

Application for a Permit to Use Surface Water



W/S 10-0568
RCH

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 WILL, JAMES W. & SHARON L.		PHONE (HM) (541) 271-2725	
PHONE (WK)	CELL	FAX	
ADDRESS 257 OLD LOWER SMITH RIVER RD			
CITY REEDSPORT	STATE OR	ZIP 97467	E-MAIL

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 / BUSINESS NAME STUNTZNER ENGINEERING & FORESTRY, LLC		PHONE (541) 267-2872	FAX (541) 267-0588
ADDRESS P.O. BOX 118		CELL	
CITY COOS BAY	STATE OR	ZIP 97420	E-MAIL

Note: Attach multiple copies as needed

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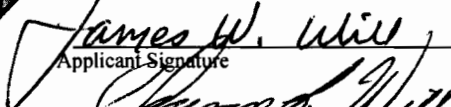
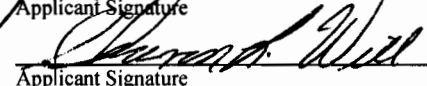
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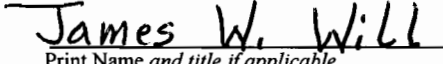
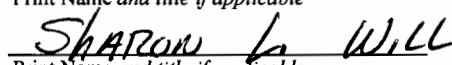
By my signature below I confirm that I understand:

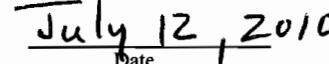
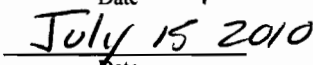
- ☐ I am asking to use water specifically as described in this application.
- ☐ Evaluation of this application will be based on information provided in the application.
- ☐ I cannot use water legally until the Water Resources Department issues a permit.
- ☐ Acceptance of this application does not guarantee 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.

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SALEM, OREGON

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


Applicant Signature

Applicant Signature


Print Name and title if applicable

Print Name and title if applicable


Date

Date

App. No. <u>S-87642</u>	For Department Use Permit No. _____	Date _____
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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.

X YES

X There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

☐ 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*).

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: UNNAMED STREAM

Tributary to: Frantz Ck tributary to Smith River (Tidal)

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

Do you, or will you, own the reservoir(s) described in item 3A 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.)

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If *all* sources listed in item 3A 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.

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
Unnamed stream	Domestic use expanded	Year round	0.01 X cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ 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:

N/A

S-87642

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

X Pump (give horsepower and type): A.O. Smith /Gould's centrifugal (1/2 HP) at storage tank.

X Other means (describe): Gravity line (1 1/2" Ø) from diversion to storage tank

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

Point of diversion will be an in-spring plastic box where the water flows from the ground. Approximately 300 of 1 1/2" plastic pipe connect the source to a 1,500 gallon storage tank. At the storage tank there is a 1/2 horsepower Gould's pump and a eighty plus gallon Well Mate storage tank. The water is distributed through 225± feet of 1" diameter plastic pipe to the place of use.

B. Application Method

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

Water distribution for lawn and garden will through garden hose and moveable 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.

The amount of water requested is the amount allowable for domestic use expanded. Timing of Irrigation will be determined by soil moisture levels. Soil moisture levels will be determined by feel and appearance of the soil. Irrigate when you can form a soil ball in your hand but the ball breaks easily when bounced in the hand.

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.

- X Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: Point of diversion is where spring comes to the surface. No stream channel at this point.
- ☐ 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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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Existing

Date construction will be completed: Existing

Date beneficial water use will begin: Existing

SECTION 8: REMARKS

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

The water system has been in existence for seventeen plus years. The spring has a very faint channel near the headwaters (P.O.D.) of the unnamed stream. The confluence of the unnamed stream and Frantz Creek is approximately one-half mile upstream of the confluence of Frantz Creek and Smith River. All of the area from the confluence of the unnamed stream and Frantz Creek and Smith River are under tidal influence.

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S-07642

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

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 jurisdiction(s) 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. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

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NOTE TO LOCAL GOVERNMENTS

WATER RESOURCES DEPT
SALEM, OREGON

The person presenting the attached Land Use Information Form is applying for or modifying 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.

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): _____

☐ 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 (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: JONATHAN WRIGHT Title: PLANNER

Signature: [Signature] (54:) Phone: 440-4289 Date: 7-14-10

Government Entity: DOUGLAS 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: _____

S-57642

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: James W. & Sharon L. Will
First Last

Mailing Address: 257 Old Lower Smith River Rd

Reedsport
City

OR
State

97423
Zip

Daytime Phone: (541) 271-2725

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:
21	12W	13	CC	1400		x Diverted	x Conveyed	x Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

DOUGLAS

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B. Description of Proposed Use

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

X Permit to Use or Store 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 X Surface Water (name) UNNAMED STREAM

Estimated quantity of water needed: 0.01 X cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

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

GRANTOR: MIKE MAST AND JAMES MAST

CONVEYS AND WARRANTS TO

GRANTEE: JAMES W. WILL AND SHARON L. WILL, Husband and Wife

the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

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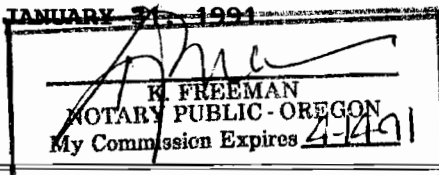
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THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration for this transfer stated in terms of dollars is \$ 30,000.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the / the whole of the (indicate which) consideration.

If grantor is a corporation, this has been signed by authority of the Board of Directors.

