

# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership *BLM easement*
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: remarks

### Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- 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.
- Fees - Amount enclosed: \$ *1,850*  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

### Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink *4 cys enclosed*
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- N/A* Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- N/A* Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

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SALEM, OREGON

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

|                        |      |              |                                 |
|------------------------|------|--------------|---------------------------------|
| NAME<br>RON LA FRANCHI |      | 541-396-5571 |                                 |
| 541-396-5571           | CELL | 541-396-5314 |                                 |
| 580 N. CENTRAL         |      |              |                                 |
| COQUILLE               | OR   | 97423        | E-MAIL<br>CARLLAW@MYCOMSPAN.COM |

### Organization Information

|         |       |       |        |
|---------|-------|-------|--------|
| NAME    |       | PHONE | FAX    |
| ADDRESS |       |       | CELL   |
| CITY    | STATE | ZIP   | E-MAIL |

### Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

|                                |    |              |                         |
|--------------------------------|----|--------------|-------------------------|
| AGENT<br>JOHN P. DROLET        |    | 541-396-5355 | N/A                     |
| ADDRESS<br>59971 FAIRVIEW ROAD |    |              | N/A                     |
| CITY<br>COQUILLE               | OR | 97423        | JOHN_DROLET@HOTMAIL.COM |

Note: Attach multiple copies as needed

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### 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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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 cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

**I (we) affirm that the information contained in this application is true and accurate.**

  
 Applicant Signature

Ron La Franchi  
 Print Name and title if applicable

3-11-10  
 Date

---

Applicant Signature

Print Name and title if applicable

Date

|                         |  |            |
|-------------------------|--|------------|
| App. No. <u>S-87592</u> | For Department Use<br>Permit No. _____ | Date _____ |
|-------------------------|--|------------|

## SECTION 2: PROPERTY OWNERSHIP

Revised 2/23/2010

Surface Water/3

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**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- Yes
  - There are no encumbrances.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- X  No
  - X  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 irrigation and/or domestic use only (ORS 274.040).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

A. USDA/BLM, Coos Bay District, 1300 Airport Lane, N. Bend, OR 97459

B. This BLM Right-of-Way Grant was originally issued to Thomas D. Guerin. This water right application is for a dwelling located on lands purchased by the applicant from the estate of the late Thomas D. Guerin.

C. The map accompanying this BLM Right-of-Way Grant and included in the documentation for this water right application, shows BLM ownership w/in Sec 23.

**SECTION 3: SOURCE OF WATER**

**A. 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: <u>Spring #1</u>  | Tributary to: <u>Mill Creek</u>         |
| Source 2: <u>Spring #2</u>  | Tributary to: <u>Mill Creek</u>         |
| Source 3: <u>Mill Creek</u> | Tributary to: <u>M. FK. Coquille R.</u> |
| Source 4: _____             | Tributary to: _____                     |

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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**

Do you, or will you, own the reservoir(s) described in item 3A above?     N/A

- 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.)

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N/A  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.

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

| SOURCE     | USE  | PERIOD OF USE | AMOUNT  |
|------------|--|---------------|---|
| Spring #1  | Domestic use expanded (lawn & garden)              | Year round    | 0.0125 cfs  |
| Spring #2  | Supplemental domestic use expanded (lawn & garden) | Year round    | 0.0125 cfs  |
| Mill Creek | Supplemental domestic use expanded (lawn & garden) | Year round    | 0.0125 cfs  |
|            |  |               | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af |

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: \_\_\_\_\_ Acres      Supplemental: \_\_\_\_\_ Acres  
 List the Permit or Certificate number of the underlying primary water right(s): \_\_\_\_\_  
 \_\_\_\_\_  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: \_\_\_\_\_

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- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: one
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

\_\_\_\_\_

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

What equipment will you use to pump water from your source?

Pump (give horsepower and type): N/A

Other means (describe): gravity flow through pipeline

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The primary source, Spring #1, and the two supplemental sources, Spring #2 and Mill Creek, will be plumbed by screened poly pipe to a central collection tank. Water will then be conveyed from the central collection tank a distance of just over one mile and a drop of about 900' through poly pipe to the place of use, a dwelling.

