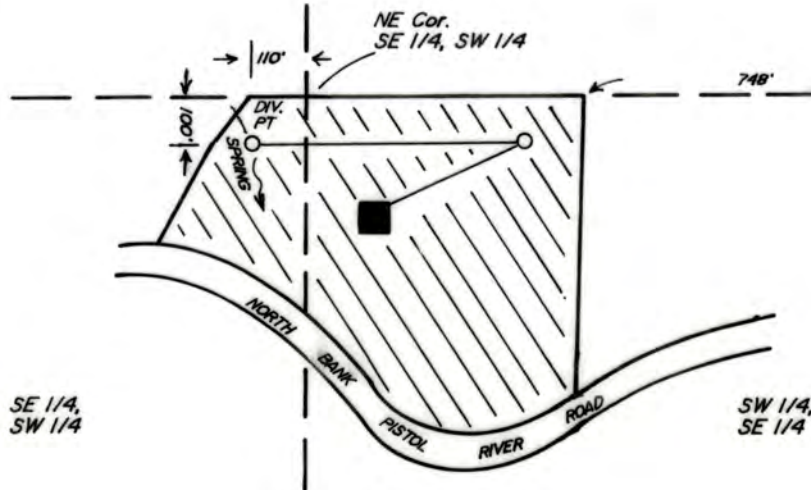




**APPLICATION MAP for JAMES L. and
PATRICIA WALKER in the SE 1/4, SW 1/4
and the SW 1/4, SE 1/4, Section 20,
T 38 S, R 14 W, W.M.
Curry County, Oregon**

Scale - 1" = 400' January, 1991

APPLICATION NO:

71117

PERMIT NO:



*The preparation of this map was for the purpose of identifying
the location of the proposed water right and has no intent to
provide dimensions or location of property lines.*

**H.J. Newhouse - Land Surveying
P.O. Box 360
Wedderburn, Oregon 97491
(503) 247-6923
C.W.R. # 095**



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

January 5, 1999

JAMES L. AND PATRICIA L. WALKER
513 OAKWOOD STREET
TEHACHAPI, CA 93561

REFERENCE: File 71117

This will acknowledge that your claim of beneficial use and map in the name of JAMES AND PATRICIA WALKER were received on DECEMBER 31, 1998. These will be reviewed in the future to insure they are complete and correct.

If you have any questions please contact me at (503) 378-8455, extension 263, or dial toll free (within Oregon only) at 1-800-624-3199, extension 263.

Sincerely,

STEVE BROWN
Program Analyst
Certificate Section

SCB:tcb

cc: HOWARD J. NEWHOUSE, CWRE #95

H.J. NEWHOUSE

LAND SURVEYOR • OR 402 • CA 3605

Dec. 29, 1998

POST OFFICE BOX 360
WEDDERBURN, OREGON 97491
TELEPHONE (503) 247-6923

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

Subject: Final Certificate Request
For: James L. and Patricia L. Walker
513 Oakmont St.
Tehachapi, Calif. 93561
Tel. 805-822-3945

Under: Application 71117
Permit: 52256

The diversion point remains the same as described in Application 71117. The system has been altered as shown and described. The water was measured at the overflow of the 500 gal. holding tank on Dec. 15, 1998. It was done with a 3 gal. milk pail and stop watch. The amount came to 13248 gal. per day or 0.02 cu. ft. Besides the one domestic water use the remainder is used to irrigate the additional acreage for a tree farm. This includes an orchard, trees of liquid amber, Douglas Fir, White Fir, spruce, etc. Moveable garden hose and sprinklers are utilized.

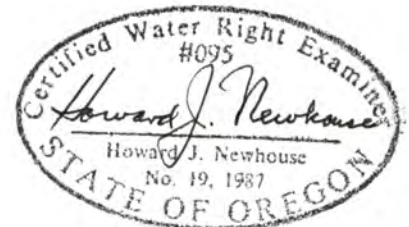
The currant system still uses the 30 gal. collection tank buried in the spring bed. Gravity feeds through a one in. plastic pipe, 150 feet, more or less, to a 500 gal. holding tank which has a 1/2 H.P. submersible pump and a 20 gal. pressure tank housed inside a 3x2 ft. shed. Then the pressure feeds through a 2 in PVC pipe to two 2500 gal. tanks, the second tank has a ball float to turn off and on the first pump. The second tank also has another 1/2 HP submersible pump that runs a 44 gal. pressure tank inside a 6x8x8 ft. laundry room and thence to the house.

The above information was obtained by a field survey Dec. 15, 1998 and is a true and accurate opinion by the WRE.

RECEIVED

DEC 31 1998

WATER RESOURCES DEPT.
SALEM, OREGON



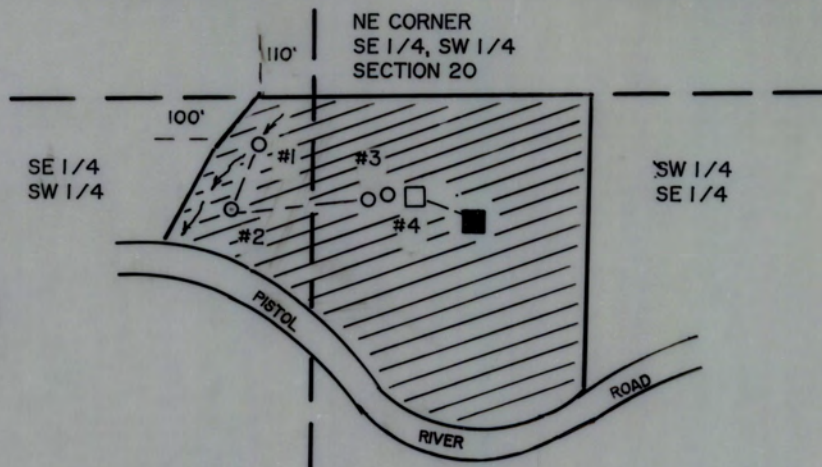
We, the undersigned agree with the findings of the WRE shown above.

James L. Walker
James L. Walker

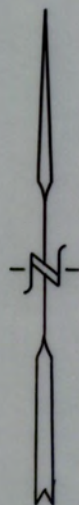
Patricia L. Walker
Patricia L. Walker

CERTIFIED WATERS RIGHTS EXAMINER, ORE. NO. 95

- # 1 - 30 GAL. TANK
- # 2 - 500 GAL. TANK
- # 3 - 2, 2500 GAL. TANKS
- # 4 - LAUNDRAY ROOM



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



T 38 S, R 14 W, W.M., SECTION 20 FINAL PROOF SURVEY

UNDER

APPLICATION #S-71117 PERMIT # 52256

IN THE NAME OF

JAMES AND PATRICIA WALKER

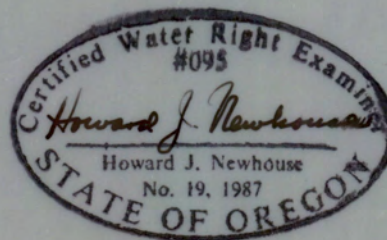
SURVEYED DECEMBER 15, 1998 BY H.J. NEWHOUSE

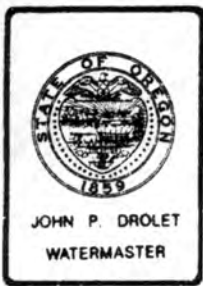
SCALE 1" = 400'

RECEIVED

DEC 31 1998

WATER RESOURCES DEPT.
SALEM, OREGON





Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

RECEIVED
JUL 20 1998
WATER RESOURCES DEPT.
SALEM, OREGON

17 July 98

James and Patricia Walker
513 Oakwood St.
Tehachapi, CA 93561

file # 71117
prmt # 52256

Dear Mr. & Mrs. Walker

Reference is made to our recent streamflow measurement on Pistol River and your 1991 water use permit allowing the use of water from a spring for domestic use and 11 acres of irrigation.

Pistol River was recently measured and the flow was determined to be below the required Instream Water Right(IWR).

Under the terms of your permit, when water is not available to satisfy senior rights, in this case, the IWR, it shall be necessary that you discontinue your irrigation water use, effective immediately. This regulatory action does not affect your ability to use water for human consumption within a dwelling.

Staff will be making field inspections as early as 22 July in order to ensure compliance. Should you have questions, please get in touch.

Sincerely,

John P. Drolet
Watermaster, District 19

JPD/dt

CF: AJC
Dwight French (for files)

71117

JAN 14 1931

RECEIVED

JAN -4 1991

WATER RESOURCES DEPT
State of Oregon SALEM, OREGON

WATER RESOURCES DEPARTMENT

TER RESOURCES DEPT.
SALEM, OREGON

Applicant(s) James L. and Patricia L. Walker

(Please print or type - use dark ink)

Mailing Address: 513 Oakwood Street

~~Tehachapi~~

~~Calif.~~~~93561~~

~~805- 822- 3945~~

City

State

Zip

Daytime Phone No.

1. SOURCE OF WATER for the proposed use: Spring

a tributary of _____ Pistol River

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.143 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each:

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

If for more than one use, give the quantity of water from each source for each use;

If for **DOMESTIC** use, state the number of households to be supplied; one

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

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

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

Irrigation

11.05 A.

Other (describe)

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).

At the spring site water is diverted into two 36 in. x 3 ft. x 3 ft. concrete tile. A 3/4 H.P. submersible pump (electric) sends the water up through a one inch PVC line to a 1500 gallon storage tank. Thence by gravity to the house. Sprinkling will be done from faucets.

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

Proposed date construction work will begin 10/1/92

Proposed date construction work will be completed 10/1/93

Proposed date water use will be completed 10/1/94

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

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant ☒ CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant ☒ CWRE Other (Identify in REMARKS section)

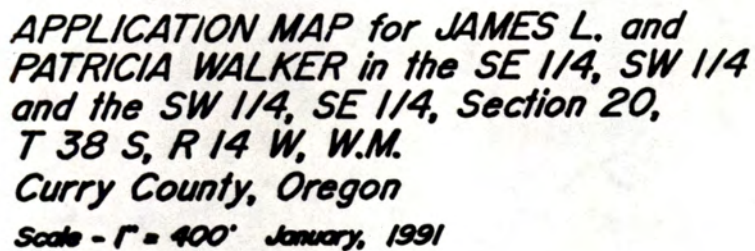
7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

James L Walker
Signature of Applicant

Patricia L. Walker
Signature of Co-Applicant, if any

1-3-91
Date



PERMIT NO:

Certified Water Right Examining
#095
Howard J. Newhouse
Howard J. Newhouse
No. 19, 1987
STATE OF OREGON

H.J. Newhouse - Land Surveying
P.O. Box 360
Wedderburn, Oregon 97491
(503) 247-6923
C.W.R. # 095

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: James L. and Patricia Walker
Address: 513 Oakwood St.
City: Tehachapi State: CA Zip: 93561 Day Phone: (805) 822-394

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
38-14-00, 4900	RURAL RESIDENTIAL (RR-10)	✓		✓

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

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 government planning officials are to complete the remainder of this form. If this form cannot be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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): SECTION 3.080. Go to section b) on reverse side.
CURRY COUNTY ZONING ORDINANCE
- ☐ 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.)

