

Application for a Permit to Use
Surface Water

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME <i>Jeff. Sein + Rogun Weigel</i>		PHONE (HM) <i>541-290-9083</i>	
PHONE (WK) <i>541-572-0504</i>	CELL	FAX	
ADDRESS <i>93407 CATCHING CREEK LANE</i>			
CITY <i>Myrtle Point</i>	STATE <i>OR</i>	ZIP <i>97158</i>	E-MAIL * <i>w3timber@hotmail.com</i>

Organization

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

Agent – 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 providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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 legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.

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

Jeff Weigel *Jeff + Sein Weigel - owners* *7-30-19*
Applicant Signature Print Name and Title if applicable Date

Rogun Weigel *Rogun Weigel - owner* *7-30-19*
Applicant Signature Print Name and Title if applicable 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.

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- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. (Attach additional sheets if necessary).

Kevin McCool - 1210 Bishop Ave. Live Oak, CA 95953-9612
USFS - 29279 Ellensburg Ave Gold Beach, OR 97444

Legal Description: 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.

W.M. 292 feet North + 274 feet East from the S 1/4 corner of section.
Crossed:
DIVERSION: SW 1/4 SE 1/4 Section 11 T35S, R14W
use: 3512 11 D TAX lot 300.

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), and the locations of the point of diversion (POD):

Source 1: <u>UN NAMED STREAM</u>	Tributary to: <u>ROGUE RIVER</u>
TRSQQ of POD:	
Source 2:	Tributary to:
TRSQQ of POD:	

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 - N/A - PERMIT FROM USFS.

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

- Yes.
- No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

For Department Use: App. Number: 5-88731

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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SECTION 5: 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	0.005 cfs	Human Consumption	<input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		Year round	<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

Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: .5 Acres Supplemental: _____ Acres
 If supplemental acres are listed, provide 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: .5

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 1
- If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): _____
- Other means (describe): Gravity Feed.

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

_____ Already in. No Equipment or operation will be done or used.

B. Application Method

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

_____ lines already in, water in use - see attached water rights filed.

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.

_____ See attached letter explaining.

SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.

Describe planned actions: NON FISH STREAM - See attached letter addressing.

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

Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: existing water box + catch basin in place already.

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: _____

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions: _____

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- List other federal and state permits or contracts to be obtained, if a water right permit is granted. _____

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SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: _____
- b) Date construction will be completed: _____
- c) Date beneficial water use will begin: _____

Already complete + being used.

SECTION 9: WITHIN A DISTRICT

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

N/A

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

please see cover letter explaining circumstance.

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RECITALS:

1. The parties to this instrument are owners of adjoining parcels of real property, located in Curry County Oregon.
2. Weigel is the owner of the following described parcel of property: Parcel one (1), Weigel/McCool Partition Plat No. 1994-52 as described by instrument no. 94-06414
3. McCools are the owners of the following described parcel of property: Parcel Two (2), Weigel/McCool Partition Plat No. 1994-52 as described by instrument no. 94-06414
4. The adjoining properties owned by the parties were developed jointly and partitioned into parcel one (1) and parcel two (2). Prior to the execution of this instrument, the parties have made and performed oral agreements resulting in the construction of roadway access across Forest Service land and received a permit from the United States Forest Service for a forty foot (40') wide easement for ingress and egress from U.S.F.S. Road #33 through special use permit no. 800970. The parties do agree through this document to equally share the costs of maintenance of said access road and any costs connected with permits to continue said right of access.
5. The parties have further jointly agreed to a thirty foot (30') wide private easement across parcel number two (2) for the purposes of ingress and egress to parcel number one (1), along with an easement for power and water lines. The parties have agreed that they shall be equally responsible for road maintenance beginning at the South property line of parcel two (2) and continuing in a Northwest direction for a distance of 75 feet to the first culvert. The remaining road utility and water line easement, which continues for 262.04 feet to the Southeast boundary of parcel one (1), shall be maintained solely by the owner of parcel one (1) (the owner of parcel two (2) shall only be responsible for joint maintenance of the first 75 feet of the easement as the driveway to his home will begin within the first 75' feet of his Southern property line. The owner of parcel one (1) shall be solely responsible for the remaining 262.04 feet as the use of the portion of road will be substantially to his benefit to access his property.)
6. The parties have further agreed that there shall be a shared access and use of the footpath to the river and the spring fed creek. The parties have agreed to jointly maintain the foot access to the river and each shall be responsible for their individual water lines from the spring fed creek. The jointly used portion of water lines, as well as the water reserve tank, shall be

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The parties jointly grant to each other, each of their heirs, successors, guests, and invitees a perpetual non-exclusive common use easement for foot access to the river. The parties further agree that they shall mutually maintain said foot access. The common use easement for foot access to the river is more fully described in partition plat no. 1994-52, instrument no. 94-06414. The rules in Section I regarding road general and emergency repairs shall apply also to maintenance of the foot access.

