



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

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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WATER RESOURCES DEPT
SALEM, OREGON

I. APPLICANT INFORMATION

A. Individuals Karen E. TePoel

Applicant: Barry L. Heath
First Last

Mailing address: 56813 Riverton Rd.

Cogville OR 97423
City State Zip

Phone: 541/396-1851 541/756-3204
Home Work Other

*Fax: _____ *E-Mail address: bairi@myway.com

B. Organizations

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

Name of organization: N/A

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. <u>587045</u>	Permit No. _____	Date _____

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

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

Source 1: unnamed spring Tributary to: Coguille River
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). _____

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
 - A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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SALEM, OREGON

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C. Property Ownership

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

Yes (Skip to section 3 "Water Use.")

No (Please check the appropriate box below.)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

I do own the land where water will be used.

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

<i>Owner of land where spring is located:</i>	<i>Township - 28 S</i>
<i>Robert Kight</i>	<i>Range - 13 W</i>
<i>56823 Riverton Rd.</i>	<i>Section - 8</i>
<i>Coquille, OR. 97423</i>	<i>Tax lot - 1200</i>

3. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

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B. Amount of Water

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

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

Source	Type of use	Amount
<i>unnamed spring</i>	<i>domestic</i>	<i>2.24</i> <input type="checkbox"/> cfs <input checked="" type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

C. Period of Use

Indicate the time of year you propose to use the water: *year round*
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: *n/a*
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

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

- Pump (give horsepower and pump type): *1/2 hp external*
- Head-gate (give dimensions): _____
- Other means (describe): _____

B. Monitoring

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

- Weir
- Meter
- Periodic Sampling
- Other means (describe): _____

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C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length):

Diameter 1 inch Length _____

Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

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

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows

Other, describe water is household use only, not used for irrigation.

Distribution method

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

E. Conservation

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

We will only be using water within house, for drinking & bathing. We will not use for irrigation.

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5. RESOURCE PROTECTION

A. Protection Practices

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

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

Describe planned actions: I will check with ODF.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: none will be necessary

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: n/a

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: n/a

Other: _____

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6. PROJECT SCHEDULE

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

Proposed date construction will begin: N/A

Proposed date construction will be completed: N/A

Proposed date beneficial water use will begin: already in use.

7. REMARKS

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

Our property has legal right-of-way to spring, a copy is included. The distribution of water from spring to our home has been in place for many years. Water from concrete-cased spring is pumped to ~~1000~~⁵⁰⁰⁰ gallon tank, and gravity fed to home via one inch pipe.

8. MAP REQUIREMENTS

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

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9. SIGNATURE

By my signature below I confirm that I understand:

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

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

By: [Signature] Dawn E. J. [Signature] 11/19/07
Signature of Applicant (If more than one applicant, all must sign.) Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us

Surface Water/8

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5-87045



Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF 1) water is to be diverted, conveyed, and/or used only on federal lands, or 2) the application is for a water-right transfer, allocation of conserved water, exchange permit amendment, or ground water registration modification and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name Barry Heath
 Mailing Address: 56813 Riverton Rd.
 City: Cogville State: OR Zip: 97423 Day Phone: _____

This application is related to a Measure 37 claim: Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use
<u>285</u>	<u>13W</u>	<u>8</u>	<u>NWSE</u>	<u>1000</u>		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>dom.</u>
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department

- Permit to Use or Store Water Water-Right Transfer Exchange of Water
 Allocation of Conserved Water Limited Water Use License
 Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond Ground Water Surface Water (name) unnamed spring

Estimated quantity of water needed 2.24 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 1 household(s)
 Municipal Quasi-municipal Instream Other _____

Briefly describe spring-fed, piped to house

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

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For Local Government Use Only

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

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the 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): 4.9
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

Name: Staci Keep Title: Planner
 Signature: [Signature] Phone: 390521x210 Date: 11/19/07
 Government Entity: Cass County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: Barney Heath
 City of County: [Signature] Staff contact: Staci Keep
 Signature: [Signature] Phone: 390521x210 Date: 11/19/07

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Last updated 12/22/06 WR
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**WATER RESOURCES DEPT
 SALEM, OREGON**

1967/50

KNOW ALL MEN BY THESE PRESENTS, That Walter D. Kight and Dorothy M. Kight husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Lester R. Carlson and Virginia R. Carlson, husband and wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of COOS and State of Oregon, described as follows, to-wit:

A tract of land described as beginning 8 feet South of the quarter section line at the Cavett tract in the Northwest corner of the NW 1/4 of the SE 1/4 of Section 8, Township 28 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence running South 115.5 ft; thence Southwest 188 feet; thence Southeast 137 feet; thence Northeast 305 feet; thence North 148 feet; thence West 167 feet to the place of beginning;

Also the right and privilege to use the road across the North end of said Northwest quarter of the Southeast quarter of Section 8 in Township 28 South, Range 13 West of the Willamette Meridian in conjunction with other users; Also to use the water from the spring for domestic use with other users on said premises now being used by the owners thereof.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 8,300.00 However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which),[Ⓞ] the whole

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 17 day of February, 1972.

