.5 ft. diameter, concrete cistern which is adjacent to a swampy ravine. The cistern contains a 3/4 HP submersible pump. From the cistern, water is pumped through approximately 450 feet of 1" PVC pipe to a storage building which contains two 3500-gallon poly tanks and a 119-gallon pressure tank. Water from the cistern enters the first tank, which acts as a settling tank. From the first tank, water gravity feeds to the second tank. This second tank contains a 2 HP submersible pump. From the tank, water is pumped to a manifold through 2" PVC pipe. From the manifold, water is supplied to each household via separate 1" PVC pipes. Both tanks contain ozone generators and the two separate household supplies have in-line UV filters. Irrigation for lawn and garden is provided using hand watering, portable sprinklers and approximately 36 underground sprinklers in landscaped areas.

Water is provided to the greenhouse and garden by hand lines run from a hose bib.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

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SALEM, OR

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JUL 17 2014

SALEM, OR

WR

4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **YES**

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

The permit allowed for domestic use for three households. Currently only two separate households, one owned by Wales and one owned by Robertson, utilize the water. However, water is supplied to and used on a third parcel owned by Wales which contains a greenhouse and garden area.

Per the permit, place of use is noted as the SW 1/4 NW 1/4 of Section 10. It appears that it should read Government Lot 1 of Section 10.

5. Claim Summary:

POD/POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD	.02 cfs	.02 cfs	n/a	Domestic use for three households & 1/2 acres of lawn-garden irrigation for each	0.5	0.3

RECEIVED BY OWRD

DEC 11 2017

SALEM, OR

RECEIVED BY OWRD

JUL 17 2014

SALEM, OR

SECTION 4
SYSTEM DESCRIPTION

Are there multiple PODs?

NO

If "YES" you will need to copy and complete Sections 4B through 4E for each POD.

POD Name or Number this section describes (only needed if there is more than one):

RECEIVED BY OWRD

POD

DEC 11 2017

A. Place of Use

Attach Claim of Beneficial Use map.

SALEM, OR

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 5 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Unknown	Unknown	Unknown	Submersible

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
3/4	50	0	90 feet	0.02 cfs

4. Provide pump calculations:

See attached pump calculation sheet

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
n/a			

Reminder: For pump calculations use the reference information at the end of this document.

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6. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)

Reminder: For sprinkler output determination use the reference information at the end of this document.

7. Additional notes or comments related to the system:

--

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

YES

Bulge in System / Reservoir

NO

Complete appropriate table(s), unused table may be deleted.

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Two Poly tanks	3500 gal. each	Above

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
n/a		

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

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E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Provide description and calculations if necessary:

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n/a

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SECTION 5
CONDITIONS

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All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

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1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	May 28, 1997		
BEGIN CONSTRUCTION (A)	May 28, 1998	August, 1996	Began system construction. This date is estimated by the current owner who purchased the property after the system was developed.
COMPLETE CONSTRUCTION (B)	October 1, 2001	August, 1998	Completed system construction. This date is estimated by the current owner who purchased the property after the system was developed.
COMPLETE APPLICATION OF WATER (C)	October 1, 2001	August, 1998	Completed application of water. This date is estimated by the current owner who purchased the property after the system was developed.

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

NO

If "NO", items 3b through 3f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

If "NO", item 4b relating to this section may be deleted.

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

NO

If "NO", items 5b through 5e relating to this section may be deleted.

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6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items 6b and 6c relating to this section may be deleted.

7. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed?

NO

b. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

n/a

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SECTION 6

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ATTACHMENTS

SALEM, OR

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Pump calculation sheet	Cistern pump capacity calculations

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The point of diversion was tied to several monuments shown on Curry County Partition Plat 1991-46 via a total station traverse. The position of the Center 1/4 corner of Section 10 was calculated based on dimensions provided on said Partition.

The point of diversion bears North 79°41'49" West 1228 feet from this Center 1/4.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☐ Map on polyester film.
- ☐ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☐ Township, Range, Section, Donation Land Claims, and Government Lots
- ☐ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☐ Locations of meters and/or measuring devices in relationship to point of diversion
- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☐ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☐ Tax lot boundaries and numbers
- ☐ Source illustrated if surface water
- ☐ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☐ Application and permit number or transfer number
- ☐ North arrow
- ☐ Legend
- ☐ CWRE stamp and signature

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Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 0.75
Efficiency = 7.04
Lift = 90
PSI = 50

Results Calculated

$(hp)(\text{efficiency}) = 5.28$
Head based on psi = 127.0
Total dynamic head = 217.0
(head + lift)

Pump Capacity = 0.02 feet per second

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JUL 17 2014

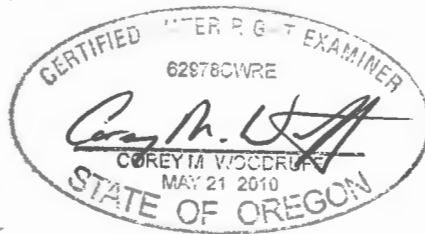
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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature



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DEC 11 2017

SALEM, OR

CWRE NAME Corey M. Woodruff		PHONE NO. 541-267-2872	ADDITIONAL CONTACT NO.
ADDRESS PO Box 118			
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL

Permit Holder's of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Michael Wales</i>	Michael Wales	<i>Owner/user</i>	<i>7/15/14</i>
	Gary Robertson		
		RECEIVED BY OWRD	

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Michael Wales		PHONE NO. 541-332-0358	ADDITIONAL CONTACT NO.
ADDRESS PO Box 45			
CITY Port Orford	STATE OR	ZIP 97465	E-MAIL
APPLICANT/BUSINESS NAME Gary Robertson		PHONE NO. 266-295-6211	ADDITIONAL CONTACT NO.
ADDRESS PO Box 121			
CITY Port Orford	STATE OR	ZIP 97465	E-MAIL GARY@EDORA.NET

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. Each permit holder of record must sign this form.

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD David Kelly (original permit holder prior to assignments)		
ADDRESS 18173 Road 400		
CITY Madera	STATE CA	ZIP 93638

ADDITIONAL PERMIT HOLDER OF RECORD			RECEIVED BY OWRD
ADDRESS			DEC 11 2017
CITY	STATE	ZIP	SALEM, OR

4. Date of Site Inspection: **February 28, 2014**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Mike Wales	6/3/14	Water user

6. County: **Curry**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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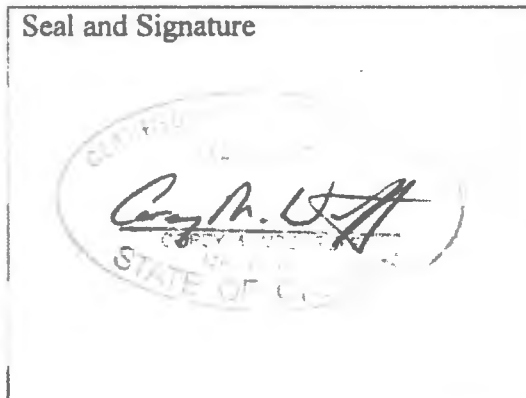
SECTION 2 SIGNATURES

NOV 07 2014

SALEM, OR

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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DEC 11 2017

SALEM, OR

CWRE NAME Corey M. Woodruff		PHONE NO. 541-267-2872	ADDITIONAL CONTACT NO.
ADDRESS PO Box 118			
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL

Permit Holder's of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Michael Wales	OWNER/USER	7/15/14
	Gary Robertson	OWNER/USER	12/8/2017
	Debby Lee	owner/user	1 Jan 14
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JUL 17 2014

SALEM, OR

WR

CLAIM OF BENEFICIAL USE MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 10,
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY, OREGON
APPLICATION S-81461, PERMIT S-53165

DEC 11 2017

SALEM, OR



SURVEY METHOD:

THE POINT OF DIVERSION WAS TIED BY TOTAL STATION TRAVERSE TO THE MONUMENTS SHOWN PER CURRY COUNTY PARTITION PLAT 1991-46. THE POSITION OF THE CENTER 1/4 CORNER OF SECTION 10 WAS CALCULATED BASED ON DIMENSIONS SHOWN PER SAID PARTITION.

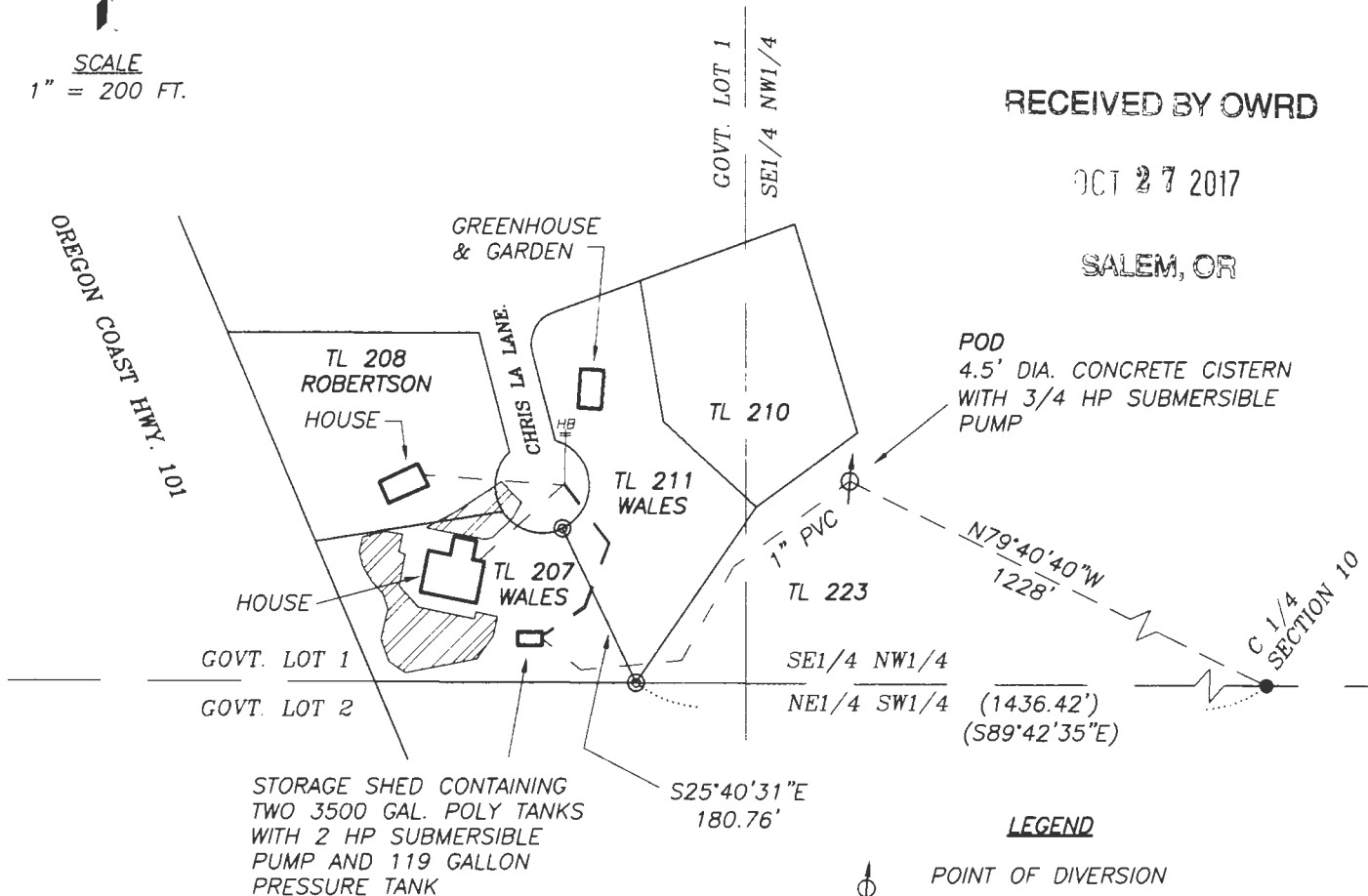
SCALE

1" = 200 FT.

RECEIVED BY OWRD

OCT 27 2017

SALEM, OR



LEGEND

- POINT OF DIVERSION
- 1" PVC PIPE
- FOUND MONUMENT PER PARTITION PLAT 1991-46
- CALCULATED POSITION
- HOSE BIB
- IRRIGATED AREA = 0.3 ACRES
- () RECORD DIMENSION PER PARTITION PLAT 1991-46

NOTE:

THE POINT OF DIVERSION BEARS NORTH 79°40'40" WEST 1228 FEET FROM THE CENTER 1/4 CORNER OF SECTION 10.

EXAMINER'S DISCLAIMER STATEMENT

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



Stuntzner
Engineering
& Forestry, LLC

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

PHONE: (541) 267-2872
FAX: (541) 267-0588
www.stuntzner.com

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

JOB #: 114-012

DATE: rev. 10-18-17

DRAWN BY: CMW

CHECKED BY: CMW

PREPARED

FOR:

Mike Wales
Port Orford, Oregon

FILE NAME: 114-012 Wales COBU_2017.dwg

SHEET 1 OF 1



Oregon
Kate Brown, Governor

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

November 28, 2017

GARY ROBERTSON
PO BOX 121
PORT ORFORD OR 97465

RE: Application S-81461, Permit S-53165

Gary Robertson,

Please find enclosed, a copy of the Claim of Beneficial Use (CBU), received July 17, 2014, for Application S-81461, Permit S-53165.

Per our discussion, please return the copy of the CBU to the Department with your signature, and a cover letter stating that you are requesting that the Department reconsider the proposed certificate, mailed on November 21, 2017, and accept the submitted CBU, prepared by CWRE, Corey Woodruff, as acknowledgement of his findings.

Please mail to the Department as Attention: Mary Bjork, and do not hesitate to contact me, at Mary.F.Bjork@oregon.gov or (503) 986-0804, if I may be of assistance.

Sincerely,

Mary Bjork
Certificate Specialist
Water Rights Services Division

enclosures: Claim of Beneficial Use (Copy)

cc: File
Corey Woodruff, CWRE

Mailing List for Proposed Certificate

Application: S-81461

Permit: S-53165

Certificate:

Permit/Certificate Holder:

MICHAEL WALES
DEBRA LEE
PO BOX 45
PORT ORFORD OR 97465

Copies Mailed

by: CH
(STAFF)

on: 11/21/17
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District #: 19
- ~~2. Water Availability~~
- ~~3. Vault~~
4. File

Other persons to receive copies: (include map):

1. COREY WOODRUFF, CWRE
STUNTZNER ENGINEERING & FORESTRY, LLC
2. EXCLUDED LANDOWNER – TAXLOT – 3315-10B-00208-00

GARY ROBERTSON
PO BOX 121
PORT ORFORD OR 97465



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED: NOV 21 2017

NOTICE

Reference: Application S-81461 Permit S-53165

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any other questions please contact Mary Bjork at 503-986-0804.

Sincerely,

Dwight French
Water Right Services Administrator



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED: NOV 21 2017

NOTICE

Excluded Landowners

33S15W10B-00208-00

GARY ROBERTSON

PO BOX 121

PORT ORFORD OR 97465

Reference: Permit S-53165 Application S-81461

Enclosed is a proposed certificate of water right and map(s) for domestic use developed under the above referenced permit. *The proposed certificate does not identify any use developed on lands under your ownership because the Claim did not include your signature.* The map(s) and proposed certificate represent the extent water was used within the terms and conditions of the permit based upon a Claim of Beneficial Use (Claim) prepared by a Certified Water Right Examiner.

A copy of the County Assessor's map is attached and has been marked to indicate the location of the tax lots as identified on the Claim map. In addition, a copy of the original application map is attached for your reference. The code above your name and address is the tax map and tax lot identification number for your property and corresponds to the County Assessor's map referred to above. For example:

33S15W10B-00208-00 Highlighted portion of the code is the map number.

33S15W10B-00208-00 Highlighted portion of the code is the tax lot number.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificate or maps, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate or maps.

If you agree with the proposed certificate and maps, no response to this notice is required. The final certificate will not identify your lands as having developed a water right under this permit. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If you have any questions please contact Mary Bjork at 503-986-0804.

Sincerely,

Dwight French
Administrator
Water Rights Division

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MICHAEL WALES
DEBRA LEE
PO BOX 45
PORT ORFORD OR 97465

confirms the right to the use of water perfected under the terms of Permit S-53165. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-81461

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA FOR EACH

MAXIMUM RATE/VOLUME ALLOWED: 0.02 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 26, 1996

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
33 S	15 W	WM	10	SE NW	1	NORTH 79 DEGREES 40 MINUTES 40 SECONDS WEST, 1228 FEET FROM C1/4, SECTION 10

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
33 S	15 W	WM	10	SW NW	1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

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

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

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

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued

PROPOSED

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

CLAIM OF BENEFICIAL USE MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 10,
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY, OREGON
APPLICATION S-81461, PERMIT S-53165



SCALE
1" = 200 FT.

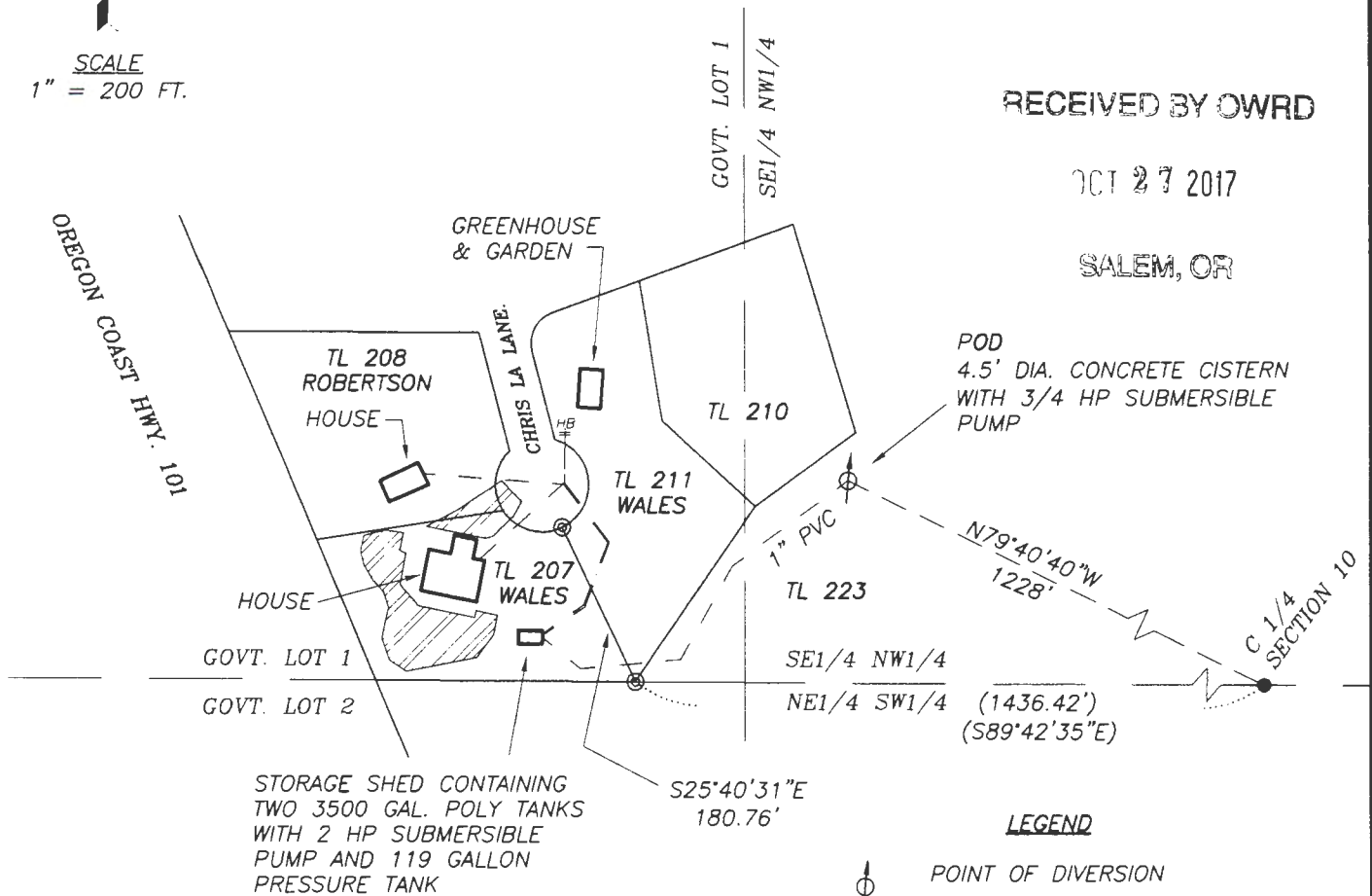
SURVEY METHOD:

THE POINT OF DIVERSION WAS TIED BY TOTAL STATION TRAVERSE TO THE MONUMENTS SHOWN PER CURRY COUNTY PARTITION PLAT 1991-46. THE POSITION OF THE CENTER 1/4 CORNER OF SECTION 10 WAS CALCULATED BASED ON DIMENSIONS SHOWN PER SAID PARTITION.

RECEIVED BY OWRD

OCT 27 2017

SALEM, OR



LEGEND

- POINT OF DIVERSION
- 1" PVC PIPE
- FOUND MONUMENT PER PARTITION PLAT 1991-46
- CALCULATED POSITION
- HOSE BIB
- IRRIGATED AREA = 0.3 ACRES
- RECORD DIMENSION PER PARTITION PLAT 1991-46

NOTE:

THE POINT OF DIVERSION BEARS NORTH 79°40'40" WEST 1228 FEET FROM THE CENTER 1/4 CORNER OF SECTION 10.

