

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 CLATIE B. SMITH C/O ISENHART, EVERT-ONA RANCH, INC		PHONE (HM) (541) 348-2372	
PHONE (WK)	CELL	FAX	
ADDRESS 97065 LANGLOIS MOUNTAIN ROAD			
CITY LANGLOIS	STATE OR	ZIP 97450	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		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL

Note: Attach multiple copies as needed

By my signature below I confirm that I understand:

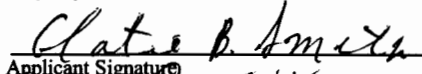
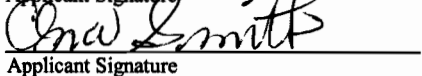
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a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

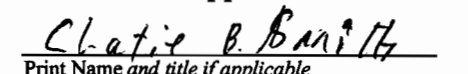
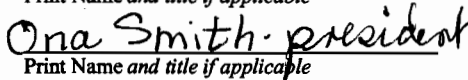
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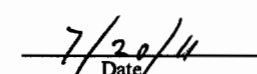
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SALEM, OREGON

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-81757</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.

☒ Yes

☒ 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*).

ERNEST A. BUSSMAN, P.O. BOX 282, SIXES, OR 97476

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: SPRING

Tributary to: NORTH FORK FLORAS CREEK

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.)

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
Spring	Domestic Use Expanded	Year around	0.01 ☒ 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: _____

- 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): _____

☒ Other means (describe): Gravity Flow

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

The point of diversion will be a 55 gallon plastic barrel in the spring with 300 feet of one inch and 3800± feet of ¾ inch buried PVC pipe connecting 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)

The lawn and garden will have low pressure 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.

Lawn and garden irrigation will be on an as needed basis.

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: Diversion is in spring but the intake will be screened with ODF&W acceptable fish screen.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: No excavation is needed, system has existed since 1946±

☒ 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

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Existing System

Date construction will be completed: Existing System

Date beneficial water use will begin: Existing System

SECTION 8: REMARKS

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

Please see (submitted here with Application Supplement For Human Consumption), as we understand the North Fork of Floras Creek watershed does not have water available fro a standard permit.

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**WATER RESOURCES DEPT
SALEM, OREGON**

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.

NOTE TO LOCAL GOVERNMENTS

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.



File #: S-87757

Oregon Water Resources Department

Application Supplement for Human Consumption & Livestock Uses

For water use permit applications within or above scenic waterways, or from streams for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption is limited to indoor use for drinking, cooking, and sanitation and is limited to 500 gallons per day. It does not include outdoor uses such as lawn watering, garden watering or other similar uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266.

1. Can you reasonably obtain water from any other source? ☐ Yes ☒ No

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)

Two of our neighbors, within 1/4 mile from our property had wells dug for them. Both wells when finished had salt in the water.

- b. Securing stored water from upstream reservoirs.

To our knowledge there is no upstream reservoir to pipe from that would fulfill this need.

- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)

To truck water to this house would be prohibitive and we do not have a truck to do this type of use. We would have to buy a truck to meet this need, neither option seems reasonable.

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- d. Community or municipal water suppliers.

We are 10 miles from the municipal water source, improvement cost would be very prohibitive and we are not within their permitted or certificated service area.

- e. Tying in to a neighboring property's spring.

The springs near here do not provide enough water for neighbors to use. The existing pipeline is 3800 feet long to reach an easement permitted spring.

- f. Transferring existing water rights to your proposed use(s).

All other water rights in this drainage are from Floras Creek and are being used and needed for their permitted uses. Other rights are not available and there is no other water source for this house.

Please identify any other alternate water sources you have considered, and why they are not feasible:

Water Resources has determined that no water is available from Floras Creek. The proposed source is the only available within a reasonable distance, as stated above we are running 3800 ft. to reach this source.

2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

☒ Yes ☐ No ☐ NotApplicable

If so, please describe how:

There will be no drinkable water for the house.

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

☐ Yes ☐ No ☒ Not Applicable

4. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

☒ Yes ☐ No ☐ Not Applicable

Applicant Signature: SEE NEXT Pg. 11 Date: _____

Applicant Signature: _____ Date: _____

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SALEM, OREGON

- d. Community or municipal water suppliers.

- e. Tying in to a neighboring property's spring.

- f. Transferring existing water rights to your proposed use(s).

Please identify any other alternate water sources you have considered, and why they are not feasible:

2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

☒ Yes ☐ No ☐ NotApplicable

If so, please describe how:

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

☒ Yes ☐ No ☐ Not Applicable

4. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

☒ Yes ☐ No ☐ Not Applicable

Applicant Signature: Clare B Smith

Date: 7/20/11

Applicant Signature: Anna Smith

Date: 7/20/11

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WATER RESOURCES DEPT
SALEM, OREGON

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(s): Clatie B. Smith

Mailing Address: 97065 Langlois Mountain Road

City: Langlois

State: Or

Zip Code: 97450

Daytime Phone: 541-348-2372

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:
<u>30S</u>	<u>14W</u>	<u>26</u>	<u>SW SW</u>	<u>302</u>	<u>FG</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>FG</u>
<u>30S</u>	<u>14W</u>	<u>26</u>	<u>SW SW</u>	<u>1200</u>	<u>FG</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>FG/RESIDE</u> <u>NCE</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

Curry County

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 ☐ 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) Trib. to N.Fork Floras Crk.

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

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

Briefly describe:

Application is being made for domestic use with Irrigation expanded.

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.

See bottom of Page 3. →

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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):

☐ 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.

Applicant's company only owns tax lot 1200. JLM

Name: Jeni Meyer Title: Planning Manager

Signature: Jeni Meyer Phone: 541-247-3261 Date: 8/10/11

Government Entity: Curry Co. Planning Division

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: _____

1995 BOOK of RECORDS

08/23/95 13:55 21803287888 STUTTNER ENG. 002/008
LAND SURVEYING PLANNING ENGINEERING WATER RIGHTS FORESTRY



TELEPHONE (503) 867-6678
FAX (503) 867-0288
705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97430

EVERETT-ONA ISENHART RANCH, INC. Ranch Home Site Water Line Easement

Description of water system easement located in Section 27 and Section 26, Township 30 South, Range 14 West, Willamette Meridian, Curry County, Oregon:

The Point of Diversion (P.O.D.) is located approximately 1500 feet West and 40 feet North of the North Sixteenth (N1/16) corner of said Section 27; said P.O.D. is located on an unnamed creek which is tributary to the North Fork Floras Creek. The easement is ten feet wide centered on the existing water line from the P.O.D. to the Everett-Ona Isenhart Ranch home site located in the SE1/4 of the NW1/4 of said Section 26 along the following approximate bearings and distances:

Beginning at the P.O.D.; thence North 25° West 300 feet, more or less, to a 500 gallon storage tank; thence along the existing water line to the Everett-Ona Isenhart Ranch homestead located in Section 26, which bears South 70° East 4105 feet, more or less, from said storage tank.

*(the North Sixteenth [N 1/16] corner common to Sections 26 and 27)

1995 INSTRUMENT 95 02757

STATE OF OREGON
COUNTY OF CURRY

I RENEE KOLEN, COUNTY CLERK, CERTIFY
THAT THE WITHIN DOCUMENT WAS
RECEIVED AND DULY RECORDED IN THE
OFFICIAL RECORDS OF CURRY COUNTY AT

10:07 ON 06-27-95

BY: CH DEPUTY
FEE \$ 65.00
PAGES: 7



EXHIBIT D
PAGE 1 OF 1

S-87757

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