[illegible]

2

WATER RESOURCES DEPT
SALEM, OREGON

Additional Comments:

2

WATER 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. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Description of Water Use

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

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

Applicant Name: James L. Patricia Walker
Address: 513 Oakwood St
Tehachapi
Calif. 93561
Phone: 805-822-3945

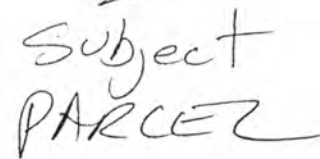
Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): Tree farm
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☒ Residential (# units, single or multi-family, # lots if partition or subdivision): One Single family home
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>Spring tributary to Pistol River</u>	<u>0.143</u> Cubic feet per second. ____ Gallons per minute. ____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

RECEIVED
JAN 11 1991
WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON



— Exception Area Boundary

Curry County Comprehensive Plan
Zoning Maps

Zoning

RECEIVED

JAN 14 1991

RECEIVED

DESCRIPTION FOR MILDRED WALKER

In Lots 3&4 20-38-14
Dec. 1990

WATER RESOURCES DEPT.
SALEM, OREGON

JAN -4 1991

WATER RESOURCES DEPT.
SALEM, OREGON

That certain tract of land lying in Governments Lots 3 and 4, Section 20, Township 38 South, Range 14 West, Willamette Meridian, Curry County, Oregon described as follows:

Beginning at a point on the North boundary of Government Lot 3, West 748 feet from the Northeast corner of said Government Lot 3

Thence following the North boundary of said Government Lot 3, W to the Northwest corner of said Government Lot 3.

Thence following the North boundary of said Government Lot 4, North 88° 36' West 118.56 feet to an iron bar.

Thence South 37° 08' West 128.74 feet to an iron bar.

Thence South 32° 51' West 193.56 feet to an iron bar driven on the North boundary of County Road #690.

Thence following the Northerly boundary of County Road #690, Easterly, through its tangents and curves, to a point that bears South from the point of beginning.

Thence North to the point of beginning.

Approved

Permit

71117

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 10, 1957
H. J. NEWHOUSE
402

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES L & PATRICIA L WALKER
513 OAKWOOD ST
TEHACHAPI, CALIFORNIA 93561

(805) 822-3945

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

APPLICATION FILE NUMBER: S-71117

SOURCE OF WATER: A SPRING, A TRIBUTARY OF PISTOL RIVER

PURPOSE OR USE: DOMESTIC USE FOR ONE HOUSEHOLD AND IRRIGATION OF 11.05 ACRES

RATE OF USE: 0.143 CUBIC FOOT PER SECOND, BEING 0.138 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FOR DOMESTIC USE AND MARCH 1 THROUGH APRIL 30 FOR IRRIGATION, LIMITING USE TO HUMAN CONSUMPTION ONLY FROM MAY 1 THROUGH NOVEMBER 30

DATE OF PRIORITY: JANUARY 14, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 20, T 38 S, R 14 W, W.M.; 100 FEET SOUTH & 110 FEET WEST FROM CS 1/16 CORNER, SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4	2.0 ACRES
SW 1/4 SE 1/4	9.05 ACRES DOMESTIC USE
SECTION 20	
TOWNSHIP 38 SOUTH, RANGE 14 WEST, W.M.	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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

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

STANDARD CONDITIONS

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

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

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

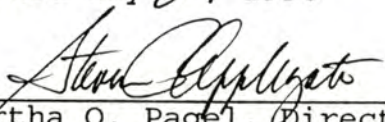
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

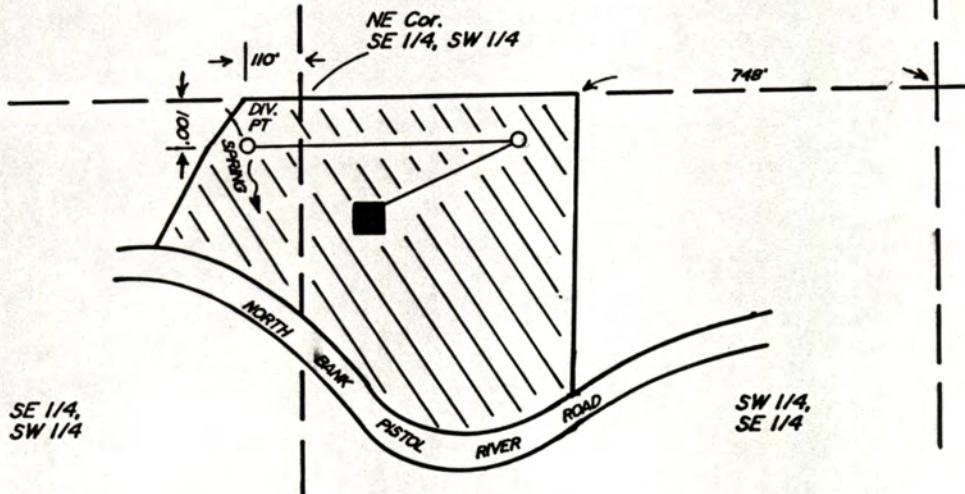
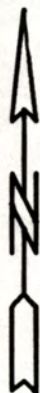
Issued May 20, 1996

for 
Martha O. Pagel, Director
Water Resources Department

app # 9589

NESW

17179 ?



54600

APPLICATION MAP for JAMES L. and
PATRICIA WALKER in the SE 1/4, SW 1/4
and the SW 1/4, SE 1/4, Section 20,
T 38 S, R 14 W, W.M.
Curry County, Oregon
Scale - 1" = 400' January, 1991

APPLICATION NO: 71117

PERMIT NO:



The preparation of this map was for the purpose of identifying
the location of the proposed water right and has no intent to
provide dimensions or location of property lines.

H.J. Newhouse - Land Surveying
P.O. Box 360
Wedderburn, Oregon 97491
(503) 247-6923
C.W.R. # 095

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES L & PATRICIA L WALKER
513 OAKWOOD ST
TEHACHAPI, CALIFORNIA 93561

(805) 822-3945

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

APPLICATION FILE NUMBER: S-71117

SOURCE OF WATER: A SPRING, A TRIBUTARY OF PISTOL RIVER

PURPOSE OR USE: DOMESTIC USE FOR ONE HOUSEHOLD AND IRRIGATION OF 11.05 ACRES

RATE OF USE: 0.143 CUBIC FOOT PER SECOND, BEING 0.138 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FOR DOMESTIC USE AND MARCH 1 THROUGH APRIL 30 FOR IRRIGATION, LIMITING USE TO HUMAN CONSUMPTION ONLY FROM MAY 1 THROUGH NOVEMBER 30

DATE OF PRIORITY: JANUARY 14, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 20, T 38 S, R 14 W, W.M.; 100 FEET SOUTH & 110 FEET WEST FROM CS 1/16 CORNER, SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4	2.0 ACRES
SW 1/4 SE 1/4	9.05 ACRES DOMESTIC USE
SECTION 20	
TOWNSHIP 38 SOUTH, RANGE 14 WEST, W.M.	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter **or other suitable measuring device** as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

Application S-71117 Water Resources Department

PERMIT 52256

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

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

STANDARD CONDITIONS

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

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

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

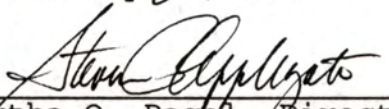
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued May 20, 1996

for 
Martha O. Pagel, Director
Water Resources Department

June 20, 1996

WATER
RESOURCES
DEPARTMENT

JAMES L. WALKER
PATRICIA L. WALKER
513 OAKWOOD ST
TEHACHAPI, CA 93561

RE: Application File S-71117 Permit 52256
Permit Fish Screening Requirement

Dear James & Patricia,

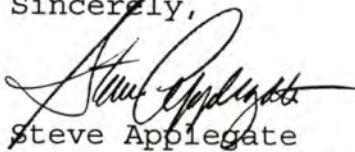
The Department received the attached letter from the Oregon Department of Fish and Wildlife amending their position regarding the need for fish screening and passage.

For the purpose of your permit, this letter will serve as evidence that the conditions requiring fish screening and passage are null and void.

It is not our intention to reissue your permit. Rather, when and if a final water right certificate is issued, these conditions will be removed.

Should you have any questions regarding this matter, please feel free to call either Dwight French or Gerry Clark at (503) 378-3739.

Sincerely,



Steve Applegate
Water Rights Division Administrator

cc: John Drolet, Watermaster District 19

Attachment



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

RECEIVED

JUN 14 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

DEPARTMENT OF
FISH AND
WILDLIFE



GOLD BEACH
DISTRICT OFFICE

June 12, 1996

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Draft Water Right Permit #52256 (Application #S 71117)

Because there are no fish present in the immediate vicinity of the described POD the ODFW will not require fish screening or passage facilities on this diversion.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Todd Confer".

Todd Confer
Assistant District Fisheries Biologist
South Coast District

c: Patricia Walker



746 Airport Way
PO Box 642
Gold Beach, OR 97444
(503) 247-7605
FAX (503) 247-2321

Oregon

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To Dwight French	From	
Co.	Co.	
Dept.	Phone #	
Fax # 503 378 1103	Fax #	



DEPARTMENT OF
FISH AND
WILDLIFE

GOLD BEACH
DISTRICT OFFICE

June 12, 1996

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Draft Water Right Permit # **S 71117** (application # 71117, Water Right # 50056) *Permit # 50056*
Because there are no fish present in the immediate vicinity of the described POD the ODFW will not require fish screening or passage facilities on this diversion. *District Fish Biologist*

Thank you for the opportunity to comment.