EXAMINER'S DISCLAIMER STATEMENT

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



Stuntzner

Engineering & Forestry, LLC

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

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

PHONE: (541) 267-2872

FAX: (541) 267-0588

www.stuntzner.com

JOB #: 114-012

DATE: rev. 10-18-17

DRAWN BY: CMW

CHECKED BY: CMW

PREPARED

FOR:

Mike Wales
Port Orford, Oregon

FILE NAME: 114-012 Wales COBU_2017.dwg

SHEET 1 OF 1

Corey Woodruff

From: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Sent: Monday, October 23, 2017 7:34 AM
To: Corey Woodruff
Cc: BJORK Mary F * WRD
Subject: RE: CBU Map File S-81461 Permit S-53165

Hi Corey,

Thanks for the revisions, everything looks to be in order now. Please send the revised mylar map to the Department as Attention: Mary Bjork.

Sincerely,

Mary

Mary Bjork | Certificate Specialist, Water Rights Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: Corey Woodruff [<mailto:woodruffc@stuntzner.com>]
Sent: Thursday, October 19, 2017 11:23 AM
To: BJORK Mary F * WRD
Subject: RE: CBU Map File S-81461 Permit S-53165

Hello Mary,

Attached are the revised COBU Map and Report page. I'll have the mylar map sent out to you.

Please let me know if you need anything else.

Thank you,

Corey Woodruff, PLS, CFedS, CWRE
Stuntzner Engineering & Forestry, LLC
2318-B Pacific Avenue, Forest Grove, OR 97116
PH: 503-357-5717 | coreywoodruff@stuntzner.com

From: BJORK Mary F * WRD [<mailto:Mary.F.Bjork@oregon.gov>]
Sent: Wednesday, October 04, 2017 3:14 PM
To: Corey Woodruff
Cc: BJORK Mary F * WRD
Subject: CBU Map File S-81461 Permit S-53165

Hi Corey,

I have completed my review of the referenced CBU that you submitted for Michael Wales and Debra Lee, received July 17, 2014.

CLAIM OF BENEFICIAL USE MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 10,
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY, OREGON
APPLICATION S-81461, PERMIT S-53165



SCALE
1" = 200 FT.

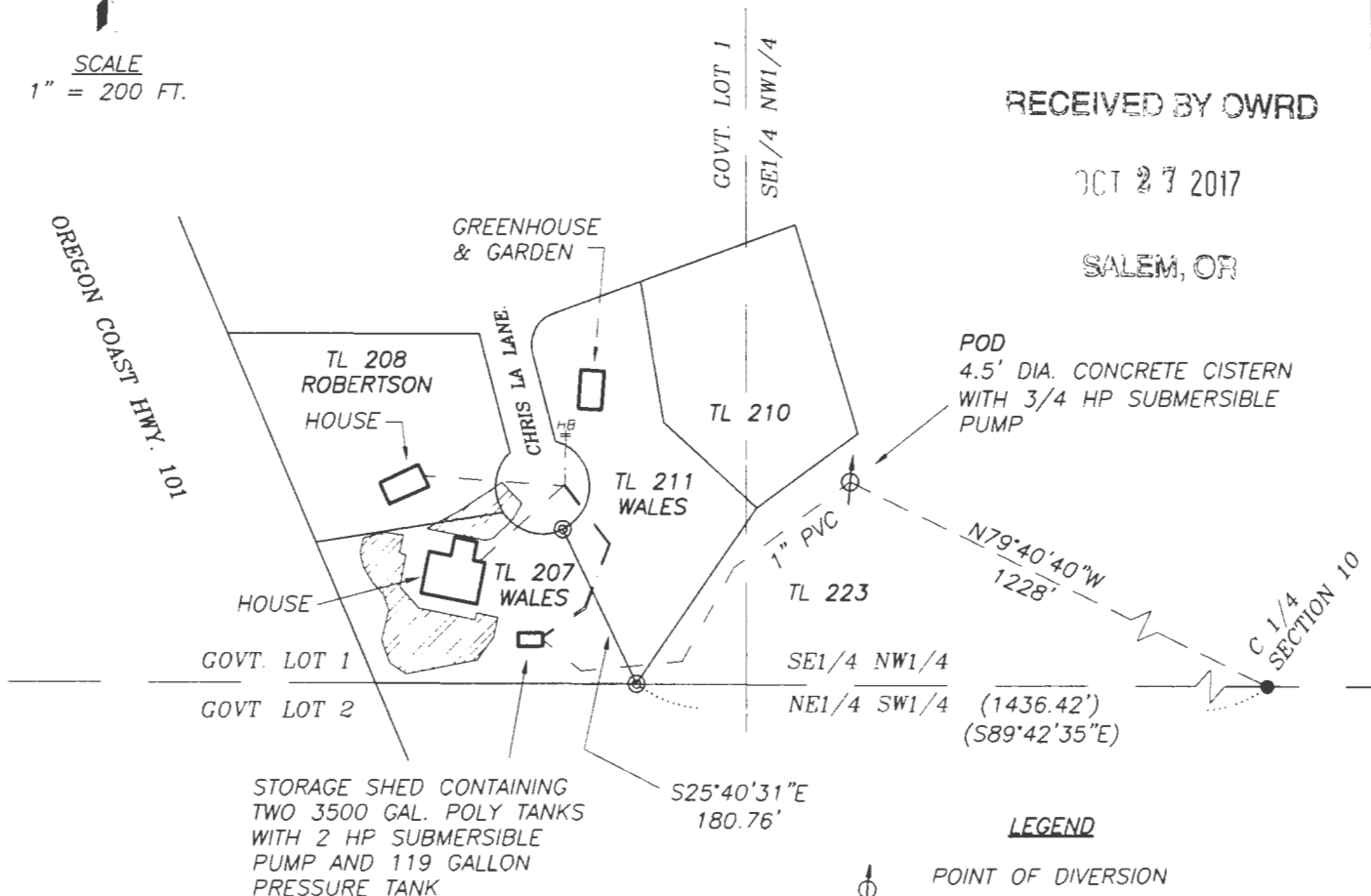
SURVEY METHOD:

THE POINT OF DIVERSION WAS TIED BY TOTAL STATION TRAVERSE TO THE MONUMENTS SHOWN PER CURRY COUNTY PARTITION PLAT 1991-46. THE POSITION OF THE CENTER 1/4 CORNER OF SECTION 10 WAS CALCULATED BASED ON DIMENSIONS SHOWN PER SAID PARTITION.

RECEIVED BY OWRD

OCT 27 2017

SALEM, OR



LEGEND

- POINT OF DIVERSION
- 1" PVC PIPE
- FOUND MONUMENT PER PARTITION PLAT 1991-46
- CALCULATED POSITION
- HOSE BIB
- IRRIGATED AREA = 0.3 ACRES
- RECORD DIMENSION PER PARTITION PLAT 1991-46

NOTE:

THE POINT OF DIVERSION BEARS NORTH 79°40'40" WEST 1228 FEET FROM THE CENTER 1/4 CORNER OF SECTION 10.

EXAMINER'S DISCLAIMER STATEMENT

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



Stuntzner

Engineering & Forestry, LLC

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

PHONE: (541) 267-2872
FAX: (541) 267-0588
www.stuntzner.com

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

JOB #: 114-012
DATE: rev. 10-18-17
DRAWN BY: CMW
CHECKED BY: CMW

PREPARED FOR:

Mike Wales
Port Orford, Oregon

FILE NAME: 114-012 Wales COBU 2017.dwg

SHEET 1 OF 1

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Monday, October 23, 2017 7:34 AM
To: Corey Woodruff
Cc: BJORK Mary F * WRD
Subject: RE: CBU Map File S-81461 Permit S-53165

Hi Corey,

Thanks for the revisions, everything looks to be in order now. Please send the revised mylar map to the Department as
Attention: Mary Bjork.

Sincerely,

Mary

Mary Bjork | Certificate Specialist Water Rights Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: Corey Woodruff [<mailto:woodruffc@stuntzner.com>]
Sent: Thursday, October 19, 2017 11:23 AM
To: BJORK Mary F * WRD
Subject: RE: CBU Map File S-81461 Permit S-53165

Hello Mary,

Attached are the revised COBU Map and Report page. I'll have the mylar map sent out to you.

Please let me know if you need anything else.

Thank you,

Corey Woodruff, PLS, CFedS, CWRE
Stuntzner Engineering & Forestry, LLC
2318-B Pacific Avenue, Forest Grove, OR 97116
PH: 503-357-5717 | coreywoodruff@stuntzner.com

From: BJORK Mary F * WRD [<mailto:Mary.F.Bjork@oregon.gov>]
Sent: Wednesday, October 04, 2017 3:14 PM
To: Corey Woodruff
Cc: BJORK Mary F * WRD
Subject: CBU Map File S-81461 Permit S-53165

Hi Corey,

I have completed my review of the referenced CBU that you submitted for Michael Wales and Debra Lee, received July 17, 2014.

I'm prepared to issue a proposed certificate, pending the following:

The CBU Map submitted identifies Coos County, instead of Curry County, and the Bearing and Distance for the Point of Diversion is listed twice with different coordinates as NORTH 79 DEGREES 40 MINUTES 40 SECONDS WEST, 1228 FEET FROM C1/4, SECTION 10 and NORTH 79 DEGREES 41 MINUTES 49 SECONDS WEST, 1228 FEET FROM C1/4, SECTION 10.

Attached for reference are pdfs of the permit, the CBU Map, and the CBU Report page that lists out the Bearing and Distance as NORTH 79 DEGREES 41 MINUTES 49 SECONDS WEST, 1228 FEET FROM C1/4, SECTION 10 .

I can revise the map if you can confirm which Bearing and Distance is accurate, but wanted to give you the opportunity to submit the revisions.

Please let me know how you would like to proceed.

Regards,

Mary

Mary Bjork | Certificate Specialist, Water Rights Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

CLAIM OF BENEFICIAL USE MAP

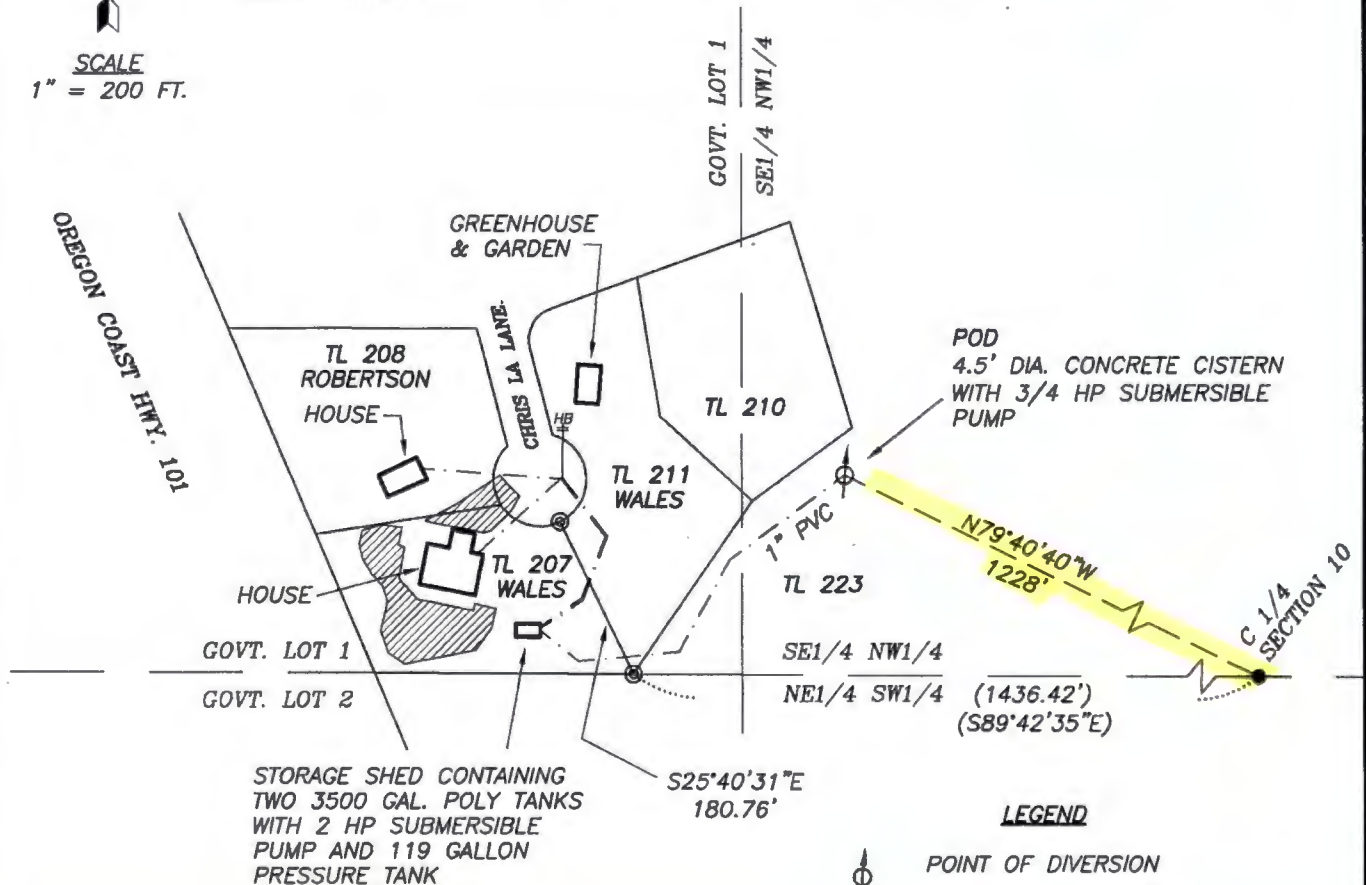
LOCATED IN THE NORTHWEST 1/4 OF SECTION 10,
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY, OREGON
APPLICATION S-81461, PERMIT S-53165



SCALE
1" = 200 FT.

SURVEY METHOD:

THE POINT OF DIVERSION WAS TIED BY TOTAL STATION TRAVERSE TO THE MONUMENTS SHOWN PER CURRY COUNTY PARTITION PLAT 1991-46. THE POSITION OF THE CENTER 1/4 CORNER OF SECTION 10 WAS CALCULATED BASED ON DIMENSIONS SHOWN PER SAID PARTITION.



LEGEND

- POINT OF DIVERSION
- 1" PVC PIPE
- FOUND MONUMENT PER PARTITION PLAT 1991-46
- CALCULATED POSITION
- HOSE BIB
- IRRIGATED AREA = 0.3 ACRES
- RECORD DIMENSION PER PARTITION PLAT 1991-46

NOTE:

THE POINT OF DIVERSION BEARS NORTH 79°40'40" WEST 1228 FEET FROM THE CENTER 1/4 CORNER OF SECTION 10.

EXAMINER'S DISCLAIMER STATEMENT

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



Stuntzner

Engineering
& Forestry, LLC

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PHONE: (541) 267-2872
FAX: (541) 267-0588
www.stuntzner.com

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

JOB #: 114-012

DATE: rev. 10-18-17

DRAWN BY: CMW

CHECKED BY: CMW

PREPARED
FOR:

Mike Wales
Port Orford, Oregon

FILE NAME: 114-012 Wales COBU_2017.dwg

SHEET 1 OF 1

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items 6b and 6c relating to this section may be deleted.

7. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed?

NO

b. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

n/a

SECTION 6 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Pump calculation sheet	Cistern pump capacity calculations

SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The point of diversion was tied to several monuments shown on Curry County Partition Plat 1991-46 via a total station traverse. The position of the Center 1/4 corner of Section 10 was calculated based on dimensions provided on said Partition.

The point of diversion bears North 79°40'40" West 1228 feet from this Center 1/4.

Revised
10-19-17
Amy

BJORK Mary F * WRD

From: Corey Woodruff <woodruffc@stuntzner.com>
Sent: Thursday, October 19, 2017 11:23 AM
To: BJORK Mary F * WRD
Subject: RE: CBU Map File S-81461 Permit S-53165
Attachments: COBU map rev 10-18-17.PDF; COBU page rev 10-18-17.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mary,

Attached are the revised COBU Map and Report page. I'll have the mylar map sent out to you.

Please let me know if you need anything else.

Thank you,

Corey Woodruff, PLS, CFedS, CWRE
Stuntzner Engineering & Forestry, LLC
2318-B Pacific Avenue, Forest Grove, OR 97116
PH: 503-357-5717 | coreywoodruff@stuntzner.com

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Sent: Wednesday, October 04, 2017 3:14 PM
To: Corey Woodruff
Cc: BJORK Mary F * WRD
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Please let me know how you would like to proceed.

Regards,

Mary

Mary Bjork | Certificate Specialist, Water Rights Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, October 04, 2017 3:14 PM
To: coreywoodruff@stuntzner.com
Cc: BJORK Mary F * WRD
Subject: CBU Map File S-81461 Permit S-53165
Attachments: Permit S-53165.pdf; CBU Map.pdf; CBU Report Page 9 of 15.pdf

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I'm prepared to issue a proposed certificate, pending the following:

The CBU Map submitted identifies Coos County, instead of Curry County, and the Bearing and Distance for the Point of Diversion is listed twice with different coordinates as NORTH 79 DEGREES 40 MINUTES 40 SECONDS WEST, 1228 FEET FROM C1/4, SECTION 10 and NORTH 79 DEGREES 41 MINUTES 49 SECONDS WEST, 1228 FEET FROM C1/4, SECTION 10.

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Regards,

Mary

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Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804 | Fax: 503.986.0901

Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

CLAIM OF BENEFICIAL USE MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 10,
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY, OREGON
APPLICATION S-81461, PERMIT S-53165



SCALE
1" = 200 FT.

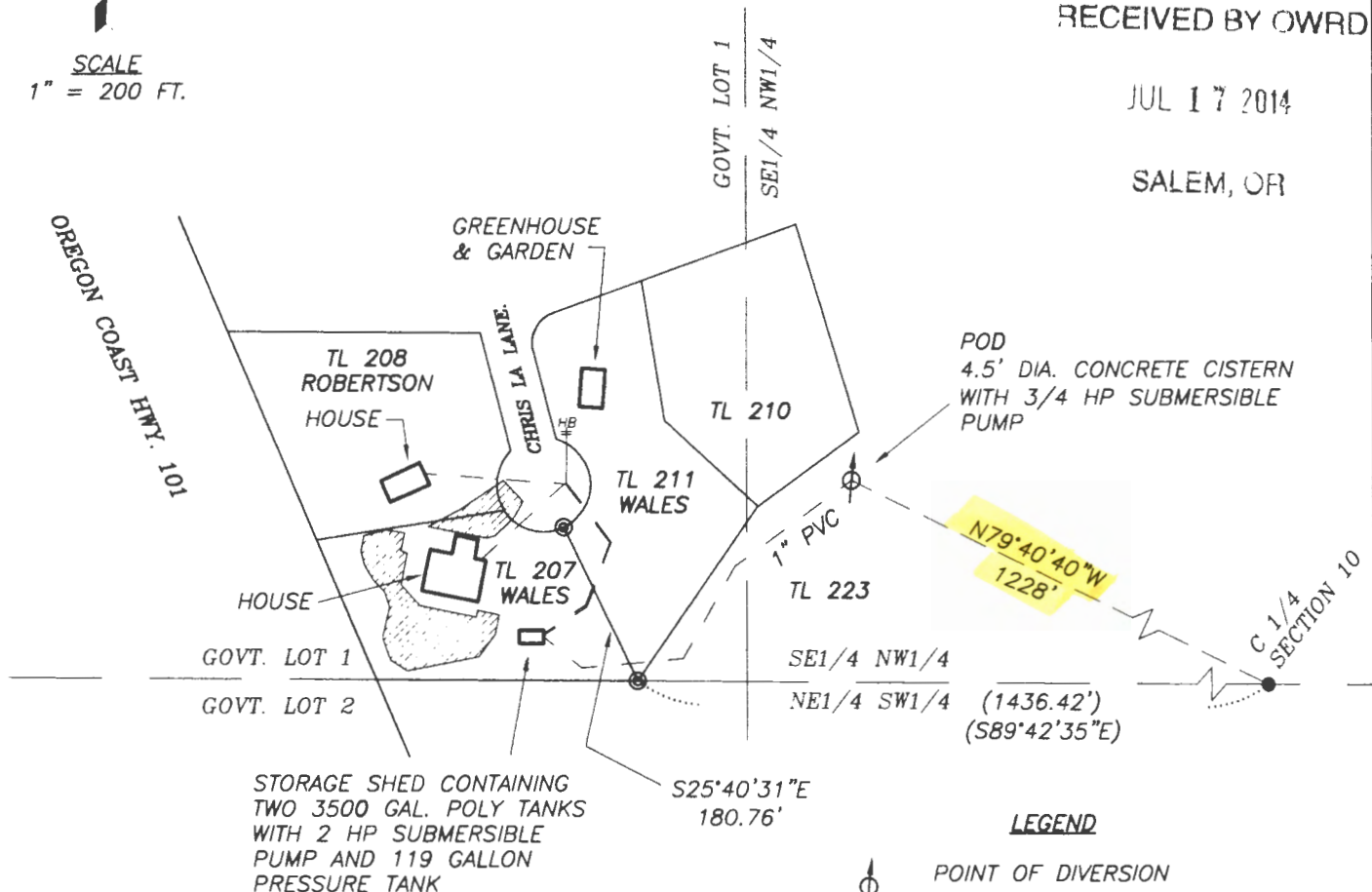
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RECEIVED BY OWRD

JUL 17 2014

SALEM, OR



LEGEND

- POINT OF DIVERSION
- 1" PVC PIPE
- FOUND MONUMENT PER PARTITION PLAT 1991-46
- CALCULATED POSITION
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- IRRIGATED AREA = 0.3 ACRES
- RECORD DIMENSION PER PARTITION PLAT 1991-46

NOTE:

THE POINT OF DIVERSION BEARS NORTH 79°41'49" WEST 1228 FEET FROM THE CENTER 1/4 CORNER OF SECTION 10.

