

# 2003

Oregon Water Resources Department  
 October 2003 through September 2004  
 Annual Water Use - Monthly Quantities Form

USER-ID 29597

# 2004

APP 72912



Facility POD-ID	G1941	G1942	G1943	G1944	G1945
October - 2003	2 AF	4.5 AF	4 AF	± 8 AF	± 8 AF
November - 2003					
December - 2003					
January - 2004					
February - 2004					
March - 2004			2 AF	1.5 AF	2 AF
April - 2004	1 AF	4 AF	3 AF	1.5 AF	2 AF
May - 2004	1 AF	5.5 AF	5 AF	2.5 AF	3 AF
June - 2004	3 AF	5.0 AF	6 AF	4.0 AF	4. AF
July - 2004	2 AF	5.0 AF	6 AF	5.0 AF	5 AF
August - 2004	2 AF	4.5 AF	6 AF	6.0 AF	6 AF
September - 2004	2 AF	4.5 AF	5 AF	6.0 AF	6 AF
TOTAL *	13 AF	33 AF	37 AF	34.5 AF	36 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: measuring stick / . If use is irrigation, total number acres irrigated \_\_\_\_\_

flow meter

I certify this information is true and accurate to the best of my knowledge.

Ash Weiner  
Signature

co-owner  
Title

Elk River Ranch  
Reporting Entity

March 22, 2005  
Date

Gretchen Weiner  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

**RECEIVED**

APR 05 2005

# 2003

Oregon Water Resources Department  
 October 2003 through September 2004  
 Annual Water Use - Monthly Quantities Form

USER-ID 29597

# 2004



Facility POD-ID	<u>61946</u>	<u>61947</u>			
October - 2003	<u>15 KG</u>	<u>11 Kb</u>			
November - 2003	<u>8.5 KG</u>	<u>11 KG</u>			
December - 2003	<u>8.5 Kb</u>				
January - 2004	<u>8 KG</u>				
February - 2004	<u>8.5 KG</u>				
March - 2004	<u>8.5 KG</u>				
April - 2004	<u>8.5 Kb</u>	<u>11 KG</u>			
May - 2004	<u>10 KG</u>	<u>11.5 Kb</u>			
June - 2004	<u>10 KG</u>	<u>12 Kb</u>			
July - 2004	<u>15 KG</u>				
August - 2004	<u>15 KG</u>	<u>3 Kb</u>			
September - 2004	<u>15 KG</u>	<u>11.5 Kb</u>			
TOTAL *	<u>130.5 Kb</u>	<u>71 Kb</u>			

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APR 05 2005

WATER RESOURCES DEPT  
 SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Storage tank. If use is irrigation, total number acres irrigated \_\_\_\_\_

I certify this information is true and accurate to the best of my knowledge.

Gretchen Weiner  
 Signature

owner  
 Title

Elk River Ranch  
 Reporting Entity

March 22, 2005  
 Date

Gretchen Weiner  
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

# 2001

(CR)

Oregon Water Resources Department  
October 2001 through September 2002  
Annual Water Use - Monthly Quantities Form

USER-ID 50075

# 2002



Facility POD-ID	LOWER CANON	LOWER BOGS	UPPER BOGS	UPPER FORD	LOWER FORD
	51249	51250	51251	51252	51253
October - 2001	3.2 AF	4 AF	3 AF	6 AF	7 AF
November - 2001					
December - 2001					
January - 2002					
February - 2002					
March - 2002					
April - 2002		3.5 AF		2 AF	2 AF
May - 2002		3.5 AF		2 AF	2.5 AF
June - 2002	3.5 AF	4 AF		3.5 AF	3 AF
July - 2002		2		5 AF	4 AF
August - 2002	2 AF	5.5 AF		4 AF	5 AF
September - 2002	3 AF	5 AF		5 AF	3 AF
TOTAL *					

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JAN 21 2003  
WATER RESOURCES DEPT  
SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: MEASURING STICK / FLOW METERS. If use is irrigation, total number acres irrigated 25

I certify this information is true and accurate to the best of my knowledge.

Glen Littrell      CO-OWNER      LITTELL RANCH      2/7/02  
 Signature      Title      Reporting Entity      Date  
GLENN LITTELL  
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
158 12<sup>th</sup> Street NE; Salem, OR 97310-0210



### OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Graine

HOYT LITTERELL USER-ID 50075  
NW FARM CREDIT SVCS ACA; LITTERELL RANCH LLC  
43691 HWY 101  
PORT ORFORD OR 97465

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
51249		0 S	52289 S	72912	10/27/1992	CR	L	32 S	15 W	16	NWSE	3.75 C	P UNN STR	ELK R
51250		0 S	52289 S	72912	10/27/1992	CR	L	32 S	15 W	21	NENW	3.75 C	A UNN STR	ELK R
51251		0 S	52289 S	72912	10/27/1992	CR	L	32 S	15 W	22	SWNW	3.75 C	A UNN STR	ELK R
51252		0 S	52289 S	72912	10/27/1992	CR	L	32 S	15 W	16	SESW	9 A	P RES 1	UNN STR
51253		0 S	52289 S	72912	10/27/1992	CR	L	32 S	15 W	21	NESE	9 A	P RES 2	UNN STR
51254		0 S	52289 S	72912	10/27/1992	LV	L	32 S	15 W	21	NENE	0.01 C	P UNN STR	ELK R
51255		0 S	52289 S	72912	10/27/1992	DN	L	32 S	15 W	21	SESW	0.01 C	P UNN STR	ELK R

# 2001

Oregon Water Resources Department  
 October 2001 through September 2002  
 Annual Water Use - Monthly Quantities Form

USER-ID 50075

# 2002



Facility POD-ID	5125X5 MORSE	5125X4 BARU			
October - 2001	1030 G				
November - 2001	940 G				
December - 2001					
January - 2002					
February - 2002					
March - 2002					
April - 2002	500 G	2 Kg.			
May - 2002	370 G	5.6 Kg.			
June - 2002	1200 G	11 Kg.			
July - 2002	920 G				
August - 2002	1150 G	4.3 Kg.			
September - 2002	1075 G	9.6 Kg.			
TOTAL *					

RECEIVED  
 JAN 21 2003  
 WATER RESOURCES DEPT  
 SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: \_\_\_\_\_ . If use is irrigation, total number acres irrigated \_\_\_\_\_  
 I certify this information is true and accurate to the best of my knowledge.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Reporting Entity \_\_\_\_\_ Date \_\_\_\_\_

Name - Please Print \_\_\_\_\_  
 Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 158 12<sup>th</sup> Street NE; Salem, OR 97310-0210



# 2000

Oregon Water Resources Department  
October 2000 through September 2001  
Annual Water Use - Monthly Quantities Form

72912

USER-ID 50075

# 2001



Facility POD-ID	LOWER CANYON 51249 CR	LOWER BOGS 51250 CR	UPPER BOGS 51251 CR	UPPER POUD 51252 CR	LOWER POUD 51253 CR
October - 2000	3 AF	5 AF	4 AF	5 AF	4 AF
November - 2000					
December - 2000					
January - 2001					
February - 2001					
March - 2001			3 AF		
April - 2001		4 AF	4 AF	2 AF	1 AF
May - 2001		4.5 AF	5 AF	2 AF	2.5 AF
June - 2001	3 AF	5 AF	5.5 AF	4 AF	3.5 AF
July - 2001			<del>5 AF</del>	5 AF	5 AF
August - 2001	2 AF	5.5 AF	5 AF	5 AF	5 AF
September - 2001	3 AF	5.5 AF	6 AF	6 AF	4 AF
TOTAL *	11 AF	29.5 AF	32.5	29 AF	25 AF

RECEIVED  
FEB 22 2002  
WATER RESOURCES DEPT.  
SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: MEASURING STICK / FLOW METER. If use is irrigation, total number acres irrigated 25

I certify this information is true and accurate to the best of my knowledge.

glen tuttle  
Signature

CO-OWNER  
Title

LITTLETON PAUL  
Reporting Entity

2/7/02  
Date



# 2000

Oregon Water Resources Department  
October 2000 through September 2001  
Annual Water Use - Monthly Quantities Form

USER-ID 50075

# 2001



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	51255 <sup>DN</sup> <del>51255</del> HOUSE	51255 <sup>LV</sup> <del>51255</del> BARN	<del>51251</del>	<del>51252</del>	<del>51253</del>
October - 2000	1350 G	11 Kg			
November - 2000	1150 G				
December - 2000	1140 G				
January - 2001	1400 G				
February - 2001	1350 G				
March - 2001	1200 G				
April - 2001	1200 G	11.0 Kg			
May - 2001	1150 G	11.2 Kg			
June - 2001	1250 G	12 Kg			
July - 2001	1135 G				
August - 2001	975 G	2.2 Kg			
September - 2001	1100 G	11.8 Kg			
TOTAL *	14400 G	59.2 KG			

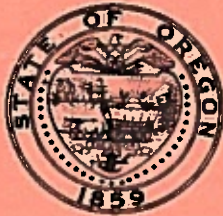
RECEIVED  
FEB 22 2002  
WATER RESOURCES DEPT.  
SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: MEASURING STICK / FLOW METER. If use is irrigation, total number acres irrigated \_\_\_\_\_

I certify this information is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Signature Title Reporting Entity Date



RECEIVED

JAN 04 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

App: 72912

USER-ID 50075

Oregon Water Resources Department  
October 1999 through September 2000  
Annual Water Use - Monthly Quantities Form

2000



Facility POD-ID	51249 CR	51250 CR	51251 CR	51252 CR	51253 CR
October - 1999				2 AF	5 AF
November - 1999					
December - 1999					
January - 2000					
February - 2000					
March - 2000	3 AF	4 AF	3 AF		
April - 2000				1	1 AF
May - 2000				2	1 AF
June - 2000				3	2 AF
July - 2000	<del>2</del> 2 AF	11 AF	10 AF	3	3 AF
August - 2000				4	3.5 AF
September - 2000				3	3 AF
TOTAL *					

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MGF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: STAFF GAUGES / FLOW METERS If use is irrigation, total number acres irrigated 23 C.B.

I certify this information is true and accurate to the best of my knowledge.

Glen Littrell                      CO-OWNER                      Reporting Entity                      12/30/00  
 Signature                                      Title                                      Reporting Entity                      Date

GLENN LITTELL  
Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program,  
158 12<sup>th</sup> Street NE, Salem, OR 97310-0210





Oregon Water Resources Department  
 October 1999 through September 2000  
 Annual Water Use - Monthly Quantities Form

USER-ID 50075



1999

2000

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JAN 04 2001

WATER RESOURCES DEPT.  
 SALEM, OREGON

Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	LV	DN			
October - 1999		1300 GAL.			
November - 1999		1300 GAL.			
December - 1999		1300 GAL.			
January - 2000	10,000 GAL	1300 GAL.			
February - 2000	12,000 GAL	1300 GAL.			
March - 2000	15,000 GAL	1300 GAL.			
April - 2000		1300 GAL.			
May - 2000		1300 GAL.			
June - 2000		1300 GAL.			
July - 2000	25000 GAL	1300 GAL.			
August - 2000		1300 GAL.			
September - 2000		1300 GAL.			
TOTAL *					

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: \_\_\_\_\_ . If use is irrigation, total number acres irrigated \_\_\_\_\_

I certify this information is true and accurate to the best of my knowledge.