Sincerely,

Todd Confer

Todd Confer
Assistant District Fisheries Biologist
South Coast District

c: Patricia Walker



746 Airport Way
PO Box 642
Gold Beach, OR 97444
(503) 247-7605
FAX (503) 247-2321

RECEIVED

JUN 14 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon



DEPARTMENT OF
FISH AND
WILDLIFE

GOLD BEACH
DISTRICT OFFICE

June 12, 1996

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Draft Water Right Permit #52256 (Application #S 71117)

Because there are no fish present in the immediate vicinity of the described POD the ODFW will not require fish screening or passage facilities on this diversion.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Todd Confer".

Todd Confer
Assistant District Fisheries Biologist
South Coast District

c: Patricia Walker



746 Airport Way
PO Box 642
Gold Beach, OR 97444
(503) 247-7605
FAX (503) 247-2321

June 3, 1996

FAXED

JAMES L. & PATRICIA WALKER
513 OAKWOOD STREET
TEHACHAPI CA 93561

RE: Application file S71117, Permit 52256

Dear James and Patricia,

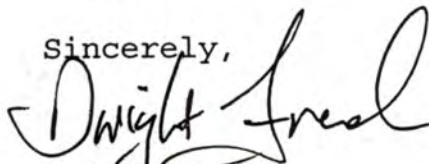
Thank you for your call today. I enjoyed hearing about your prized German Sheppard "Turbo".

For the purposes of this permit, a suitable measuring device may be as simple as knowing the diameter and type of pipe that you end up having run from the spring area to the downhill storage tanks.

It is unlikely, but possible, that a more accurate meter may be required in the future.

If you have any questions, please give either myself or Gerry Clark a call.

Sincerely,



Dwight French
Water Right Section Manager

cc: John Drolet, Watermaster



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

RECEIVED

MAR 11 1994

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

March 9, 1994

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

RE: Water Right Application #71117; Report of Technical Review

The water availability analysis done for instream water right 70885 indicates water is generally not available at least during the months of August and September. This water right should, therefore, be limited to human consumption for at least this period. ODFW requests WRD staff take another look at water availability here in order to establish the proper periods for domestic and human consumption uses.

Because there are no fish in the immediate area of the subject appropriation, no fish screening or passage facilities are to be required.

Thank you for the opportunity to comment.

Sincerely,

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

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: 71117.TEC



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

WM#14

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant James L. & Patricia L. Walker Application Number 71117

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes _____ No X

If yes, please explain.

RECEIVED

JAN 30 1991

WATER RESOURCES DEPT.
SALEM, OREGON

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes _____ No X

If yes, please explain.

3. Do you observe this stream system during regular field work?

Yes X No _____

If yes, what are your observations for the stream.

THE PISTOL RIVER DOES DROP BELOW THE MINIMUM STREAMFLOW DURING THE SUMMER MONTHS BUT THIS SPRING FLOWS IN BELOW THE TIDE WATER MARK.

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes _____ No _____ Don't Know X

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make?

RECEIVED

JAN 25 1991

WM. DIST. 14
GRANTS PASS, ORE.

Signature Bruce L. Smith WM District # 14 Date 1-29-91

7117

513 Oakwood Street
Tehachapi, California
93561
January 15, 1994

RECEIVED

FEB 16 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Steve Brown, Manager
Water Rights Division
Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Dear Mr. Brown,

This letter is written in response to your letter of 12-30-93 concerning the current status of our application of water use permit as well as several subsequent conversations by telephone since that date with Karen Cox of your Department.

We have three areas of concern pertinent to the proposed permit conditions.

1. Water Meter.

At the time of application no meter or any other measuring device was required or suggested. When discussed we were told no meter would be necessary. Bruce Sund, Water Master, from Grant's Pass checked the spring and property prior to our application and clarified this and all other questions.

2. Public Interest Review.

The "next phase of processing" including a Public Interest Review of our proposed water use sixty days in duration, including publication, has already occurred. There were two protests, one by Oregon Trout. Then we met with biologists from Oregon State Department of Fish and Wildlife out of Goldbeach, 97444. They determined that the flow from our spring did not join the river beyond the critical point---- the essence of the protest. They subsequently overrode the biological concerns and gave their approval for this aspect of the application. The Public Interest Review has been completed.

3. The dates proposed under permit conditions (4 ABC) are impossible for us to meet. Patti has had radical surgery at U.S.C. Norris Cancer Hospital for renal cell carcinoma (kidney cancer) with

FEB 16 1994

WATER RESOURCES DEPT
SALEM, OREGON

2

metastasis to four lymph nodes. We found it necessary to delay moving to keep the proximity to U.S.C. for post-operative care. Actually, Patti is back at her teaching position in Biology and we intend to move as soon as we can. If signed by us the stipulation of completion of the water system by 10-1-96 at a time we are not present to protect or utilize it would cause us to fail to comply with this provision and may result in cancellation of the permit. To sign an agreement we cannot possibly keep would be dishonest on our part and potentially negate our already large expenditures for this permit.

We would like to suggest a different time frame based on medical necessity.

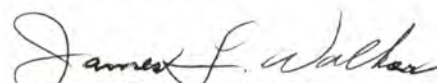
Begin construction by 10-1-97

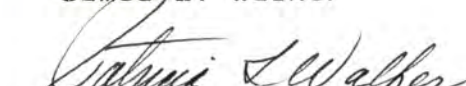
Complete construction by 10-1-99

Apply Water to Beneficial Use 10-1-00

Thank you for your kind response to our phone calls and your effort to process this application.

Sincerely,


James L. Walker


Patricia L. Walker

513 Oakwood Street
Tehachapi, California
93561
February 1, 1996

Mr. Gary Holliday
Oregon Water Resources Department
Commerce Building
158 12 th. Street N.E.
Salem, Or. 97310-0210

RECEIVED

APR 15 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Holliday,

We are responding to your letter of October 20, 1995 and December 1, 1995 as well as our lengthy telephone conversation prior to December, 1995.

Our Points of concern and objection are as follows:

(1) Metering of Water. We were specifically told by Bruce Sund, Water Master for the Pistol River area out of Medford (at that time), that a meter would not be required. He gave us his word. To us, that is not only a matter of honor but as representative of the Oregon Water Resources Department, his word is a commitment. We wish to remind you that at the time of our application and for years afterward, metering was not required by state law. Your department was severely backlogged and subsequent delay moved us into a time frame which also evidenced new law.

The initial expense of a meter and it's maintenance is inappropriate in this permit because it lies immediately adjacent to Pistol River and entirely within it's watershed. It is not in the public interest to require such a costly device-when it was not required at the time of application and your spokesperson, the Water Master, gave his word for the

RECEIVED

APR 15 1996

WATER RESOURCES DEPT.
SALEM, OREGON

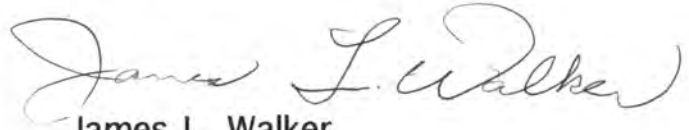
department that it would not be required.

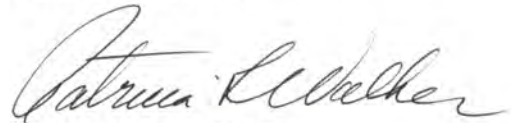
We await your consideration of our objection to Section A, page 2 of the Draft Permit to Appropriate the Public Waters-specifically in reference to the installation of a meter.

(2) Time Frame. The dates of the time frame for completion are impossible for us to meet. We must mention that we intend to file for an extension of time for completion of the delivery system within one year of issuance of the permit. This is necessary because our move to Pistol River is delayed by my wife's cancer and the necessity of remaining close to her comprehensive cancer center. It is difficult to set dates when we cannot anticipate the progression (or lack of it) of her illness.

We appreciate your kind responses, both in writing and by telephone to our inquiries and your effort to process this application.

Sincerely,


James L. Walker


Patricia L. Walker

Fish District: Lower Rogue/South Coast

WAB # _____

Application # S-71117Applicant Name J. Walker

Date: March 26, 1996

AREA

☒ Source Watershed☐ Senior instream water right application to junior out-of-stream application☐ No water availability information

INFORMATION/CONDITIONS

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

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

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

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

3. Domestic

Should domestic use be conditioned to human consumption? Y ☐ N ☐ Based on water availability

4. Fish Screening and Passage

- ☒ A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).
☐ B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).
☐ C. No dam or obstruction without a fishway.

5. Miscellaneous

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

6. Measurement and Reporting

- ☐ A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)
☐ B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)
☐ C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)

FINDINGS

☐ Permit is proposed for denial prior to interagency team review for fishery concerns.☐ Deny permit due to fishery concerns, except for

- ☐ A. Domestic (which may be limited to human consumption, see above)
☐ B. Livestock
☐ C. Unless water is from storage

☐ Do not condition further due to fishery concerns.☒ Condition permit due to fishery concerns listed above.

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-71117

WATERMASTER # 19

REGIONAL MANAGER: Southwest

ODF&W - Curry County:

CWRE (if agent): Howard J Newhouse #095

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ 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):

Ken Stahr

CASEWORKER : GH

1) Also mail meter letter to

2) try 5 year extension after ~~to~~ extension

W. H. Miller

2002 to ~~complete~~ start use of water & construction

805 822-3945

extensions only a

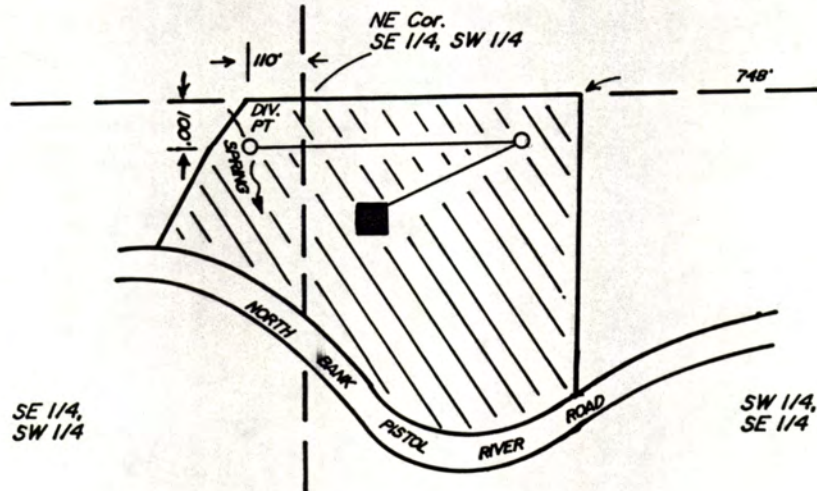
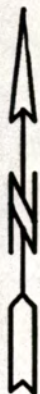
completion of construction can be extended

but only at the time when expired
begin construction of ~~per~~ delivery

then a year to construct works & complete

then a year to apply water

can extend the completion of construction &
complete application of water at 1 year
increments



**APPLICATION MAP for JAMES L. and
PATRICIA WALKER in the SE 1/4, SW 1/4
and the SW 1/4, SE 1/4, Section 20,
T 38 S, R 14 W, W.M.
Curry County, Oregon
Scale - 1" = 400' January, 1991**

APPLICATION NO:

21117
52256

PERMIT NO:



*The preparation of this map was for the purpose of identifying
the location of the proposed water right and has no intent to
provide dimensions or location of property lines.*

**H.J. Newhouse - Land Surveying
P.O. Box 360
Wedderburn, Oregon 97491
(503) 247-6923
C.W.R. # 095**

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-71117

Final Order

Application History

On January 14, 1991, JAMES L & PATRICIA L WALKER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 21, 1995. The protest period closed January 5, 1996, and no protest was filed.