EXAMINER'S DISCLAIMER STATEMENT

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Stuntzner

Engineering
& Forestry, LLC

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

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

PHONE: (541) 267-2872
FAX: (541) 267-0588
www.stuntzner.com

JOB #: 114-012

DATE: June 2014

DRAWN BY: CMW

CHECKED BY: CMW

PREPARED

FOR:

Mike Wales
Port Orford, Oregon

FILE NAME: 114-012 Wales COBU.dwg

SHEET 1 OF 1

Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items 6b and 6c relating to this section may be deleted.

7. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed? NO

b. Other conditions? NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

n/a

SECTION 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Pump calculation sheet	Cistern pump capacity calculations

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

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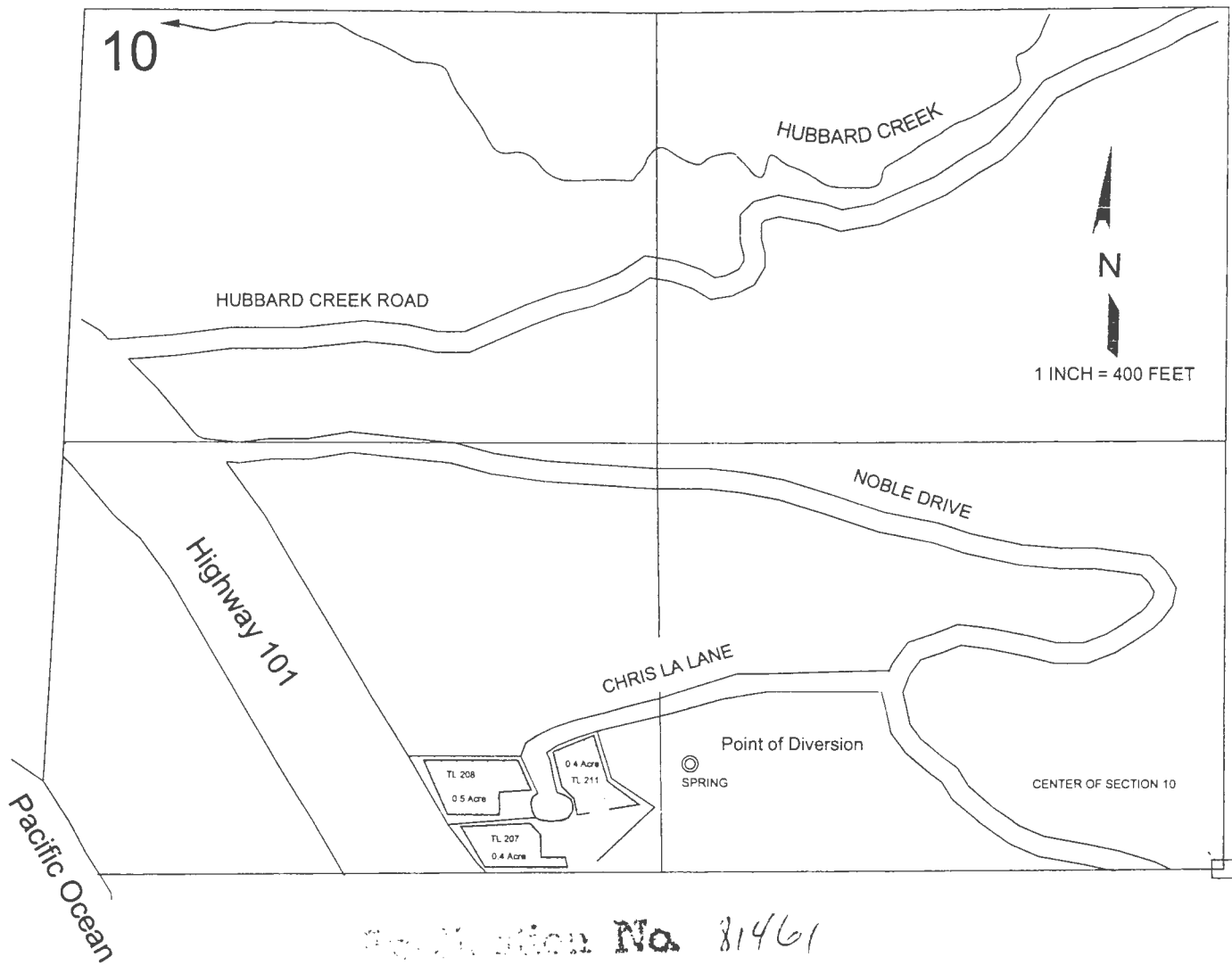
RECEIVED BY OWRD

APPLICATION MAP
IN THE NAME OF DAVID KELLY
SECTION 10, T 33 S, R 15 W, W.M.

RECEIVED

DEC 27 1996

WATER RESOURCES DEPT.
SALEM, OREGON



Application No. 81461
Permit No. 53165

THE POINT OF DIVERSION IS TO BE LOCATED 245 FEET NORTH AND 1,230 FEET WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

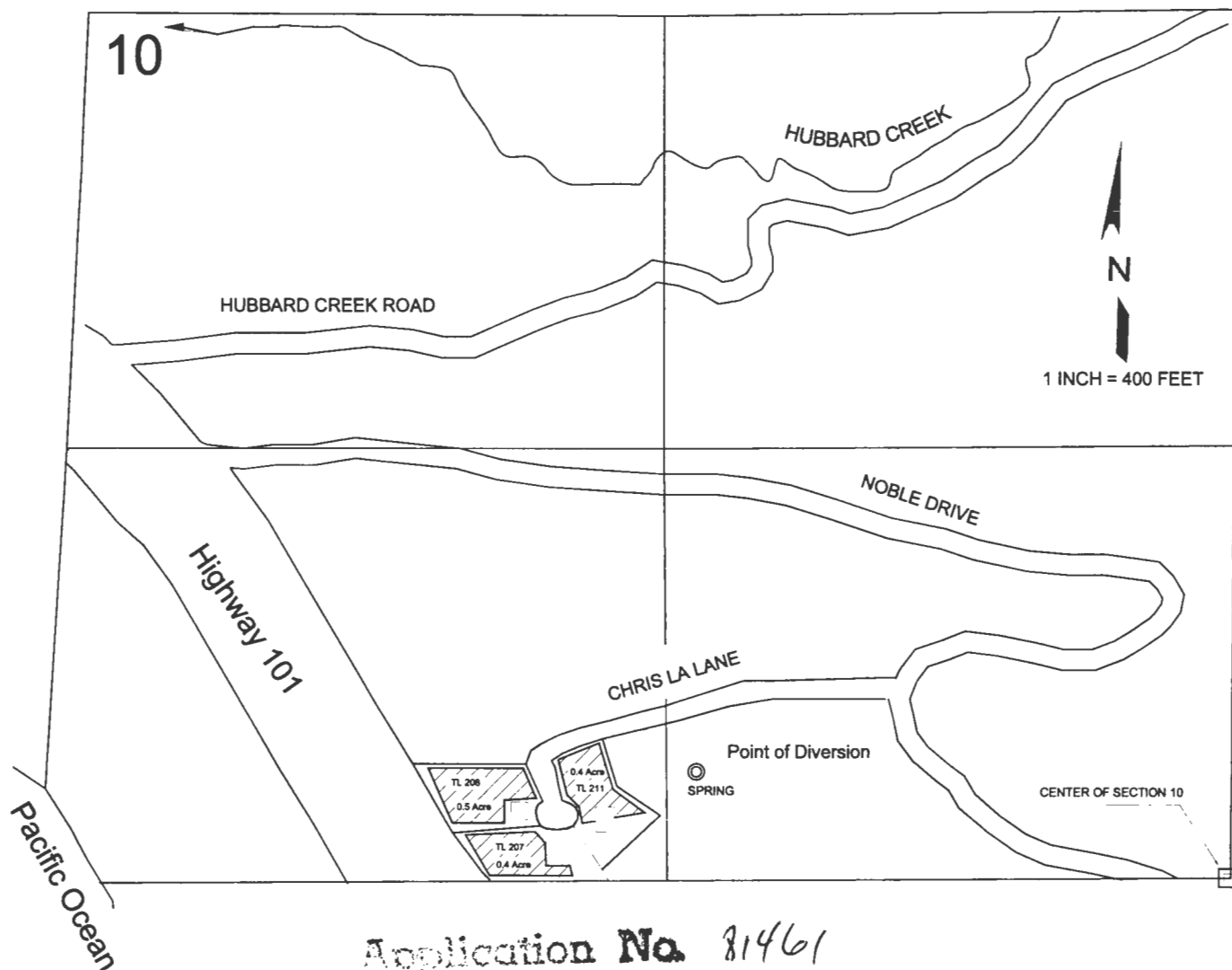
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT
IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF
PROPERTY OWNERSHIP BOUNDARY LINES

APPLICATION MAP
IN THE NAME OF DAVID KELLY
SECTION 10, T 33 S, R 15 W, W.M.

RECEIVED

DEC 27 1996

WATER RESOURCES DEPT.
SALEM, OREGON



Application No. 81461
Permit No. 53165

THE POINT OF DIVERSION IS TO BE LOCATED 245 FEET NORTH AND 1,230 FEET WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ OF 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

John A. Kitzhaber, MD, Governor

Water Resources Department

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

November 13, 2014

MICHAEL & DEBRA WALES
PO BOX 45
PORT ORFORD OR 97465

GARY ROBERTSON
PO BOX 121
PORT ORFORD OR 97465

RE: S- 81461, Permit S-53165

Dear Permit Holders,

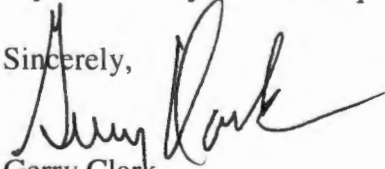
On July 17, 2014, the Department received the Claim of Beneficial Use that Mr. Wales submitted for the above referenced file.

This permit is in the name of Michael Wales and Debra Wales and Gary Robertson. The Claim has only been signed by Michael and Debra Wales. In order for the Claim to cover the Robertson portion of the permit, the Claim will need to be signed by Mr. Robertson.

Based on correspondence in the file, it appears that Mr. Wales attempted to obtain Mr. Robertson's signature prior to submitting the Claim. Without Mr. Robertson's signature, the Department will consider the Claim as being submitted only for the Wales portion of the permit. Mr. Robertson will need to either sign this Claim, or submit his own Claim for his portion of the permit.

I have included a copy of the signature page from the Claim for Mr. Robertson to sign.

If you have any additional questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark
Water Rights Specialist
Certificates

cc: file
Corey Woodruff, CWRE

enclosures

Jerry Sauder
Oregon Water Resources Dept
725 Summer St NE Ste A
Salem, OR 97301-1266

Mr. Sauder,

This is an update on my efforts to perfect our water rights near Port Orford, Oregon. You may recall that I reinstated application S-81461 dated 2/10/14. This was identified as permit # S-53165 apparently under the name of my neighbor Gary Robertson. I believe that I spoke with you or someone from your office that put me in touch with Stuntzner Engineering of Coos Bay. They have now completed the package to be sent to your office pending signatures from previous owner (David Kelly) on two assignment forms. I have sent documents via email for signatures approximately two weeks ago, but have not yet received any response from either email or follow up phone calls. I do know they have numerous family events happening at this time that are apparently slowing their responses.

I wanted your office to know that this effort continues and is hopefully nearly completed.

Please contact me with further instructions, or to get further info from me.

Sincerely,

 6/30/14
Michael K. Wales
hm 541-332-0358
c 541-253-1142

SALEM, OR

JUL 02 2014

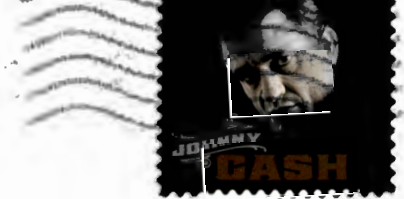
RECEIVED BY OWRD



Debby Lee & Michael Wales
PO Box 45
Port Orford OR 97465-0045

EUGENE OR 974

30 JUN 2014 PM 1 L



Water Resources Department
water Rights Services Division
725 Summer St NE STE A
Salem, OR 97301-1266

ATTN: Jerry Sauder

9730131266



June 30, 2014

Memo to S-81461

From: JKS

Mike Wales (541-332-0358) the new owner has had Corey Woodruff at Stuntzners complete the COBU. Is having problems getting previous owners to sign and return the assignment form. Has sent it to them. Will Wait a month or so and then assign by Proof. A hold is needed to allow time. As the Cobu is completed, this is the appropriate course.

Hold Action 60 days.

A handwritten signature in blue ink, appearing to be "JKS", is written over the text "Hold Action 60 days.".

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT S-81461) ORDER

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 111119

INVOICE # _____

RECEIVED FROM: Michael Wales
BY: Debra Lee

APPLICATION	S-81461
PERMIT	
TRANSFER	

CASH: _____ CHECK:# _____ OTHER: (IDENTIFY) _____

☐

☒ 7356 ☐

TOTAL REC'D \$ 450.00

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) Reinstate a Permit \$ 450.00
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

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

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	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: 111119

DATED: 2-10-14

BY: [Signature]

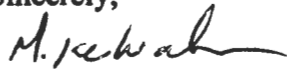
February 5, 2014

Mr. Sauter,

Please find enclosed check # 7356 for \$450 dated 2/5/14 as payment for reinstatement fee of Water Rights Application #S-81461 Permit # S-53165. Please notify me via email or other mail, etc the status of having received this check as the reinstatement of this application/permit. As you know, we have been/are working with Stuntzner Engineering of Coos Bay to complete this process.

Thank you for your attention to this matter.

Sincerely,



Mike Wales

PO Box 45
Port Orford, OR 97465

mike@windwhisper.us

Cell 541-253-1142
Hm 541-332-0358

RECEIVED
FEB 10 2014
OWRD
SALEM, OREGON

January 22, 2014

Jerry Sauter
Water Rights Program Analyst

Mr. Sauter,

As we discussed yesterday, we received a single page filing noting the cancellation of our permit to use water dated January 16, 2014. I am aware that this filing was a continuation of the letter we received from your office dated April of last year. Unfortunately, we were unable to complete this process last year, in part due to the unexpected death my mother in law, as well as my Aunt. Both of these required a large part of time out of Oregon.

In speaking with both your office and Mr. Lewis' office it was my understanding that this was a low priority concern as it was already well past the original 2001 due date for completion. I was surprised to receive the cancellation notice last week.

Regardless, we are already in contact with a Stuntzner Engineering in Coos Bay to address this issue immediately. Therefore, please consider this a request for reinstatement of our water rights permit Number S-53165 (Application Number S81461). As this process had reasonable communication (and unfortunate miscommunication) this past year, I therefore request any/all consideration for reducing/eliminating any additional fees incurred as a result of this delay.

Sincerely,



Michael K. Wales
PO Box 45
Port Orford, OR 97465

541-332-0358
mike@windwhisper.us

Handwritten note on yellow paper:
This is
cannot be done
Spoke with County AT Stuntzner
He notified me that we
that he would have to pay the
Fees! - JKS 2/1/2014

OWRD

2014

SALEM, OR

Wales
PO Box 45
Port Orford, OR 97465

EUGENE OR 974

24 JAN 2014 PM 2 L



Mr. Jerry Sauter

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301

97301\$1266



SAUTER Jerry K

From: SAUTER Jerry K
Sent: Monday, January 27, 2014 9:49 AM
To: 'Corey Woodruff'
Cc: WALLIN Tim E; CLARK Gerry E
Subject: RE: Permits G-13337 & S-53165

Good Morning Corey,

Thanks for the update. As you are no doubt aware, both of these permits were cancelled on the 16th. of January, as the Department was not notified of a CWRE working on them or a COBU being submitted for either permit. Each of these permit holders will need write a letter requesting re-consideration of the cancellation and submitting the \$450 re-instatement fee. This needs to occur with 60 days of January 16, or by March 17, 2014. After that date, the Cancel Order is final. In addition Mr. Hawkins will also need to submit an assignment.

Hope this helps,
JK

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

-----Original Message-----

From: Corey Woodruff [<mailto:coreywoodruff@stuntzner.com>]
Sent: Friday, January 24, 2014 5:05 PM
To: jerry.k.sauter@state.or.us
Subject: Permits G-13337 & S-53165

Hey Jerry,

Just wanted to let you know that we're working with John Hawkins (Permit G-13337) and Mike Wales (Permit S-53165) to complete their COBUs.

Thanks,

--

Corey Woodruff, PLS, CFedS, CWRE
Stuntzner Engineering & Forestry, LLC
Survey Dept. Manager | Coos Bay
PH: [541-267-2872](tel:541-267-2872) | coreywoodruff@stuntzner.com

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
Michael and Debra Wales	17	19	S-81461	S-53165
Gary Robertson				

Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on January 16, 2014.



E. Timothy Wallin, Water Rights Program Manager, for
Phillip C. Ward, Director

PLACED IN U.S. MAIL JAN 16 2014
BY OREGON WATER RESOURCES DEPARTMENT

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 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.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

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

Certified mail number 7012 2210 0000 1304 5541
Return receipt requested

April 8, 2013

Michael K. Wales & Debra Lee
P.O. Box 45
Port Orford, Oregon 97465

Gary Robertson
P.O. Box 121
Port Orford, Oregon 97465

Vicki Young
P.O. Box 572
Port Orford, Oregon 97465

Reference: Application S-81461, Permit S-53165

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2001. You have been identified as the owner of the land that has this permit. Please see the enclosed 'Resource Sheet' to access the assignment form if you wish to continue using this water.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a Certified Water Right Examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2001. The fee for submitting a claim of beneficial use is \$150.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. The fee for filing an extension of time is \$500.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (June 7, 2013) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$400.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

cc: Enclosures (1)
File S-81461
OWRD Watermaster District 19





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

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Certified mail number 70110470 00028922 8232
Return receipt requested

April 8, 2013

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Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)
File S-81461
OWRD Watermaster District 19

cc:



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S-81461
GARY ROBERTSON
P.O. BOX 121
PORT ORFORD OR 97465

2. Article Number

(Transfer from service label)

7011 0470 0002 8922 8225

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

(B) Received by (Printed Name)

G. ROBERTSON

(C) Date of Delivery

4/16/2013

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

EUGENE OR 974

16 APR 2013 PM 2 L

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

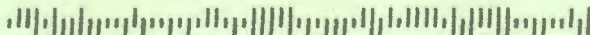
- Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPT
SALEM, OREGON

APR 17 2013

RECEIVED

OREGON WATER RESOURCES
725 SUMMER STREET NE SUITE A
SALEM, OR 97301-1266





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

NOTE: For water rights information and useful forms, please see our web site at
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Certified mail number 701104700002 89228225
Return receipt requested

April 8, 2013

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Sincerely,

Jerry Sauter
Water Rights Program Analyst

cc: Enclosures (1)
File S-81461
OWRD Watermaster District 19



PERMIT STATUS REVIEW BY S-81461 DATE 10/2/2022 FILE # S-81461

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

NO Extension pending _____

NO Assignment is pending _____

NO Cancellation has been requested _____

NO Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check? Y N date _____ successful? Y N

Re-send Cert. Letter? Y N date _____

Send cancellation order Y N

NO Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF **NONE** OF THE ABOVE APPLY

YES Send **certified** "C" date notice packet to permit holder.

