

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 MAX KUO		PHONE (HM) 510-274-0901	
PHONE (WK) NA	CELL NA	FAX NA	
ADDRESS 4884 N. LOFTUS RD			
CITY FLORENCE	STATE OR	ZIP 97439	E-MAIL * NA

Organization Information

NAME NA		PHONE NA		FAX NA
ADDRESS NA			CELL NA	
CITY NA	STATE NA	ZIP NA	E-MAIL * NA	

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

AGENT / BUSINESS NAME EUGENE WOBBE - WOBBE & ASSOCIATES, INC		PHONE 541-997-8411	FAX 541-997-2095
ADDRESS P.O. BOX 3093			CELL
CITY FLORENCE	STATE OR	ZIP 97439	E-MAIL * WOBBE_ASSOC@MSN.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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By my signature below I confirm that I understand:

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- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. 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.

SALEM, OR

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

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

Revise

App. No. **S-8778**

For Department Use
Permit No. _____

Date _____

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*).

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

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: CLEAWOX LAKE	Tributary to: CLEAWOX OUTLET	RECEIVED BY OWRD
Source 2:	Tributary to:	JUL 10 2014
Source 3:	Tributary to:	SALEM, OR
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
CLEAWOX LAKE	DOMESTIC	YEAR ROUND	0.005 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<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: _____

- 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): 3/4 HP ELECTRIC Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. **WATER WILL BE DIVERTED AT A SCREENED INTAKE ON A 3/4 HP SUBMERSIBLE PUMP AND PIPED TO A 2500 GALLON TANK, THEN PIPED TO AN 82 GALLON PRESSURE TANK AND TREATMENT EQUIPMENT, THEN PIPED TO THE RESIDENCE**

B. Application MethodWhat equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) **NA****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 damage to public uses of affected surface waters. **WATER IS NEEDED FOR AN EXISTING RESIDENCE. WATER EFFICIENT FIXTURES WILL PREVENT WASTE. A METER HAS BEEN INSTALLED TO MEASURE THE AMOUNT OF WATER USED. THE RESIDENCE IS SETBACK CONSIDERABLY FROM THE LAKE.**

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: **THE PUMP INTAKE WILL BE SCREENED AS REQUIRED BY ODFW**
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: **THIS IS AN EXISTING SYSTEM. NO EXCAVATION OR CLEARING WILL BE NECESSARY.**
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: **NO EQUIPMENT WILL BE OPERATED IN THE WATER BODY.**
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: **A DEQ APPROVED SUBSURFACE SEPTIC SYTEM IS INSTALLED. THE RESIDENCE AND SEPTIC SYSTEM ARE SEPARATED FROM THE LAKE BY A SUBSTANTIAL DISTANCE COVERED WITH EXISTING TREES AND VEGETATION.**

SECTION 7: PROJECT SCHEDULE

Date construction will begin: **EXISTING SYSTEM IS IN PLACE.**

Date construction will be completed: **JULY 9, 2015**

Date beneficial water use will begin: **JULY 9, 2015**

SECTION 8: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

THIS PROPERTY IS CURRENTLY USING WATER UNDER LIMITED LICENSE LL-1429.

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LAND USE APPLICATION - ADMINISTRATIVE Land Use Compatibility Statement

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97401 Planning: 682-3577

For Office Use Only. FILE # 509-PA14-05359 FEE: \$138.00

PXS

Applicant (print name): MAX C. KUO

Mailing address: 4884 N. LOFTUS RD. FLORENCE, OR 97439

Phone: 510-274-0901 Email: sookehermit@gmail.com

Applicant Signature: *Max Kuo*

PROPERTY LOCATION

19-12-03-4 TL 1134
Township Range Section Taxlot Subdivision/partition lot/parcel block

4884 N. LOFTUS RD. FLORENCE, OR 97439
Site address

The Land Use Compatibility Statement (LUCS) is the form used when a customer needs a written response from the Planning Program, including State permit sign-offs. It is intended to assist customers who have a question that can not be answered in 10 minutes by the Planner at the front desk.