\_\_\_\_\_  
 Signature Title Reporting Entity Date

Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 158 12<sup>th</sup> Street NE; Salem, OR 97310-0210



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
www.wrd.state.or.us

January 17, 2003

Litterell Ranch, LLC. Etal  
1564 Westview Dr.  
Roseburg, Oregon 97470

Reference: Application R-72911, Permit R-11807  
Application S-72912, Permit S-52289

The assignment from Litterell Ranch, LLC etal, to David and Melode Weiner, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 57156 covering the recording fee of \$25.00 is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosure

cc: Watermaster 19  
David and Melode Weiner  
Data Center, OWRD  
File

RECEIVED

REQUEST FOR ASSIGNMENT

NOV 27 2002

WATER RESOURCES DEPT. SALEM, OREGON

I, Bobby Litterell Litterell Ranch, LLC  
(Name of Applicant / Permit / Transfer Holder)

1564 Westview Dr. Roseburg OR 97470 541-  
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

- ...hereby assign **all my interest** in and to application/permit/transfer;
- ...hereby assign **all my interest** in and to a **portion** of application/permit/transfer;  
(You must include a map showing the portion of the application/permit to be assigned.)
- ...hereby assign **a portion of my interest** in and to the **entire** application/permit/transfer;

Application # 5-72912 / R-72911, Permit # 52289 / R11807; Transfer # \_\_\_\_\_  
-OR-

GR Statement # \_\_\_\_\_, GR Certificate of Registration # \_\_\_\_\_

as filed in the office of the Water Resources Director, to:

David & Melode Weiner  
(Name of New Owner)

23151 Lorentz Rd. Plymouth CA 95669 530-677-9487  
(mailing address) (City) (State) (Zip) (Phone #)

**NOTE:** If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 25 day of November, 2002.

Applicant/Permit holder Bobby Litterell

Applicant/Permit holder \_\_\_\_\_

*Ok. Assign  
11/17/2002*

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.  
 - Fee receipt # 57156  
 - For Director by Jerry Sawyer, Program Analyst in Water Rights Division *J.S.*

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
- ◆ \$5 for **each additional page.**  
(as required by ORS 536.050(1)(d))

WATER RESOURCES DEPARTMENT  
158 12<sup>TH</sup> STREET NE  
SALEM, OREGON 97301-4172

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 57156

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>Litterell Ranch</u>	APPLICATION <u>below</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH:  CHECK: #  96-1030 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D 25.00

<b>0417 WRD MISC CASH ACCT</b>	R 72911 - \$12.50	
	72912 - \$12.50	
ADJUDICATIONS		\$
PUBLICATIONS / MAPS		\$
OTHER: (IDENTIFY) _____		\$
OTHER: (IDENTIFY) _____		\$

<b>REDUCTION OF EXPENSE</b>	CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #	

<b>0427 WRD OPERATING ACCT</b>		
MISCELLANEOUS		\$
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY) <u>ASSIGN</u>		\$ <u>25.00</u>
(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____		\$
WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	0206 \$
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219 \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____		

<b>0437 WELL CONST. START FEE</b>		
0211 WELL CONST START FEE	\$	CARD # _____
0210 MONITORING WELLS	\$	CARD # _____
OTHER (IDENTIFY) _____		

<b>0539 LOTTERY PROCEEDS</b>	
1302 LOTTERY PROCEEDS	\$

<b>0467 HYDRO ACTIVITY</b>	LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # 57156

DATED 11/27/02 BY Connie Vance

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

January 17, 2003

Northwest Farm Credit Services, ACA  
P.O. Box 1490  
Roseburg, Oregon 97470

Reference: Application R-72911, Permit R-11807  
Application S-72912, Permit S-52289

The assignment from Litterell Ranch, LLC etal, and Northwest Farm Credit Services to Litterell Ranch LLC. etal, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 57852 covering the recording fee of \$25.00 is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosure

cc: Watermaster 19  
Litterell Ranch, LLC.  
Data Center, OWRD  
File



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JAN 16 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

REQUEST FOR ASSIGNMENT

I, (permit holder, applicant) Northwest Farm Credit Services, ACA

2222 NW Kline Street, PO Box 1490 Roseburg, Oregon 97470  
(mailing address) (City, State, Zip)

541-464-6700  
(Phone)

CHECK ONE

- hereby assign all my interest in and to application/permit;
- hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);
- hereby assign a portion of my interest in and to the entire application/permit;

Application #R72911 and 72912, Permit #R-11807 and 52289;

OR GR Statement # \_\_\_\_\_, GR Certificate of Registration # \_\_\_\_\_ as  
filed in the office of the Water Resources Director. IO:

Litterell Ranch, L.L.C. and Bobby J. Litterell  
(name of new owner)

541-957-1444  
(phone #)

1564 Westview Drive  
(address)

Roseburg, OR 97470  
(city, state, zip)

(Note: If there are other owners of the property described in this Application, Permit of Certificate or Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 14<sup>th</sup> day of January 2003  
applicant/permit holder Margaret Fabrizio  
Margaret Fabrizio, authorized agent for  
Northwest Farm Credit Services, ACA

OK ASSIGN  
1/17/2003

PLEASE DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.  
- Fee receipt # 57852  
- For Director by Jerry Sauter, Program Analyst in Water Rights Division J.S.

The completed assignment must be submitted to the Water Resources Department together with a recording fee of \$25. Additional pages will cost \$5 per page.

WATER RESOURCES DEPARTMENT  
158 12TH STREET NE  
SALEM, OREGON 97310-0210

CLAIM OF BENEFICIAL USE AND SITE REPORT

IN THE NAME OF BOBBY LITTERELL

APPLICATION S-72912 PERMIT 52289

SECTIONS 16, 21 AND 22, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

GENERAL INFORMATION

The methods and documents used to determine the information contained in this document are:

1. Examination of Assessor Map 32-15,
2. Examination of Assessor Map 32-15-16. The northerly boundary line of tax lot 301 was found to be in error and was adjusted northerly to what is believed to be its approximate location.
3. Examination of Assessor Map 32-15-21,
4. Examination of Assessor Map 32-15 22
5. Examination of U.S.G.S. Quadrangle Map (Sixes),
6. On-site survey, 3 April, 2000,
7. Interview with Bobby Litterell, 3 April, 2000.

SOURCE

Three un-named streams, tributaries of Elk River, and two reservoirs, designated Reservoir #1 and Reservoir #2.

POINTS OF DIVERSION

Reservoir #1: 760 feet and 2860 feet west, being with in the SE1/4 SW1/4 Section 16,  
Reservoir #2: 3720 feet south and 1040 feet west, being within the NE1/4 SE1/4 Section 21,  
Diversion #1, Un-named-stream #1: 115 feet south and 3330 feet west, being within the NE1/4 NW1/4 Section 16,  
Diversion #2, Un-named stream #2: 1940 feet south and 290 feet east, being within the SW1/4 NW1/4 Section 22,  
Stockwater Diversion, Un-named stream #3: 670 feet south and 1030 feet west, being within the NE1/4 NE1/4 Section 21,  
Domestic Diversion, Un-named stream #1: 160 feet north and 2740 feet west, being within the SE1/4 SW1/4 Section 21, all being form the NE corner of Section 21, and all being within Township 32 South, Range 15 West, W.M., Curry County.

USE

Cranberry operations, livestock, and domestic expanded for one household; including 18.0 acre-feet of stored water, being 9.0 acre-feet from Reservoir #1 and 9.0 acre-feet from Reservoir #2.

**RECEIVED**

AUG 24 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

**CLAIM OF BENEFICIAL USE - LITTERELL - PERMIT 52289**

**PLACE OF USE**

Cranberry Operations:  
NE1/4 SW1/4; 4.9 Acres  
SW1/4 SE1/4; 2.5 Acres  
SE1/4 SW1/4; 4.6 Acres  
SECTION 16

NE1/4 SE1/4; 8.3 Acres  
SE1/4 SE1/4; 1.7 Acres  
SECTION 21

Livestock:  
NW1/4 NE1/4 Section 21

Domestic Expanded:  
SE1/4 SW1/4 Section 16

**DIVERSION WORKS AND DELIVERY SYSTEM**

All delivery systems are pipeline, equipped with totalizing meters.

Diversions #1: A 5.0 horsepower submersible pump diverts and delivers water from Un-named Stream #1 via a 4" X 800' PVC pipeline to Reservoir #1 through an elevation range of 82 feet. It is then re-pumped to the place of use.

Motor/pump: Franklin submersible  
Model#: 2261109020  
Serial#: 13 00 47

Meter: McCrometer  
Size: 4-inch  
Serial#: 97-2141-4

**Capacity, Diversion #1**

$$USING: Q_{PUMP} = \frac{(7.04) (HP)}{H_{TOTAL}}$$

WHEN

HP = 5

H<sub>ELEVATION</sub> = 82 FT.

H<sub>FRICTION</sub> = 2'/100' (ESTIMATED) = (2) (8) = 16 FT.

H<sub>PRESSURE</sub> = 0

$$THEN Q_{PUMP} = \frac{(7.04) (5)}{82+16+0} = 0.359 cfs$$



CLAIM OF BENEFICIAL USE - LITTERELL - PERMIT 52289

Diversion #2: A 4" X 2100' gravity pipeline diverts and delivers water from Un-named Stream #2 to Reservoir #2 through an elevation range of 102 feet. It is then re-pumped to the place of use via a 4-inch PVC metered pipeline.

Reservoir Motor #1:  
Brand: Baldor  
Horsepower: 15  
Model: JPM3314T

Reservoir Pump #1:  
Type: Centrifugal  
Brand: Berkeley  
Model #: B2PZPL  
Serial #: M6078

Reservoir Motor #2:  
Brand: Baldor  
Horsepower: 15  
Model: JPM3314T

Reservoir Pump #2:  
Type: Centrifugal  
Brand: Berkeley  
Model #: B2PZTL  
Serial #: M6079

Meter  
Brand: McCrometer  
Size: 4-inch  
Serial#: 97-2206-4

Capacity, Diversion #2

$$USING: H = f \times \frac{L}{D} \times \frac{V^2}{2g}$$

WHEN

H - 102 FT.  
L - 2100 FT.  
D - 0.333 FT.  
f - .016 @ V = 7 FT./SEC. (ESTIMATED)

THEN

$$102 = .016 \times \frac{2100}{.333} \times \frac{V^2}{64.4}$$

$$102 = .016 \times 97.8V^2$$

$$102 = 1.565V^2$$

$$V^2 = 66$$

$$V = 8 \text{ FT./SEC.}$$

$$f = .016 \text{ OK}$$

$$Q = AV$$

$$A = .087 \text{ FT.}^2$$

$$V = 8 \text{ FT./SEC.}$$

$$Q = (.087)(8) = 0.698 \text{ cfs}$$

**RECEIVED**

AUG 24 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

CLAIM OF BENEFICIAL USE - LITTERELL - PERMIT 52289

Stockwater Diversion: A 1 1/2 X 1400' gravity pipeline diverts and delivers water from Un-named Stream #3 to a stocktank through an elevation range of 87 feet. A Level control valve at the stocktank allows filling but prohibits overflow, thereby providing metering.

Capacity, Stockwater Diversion

$$USING: H = f \times \frac{L}{D} \times \frac{V^2}{2g}$$

WHEN

H - 87 FT.

L - 1400 FT.

D - 0.125 FT.

f - .021 @ V = 4 FT./SEC. (ESTIMATED)

THEN

$$87 = .021 \times \frac{1400}{.125} \times \frac{V^2}{64.4}$$

$$87 = .021 \times 173.9 V^2$$

$$87 = 3.65 V^2$$

$$V^2 = 23.8$$

$$V = 4.9$$

$$f = .022 \text{ OK}$$

$$Q = AV$$

$$Q = (.012)(4.8) = 0.059 \text{ cfs}$$

Domestic Diversion: A 3/4 horsepower electric motor/jet pump diverts and delivers water from Un-named Stream #1 via a 1 1/2" X 350' metered pipeline through an elevation range of 88 feet.

Motor:

Brand: Dayton

Model: 3K985A

Ref.#: C55CXDBM-333

Pump:

Brand: Goulds

Type: Jet

Model#: JLION

Serial #: 716486

CLAIM OF BENEFICIAL USE - LITTERELL - PERMIT 52289

Meter:  
Brand: Badger  
Serial #: 98698963

Capacity, Domestic Diversion

$$Q_{PUMP} = \frac{(6.6) (HP)}{H_{TOTAL}}$$

WHEN

HP = 3/4

H<sub>ELEVATION</sub> = 88 FT.

H<sub>PRESSURE</sub> = 40 PSI = 92 FT.

H<sub>FRICITION</sub> = 2.5'/100' = (2.5) (3.5) = 9 FT.

THEN

$$Q_{PUMP} = \frac{(6.6) (.75)}{88+92+9} = \frac{4.95}{189} = 0.026 \text{ cfs} > Q_{PERMIT} \text{ OK}$$

**RECEIVED**

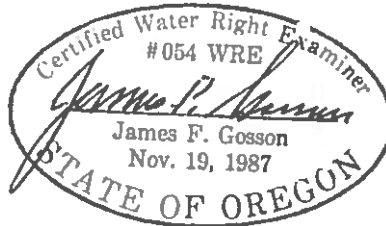
AUG 24 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

**CLAIM OF BENEFICIAL USE - LITTERELL - PERMIT 52289**

**CERTIFICATION**

The Final Proof Survey Map and Site Inspection Report associated with Permit 52289 were completed by James F. Gosson, Certified Water Right Examiner #54, on 3 April, 2000, and the facts contained herein are correct to the best of my knowledge.



I, Bobby Litterell, agree with the findings of James F. Gosson, Certified Water Right Examiner #54, and submit this Site Inspection Report and Final Proof Survey Map as Claim of Beneficial Use of Permit 52289.