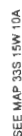
"C" DATE 10-1-2001 BASIN NUMBER 17 WM # 19

CWRE or AGENT NONE

Map Tax Lot	Property ID	Owner Name	Address 1	Address 2	Address 3	City State Zip	Acreage
3315-10B-00207	R26077	WALES, MICHAEL K ET AL LEE, DEBRA	PO BOX 45			PORT ORFORD, OR 97465	1.03
3315-10B-00208	R26366	ROBERTSON, GARY	P O BOX 121			PORT ORFORD, OR 97465	1.14
3315-10B-00209	R29307	HOPKINS, ERIC PETER & EMI	KASAI GUN, MEMUROCHO MEGASHI2,JO	MINAMI, 7 CHROME, 2-1		HOKKAIDO, JAPAN 082-0062	1.22
3315-10B-00210	R26682	WODICKA, JOHN & CONNIE	3880 WENWOOD DRIVE			HILLIARD, OH 43028	1.01
3315-10B-00211	R26683	WALES, MICHAEL K ET AL LEE, DEBRA	PO BOX 45			PORT ORFORD, OR 97465	1.08
3315-10B-00213	R34811	HANSON, JENNY T	1716 CHESSINGTON LN			MCKINNEY, TX 75070	1.83
3315-10B-00214	R34812	WELSH, JOHN D & KATHLEEN J	3804 KALGAN CIRCLE			PLANO, TX 75025	1.02
3315-10B-00218	R34813	MILES, CHARLES	P O BOX 1227			SUBANVILLE, CA 98130	2.28
3315-10B-00217	R34814	COX, KARN D TRSTEE	COX, KARN D TRST	1123 WEST 4250 SOUTH		OGDEN, UT 84408	2.80
3315-10B-00218	P37886	ADT SECURITY SERVICES, INC	PROPERTY TAX DEPARTMENT	P O BOX 9008		BOCA RATON, FL 33431-0808	
3315-10B-00218	R34815	YOUNG, LARRY & VICKI TRSTES	YOUNG, LARRY & VICKI 2008 TRST	P O BOX 672		PORT ORFORD, OR 97465	1.95
3315-10B-00218	R34816	JONES, DOUGLAS S & PATRICIA P	525 PARKER AVENUE			MOHRVILLE, CA 91016	1.32
3315-10B-00220	R34817	SCHIFF, H GERALD TRSTEE	46299 PFEIFFER RIDGE #10			BIG SUR, CA 93920	1.2
3315-10B-00221	R34818	TURNER, BARBARA A	3338 BONDWOOD CIRCLE			JOHNSON CITY, TN 37604	1.7
3315-10B-00222	R34819	KELLY, DAVID E & DEBORAH M TRUSTEES KELLY, EMMA TRUSTEE	8675 N PURDUE			CLOVIS, CA 93819	3.42
3315-10B-00300	R15140	LAFRANCHI, RON	580 NORTH CENTRAL			COQUILLE, OR 97423	10
3315-10B-00400	R15197	BAYLESS, REGAN L	638 LINDERO CANYON ROAD SUITE 182			OAK PARK, CA 91377	14.94
3315-10B-00500	R15260	ONC OREGON LANDS LLC	19728 SE 35TH WAY			CAMAS, WA 98607	0.82
3315-10C-00100	R15319	BAYLESS, REGAN L	638 LINDERO CANYON ROAD SUITE 182			OAK PARK, CA 91377	28.22
3315-10C-00101	R15381	BAYLESS, REGAN L	638 LINDERO CANYON ROAD SUITE 182			OAK PARK, CA 91377	4.87
3315-10C-00183	R15444	BAYLESS, REGAN L	638 LINDERO CANYON ROAD SUITE 182			OAK PARK, CA 91377	13.78
3315-10C-00200	R15811	FOUGEROLLES, REGIS	P O BOX 742			PORT ORFORD, OR 97465	4.27
3315-10C-00201	R24868	CECCALDI, CHRISTIAN M JACQUES	781 AVE DU COMMANDANT HOUOT			LA GARDE, FRANCE 83130	10.05
3315-10C-00202	R37350	FLEMING, TEAL BREE	P O BOX 832			PORT ORFORD, OR 97465	8.21
3315-10C-00203	R37361	FOUGEROLLES, REGIS	P O BOX 742			PORT ORFORD, OR 97465	8.85
3315-15-00100	R15878	MOORE MILL & LUMBER COMPANY	P O BOX 277			BANDON, OR 97411	288
3315-15-00200	R15830	BAYLESS, REGAN L	638 LINDERO CANYON ROAD SUITE 182			OAK PARK, CA 91377	40
3315-36-00100	R15893	POWERS, RONALD A & ANNA K	P O BOX 844			PORT ORFORD, OR 97465-0644	18.81
3315-36-00101	R15781	KOBY, JEFFREY D	P O BOX 844			PORT ORFORD, OR 97465	1.16
3315-36-00101	M29862	KOBY, JEFFREY DOUGLAS	P O BOX 844			PORT ORFORD, OR 97465	
3315-36-00102	R15825	POWERS, RON A & ANNA K	P O BOX 844			PORT ORFORD, OR 97465	1.01
3315-36-00200	R15881	ROSS, RONALD PAT & CATHERINE A	P O BOX 1281			PORT ORFORD, OR 97465	1.81

Map Tax Lot	Property ID	Owner Name	Address 1	Address 2	Address 3	City State Zip	Acreage
3315-38 -00300	R15948	ASBEY, JOAN A ET AL FRIEDERSON, JEAN A	P O BOX 104			PORT ORFORD, OR 97485	13.23
3315-38 -00400	R35923	STATE OF OREGON DOT	355 CAPITOL STREET NE RM 420			SALEM, OR 97301-3871	9.12
3315-38 -00400	R15998	WICKLANDER, RODNEY K & BARBARA E TRUSTEES	WICKLANDER JOINT GRANTORS TRST	3615 WAYNOKA DRIVE		CARROLLTON, TX 75007	83.41
3315-38 -00401	R18072	POWERS, RON A & ANNA K	P O BOX 544			PORT ORFORD, OR 97485	21
3315-38 -00500	R18128	BAJA HUMBUG OREGON LTD	P O BOX 509			KAPAAU, HI 96755	320.83
3315-38 -00501	R18187	BAJA HUMBUG OREGON LTD	P O BOX 509			KAPAAU, HI 96755	1.18
3409-00 -00100	R23566	USA					10.8
3410-00 -00100	R23567	USA					20184.81
3410-00 -00100	R23568	USA					3229.19
3411-00 -00100	R23569	USA					15015.97
3411-00 -00101	R23870	USA					144.4
3411-00 -00200	P28037	CLAY HILL LODGE INC	P O BOX 544			LYONS, OR 97358	
3411-00 -00200	R17770	MOORE, MARTIN H & TRACI R	P O BOX 544			LYONS, OR 97358	25.38
3411-00 -00300	R23871	USA					2072.82
3411-00 -00400	R23872	USA					40
3411-00 -00500	R17833	DOERR, ROBERT P TRSTEE ETAL DOERR, MONICA ROSAMOND TRUSTEE	DOERR, ROBERT P REV LIV TRST 8-20-85	94448 TERRITORIAL RD		JUNCTION CITY, OR 97448	33.28
3411-00 -00500	R37285	DOERR, ROBERT P TRSTEE ETAL DOERR, MONICA ROSAMOND TRUSTEE	DOERR, ROBERT P REV LIV TRST 8-20-85	94448 TERRITORIAL RD		JUNCTION CITY, OR 97448	28.28
3411-00 -00501	R23873	USA					160
3411-00 -00800	R23874	USA					79.8
3411-00 -00700	R23875	USA					312.17
3411-00 -00800	P27802	ILLAHE LODGE, THE RUTLEDGE, ERNEST & VIOLET TRUSTEES/RUTLEDGE FAMILY TRUST	37709 AGNESS ILLAHE ROAD			AGNESS, OR 97406	
3411-00 -00800	R17807	RUTLEDGE, ERNEST R TRSTE ET AL	37709 AGNESS-ILLAHE ROAD			AGNESS, OR 97406	5
3411-00 -00800	R37286	RUTLEDGE, ERNEST R TRSTE ET AL	37709 AGNESS-ILLAHE ROAD			AGNESS, OR 97406	1.18
3411-00 -00801	R17968	SMITH, MARIAN R TRUSTEE	37711 AGNESS ILLAHE ROAD			AGNESS, OR 97406	0.57
3411-00 -00900	R18016	CRIVELLO, ALLAN M	5225 LONE PINE ROAD			SEBAS TOPOL, CA 95472	38.56
3411-00 -01000	R18086	ROSEBURG RESOURCES CO	P O BOX 1088			ROSEBURG, OR 97470	120.42
3411-00 -01001	R23876	USA					38.96
3411-00 -01002	R23877	USA					41.88
3411-00 -01100	R23878	USA					159.58
3411-00 -01200	R23879	USA					29.24
3411-00 -01300	R18191	WILLIAM & BARBARA FITZSTEPHENS LEGACY LLC	37286 AGNESS ILLAHE ROAD			AGNESS, OR 97406	205

CANCELLED
103
103U1
103U2
104
200
202
204
205



CEN. SEC.
Revised RAA
12/04/2007

33S15W10B

Jerry Sauter

From: Mitch Lewis
Sent: Tuesday, February 21, 2012 12:26 PM
To: Jerry Sauter
Subject: Application S-81461 Permit S-53165

Hi Dad!

When you contact the LO's for this permit, you should contact Vicki Young, PO Box 572 Port Orford, OR 97465.

ML

Mitchell E. Lewis
Watermaster District 19
Oregon Water Resources Department
541.396.1905
541.396.1906 Fax
541.297.6157 Cell



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

August 23, 2000

Mr Gary Robertson
55 S Atlantic St
Suite 306
Seattle WA 98134-1224

Reference: File S-81461

The one-third assignment of Permit S-53165 from Marvin and Betty Hardegger to you has been recorded in the records of the Water Resources Department. The remaining two-thirds assignment of the above-mentioned permit belong to Debra Lee and Michael Wales.

Our records have been changed accordingly, and the original Request for Assignment is enclosed.

Receipt number 39339 covering the \$30 recording fee has been sent to Marvin and Betty Hardegger.

Sincerely,

Dallas S. Miller
Water Rights Specialist

Enclosures

cc: Watermaster #19
Data Center/OWRD
Dennis Crowe, CWRE
Marvin and Betty Hardegger, PO Box 1115, Port Orford, OR 97465
Michael Wales & Debra Lee, 30342 Pinecrest Dr, Evergreen, CO 80439



REQUEST FOR ASSIGNMENT

STATE OF OREGON

I, (permit holder, applicant) Marvin & Betty Hardegger
P.O. Box 1115 Port Orford, OR 97465
 (mailing address) (city) (state) (zip) 541-332-8470
 (phone)

CHECK ONE

☒ - hereby assign all my interest in and to application/permit;

☐ - 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 # S-81461, Permit # 53165;

OR GR Statement # _____, GR Certificate of Registration # _____ as
 filed in the office of the Water Resources Director, TO:

^{1/3} share interest Gary Robertson
 (name of new owner) (phone #)
55 S. Atlantic St. Ste. 306 Seattle, WA 98134-1224
 (address) (city) (state) (zip)

(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 24 day of July, 19-2000.
 applicant/permit holder Marvin Hardegger
 applicant/permit holder Betty Hardegger

PLEASE DO NOT WRITE IN THIS BOX

STATE OF OREGON, }
 } ss
 County of Marion. }
 I certify that the within was
 received by me on the 11 day of
August, 20 00 at 8 o'clock
A m., and was recorded in the
 Miscellaneous Records, Vol. 8
 Page 743
 Water Resources Director

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

RECEIVED

m:\groups\wr\support\janet\forms\assignment request

Reacts T.L. #208

AUG 1 2000

WATER RESOURCES DEPT.
 SALEM, OREGON

STATE OF OREGON, }
County of Marion. }

APPLICATION MAP

RECEIVED

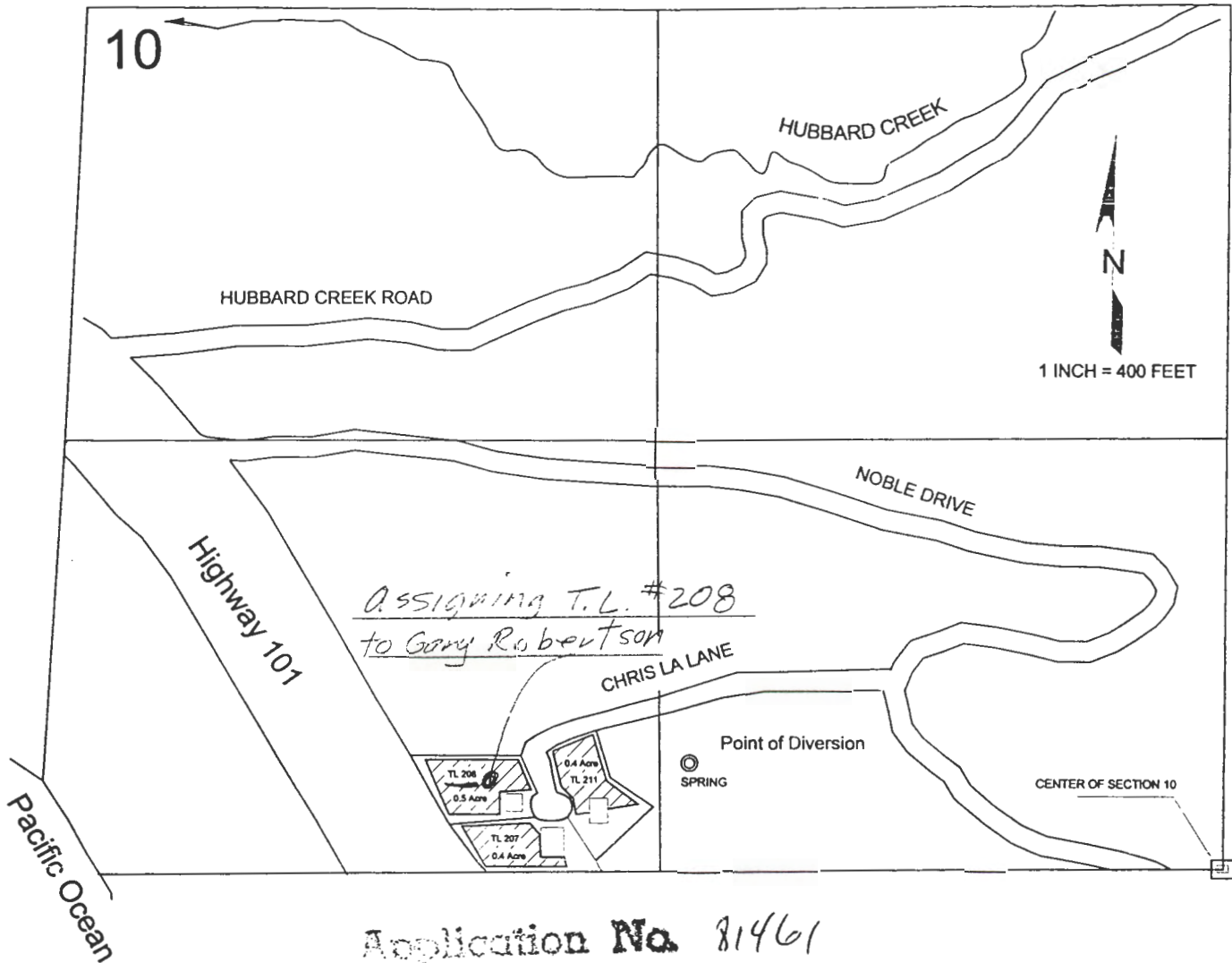
DEC 27 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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received by me on the 11 day of August, 20 00 at 8 o'clock
A m., and was recorded in the
Miscellaneous Records, Vol. 8
Page 743

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

Water Resources Director



Application No. 81461
Permit No. 53165

THE POINT OF DIVERSION IS TO BE LOCATED 245 FEET NORTH AND 1,230 FEET WEST FROM THE CENTER CORNER OF SECTION 10, BEING WITHIN THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ OF 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.

RECEIVED

AUG 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

July 24, 2000

TO: Water Resources Dept.
158 12th Street NE
Salem, Oregon 97310-0210

Subject: Water application File # S-81461,
Permit # 53165.
Remaining $\frac{2}{3}$ owners in the above mentioned
permit are: Dobra Lee & Michael Wales
30342 Pinecrest Dr.
Evergreen, Co 80439
ph. 303-526-9600

RECEIVED

AUG 01 2000

WATER RESOURCES DEPT.
SALEM, OREGON

8/1/00

MONEY SLIP

WATER RESOURCES DEPARTMENT

MONEY SLIP #

39329

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-6130 (FAX)

INVOICE #

RECEIVED FROM:

BY:

APPLICATION

S-8461

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐☐☐

TOTAL REC'D

\$ 30.00

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: PUB. NOTICE, PFO, ASSIGN

\$ 30.00

New) TC165

Existing) TC168

0201

0203

0205

0218

CAROL

Note: The
Hardcopies ARE
completely OFF
The PERMIT.

DSM

EXAM FEE

\$

\$

\$

EXAM FEE

\$

0202

0204

0206

0219

0220

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

SPECI

ACCAS

0407

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **39339**

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

INVOICE # _____

RECEIVED FROM: Mariam A. Hardegger
BY: _____

APPLICATION	S-81461
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X96-7630 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 30.00

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)

\$

(ew) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

\$

0219

LICENSE FEE

\$

0218 WELL DRILL CONSTRUCTOR

0220

\$

LANDOWNER'S PERMIT

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 # **39339**

DATED: 8/1/00

BY: Amanda Chase

Aug. 10, 2000

Reference: File 81461, Permit 53165

Subject: Returning Application map
showing assignment of TL*208,
to Gary Robertson.

Sincerely,

Marvin Hardeggen

RECEIVED

AUG 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Marvin Hardegger
P.O. Box 396
Port Orford, OR
97465

81461



Assignment?
Dallas

Water Resources Dept.
Commerce Building
158 12th Street N.E
Salem, OR 97310-0210

97301/4172





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

August 4, 2000

MARVIN AND BETTY HARDEGGER
PO BOX 1115
PORT ORFORD, OR 97465

REFERENCE: File 81461, Permit 53165

Dear Applicants:

Regarding your request for assignment of the permit to Gary Robertson, we need more information before we can process the request.

Please mark on the attached map which lot or lots you are assigning. 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

Water Resources Department

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

March 3, 1998

MARVIN & BETTY HARDEGGER
PO BOX 1115
PORT ORFORD OR 97456

MICHAEL & DEBRA WALES
30342 PINECREST DR
EVERGREEN CO 80439

REFERENCE: File 81461

The assignment of one-third interest of Permit 53165 from David Kelly to Marvin and Betty Hardegger and the assignment of the remaining two-third interest from David Kelly to Michael and Debra Wales has been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original assignment is enclosed.

Our receipt number covering the \$30 recording fee has been sent to David Kelly.

Sincerely,

Dallas S. Miller
Water Rights Specialist

DSM:jh

enclosure

cc: John Drolet, Watermaster
Dennis Crowe, CWRE
David Kelly

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **18137**

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

INVOICE # _____

RECEIVED FROM: David Kelly
BY: _____

APPLICATION	81461
PERMIT	53165
TRANSFER	

CASH: _____ CHECK: # _____ OTHER: (IDENTIFY) _____

☒ 1149 ☐

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 & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$25.00

TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

ing) TC168

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

0203 GROUND WATER

\$

0204

0205 TRANSFER

\$

0206

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

LANDOWNER'S PERMIT

0220

LICENSE FEE

\$

\$

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 # **18137**

DATED: 12-19-97

BY: Ma

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **19299**

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

INVOICE # _____

RECEIVED FROM: David Kelly
BY: _____

APPLICATION	81461
PERMIT	53165
TRANSFER	

CASH: ☐ CHECK: # ☒ 1449 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 5.00

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

PCA 66111

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

(ew) TC165 DEPOSIT LIAB. (IDENTIFY) _____

(isting) TC168

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE
\$
\$
\$
EXAM FEE
\$

0202

0204

0206

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 # **19299**

DATED: 5-26-98

BY: D. Bushnell

OK
DSM

THEY ARE RECEIVING $\frac{1}{3}$
SHARE OF INTEREST.

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Director



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 30, 1997

DAVID KELLY
18173 RD 400
MADERA CA 93638

RE: File 81461

We have received your assignment and \$25 assignment fee. Since your assignment includes an additional page (the page indicating the Hardegger information) we will require an additional \$5 recording fee. Upon it's receipt we will process your assignment.

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

Sincerely,

Dallas S. Miller
Water Rights Section

DSM:jh

enclosure

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-81461

Final Order

Application History

On August 24, 1996, DAVID KELLY submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 18, 1997. The protest period closed April 4, 1997, and no protest was filed.

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

Order

Application S-81461 therefore is approved as proposed by the Proposed Final Order, and Permit 53165 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED May 28 , 1997


Martha O. Pagel
Director

JUN 19 1997

OREGON WATER RESOURCES DEPARTMENT

Appeal Rights

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

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID KELLY
18173 ROAD 400
MADERA, CALIFORNIA 93638

PHONE: (209) 674-3027

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

APPLICATION FILE NUMBER: S-81461

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR THREE HOUSEHOLDS INCLUDING IRRIGATION
LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA FOR EACH

MAXIMUM RATE/VOLUME ALLOWED: 0.02 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 26, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 10, T 33 S, R 15 W,
W.M.; 245 FEET NORTH AND 1230 FEET WEST FROM THE CENTER SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4
SECTION 10
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

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

the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

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

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

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

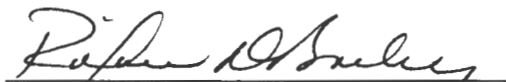
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(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 permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued May 28, 1997



for Martha O. Pagel, Director
Water Resources Department

2MB
1-14-97

jug/5/23/97

Application S-81461

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

- ✓ CC: FILE # S-81461
- ✓ WATERMASTER # 19
- ✓ REGIONAL MANAGER: AL COOK
- ✓ ODF&W - Curry County: CURRY COUNTY

CWRE (if agent): DENNIS A. CROWE

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

CASEWORKER : LKS

FO CHECKLIST

FILE # 81461
WEEK # 82

PFO TO FO CONVERSION

REVIEW DATE: 5 / 13 / 97
INITIALS: **DB**

In preparing the FO, you should check the following:

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

Dom = \$125
Exam = 200
325
9. ☒ / N Is further processing possible? If not state reason: _____
10. _____ Notify applicant of additional information or fees required prior to permit issuance. (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)
11. ☒ Assign permit numbers to files with oath, fees, and no protests or other issues
12. Y / ☒ Do the PFO conclusions requires modification? Why? _____
(If YES, circle FOMOD and one other type below)

FO Type: (circle types) DENIAL FO w/o PERMIT FO & PERMIT FOMOD

COMMENTS:

Modify FO as needed to:

Initials **DB**

13. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
14. ☒ Include or exclude permit conditions and management codes
15. ☒ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

16. ☒ Save WordPerfect document in M:\T\FO\WEEK 84 & delete duplicates
17. ☒ Print final draft of document and submit to team leader for review
18. Y / N Team leader review completed

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Water Rights Application
Number S-81461

Proposed Final Order

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

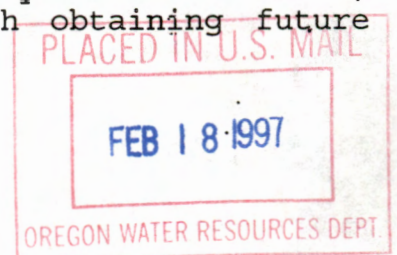
Application History

On August 26, 1996, DAVID KELLY submitted an application to the Department for the following water use permit:

- Amount of Water: 0.03 CUBIC FEET PER SECOND (CFS)
- Use of Water: DOMESTIC USE EXPANDED FOR THREE HOUSEHOLDS
- Source of Water: AN UNNAMED STREAM, A TRIBUTARY OF PACIFIC OCEAN
- Area of Proposed Use: Curry County within SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: According to the application the point of diversion is a 4 foot wide by 10 feet deep concrete catch basin with a 3/4 horsepower submersible pump. The point of diversion is connected to a 1500 gallon storage tank by 432 feet of 1 1/4 inch diameter line. The line bears southwesterly for 287 feet; thence westerly for 102 feet; thence northwesterly 42 feet to the storage tank. The tank will have a 3/4 horsepower pump. From the tank to the places of use, 1 inch diameter distribution lines are used. From the tank to the places of use the line bears northwesterly 47 feet; thence northerly 146 feet to a junction in the line. The line runs from the junction to homesites: #1 southwesterly 100 feet; #2 westerly 122 feet; and #3 northwesterly 50 feet.