Walter D. Kight
Dorothy M. Kight

STATE OF OREGON, County of Coos) ss. 2/17, 1972
Personally appeared the above named Walter D. Kight and Dorothy M. Kight

Notary Public for Oregon
My commission expires 4-12-75
Betty Jo Ramsey



NOTE: Between the symbols Ⓞ, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

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App No S 87045

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Fidelity National Title
Company

After Recording Return To:
Fidelity National Title Company
215 Curtis Ave.
PO Box 355
Coos Bay OR 97420-0037

AFTER RECORDING RETURN TO
FIDELITY NATIONAL TITLE COMPANY

Send Tax Statements To:
Barry L. Heath
Karen E. TePoel
56813 Riverton Road
Coquille OR 97423

Title Order No. 24-91079
Escrow No. 24-91079 TT
Tax Account No. T28R13S8 1000
A#9084.00

WARRANTY DEED
(ORS 93.850)

Irene Nobles and Laura Rapp, as tenants in common, Grantor, conveys and warrants to Barry L. Heath and Karen E. TePoel, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

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

The true consideration for this conveyance is \$190,000.00.

Dated this 20 day of April, 2004

Irene Nobles
Irene Nobles

Laura Rapp
Laura Rapp



State of OR, County of Coos)ss.

This instrument was acknowledged before me on April 20, 2004
by Irene Nobles.

Tonya L. Tucker
Notary Public

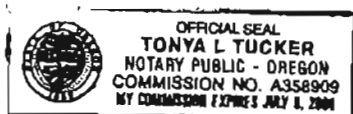
My commission expires: 7-9-06

State of OR, County of Coos)ss.

This instrument was acknowledged before me on April 20, 2004
by Laura Rapp.

Tonya L. Tucker
Notary Public

My commission expires: 7-9-06



Page 1

COOS COUNTY CLERK, OREGON TOTAL \$31.00
TERRI L. TURI, CCC, COUNTY CLERK

04/23/2004 #2004-5519
02:16 PM 1 OF 2

5-87045

EXHIBIT 'A'Legal Description:

A tract of land described as beginning 8 feet South of the quarter Section line at the Cavett tract in the Northwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 8, Township 28 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence running South 115.5 feet; thence Southwest 188 feet; thence Southeast 137 feet; thence Northeast 305 feet; thence North 148 feet; thence West 167 feet to place of beginning. Together with an easement for joint user road and use of spring water, created by instrument recorded February 18, 1972 in Microfilm Reel Number 72-2-88552, Records of Coos County, Oregon.

Subject to:

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

In favor of: Mountain States Power Co.

For: Power Line

Recorded: March 21, 1947

Book: 167 Page: 247

in Coos County, Oregon.

Terms and provisions of that certain access easement, which is set forth in instrument

Recorded: February 18, 1972

Microfilm No.: 72-2-88552

in Coos County, Oregon.

Terms and provisions, including, but not limited to mutual obligations, including rights of lien, for maintenance pursuant to the provisions of ORS 105.170 et seq., of that certain access easement which is set forth in instrument

Recorded: February 18, 1972

Microfilm No.: 72-2-88552

in Coos County, Oregon.

ACCOUNT # 9084.00 2008

OWNER HEATH, BARRY L. &

COMMENTS

C/O TEPOEL, KAREN E.

MAP # 28 S 13 W 8 1000

NAME

CODE AREA 8.02 ZONING EFU

ADDRESS 56813 RIVERTON RD

MA 5 VALUE AREA RRL CLASS 101

ADDRESS

SUB/BL/LT SPLIT

ADDRESS COQUILLE OR 97423

G.I.S. x SD#

0 CON/SEG JV # 14899

SITUS 56813 # RIVERTON

RD ZIP 97423 COQUILLE

DOC # 2004-5519 ACRES 1.290 FP ACRES .290 SPLIT CODE

28S13W08TL0100000 RMV MAV SAV MSAV/M50 TAXABLE AV

LAND VALUE 83,365

IMPROVEMENTS 140,197

MFG STRUCTURE

SUB TOTAL/BASE 223,562 132,810

EXCEPTIONS

SUB TOTAL 223,562 132,810 132,810

EXEMPTIONS

2008 TOTALS 223,562 132,810 132,810

MULTIPLE SITUS M/H X-NUMBER

F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM

13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=D

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