Bobby Litterell  
Signature

Aug. 22, 2000  
Date

AUG 24 2000

**FINAL PROOF SURVEY MAP  
IN THE NAME OF BOBBY LITTERELL**

WATER RESOURCES DEPT.  
SALEM, OREGON

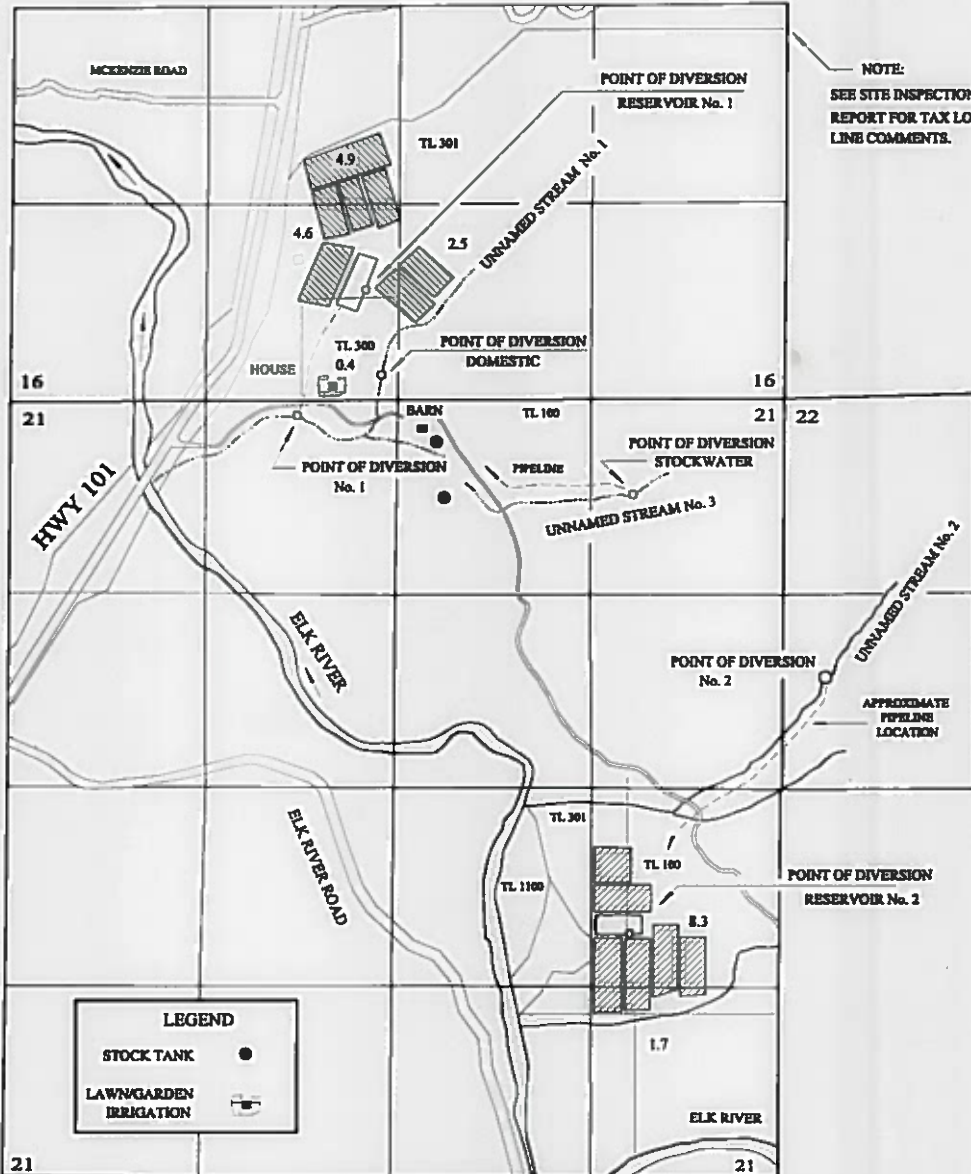
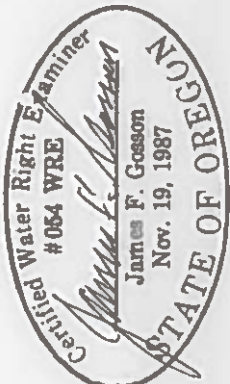
APPLICATION R-72911  
S-72912

PERMIT R-11807  
52289

SECTIONS 16, 21 & 22, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



NOTE:  
SEE SITE INSPECTION  
REPORT FOR TAX LOT  
LINE COMMENTS.

**LEGEND**

- STOCK TANK ●
- LAWN/GARDEN IRRIGATION [Symbol]

DIVERSION	SOURCE	NORTH/SOUTH	EAST/WEST	¼ ¼ SECTION	SECTION
DIVERSION No. 1	UNNAMED STREAM No. 1	115' SOUTH	3,330' WEST	NE¼NW¼	21
DIVERSION No. 2	UNNAMED STREAM No. 2	1,940' SOUTH	290' EAST	SW¼NW¼	22
RESERVOIR No. 1		760' NORTH	2,860' WEST	SE¼SW¼	16
RESERVOIR No. 2		3,720' SOUTH	1,040' WEST	NE¼SE¼	21
STOCKWATER	UNNAMED STREAM No. 3	670' SOUTH	1,030' WEST	NE¼NE¼	21
DOMESTIC	UNNAMED STREAM No. 1	160' NORTH	2,740' WEST	SE¼SW¼	16

ALL FROM THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.; CURRY COUNTY



# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**  
Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

June 28, 2000

LITTRELL RANCH LLC ETAL  
43691 HWY 101  
PORT ORFORD OR 97465

REFERENCE: File R-72911 & 72912

This letter is in regard to your water use permits R-11807 & 52289. As we pointed out to you in a previous letter, your claim of beneficial use must be received in this office by **August 30, 2000**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before **August 30, 2000**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

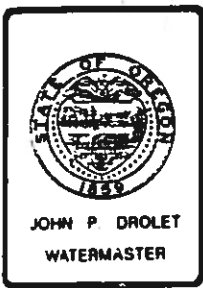
DALLAS MILLER  
Water Rights Specialist

DM:jh

cc: Watermaster  
CWRE  
NW Farm

CERTIFIED - RETURN RECEIPT REQUESTED





## Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121  
EXT. 254

17 April 2000

**RECEIVED**

APR 20 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

M. John Youngquist  
827 S.E. Mosher  
Roseburg, OR 97470

file # 72912  
pmt # 52289

Dear Mr. Youngquist:

Reference is made to your 17 April dated letter regarding the Litterell permit noted above. The sources of water for domestic use and stockwater are small unnamed streams. The question that your letter posed enquired as to what would constitute suitable measuring devices for the domestic and stockwater uses.

The intent of this letter is not to change the Department's permit conditions requiring measuring devices.

Dwight French's 3 June 1996 dated attached letter regarding a similar permit indicates that the size and type of delivery system may be self limiting in respect to quantity and may be construed as suitably meeting permitting requirements.

Additionally, Department staff have indicated that in-line flow restrictors calibrated to the authorized diversion rate might also meet condition requirements for metering.

Should you have questions regarding specifications, please get in touch.

Sincerely,

John P. Drolet  
Watermaster, District 19

JPD/dt

CF: BSA  
BRS  
Mrs. Hoyt Litterell  
Dwight French (for files)

June 3, 1996

Watch out.  
The dog only  
responds to commands  
spoken in Mandarin  
Chinese.  
Dlx

JW /  
TAS

JAMES L. & PATRICIA WALKER  
513 OAKWOOD STREET  
TEHACHAPI CA 93561

RE: Application file S71117, Permit 52256

Dear James and Patricia,

Thank you for your call today. I enjoyed hearing about your prized German Sheppard "Turbo"

For the purposes of this permit, a suitable measuring device may be as simple as knowing the diameter and type of pipe that you end up having run from the spring area to the downhill storage tanks.

It is unlikely, but possible, that a more accurate meter may be required in the future.

If you have any questions, please give either myself or Gerry Clark a call.

Sincerely,

*Dwight French*

Dwight French  
Water Right Section Manager

06-11-96

This letter is written in response to a condition placed in a permit for a measuring device.

Due to the circumstances regarding the source and use, a measuring device is really not appropriate.

The importance of this letter is that it establishes policy regarding what we may consider to be a measuring device (i.e.,  $\emptyset$  of pipe).

JPD

cc: John Drolet, Watermaster

RECEIVED

APR 20 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130





# Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

September 21, 1999

LITTRELL RANCH LLC  
43691 HWY 101  
PORT ORFORD OR 97465

REFERENCE: File R72911 & 72912

We have received notice that complete application of water has been made under Permit R11807 & 52289.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **August 30, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER  
Natural Resource Specialist 2

DM:jh

cc: John Drolet, Watermaster  
James Gosson, CWRE  
NW Farm Credit Services, ACA - PO Box 1490, Roseburg, OR 97470





# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

May 19, 1998

NORTHWEST FARM CREDIT SVCS ACA  
PO BOX 1490  
ROSEBURG OR 97470-0356

REFERENCE: Files R-72911 & 72912

The assignment of Permits R-11807 and 52289 from Hoyt Litterell to you and Hoyt Litterell, Litterell Ranch, LLC, Bobby Litterell, Glen Litterell, and Donald Litterell has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipt number 20854 covering the recording fee of \$30 you submitted.

Sincerely,

DALLAS S. MILLER  
Water Rights Specialist

DSM:jh

Enclosure

cc: John Drolet, Watermaster  
James Gosson, CWRE  
Hoyt & Bobby Litterell  
Glen Litterell  
Donald Litterell

---

RECEIVED

MAY 01 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

REQUEST FOR ASSIGNMENT

We, (permit holder, applicant) Litterell Ranch, L.L.C., Hoyt L. Litterell and Bobby J. Litterell, husband and wife

43691 Highway 101 Port Orford, OR 97465 (541) 332-4973  
(mailing address) (City, State, Zip) (Phone)

CHECK ONE

- hereby assign all my interest in and to application/permit;
- hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);
- hereby assign a portion of my interest in and to the entire application/permit;

Application # R72911, 72912, Permit #R-11807 and 52289 \_\_\_\_\_;

OR GR Statement # \_\_\_\_\_, GR Certificate of Registration # \_\_\_\_\_ as filed in the office of the Water Resources Director. TO:

Northwest Farm Credit Services, ACA and Litterell Ranch, L.L.C. and Hoyt L. Litterell and Bobby J. Litterell, husband and wife (541) 673-3248  
(name of new owner) (phone #)

2222 Northwest Kline Street, PO Box 1490 Roseburg, OR 97470-0356  
(address) (city, state, zip)  
43691 Highway 101 Port Orford, OR 97465  
(address) (city, state, zip)

(Note: If there are other owners of the property described in this Application, Permit or Certificate of Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 24 day of April, 19 98

applicant/permit holder: Hoyt L. Litterell  
Hoyt L. Litterell

applicant/permit holder: Bobby J. Litterell  
Bobby J. Litterell

See attached Exhibit "A" for Additional Applicant/Permit Holders & Signatures:

PLEASE DO NOT WRITE IN THIS BOX

STATE OF OREGON, )  
 ) ss  
County of Marion. )  
I certify that the within was received by me on the 1st day of May, 1998, at 8 o'clock A. m., and was recorded in the Miscellaneous Records, Vol. 8  
Page 174  
Water Resources Director

The completed assignment must be submitted to the Water Resources Department together with a recording fee of \$25. Additional pages will cost \$5 per page.

WATER RESOURCES DEPARTMENT  
158 12TH STREET NE  
SALEM, OREGON 97310-0210

OK  
PSM

(40565-441)

EXHIBIT "A"

ADDITIONAL APPLICANT/PERMIT HOLDER:

Litterell Ranch, L.L.C., a limited liability company

applicant/permit holder Hoyt L. Litterell  
Hoyt L. Litterell, a Member

applicant/permit holder Bobby J. Litterell  
Bobby J. Litterell, a Member

applicant/permit holder Glen Litterell  
Glen Litterell, a Member

applicant/permit holder Donald Litterell  
Donald Litterell, a Member

STATE OF OREGON, )  
                          ) ss  
County of Marion. )

I certify that the within was  
received by me on the 1st day of  
May, 1998, at 8 o'clock  
A m., and was recorded in the  
Miscellaneous Records, Vol. 8  
Page 175

Water Resources Director

R72911

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-72912

WATERMASTER # 19

REGIONAL MANAGER: SW Region

ODF&W - Curry County: James F. Gosson

CWRE (if agent):

DEO

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: \_\_\_\_\_ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;  
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASEWORKER : KL

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-72912

Final Order

*Application History*

On October 27, 1992, HOYT LITTERELL submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 24, 1995. The protest period closed December 8, 1995, and no protest was filed.

An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

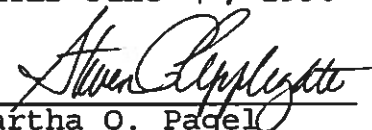
The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to include the condition(s) described above.

Order

Application S-72912 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number 52289 is issued as limited by the conditions set forth in the permit.