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

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

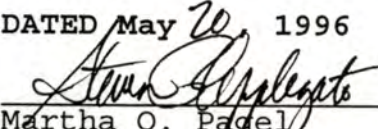
The period of use has been limited to December 1 through April 30 for domestic use, and March 1 through April 30 for irrigation, limiting use to human consumption only from May 1 through November 30

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to include the condition as listed above.

Order

The application therefore is approved with the above modifications to the Proposed Final Order, and Permit Number 52256 is issued as limited by the conditions set forth in the permit.

DATED May 20, 1996

for 
Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 527.153(6) to the Department within 14 days after this order is issued. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing 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
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of	)	PROPOSED
Surface Water Application	)	FINAL
S-71117 submitted by	)	ORDER
JAMES L WALKER		
PATRICIA L WALKER		

FINDINGS OF FACT

Water Use Request

1. JAMES L WALKER AND PATRICIA L WALKER requested use of 0.143 CUBIC FOOT PER SECOND of water for DOMESTIC USE FOR ONE FAMILY AND IRRIGATION OF 11.05 ACRES from A SPRING, A TRIBUTARY OF PISTOL RIVER within the South Coast Basin.
2. The area of proposed use is in Curry County within SECTION 20 TOWNSHIP 38 SOUTH, RANGE 14 WEST, W.M.
3. The water delivery system is described by the applicant as follows: At the spring water is diverted into a 36 inch by 3 feet by 3 feet concrete tile. A 3/4 horsepower electric submersible pump sends water through 1 inch PVC pipe to a 1500 gallon storage tank then flows by gravity to house.
4. The request was made in Application S-71117 which was received by the Water Resources Department on January 14, 1991.

Affected Waters

1. A SPRING, A TRIBUTARY OF PISTOL RIVER is not within or above a State Scenic Waterway.
2. ODFW has not informed the Department of the presence of game fish at the described point of diversion.
3. There are senior water rights on A SPRING, A TRIBUTARY OF PISTOL RIVER and on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on December 30, 1993.

3. The technical review determined:
 - a. Domestic use and Irrigation is allowed under the South Coast Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water is available for further appropriation (at a 50 percent exceedance probability) for the period **year round for Domestic use and March 1 through October 31 for Irrigation.**
 - d. The use would not injure existing water rights.
4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application S-71117, the following criteria were found to be relevant by the Department.
 - a. The South Coast Basin Program (OAR Chapter 690, Division 517)
 - b. The Curry County Comprehensive Plan and Zoning Ordinance
 - c. The amount of water available in A SPRING, A TRIBUTARY OF PISTOL RIVER
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the technical review remain valid.
2. Period of allowed use: YEAR ROUND FOR DOMESTIC USE AND IRRIGATION FROM MARCH 1 THROUGH OCTOBER 31.
3. The Department finds that no more than 0.143 CUBIC FOOT PER SECOND, BEING 0.138 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC would be necessary for the proposed use. The amount of water requested, 0.143 CUBIC FOOT PER SECOND, is allowable.

4. Curry County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Curry County Comprehensive Land Use Plan.
5. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
6. The proposed use complies with all other rules of the Commission.
7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
8. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application S-71117 in the name of JAMES L WALKER AND PATRICIA L WALKER be approved for DOMESTIC USE FOR ONE FAMILY AND IRRIGATION OF 11.05 ACRES as provided in the attached draft permit.

DATED November 21, 1995, 1995



Steven P. Applegate
Administrator

Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on January 5, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF Curry

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JAMES L WALKER
PATRICIA LA WALKER
513 OAKWOOD ST
TEHACHAPI, CALIFORNIA 93561

(805) 822-3945

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

APPLICATION FILE NUMBER: S-71117

SOURCE OF WATER: A SPRING, A TRIBUTARY OF PISTOL RIVER

PURPOSE OR USE: DOMESTIC USE FOR ONE FAMILY AND IRRIGATION OF 11.05 ACRES

RATE OF USE: 0.143 CUBIC FOOT PER SECOND, BEING 0.138 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF ALLOWED USE: YEAR ROUND FOR DOMESTIC USE AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: January 14, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 20, T 38 S, R 14 W, W.M.; 100 FEET SOUTH & 110 FEET WEST FROM NE CORNER, SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4	2.0 ACRES
SW 1/4 SE 1/4	9.05 ACRES DOMESTIC USE -
	1 FAMILY

SECTION 20
TOWNSHIP 38 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

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 and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October

1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application S-71117 Water Resources Department
Basin 17 Volume 7
GH PISTOL RIVER 7 MISC.

PERMIT DRAFT
District 19

FO CHECKLIST

TRIAGE FILES

FILE # 71117

REVIEW DATE: 05 / 08 /1996

WEEK # WEEK 34

INITIALS : LLS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. List names and addresses of **ALL** commentators (regardless of comment date) on the PFO CC list.
3. Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid
(a) Prepare refund request for any excess fees
(2) Issue FO w/o permit if fees are lacking
4. Y / N Has the applicant signed an oath of accuracy for the application?
5. Y / N Is water use restricted for one or more months of the normal use period?
6. Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

200
100 10AC
2x2 4
125
929.00

Route to: (circle one)

DENIAL FO w/o PERMIT
LARRY CORY

FO & PERMIT
JEREMY JERRY

COMMENTS
DOUG

Applicant's comments post date
protest dead line
IN M&R CONDITION, BOLD
*OR OTHER SUITABLE MEAS. DEVIC
- Change B & C Dates to
OCT. 1, 2000

INITIALS :

7. Y / N If #5 = "Y", Have you completed the Triage Report Card sheet?

Modify FO as needed to:

8. Respond to significant comments, issues, or disputes related to the proposed use of water
9. Include or exclude permit conditions and management codes
10. Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
11. Correct PFO errors (such as POD or POU location (verify from map), Permit format)
12. Y / N Is further processing possible? If not state reason:

Once FO document is completed:

13. Save WordPerfect document in M:\T\FO\WEEK & delete duplicates
14. Print final draft of document and submit to team leader for review
15. Y / N Team leader review completed

71117

RECEIVED

JAN 14 1991

RECEIVED

JAN -4 1991

State of Oregon

WATER RESOURCES DEPT
Oregon SALEM, OREGON

WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Surface Water

Applicant(s) James L. and Patricia L. Walker

(Please print or type - use dark ink)

Mailing Address: 513 Oakwood Street

~~Tehachapi~~

~~Calif. 93561~~

~~805- 822- 3945~~

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: Spring
a tributary of Pistol River.
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.143 cubic feet per second, OR gallons per minute. If water is to be used from more than one source, give the quantity of water from each:

3. **INTENDED USE(S) OF WATER:** Domestic and irrigation

If for more than one use, give the quantity of water from each source for each use;

If for **DOMESTIC** use, state the number of households to be supplied; one

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

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

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

Irrigation

11.05 A.

Other (describe)

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).

At the spring site water is diverted into two 36 in. x 3 ft. x 3 ft. concrete tile. A 3/4 H.P. submersible pump (electric) sends the water up through a one inch PVC line to a 1500 gallon storage tank. Thence by gravity to the house. Sprinkling will be done from faucets.

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

Proposed date construction work will begin 10/1/92
Proposed date construction work will be completed 10/1/93
Proposed date water use will be completed 10/1/94

See letter received
Feb 16 1994

10-1-97

10-1-99

10-1-00

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:

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

James L Walker
Signature of Applicant

Date 1-3-91

Christina L. Walker
Signature of Co-Applicant, if any

1-3-91
Date

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 14th day of January, 1991, at 8 o'clock, a M.

APPLICATION NO: 7117

PERMIT NO: _____

December 1, 1995

James L. and Patricia L. Walker
513 Oakwood Street
Tehachapi, CA 93561

WATER
RESOURCES
DEPARTMENT

File: S-71117

Dear Mr. and Mrs. Walker,

Following our discussion on December 1, 1995, I researched the two areas of concern that you had. First was the issue of metering and second was time extensions. I discussed these issues with several staff in our Department and the following conclusions were determined.

Metering is required for any use of more than 0.1 cubic foot per second and your application requested 0.143 cubic foot per second. Thus, metering is required by state law on your application. You may protest this part of your permit at no cost. There is no more I can do for you in this area. During 1993 the issue of whether meters would be required or not was undecided. The Watermasters did not want metering to be required on all permits and the Department did. That is probably why you were informed that no meter would be required on your application. I looked at your file again and the letter you sent on January 15, 1994, is in the file and does reflect your concern on metering.

The second issue of concern is time extensions. I talked with Dallas Miller, (503) 378-8455 Ext. 272, who is the person handling time extensions on permits. The conclusion of our discussion was that the construction of your water delivery system must begin within one year of issuance of a permit. There is no way to change this. However, there can be an extension of time for completion of the delivery system, but these can only be applied for after the one year allowed for the construction of the system. The extensions are in 1 year increments. There can also be time extensions on the one year allowed for use of water. These extensions are also to be applied for at the end of the allotted time period and in one year increments.

I have enclosed a hand book that might further help you with your water right application process. Please feel free to call me at (503) 378-8455 Ext. 454.