IV

WATER ACCESS-SPRING FED CREEK

The parties jointly grant to each other, their heirs, successors, guests and invitees a perpetual non-exclusive right of use access to the spring fed creek. Said creek is more fully described in partition plat no. 1994-52, instrument no. 94-06414. The parties shall be responsible for maintaining their individual water lines.

V

BINDING ON SUCCESSORS

It is agreed between the parties that the rights and obligations established under the terms of this agreement shall be perpetual and shall be binding upon, and insure to the benefit of, the parties hereto and their respective successors in ownership.

VI

ATTORNEY FEES

If any civil action of arbitration shall be instituted to enforce or interpret this agreement, the prevailing party shall be entitled to recover from the losing party, in addition to statutory costs and disbursements, such sums as the court may adjudge reasonable for the prevailing party's attorney fees at trial and on appeal. If the parties enter into arbitration they shall follow the rules of arbitration set forth in Oregon statutes, or panel of three as provided above.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

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 groundwater 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

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.

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

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Applicant

NAME <i>Jeff + Erin Wagner</i>		PHONE (HM) <i>541-290-9083</i>	
PHONE (WK)	CELL	FAX	
ADDRESS <i>93407 Latching Creek Lane</i>			
CITY <i>Myrtle Point</i>	STATE <i>OR</i>	ZIP <i>97158</i>	E-MAIL* <i>w3timber@hotmail.com</i>

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.

TAKEN
used

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential-RR-5)	Water to be:			Proposed Land Use:
<i>T35S</i>	<i>R12W</i>	<i>11</i>				<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
<i>T35S</i>	<i>R12W</i>	<i>11D</i>		<i>300</i>		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" 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:

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 Groundwater Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) _____

Estimated quantity of water needed: *0005* 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: *October through July 31 For Domestic use For one household including irrigation of 0.5 acre non-commercial lawn + garden. August 1st - September 30th For human consumption only.*

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.

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.

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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:	
CONDITIONAL USE FOR A SINGLE FAMILY DWELLING IN A SCENIC SMIT AREA (FEI)	AD-1906	<input checked="" 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.

NAME <i>Bobby Corbett</i>	TITLE: <i>Planning Director</i>
SIGNATURE <i>Bobby Corbett</i>	DATE: <i>7/22/2019</i>
PHONE: <i>(541) 247-3228</i>	
GOVERNMENT ENTITY <i>CURRY COUNTY COMMUNITY DEVELOPMENT - PLANNING DIVISION</i>	

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: *Jeff & Sara Weigel*

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

5-88791

Payment Entry Form

Result: Payment Authorized Confirmation Number: 61624480

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Your payment has been authorized successfully and payment will be processed.

Curry Co Community Development thanks you for your payment. For questions about your account, please call 541-247-3304
Thank you for using our bill payment services.

Please save or print a copy of this receipt for record keeping purposes.

My Bills

Description	Amount
Fees - Planning payment of \$75.00 on Reference Number 221-19-000133-PLNG	\$75.00
Subtotal:	\$75.00
Convenience Fee:	\$2.00
Total Payment:	\$77.00

Customer Information

First Name: ERIN K
Last Name: WEIGEL
Address Line 1: 93407 CATCHING CREEK LANE
Address Line 2:
City: MYRTLE POINT
State: Oregon
Zip Code: 97458
Phone Number: 541-290-9083
Email Address: W3TIMBER@HOTMAIL.COM

Payment Information

Payment Date: 07/22/2019
Card Type: MasterCard
Card Number: *****5950

Signature: Via phone Date: 7/22/19
By signing this receipt you agree to the terms and conditions of this service.

You will see one line item on your credit or debit card statement indicating the amount you paid and will be identified as Curry Co C D. If you have any questions about the charges please call 1-888-891-6064.