DATED June 19, 1996

*for*   
Martha O. Pagel  
Director

### *Hearing and Appeal Rights*

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 527.153(6) to the Department within 14 days after this order is issued. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HOYT LITTERELL  
43691 HWY 101  
PORT ORFORD, OREGON 97465

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

APPLICATION FILE NUMBER: S-72912

SOURCE OF WATER: THREE UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER; AND TWO UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72911, PERMIT R-11807

PURPOSE OR USE: CRANBERRY OPERATIONS ON 25.0 ACRES, LIVESTOCK USE, AND DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

VOLUME OF USE: 3.77 CUBIC FEET PER SECOND (CFS) BEING; CRANBERRY OPERATIONS - 3.75 CFS; LIVESTOCK USE - 0.01 CFS; DOMESTIC USE EXPANDED - 0.01 CFS, FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION DURING THE PERIOD LISTED BELOW. AND 18.0 ACRE-FEET (AF) STORED WATER ONLY, BEING 9.0 AF FROM RESERVOIR 1 AND 9.0 AF FROM RESERVOIR 2

PERIOD OF USE: LIVE FLOW USED FOR CRANBERRY OPERATIONS AND DOMESTIC USE EXPANDED - DECEMBER 1 THROUGH MARCH 30 AND JULY 1 THROUGH JULY 31; LIVE FLOW FOR HUMAN CONSUMPTION ONLY - APRIL 1 THROUGH JUNE 30 AND AUGUST 1 THROUGH NOVEMBER 30; STOCK WATERING AND RELEASE OF WATER LEGALLY STORED UNDER APPLICATION R-72911, PERMIT R-11807 FOR CRANBERRY OPERATIONS - YEAR ROUND

DATE OF PRIORITY: OCTOBER 27, 1992

POINT OF DIVERSION (POD) LOCATION: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 16; NE 1/4 NE 1/4, NE 1/4 NW 1/4, NE 1/4 SE 1/4, SECTION 21; SW 1/4 NW 1/4, SECTION 22; T32S, R15W, W.M.; POD #1 - 1670 FEET NORTH & 2090 FEET WEST, POD #2 - 110 FEET SOUTH & 3310 FEET WEST, POD #3 - 1930 FEET SOUTH & 310 FEET EAST, RESERVOIR #1 POD - 1040 FEET NORTH & 3095 FEET WEST, RESERVOIR #2 POD - 3820 FEET SOUTH & 1230 FEET WEST, STOCK POD - 650 FEET SOUTH & 1040 FEET WEST, DOMESTIC POD - 220 FEET NORTH & 2750 FEET WEST, ALL FROM THE NE CORNER OF SECTION 21, T32S, R15W, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4	1.2 ACRES	
SE 1/4 SW 1/4	2.7 ACRES	& DOMESTIC
NW 1/4 SE 1/4	7.1 ACRES	
SW 1/4 SE 1/4	4.0 ACRES	

SECTION 16

Application S-72912 Water Resources Department

PERMIT 52289



NW 1/4 NE 1/4 LIVESTOCK  
 NE 1/4 SE 1/4 8.2 ACRES  
 SE 1/4 SE 1/4 1.8 ACRES  
 SECTION 21

TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**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.

Application S-72912 Water Resources Department

PERMIT 52289

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.

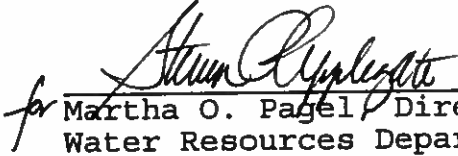
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 June 19, 1996

  
for Martha O. Pagel, Director  
Water Resources Department

Application S-72912  
Basin 17

Water Resources Department  
Volume 3 Elk River & Misc.

PERMIT 52289  
District 19

**SUPERCEDED**

**RECEIVED**

APR 26 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

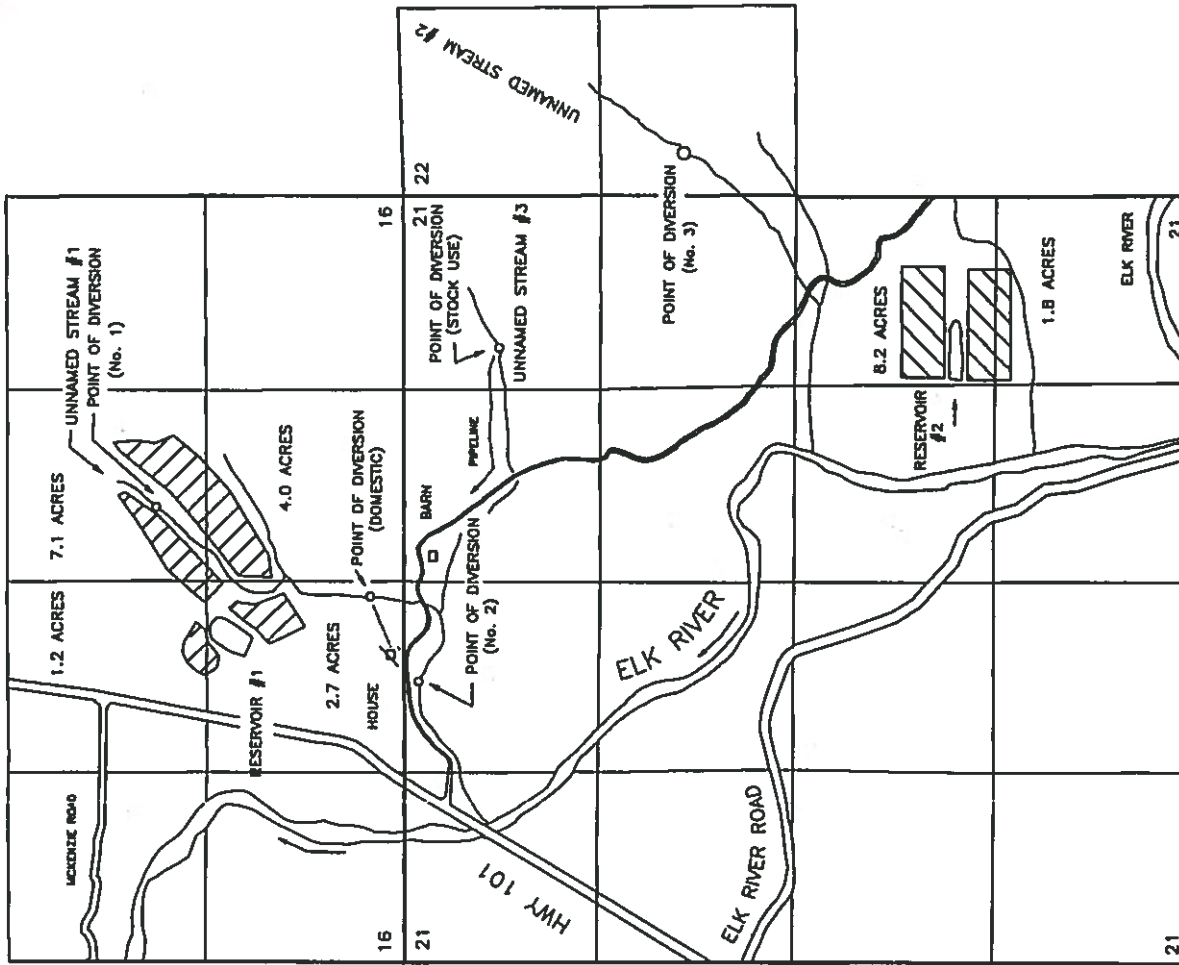
72911  
72912  
**RECEIVED**

MAY - 9 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

Diversion	North/South	East/West	Sec.	¼ ¼ Sec.
Reservoir No. 1	1040 North	3095 West	16	SE¼ SW¼
Reservoir No. 2	3820 South	1230 West	21	NE¼ SE¼
P.O.D. No. 1	1670 North	2090 West	16	NW¼ SE¼
P.O.D. No. 2	110 South	3310 West	21	NE¼ NW¼
P.O.D. No. 3	1930 South	310 East	22	SW¼ NW¼
Domestic P.O.D.	220 North	2750 West	16	SE¼ SW¼
Stock P.O.D.	650 South	1040 West	21	NE¼ NE¼

ALL FROM THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP  
32 SOUTH, RANGE 15 WEST, W.M., WITHIN CURRY COUNTY.

Permit # 52289



1 INCH = 1320 FEET

# FO CHECKLIST

## PFO TO FO CONVERSION

FILE # 72912

REVIEW DATE: 04 /23 /1996

WEEK # WEEK 32

OCT 29

INITIALS : LLS

In preparing the FO, you should check the following:

1. Y /  N Were comments or protests received in response to the PFO?
2.  List names and addresses of ALL commentors (regardless of comment date) on the PFO CC list.
3.  150.00 Verify payment of recording fees (circle the appropriate option)  
(1) Issue FO w/permit if fees are paid Prepare refund request for excess fees  
(2)  Issue FO w/o permit if fees are lacking  
(3)
4.  Y / N Has the applicant signed an oath of accuracy for the application?
5. Y  N Has ODFW asked for self certification on screening condition?
6.  Y / N Is water use prohibited for one or more months of the normal use period?  
OR per Dwyer
7. Y / N If #6 = "Y", is short season letter on file?
8.  Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

200  
125 Down  
10 LS  
100 ICFS  
150 3CKS  

---

685.00

Route to: (circle one)  
DENIAL  FO w/o PERMIT  FO & PERMIT  COMMENTS  
LARRY  CORY  JERRY  DOUG

Modify FO as needed to:

INITIALS : LLS

9.  Respond to significant comments, issues, or disputes related to the proposed use of water
10.  Include or exclude permit conditions and management codes
11.  Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
12.  Correct PFO errors (such as POD or POU location (verify from map), Permit format)
13.  Y / N Is further processing possible? If not state reason: \_\_\_\_\_

Once FO document is completed:

14.  Save WordPerfect document in M:\T\FO\WEEK 33 & delete duplicates
15.  Print final draft of document and submit to team leader for review
16.  Y / N Team leader review completed

OK

April 26, 1996

HOYT LITTERELL  
43691 HWY 101  
PORT ORFORD OREGON 97465

RE: Application Files # R-72911, S-72912

Dear Mr. Litterell,

The Water Resources Department is currently preparing to issue a Final Order and permit approving your applications for water use. Before a permit may be issued, however, the following items are needed:

- ▶ The locations of the dams by bearing and distance or by coordinates. (e.g. "XX feet south and YY feet west from the NE corner of Section 21")
- ▶ Permit recording fees in the amount of \$250.00.

In order to expedite the processing of your application, we request that you submit these items by **May 13, 1996**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me at 503-378-8455 extension 306.

Sincerely,



Mr. Cory Engel  
Final Order Team

Enclosures



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of	)	PROPOSED
Surface Water Application	)	FINAL
S-72912 submitted by	)	ORDER
HOYT LITTERELL		

**FINDINGS OF FACT**

*Water Use Request*

1. HOYT LITTERELL requested use of 3.77 CUBIC FEET PER SECOND (CFS), BEING 2.26 CFS FROM UNNAMED STREAM 1, 1.5 CFS FROM UNNAMED STREAM 2, 0.01 CFS FROM UNNAMED STREAM 3; AND 18.0 ACRE-FEET OF STORED WATER FROM TWO RESERVOIRS of water for CRANBERRY OPERATIONS ON 25.0 ACRES, DOMESTIC USE EXPANDED FOR ONE FAMILY AND LIVESTOCK WATER from THREE UNNAMED STREAMS AND TWO RESERVOIRS, CONSTRUCTED UNDER APPLICATION R-72911, TRIBUTARIES OF ELK RIVER within the South Coast Basin.
2. The area of proposed use is in Curry County within SECTION 16 AND SECTION 21, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.
3. The water delivery system is described by the applicant as follows: Water from each source will be piped to place of use. Unnamed Stream #1 - water will be gravity piped or pumped to reservoir then pumped to bogs. Domestic Expanded use will be piped from domestic point of diversion. Unnamed Stream #2 - water will be piped to reservoir and pumped to bogs. Unnamed Stream #3 - gravity system to barn.
4. The request was made in Application S-72912 which was received by the Water Resources Department on October 27, 1992.

*Affected Waters*

1. THREE UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER are not within or above a State Scenic Waterway.
2. ODFW has advised that the subject diversion has a low probability for negative impact to fish or other aquatic life in the source stream and in its downstream reaches.
3. There are senior water rights on THREE UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER or on downstream waters.

*Department Actions*

1. The application was determined to be complete and not defective.
  2. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on December 30, 1993.
-

## 3. The technical review determined:

- a. CRANBERRY OPERATIONS ON 25.0 ACRES, DOMESTIC USE EXPANDED FOR ONE FAMILY AND LIVESTOCK WATER is allowed under the South Coast Basin Program.
- b. The use is not prohibited by Statute.
- c. Water is available for further appropriation (at an 80 percent exceedance probability) for the period January 1 through December 31 for Human Consumption and Livestock; December 1 through March 30 for liveflow; and stored water may be used at any time.
- d. The use would not injure existing water rights.

4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

*Assessment*

1. In proceeding with evaluation of Application S-72912, the following criteria were found to be relevant by the Department.

- a. The South Coast Basin Program (OAR Chapter 690, Division 517)
- b. The Curry County Comprehensive Plan and Zoning Ordinance
- c. The amount of water available in THREE UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER
- d. The established rate and duty for the proposed use
- e. Pending, senior applications and existing water rights of record
- f. Comments received

**CONCLUSIONS OF LAW**

1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification to identify more accurate water availability information.

2. Based on comments and data received, the Department has determined that there is a low probability for negative impact to aquatic life in the subject stream. The Department has further determined that, to protect the resource, an additional condition on the proposed water use is necessary. The condition, as further described on the attached draft permit, may require fish screens in the future.

3. Period of use: Human Consumption, Stock Watering, and release of water legally stored under application R-72911 - year around; Live flow used for Cranberry Operations and Domestic Use Expanded - December 1 through March 30 and July 1 through July 31.

4. The Department finds that no more than 3.77 CFS from live flow and 18.0 AF of stored water from the two unnamed reservoirs constructed under application R-72911 would be necessary for the proposed uses. The amount of water requested, 3.77 CFS, being 2.26 CFS from unnamed stream 1, 1.5 CFS from unnamed stream 2, 0.01 CFS from unnamed stream 3; and 18.0 AF of stored water from two reservoirs, is allowable.

5. Curry County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Curry County Comprehensive Land Use Plan.

6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.

7. The proposed use complies with all other rules of the Commission.

8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.