In the space below, write the question/request you have for the Planner. Attach additional pages if necessary.

APPLYING FOR A WATER RIGHT

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Version 1/2013

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SALEM, OR S-87975

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): LC 16.290(2)(a)

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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

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Name: RAFAEL SEBBA Title: ASSOCIATE PLANNER

Signature: RFISIL Phone: 541.682.4620 Date: 06.13.14

Government Entity: LANE 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-87995

Land Use Information Form

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

Applicant: MAX C. KUO
First Last

Mailing Address: 4884 N. LOFTUS RD.

FLORENCE OR 97439 Daytime Phone: 510-274-0901
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:
19	12	03	SE	1134	RR2/NRC/BD	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RESIDENTIAL
						<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:

LANE 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) CLEAWOX LAKE

Estimated quantity of water needed: .005 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

HOUSEHOLD USE FOR ONE RESIDENCE

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. →

S-87995

After Recording Return To
First American Title
600 Country Club Road
Eugene, OR 97401



After recording return to:
Max C. Kuo and Janet A. Kuo
49 Easy Street
Florence, OR 97439

Until a change is requested all tax
statements shall be sent to the
following address:
Max C. Kuo and Janet A. Kuo
49 Easy Street
Florence, OR 97439

File No.: 7193-1882487 (CSK)
Date: July 06, 2012 #1401874 19
12 03 40 01134

THIS SPACE RESERVED FOR RECORDER'S USE

Lane County Clerk
Lane County Deeds & Records

2012-035022

07/12/2012 02:32:35 PM

RPR-DEED Cnt=1 Str=9 CASHIER 02
\$15.00 \$11.00 \$10.00 \$16.00

\$52.00

STATUTORY WARRANTY DEED

Victor Kosky, Grantor, conveys and warrants to **Max C. Kuo and Janet A. Kuo, husband and wife as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. The **2012/2013** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$170,000.00**. (Here comply with requirements of ORS 93.030)

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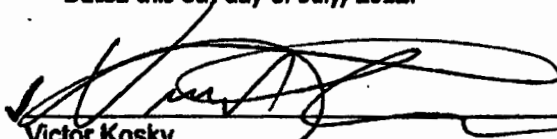
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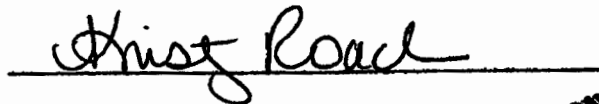
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 6th day of July, 2012.


Victor Kosky

STATE OF Georgia)
County of Rabun)ss.
)

This instrument was acknowledged before me on this 10 day of July, 2012
by Victor Kosky.



Notary Public for Georgia
My commission expires: 4/22/14



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EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Lane, State of Oregon, described as follows:

BEGINNING AT A POINT SOUTH 77° 42' 15" WEST 127.43 FEET AND NORTH 232.70 FEET FROM A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF A 50 FOOT ROAD, SAID POINT BEING NORTH 1324.11 FEET AND WEST 1880.11 FEET FROM THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 67° 46' WEST 158.33 FEET; THENCE NORTH 25.00 FEET TO A POINT ON THE SHORE OF CLEAWOX LAKE; THENCE SOUTH 74° 49' 20" WEST 285.69 FEET ALONG THE SHORE OF CLEAWOX LAKE; THENCE NORTH 0° 06' 30" WEST 174.00 FEET TO A POINT AT THE END OF A 50 FOOT ROAD; (SURVEYED NORTH 0° 03' 04" WEST 172.57 FEET); THENCE EAST 30.58 FEET ALONG THE SOUTHERLY END OF SAID 50 FOOT ROAD; THENCE NORTH 9° 30' 00" EAST 300.51 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID 50 FOOT ROAD; THENCE NORTH 36° 30' 30" EAST 18.70 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID 50 FOOT ROAD; THENCE SOUTH 61° 42' 00" EAST 517.69 FEET; THENCE SOUTH 44° 03' 27" WEST 179.30 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

NOTE: This Legal Description was created prior to January 01, 2008.