DATED:



GRANTOR:

Mike Mast

James Mast

Until a change is required, all tax statements shall be sent to the following address: GRANTEE: 3147 Ridgeway, Reedsport, OR 97467

STATE OF OREGON, County of COOS ss.
Date: 1/31/91
Personally appeared the above named
Mike and James Mast
and acknowledged the foregoing instrument to be
their voluntary act and deed. Before me:

Notary Public for Oregon
My commission expires:

STATE OF OREGON, County of ss.
Date:
Personally appeared, who being sworn, stated
that he/she is the of grantor corpo-
ration and that this instrument was voluntarily signed on behalf of the corporation. Before
me:

Notary Public for Oregon
My commission expires:

WARRANTY DEED

MAST TO WILL

AFTER RECORDING RETURN TO

GRANTEE: same as above

(DON'T USE THIS
SPACE: RESERVED
FOR RECORDING
LABEL IN COUNTIES
WHERE USED.)

STATE OF OREGON, County of ss.
I certify that the within instrument was received for
record on the day of
, 19, at o'clock
M., and recorded in book on page
Witness my hand and seal of County affixed.

County Clerk

By Deputy.

Exhibit "A"

The Southwest quarter of the Southwest Quarter (SW 1/4, SW 1/4) of Section 13, Township 21 South, Range 12 West of the Willamette Meridian, Douglas County, Oregon, excepting therefrom that parcel described as follows:

Beginning at a point on the South boundary of Section Thirteen (13), Township Twenty One (21) South, Range Twelve (12) West of the Willamette Meridian, 577.18 feet East of the Southwest corner of said Section 13, said point of beginning also being on the East right of way line of the Tachenitch Substation County Road No. #312; thence North 32° 58' 38" West along said right of way line, 131.2 feet to an existing fence line; thence North 89° 35' East along said fence line, 521.0 feet to the end of said fence line; thence continuing North 89° 35' East 32.7 feet to the East Boundary of a driveway; thence South along the said driveway boundary 110.6 feet to the South boundary of said Section 13; thence South 89° 35' 26" West 482.3 feet to the point of beginning all being a portion of the Southwest quarter (SW 1/4) of the Southwest (SW 1/4) of Section 13, Township 21 South, Range 12 West of the Willamette Meridian, Douglas County, Oregon.

ALSO LESS AND EXCEPTING THEREFROM: Beginning at a point in the Northeasterly right of way line of the Southern Pacific Railroad, said point being 1,239 feet South and 243 feet East of the Northwest corner of the SW 1/4 SW 1/4 of Section 13, Township 21 South, Range 12 West, Willamette Meridian, Douglas County, Oregon; thence along a chord of a spiral curve right North 28° 37' West a distance of 135.0 feet; thence North 39° 53' East 108 feet; thence South 25° 27' 30" East a distance of 137.77 feet; thence South 39° 39' 10" West a distance of 100 feet to the point of beginning. The above described parcel of land is lying in the SW 1/4 SW 1/4 of Section 13, Township 21 South, Range 12 West, Willamette Meridian, Douglas County, Oregon

ALSO LESS AND EXCEPTING THEREFROM: Beginning at the Northwest corner of said SW 1/4 SW 1/4 of said Section 13; running thence 527.1 feet South 86° 51' 20" East; thence 554.8 feet South 48° 25' 50" East; thence 909.5 feet South 39° 39' 10" West; thence 210.5 feet South 29° 20' 40" East; thence 210.3 feet South 23° 38' 20" West to a point in the northeasterly boundary of the 150 foot right of way for the Southern Pacific Company's railroad; thence Northwesterly along said boundary to the point of intersection of said railroad right of way boundary and the West line of said SW 1/4 SW 1/4 of said Section 13; thence North along said West line of said SW 1/4 SW 1/4 to the point of beginning.

LESS AND EXCEPTING any of that portion lying within the right of way of the Southern Pacific Railroad.

ALSO LESS AND EXCEPTING any of that portion lying within the right of way of the County Road.

Together with an easement for road purposes, creating by instrument recorded November 30, 1990 in Book 1120, Page 204, Recorder's No. 90-17658, recorded in Douglas County, Oregon.

Grantors reserve all timber rights situated on the above described property for a period of eighteen (18) months from the date of this deed.

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SALEM, OREGON

26723-5

Subject to:

The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment. (affects TL 1400)

The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Easement as reserved in Deed For: spring and water Recorded: February 23, 1926 in Book 88, Page 9, Recorder's No. 64110, records of Douglas County, Oregon Reserved by: John Wroe, Sr. and Livona Wroe Affects: Southwest 1/4 of the Southwest 1/4.

An easement created by instrument, including the terms and provisions thereof, Dated: May 27, 1957 Recorded: June 3, 1957 in Book 268, Page 273, Recorder's No. 234990, records of Douglas County, Oregon In favor of: Coos Bay Pulp Corporation For: Right of Way Agreement Affects: as set out on document.

An easement created by instrument, including the terms and provisions thereof, Dated: October 15, 1959 Recorded: December 1, 1959 in Book 289, Page 421, Recorder's No. 270612, records of Douglas County, Oregon In favor of: United States of America For: access road easement Affects: as set out on document.

Any uncertainty as to the location of the division line between the Southwest quarter of the Northwest quarter and the Southwest quarter of the Southwest quarter, the premises herein described.

The terms and provisions of those maintenance agreements, as set out in that appurtenant easement recorded November 30, 1990, in Book 1120, Page 204, Recorder's No. 90-17658, records of Douglas County, Oregon.

STATE OF OREGON)
COUNTY OF DOUGLAS) SS.
I, GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HEREBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED

1991 FEB -4 AM 10:54

GAY FIELDS
DOUGLAS COUNTY CLERK
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

[Signature]
DEPUTY

35-

(82) FEE 5

91-01818

Key Title

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SALEM, OREGON

26973-5