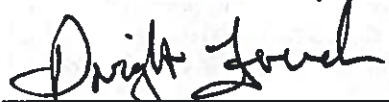
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.



**PROPOSED ORDER**

**IT IS PROPOSED** that Application S-72912 in the name of HOYT LITTERELL be approved for CRANBERRY OPERATIONS ON 25.0 ACRES, DOMESTIC USE EXPANDED FOR ONE FAMILY AND LIVESTOCK WATER as provided in the attached draft permit.

DATED October 24, 1995



Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

**NOTICE:**

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 8, 1995.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

**DRAFT**  
STATE OF OREGON  
COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HOYT LITTERELL  
43691 HWY 101  
PORT ORFORD, OREGON 97465

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

APPLICATION FILE NUMBER: S-72912

SOURCE OF WATER: THREE UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER; AND TWO UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72911

PURPOSE OR USE: CRANBERRY OPERATIONS ON 25.0 ACRES, DOMESTIC USE EXPANDED FOR ONE FAMILY AND LIVESTOCK WATER

VOLUME OF USE: DOMESTIC USE EXPANDED - 0.01 CUBIC FOOT PER SECOND (CFS);  
HUMAN CONSUMPTION - 0.005 CFS  
STOCK WATER - 0.01 CFS  
CRANBERRY OPERATIONS - 3.75 CFS

PERIOD OF USE: HUMAN CONSUMPTION; STOCK WATERING AND RELEASE OF WATER LEGALLY STORED UNDER APPLICATION R-72911 FOR CRANBERRY OPERATIONS - YEAR AROUND; LIVE FLOW USED FOR CRANBERRY OPERATIONS AND DOMESTIC USE EXPANDED - DECEMBER 1 THROUGH MARCH 30 AND JULY 1 THROUGH JULY 31.

DATE OF PRIORITY: OCTOBER 27, 1992

POINT OF DIVERSION (POD) LOCATION:

POD 1 (UNNAMED STREAM #1): NW 1/4 SE 1/4, SECTION 16, T32S, R15W, W.M.; 1670 FEET NORTH & 2090 FEET WEST FROM NE CORNER, SECTION 21, T32S, R15W, W.M.

POD 2 (UNNAMED STREAM #1): NE 1/4 NW 1/4, SECTION 21, T32S, R15W, W.M.; 110 FEET SOUTH & 3310 FEET WEST FROM NE CORNER, SECTION 21, T32S, R15W, W.M.

STOCK POD (UNNAMED STREAM #3): NE 1/4 NE 1/4, SECTION 21, T32S, R15W, W.M.; 650 FEET SOUTH & 1040 FEET WEST FROM NE CORNER, SECTION 21, T32S, R15W, W.M.;

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UNNAMED STREAM #2: SW 1/4 NW 1/4, SECTION 22, T32S, R15W, W.M.; 1930 FEET SOUTH & 310 FEET EAST FROM NE CORNER, SECTION 21, T32S, R15W, W.M.

DOMESTIC POD (UNNAMED STREAM #1): SE 1/4 SW 1/4, SECTION 16, T32S, R15W, W.M.; 220 FEET NORTH & 2750 FEET WEST FROM NE CORNER, SECTION 16, T32S, R15W, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4	DOMESTIC
SE 1/4 SW 1/4	2.7 ACRES
NE 1/4 SW 1/4	1.2 ACRES
NW 1/4 SE 1/4	7.1 ACRES
SW 1/4 SE 1/4	4.0 ACRES

SECTION 16

NW 1/4 NE 1/4	LIVESTOCK
NE 1/4 SE 1/4	8.2 ACRES
SE 1/4 SE 1/4	1.8 ACRES

SECTION 21

TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee may be required in the future to 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 amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

#### 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, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued \_\_\_\_\_, 199\_

#### DRAFT

Water Resources Department  
Martha O. Pagel  
Director

Application S-72912      Water Resources Department  
Basin 17                      Volume 3 Elk River & Misc.  
KL

PERMIT DRAFT  
District 19

Fish District: Lower Rogue/South Coast

WAB #

Application # S-72912

Applicant Name H. Litterell

Date: March 26, 1996

AREA

- Source Watershed
- Senior instream water right application to junior out-of-stream application
- No water availability information

INFORMATION/CONDITIONS

1. Are there water quality concerns related to salmon/steelhead/trout? Y  N  
 Should the application be denied? Y N  
 Should the application be restricted? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

2. Are there adequate flows to protect salmon/steelhead/trout? Y  N  
 Should the application be denied? Y  N  
 Should the application be restricted?  Y  N  Based on water availability

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

3. Domestic  
 Should domestic use be conditioned to human consumption? Y N  Based on water availability

4. Fish Screening and Passage  
 A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).  
 B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).  
 C. No dam or obstruction without a fishway.

5. Miscellaneous  
 A. Reservoir Filling \_\_\_\_\_  
 B. Water Quality Permits \_\_\_\_\_  
 C. Return Flow \_\_\_\_\_  
 D. Time Limited Water Right \_\_\_\_\_  
 E. Other \_\_\_\_\_

6. Measurement and Reporting  
 A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)  
 B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)  
 C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)

FINDINGS

- Permit is proposed for denial prior to interagency team review for fishery concerns.
- Deny permit due to fishery concerns, except for
  - A. Domestic (which may be limited to human consumption, see above)
  - B. Livestock
  - C. Unless water is from storage
- Do not condition further due to fishery concerns.
- Condition permit due to fishery concerns listed above.

*DAF*  
*4/23/96*  
*due to quantity*



Application No. 72912



State of Oregon  
WATER RESOURCES DEPARTMENT

**Application for a Permit to Appropriate Surface Water**

Applicant(s) Hoyt Litterell  
(Please print or type - use dark ink)

Mailing Address: 43691 Highway 101  
Port Orford Oregon 97465 (503) 332-4973  
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Three Unnamed Streams and two reservoirs  
a tributary of Elk River

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 3.77 cubic feet per second, OR 1692 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: Unnamed Strm #1-2.26 cfs. #2-1.50 cfs. #3-0.01 cfs. and 9.0 a.f. from each reservoir.

3. **INTENDED USE(s) OF WATER:** Cranberry Use, domestic expanded and stock use in a barn

If for more than one use, give the quantity of water from each source for each use; See Remarks

If for DOMESTIC use, state the number of households to be supplied; One

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; \_\_\_\_\_

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation \_\_\_\_\_  
Other (describe) \_\_\_\_\_  
Cranberry Use: 25.0 acres

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

Water from each source will be piped to place of use. Unnamed Stream #1- water will be gravity piped or pumped to reservoir then pumped to bogs.  
Domestic expanded use piped from domestic point of diversion.  
Unnamed Stream #2- water will be piped to reservoir and pumped to bogs.  
Unnamed stream #3- gravity system to barn. Ranch has 200-800 sheep on site depending on time of year.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 10-1-93  
Proposed date construction work will be completed 10-1-95  
Proposed date water use will be completed 10-1-97

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

       Applicant        x   CWRE             Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

       Applicant        x   CWRE             Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.



-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

-----  
-----  
In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 27<sup>th</sup> day of Oct., 1992, at 8:00 o'clock, A M.

APPLICATION NO: 72912

PERMIT NO: \_\_\_\_\_



**REMARKS:**

Source	Use	Quantity
Unnamed Stream #1	Cranberry Use - 15 acres	2.25 cfs.
	Domestic expanded	.01 cfs.
Unnamed Stream #2-	Cranberry use - 10 acres	1.50 cfs.
Unnamed stream #3-	Stock Use	0.01 cfs.

Domestic and stock use will be included in a vested right claim filed prior to December 31, 1992.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

**NOTE:** The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Robert L. Littered  
Signature of Applicant

Oct. 21, 1992  
Date

\_\_\_\_\_  
Signature of Co-Applicant, if any

\_\_\_\_\_  
Date

December 30, 1993

HOYT LITTERELL  
43691 HIGHWAY 101  
PORT ORFORD, OR 97465

Reference: File 72912

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

**AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.**

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



---

3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before March 11, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN  
Manager  
Water Rights Division

Enclosures

Report Date: December 30, 1993

OREGON WATER RESOURCES DEPARTMENT

**SATISFACTORY REPORT OF TECHNICAL REVIEW**

**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: March 11, 1994

1. APPLICATION FILE NUMBER - 72912

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

HOYT LITTERELL  
43691 HIGHWAY 101  
PORT ORFORD, OR 97465  
CURRY COUNTY 503-332-4973

Date application received for filing and/or tentative date of priority: 10/27/1992

SOURCE: UNNAMED STREAM	TRIBUTARY TO: ELK RIVER
UNNAMED STREAM	ELK RIVER
RESERVOIR 1	UNNAMED STREAM
RESERVOIR 2	UNNAMED STREAM

Purpose and/or use: DOMESTIC USE EXPANDED  
STOCK WATERING  
AGRICULTURAL USE

Flow: 3.77 cfs

Point of Diversion Location:

Div.Pt. 1 - NW 1/4 SE 1/4 SECTION 16, T 32 S, R 15 W, W.M.; 1670 FEET NORTH AND 2090 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 21, T 32 S, R 15 W, W.M.

Div.Pt. 2 - NE 1/4 NW 1/4 SECTION 21, T 32 S, R 15 W, W.M.; 110 FEET SOUTH AND 3310 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 21

Div.Pt. 3 - SW 1/4 NW 1/4 SECTION 22, T 32 S, R 15 W, W.M.; 1930 FEET SOUTH AND 310 FEET EAST FROM THE NORTHEAST CORNER OF SECTION 21, T 32 S, R 15 W, W.M.

Dom.Div.Pt. - SE 1/4 SW 1/4 SECTION 16, T 32 S, R 15 W, W.M.; 220 FEET NORTH AND 2750 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 21, T 32 S, R 15 W, W.M.

Stock Div.Pt. - NE 1/4 NE 1/4 SECTION 21, T 32 S, R 15  
W, W.M.; 650 FEET SOUTH AND 1040 FEET WEST FROM THE  
NORTHEAST CORNER OF SECTION 21

Place of use:

NESW 1.2 Acres  
SESW 2.7 Acres  
NWSE 7.1 Acres  
SWSE 4.0 Acres  
Section 16  
T 32 S, R 15 W, W.M.

NESE 8.2 Acres  
SESE 1.8 Acres  
Section 21  
T 32 S, R 15 W, W.M.

**SURFACE WATER AVAILABILITY**

Water is likely available in excess of needs for all existing rights 80% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

**CONFLICTS WITH OTHER WATER RIGHTS:**

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

**REPORT CONCLUSIONS:**

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 0.01 cfs is likely available year around for human consumption only, and in the amount of 0.01 cfs is likely available year around for stock watering and water in the amount of 3.75 cfs form live flow is likely available for 4 months. Stored water may be used at any time. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

**THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.**

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical

analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

## PROPOSED PERMIT CONDITIONS

Application: R 72911

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of use: Human consumption - year around; Stock watering - year around; Live flow - December 1 through March 30 of each year; Stored water may be used at any time
3. Volume of use: Human consumption - 0.01 cfs  
Stock watering - 0.01 cfs  
Agricultural use - 3.75 cfs
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.



RECEIVED

MAR 11 1994  
WATER RESOURCES DEPT.  
SALEM, OREGON



DEPARTMENT OF  
FISH AND  
WILDLIFE

March 9, 1994

Water Rights Section  
Water Resources Department  
3850 Portland Rd., NE  
Salem, OR 97310

RE: Water Right Application #R-72911 and 72912; Reports  
of Technical Review

ODFW field personnel report that two unnamed streams are involved here; one has no fish, the other does. Screening of fish in the stream where present is currently considered low priority. Although ODFW will not require screening of the diversions in the one tributary at this time, we do wish to notify the applicant that we hold this option open for the future. Therefore, ODFW requests that WRD add the following as a condition to the proposed permit.

*The permittee may be required in the future to 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.*

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Mirati, Jr." with a stylized flourish at the end.