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**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

In house domestic use will occur in the usual manner. Lawn and garden irrigation will be accomplished through the use of portable garden hose and several "rainbird" type household sprinklers.

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent adverse impact to public uses of affected surface waters.

Only that quantity of water required for normal beneficial household purposes will be used within the dwelling. Care will be taken in the application of water for lawn and garden irrigation to insure beneficial use without waste.

**SECTION 6: RESOURCE PROTECTION**

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: All three POD's are at the headwaters of Mill Creek. There is an approximate 1000' drop in elevation at a distance of about one mile from the POD's to Mill Creek's confluence w/M. Fk. Coquille River. The reach of Mill Creek in the vicinity of the POD's would not appear to support any fish or aquatic life due to the above mentioned gradient.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: N/A

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

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

## SECTION 7: PROJECT SCHEDULE

Date construction will begin: has begun. Applicant has only recently purchased this property and been made aware that water use was occurring without benefit of a water right for this dwelling.

Date construction will be completed: March 4, 2012

Date beneficial water use will begin: March 4, 2012

## SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

This house has shared uncontested domestic water use with the holders of Permit # S-2346 for a great many years, but as mentioned in SECTION 7, above, has done so without benefit of a water right. The applicant is a new owner of this property. It is the applicant's intention "to get legal". It is intended that the two springs shown on Kern's 1914 map for Permit S-2346 be POD's #1 and #2 for this application and that the additional supplemental source, POD #3 Mill Creek is a source not covered by Permit S-2346 but intended as a source for this application. \_\_\_\_\_

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# Land Use Information Form



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

Applicant: Ron LaFranchi  
First Last

Mailing Address: 580 N. Central

Coquille OR 97423 Daytime Phone: (541) 396-5571  
City State Zip

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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 | ¼ ¼   | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:  | Proposed Land Use:                 |
|----------|-------|---------|-------|-----------|---|---|------------------------------------|
| 29S      | 12W   | 22      | SW SE | 102       |   | Used  | Domestic use for an existing house |
|          |       |         |       |           |   | <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, and/or used or developed:

Coos County

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## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

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

Source of water:  Reservoir/Pond       Ground Water       Surface Water (name) Two springs and Mill Creek

Estimated quantity of water needed: 0.0125 cfs

Intended use of water:  Irrigation       Commercial       Industrial        
 Domestic for one household(s)  
 Municipal       Quasi-Municipal       Instream       Other \_\_\_\_\_

Briefly describe:

Applicant has recently purchase this property and has only recently been made aware that the existing house has no water right. This house has existed on this location since before 1900.

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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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 4.8 & 4.9 & 3.4
- Land uses to be served by the 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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land-Use Approval:   |  |
|--|---|--|--|
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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.

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Name: Staci Keep Title: Planner  
 Signature: [Signature] Phone: 396-3121x210 Date: 3/10/10  
 Government Entity: Cos County Planning

**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: Jon LaFranchi  
 City or County: Cos Staff contact: Staci Keep  
 Signature: [Signature] Phone: 396 3121 x 210 Date: 3/10/10



(EXHIBIT 1 CONTINUED)

Parcel B Continued

Meridian, Coos County, Oregon, lying North of the Coquille-Roseburg Highway.

The NW ¼ of the SE ¼ of Section 22, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

That portion of the SE ¼ of the SE ¼ and that portion of the SW ¼ of the SE ¼ of Section 22, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, lying North of the Coquille River.