On SEPTEMBER 26, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.02 CFS of water from an unnamed stream, tributary to the Pacific Ocean, for Domestic Use for 3 households including Irrigation Lawn and Non-commercial garden not to exceed 1/2 acre in area for each may be allowed year round. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On OCTOBER 15, 1996, 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 FOR THREE HOUSEHOLDS INCLUDING IRRIGATION LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA FOR EACH.

Senior water rights exist on AN UNNAMED STREAM, A TRIBUTARY OF PACIFIC OCEAN, or on downstream waters.

AN UNNAMED STREAM, A TRIBUTARY OF PACIFIC OCEAN, is not within or above a State Scenic Waterway.

According to information from the Watermaster, water is available for further appropriation YEAR ROUND.

The Department finds that no more than 0.02 CFS would be necessary for the proposed use. The amount of water requested, 0.03 CFS, shall be restricted to 0.02 CFS.

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 did not recommend that any additional conditions of use be imposed on this application.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

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

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 rules of the Water Resources Commission.

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

For these reasons, the required presumption has been established.

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

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

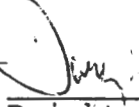
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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

Recommendation

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

DATED, February 18, 1997



Dwight French
Water Rights Section Manager

Protest Rights

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

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

Your protest must be received in the Water Resources Department no later than **APRIL 4, 1997**.

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.

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DAVID KELLY
18173 ROAD 400
MADERA, CALIFORNIA 93638

PHONE: (209) 674-3027

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

APPLICATION FILE NUMBER: S-81461

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR THREE HOUSEHOLDS INCLUDING IRRIGATION
LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA FOR EACH

MAXIMUM RATE/VOLUME ALLOWED: 0.02 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 26, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 10, T 33 S, R 15 W,
W.M.; 245 FEET NORTH AND 1230 FEET WEST FROM THE CENTER SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4
SECTION 10
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

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

Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

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

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

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

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

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

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

Application S-81461

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application S-81461 Water Resources Department
Basin 17 Volume 3 Basin 17 Misc.
LKS MGMT.CODE

PERMIT DRAFT
District 19

M. JOHN YOUNGQUIST
WATER RESOURCES CONSULTANT

827 SE MOSHER
ROSEBURG, OREGON 97470
PHONE/FAX: (541) 672-5692

PROJECT MANAGEMENT

PERMITS/LICENSING

RESEARCH

PLANNING

December 26, 1996

RECEIVED

DEC 27 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

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

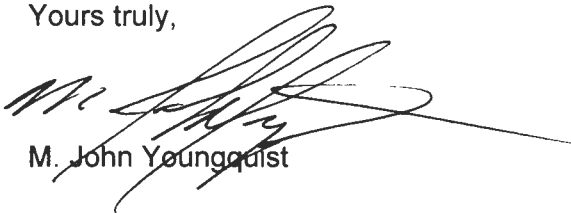
Attention: Laura K. Snedaker, Senior Water Rights Examiner

Re: File No. S - 81461

Dear Ms. Snedaker:

Enclosed find the corrected map for Mr. Kelly appertaining to file No. S - 81461. I believe every thing is in order for the application to be processed. If you have any questions or comments, please contact me at (541) 672-5692.

Yours truly,



M. John Youngquist

cc: David Kelly

PFO CHECKLIST

Application S-8

Basin: SOUTH COAST WAB: _____
 Township 33 SOUTH Range 15 WEST Section 10 SW 1/4 NW 1/4

no A1. Public Interest Screen Criteria✓ 1. Is the file complete by the Completeness Checklist? 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)✓ 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter indicating hold, or other)n/a 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary) a. Is second groundwater review necessary? (objection) b. Is HB 1033 review complete?no 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.no 6. Is the Proposed Use located in or above a Scenic Waterway?no 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)yes 8. Is the use allowed or limited by the Basin Program?n/a 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)✓ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)n/a 11. Rate _____ Duty _____ Irrigation Season _____✓ 12. Period of Allowed Use YEAR ROUND FOR DOMESTIC USE FOR 3 HOUSEHOLDSn/a 13. Is use from a B.O.R. project and if so, is a signed contract in the file?✓ 14. Division 33 has been addressed - applicable w/recommendations by ODFW for fish screening✓ 15. Have conflicts been identified, verified and/or addressed?✓ 16. The use is Small ≤ 0.1 cfs ✓ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO 18. Fill out Accuracy Checklist✓ 19. Spell Check✓ 20. Documents used in determination are attached and highlighted✓ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.no a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)✓ 22. Final PFO report hard copy check (format, margins, etc.)✓ 23. Final PFO has been saved to m:\t\pfo\DONE\WEEK82\application # .W51Name: KEN DOWDEN Date: FEBRUARY 10, 1997

KDD

Contact Notes

Laura Snedaker

Date: January 6, 1997

File: S-81461 for David Kelly

Name: Dennis Goude with Stuntzner Engineering

4:00 - just got certified letter - wants to request a 30 day time out to submit revised map.

will send letter confirming our conversation and granting "time out" for 30 days

Dennis - send copy of letter to Dennis Goude at Stuntzner Engineering, PO Box 118, Coos Bay, Oregon

January 8, 1997

12:30 - left message for Dennis regarding request for "time out"

1:00 - returned my call

told him - that there is already a revised application map in the file from John Youngquist

Dennis - Kelly's may have hired John Youngquist following a disagreement with Dennis Crowe, formerly of Stuntzner Engineering.

Map appears to be OK though. Do not need to request a time out and submit another revised map.

SENDER:

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

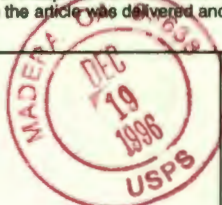
I also wish to receive the following services (for an extra fee):

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

Consult postmaster for fee.

3. Article Addressed to:

David Kelly
18173 Road 400
Madera, CA 93638

**4a. Article Number**

P56011

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

81461

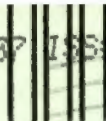
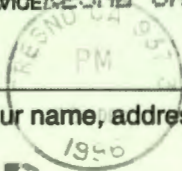
5. Received By: (Print Name)**6. Signature: (Addressee or Agent)**

X

Emma Kelly

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

UNITED STATES POSTAL SERVICE FRESNO CA 93715



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



CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

December 16, 1996

DAVID KELLY
18173 ROAD 400
MADERA, CALIFORNIA 93638

RE: Application File # S-81461

Dear DAVID KELLY:

On **SEPTEMBER 26, 1996**, an Initial Review was sent from the Department. Additional review indicates the following item needs to be submitted in order to complete and further review your application.

- ▶ A revised application map. The revised map must clearly show the location of the place of use to the nearest quarter quarter section(s). The coordinates for the proposed point of diversion should also be tied to a section corner. A copy of the Department's map requirements is enclosed.

There also appears to be an error on the original application map. One of the tax lots appears to have been mislabeled.

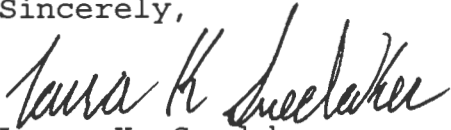
Please submit this item by **DECEMBER 30, 1996**. If we do not receive the item requested above by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.



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

Should you have any questions regarding your application or the required materials listed above please call me personally at 1-800-624-3199, extension 331.

Sincerely,

A handwritten signature in cursive script, reading "Laura K. Snedaker".

Laura K. Snedaker
Senior Water Rights Examiner

Enclosures: Department Map Requirements
 Copy of Applicant's Map
 Example Map & Assessor Map

cc: John Drolet, Watermaster District 19
 Dennis A. Crowe, CWRE

ODFW Division 33 Application Review Sheet

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species OAR 690-33-310 through 340

Date: 1-6-97 Suspense Date: _____

Application # 581461 Name: DAVID 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

What life stage is at risk: Spawning; Incubation; Rearing; Juvenile; Adult?

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)] If so, which? _____

_____ 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: No Fish Present

ODFW Recommendation:

____ Approval with fishery conditions See #3 Above

X Approval without fishery conditions

____ Denial

ODFW Representative(s)

Name: David Kelly Date: 1/6/97

Name: _____ Date: _____

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

Date: 1/6/97

Suspense Date: _____

Application # 5-81461

Name: Kelly

ODFW / WRD Findings and Recommendations:

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

Species? NO Status S T E

DEQ Findings:

1) Is the source of the proposed use a water quality limited stream (303 d)? Yes / No

If yes, which parameter(s) caused the stream to be on the list?

2) Is there a TMDL established on this stream?

If yes, is the concern limited to a specific season?

3) Are there any other water quality concerns with regard to essential fish habitat on this stream?

4) DEQ Comments: _____

DEQ Recommendation:

- ☒ Approval with ODFW/WRD conditions
☐ Approval with ODFW/WRD conditions and conditions listed in #4 above
☐ Approval without fishery conditions
☐ Denial

DEQ Representative(s)

Name: Pamela Blazo

Date: 1/6/97

Name: _____

Date: _____

Oregon Water Resources Department
Water Rights Division

Needs Div. 33
Team Review

Draft

Water Rights Application
Number S-81461

Proposed Final Order

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

Additional Information Required: A revised application map will need to be submitted to the Department before a permit may be issued. The revised application map should clearly show the location of the place of use to the nearest quarter quarter section. The map must also clearly identify the coordinates, from a recognized public land survey corner, to the proposed point of diversion.

Application History

On August 26, 1996, DAVID KELLY submitted an application to the Department for the following water use permit:

- Amount of Water: 0.03 CUBIC FEET PER SECOND (CFS)
- Use of Water: DOMESTIC USE EXPANDED FOR THREE HOUSEHOLDS
- Source of Water: AN UNNAMED STREAM, A TRIBUTARY OF PACIFIC OCEAN
- Area of Proposed Use: Curry County within SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: According to the application the point of diversion is a 4 foot wide by 10 feet deep concrete catch basin with a 3/4 horsepower submersible pump. The point of diversion is connected to a 1500 gallon storage tank by 432 feet of 1¼ inch diameter line. The line bears southwesterly for 287 feet; thence westerly for 102 feet; thence northwesterly 42 feet to the storage tank. The tank will have a 3/4 horsepower pump. From the tank to the places of use, 1 inch diameter distribution lines are used. From the tank to the places of use the line bears northwesterly 47 feet; thence northerly 146 feet to a junction in the line. The line runs from the junction to homesites: #1 southwesterly 100 feet; #2 westerly 122 feet; and #3 northwesterly 50 feet.

On SEPTEMBER 26, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.02 CFS of water from an unnamed stream, tributary to the Pacific Ocean, for Domestic Use for 3 households including Irrigation Lawn and Non-commercial garden not to exceed 1/2 acre in area for each may be allowed year round. The

applicant did not notify the Department to stop processing the application within 14 days of that date.

On OCTOBER 15, 1996, 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 FOR THREE HOUSEHOLDS INCLUDING IRRIGATION LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA FOR EACH.

Senior water rights exist on AN UNNAMED STREAM, A TRIBUTARY OF PACIFIC OCEAN, or on downstream waters.

AN UNNAMED STREAM, A TRIBUTARY OF PACIFIC OCEAN, is not within or above a State Scenic Waterway.

According to information from the Watermaster, water is available for further appropriation YEAR ROUND.

The Department finds that no more than 0.02 CFS would be necessary for the proposed use. The amount of water requested, 0.03 CFS, shall be restricted to 0.02 CFS.

There is no evidence in the record of the presence of game fish at the described point of diversion.

***** NEEDS DIV. 33 TEAM REVIEW *****

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 rules of the Water Resources Commission.

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

For these reasons, the required presumption has been established.

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

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

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

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

Recommendation

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

DATED December 10, 1996

Dwight French
Water Rights Section Manager

Protest Rights

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

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

Your protest must be received in the Water Resources Department no later than **January 24, 1997**.

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.

LKS

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DAVID KELLY
18173 ROAD 400
MADERA, CALIFORNIA 93638

PHONE: (209) 674-3027

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

APPLICATION FILE NUMBER: S-81461

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE FOR THREE HOUSEHOLDS INCLUDING IRRIGATION
LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA FOR EACH

MAXIMUM RATE/VOLUME ALLOWED: 0.02 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 26, 1996

POINT OF DIVERSION LOCATION: NW, SECTION 10, T33S, R15W, W.M.;

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW
SECTION 10
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

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

Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

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

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

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

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

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

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

Application S-81461

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application S-81461 Water Resources Department
Basin 17 Volume 3 Basin 17 Misc.
LKS MGMT.CODE

PERMIT DRAFT
District 19

Application S-81461

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-81461

WATERMASTER # 19

REGIONAL MANAGER: AL COOK

ODF&W - Curry County: CURRY COUNTY

CWRE (if agent): DENNIS A. CROWE

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

CASEWORKER : LKS

September 26, 1996

WATER
RESOURCES
DEPARTMENT

DAVID KELLY
18173 ROAD 400
MADERA, CALIFORNIA 93638

Reference: File S-81461

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for DOMESTIC USE FOR 3 HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA **is allowed** under OAR 517, the South Coast Basin Program (OAR 690-517-001 (8)).
4. The Department finds that no more than 0.02 cubic foot per second (cfs) would be necessary for the proposed use. The amount of water requested, 0.03 cfs, shall be restricted to 0.02 cfs for DOMESTIC USE FOR 3 HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA.
5. The use of 0.02 cfs for DOMESTIC USE FOR 3 HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA **is available** year round.



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

David Kelly
File S-81461
September 26, 1996
Page 2

Summary of Allowable Water Use

The use of 0.02 cubic foot per second (cfs) from an unnamed stream, tributary to Pacific Ocean, for Domestic use for 3 households including irrigation of lawn and non-commercial garden not to exceed one-half acre in area may be allowed year round.

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 above your application will likely be limited as summarized above.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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 **October 10, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The priority date for this application is August 26, 1996.

David Kelly
File S-81461
September 26, 1996
Page 3

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:

Feel free to call me at (503) 378-8455 ext. 455 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Kerry Lefever
Initial Review

cc: Regional Manager, Watermaster, Water Availability
Section

enclosures: Flow Chart of Water Right Process
Stop Processing Form

IR MAILING LIST ADDITIONS

Application S-81461

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE
DELIVERY SYSTEM OR OTHER WATER WORKS:

N/A

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN
COUNTIES:

N/A

OTHER:

CWRE - DENNIS A. CROWE - #401
STUNTZNER ENGINEERING & FORESTRY
97829 SHOPPING CENTER AVENUE
P.O. BOX 2748
BROOKINGS, OREGON 97415

PFO CHECKLIST

Application #: 33-81461

Basin: S. Coast-17

WAB: _____

Township 33S Range 15W Section 10 1/4 1/4 _____

V.3 Basin 17
Misc.

- ☒ 1. Is the file complete by the Completeness Checklist? Yes
- ☒ 2. ~~For~~ other shortcomings (items needed before a permit and/or FO can be issued)
- ☒ 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) None
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - ☒ a. Is second groundwater review necessary? (objection)
 - ☒ b. Is HB 1033 review complete?
- ☒ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ☒ 6. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 8. Is the use allowed or limited by the Basin Program? Allowed
- ☒ 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
- ☒ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992) Water master - Year Round - See I.R. info
- ☒ 11. Rate _____ Duty _____ Irrigation Season _____
- ☒ 12. Period of Allowed Use Year Round
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) Subject to Statewide rules - needs team review
- ☒ 15. Have conflicts been identified, verified and/or addressed? None identified by I.R.
- ☒ 16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? 0.02 cfs max
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- ☒ 18. Fill out Accuracy Checklist
- ☒ 19. Spell Check
- ☒ 20. Documents used in determination are attached and highlighted Also see I.R. info
- ☒ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners. - JCWRE
 - ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application # Wait-33

Name: Laura Smelaker

Date: 12-2-96



Staff-Water Rights Division

DATE: May 3, 1976

FROM: Larry W. Jebousek
Administrator

SUBJECT: Applications and Permits

There seems to have been some confusion in the past as to the quantity of water to be allowed domestic use in the issuance of permits.

To establish some criteria the following will be used:

0.01 cfs for 1 or 2 house domestic including 1/2 acre lawn and garden
0.02 cfs for 3 to 5 house domestic including 1/2 acre lawn and garden
0.03 cfs for 6 to 10 house domestic including 1/2 acre lawn and garden
0.005 cfs for 1 house domestic
0.01 cfs for up to 10 house domestic

If an applicant wishes to state the quantity of water requested in gallons per minute or gallons per day, the permit will be issued accordingly.

Domestic use, generally, is considered to be in-house use but may include up to 1/2 acre of lawn and garden if it is an integral part of the domestic system and is so stated on the application. You should always explain to the applicant the difference in the wording of "domestic including" and "domestic and irrigation." When lawn and garden is included within the domestic, the irrigation use must stop if the in-house use stops. This is most common when a group system or a well replaces the original domestic source.

Also, stock water applications for more than the minimum quantity allowable, 0.005 cfs, should have enough information on the distribution system and the number of stock to determine the quantity needed.

Just a reminder when discussing exempted ground water uses with the public, that the 15,000 gallons per day for domestic is more than sufficient for a 20 to 30 home subdivision. However, the 1/2 acre of lawn and non-commercial garden exemption is one per well and not for each dwelling.

LWJ:cjw

standards; and

(c) The proposed use complies with water use measurement, recording and reporting required by the Director.

(3) Any application for more than one cubic foot per second not subject to the requirements of OAR Chapter 690, Division 86, shall contain a description of the measures to be taken to assure reasonably efficient water use.

(4) Based on the determination under OAR 690-33-220(1) the proposed use may be further conditioned so that, if the riparian area is disturbed in the process of developing a point of diversion, the riparian areas is restored or enhanced.

(5) If a proposed use is determined to be detrimental to the protection or recovery of a threatened or endangered species, the applicant may propose mitigation compatible with OAR 690-33-220 (2), (3), and (4). The Director shall determine if the proposed use with mitigation offsets the detriment. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

Flow Management

690-33-230 The Department shall consult with the affected fish and wildlife agencies and the appropriate Indian tribes to assist in resolving the flow management conflicts, if the flow management objectives for protection of threatened and endangered fish species cannot be achieved because of differing requirements between fish species in the management areas.

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

Statewide Rules

Geographic Scope

690-33-310 (1) These rules, OAR 690-33-310 through 690-33-340, apply to:

(a) Applications filed after June 3, 1994, for which no permit has been granted, or on which no contested case has been ordered as of the effective date of these rules; and

(b) Requests for limited licenses except those:

(A) for less than 120 days; or

(B) issued in conjunction with an enforcement order of the Department.

(2) These rules, OAR 690-33-310 through 690-33-340, apply to the following geographic areas:

(a) Waterways of the state where sensitive fish species are located.

(b) Waterways of the state, outside the Columbia Basin, where threatened or endangered fish species are located.

(3) For purposes of making a preliminary determination of the presence of sensitive, threatened or endangered species, the Department may rely primarily on information provided by ODFW, but may also rely on information provided by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the appropriate Indian tribes.

Statutory. Authority.: ORS 536.025 and 536.027
Stats. Implemented: ORS 537.140 to 190
Hist.:WRD -1996, f. & cert. ef. 7-11-96

Rule Review

690-33-320 (1) These rules, OAR 690-33-310 through 690-33-340, shall be reviewed and may be revised when:

- (a) Additional species are listed as sensitive, threatened, or endangered; or
- (b) Basin programs are revised by the Department.

Statutory. Authority.: ORS 536.025 and 536.027
Stats. Implemented: ORS 537.140 to 190
Hist.:WRD -1996, f. & cert. ef. 7-11-96

Review of Proposed Water Use

690-33-330 (1) If the Department concludes during the initial review that the proposed water use will occur in an area that may affect the habitat of sensitive, threatened or endangered fish species, the Department shall:

(a) Notify the applicant that based on a preliminary determination, the proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied.

(b) Notify the interagency review team that an application has been received in an area that may affect the habitat of sensitive, threatened or endangered fish species.

(2) The interagency review team shall be convened, as needed, to review applications which the Department determines may affect sensitive, threatened or endangered fish species. Participating agencies may also request interagency review of specific applications. When reviewing applications, the interagency review team shall apply the following standards:

(a) In areas of the state outside of the Columbia Basin where threatened and endangered fish species are located, no loss of essential habitat as identified by ODFW pursuant to OAR 635-415-030 (1).

(b) In all areas of the state where sensitive species are located, no net loss of essential habitat as identified by ODFW pursuant to OAR 635-415-030 (2).

(3) The interagency review team, whenever possible, will recommend conditions to the application necessary to achieve the standards listed in 690-33-330 (2) (a) and (b).

(4) If the interagency review team cannot identify conditions that meet the standards listed in 690-33-330 (2) (a) and (b), the interagency review team shall recommend denial of the application unless it concludes that the proposed use would not harm the species.