Albert H. Mirati, Jr.  
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)  
Unterwegner, Gold Beach

FILE: R-72911.TEC



2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-5400  
TDD (503) 229-5459

# PFO CHECKLIST

APPLICATION # 572912 POD LOCATION: T \_\_\_\_\_ R \_\_\_\_\_, SEC. 1/4 1/4  
BASIN - SUBBASIN 17-South Coast POU LOCATION: T \_\_\_\_\_ R \_\_\_\_\_, SEC. 1/4 1/4  
RIVER MILE Elk River ~ RM 5 PRIORITY DATE: 10/27/92  
WAB # 23000 COUNTY: Curry  
POU-WAB 23000 PROPOSED USE: DOM EXP; STOCK; ~~CRAN~~ CRANBERRY

1. DATE TR/IR SENT: 12/30/93 TR/IR VALID (Y/N) \_\_\_\_\_ MODIFICATIONS (Y/N) \_\_\_\_\_  
DEFINE TR/IR MODIFICATIONS \_\_\_\_\_
  2.  ADD'L CONDITIONS? (ie Fish Screens, etc.): low priority -> future screening
  3.  LAND USE:  APPROVED \_\_\_\_\_ DISCRETIONARY - \_\_\_\_\_ OBTAINED \_\_\_\_\_ NOT OBTAINED
  4.  OBJECTIONS: Water Watch - Applicant
  5.  ISSUES HINDERING PROCESS (IE. PROTEST, INCOMPLETE, REQUEST TO HOLD, ETC.) \_\_\_\_\_
  6. DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
    - a.  BASIN PLAN (CURRENT, PREVIOUS - \_\_\_\_\_ (YEAR) WILLAM, JOHN DAY, UMAT., GOOSE & SUMMER)  
USE & SEASON ALLOWED BY BASIN PLAN Dom exp, stock, 1221G allowed
    - b.  WITHDRAWAL: N (ORS 538), N STATE ENG., N BASIN MAP - SEASON \_\_\_\_\_
    - c.  ABOVE/WITHIN SWW (Y/N); WHICH? \_\_\_\_\_ EXCEPTIONS (H, LV, 1/2AC) Below Elk R - RM 13.1
    - d.  TMDL BASIN? (PUDDING, TUALATIN, YAMHILL) \_\_\_\_\_
  7.  TR/IR WATER AVAIL VERIFIED? (Y/N) \_\_\_\_\_ WA PREDATES WA TABLES FROM wars (Y/N): Y -> 80%  
3.77 CFS; \_\_\_\_\_ AF; MONTHS AVAIL Dec - Mar & July EXCEEDANCE 80  
WA FROM wars: 50% BEFORE JULY 17, 1992 & STORAGE; 80% LIVE FLOW AFTER JULY 17, 1992  
 ADDITIONAL INSTREAM W.R. INFO IDENTIFIED & APPLIED Cent & App
  8.  USE FROM BOR/COUNTY PROJECT? IS SIGNED CONTRACT IN FILE? (Y/N) \_\_\_\_\_
  9.  GROUND WATER REVIEW HAS BEEN EVALUATED (USE WA DATABASE IF GW A)  
 REVISED GW REVIEW (Y/N)? \_\_\_\_\_ DEFINE CHANGES TO TR/IR? \_\_\_\_\_  
 REQUIRED CONDITIONS (GENERIC 7B) \_\_\_\_\_
  10. DIVISION 33 HAS BEEN ADDRESSED...(CHECK PRIORITY DATE)  
 SEASON FOR DIRECT FLOW (ABOVE BONN, AFTER JULY 17, 1992) \_\_\_\_\_  
 WATER QUALITY PARAGRAPH (ABOVE & BELOW BONN) \_\_\_\_\_  
 EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS) \_\_\_\_\_
  11.  CONFLICTS IDENTIFIED IN TR/IR - CORRECT?  VERIFIED CONFLICT CHECK: \_\_\_\_\_  
NCR  ATTACH FINAL PROOF MAP W/CONFLICT \_\_\_\_\_
  12. IRRIGATION/STORAGE SEASON CRANBERRY (DECREE, BASIN PLAN, PERMIT, GENERIC)  
CRANBERRY RATE & DUTY 1/40, 3 (DECREE, BASIN PLAN, PERMIT, GENERIC)  
MA GROUND WATER: \_\_\_\_\_ EAST 1/80, 3 AF; \_\_\_\_\_ WEST 1/80, 2.5 AF; \_\_\_\_\_ UMATILLA GRAVELS 1/40, 4.5  
# OF ACRES: PRIMARY \_\_\_\_\_ SUPP \_\_\_\_\_ NOT SURE 25.0 ac
  13.  SMALL (< 0.1 cfs / < 9.2 af), MEDIUM (0.1 - 1.5 cfs / 9.2 - 100 af), LARGE (> 1.5 cfs / > 100 af)  
3.77 cfs  
Liveflows - Cranberry &
  14.  COMBINED PERIOD OF ALLOWED USE (SUMMARY) Dom Exp Dec - March & July
  15.  WATERMASTER # 19 storage LV, HC & 1/2ac Gardens - April - June 30 & Aug 1 - Nov 30  
storage any time
  16.  REGIONAL MANAGER (SW, SC, E, NW, NC) [TR -> HC & LV - year-round  
Liveflow - Dec 1 - Mar 30; Storage any time
  17.  VOLUME # ADDED & 674 DUMP CHECKED & SPELL ✓ HAS BEEN COMPLETED 600 shup (2gpd.) = 1.19 gpm = 0.0025 cfs
  18.  COMPLETE PFO CC: LIST  
LV - 0.005 cfs  
Dom Inc - 0.01 cfs; HC - 0.005 cfs  
IR/etc Cran - 0.15 cfs x 25 ac = 3.75 cfs
  19.  SAVE TO M:\T\PFO\DONE\APP #  
3.765 -> 3.77 cfs allowed
- NAME Kerry Lefewer DATE 10/12/95 REVIEWED BY MM DATE 10/17/95

OREGON WATER RESOURCES DEPARTMENT  
ADMINISTRATIVE RULES  
CHAPTER 690  
DIVISION 517  
SOUTH COAST BASIN PROGRAM

**Classifications**

690-517-001

- (1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.
- (2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:
  - (a) Bradley Lake
  - (b) Eel Lake
  - (c) Garrison Lake
- (3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.
- (4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife.
  - (a) Glenn Creek (tributary to the East Fork Millicoma River)
  - (b) Brush Creek
- (5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8).
- (6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife.

- (7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.
- (8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.
- (9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.
- (10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

### **Reservations**

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- (1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- (2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

### **Minimum Perennial Streamflows**

690-517-003

- (1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.
- (2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.
- (3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:
  - (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

(b) The minimum perennial streamflow for the Coquille River Middle Fork above Bear Creek (4 cfs) is rescinded.

(c) The minimum perennial streamflow for the Sixes River above the U.S. Highway 101 crossing is reduced to 25 cfs during the period from August 1 to September 30.

(d) The minimum perennial streamflow for the South Fork Coquille River near Powers is reduced to 15 cfs during the period from June 16 to September 30.

(4) For purposes of distributing water, minimum flows established in 1964 shall be considered part of and not in addition to revised minimum flow regimes.

(5) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Coquille River and tributaries when flows are below the specified levels in Table 2. This limitation shall not apply to:

(a) Domestic and livestock uses and irrigation of non-commercial gardens not exceeding 1/2 acre in area.

(b) Water legally released from storage.

#### **Storage**

690-517-004

(1) All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution.

(2) The following reservoir sites should be protected through the comprehensive planning process for possible future development or until alternative methods of meeting water needs have been developed:

(a) West Fork of the Millicoma River, site 223.

(b) South Fork of Coquille River at Eden Ridge, site 430.

(c) North Fork Coquille River, site 146A.

(d) Rock Creek at Rasler Creek, site 201.

(e) Catching Creek, site 101.

(f) Fourmile Creek, site 158.

(g) North Fork Floras Creek at Okietown, site 435.

(h) North Fork Chetco River, site 239.

(i) Wheeler Creek, site 241.

(j) East Fork Winchuck River, site 243.

(k) Joe Ney Slough.

**Out-of-Basin Appropriations**

690-517-005

No out-of-basin diversion of South Coast Basin water shall be made or granted by any state agency or public corporation of the state without the prior approval of, and following a public hearing by, the Water Policy Review Board.

**Existing Rights**

690-517-006

Water rights and permits issued prior to the effective date of this program shall not be affected except as provided in OAR 690-517-003 and section (1) of OAR 690-517-004.

**NOTE:** The South Coast Basin is delineated on Water Resources Department Map, File 17.6, available from the Water Resources Department.

OREGON ADMINISTRATIVE RULES  
WATER RESOURCES DEPARTMENT  
CHAPTER 690  
DIVISION 500  
BASIN PROGRAMS

**Basin Programs Preamble**

690-500-010

- (1) The Water Resources Commission is responsible for the establishment of policy and procedures for the use and control of the state's water resources. In executing this responsibility, the Commission develops, adopts and periodically modifies programs for the state's major drainage basins as shown in Figure 1.
- (2) Basin programs are administrative rules which establish water management policies and objectives and which govern the appropriation and use of the surface and ground water within each of the respective basins. The rules classify surface and ground waters according to the uses which are permitted, may establish preferences among uses, may withdraw surface and ground waters from further appropriation, may reserve waters for specified future uses, and may establish minimum perennial streamflows. These rules are in addition to rules with statewide applicability which govern the allocation and use of water.
- (3) The Commission has adopted programs for the following basins:
- (a) North Coast Basin (Division 501)
  - (b) Willamette Basin (Division 502)
  - (c) Sandy Basin (Included in Division 502)
  - (d) Hood Basin (Division 504)
  - (e) Deschutes Basin (Division 505)
  - (f) John Day Basin (Division 506)
  - (g) Umatilla Basin (Division 507)
  - (h) Grand Ronde Basin (Division 508)
  - (i) Powder Basin (Division 509)
  - (j) Malheur - Owyhee Basins (Division 510)
  - (k) Goose and Summer Lakes Basin (Division 513)
  - (l) Rogue Basin (Division 515)
  - (m) Umpqua Basin (Division 516)
  - (n) South Coast Basin (Division 517)
  - (o) Mid Coast Basin (Division 518)
  - (p) Columbia River (Division 519)
  - (q) Middle Snake River Basin (Division 520)
- (4) Although the Commission has not adopted a comprehensive basin program for the waters of the Malheur Lake Basin, minimum perennial streamflows have been adopted for specified streams in the basin. These minimum perennial streamflows are in Division 512. Allocation and use of the waters of the basin also are subject to administrative rules with statewide applicability.
- (5) The Commission has not adopted a comprehensive basin program for the waters of the Klamath Basin. Allocation and use of the waters of the basin are subject to administrative rules with statewide applicability and to the provisions of the Klamath River Basin Compact (ORS 542.62

adopted 9-23-88 and renumbered from 690-80-000}

## **Definitions**

690-500-020 Unless otherwise defined in a basin program, the following definitions apply in OAR Chapter 690, Divisions 501, 504-512, and 515-520 to any classification adopted prior to January 1, 1993:

- (1) "Domestic use" means the use of water for domestic water use, group domestic water use, commercial water use of less than 5,000 gallons per day, or human consumption as defined in OAR 690-11-010.
- (2) "Fish culture or fish life use" means the use of water for aquatic life water uses as defined in OAR 690-11-010 and public uses related to fish culture or fish life water uses as defined in OAR 690-77-010.
- (3) "Industrial use" means the use of water for commercial water use or industrial water use as defined in OAR 690-11-010.
- (4) "Irrigation use" means the use of water for agricultural water use, cranberry use, irrigation, nursery operations use, or temperature control as defined in OAR 690-11-010.
- (5) "Livestock use" means the use of water for stockwater use as defined in OAR 690-11-010.
- (6) "Mining use" means the use of water for mining water use or placer mining as defined in OAR 690-11-010.
- (7) "Municipal use" means the use of water for commercial water use, municipal water uses, or quasi-municipal water uses as defined on OAR 690-11-010.
- (8) "Pollution abatement use" means the use of water for pollution abatement or prevention water use as defined in OAR 690-11-010 and public uses related to pollution abatement as defined in OAR 690-77-010.
- (9) "Power or power development use" means the use of water for power development water use as defined in OAR 690-11-010.
- (10) "Recreation use" means the use of water for recreation water use as defined in OAR 690-11-010 and public uses related to recreation uses as defined in OAR 690-77-010.
- (11) "Wildlife use" means the use of water for wildlife use as defined in OAR 690-11-010 and public uses related to wildlife uses as defined in OAR 690-77-010.

{ adopted 10-1-93 }



August 4, 1995

TEMPORARY ADMINISTRATIVE RULES  
WATER RESOURCES DEPARTMENT  
CHAPTER 690  
DIVISION 11  
APPLICATIONS AND PERMITS

**Purpose**

690-11-000 (1) The purpose of this division is to establish definitions, information requirements, and procedures and standards which shall be applied by the Department [and Commission] to process water use applications. In July 1995, this division was significantly amended by the adoption of temporary rules intended to conform the division with the provisions of SB 510, SB 674, SB 1033 and HB 2184 (1995 Legislative Session) and remove any rule language in conflict with new law. Where this division does not fully describe the new application process established in SB 674, applicants and others should refer to and rely upon the provisions of SB 674. New permanent application processing rules are expected to be adopted in January 1996. The rules in this division are used in the evaluation of applications for the following types of permits, licenses and registrations:

- (a) A permit to appropriate surface or groundwater;
- (b) A permit to store water or construct a reservoir;
- (c) A limited license;
- (d) A permit to appropriate water for the purpose of groundwater recharge;
- (e) A secondary groundwater permit to use artificially recharged waters; and
- (f) A registration to use water for wetland, stream or riparian area enhancement or storm water management.

(2) This division also describes water uses which are exempt from permit requirements, and the standards and procedures for the management of water use permits, from permit approval through the issuance of a water right certificate.

(3) Applicants should be aware that other rule divisions apply to applications for instream water rights (OAR Chapter 690, Division 77), reservations for economic development (OAR Chapter 690, Division 79), water right transfers (OAR Chapter 690, Division 15), use of conserved water (OAR Chapter 690, Division 18), water use for chemical process mining (OAR Chapter 690, Division 78), out-of-basin diversions (OAR Chapter 690, Division 12), drought mitigation (OAR Chapter 690, Division 19), claims for pre-1909 vested water rights (OAR Chapter 690, Division 28), hydroelectric power generation (OAR Chapter 690, Division 51), and minimum perennial streamflows (OAR Chapter 690, Division 76).