Sincerely,

Gary Holliday
Gary Holliday

cc: File S-71117



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

RECEIVED

OCT 31 1995

WATER RESOURCES DEPT.
SALEM, OREGON

I/We certify that the information I have provided in application # S-71117 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

<u>James L. Walker</u>	<u>OWNER</u>	<u>10-26-95</u>
Name	Title	Date
<u>Patricia L. Walker</u>	<u>OWNER</u>	<u>10-26-95</u>
Name	Title	Date

Name	Title	Date
Name	Title	Date

DECEMBER 30, 1993

JAMES L. AND PATRICIA L. WALKER
513 OAKWOOD STREET
TEHACHAPI, CALIF. 93561

Reference: File S 71117

Hello:

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

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

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

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

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

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

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



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

All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before March 11, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Brown', with a stylized flourish extending from the end.

STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: DECEMBER 30, 1993

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: MARCH 11, 1994

1. APPLICATION FILE NUMBER - S 71117

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

JAMES L WALKER
WALKER, PATRICIA L
513 OAKWOOD ST
TEHACHAPI, CA 93561
CURRY Co. 805-822-3945

DISPLAY
SHOWS NO
WA June - Aug - Sept.

Date application received for filing and/or tentative date of priority: 1/14/1991

SOURCE: A SPRING

TRIBUTARY TO: PISTOL R

Purpose and/or use: DOMESTIC USE FOR ONE FAMILY AND
IRRIGATION OF 11.05 ACRES.

Flow: 0.143 cfs

Point of Diversion Location:

SESW SEC 20, T 38 S R 14 W, WM; 100 FEET S, 110 FEET W,
FROM NE COR SE 1/4 SW 1/4 SEC 20

Place of use:

SESW	Acres
SWSE	Acres
Section 20	
T 38 S R 14 W, W.M.	

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

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

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 0.143 cfs is likely available for 8 months and 0.01 cfs from November 1 to March 1. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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

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

PROPOSED PERMIT CONDITIONS

Application: S 71117

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: DOMESTIC USE FOR ONE FAMILY 12 MONTHS, IRRIGATION OF 11.05 ACRES MARCH 1 TO OCTOBER 31.
3. Rate of use: 0.143 CUBIC FOOT PER SECOND, BEING 0.138 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC.
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE- EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

PFO CHECKLIST

APPLICATION # 5 71117
 BASIN - SUBBASIN _____
 RIVER MILE _____
 WAB # 300
 POU-WAB _____

POD LOCATION: T _____ R _____, SEC 1/4 1/4
 POU LOCATION: T _____ R _____, SEC 1/4 1/4
 PRIORITY DATE: _____
 COUNTY: _____
 PROPOSED USE: _____

1. DATE TR/IR SENT: _____ TR/IR VALID (Y/N) _____ MODIFICATIONS (Y/N) _____
 DEFINE TR/IR MODIFICATIONS _____
2. _____ ADD'L CONDITIONS? (ie Fish Screens, etc.): _____
3. _____ LAND USE: _____ APPROVED _____ DISCRETIONARY - _____ OBTAINED _____ NOT OBTAINED
4. _____ OBJECTIONS: _____
5. _____ ISSUES HINDERING PROCESS (IE. PROTEST, INCOMPLETE, REQUEST TO HOLD, ETC.) _____
6. DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
 - a. _____ BASIN PLAN (CURRENT, PREVIOUS - _____ (YEAR) WILLAM, JOHN DAY, UMAT., GOOSE & SUMMER)
 USE & SEASON ALLOWED BY BASIN PLAN _____
 - b. _____ WITHDRAWAL: _____ (ORS 538), _____ STATE ENG., _____ BASIN MAP - SEASON _____
 - c. _____ ABOVE/WITHIN SWW (Y/N); WHICH? _____ EXCEPTIONS (H, LV, 1/2AC) _____
 - d. _____ TMDL (PUDDING, TUALATIN, YAMHILL) _____
7. _____ TR/IR WATER AVAIL VERIFIED? (Y/N) _____ WA PREDATES WA TABLES FROM wars (Y/N): _____
 _____ CFS; _____ AF; MONTHS AVAIL _____ EXCEEDANCE _____
 _____ WA FROM wars: 50 % BEFORE JULY 17, 1992 & STORAGE; 80 % LIVE FLOW AFTER JULY 17, 1992
 _____ ADDITIONAL INSTREAM W.R. INFO IDENTIFIED & APPLIED _____
8. _____ USE FROM BOR/COUNTY PROJECT? IS SIGNED CONTRACT IN FILE? (Y/N) _____
9. _____ GROUND WATER REVIEW HAS BEEN EVALUATED (USE WA DATABASE IF GW A)
 _____ REVISED GW REVIEW (Y/N)? _____ DEFINE CHANGES TO TR/IR? _____
 _____ REQUIRED CONDITIONS (GENERIC 7B) _____
10. DIVISION 33 HAS BEEN ADDRESSED...(CHECK PRIORITY DATE)
 _____ SEASON FOR DIRECT FLOW (ABOVE BONN, AFTER JULY 17, 1992) _____
 _____ WATER QUALITY PARAGRAPH (ABOVE & BELOW BONN)
 _____ EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)
11. _____ CONFLICTS IDENTIFIED IN TR/IR - CORRECT? _____ VERIFIED CONFLICT CHECK: _____
 NCR _____ ATTACH FINAL PROOF MAP W/CONFLICT _____
12. _____ IRRIGATION/STORAGE SEASON _____ (DECREE, BASIN PLAN, PERMIT, GENERIC)
 _____ RATE & DUTY _____ (DECREE, BASIN PLAN, PERMIT, GENERIC)
 _____ GROUND WATER: _____ EAST 1/80, 3 AF; _____ WEST 1/80, 2.5 AF; _____ UMATILLA GRAVELS 1/40, 4.5
 _____ # OF ACRES: PRIMARY _____ SUPP _____ NOT SURE _____
13. _____ SMALL (< 0.1 cfs / < 9.2 af), MEDIUM (0.1 - 1.5 cfs / 9.2 - 100 af), LARGE (>1.5 cfs / >100 af)
14. _____ COMBINED PERIOD OF ALLOWED USE (SUMMARY) _____
15. _____ WATERMASTER # _____
16. _____ REGIONAL MANAGER - COPY TO (SW,SC,E); NO COPY TO (NW,NC)
17. _____ VOLUME # ADDED & 674 DUMP CHECKED & SPELL ✓ HAS BEEN COMPLETED
18. _____ COMPLETE PFO CC: LIST
19. _____ SAVE TO M:\T\PFO\DONE\APP #

NAME G. H. DATE 10-25

REVIEWED BY _____ DATE _____

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 517
SOUTH COAST BASIN PROGRAM

Classifications

690-517-001

(1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:

(a) Bradley Lake 4900

✓(b) Eel Lake 01010

✓(c) Garrison Lake 00

(3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.

(4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife.

✓(a) Glenn Creek (tributary to the East Fork Millicoma River) 070142

✓(b) Brush Creek 2500

✓(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8). 1611234-10

✓(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. 0701310 to 0701312

✓ 3400

✓
1601

- (7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.

- (8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

- (9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.

- (10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

Reservations

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- ✓(1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- ✓(2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

Minimum Perennial Streamflows

690-517-003

- (1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

- (2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.

- (3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:

- (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

DUTY OF WATER TO BE USED WHEN ISSUING PERMITS

STREAMS	DUTY	STREAMS	DUTY	STREAMS	DUTY	MISC. DUTIES	
BASIN No. 1		BASIN No. 7		BASIN No. 12		FROST PROTECTION	0.15 cts PER. AC.
ALL WATER	1/80 2 1/2	WEST PRONG LITTLE WALLA WALLA RIVER	1/40 3	COFFEE POT CREEK	1/40 2 1/2		
BASIN No. 2		UMATILLA RIVER BELOW AND WEST OF PENDLETON	1/40 4 1/2	RATTLESHAKE CR. AND DANHER UND BUTEN R.	1/40 3	HARVESTING OF CRANBERRIES	0.50 cts PER 10 AC. OF B065
ALL WATER	1/80 2 1/2	WALLA WALLA RIVER	3/80 1	SILVER CREEK	1/60 3		
BASIN No. 3		BUTTER CREEK	1/50 4	SILVIES RIVER	1/80 2 1/2		
ALL WATER	1/80 2 1/2	PINE AND WILLOW CREEKS	1/60 3	BLACK CANYON, H.L., HONG, ROARING SPRINGS, ROCK, SKULL, AND THREE MILE CREEKS	1/80 3	IRR. OF CRANBERRIES	1/40 3
BASIN No. 4		TRIBS. OF WALLA WALLA RIVER FOR UPLAND EARLY IRRIGATION	1/80 2 1/2	GROUND WATER	1/80 3		
CHENOWITH, HOLMAN OR THREE MILE, MILL, AND HOSIER CREEKS	1/60 3	DUGGAR CREEK, MUD CREEK AND BRANCHES, AND UMATILLA RIVER ABOVE AND EAST OF PENDLETON	1/80 3	BASIN No. 13		DOMESTIC - L. F. G	0.01
FIFTEEN MILE AND YEAL CREEKS AND WOOD RIVER	1/80 3	JOHNSON CREEK	1/80 4	CRANE CR. AND GOOSE LAKE	1/40 2 1/2	1-2 HOUSES	0.02
GROUND WATER	1/80 3	GROUND WATER IN MILTON-FREEWATER GRAVEL AREA	1/40 4 1/2	BULK AND SILVER CREEKS AND HART, SUMMER, AND WARNER LAKES	1/40 3	3-5 HOUSES	0.03
BASIN No. 5		OTHER GROUND WATER	1/80 3	CHEWALCAN RIVER	1/40 4	DOMESTIC ONLY	0.005
HAY CREEK AND WHITE R.	1/40 3	BASIN No. 8		BRIDGE CREEK	1/80 3	1 HOUSE	0.01
CROOKED AND DESCHUTES RIVERS	1/40 4	GRANDE RONDE RIVER	1/40 3	GROUND WATER	1/80 3	UP TO 10 HOUSES	
TROUT CREEK	1/40 6	HURRICANE CREEK AND WALLOWA RIVER AND SOUTH FORK	1/40 3 1/2	BASIN No. 14		STOCK, UNLESS INFO ON STOCK AND DISTRIBUTION SYSTEM JUSTIFIES MORE	0.005
SQUAW CREEK	1/50 4 1/2	IMNAHA AND SHAKA RIVERS	1/40 4	WILDHORSE CREEK; TRIBS. TO LOST RIVER; KLAMATH, SPRAGUE, AND WILLIAMSON RIVERS; KLAMATH AND SWAN LAKES	1/40 3		
WILLOW CREEK	1/60 2	MILL CREEK	1/80 3	FOUR AND SEVEN MILE CREEKS AND WOOD R.	1/50 5		
METOLIOUS RIVER	1/60 3	GROUND WATER	1/80 3	LOST RIVER	1/80 2 1/2		
THALLO CREEK	1/70 2 1/2	BASIN No. 9		ANNA AND CHERRY CR.	1/80 3		
PAULINA LAKE AND CREEK	1/70 4	BURNT RIVER	1/40 3	GROUND WATER	1/80 3		
NOW AND THREE CREEKS	1/80 2 1/2	POWDER RIVER	1/40 3 1/2	BASIN No. 15			
NTGLOPE CREEK	1/80 3	NORTH POWDER AND SHAKA RIVERS	1/40 4	ROGUE RIVER TRIBS. IF REQUESTED	1/40 4 1/2		
ROUND WATER	1/80 3	PINE CREEK	1/40 4 1/2	ALTHOUGH CREEK AND ILLINOIS RIVER	1/50 3 1/2		
BASIN No. 6		GROUND WATER	1/80 3	LITTLE BUTTE CREEK AND ROGUE RIVER	1/80 4 1/2		
CHERRY CREEK	1/40 3	BASIN No. 10		GROUND WATER	1/80 2 1/2		
BRIDGE CREEK, SOUTH FORK JOHN DAY RIVER, AND TRIBS. JOHN DAY R.	1/40 4	WILLOW CREEK AND MALHEUR RIVER	1/40 3	BASIN No. 16			
JOHN DAY RIVER, NORTH FORK, AND MIDDLE FORK	1/40 5	SNAKE RIVER	1/40 4	COW CREEK	1/70 3 1/2		
COCHRAN (CUPPER) CREEK	1/50 4	COTTONWOOD CREEK	1/80 3	OTHER STREAMS	1/80 2 1/2		
GABLE CREEK	1/80 4	GROUND WATER	1/80 3	GROUND WATER	1/80 2 1/2		
GROUND WATER	1/80 3	BASIN No. 11		BASINS No. 17 & 18			
		SNAKE RIVER	1/40 4	ALL	1/80 2 1/2		
		WILDHORSE CREEK	1/60 2 1/2				
		JORDAN CR. AND ONYHES R.	1/60 4				
		GROUND WATER	1/80 3				

