

# 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><b>Best Properties, LLC</b>           |                             | PHONE (HM)<br><b>541-982-2410</b> |                                            |
| PHONE (WK)<br><b>541-982-2410</b>             | CELL<br><b>541-982-2410</b> |                                   | FAX                                        |
| ADDRESS<br><b>PO Box <del>3161</del> 3250</b> |                             |                                   |                                            |
| CITY<br><b>Coos Bay</b>                       | STATE<br><b>OR</b>          | ZIP<br><b>97420</b>               | E-MAIL *<br><b>amspay@greenfreedom.net</b> |

### Organization Information

|                                                      |                    |                              |                                            |     |
|------------------------------------------------------|--------------------|------------------------------|--------------------------------------------|-----|
| NAME<br><b>Best Properties, LLC</b>                  |                    | PHONE<br><b>541-982-2410</b> |                                            | FAX |
| ADDRESS<br><b>PO Box <del>3161</del> PO Box 3250</b> |                    | CELL<br><b>541-982-2410</b>  |                                            |     |
| CITY<br><b>Coos Bay</b>                              | STATE<br><b>OR</b> | ZIP<br><b>97420</b>          | E-MAIL *<br><b>amspay@greenfreedom.net</b> |     |

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

|                                                              |                    |                              |                                            |     |
|--------------------------------------------------------------|--------------------|------------------------------|--------------------------------------------|-----|
| AGENT / BUSINESS NAME<br><b>Kirwan Fox (Company Manager)</b> |                    | PHONE<br><b>541-982-2410</b> |                                            | FAX |
| ADDRESS<br><b>PO Box 3161</b>                                |                    | CELL<br><b>541-294-2509</b>  |                                            |     |
| CITY<br><b>Coos Bay</b>                                      | STATE<br><b>OR</b> | ZIP<br><b>97420</b>          | E-MAIL *<br><b>amspay@greenfreedom.net</b> |     |

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:

- 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.

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

Applicant Signature  
*Kirwan Fox*  
Applicant Signature  
*Kirwan Fox*

Print Name and title if applicable  
**Kirwan Fox - Manager**  
Print Name and title if applicable

Date  
**10/14/14**  
Date

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Revise

|                         |  |                         |  |
|-------------------------|--|-------------------------|--|
| App. No. <b>S-88118</b> |  | For Department Use      |  |
| Permit No. _____        |  | Date <b>AUG 17 2015</b> |  |

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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*).

*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: **S. Tenmile Lake** Tributary to: **none**

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Source 2: Tributary to:

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Source 3: Tributary to:

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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

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

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☐ Yes.

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☒ 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.

### no stored sources exist

- ☐ 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                                                                                                                                  |
|----------------|----------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| S Tenmile Lake | Domestic | Year-Round    | <del>2</del> / <input checked="" type="checkbox"/> cfs <del>2</del> <input checked="" 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 only
- 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): 1hp rotary jet pump

☐ Other means (describe): \_\_\_\_\_

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

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### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) We have standard filtration and pressurization equipment as found in most off-grid home applications. Pump, pressure tank, PVC piping, filter media, and UV treatment. The home is 492 sq ft.

### 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. We have low-flow faucets and toilet, and will regularly inspect the intake ports for clogging or damage to fish-friendly screen equipment. Additionally, our septic is DEQ approved, and inspected regularly.

2 gpm is only a peak usage rate, and otherwise would be much lower since the dwelling is used infrequently.

## 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: Since we are fishermen on the lake, the aquatic habitat is very important to us. We are interested in using the best equipment with regular inspections to preserve the beauty and serenity, and biological diversity of Tenmile Lake

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: Our home on the site was built in 1982. No excavation or clearing is planned.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: There may be some piling repairs necessary to the boat dock. They will be performed by a licensed contractor who has a pile driver attached to a floating barge.

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Our septic was approved by the DEQ and will be regularly inspected. Paints and wood preservatives used on the site will be used only on dry days and brushes disposed of elsewhere to prevent any contamination of water with these products. Only septic-friendly detergents and cleaning products will be used in the home.

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## SECTION 7: PROJECT SCHEDULE

Date construction will begin: There is no planned major construction project - only minor repairs to the dwelling and dock.

Date construction will be completed: **Nov 22, 2014**

Repairs will continue, time permitting, for a period unknown - at least one year.

Date beneficial water use will begin:

Upon permit approval by Oregon Water Resources Agency

## 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.

Best Properties, LLC recently purchased this home at a foreclosure sale, and we know very little about the previous water usage. There is PVC piping, filtration, pumping, and standard home plumbing fixtures installed in the dwelling. Since the only source of water is Tenmile Lake nearby, it is evident that water has been diverted and used by this dwelling in the past. It is likely that previous permits for usage existed for this dwelling. This dwelling will only be used by the managers of Best Properties, LLC and their families as a weekend retreat, with extended stays lasting a week in the summer during fishing and water-ski season.