~~[(4) These rules apply to all applications on which no permit has been granted, application rejected, or on which no contested case has been ordered, on or before June 5, 1992.]~~

Stat. Auth.: ORS 536.027, Ch. 595 & 654

Hist.: WRD 9-1992, f. & cert. ef. 7-1-92; WRD 5-1994, f. & cert. ef. 4-13-94]

**Purpose**

690-11-005 [WRD 16-1990, f. & cert. ef. 8-23-90;  
Repealed by WRD 9-1992,  
f. & cert. ef. 7-1-92]

**Definitions**

690-11-010 The following definitions apply in OAR Chapter 690, Divisions 11 and 15, and to any permits, certificates or transfers issued under these rules:

(1) "Affected Local Government" means any local government as defined in OAR 690-05-015 within whose jurisdiction water is or would be diverted, conveyed, or used under a proposed or approved permit, water right transfer, or certificate.

(2) "Agricultural Water Use" means the use of water related to the production of agricultural products. These uses include, but are not limited to, construction, operation and maintenance of agricultural facilities and livestock sanitation at farms, ranches, dairies and nurseries. Examples of these uses include, but are not limited to, dust control, temperature control, animal waste management, barn or farm sanitation, dairy operation, and fire control. Such use shall not include irrigation.

(3) "Aquatic Life Water Use" means the use of water to support natural or artificial propagation and sustenance of fish and other aquatic life.

(4) "Artificial Groundwater Recharge" means the intentional addition of water to a groundwater reservoir by diversion from another source.

(5) "Beneficial Use" means the reasonably efficient use of water without waste for a purpose consistent with the laws, rules and the best interests of the people of the state.

(6) "Commercial Water Use" means use of water related to the production, sale or delivery of goods, services or commodities by a public or private entity. These uses include, but are not limited to, construction, operation and maintenance of commercial facilities. Examples of commercial facilities include, but are not limited to, an office, resort, recreational facility, motel, hotel, gas station, kennel, store, medical facility, and veterinary hospital. Examples of water uses in such facilities include, but are not limited to, human consumption, sanitation, food processing, and fire protection. Such uses shall not include the irrigation or landscape maintenance of more than 1/2 acre.

(7) "Comment" means ~~[a written statement requesting the Director's report of the technical review for a particular permit application or]~~ a written statement concerning a particular ~~[notice of]~~ proposed water use, water use registration for a proposed wetland, stream or riparian area enhancement or storm water management project. The comment may identify elements of the application which, in the opinion of the commenter, would conflict with an existing water right or would impair or be detrimental to the public interest.

(8) "Commission" means the Water Resources Commission.

(9) "Contested Case" means a hearing before the Department or Commission as defined in ORS 183.310(2) and conducted according to the procedures described in ORS 537, ORS 183.413 - 183.497 and OAR Chapter 690, Division 2.

(10) "Cranberry Use" means all necessary beneficial uses of water for growing, protecting and harvesting cranberries. Examples of these uses include, but are not limited to, irrigation of cranberries or other crops in rotation, chemical application, flooding for harvesting or pest control, and temperature control.

(11) "Deficiency of Rate Right" means an additional right allowed from the same source for the same use at the same place of use when an earlier right does not allow a full duty or rate of flow of water.

(12) "Department" means the Water Resources Department.

(13) "Director" means the Director of the Department.

(14) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.

(15) "Domestic Use Expanded" means the use of water, in addition to that allowed for domestic use, for watering up to 1/2-acre of lawn or noncommercial garden.

(16) "Drainage Basin", as used in OAR 690-11-041, 690-11-046 and 690-11-049, means hydrologic unit delineated as a cataloging unit by the US geological Survey Office of Water Data Coordination on the State Hydrologic Unit map.

(17) "Fire Protection Water Use" means the use and storage of water for the purpose of extinguishing fires or reducing the potential outbreak of fires.

(18) "Fish Bypass Structure", as used in OAR 690-11-014, means any pipe, flume, open channel or other means of conveyance that transports fish that have entered a water diversion structure back to the body of water from which the fish were diverted.

(19) "Fish Screen", as used in OAR 690-11-014, means a screen, bar, rack trap or other barrier at a water diversion to entrap or provide adequate protection for fish populations, including related improvements necessary to insure its effective operation.

(20) "Fishway", as used in OAR 690-11-014, means any structure, facility or device used to facilitate upstream or downstream passage of fish through, over or around any man-made or natural barrier to free movement.

(21) "Forestland and Rangeland Management", as used in Chapter 595, Oregon Laws 1993, means water used for operations conducted on or pertaining to forestlands and rangelands. Such uses may include, but are not limited to, reforestation, road construction and maintenance, harvesting, vegetation management, and disposal of slash. Such use shall not include irrigation.

(22) "Groundwater Reservoir" means a designated body of standing or moving groundwater as defined in ORS 537.515(5).

(23) "Group Domestic Water Use" means the use of water for domestic water use by more than one residence or dwelling unit.

(24) "Human Consumption" means the use of water for the purposes of drinking, cooking, and sanitation.

(25) "Industrial Water Use" means the use of water associated with the processing or manufacture of a product. These uses include, but are not limited to, construction, operation and maintenance of an industrial site, facilities and buildings and related uses. Examples of these uses include, but are not limited to, general construction; road construction; non-hydroelectric power production, including down-hole heat exchange and geothermal; agricultural or forest product processing; and fire protection. Such use shall not include irrigation or landscape maintenance of more than 1/2 acre.

(26) "Irrigation" means the artificial application of water to crops or plants by controlled means to promote growth or nourish crops or plants. Examples of these uses include, but are not limited to, watering of an agricultural crop, commercial garden, tree farm, orchard, park, golf course, play field or vineyard and alkali abatement.

(27) "Mining Water Use" means the use of water for extraction, preliminary grading, or processing of minerals or aggregate at a mining site or construction, operation and maintenance of a mining site. These uses include, but are not limited to, general construction, road construction, and dust control. Examples of mining include, but are not limited to, aggregate, hard rock, heap leach and placer mining.

(28) "Municipal Corporation" means any county, city, town or district as defined in ORS 198.010 or 198.180(5) that is authorized by law to supply water for usual and ordinary municipal water uses.

(29) "Municipal Water Use" means the delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and

5-72911

WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 80  
Water Availability Subbasin: 2300000000000000 (and Nested Subbasins)  
Time: 15:59 Date: 10/12/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	2300000000000000	YES	YES	YES	NO	NO	NO	YES	NO	NO	NO	NO	YES	YES

STREAM NAMES

Basin: SOUTH COAST  
Water Availability Subbasin: 2300000000000000 (and Nested Subbasins)  
Time: 15:59 Date: 10/12/1995

WAB #	Stream Name	Tributary to
2300000000000000	ELK R	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 2300000000000000  
Basin: SOUTH COAST  
Exceedance Level: 80  
Time: 15:59 Date: 10/12/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	2300000000000000	ELK R	YES	44.5
2	2300000000000000	ELK R	YES	121.0
3	2300000000000000	ELK R	YES	94.5
4	2300000000000000	ELK R	NO	-66.5
5	2300000000000000	ELK R	NO	-83.1
6	2300000000000000	ELK R	NO	-52.1
7	2300000000000000	ELK R	YES	3.8 > 3.7
8	2300000000000000	ELK R	NO	-14.6
9	2300000000000000	ELK R	NO	-7.6
10	2300000000000000	ELK R	NO	-102.0
11	2300000000000000	ELK R	NO	-212.0
12	2300000000000000	ELK R	YES	36.4
Stor	2300000000000000	ELK R	YES	145000.0

NO WATER Apr 1 - June 30, Aug 1 - Nov 30

(Water Avail Dec 1 - Mar 30 & July)

→ due to ISWR → Application 70895 most restrictive

\*HC & LV allowed: Apr 1 - June 30, Aug 1 - Nov 30

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST  
 Stream: ELK R > PACIFIC OCEAN  
 Water Availability Subbasin: 2300000000000000  
 Exceedance Level: 80  
 Time: 15:59 Date: 10/12/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	427.00	0.00	427.00	2.52	424.50	380.00	44.50
2	504.00	0.00	504.00	2.59	501.00	380.00	121.00
3	477.00	0.00	477.00	2.51	474.50	380.00	94.50
4	314.00	0.00	314.00	0.45	313.50	380.00	-66.50
5	180.00	1.00	179.00	0.15	178.90	262.00	-83.10
6	109.00	4.00	105.00	0.15	104.90	157.00	-52.10
7	69.70	5.70	64.00	0.16	63.84	60.00	3.84
8	50.00	4.60	45.40	0.15	45.20	59.80	-14.60
9	45.80	2.00	43.80	0.15	43.65	51.20	-7.55
10	48.60	0.30	48.30	0.15	48.00	150.00	-102.00
11	168.00	0.00	168.00	0.44	168.00	380.00	-212.00
12	419.00	0.00	419.00	2.58	416.40	380.00	36.40
Stor	323000	1050	322000	719	321000	181000	145000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST  
 Stream: ELK R > PACIFIC OCEAN  
 Water Availability Subbasin: 2300000000000000  
 Time: 15:59 Date: 10/12/1995

APP #	STATUS	ISWRs	RESULTANT
393A	Cert. 59869	0	0
70895A	App. except HC, LV	0	0

Month	Natural Stream Flow	ISWRs	RESULTANT
1	300.0	0.0	380.0 A
2	300.0	0.0	380.0 A
3	225.0	0.0	380.0 A
4	225.0	0.0	380.0 A
5	225.0	0.0	262.0 A
6	80.0	0.0	157.0 A
7	45.0	0.0	60.0 A
8	45.0	0.0	59.8 A
9	45.0	0.0	51.2 A
10	150.0	0.0	150.0 C
11	300.0	0.0	380.0 A
12	300.0	0.0	380.0 A

Cert 59869 except HC, LV, IR 1/2 ne Garden, waters released from storage

# WaterWatch

O F O R E G O N

Hand Delivered

March 11, 1994

Oregon Water Resources Department  
Water Rights Section  
3850 Portland Road NE  
Salem, Oregon 97310

RECEIVED  
MAR 11 1994  
WATER RESOURCES DEPT  
SALM, OREGON

Re: Objection to Technical Report for:  
71492, Wahl, Manufacturing and Livestock, Unnamed/Elk River  
73299, Corazza, Human Consumption, Elk River  
R 72911, 72912, Litterell, Stock, Cranberrys, Domestic, Elk River  
R 71828, 71829, Puhl, Cranberry, Camp/Bull Crk, Elk River  
R 73423, Fraser, Irrigation, Elk River and Sixes River  
R 72610, Robinson, Ag. & Irrigation, Sixes River  
Coos Co., South Coast

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

◆ **The Water Availability Analyses in the Technical Reports are Defective**

The analyses are defective for the following reasons:

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.
- The analyses fail to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The analyses for the proposed new uses of the Elk River fail to take into account the requested flows in the three senior pending instream water right applications. The analysis for the proposed new uses of flows in the Sixes River fail to take into account the requested flows in the four senior instream water right applications pending for that river.

◆ **The Uses As Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.170 and are contrary to the South Coast basin program. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. **The proposed uses are not in the public interest because they will interfere with flows needed to support public instream uses of water.**

The proposed uses of water for the Elk River will deplete flows needed for numerous public instream uses of the Elk River. This system supports a variety of fish life including cutthroat trout, winter steelhead and coho salmon. The proposed uses of water for the Sixes River will deplete flows needed for public instream uses of that river. The Sixes River system supports coho, fall chinook, winter steelhead and cutthroat trout. Petitions have been filed requesting listing of coastal coho and steelhead under the Federal Endangered Species Act. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low flows in the winter adversely affect fish habitat by among other things exposing spawning gravel and reducing feeding and rearing areas in the river. In addition, water diversions create problems for fish passage and survival in the basin.

Currently there are pending instream water right applications for the Elk River and the Sixes River. These pending applications request flows needed for fish life in the creek system. The technical reports for the reservoir applications proposes to allow additional storage project and allow storage of water from December through March and November through April in the Elk River and December through April in the Sixes River. The dams used to stored water will create passage problems. Both the storage and diversion of stored water change the hydrology of the stream system - eliminating flood events needed for habitat maintenance, blocking passage, and storing water during times of low flows. In addition, the use of water irrigation will result in additions of pesticides and fertilizers to the river system which will, unless regulated, will degrade stream quality. In addition, the failure to require stream bank enclosures to as a condition of stock use in order to prevent cattle from entering the stream and riparian areas results in further degradation of water quality. Thus, the proposed uses are not in the public interest because they will preclude flows needed for the pending instream water right application.

The public use reflected in the instream water right applications (protection and conservation of fish life) have a "reasonable expectation of being developed" as evidenced by the pending instream water right applications. These instream uses provides greater benefit to the public at large than the proposed use. These fish populations have statewide and even national significance and streamflows are essential for maintenance of these fish. These proposed uses will divert water needed for these streamflows and will create passage problems they should be denied.

**2. Measurement and reporting.**

These conditions should allow the Director to require measurement and reporting of both rate and duty of water stored and used. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permit.