Statutory. Authority.: ORS 536.025 and 536.027
Stats. Implemented: ORS 537.140 to 190
Hist.:WRD -1996, f. & cert. ef. 7-11-96

Public Interest Review Presumption

690-33-340 (1) Nothing in these rules delegates the authority of the Department to make final decisions on permit applications.

(2) Consistent with 690-33-340 (1), the Department shall follow the recommendation of the interagency review team in completing the remainder of the public interest evaluation pursuant to OAR 690-310-110 (1) unless it finds:

(A) The proposed use is of statewide significance;

(B) There are no other reasonable and prudent alternatives to the proposed use;

(C) The benefits of the proposed use to the public under ORS 537.170 (8) outweigh the benefits of the alternatives that would conserve the species; and

(D) All reasonable mitigation measures necessary to minimize the effect of the proposed use on the species have been implemented; or ?

(3) The Department shall include its findings and conclusions in the proposed final order.

Statutory. Authority.: ORS 536.025 and 536.027

Stats. Implemented: ORS 537.140 to 190

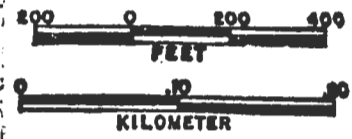
Hist.:WRD -1996, f. & cert. ef. 7-11-96

NW1/4 SEC. 10 T.33S. R.15W. W.M.

CURRY COUNTY

1" = 200'

SCALE 1:4800

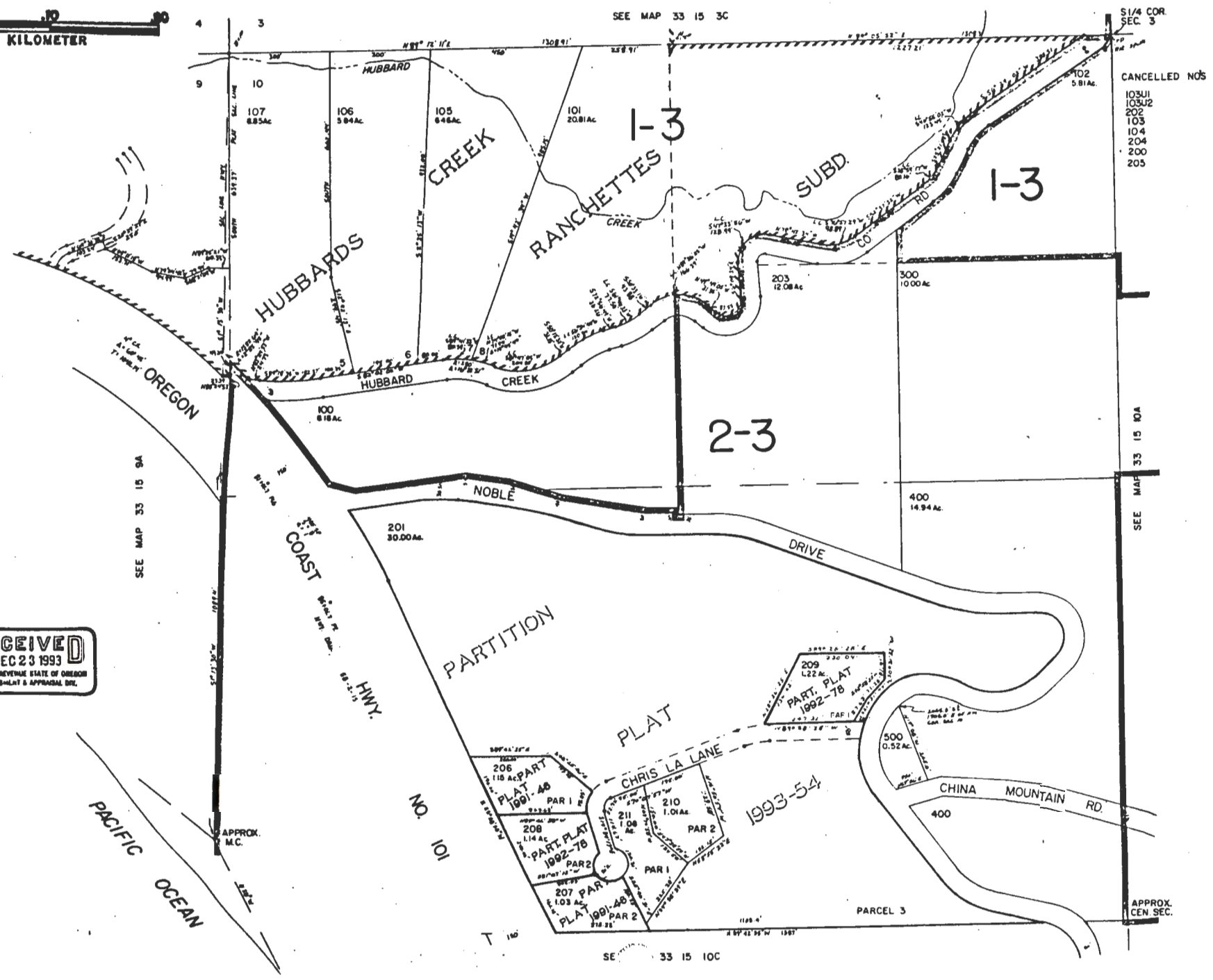


SEE MAP 33 15 3C

S1/4 COR.
SEC. 3

CANCELLED NOS
103U1
103U2
202
103
104
204
200
205

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DEC 23 1993
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.



SE 33 15 10C

OREGON WATER RESOURCES DEPARTMENT

FAKED
9/9/96



Commerce Building
158 12th Street NE
Salem OR 97310-0210

To John Drolet Date: 9/9/96 Page 1 of 5

Fax # (541) 396-6233

From Kerry Leferer, Water Rights

Comments: RE: Application S-81461

water availability

Fax. 503-378-2496

Dam Safety
Groundwater
Hydrographics
Public Information

Director's Office
Hanford Studies
Information (Computer) Services
Strat. Planning & Policy Coord.

GIS / Mapping
Hearings
Legislative & Rules Coord.
Water Resources Comm. Liaison

Fax. 503-378-8130

Accounting / Fiscal
Conservation
GWEB Liaison
Office Services
Resource Management
Well Construction

CWRE Coordination
District 16 Watermaster
Land Use Coordination
Personnel
Water Development Loan Fund
Well Driller Licensing

Columbia / Snake Issues
Enforcement
Northwest Region
Planning
Water Use Reporting

Fax. 503-378-6203

Adjudications
Transfers

Final Proof Surveys
Water Rights

Hydroelectric Permits

8/25/95

Date _____

LOCATED IN PORTIONS OF NW 1/4
SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST; W.M.
CURRY COUNTY, OREGON

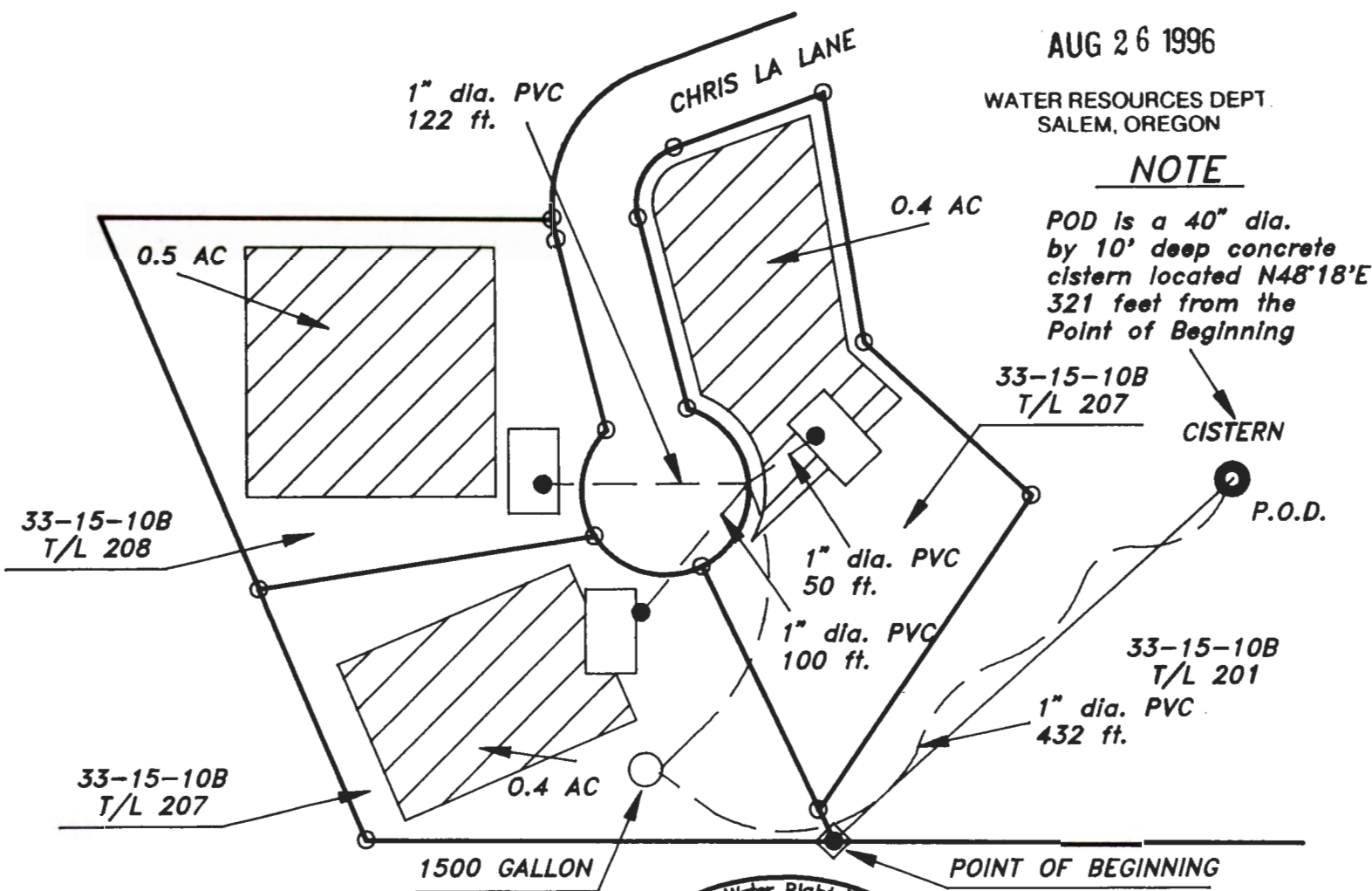
RECEIVED

AUG 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

NOTE

POD is a 40" dia.
by 10' deep concrete
cistern located N48°18'E
321 feet from the
Point of Beginning



NOTE

The P.O.D. and Water line are located
entirely on property owned by the applicant.

**IN THE NAME OF
DAVID KELLY**

Surveyed on Sept. 6, 1994 by Dennis Goude

EXAMINER'S DISCLAIMER STATEMENT

The preparation of this map was for the
purpose of identifying the Water Right only
and has no intent to provide dimensions or
location of property ownership lines.



EXPIRES 12/31/96

SCALE: 1" = 100 FEET
ASSESSORS SCALE

LEGEND

◆ POINT OF BEGINNING

— PROPERTY LINE

▨ IRRIGATED AREA

□ HOMESITE

— 1" DIA. PVC PIPE LINE

○ WATER TANK; 1500 GAL

Stuntzner Engineering & Forestry, LLC

ENGINEERING * LAND SURVEYING * FORESTRY * PLANNING * WATER RIGHTS
97829 Shopping Center Avenue Phone: (541) 469-5329
Post Office Box 2748 Fax: (541) 469-0768
Brookings, Oregon 97415

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WATER RESOURCES DEPT
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OAR 690-310-040(1)(K)
APPLICATION REQUIREMENTS
INFORMATIONAL SHEET

(If information is not available, or does not apply, please indicate)

Describe why the amount of water requested is needed, measures you propose to prevent waste and how you propose to measure the amount of water appropriated/diverted.

Water required for development of home sites. Quantity of use small, therefore I do not intend to install measuring devices at this time.

Describe measures to prevent the discharge of contaminated water to a surface stream.

N/A

If for surface water, describe how you plan to protect damage to aquatic life and riparian habitat and measures to prevent damage to public uses of affected surface waters.

The home sites overlook the ocean. Development does not effect any stream that supports fisheries.

Applicant Name David Kelly File No. 81461

Application #: 581461 IR CHECKLIST Vol 3 Subbasin Basin 17 Misc

Basin: 17 WAB: no wab POU-WAB

Township 33 S Range 15 W Section 10 1/4 1/4 SWNW

- X 1. Completeness checklist verified. ☒ Y / ☐ N or No Checklist
- X 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N
- X 3. Groundwater review A B C D
a. Is the well located in a groundwater limited area? Y / N
- X 4. SWW Y / ☒ N Triage Y / N conditions/restrictions Y / N
- X 5. Basin Program limitations? Y / ☒ N 690-517-001 (8)
- X 6. Withdrawn? Y / ☒ N season allowed
- X 7. Basin Maps have been checked. ☒ Y / ☐ N The River Mile is unnamed stream - Pacific Oc
- X 8. Water Availability (50% < July 17, 1992 * 80% [50% storage] > July 17, 1992) NA per watermaster:
available year round
- X 9. Rate/Duty/Season
- X 10. Use Dominant 1/2 ac for 3 households Period of Allowed Use year round - 0.02 cfs
- X 11. Priority Date(s) 8/26/96
- X 12. B.O.R. project Y / ☒ N contract #
- X 13. TMDL Basin? Y / ☒ N (Tualatin, Yamhill, Pudding) DIVISION 35 ☒ Y / ☐ N map dated 6/25/96
(Abv Bonn > July 17, 92 //// Blw Bonn > April 18, 94 or June 3, 94)
- X 14. Conflicts Y / ☒ N
- X 15. Conditions? (BOR, GW, other) Y / ☒ N
- X 16. Land use approval ☒ OK'd ☐ needs approval ☐ county notified ☐ NA Curry County
- X 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 ☒ 19 - SWR)
- X 18. Letter will be Good ☒ Limited ☐ Bad ☐ Bad w/IRshort because rate allowed
- cc: CURE - Dennis A Crowe # 401, Stuart & nor Eng & Forestry

Requested 0.03 cfs for 3 households including
irrig of 1/2 lawn & garden

per L. Tebonsek memo: 0.02 cfs allowed for 3-5 homes

Name: Kerry Leferer Date: 9/9/96

save to m:\t\ir\sent\app#.w51

To: <u>Kerry Lofever</u>	From: <u>J.P. Drolet</u>
Co./Dept.	Co. <u>WM Dist XIX</u>
Phone #	Phone #
Fax # <u>378-6203</u>	Fax #

ation 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-81461
 Source unnamed stream
 Tributary To Pacific Ocean
 Basin 17 POD T 335R 15WS 10
1/4 SW 1/4 NW
 Proposed Use for 3 Households, Demand 12RIG of 1/2 ac each
 Requested Rate 0.03 cfs Duty _____
 Allowable Rate _____

SECTION 2 - COMPLETED BY REGION OFFICE STAFF

1. Are there existing diversions for water use downstream?

No

2. What impact could the existing diversions have on availability for the proposed use?

N/A

3. Are there periods when there is insufficient water to satisfy existing rights?

4. Is there sufficient water from this source to meet the proposed use a reasonable amount of the time?

Yes

5. Will the user have use of water at least 80 percent of the time (list by months)?

Yes

Watermaster John P. Drolet

SW Region Dist XIX

Signature [Signature]

Date 09-09-96

200 0 200 400
FEET

0 .50 1.00
KILOMETER

1" = 200'

SEE MAP 33 15 3C

CANCELLED NO'S

10301
10302
202
103
104
204
• 200
203

2-3

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DEC 23 1993
DEPT. of REVENUE STATE OF OREGON
ASST. COM. & APPRAISAL DIV.

PACIFIC OCEAN

PARTITION

PLAT

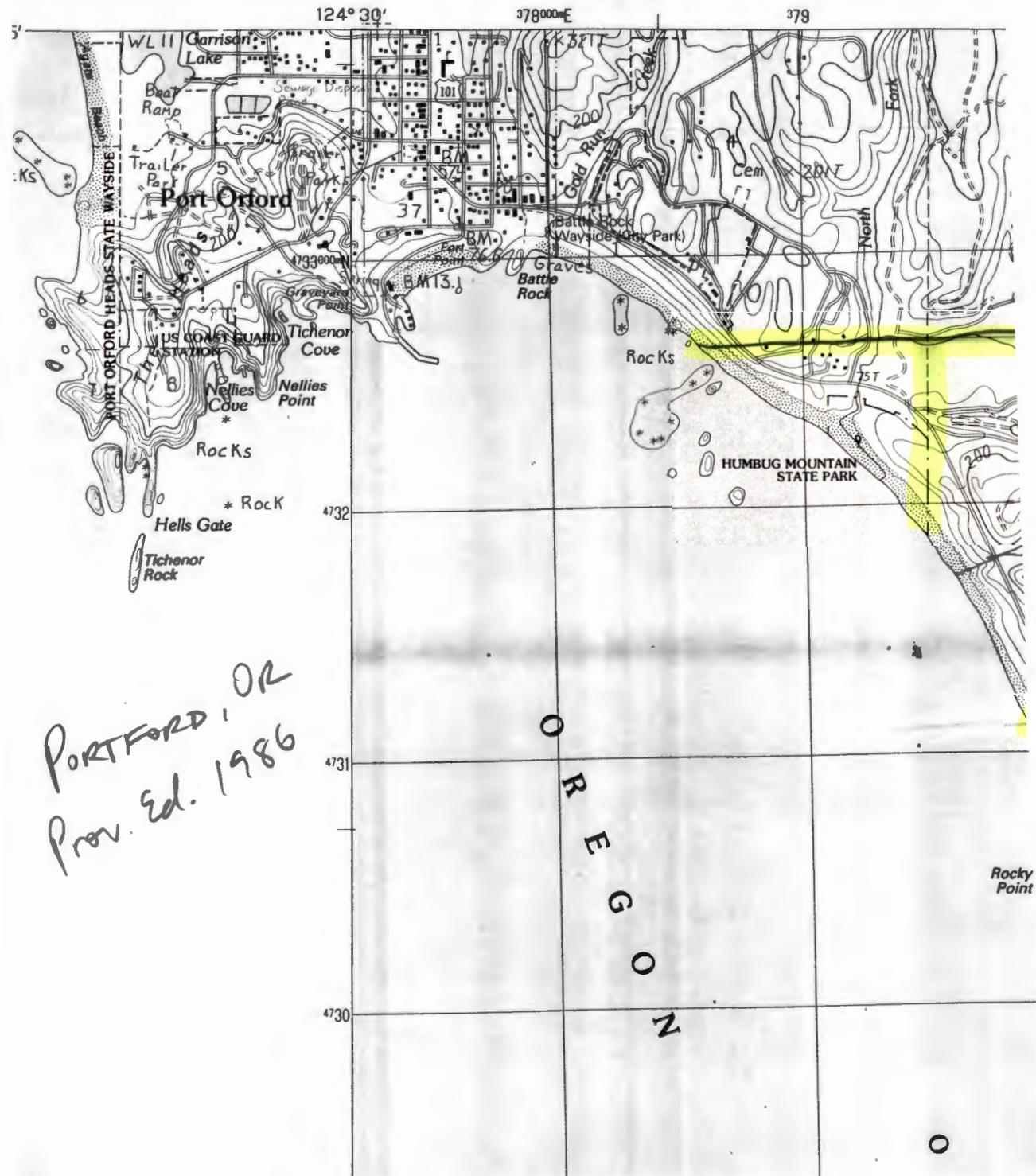
1993-54

PARCEL 3

APPROX
CEN SEC

SE 33 15 10C

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



SECTION 10

[illegible]

OREGON WATER RESOURCES PLAT CARD: Township 33.00 S Range 15.00 W SECTION 10

9/ 9/1996

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
R 72333 0	0	V		(LW)														
S 72327 0	0	V									8.00 (10)							
S 72327 0	0	V														12.00 (10)		

Application No. S-81461

RECEIVED

AUG 26 1996

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT
SALEM, OREGON

Application for a Permit to Appropriate Surface Water

Applicant(s) David Kelly
(Please print or type - use dark ink)
Mailing Address: 18173 Road 400
Madera CA 93638 (209) 674-3027
City State Zip Daytime Phone No.

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

1. **SOURCE OF WATER** for the proposed use: Unnamed Stream,
a tributary of Pacific Ocean
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: .03 cubic feet per
second, OR 13.5 gallons per minute. If water is to be used from more than one source,
give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Domestic Expanded

If for more than one use, give the quantity of water from each source for each use: N/A

If for **DOMESTIC** use, state the number of households to be supplied: Three (3)

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

N/A

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served: N/A

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

Irrigation N/A

Other (describe) N/A

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

The P.O.D. is located North 48°18' East 321 feet from the southeast corner of Noble Major Partition Plat No. 1991-46, Curry County. The P.O.D. is a 4 foot wide by 10 foot deep concrete catch basin with a 3/4 HP Franklin Submersible continuous duty pump, Model #2801074910. The P.O.D. is connected to a 1500 gallon storage tank by 432 feet of 1 1/4 inch diameter line. The line bears Southwesterly for 287 feet; thence Westerly for 102 feet; thence Northwesterly 42 feet to the storage tank. The tank will have a 3/4 HP pump. From the tank to the places of use, 1 inch diameter distribution lines are used. From the tank to places of use (home sites 1, 2, & 3) the line bears NOrtheasterly 47 feet; thence Northerly 146 feet to a junction in the line. The lines run from the junction to homesites: #1 Southwesterly 100 feet; #2 Westerly 122 feet; #3 Northwesterly 50 feet.