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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: Best Properties, LLC  
First Last

Mailing Address: PO Box 3161

Coos Bay OR 97420 Daytime Phone: 541-982-2410  
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 | 1/4 1/4 | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |                                              |                                          | Proposed Land Use: |
|----------|-------|---------|---------|-----------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------|
| 23S      | 12W   | 17      | DB      | 1100      | RR-2                                            | <input checked="" 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:

|                               |                                 |
|-------------------------------|---------------------------------|
| Coos County, City of Lakeside | RECEIVED BY OWRD<br>AUG 03 2015 |
|-------------------------------|---------------------------------|

## B. Description of Proposed Use

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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) S Tenmile Lake

Estimated quantity of water needed: 2 ☐ 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:

|                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Best Properties, LLC owns this small vacation retreat on the shores of S Tenmile Lake. The dwelling is 492 sq ft, has one shower, one toilet, two sinks and one garden hose. Use of water will be for washing and maintenance of the DEQ approved septic system |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**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.

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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): 4.2.200
- ☐ 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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| AUG 17 2015      |  |
| SALEM, OR        |  |
| SALEM, OR        |  |

Name: Si ll Rolfe Title: Planning Director

Signature: Si ll Rolfe Phone: 541-396-7770 Date: 3-23-15

Government Entity: COOS 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: Best Properties, LLC

City or County: COOS COUNTY Staff contact: Si ll Rolfe

Signature: Si ll Rolfe Phone: 541-396-7770 Date: 3-23-15

## Description of Point of Diversion

The intended Point of Diversion for the water usage at Taxlot # 23S 12W 17DB 1100 lies 250 feet north, and 250 feet west of the southeast 1/16<sup>th</sup> corner of the northwest quarter of the southeast quarter of Section 17 in the township 23S, range 12W.

This can also be described as 250 feet north, and 250 feet west of the SE 1/16<sup>th</sup> corner on map 23S 12W 17DB

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5-00118

Kirwan Fox  
Best Properties, LLC  
PO Box 3250  
Coos Bay OR 97420

Att: Jeffrey Pierceall - OWRD Customer Service  
Re: Recent Application for Surface Water Usage Permit at Tenmile Lake

Dear Mr. Pierceall:

Thanks for your helpful comments regarding my recent application. I have made what I think are the necessary adjustments to my application per your recommendations. Please find my revised application enclosed.

Here is a summary of what has changed:

Signature

- The application has been signed in ink

Legal Description

- A copy of the deed has been included which clearly shows a legal description circled in ink for clarity

Maps

- The full assessor's map of the property showing an even and clearly marked scale of 1" = 100' has been included
- A sketched diagram of the house, dock, and POD has been included on the map
- A description of the POD which references a corner of the map is also included
- Since the assessor's parcel number and that in the legal description are different, I have included an additional plat map dated 1969 showing the original parcel numbers. Hopefully, this will not be a source of confusion.

Fees

- An additional check for \$750 is included to cover usage fees corresponding to 1CFS and recording fees.

Please feel free to contact me with additional concerns. 541-294-2509 or by email, [amspay@greenfreedom.net](mailto:amspay@greenfreedom.net)

best regards,



Kirwan Fox, Best Properties, LLC

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After Recording Return to:  
Kirwan A. Fox  
PO Box 3161  
Coos Bay, OR 97420

COOS COUNTY, OREGON

2014-09963

\$51.00

12/15/2014 01:25:22 PM

Pgs=2

Until a change is requested all tax statements  
shall be sent to the following address:

Kirwan A. Fox, Trustee  
PO Box 3161  
Coos Bay, OR 97420



00017378201400099630020029  
Terri L. Turi, Coos County Clerk

Grantor Name and Address:

Kirwan A. Fox  
PO Box 3161  
Coos Bay, OR 97420

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Grantee Name and Address:

Best Properties, LLC  
PO Box 3161  
Coos Bay, OR 97420

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Consideration: \$0

**WARRANTY DEED - STATUTORY FORM**

Kirwan A. Fox, Grantor, conveys and warrants to Best Properties, LLC, an Oregon limited liability company, Grantee, the following described real property, free of encumbrances except as specifically set forth herein:

Lot 3, Block 1, Sunny Cove Subdivision, Coos County, Oregon.

LEGAL  
DESCRIPTION

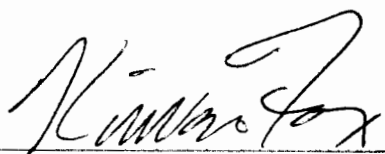
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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.

Warranty Deed - 1

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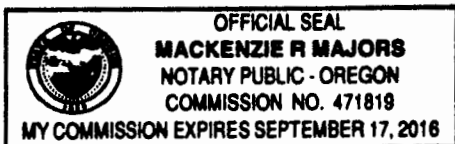
S-88118

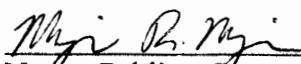
Dated this 9<sup>th</sup> day of December, 2014.

  
Kirwan A. Fox

STATE OF OREGON           )  
                                          ) ss.  
County of Klamath       )

This instrument was acknowledged before me on December 9<sup>th</sup>, 2014, by  
Kirwan A. Fox.



  
Notary Public - State of Oregon

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Warranty Deed - 2

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