WATER AVAILABILITY TABLE

Basin: SOUTH COAST

Exceedance Level: 50

Water Availability Subbasin: 3000000000000000 (and Nested Subbasins)

Time: 15:36

Date: 10/24/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	3000000000000000	YES	YES	YES	YES	YES	NO	YES	NO	NO	YES	YES	YES	YES

STREAM NAMES

Basin: SOUTH COAST

Water Availability Subbasin: 3000000000000000 (and Nested Subbasins)

Time: 15:36

Date: 10/24/1995

WAB #	Stream Name	Tributary to
3000000000000000	PISTOL R	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 3000000000000000

Basin: SOUTH COAST

Exceedance Level: 50

Time: 15:36

Date: 10/24/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	3000000000000000	PISTOL R	YES	935.0
2	3000000000000000	PISTOL R	YES	1030.0
3	3000000000000000	PISTOL R	YES	810.0
4	3000000000000000	PISTOL R	YES	358.0
5	3000000000000000	PISTOL R	YES	17.0
6	3000000000000000	PISTOL R	NO	-28.0
7	3000000000000000	PISTOL R	YES	25.1
8	3000000000000000	PISTOL R	NO	-0.1
9	3000000000000000	PISTOL R	NO	-0.3
10	3000000000000000	PISTOL R	YES	38.6
11	3000000000000000	PISTOL R	YES	326.0
12	3000000000000000	PISTOL R	YES	1060.0
Stor	3000000000000000	PISTOL R	YES	276000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: PISTOL R

> PACIFIC OCEAN

Water Availability Subbasin: 3000000000000000

Exceedance Level: 50

Time: 15:36

Date: 10/24/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	1190.00	0.00	1190.00	0.00	1190.00	255.00	935.00
2	1260.00	0.00	1260.00	0.00	1260.00	230.00	1030.00
3	1040.00	0.00	1040.00	0.00	1040.00	230.00	810.00
4	588.00	0.00	588.00	0.01	588.00	230.00	358.00
5	247.00	0.00	247.00	0.03	247.00	230.00	17.00
6	122.00	0.00	122.00	0.00	122.00	150.00	-28.00
7	65.80	0.60	65.20	0.10	65.10	40.00	25.10
8	40.40	0.50	39.90	0.00	39.90	40.00	-0.10
9	32.80	0.30	32.50	0.00	32.50	32.80	-0.30
10	78.70	0.10	78.60	0.01	78.60	40.00	38.60
11	581.00	0.00	581.00	0.00	581.00	255.00	326.00
12	1320.00	0.00	1320.00	0.00	1315.00	255.00	1060.00
Stor	393000	90	393000	10	393000	119000	276000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: PISTOL R

> PACIFIC OCEAN

Water Availability Subbasin: 3000000000000000

Time: 15:36

Date: 10/24/1995

-----ISWRs-----							
APP # :	412A	70885A	0	0	0	RESULTANT	
STATUS:	Cert.	App.					
1	255.0	255.0	0.0	0.0	0.0	255.0	C
2	230.0	230.0	0.0	0.0	0.0	230.0	C
3	230.0	230.0	0.0	0.0	0.0	230.0	C
4	230.0	230.0	0.0	0.0	0.0	230.0	C
5	230.0	230.0	0.0	0.0	0.0	230.0	C
6	100.0	150.0	0.0	0.0	0.0	150.0	A
7	30.0	40.0	0.0	0.0	0.0	40.0	A
8	20.0	40.0	0.0	0.0	0.0	40.0	A
9	20.0	32.8	0.0	0.0	0.0	32.8	A
10	40.0	40.0	0.0	0.0	0.0	40.0	C
11	255.0	255.0	0.0	0.0	0.0	255.0	C
12	255.0	255.0	0.0	0.0	0.0	255.0	C

70885 - Exempt Human Cons + livestock

59878 - Exempt Domestic Livestock, irrig. of 1/2 acre garden

08/1 DETAILED REPORT ON WATER AVAILABILITY 7/1/7

Basin: South Coast

Stream: PISTOL R

> PACIFIC OCEAN

Water Availability Subbasin: 3000000000000000

Exceedance Level: 50

Time: 13:35

Date: 04/28/1994

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Water Available 1/1/93	CU + Stor After 1/1/93	Net Minimum Flow	Instream Water Rights	Net Water Available
1	1190.00	.00	1190.00	.00	1190.00	255.00	935.00
2	1260.00	.00	1260.00	.00	1260.00	230.00	1030.00
3	1040.00	.00	1040.00	.00	1040.00	230.00	810.00
4	588.00	.00	588.00	.00	588.00	230.00	358.00
5	247.00	.00	247.00	.02	247.00	230.00	17.00
6	122.00	.00	122.00	.06	122.00	150.00	-28.10
7	65.80	.60	65.20	.10	65.10	40.00	25.10
8	40.40	.50	39.90	.08	39.80	40.00	-.18
9	32.80	.30	32.50	.04	32.50	32.80	-.34
10	78.70	.10	78.60	.00	78.60	40.00	38.60
11	581.00	.00	581.00	.00	581.00	255.00	326.00
12	1320.00	.00	1320.00	.00	1320.00	255.00	1060.00
Stor	393000	90	393000	20	393000	119000	274000

all
senior
to this app.

DETAILED REPORT OF ISWRs

Basin: South Coast

Stream: PISTOL R

> PACIFIC OCEAN

Water Availability Subbasin: 3000000000000000

Time: 13:36

Date: 04/28/1994

st

-----ISWRs-----							
APP # :	412A	70885A	0	0	0	0	RESULTANT
STATUS: CertificateApplication							
1	255.0	255.0	.0	.0	.0	.0	255.0 C
2	230.0	230.0	.0	.0	.0	.0	230.0 C
3	230.0	230.0	.0	.0	.0	.0	230.0 C
4	230.0	230.0	.0	.0	.0	.0	230.0 C
5	230.0	230.0	.0	.0	.0	.0	230.0 C
6	100.0	150.0	.0	.0	.0	.0	150.0 A
7	30.0	40.0	.0	.0	.0	.0	40.0 A
8	20.0	40.0	.0	.0	.0	.0	40.0 A
9	20.0	32.8	.0	.0	.0	.0	32.8 A
10	40.0	40.0	.0	.0	.0	.0	40.0 C
11	255.0	255.0	.0	.0	.0	.0	255.0 C
12	255.0	255.0	.0	.0	.0	.0	255.0 C

OREGON WATER RESOURCES PLAT CARD: Township 38.00 S Range 14.00 W SECTION 20

10/25/1995

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	NE	NW	SW	SE
S 17179	12427	V								(DO)								
S 12901																		
S 21417	46769	V						(DO)	(DO)									
S 16802																		
S 33291	30457	V						0.60										
S 26310								(10)										
										(DO)								

October 20, 1995

JAMES L WALKER
WALKER, PATRICIA L
513 OAKWOOD ST
TEHACHAPI CALIFORNIA 93561

RE: Application File # S-71117

Dear James & Patricia,

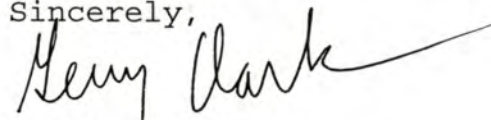
The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ An oath that the information in the application is true and accurate. Please sign and return the enclosed oath.

In order to expedite the processing of your application, we request that you submit these items by **November 6, 1995**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 261.

Sincerely,



Gerry Clark
Completeness Team

Enclosures



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

COMPLETED**COMPLETENESS DETERMINATION CHECKLIST**

Application #	Review Date	Reviewer
5-71117	10/19/95	GERRY

200 Exam
125 Dam
104 12 ACIR

A checkmark (✓) indicates that the item is incomplete or defective.