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

AUG 26 1996

Proposed date construction work will begin August 1996

Proposed date construction work will be completed August 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Proposed date water use will be completed August 1998

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

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

____ Applicant X CWRE ____ Other (Identify in REMARKS section)

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

____ Applicant X CWRE ____ Other (Identify in REMARKS section)

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

REMARKS: _____

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

David Kelly
Signature of Applicant

8/24/96
Date

Signature of Co-Applicant, if any

Date

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AUG 26 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 26th day of August, 1996, at 8 o'clock, A M.

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AUG 26 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

APPLICATION NO: 81461

PERMIT NO: _____

FOR OFFICE USE ONLY

Do not send out

Application File Number: S-81461

Applicant: DAVID KELLY

County: Curry

Priority Date: August 26, 1996

Source: UNNAMED STREAM, A TRIBUTARY OF PACIFIC OCEAN

**Use: DOMESTIC USE FOR 3 HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND
NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA**

Quantity: 0.02 CUBIC FOOT PER SECOND

Basin Name & Number: South Coast, #17

**Point of Diversion Location: SW 1/4 NW 1/4, SECTION 10, T33S, R15W, W.M.;
NORTH 48 DEGREES, EIGHTEEN MINUTES EAST, 321 FEET FROM SE 1/4 CORNER
PARCEL 2, PART. PLAT 1991-46, T/L 201**

**Place of Use: SW 1/4 NW 1/4, SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15
WEST, W.M.**

FOR OFFICE USE ONLY

WATER RIGHTS APPLICATION MAP
 LOCATED IN PORTIONS OF NW 1/4
 SECTION 10, TOWNSHIP 33 SOUTH, RANGE 15 WEST; W.M.
 CURRY COUNTY, OREGON

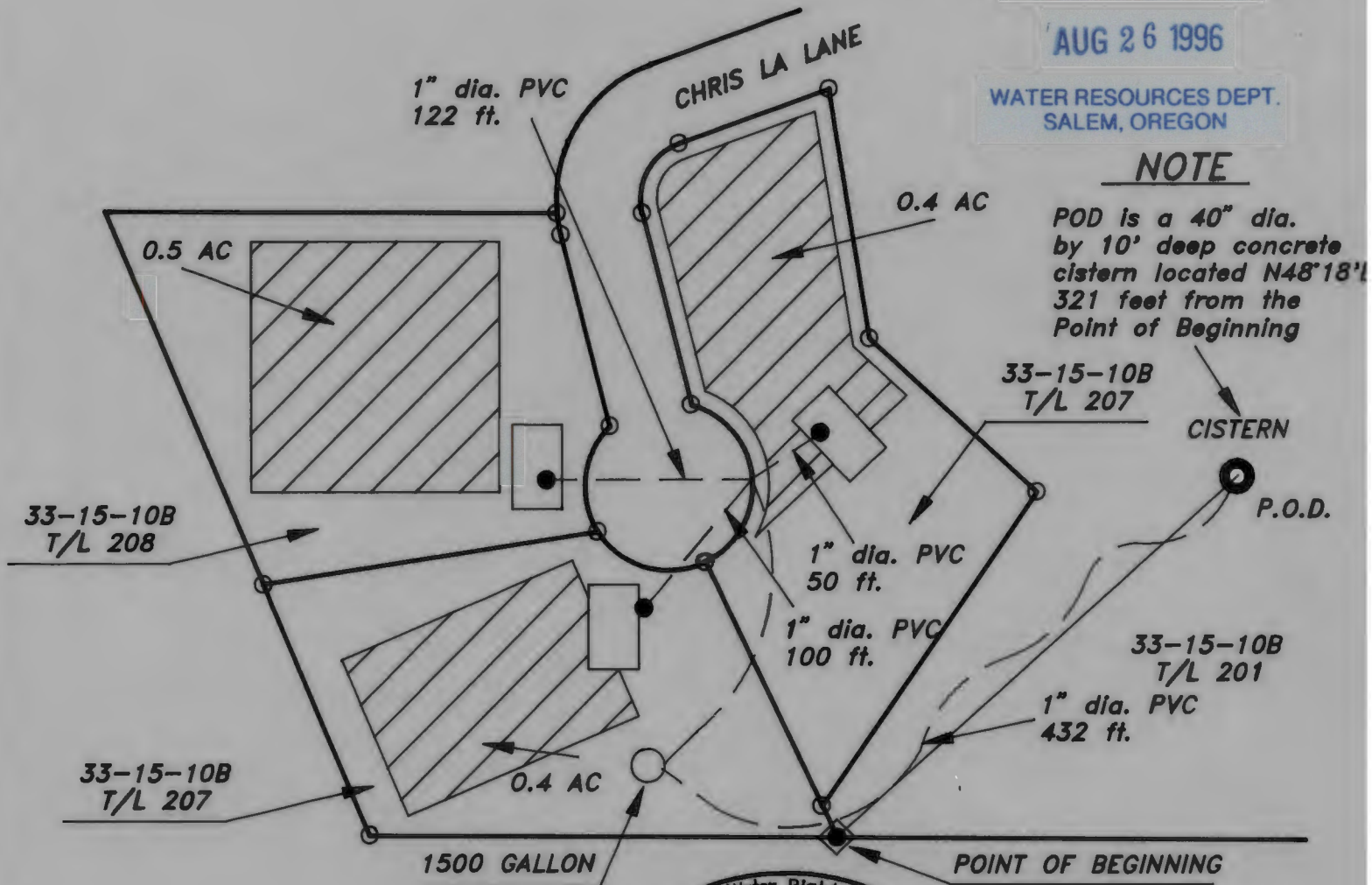
RECEIVED

AUG 26 1996

WATER RESOURCES DEPT.
 SALEM, OREGON

NOTE

POD is a 40" dia.
 by 10' deep concrete
 cistern located N48°18'
 321 feet from the
 Point of Beginning



NOTE

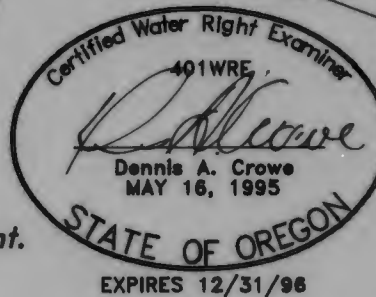
The P.O.D. and Water line are located
 entirely on property owned by the applicant.

**IN THE NAME OF
 DAVID KELLY**

Surveyed on Sept. 6, 1994 by Dennis Goude

EXAMINER'S DISCLAIMER STATEMENT

The preparation of this map was for the
 purpose of identifying the Water Right only
 and has no intent to provide dimensions or
 location of property ownership lines.



SCALE: 1" = 100 FEET
 ASSESSORS SCALE

LEGEND

- ◆ POINT OF BEGINNING
- PROPERTY LINE
- ▨ IRRIGATED AREA
- HOMESITE
- - - 1" DIA. PVC PIPE LINE
- WATER TANK; 1500 GAL

Stuntzner Engineering & Forestry, LLC

ENGINEERING * LAND SURVEYING * FORESTRY * PLANNING * WATER RIGHTS
 97829 Shopping Center Avenue Phone: (541) 469-6329
 Post Office Box 2748 Brookings, Oregon 97415 Fax: (541) 469-0768

Description of Water Use

S-81461

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

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

Applicant Name: David Kelly
 Address: 18173 Road 400
Madera, CA 93638
 Phone: (209) 674-3027

RECEIVED**AUG 26 1996**WATER RESOURCES DEPT.
SALEM, OREGON

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

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

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>Unnamed Creek</u>	<u>.03</u> Cubic feet per second.
	<u>13.5</u> Gallons per minute.
	_____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L SNOWTitle: PLANNERDate: 8/22/96Phone: 247-7011Signature: Dianne L. Snow**RECEIVED**

AUG 26 1996

RESOURCES DEPT.
SALEM, OREGON

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

Additional Comments:

DOMESTIC USE OF WATER IN AN R-2
ZONE IS ALLOWED OUBRIGHT

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

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

Applicant's Name: David Kelly
Address: 18173 Road 400
City: Madera State: CA Zip: 93638 Day Phone: (209) 674-3027

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

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AUG 26 1996

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RH-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
33-15-10B				
t/1 201	Residential-Two Zone (R-2)	X	X	X

WATER RESOURCES DEPT.
SALEM, OREGON

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

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

For Local Government Use Only

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

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

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.110. Go to section b) on reverse side.

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

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

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: David Kelly

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

City or County: Curry County

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

S-81461

1993 INSTRUMENT 93 03310

WARRANTY DEED (INDIVIDUAL)

GEORGE D. KELLY, hereinafter called grantor, convey(s) to HARVIN HARDEGGER and BETTY L. HARDEGGER, husband and wife, all that real property situated in the County of CURRY, State of Oregon, described as:

Parcel Two (2) Kelly Partition Plat No. 1992-78 recorded December 8, 1992 Inst. #92-9973, County of Curry, State of Oregon. Together with an easement for access over private drive as disclosed by Noble Partition Plat No. 1991-46, recorded September 23, 1991 Inst. #91-5021.

See attached Exhibit "A" for Restrictive Covenants Running with the Land and Provisions to be Included in the Easement for the Access Road Leading to the Subdivided Parcels 1 and 2.

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

-an easement created by instrument including the terms and provisions thereof recorded June 17, 1982 in Book of Records 92, page 23.

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 \$28,625.00.

Dated this 21 day of June, 1993. Buyers are granted and undivided one-third (1/3) interest in water system located on map 33-15-10B, Tax Lot #200. Maintenance of said system to be shared equally among the three.

THIS INSTRUMENT WILL NOT BE AFFECTED BY THE REPEAL OF THE PROVISIONS OF THE OREGON DEED ACT IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAW AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING THE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

**undivided interests. Remaining two interests to be determined at a later date.

STATE OF OREGON, County of CURRY) ss.

June 21, 1993 personally appeared the above named GEORGE D. KELLY and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:



Carol J. Noble
Notary Public for Oregon
My Commission Expires: 1-23-95

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 D. KELLY

TO
HARVIN HARDEGGER
BETTY L. HARDEGGER

Return To:

Curry County Title, Inc.
P.O. Box 872
Gold Beach, OR 97444

Send tax statements to:

Harvin Hardegger, et al
P.O. Box 1115
Port Orford, OR 97465

SPACE RESERVED FOR RECORDED USE

RECEIVED

AUG 26 1996

WATER RESOURCES DEPT
SALEM, OREGON

Return to:
CURRY COUNTY TITLE, INC.
P.O. Box 872-Gold Beach, OR 97444

WARRANTY DEED (INDIVIDUAL)

S-81461

GEORGE D. KELLY and EMMA KELLY, Trustee of the EMMA KELLY INTERVIVOS TRUST, each as to an undivided one-quarter interest, as tenants in common and DAVID KELLY and DEBORAH KELLY, husband and wife, as to an undivided one-half (1/2) interest, hereinafter called grantor, convey(s) to MICHAEL E. WALES and DEBRA LEE, husband and wife, all that real property situated in the County of CURRY, State of Oregon, described as:

REAL PROPERTY AS DESCRIBED IN EXHIBIT "A" ATTACHED

CONDITIONS AND RESTRICTIONS AS DESCRIBED IN EXHIBIT "B" ATTACHED

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

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 \$175,000.00.

Dated this 23 day of November, 1994.

George D. Kelly
GEORGE D. KELLY

Emma Kelly, Trustee
EMMA KELLY, Trustee

David Kelly
DAVID KELLY

Deborah Kelly
DEBORAH KELLY

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LANS AND REGULATIONS. BEFORE SIGNED 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 LIENS OR LIABILITIES ARISING FROM OR FROM ACTIONS AS SHOWN IN ORS 30.030.

STATE OF OREGON, County of CURRY) ss.

Dec.
November 16, 1994 personally appeared the above named GEORGE D. KELLY and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me:

Carol J. Noble
Notary Public for Oregon
My Commission Expires: 1-23-95

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 D. KELLY, et al

TO
MICHAEL E. WALES
DEBRA LEE

Before Me:

Curry County Title, Inc.
P.O. Box 672
Gold Beach, OR 97444

and the documents are:

Michael E. Wales, et al
2042 Vancouver St.
Eugene, OR 97401

SPACE RESERVED FOR RECORDER'S USE

RECEIVED

AUG 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Return to:
CURRY COUNTY TITLE, INC.
P.O. Box 672-Gold Beach, OR 97444

61504-1

of RECORDS

STATE OF CALIFORNIA)

County of Fresno)

) ss.

BE IT REMEMBERED, that on this 23rd day of ^{November} ~~September~~, 1994, before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named EDGA KELLY, Trustee known to me to be the identical individual, described in and who executed the within instrument and acknowledged to me that he/she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written



Robert J. Maneely
Notary Public for California
My Commission Expires: Mar 20, 1998

STATE OF CALIFORNIA)

County of Fresno)

) ss.

BE IT REMEMBERED, that on this 23rd day of ^{November} ~~September~~, 1994, before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named DAVID KELLY known to me to be the identical individual, described in and who executed the within instrument and acknowledged to me that he/she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written



Robert J. Maneely
Notary Public for California
My Commission Expires: Mar 20, 1998

STATE OF CALIFORNIA)

County of Fresno)

) ss.

BE IT REMEMBERED, that on this 23rd day of ^{November} ~~September~~, 1994, before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named DEBORAH KELLY known to me to be the identical individual, described in and who executed the within instrument and acknowledged to me that he/she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written



Robert J. Maneely
Notary Public for California
My Commission Expires: Mar 20, 1998

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AUG 26 1996

WATER RESOURCES DEPT
SALEM, OREGON

Exhibit "A"

PARCEL I

Parcel One (1), KELLY PARTITION PLAT NO. 1993-54, recorded November 4, 1993 Inst. #93-06014, County of Curry, State of Oregon.

PARCEL II

Parcel Two (2), NOBLE PARTITION PLAT NO. 1991-46, recorded September 23, 1991 Inst. #91-5021, County of Curry, State of 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.
For : Right of way easement

Conditions & restrictions, including maintenance of private roadway, as disclosed on the recorded plat.

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
For : Water system

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AUG 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

of RECORDS

B. Unless otherwise approved in writing by Grantors and by all other owners within the community, the following minimum setbacks shall prevail:

1. The yard on the side facing the street shall be a minimum of 25 feet on depth at all points.

2. Each side yard shall be a minimum of 20 feet in width at all points.

V. Miscellaneous

A. These conditions, restrictions and covenants shall run with the land and remain in full force and effect for a period of twenty-five (25) years from the date of adoption hereof, and shall automatically extend for successive periods of ten (10) years each, provided that these restrictions may be terminated or amended effective as of the end of any such period by a vote of the owners of two-thirds (2/3) or more of the acreage of property within the community before the end of any such period.

B. In the event that any of covenants, restrictions, or provisions herein contained shall be declared invalid or unenforceable, such declaration shall not effect the validity and enforceability of any of the other covenants, restrictions or provisions.

C. Any provision hereof may be enforced by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, conditions or restrictions herein, either to restrain such violation or to recover damages therefore, which action may be brought by any person owning property within the community who is affected by such violation.

D. A Property Owners Association will be formed as successors to George D. and Emma Kelly and David and Deborah Kelly and they will be charged with the implementation and enforcement of these restrictions, covenants, charges and agreements on the basis of one vote per lot or tract.

DATED this _____ day of _____, 1994.

1994 INSTRUMENT 94 06874

STATE OF OREGON
COUNTY OF CURRY

I RENEÉ KOLEN, COUNTY CLERK, CERTIFY
THAT THE WITHIN DOCUMENT WAS
RECEIVED AND DULY RECORDED IN THE
OFFICIAL RECORDS OF CURRY COUNTY AT

11:49 ON 12-06-94

BY: CH DEPUTY
FEE \$ 65.00
PAGES: 7



RECEIVED

AUG 26 1996

WATER RESOURCES DEPT
SALEM, OREGON

of RECORDS

NOTICE OF BEGINNING OF CONSTRUCTION

I, David Kelly, the holder of Permit No. 53165to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 1st day of September, 1997.Remarks: During and prior to the summer of 1997, the diversion works, pumpThe appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment and pipeline to storage tank and storage tanks was constructed.acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction asauthorized by your permit.IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of SEPTEMBER, 1997.David Kelly

(Signature of Applicant)

18173 Road 400, Madera, Ca. 93638

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

UK/DSM

S-81461

1994 INSTRUMENT

94 06873

GRANTOR:

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

GRANTEE:

W Debra Deborah Lee and
Michael K. Wales

AGREEMENT FOR EASEMENT

In and for good and valuable consideration, receipt of which is hereby acknowledged by Grantor and Grantee, and in further consideration of the mutual covenants and conditions contained herein, said Grantor does grant to the Grantee the following easement for the purposes below stated over and upon the property described herein.

GRANTOR:

David Kelly and Deborah Kelly, husband and wife, as owners and in possession of an undivided one-half interest in the real property described in Exhibit "A" (Parcel "A"), which is attached hereto and incorporated herein by reference;

and

George D. Kelly and Emma Kelly, Trustees of the Emma Kelly Intervivos Trust, each as to an undivided one-quarter interest in the real property described in Exhibit "A" (Parcel "A"), which is attached hereto and incorporated herein by reference;

and

GRANTEE:

Debra Deborah Lee and Michael K. Wales, husband and wife, as tenants-in-common, as owners and in possession of the real property as described in Exhibit "B" (Parcel "B"), which is attached hereto and incorporated herein by reference.

The Grantor and the Grantee to this agreement intend to create permanent, reciprocal, and non-exclusive easements for the installation, maintenance, and use by the parties, and their successors in interest, of a private water system consisting of a well, pumps, storage tanks, meters and pipelines. Such easements shall be appurtenant to and shall benefit the properties owned by each party described herein, and their successors, heirs and assigns. The grants of easements and the terms of the agreement are intended to run with the land and be binding on the parties, their heirs and assigns.

1 - Agreement for Easement

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AUG 26 1996

**WATER RESOURCES DEPT
SALEM, OREGON**

of RECORDS

Return to:
CURRY COUNTY TITLE, INC.
P.O. Box 672-Gold Beach, OR 97444
61504-1

1. **Grant of Easement.** The Grantor hereby grants and conveys to the Grantee, their successors and assigns, a permanent, perpetual, non-exclusive easement and right-of-way on, over and across the Grantors' property described on Exhibit "A", which is incorporated herein. The dimensions and location of that easement are as follows:

a well and well site 10 feet square (point "A" on the map which is Exhibit "C" which is attached hereto and by this reference incorporated herein) being 209.61 feet North and 231.56 feet East of the Southeast corner of Parcel 2 per partition plat 1991-46; and

the pump which includes the pump located in the pump house and related equipment used to pump water from the well site to the respective residences which it serves; and

a water pipeline easement 10 feet wide, beginning at the edge of the above-described well site and having centerline description of South 28° 37' 54" West, 19.97 feet; thence South 69° 27' 34" West, 30.96 feet; thence South 51° 53' 11" West 84.70 feet to a 120.00 foot radius curve to the left, the long chord of which bears South 31° 11' 15" West, 89.94 feet to a 95.00 foot radius curve to the right, the long chord of which bears South 66° 06' 32" West, 110.63 feet; thence North 83° 40' 50" West, 43.55 feet; and thence North 57° 04' 08" West 50.46 feet to the pump house described immediately below; and

a pump house, which includes the house housing the pump and related appurtenant structures, 20 feet wide by 30 feet long (point "B" on the map which is Exhibit "C" attached hereto and by this reference incorporated herein), lying 39.41 feet North and 107.00 feet West of said partition corner; and

storage tanks which are 3,500 gallon tanks with three jet pumps in each tank, and related plumbing, located in the pump house, each tank to service three lots; and

a water pipeline easement 10 feet wide, beginning at the edge of the above-described pump house and having a centerline description of thence North 53° 56' 44" East 37.20 feet to a 95.00 foot radius curve to the left, the long chord of which bears North 02° 05' 08" West, 138.48 feet to the Southeast edge of Chris La Lane (which is point "C" on the map which is Exhibit "C" attached hereto and by this reference incorporated herein) and running thence along or under Chris La Lane to the boundary of the Grantee's property described herein.

This easement shall be appurtenant to and benefit Parcel "B".

2 - Agreement for Easement

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AUG 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

The Grantee, their heirs, successors and assigns, may use the water system for one single-family dwelling to be located on Parcel I - Exhibit "B" and for one single-family dwelling located on Parcel II - Exhibit "B", and such ordinary and reasonable domestic uses associated therewith.

Use of the water systems and the easements granted herein shall be on a regular, continuous, non-exclusive, non-priority basis, benefiting the parties, their successors, assigns, lessees, mortgagees, invitees, guests, agents and employees. However, no party's rights hereunder shall lapse in the event of that party's failure to use the easement and water system on a continuous basis.

The installation, repair, maintenance and use of the water system described in this agreement by any party shall not curtail or unreasonably impede use of the private roadway called Chris La Lane for vehicular and pedestrian ingress and egress.

2. Maintenance. The cost of periodic maintenance and necessary repairs to the well and well site, all water pipelines, and the pump and related equipment, shall be allocated one-third to the Marvin and Betty L. Hardegger, husband and wife, their heirs, successors and assigns (the owners of Exhibit D/Parcel D, a description of which is attached hereto and incorporated herein) and two-thirds as to Deborah Lee and Michael K. Wales, their heirs, successors and assigns. When the Grantors, their heirs, successors and assigns, begin using the water system, then those other persons shall share in the cost of periodic maintenance and necessary repairs in proportion to the use they make of the water system. Maintenance and repairs shall be performed by the respective parties on a prompt, diligent and regular basis and in accordance with generally accepted standards then existing under the laws of Oregon.