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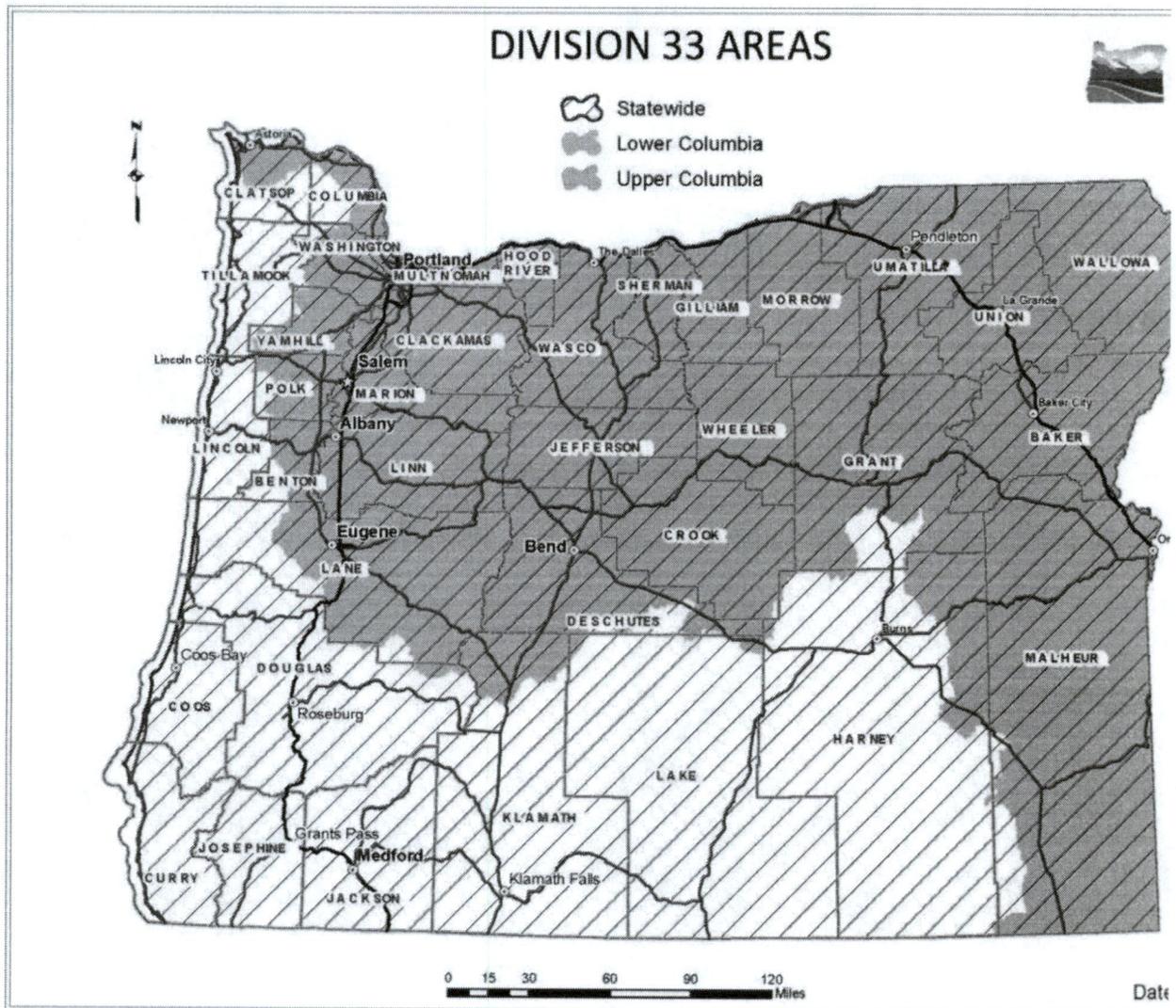
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Attachment 3

Figure 1: Map of Division 33 Areas



For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

Minimum Requirements Checklist

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

Include this checklist with the application

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

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

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Include the following additional items:

Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. *Attached.*

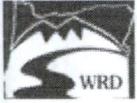
Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. *on application, on copy of current water rights enclosed + in cover letter.*

Fees - Amount enclosed: \$ _____
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Map that includes the following items:

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

For Department Use: App. Number: 5-88731



Oregon Water Resources Department
Surface Water Application

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Help

Return

Contact Us

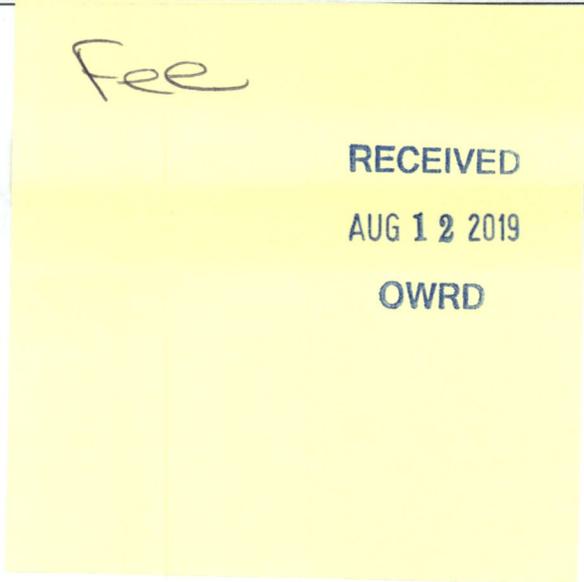
Today's Date: Tuesday, July 30, 2019

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.005	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	2	\$350.00
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,150.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

Fee



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5-88731

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PATRICK E MCCOOL
115 AWALI AVE
AUBURN CA 95603

confirms the right to use the waters of AN UNNAMED STREAM, TRIBUTARY OF ROUGE RIVER, for DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD.

This right was perfected under Permit 51896. The date of priority is APRIL 15, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.005 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

Period of allowed use October 1 through July 31 for domestic use for one household including irrigation of 0.5 acre non-commercial lawn and garden; August 1 through September 30 for human consumption only.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
35 S	12 W	WM	11	SW SE			292 FEET NORTH & 274 FEET EAST FROM S1/4 CORNER, SECTION 11

A description of the place of use to which this right is appurtenant is as follows:

DOMESTIC EXPANDED						
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
35 S	12 W	WM	11	NE SE	10	

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Measurement, recording and reporting conditions:

- A. The Director will require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order, and shall allow the watermaster access to the meter or

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.

- B. The Director will require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed JUL 11 2008


Phillip C. Ward, Director
Water Resources Department

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STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PATRICK E MCCOOL
115 AWALI AVE
AUBURN, CALIFORNIA 95603

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71512

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

RATE OF USE: 0.005 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: OCTOBER 1 THROUGH JULY 31 FOR DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF 0.5 ACRE NON-COMMERCIAL LAWN AND GARDEN; AUGUST 1 THROUGH SEPTEMBER 30 FOR HUMAN CONSUMPTION ONLY

DATE OF PRIORITY: APRIL 15, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 11, T35S, R12W, W.M.; 292 FEET NORTH AND 274 FEET EAST FROM THE S 1/4 CORNER OF SECTION 11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

GOVERNMENT LOT 10 NE 1/4 SE 1/4
SECTION 11
TOWNSHIP 35 SOUTH, RANGE 12 WEST, W.M.

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Measurement recording and reporting conditions:

- A. The Director will require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

Application S-71512 Water Resources Department

PERMIT 51896

B. The Director will require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued May 9, 1996

Steven E. [Signature]
for Martha O. Pagel, Director
Water Resources Department

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Application S-71512 Water Resources Department
Basin 15 Volume 1, Rogue River & Misc.

PERMIT 51896
District 19



Contact Information (Click to Collapse...)

▼ Current contact information

OWNER:
▶ PATRICK MCCOOL
115 AWALI AVE
AUBURN, CA 95603

Water Right Information (Click to Collapse...)

Status: Non-Cancelled
County: Curry
File Folder Location: Salem
Watermaster District: 19

Scanned Documents (Click to Expand...)

Point(s) of Diversion (Click to Collapse...)

▶ POD 1 - UNNAMED STREAM > ROGUE RIVER

Place(s) of Use (Click to Collapse...)

▶ Use - DOMESTIC EXPANDED
(Primary); Priority Date: 4/15/1991

Water Right Genealogy (Click to Collapse...)

☞ Permit: S 51896
└─ Cert:84262 OR *

View Water Rights in same Family Report Errors with Water Right Data

Processing History (Click to Collapse...)