SAVING AND EXCEPTING THEREFROM: That parcel of land heretofore deeded to James W. Carlisle by Deed recorded in Book 82, Page 527, Deed Records of Coos County, Oregon, described as follows: 15 acres lying in the Eastern part of the SW ¼ of the SW ¼ of Section 23, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, being more particularly described as follows: Beginning at a point where the Section line between Sections 23 and 26 of Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon intersects the Eastern boundary of the County Road, being the road generally known as the Myrtle Point-Roseburg County Road near Sugarloaf and the particular thereof known as the Pickthorn-Breuer Change, where the same was located during December 16, 1916 by the official road survey records of Coos County, Oregon; thence along the boundary of said road right of way Northerly to the point where said boundary line intersects the thread of that small stream commonly known as Mill Creek, stopping however short of said point, at a point on said road boundary line which is 10 feet away from the thread of said stream and at right angles thereto; thence Northerly and parallel with the thread of said stream and at a distance of 10 feet Easterly from the thread thereof to the North line of that 40 acre tract described as the SW ¼ of the SW ¼ of said Section 23; thence East along said North line of said 40 acre tract to the Northeast corner thereof; thence South along the East boundary of said 40 one fourth of a mile, more or less, to the Southeast corner of said 40; thence West along the South boundary of said tract to the point of beginning.

SAVING AND EXCEPTING THEREFROM: Beginning at a 1 inch iron pipe driven in the ground at a point where the Section line between Sections 22 and 23, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon intersects the South boundary line of the right of way of the Coos Bay-Roseburg Highway; thence Southwesterly along said boundary line of said highway 356 feet to a 1 inch iron pipe driven in the ground on said side of said right of way of said highway; thence South to the center of the Middle Fork of the Coquille River; thence up the center of said stream in a Southeasterly direction crossing said North and South Section line between said Sections 22 and 23 to the East and West Section line between Sections 23 and 26 of said Township and Range; thence East on said Section line between Sections 23 and 26 to the Southwesterly side of said right of way of the Coos Bay-Roseburg Highway; thence along the Southwesterly boundary line of said right of way to the point of beginning, said property being located in Sections 22 and 23, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

SAVING AND EXCEPTING THEREFROM: Any portion lying with the County Road and the State Highway right of way.

SAVING AND EXCEPTING THEREFROM: Beginning at the quarter Section corner at the Southwest corner of the SW ¼ of the SE ¼ of Section 22, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence North on the quarter Section line 1060 feet; thence East 126 feet; thence South 29° 45' East 710 feet to the middle of the County Road; thence South 52° 45' West 260 feet; thence South 35° 40' West 360 feet to the Section line; thence West on the Section line 50 feet to the point of beginning.

Sec 22  
TL 101

Remainder of page intentionally left blank.

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**EXHIBIT B**

1. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
2. The United States will not be held liable for any damage to the pipeline caused by the general public or as a result of fire, wind, or other natural disasters or as a result of silvicultural practices, timber harvesting operations, or other actions stemming from the normal land management activities of the Bureau of Land Management.
3. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
4. The Authorized Officer reserves the right to perform any and all activities for management purposes. Such activities could include timber harvesting, road construction, etc. Upon receiving written notice, the Holder agrees, at this expense, to temporarily relocate within 30 days any portion of this water line and to reinstall water line within right-of-way limits following completion of BLM activities.

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER OR. 54529

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
  - a. By this instrument, the holder:  
  
Thomas D. Guerin  
H.C. 85 BOX 26  
MYRTLE POINT, OR. 97458-9732  
  
receives a right to construct, operate, maintain, and terminate a waterline for domestic and livestock use, on public lands described as follows:  
  
T. 29 S., R. 12 W., Will. Mer., Sec. 23 NW 1/4 NE 1/4, N.E. 1/4 S.W. 1/4
  - b. The right-of-way or permit area granted herein is 2 feet wide, 1180 feet long and contains .054 acres, more or less.
  - c. This instrument shall terminate on 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
  - d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
  - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.
3. Rental: Is waived through December 31, 1998 in accordance with Bureau Manual 2801.41E5a and Information Bulletin No. 88-138 (under \$ 1.00 annual rental, when rounded = \$ 0.00) . To be reviewed prior to January 1, 2004 billing cycle.

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For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A , attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Thomas D. Guerin  
(Signature of Holder)

Owner  
(Title)

10-27-98  
(Date)

William J. ...  
(Signature of Authorized Officer)

Acting Area Manager  
(Title)

10/28/98  
(Effective Date of Grant)

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