429 Total

429 Received

Q Fees OK

1. Examination fees (and recording fees, if for PFO/FO).
2. Name and address of the applicant, and title if applicable.
3. Source of water.
4. Use of water.
5. Amount of water.
6. Description of delivery system.
7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
9. Proposed dates of beginning and completion of construction, and complete application of water.
10. If for **municipal use**, the present population to be served and expected future water requirements.
11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
15. An oath that the application information is true and correct.
16. The signature of the applicant(s).
17. A satisfactory map of the proposed POD & POU.
18. A Land Use Information Form or receipt.
19. A legal description of the property where water will be used.

RECEIVED

JAN 14 1991

RECEIVED

WATER RESOURCES DEPT.
SALEM, OREGON

JAN -4 1991

DESCRIPTION FOR MILDRED WALKER

In Lots 3&4 20-38-14
Dec. 1990

WATER RESOURCES DEPT.
SALEM, OREGON

That certain tract of land lying in Governments Lots 3 and 4, Section 20, Township 38 South, Range 14 West, Willamette Meridian, Curry County, Oregon described as follows:

Beginning at a point on the North boundary of Government Lot 3, West 748 feet from the Northeast corner of said Government Lot 3.

Thence following the North boundary of said Government Lot 3, West to the Northwest corner of said Government Lot 3.

Thence following the North boundary of said Government Lot 4, North 88° 36' West 118.56 feet to an iron bar.

Thence South 37° 08' West 128.74 feet to an iron bar.

Thence South 32° 51' West 193.56 feet to an iron bar driven on the North boundary of County Road #690.

Thence following the Northerly boundary of County Road #690, Easterly, through its tangents and curves, to a point that bears South from the point of beginning.

Thence North to the point of beginning.

Application No. 71117
Permit No.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 10, 1957
H. J. NEWHOUSE
402

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: James L. and Patricia Walker
 Address: 513 Oakwood St.
 City: Tehachapi State: CA Zip: 93561 Day Phone: (805) 822-394

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
38-14-00, 4900	RURAL RESIDENTIAL (RR-10)	✓		✓

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

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 government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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): SECTION 3.080. Go to section b) on reverse side.
CURRY COUNTY ZONING ORDINANCE

☐ 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)

2

Application No. 7117
Permit No.

(For Local Use Continued)

Name: LAREN WOOLLEY
Title: PLANNER

Date: 1-10-91
Phone: (503) 247-7011

Signature: Loren Woolley

Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Application No. 7117
Permit No.

Planning Official Initials: _____

Description of Water Use

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

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

Applicant Name: James L. Patricia Walker
Address: 513 Oakwood St
Tehachapi
Calif. 93561
Phone: 805-822-3945

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): Tree farm
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☒ Residential (# units, single or multi-family, # lots if partition or subdivision): One Single family home
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

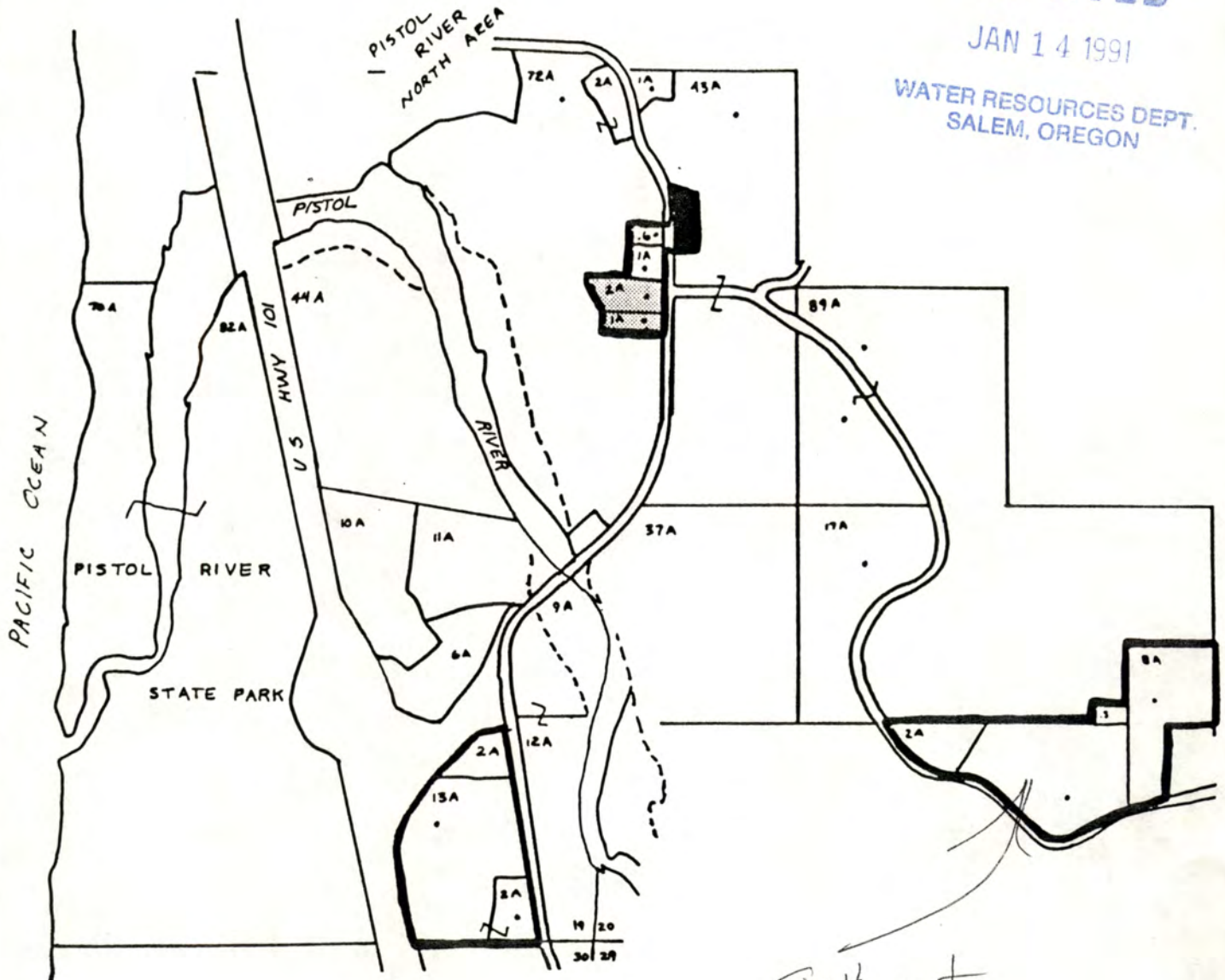
Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>Spring tributary to Pistol River</u>	<u>0.143</u> Cubic feet per second. ____ Gallons per minute. ____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

RECEIVED
JAN 14 1991
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

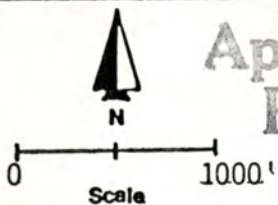
JAN 14 1991

WATER RESOURCES DEPT.
SALEM, OREGON



Subject
PARCEL

- | | | |
|--|--|---|
|  RC |  Common Ownership |  Single Family Dwelling |
|  RR-10 |  PF |  Exception Area Boundary |
| |  Partition | |



Application No. 71117
Permit No.

Pistol River Central
Rural Land Exception No. : 36

Zoning



Curry County Comprehensive Plan
Zoning Maps

8
COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 71117 ✓

WATERWATCH ✓

ODF&W ✓

WATERMASTER # 17 ✓

REGIONAL MANAGER - SW ✓

CWRE - Howard Newhouse

DEQ ✓

KEN STAHR ✓

OTHER ADDRESSES:

CASEWORKER ① M. Ica

ORIGINAL TO APPLICANT 12/03/93

T/R done
T: sent WM

- (8) / A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used.
- (10) NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S H & E DOM use(s) is are classified uses(s) under the South Coast Basin Program, OAR 690 - 517-001 . (8)
- (14) S The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

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

For ground water applications:

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

For reservoir applications:

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

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: 71117

(2) Review Date: 12 29 93

D Miller

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

SUMMARY

S Completeness
S Land Use
NA GW Interference (if potential interference with surface water, see results of water availability analysis)
NCR S Conflicts
S Water Availability

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

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

(5) S Application fees:

Examination fee:	\$ <u>200</u>
Recording fee:	\$ <u>229</u>
TOTAL REQUIRED	\$ <u>429</u>
TOTAL SUBMITTED	\$ <u>429</u>
AMOUNT DUE prior to issuance of permit	\$ <u>0</u>
AMOUNT OVERPAID	
refund due applicant	\$ <u> </u>

125 = 204

*IRR = 104
 REC 229*

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

(7) S MAP: ✓ Prepared by a CWRE
 Exempt under OAR 690-14-150(3)
 A map or drawing included (non-CWRE)
 No map or drawing in file

OREGON DEPARTMENT OF FISH AND WILDLIFE FIELD REPORT
FOR WATER RIGHT APPLICATIONS

25 FEB 1991

TO: Unterwegner, Gold Beach Investigation by:

FROM: Greg Robart

File No. & Amount of water: 71117

DATE: 2-21-91

Respond to HCD by: 3-7-91

APPLICANT: (name and address):

CURRY

Unterwegner
71117 JAMES L WALKER

WALKER, PATRICIA L

513 OAKWOOD ST TEHACHAPI, CA 93561

A SPRING, A TRIBUTARY OF PISTOL RIVER

for DOMESTIC USE FOR ONE FAMILY AND IRRIGATION OF 11.05 ACRES.