The cost for electrical power, service and supply to the water system shall be allocated amongst its various users in accordance with this paragraph. A meter shall be installed at the pump to meter the usage of electrical power to the pump. A separate meter will be installed to monitor the usage of electrical power at each of the jet pumps on the storage tanks. Each jet pump will service a separate user of the water system. The cost of the electricity for the pump shall be allocated one-third to the Hardeggers, their heirs, successors and assigns, and two-thirds to Deborah Lee and Michael K. Wales, their heirs, successors and assigns, until such time as the pump is put into service. From the time the pump is put into service, the cost of the electricity to said pump shall be allocated in proportion to the use made of the water on a volume basis.

Notwithstanding anything herein contained to the contrary, the cost of periodic maintenance and necessary repairs for one storage tank shall be allocated one-third to Marvin and Betty L. Hardegger, their heirs, successors and assigns, and two-thirds to Deborah Lee and Michael K. Wales, their heirs, successors and assigns; the cost of periodic maintenance and

3 - Agreement for Easement

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AUG 26 1996

WATER RESOURCES DEPT
SALEM, OREGON

4. **Indemnification and Hold Harmless.** Each party agrees to defend, hold harmless and indemnify the other parties, their successors and assigns, from any loss, claim, or liability arising out of the use of the easements or the well and water system, and the right-of-way described in this agreement by the parties, or their successors, assigns, lessees, mortgagees, invitees, guests, agents and employees. Each party assumes all risk arising out of their use of the water system.

5. **Timber.** If it is necessary to cut any merchantable timber located upon the property of any party to this agreement, or their successors and assigns, in order to construct, maintain or use the water system, the sale proceeds of any such timber shall belong to the party who holds fee title to the property on which the trees are located at the time they are cut. The owner, by written notice, may immediately upon severance elect to have the timber stacked and decked and thereafter it shall be the responsibility of the owner to sell and remove the timber. All harvest and severance taxes and other fees relating to the timber shall be borne by the owner of the timber.

6. **Breach of Obligations.** In the event either party, or their successors and assigns, shall fail to perform their obligations under this agreement, the other party shall be entitled to require such performance by suit for specific performance or, where appropriate, through injunctive relief. Such remedy shall be in addition to any other remedies afforded under Oregon law. No party shall be in default, however, until the other party has delivered notice of breach of this agreement to that party at an address reasonably calculated to give actual notice to that party setting forth the claimed breach and allowing at least 30 days to cure the claimed breach.

7. **Attorney Fees.** In the event of any litigation arising under this agreement, the prevailing party shall recover from the losing party the prevailing party's reasonable attorney fees at trial or on appeal as adjudged by the trial or appellate court.

8. **Effect of this Agreement.** The reciprocal easements granted hereunder shall run with the land owned by the Grantor and the Grantee (described on Exhibits "A" and "B" attached hereto and including any division or partition of any such property. The rights, covenants and obligations contained in this agreement shall bind, burden and benefit each

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AUG 26 1996

WATER RESOURCES DEPT
SALEM, OREGON

party's successors and assigns, lessees, mortgagees or beneficiaries under a deed of trust.

GRANTOR:

David Kelly
David Kelly Grantor

Deborah Kelly
Deborah Kelly

George W Kelly
George Kelly

Emma Kelly
Emma Kelly

GRANTEE:

Debra Lee
Debra Lee

Michael K. Wales
Michael K. Wales

RECEIVED

AUG 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF California
COUNTY OF Fresno

On this 23rd day of November 1994, before me, a Notary Public for the State of California, duly commissioned and sworn, personally appeared David Kelly, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

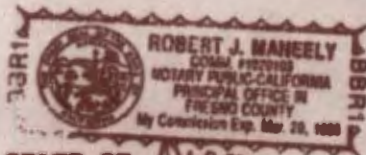


Robert J. Maneely
Notary Public for State of

STATE OF California
COUNTY OF Fresno

On this 23rd day of November 1994, before me, a Notary Public for the State of California, duly commissioned and sworn, personally appeared Deborah Kelly, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

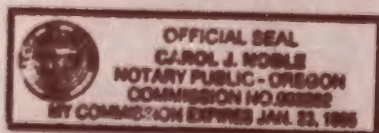


Robert J. Maneely
Notary Public for State of

STATE OF Oregon
COUNTY OF Curry

On this 6 day of Dec. 1994, before me, a Notary Public for the State of Oregon, duly commissioned and sworn, personally appeared George Kelly, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Carol J. Noble
Notary Public for State of Oregon

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WATER RESOURCES DEPT
SALEM, OREGON

7 - Agreement for Easement

STATE OF ~~California~~
COUNTY OF ~~Fresno~~

On this 23rd day of December 1994, before me, a Notary Public for the State of ~~California~~, duly commissioned and sworn, personally appeared Emma Kelly, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

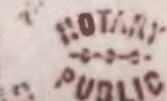


Robert J. Manely
Notary Public for State of _____

STATE OF Colorado
COUNTY OF Jefferson

On this 29th day of November 1994, before me, a Notary Public for the State of Colorado, duly commissioned and sworn, personally appeared Deborah Lee, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Phyllis C. Brown
Notary Public for State of Colorado

STATE OF Colorado
COUNTY OF Jefferson

On this 29th day of November 1994, before me, a Notary Public for the State of Colorado, duly commissioned and sworn, personally appeared Michael K. Wales, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Phyllis C. Brown
Notary Public for State of _____

8 - Agreement for Easement

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AUG 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "A"/PARCEL "A"

The following property is owned by and in the possession of DAVID KELLY and DEBORAH KELLY, husband and wife, as to an undivided one-half interest and GEORGE D. KELLY and EMMA KELLY, each as to an undivided one-quarter 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.

Excepting therefrom the following described real property:

Parcel Two (2) Kelly Partition Plat No. 1992-78 recorded December 8, 1992 Inst. #92-9973, County of Curry, State of Oregon. Together with an easement for access over private drive as disclosed by Noble Partition Plat No. 1991-46, recorded September 23, 1991 Inst. #91-5021.

Parcel One (1), KELLY PARTITION PLAT NO. 1993-54, recorded November 4, 1993 Inst. #93-06014, County of Curry, State of Oregon.

Parcel Two (2), NOBLE PARTITION PLAT NO. 1991-46, recorded September 23, 1991 Inst. #91-5021, County of Curry, State of Oregon.

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WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "A"/PARCEL "A"

of RECORDS

CURRY COUNTY TITLE
Title Number: 61504
Page 4

Exhibit "B"/Parcel "B"

PARCEL I

Parcel One (1), KELLY PARTITION PLAT NO. 1993-54, recorded November 4, 1993 Inst. #93-06014, County of Curry, State of Oregon.

PARCEL II

Parcel Two (2), NOBLE PARTITION PLAT NO. 1991-46, recorded September 23, 1991 Inst. #91-5021, County of Curry, State of Oregon.

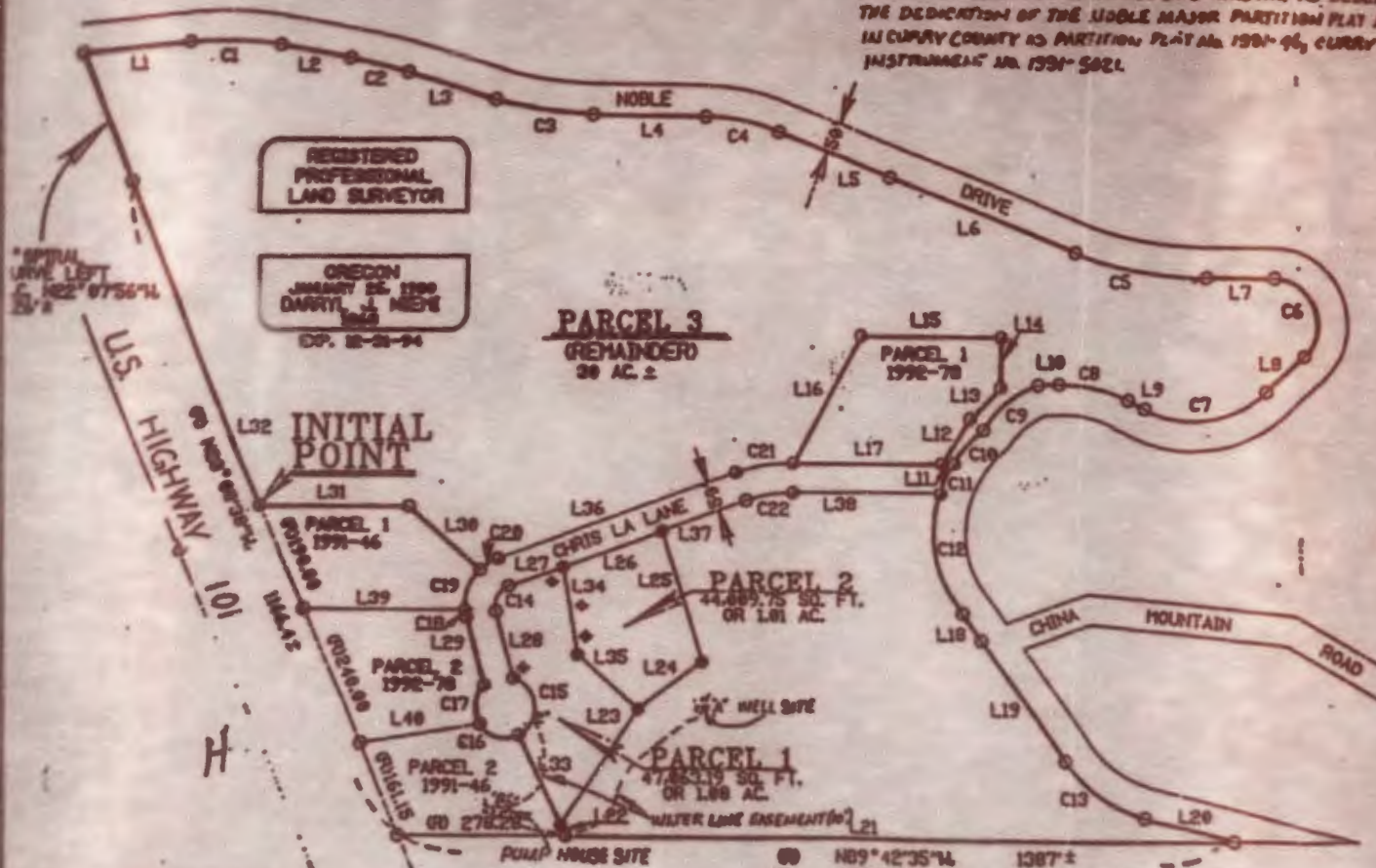
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WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "B"/PARCEL "B"

NOTE: CHRIS LA LANE BEING A PERPETUAL NON-EXCLUSIVE PRIVATE ROAD AND RUN FOR PURPOSES OF INGRESS, EGRESS, AND INSTALLATION OF UTILITY LINES OVER AND ACROSS SAID ROADWAY AS DESCRIBED IN THE DEDICATION OF THE NOBLE MAJOR PARTITION PLAT RECORDED IN CURRY COUNTY AS PARTITION PLAT No. 1991-46, CURRY COUNTY INSTRUMENT No. 1991-5021.



SCALE 1"=200'

EXHIBIT "C"

LEGEND

- SET 5/8" X 30" IRON ROD W/YELLOW PLASTIC CAP STAMPED P.L.S. 1968
- MONUMENTS FOUND PER PARTITION PLAT NUMBERS 19-46 & 92-78
- RECORD POSITIONS PER DIST. NUMBERS 19-46 / 92-78
- RECORD
- MEASURED
- CALCULATED
- ◆ TEST HOLES
- ◆ ZONED R-2
- ◆ 33-15-100

RECEIVED
AUG 26 1996
WATER RESOURCES DEPT.
SALEM, OREGON

SURVEYED BY
B & D SURVEYS, Ltd.

97829 SHOPPING CENTER AVE.
P. O. BOX 2748
HARBOR, OREGON 97415
PHONE (503) 469-5229

37.00

of RECORDS

EXHIBIT "D"/PARCEL "D"

The following property is owned by and in the possession of
MARVIN HARDEGGER and BETTY L. HARDEGGER, husband and wife:

Parcel Two (2) Kelly Partition Plat No. 1992-
78 recorded December 8, 1992 Inst. #92-9973,
County of Curry, State of Oregon. Together
with an easement for access over private drive
as disclosed by Noble Partition Plat No. 1991-
46, recorded September 23, 1991 Inst. #91-
5021.

1994 INSTRUMENT

94 06875

STATE OF OREGON
COUNTY OF CURRY

I RENÉE KOLEN, COUNTY CLERK, CERTIFY
THAT THE WITHIN DOCUMENT WAS
RECEIVED AND DULY RECORDED IN THE
OFFICIAL RECORDS OF CURRY COUNTY AT

11:49 ON 12-06-94

BY: CH

DEPUTY

FEE \$

90.00

PAGES:

12



RECEIVED

AUG 26 1996

WATER RESCUE
SALA

EXHIBIT "D"/PARCEL "D"

of RECORDS

PRE-TR APPLICATION PROCESSING OUTLINE

Application File #

81461

MINIMUM REQUIREMENTS TO FILE

0AR 690-11-020

DATE STAMP

DATE

INITIAL

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved Use pending

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

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code

Entered into WRIS

SUPPORT SERVICES

Stamp contents with application number

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

Place label on file and calender card

APPLICATION SECTION

Stream Indexed Basin #

Plat Carded and copy made YES NO

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

TR CASEWORKER

TR Checklist complete YES NO

Within Irrigation District

District Notified

District excerpt received

TR Mailed DATE

Public Interest Checklist complete

Management Codes

REMARKS:

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

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

Appropriate map (see item 1 on form).

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

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

Signature (and title, if applicable)

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

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

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

**HB 2107 - wetland, stream restoration and storm water
management**

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

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

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

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer Initials
S - 81461	8/26/96	AL

COMPLETED

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

- _____ 1. Examination fees.
- _____ 2. Name and address of the applicant, and title if applicable.
- _____ 3. Source of water.
- _____ 4. Use of water.
- _____ 5. Amount of water.
- _____ 6. Location & description of delivery system.
- _____ 7. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- _____ 8. A statement declaring the existence of written authorization or easement permitting access to lands involved, but not owned by the applicant.
- _____ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- _____ 10. If for municipal use, the present population to be served and expected future water requirements.
- _____ 11. If for mining use, the type of mines and methods of supplying & utilizing the water.
- _____ 12. If for a reservoir:
 - _____ The height of the dam and the storage capacity.
 - _____ The area submerged and the maximum depth.
 - _____ The construction method (earthfill, concrete, flashboard, etc.).
 - _____ A description of the outlet conduit and spillway.
- _____ 13. If for groundwater, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- _____ 14. If the application was made under HB 2107:
 - _____ Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - _____ A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - _____ The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- _____ 15. An oath that the application information is true and correct.
- _____ 16. The signature of the applicant(s).
- _____ 17. A satisfactory map of the proposed POD & POU.
- _____ 18. A Land Use Information Form or receipt signed by appropriate planning official.
- _____ 19. INFORMATIONAL SHEET 310 (K)

August 30, 1996

DAVID KELLY

18173 ROAD 400
MADERA, CA 93638

REFERENCE: File(s) S-81461

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group—Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,



Ms. Anita McLoud
Water Rights Specialist
Water Rights Division



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

Superseded

CLAIM OF BENEFICIAL USE MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 10,
TOWNSHIP 33 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY, OREGON
APPLICATION S-81461, PERMIT S-53165



SCALE
1" = 200 FT.

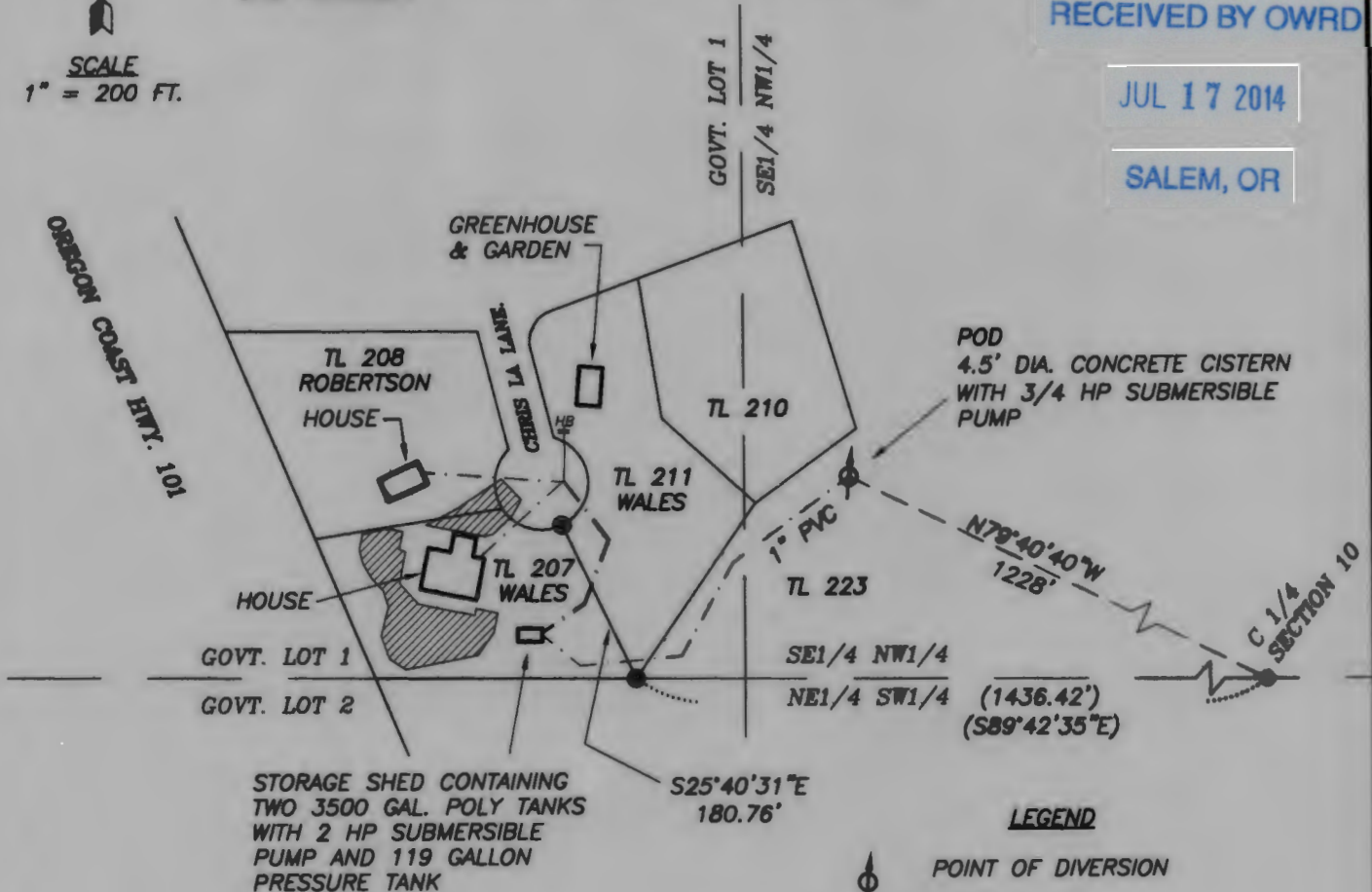
SURVEY METHOD:

THE POINT OF DIVERSION WAS TIED BY TOTAL STATION TRAVERSE TO THE MONUMENTS SHOWN PER CURRY COUNTY PARTITION PLAT 1991-46. THE POSITION OF THE CENTER 1/4 CORNER OF SECTION 10 WAS CALCULATED BASED ON DIMENSIONS SHOWN PER SAID PARTITION.

RECEIVED BY OWRD

JUL 17 2014

SALEM, OR



LEGEND

- POINT OF DIVERSION
- 1" PVC PIPE
- FOUND MONUMENT PER PARTITION PLAT 1991-46
- CALCULATED POSITION
- HOSE BIB
- IRRIGATED AREA = 0.3 ACRES
- () RECORD DIMENSION PER PARTITION PLAT 1991-46

NOTE:

THE POINT OF DIVERSION BEARS NORTH 79°41'49" WEST 1228 FEET FROM THE CENTER 1/4 CORNER OF SECTION 10.

EXAMINER'S DISCLAIMER STATEMENT

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



Stuntzner

Engineering
& Forestry, LLC

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

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

PHONE: (541) 267-2872
FAX: (541) 267-0588
www.stuntzner.com

JOB #: 114-012

DATE: June 2014

DRAWN BY: CMW

CHECKED BY: CMW

PREPARED
FOR:

Mike Wales
Port Orford, Oregon

FILE NAME: 114-012 Wales COBU.dwg

SHEET 1 OF 1

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **5830**

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

INVOICE # _____

RECEIVED FROM: David Kelly
BY: _____

APPLICATION	81461
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 90-3300 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 325.00

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

**RECEIVED
OVER THE COUNTER**

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ 200.00

0202

RECORD FEE

\$ 125.00

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

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 # **5830**

DATED: 8/26/96

BY: CAR

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **112782**

INVOICE # _____

RECEIVED FROM: Michael Wales
BY: Debra Lee

APPLICATION	<u>5-81461</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 7407 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 175.00

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 \$ _____

WATER RIGHTS:

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

WELL CONSTRUCTION

EXAM FEE		LICENSE FEE	
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

0200 OTHER (IDENTIFY) Claimed Beneficial Use \$175.00

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: **112782**

DATED: 7/17/14 BY: [Signature]