▶ Application: S 71512

▼ Permit: S 51896 document

▶ Signature: 5/9/1996

Process Step	Date Completed	Result	Completed By
Permit Issued	5/9/1996		
▶ CBU Received	9/20/1999		BRYAN M FLAVIN
Certificate Issued	7/11/2008		

▶ View right with Web Mapping

▶ View Places of Use from Water Rights in the Same Area

Add TRS grouping

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Siskiyou National Forest
P. O. Box 440
Grants Pass, Oregon 97526

2720
December 6, 1979



Paul F. Weigel &
Patrick McCool
P. O. Box 1075
Coquille, Oregon 97423

Gentlemen:

Enclosed is completely executed Special Use Permit for water
transmission.

Sincerely,

for *Donald O'Wood*
DALE L. FARLEY
Lands and Recreation Staff

Enclosure

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Dale L. Farley

Forest Supervisor

12-5-79

S-88731

SPECIAL USE PERMIT

P.L. 94-579

This permit is revocable and nontransferable
(Ref. FSM 2710)

a. Record no. (1-2) <u>70</u>	b. Region (3-4) <u>06</u>	c. Forest (5-6) <u>11</u>
d. District (7-8) <u>03</u>	e. User number (9-12) <u>5265</u>	f. Kind of use (13-15) <u>916</u>
g. State (16-17) <u>41</u>	h. County (18-20) <u>015</u>	k. Card no. (21) <u>1</u>

Permission is hereby granted to PAUL F. WEIGEL & PATRICK McCOOL

of P.O. Box 1075 (Shelly Rd.), Coquille, Oregon 97423, hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

A strip of land of the minimum essential width across a portion of the SE $\frac{1}{4}$, Sec. 11, T. 35 S., R. 12 W., W.M., as shown on the attached plat.

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This permit covers .42 acres and/or 0.35 miles and is issued for the purpose of:

Maintaining and using a water transmission pipeline for domestic private use.

1. Construction or occupancy and use under this permit shall begin within - - months, and construction, if any, shall be completed within - - months, from the date of the permit. This use shall be actually exercised at least 300 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of - - Dollars (\$ - -) for the period from - - 19 - -, to - - 19 - -, and thereafter annually on Free Use (See Meier's letter of 6/28/71),

- - Dollars (\$ - -):
Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 18 to 23 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE <u>Paul Weigel</u> <u>Patrick McCool</u>	Name of Permittee	DATE <u>11-6-79</u>
ISSUING OFFICER	NAME AND SIGNATURE <u>Dale L. Farley</u>	TITLE <u>For Forest Supervisor</u>	DATE <u>12-5-79</u>

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4. Development plans; layout plans; construction, reconstruction, or alteration of improvements. Any revision of layout or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; *provided* that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

14. In case of change of address, the permittee shall immediately notify the forest supervisor.

15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the permittee to third parties only with the prior written approval of the forest supervisor but the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control.

