



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

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JUL 23 2008

WATER RESOURCES DEPT
SALEM, OREGON

Application for a Permit to
**Store Water in
a Reservoir**
(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre- feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

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, insert "n/a". 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.

1. APPLICANT INFORMATION

Applicant: RICHARD DETANNA TRUSTEE
First Last
Mailing Address: 19794 TOMMIE LONGBOAT LANE
BROOKINGS OREGON 97415
City State Zip
Phone: 541-469-7203 NA /
Home Work Other
*Fax: _____ *Email Address: DETCONCP@AOL.COM

*optional information

2. LOCATION AND SOURCE

A. Reservoir Name: NA

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: UNAMED STREAM Tributary to: WHALEHEAD TO OCEAN

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
40 S	14 W	1 / 2	SW 1/4 NW 1/4	307

D. County of Use: Curry

E. Dam: Maximum height of dam: 12 feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity.

List quantity in Acre-Feet: 7.1 Acre ft.

RD

8 Acre feet

222 TOTAL
240

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For Department Use		
App. No. _____	Permit No. _____	Date _____

3. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multi-Purpose use

4. PROPERTY OWNERSHIP

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

☒ Yes (please check appropriate box below then skip to section 5)

☒ There are no encumbrances

☐ This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

☐ 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). (Do not check this box if you described your use as "Multipurpose" in #3 above)

List Name and mailing addresses of all affected land owners:

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5. ENVIRONMENTAL IMPACT

A. Channel: is the reservoir ☐ In Stream or ☒ Off channel?

B. Wetland: is the project in a wetland? ☐ Yes ☒ No ☐ Don't know

C. Existing: is this an existing reservoir? ☐ Yes ☒ No

If yes how long has it been in place? _____ years

D. Fish Habitat: Is there fish habitat upstream from the proposed structure? ☐ Yes ☒ No ☐ Don't know

If yes, how much? _____ miles

E. Partnerships: Have you been working with other agencies? ☐ Yes ☒ No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

I have only spoken to watermaster - Mr. Lewis

6. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Richard Detanna H. Fortumoto Trust

July 21 2008

Landowner Signature

Date

Before you submit your application be sure you have:

? Answered each question completely.

? Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.

? The map must meet map requirements to be accepted.

? Included a land use form or receipt stub signed by a local planning official.

? Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEES: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF = \$100; 1.5 AF = \$120; 20.0 AF = \$480; 30.0 AF = \$680.

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80
140
220
320
400
480
560
640
720
800
880
960
1040
1120
1200
1280
1360
1440
1520
1600
1680
1760
1840
1920
2000

Tax lot 307

EXISTING
WATER
RIGHTS

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE T. GIBBONS, TRUSTEE
G & L GIBBONS LIVING TRUST
19794 GIBBONS DRIVE
BROOKINGS, OR 97415

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of WHALEHEAD CREEK, for IRRIGATING 3.0 ACRES AND DOMESTIC USE FOR ONE FAMILY.

This right was perfected under Permit 50523. The date of priority is JANUARY 29, 1988. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.045 CUBIC FOOT PER SECOND, BEING 0.04 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 1, T 40 S, R 14 W, W.M.; 98 FEET SOUTH AND 498 FEET EAST FROM THE NW CORNER OF SW 1/4 NW 1/4 OF SECTION 1.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4 NW 1/4 3.0 ACRES AND DOMESTIC
SECTION 1
TOWNSHIP 40 SOUTH, RANGE 14 WEST, W.M.

Tax lot 307

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

WITNESS the signature of the Water Resources Director, affixed NOVEMBER 14, 1995.

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Martha O. Pagel
for Martha O. Pagel

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Recorded in State Record of Water Right Certificates numbered 68684.

69223.JT



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: Richard DETANNA
 Mailing Address: 19794 TOMMIE LOYBOAT LANE
 City: BROOKING State: OR Zip: 97415 Day Phone: 541-469-7203
 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 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
40S	14W	1	S4/4	307		☐ Diverted ☐ Conveyed ☐ Used	
40S	14W	1	S4/4	307	RR5	☒ Diverted ☒ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

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 STREAM

Estimated quantity of water needed: _____ ☐ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other MULTI-PURPOSE

Briefly describe: Also to have for fire dept availability for fires.
IRRIGATION of TREES & CROPS

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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WATER RESOURCES DEPT.
 SALEM, OREGON



Oregon

Theodore R. Kulorigoski, Governor

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdictions where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.

Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

SIGNED BY
COUNTY PLANNING
DEPT.

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): ORS 537.409

- ☐ 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:	
Conditional Use Permit		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ 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.

The applicant has applied for a CUP and appears to meet all County Standards regulating such a use.
See Notice Attachment.

✓ Name: CANDY CRONBERGER Title: PLANNER
✓ Signature: Candy Cronberger Phone: (503) 247-3261 Date: 10-15-2008
✓ Government Entity: Curry 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: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____

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WATER RESOURCES DEPT.
SALEM, OREGON

**NOTICE OF REQUEST FOR
CURRY COUNTY ADMINISTRATIVE ACTION
ON A SPECIFIC LAND USE PROPOSAL**

September 24, 2008

Application AD-0823

I. LAND USE ACTION

Type of Land Use Action: A request for approval of a previously constructed embankment dam and private access road drainage culverts on a developed parcel within a Forestry/ Grazing Zone (FG) on 71.25 acres. The request will be the subject of an Administrative Decision under the authority granted by Section 3.300 (1), and in accordance with the procedural requirements of Sections 2.090, 2.100 and 2.110 of the Curry County Zoning Ordinance.

Nature of Use, Which Could Be Authorized: Approval of a previously constructed embankment dam and private access road drainage culverts on a developed parcel within a Forestry/Grazing Zone (FG) on 71.25 acres.

APPLICABLE CRITERIA

Citation of Criteria applicable to the Decision in this Matter:

Curry County Zoning Ordinance

Section 3.050	<u>Forestry Grazing Zone (FG)</u>
Section 3.052	<u>Conditional Uses Subject to Administrative Approval by the Director</u> (8) Reservoirs and water impounds
Section 3.300	<u>Erosion Prevention and Sediment Control</u>
Section 3.400	<u>Storm and Surface Water Management Standards</u>
Section 7.040	<u>Standards Governing Conditional Uses</u> (1) Conditional Uses Generally. (16) Uses on resource land.
Section 7.050	<u>Time Limit on a Permit for Conditional Uses.</u>

II. APPLICANT AND SUBJECT PROPERTY

Owner: Richard Detanna / Kathy Zagowski Konan

Description of Subject Property:

The subject property is located on one the west side of Carpenterville Road about one (1) mile north of its intersection with Cape Ferrelo Road and outside the Brookings Urban Growth Boundary.

Address: 19794 Tommielongboat Lane
Assessor Map Number: 40-14-00; Tax lot 307

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III. PLANNING DIRECTOR'S DECISION

You are invited to submit written comment regarding the pending decision on this matter prior to date upon which the decision is to be rendered. The Planning Director will render the decision for this request after the **14th day of October, 2008**. The Planning Director must receive written comments regarding this matter no later than **5:00 p.m. on the 14th day of October, 2008** to be considered in the decision. Written response to this notice must be sent to the Planning Dept. of Public Services; P.O. Box 746, Gold Beach, OR 97444.

IV. OTHER INFORMATION

REQUIRED STATUTORY NOTICE:

ORS 197.763 (3)(e) states that failure to raise an issue either in person or by letter or failure to provide statements or evidence sufficient to allow the decision maker an opportunity to respond to the issue precludes appeal to Land Use Board of Appeals on that issue.

DOCUMENTS AND STAFF REPORT:

A copy of the file containing the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for review at no cost at the Department of Public Services office. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing.

Copies of the above documents can be obtained at the Department of Public Services office for a copy charge of \$0.25 per page.

GENERAL EXPLANATION of the Requirements for submission of testimony and the procedure for conduct of hearings:

Persons may submit documents or evidence to the record of the decision on this matter until the comment period is declared closed by the Planning Director. All written evidence or documents submitted by mail, e-mail or FAX must be received by the staff prior to the end of the comment period in order to ensure that the material will be submitted to the record. All written evidence and documents submitted should be legible, page numbered and identified with the application number indicated on this notice.

For further information regarding this notice please contact:
Jodi Fritts, Associate Planner
or Candy Ewalt, Planner

Curry County Department of Public Services
P.O. Box 746
Gold Beach, OR 97444
Telephone: (541) 247-3304
FAX: (541) 247-4579

The Department of Public Services office is located at:

Curry County Annex Office Building
(Lower Level)

94235 Moore Street
Gold Beach, OR 97444