0.143 CUBIC FOOT PER SECOND

SE 1/4 SW 1/4 Section 20 T 38 S R 14 W WM.

usual family
needs 0.005
0.143 - 0.005 = 0.138

$\frac{0.138}{11.05} = 0.0125 \text{ cfs/acre}$

Purpose:

Intake type: (screening needs)

none required

Dam construction: (passage needs)

COMMENTS:

- ☒ No Comment (This water right is not damaging to fish and wildlife habitat)
Water removed from head of spring - a pool about 2' x 3' at time of inspection. Applicant said the pool is usually smaller. The spring subs and does not flow into
- A. Fish involved (species, size, age & number - specific anadromous and/or any stream resident fish):

none

B. Type of habitat (spawning, rearing or migration route):

C. Problems this water diversion will impose (include impact on angler use):

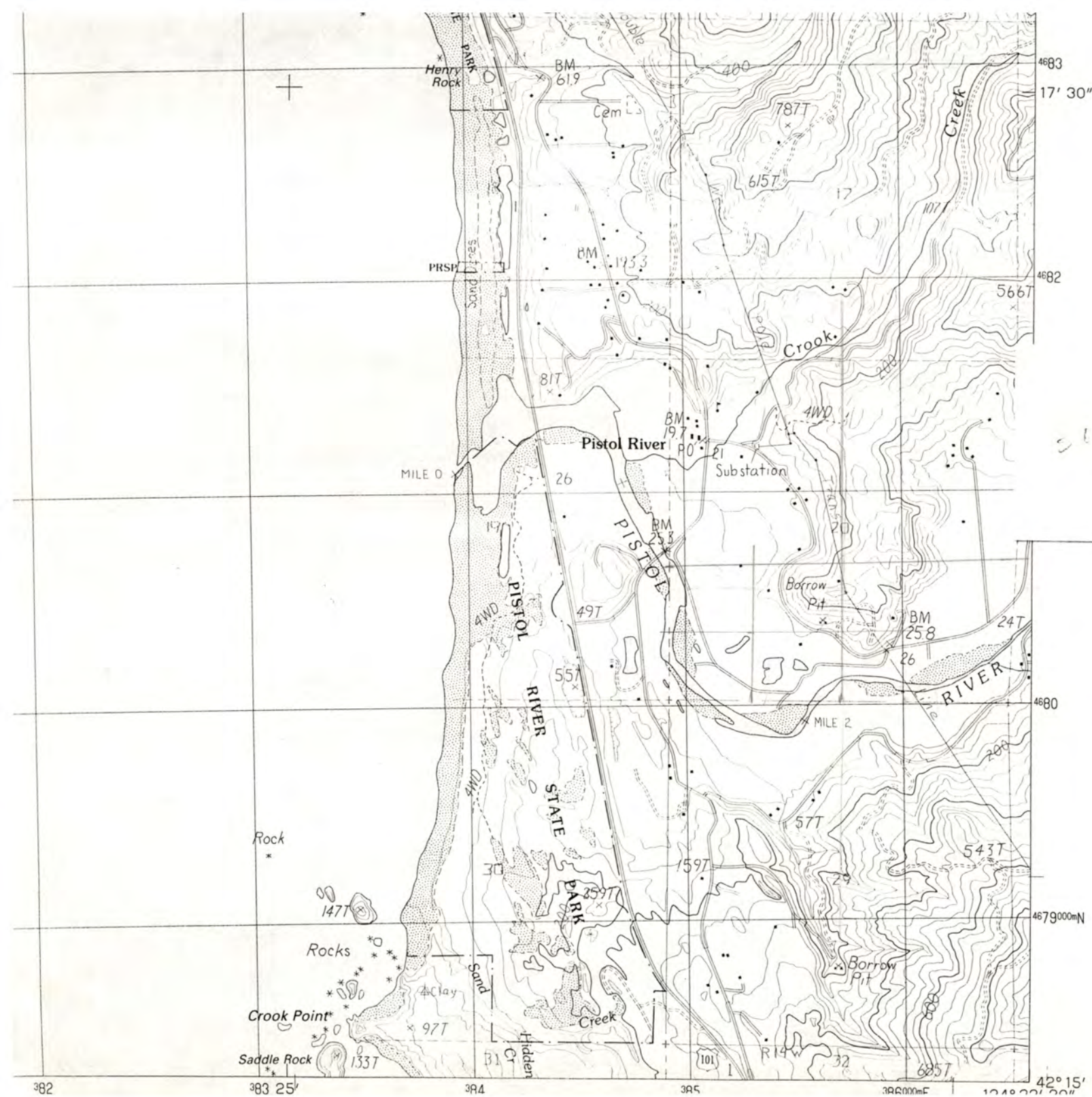
D. Recommendations for limiting, restricting, mitigating, conditioning this permit are: for example, season of use, flow adjustment, metering requirements, erosion, control instream habitat improvement, etc.):

E. Describe stream or watershed or fish habitat enhancement projects completed or currently in progress.

F. Particular significance of this stream or this system?

- Fish species?

- Recreation days?



385 140

File 71117

3/18/91

Re: Express mail Request.

I spoke with Mrs Walker around 3/11/91.

I explained why her permit could not be "accelerated."

- 1) Prior pending FUR app.
- 2) Comments from Oregon Trout have been received - Requiring a Director's preliminary decision & 20 day petition period.

She indicated she would wait for permit
In the mean time she has requested Bruce
Send to inspect the spring to determine if
it exempt from needing a permit

W.R.S.

Michael J. Matthews

RECEIVED

MAR - 8 1991

WATER RESOURCES DEPT.
SALEM, OREGON

513 Oakwood Street
Tehachapi, CA. 93561
3-7-91

Dear Sirs:

As per your message of yesterday we are requesting in writing you accelerated processing of our application for water rights File # S-71117.

A contingency of escrow is the obtaining of H₂O rights for the property. The escrow must close no later than Wednesday, March 27th, 1991, which is only 2 1/2 weeks away and we are traveling the 800+ miles to transfer funds and sign final documents.

We would therefore very much appreciate your expediting this request and mailing the completed data by Express Mail. We are enclosing the Express Mail envelope prepaid to eliminate the necessity of you having to purchase at P.O.

Thank you for returning our call so promptly.

Sincerely,

James L. Walker
Patricia L. Walker





Oregon Trout

Speaking out for Oregon's fish

P.O. Box 19540 • Portland, Oregon 97219 • (503) 244-2292

January 30, 1991

Mike Mattick
Applications & Permits Section
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RECEIVED

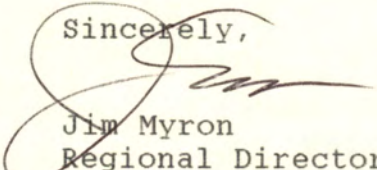
FEB - 1 1991

WATER RESOURCES DEPT.
SALEM, OREGON

Subject: Application for permit #71117
James Walker, Coos Co.

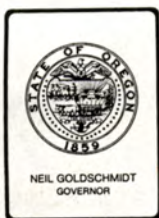
Is there a sufficient amount of water in the Pistol River system to supply this proposed use without having an adverse affect upon the instream water rights in this system? Oregon Trout would suggest that the Water Resources Department do an availability study to determine the answer to that question. Its possible that the Department may need to condition this permit to allow use only during the high flow winter and spring months.

Sincerely,



Jim Myron
Regional Director

gen corresp



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

January 7, 1991

H. J. Newhouse
Box 360
Wedderburn, OR 97491

Dear Applicant:

We have reviewed your application to use water. We need additional information so we can accept, review and decide if a permit can be issued.

Please provide the following:

- _____ A legal description of the property where you plan to use water. You can copy this from your deed, title insurance policy or sales contract.
- _____ ☒ Land use information (required before we can accept the application, a form is enclosed).
- _____ A copy of written authorization or easement permitting access to land not owned by the applicant.
- _____ Map prepared by a Certified Water Right Examiner.
- _____ Permit recording fees of \$_____.
- _____ ☒ Other: Your application, supporting data, and check no. 254 in the amount of \$429, is being returned. Please note that land use information is the only additional requirement for the application to be accepted.

We will complete our analysis when the application and information noted above is received.

Contact the Application/Permits Section at 378-3739 if you have any questions.

cc: Walker
form2

	PATRICIA L. WALKER JAMES L. WALKER 513 OAKWOOD ST. 822-3945 TEHACHAPI, CA 93561	254
	12-3/1990	90-7372/3222
Pay to the order of <u>Water Resources Dept. State of Oregon</u> \$ <u>429.00</u>		
<u>Four hundred twenty-five & 00/100</u> DOLLARS		
<u>James L. Walker</u>		
⑆322273722⑆4939001614302⑈0254		

APPLICATION PROCESSING OUTLINE

Basin: _____

Sub-basin: _____

Fees paid: Examination fee: _____

Recording fees: _____

Total: _____

Application No. 71117

Permit No. _____

RATE AND DUTY _____ for irrigation

1. Check for minimum information (OAR 690-11-020)

yes	no	
---	---	Name and mailing address of the applicant.
---	---	Source of the water.
---	---	Quantity of water to be appropriated.
---	---	Location of point of diversion to 1/4 1/4
---	---	Section.
---	---	Nature and place of use.
---	---	Name and mailing address of all legal owners
---	---	of the properties involved.
---	---	Signature of the applicant
---	---	Examination fees.

If minimum information not supplied, excepting legal owner information, then return to applicant with letter explaining deficiencies.

yes	no	
---	---	Water Resources Commission classification
---	---	limits or restrictions -- If yes, note:
---	---	_____
---	---	State Engineer's withdrawals -- If yes, note:
---	---	_____
---	---	Legislative withdrawals -- If yes, note:
---	---	_____
---	---	If policy statement is unclear check with Resources
---	---	Management Division.
---	---	Scenic Watervay: _____
---	---	on _____ up-stream _____ v/in 1/4 mile
---	---	Notify Parks and Recreation Department
---	---	Out-of-basin diversion
---	---	Need to route to Geology Section due to:
---	---	well within one mile of a stream
---	---	well within restricted surface water area
---	---	wells with request for greater than 5 cfs
---	---	well is for heating &/or cooling
---	---	well constructed by land owner
---	---	well is artesian
---	---	artificial ground water recharge project
---	---	ground water area under study
---	---	Within Irrigation District: _____
---	---	Notify _____ Need excerpt from District
---	---	Legal description of property
---	---	Ownership statement
---	---	Other parties to Notify: _____
---	---	Water Resources Commission review if:
---	---	Request for greater than 5 cfs
---	---	Dam height greater than 10 feet
---	---	Storage of more than 9.2 acre-feet
---	---	Out-of-basin diversion
---	---	within or above a scenic watervay
---	---	conditional uses under basin programs
---	---	requests for larger rate or duty than allowed
---	---	ground water recharge project
---	---	other substantial public interest issues
---	---	requests for review by an agency or person
X	---	Watermaster consent form sent with copy of draft permit
---	---	~~application and map~~
---	---	Watermaster comments received _____
---	---	Hydrographic section comments requested _____
---	---	Hydrographic section comments received _____
X	---	O.D.F.W. sent copy of application ~~and map~~ (except
---	---	groundwater) requesting comment _____
---	---	O.D.F.W. comments received _____
X	---	Report from D.E.Q. received _____
---	---	Publish application information in weekly public
---	---	notice.
---	---	Notify other owners of development
---	---	PROTESTED
---	---	filed _____
---	---	resolved _____