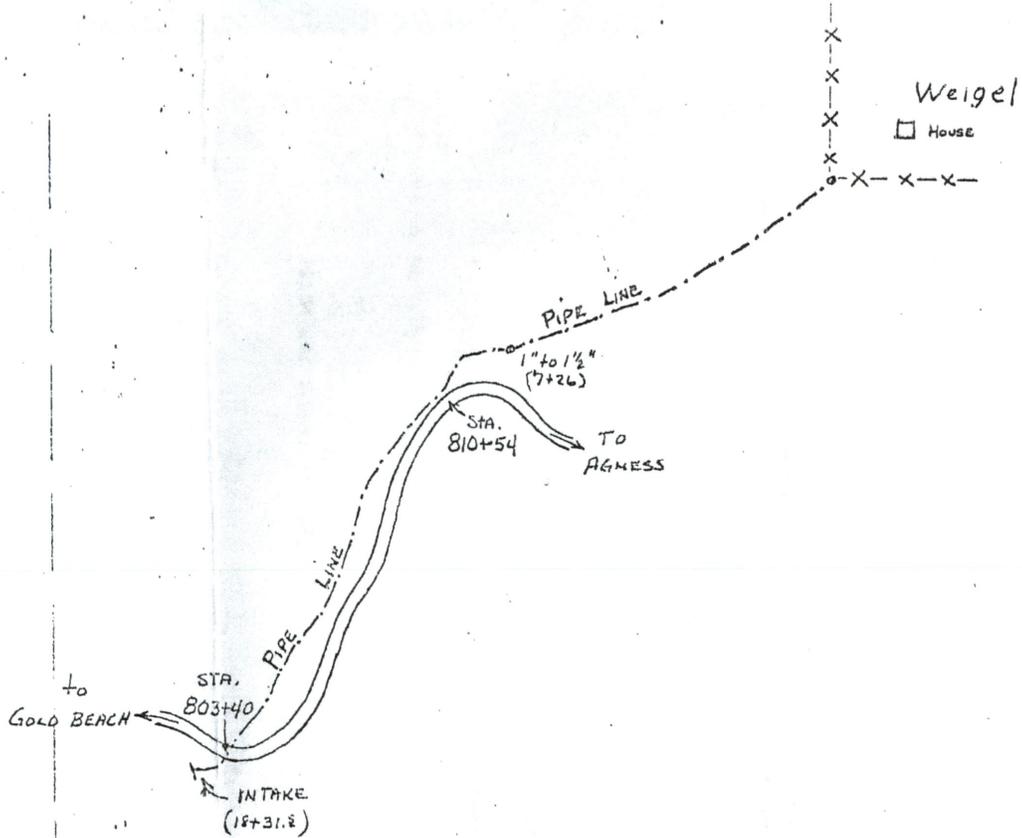
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18. During the performance of this permit, the permittee agrees:
- a. In connection with the performance of work under this permit, including construction, maintenance, and operation of the facility, the permittee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
 - b. The permittee and his employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, religion, sex, or national origin by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally.
 - c. The permittee shall include and require compliance with the above nondiscrimination provisions in any subcontract made with respect to the operations under this permit.
 - d. Signs setting forth this policy of nondiscrimination to be furnished by the Forest Service will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.
19. The permittee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.
20. The permittee shall protect the scenic esthetic values of the area under this permit, and the adjacent land, as far as possible with the authorized use, during construction, operation, and maintenance of the improvements.
21. The permittee shall be responsible for the prevention and control of soil erosion and gullying on the area covered by this permit and lands adjacent thereto, and shall provide preventive measures as required by specifications attached to and made a part of this permit.
22. This permit confers no right to the use of water by the permittee.
23. Unless sooner terminated or revoked in accordance with the provisions of the permit, this permit shall expire and become void upon issuance of a new authorization or one year after publication of regulations by the Secretary of Agriculture under the provisions of Title V, P.L. 94-579, whichever comes first, but a new authorization to occupy and use the same National Forest land will be issued provided the permittee will comply with the then-existing rules and regulations governing the occupancy and use of National Forest lands.

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11
1/4 sec.
14

SPECIAL-USE PERMIT

Weigel + McCool

WATER TRANSMISSION LINE

SEC. 11, T.35S, R.12W

SCALE: 1 INCH = 300 FEET.

S-88731



START -
Stream Flow through top of
water box (or over during winter
or high water events, without
blocking or interrupting the stream's
natural flow.

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①

3:58

LTE

July 19
7:06 AM

Intake



Add to Library

Up stream looking
down stream at water
flowing into + continuing
on through water
box + intake Area.

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②
4

3:59

LTE

July 19
7:10 AM



Add to Library

Water Box + view of
intake line - water
over flow continuing
down stream.

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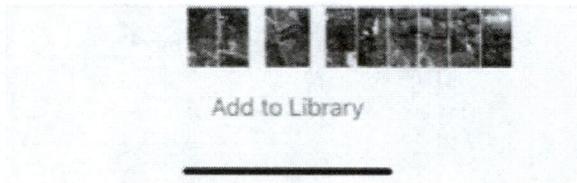
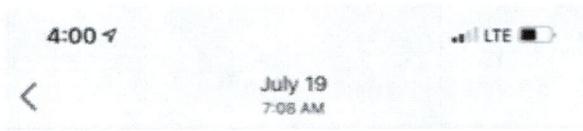
3

(No subject)

Erin Weigel <erink1975@icloud.com>

Tue 7/30/2019 4:31 PM

To: w3timber@hotmail.com <w3timber@hotmail.com>



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Sent from my iPhone

Water Flow At end
of Box continuing downstream

5-88731

4

##

5:01



July 19
7:11 AM

Stream below water intake
Running through culvert under Agness Road.



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5

IMG_0410.JPG

Erin Weigel <erink1975@icloud.com>

Tue 7/30/2019 4:31 PM

To: w3timber@hotmail.com <w3timber@hotmail.com>



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 AUG 12 2019
 OWRD

Sent from my iPhone

2 inch water line from water
 source to McCool / Weigel
 parcels. Est in 1979

6