The surface waters of the these two rivers are overallocated several months of the year. The information generated by these proposed conditions are essential to the management and control of the water resource. If these uses were to be permitted, water use measurement and reporting should be a mandatory condition of use. This information is essential for protection of the public interest in the resource. However, we question the Department's ability to control these uses, even with these requirements.

The technical reports propose to limit the months of storage and water use. The Department's enforcement staff is already incapable of control existing rights to use water in the basin. These proposed uses add yet another enforcement responsibility on top of an already unmanageable load. Under these circumstances, it is difficult if not impossible for the state to ensure that these applicants will, at all times, use water in compliance with the permit conditions. Given the critical state of the water resource in the basin and the Department's inability to control this use, even with measurement and reporting, these uses are not in the public interest.

**3. The uses will impair the public interest because fish screening and passage facilities are not a condition of use.**

Given the critical status of fish populations in these rivers and the adverse effects diversions and storage projects have on fish habitat, screening and passage should clearly be required to be in place before any diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition in any permit issued which clearly states these requirements.



4. The proposed uses are contrary to Oregon policy.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

If hypothetically, these proposed uses were allowed they will be junior to the existing instream water right applications and should be conditioned to protect the senior instream flows. Critical to the protection of instream flows is knowing and controlling water use in the basin. These and other potential water users in the basin should be required to contribute to activities that enable the state to better manage and control the resource - such as measuring and reporting streamflows or contributing funds for installation and maintenance of gauging stations in key locations.

The recent petition for listing of coho and steelhead populations coast wide makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of this application.

#### Domestic Use

Allowing the proposed domestic use is contrary to the Commission's Water Allocation Policy. The policy allows additional uses on overappropriated streams only "where public interest in those uses is high and uses are conditioned to protect instream values." OAR 690-410-070(1)(a) (emphasis added). While the exceptions contained in the existing instream water rights in the South Coast basin seem to indicate high public interest in the proposed uses of human consumption, livestock and irrigation of non-commercial gardens, they are not included in the pending senior instream water right applications.<sup>1</sup>

---

<sup>1</sup> An exception for human consumption has been proposed in the technical reports for the instream water right applications - however, this does not necessarily mean that the instream water right when issued will include this unlimited exception.

In addition, the mere fact that the proposed use of human consumption seem to fall within the exception in the existing instream water rights does not relieve the Department from its duty to consider and protect the public interest, including the public value of instream flows and the needs of anadromous fish. Furthermore, the proposed uses fails to fit within the exception because it is impossible to condition these uses in a way that will protect instream values. *See above.*

The exceptions in the instream water right certificates are narrowly worded and should not be applied unless there is absolutely no other alternative sources of water. It is bad public policy to automatically apply this exemption without looking for other possible sources that can accommodate this water use. Human beings can go elsewhere for water, fish can not.

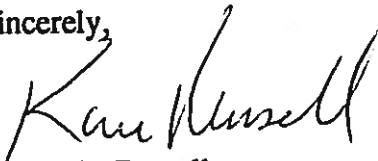
Failure of the State to look for or provide other sources of water, in the face of potential listing of the coastal coho creates expectations for water that may not be fulfilled if/when the species are listed. Instream flows in the creek provide critical habitat for fish - without water instream there is no habitat. Continuing to issue water rights on a river with a possibility of a listed species, as well as existing water availability and water quality problems makes little sense.

There are many small domestic uses in the basin consuming both ground and surface waters, all vital sources for instream flow. Individually, the quantity of water consumed may not be large, but cumulatively these uses adversely effect instream flows and water quality. Ignoring this problem is bad public policy. The state should be looking for alternate sources for these uses and ways to provide regional water supplies for these uses in a way that will result in the least amount of impact for the resource.

**Conservation**

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. Given the presence of potentially listed species, the water quality problems and the fact water diversions are one of the causes of anadromous fish declines it is imperative that the water use be as efficient as possible. The proposed uses should be held to a high efficiency standard prior to any permit issuance.

Sincerely,

A handwritten signature in black ink that reads "Karen Russell". The signature is written in a cursive, flowing style.

Karen A. Russell  
Assistant Director

**COMPLETENESS DETERMINATION CHECKLIST**

YL 10-3-95  
**COMPLETED**

Application #	Review Date	Reviewer
S-72912	10/31/95	GERRY

200 Exam  
125 Dam &  
10 stock  
130 25 ACCR

465 Total  
5.35 Received

\$70 Refund

A checkmark (✓) indicates that the item is Incomplete or defective.

- \_\_\_\_\_ 1. Examination fees (and recording fees, if for PFO/FO).
- \_\_\_\_\_ 2. Name and address of the applicant, and title if applicable.
- \_\_\_\_\_ 3. Source of water.
- \_\_\_\_\_ 4. Use of water.
- \_\_\_\_\_ 5. Amount of water.
- \_\_\_\_\_ 6. Description of delivery system.
- \_\_\_\_\_ 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- \_\_\_\_\_ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- \_\_\_\_\_ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- \_\_\_\_\_ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- \_\_\_\_\_ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- \_\_\_\_\_ 12. If for a reservoir:
  - \_\_\_\_\_ a. The height of the dam.
  - \_\_\_\_\_ b. The storage capacity.
  - \_\_\_\_\_ c. The area submerged.
  - \_\_\_\_\_ d. The maximum depth.
  - \_\_\_\_\_ e. The construction method (earthfill, concrete, flashboard, etc.).
  - \_\_\_\_\_ f. A description of the outlet conduit.
  - \_\_\_\_\_ g. A description of the spillway.
- \_\_\_\_\_ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- \_\_\_\_\_ 14. If the application was made under **HB 2107**:
  - \_\_\_\_\_ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
  - \_\_\_\_\_ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
  - \_\_\_\_\_ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- \_\_\_\_\_ 15. An oath that the application information is true and correct.
- \_\_\_\_\_ 16. The signature of the applicant(s).
- \_\_\_\_\_ 17. A satisfactory map of the proposed POD & POU.
- \_\_\_\_\_ 18. A Land Use Information Form or receipt.
- \_\_\_\_\_ 19. A legal description of the property where water will be used.

RECEIVED

MAR 8 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

March 7, 1994

Oregon Water Resources Department  
3850 Portland Road, NE  
Salem, Oregon 97310

Attention: Steve Brown, Manager  
Water Rights Division

Reference: Files No. R 72911 & 72912  
Objection to the Technical Reviews

Dear Mr. Brown:

In response to the Satisfactory report of Technical Review for Water Use Permit(s) applicable to applications R 72911 and 72912, I object to the permit conditions and technical review conclusions for the following reasons:

Comments pertaining to R 72911:

1. I have no objections to the installation of weirs in any creek channel above or below my proposed reservoirs, however, at least one of the reservoirs is located at the head of the drainage. It would be of no benefit to install a measuring device in a field to measure excess rain runoff. This condition should require measuring devices only on identifiable stream channels.
2. The installation and maintenance of a conduit/gate valve assembly having a minimum diameter of 8 inches is standard on dams constructed within a creek channel. This condition should be modified to require the 8 inch pipe **if the dam is located within a creek channel**. I may have the opportunity to construct the reservoir(s) "out of channel" in which case a outlet pipe is not necessary.

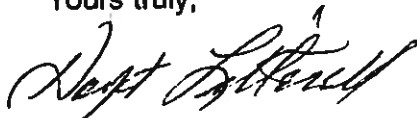
Comments pertaining to 72192:

1. Restriction in period of use (April - October) is based on the instream water right filing on Elk River. Water availability computations should not be done until the instream water right is issued and the final figures are known.
2. According to the local Oregon Department of Fish and Wildlife biologist, water from the identified sources may be used longer than March 30 of each year. If the local ODFW biologist has no objections to my use into the summer, the Department should allow the use.

3. During the summer months, I am willing to accept a lesser amount of water for cranberry use. Please advise me if there is any water available between April - October according to your analysis. Please send me a copy of your analysis so I can better respond to your computations.
  
4. The Curry County Comprehensive Plan has designated cranberries as a "special" crop for Northern Curry County. It is in the public interest to encourage development of cranberries in this area in accordance with ORS 537.170 (5) (a,b,d and e). I believe it is the highest beneficial use for the small creeks on my land, it affords the maximum economic development of the waters involved, the water is available according to my observations and the ODFW biologist and the best management practices will be observed to prevent the "waste" of water.

If a full season supply, or use later into the season, cannot be approved by the Water Resources Department for cranberry use, I request to participate in alternate dispute resolution in accordance with OAR 690-11-180 to resolve the issues.

Yours truly,



Hoyt Litterell

**RECEIVED**

**MAR 8 1994**

**WATER RESOURCES DEPT  
SALEM, OREGON**

TOWNSHIP 32 S RANGE 15 W W.M.														SECTION 16				
NE				NW				SW				SE				APPLI- CATION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
<div style="display: flex; justify-content: space-between;"> <span>16<sup>00</sup> Dom - X</span> <span>T-6838</span> </div> <div style="display: flex; justify-content: space-between;"> <span>15<sup>00</sup> 0.8</span> <span>18462 14077 15415</span> </div>																		
Res. R30906 R-1920 30250																		
Pond 30907 24440 30251																		
L. R-71828																		
26 <sup>5</sup> 8 <sup>0</sup> 6 <sup>6</sup> 7 <sup>0</sup> 11 <sup>2</sup> R-5 71829																		
1 <sup>3</sup> 2 <sup>7</sup> 7 <sup>0</sup> 4 <sup>0</sup> 72912																		
R-72911																		
Dom 18462 14077 68342																		
4 <sup>6</sup> 5 <sup>2</sup> 5 <sup>4</sup> 4 <sup>8</sup> T-6838(C-15415)																		

ver  
ver

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 32 S RANGE 15 W W.M.														SECTION 21				
NE				NW				SW				SE				APPLI- CATION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
i																		
13 <sup>8</sup> 27607 21768 19655 68342 15415 26420																		
11 <sup>2</sup> 18 <sup>3</sup> 0 <sup>1</sup> 27 <sup>6</sup> 9 <sup>4</sup> 39740 29631 36859																		
4 <sup>4</sup> 5 <sup>4</sup> 24 <sup>0</sup> 16 <sup>3</sup> 5 <sup>3</sup> 55393 41429 57892																		
Dom 55884 41917 65201																		
21 <sup>0</sup> 9 <sup>0</sup> 61251 45617 CANCELED																		
14 <sup>2</sup> 5 <sup>0</sup> 60301 46098 CANCELED																		
Dom 67512 48240 63670																		
R-72911																		
1 <sup>2</sup> 72912																		

(SEE BACK OF CARD FOR PLAT OF SECTION)

NO CONFLICTING RIGHTS

Basin: ELK RIVER 80%

Detailed Report for Water Availability Subbasin 2300000000000000  
 Water Availability By Month for Exceedance Level 80  
 14:30 12/23/1993

MO	Gross Water Avail	Consumptive Use		Storage Rights		Net Min Flow	Instream Water Rights		Net Water Avail
		Applic	Permit	Applic	Permit		Applic	Permit	
1	427	0	0	0	0	427	0	380 300	47 127
2	504	0	0	0	0	504	0	380 300	124 204
3	477	0	0	0	0	477	0	380 225	97 252
4	314	0	0	0	0	314	0	380 225	-66 89
5	179	0	0	0	0	179	0	380 225	-201 46
6	105	0	0	0	0	105	0	225 80	-120 25
7	64	0	0	0	0	64	0	150 45	-86 19
8	45	0	0	0	0	45	0	150 45	-105 0
9	44	0	0	0	0	44	0	150 45	-106 1
10	48	0	0	0	0	48	0	150 150	-102 -102
11	168	0	0	0	0	168	0	380 300	-212 -132
12	419	0	0	0	0	419	0	380 300	35 119
Stor	250000	0	0	0	0	250000	0	85300	165000



COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 72912 ✓

WATERWATCH ✓

ODF&W ✓

WATERMASTER # 19 ✓

REGIONAL MANAGER - SW ✓

CWRE - James F Gooson ✓

DEO ✓

KEN STAHR ✓

OTHER ADDRESSES:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASEWORKER ES

ORIGINAL TO APPLICANT 12/03/93

December 30, 1993

HOYT LITTERELL  
43691 HIGHWAY 101  
PORT ORFORD, OR 97465

Reference: File 72912

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

The locations of the points of diversion from the reservoirs shown on your water right application map completed by a CWRE

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



STEVE BROWN  
Manager  
Water Rights Division

SB\eg

cc: James F. Gosson, CWRE



REFUND

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: 72912

(2) Review Date: 12/30/93

S Indicates information was completed or adequately addressed.  
U Indicates information is needed, or incomplete, or inadequately addressed  
N/A Indicates Not Applicable

SUMMARY	
<u>S</u>	Completeness
<u>S</u>	Land Use
<u>N/A</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts
<u>S</u>	Water Availability

(3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

(4) N/A No oath is required because application was filed before June 5, 1992.

(5) S Application fees:

Examination fee:	\$ <u>300</u>
Recording fee:	\$ <u>265</u>
TOTAL REQUIRED	\$ <u>465</u>
TOTAL SUBMITTED	\$ <u>535</u>
AMOUNT DUE prior to issuance of permit	\$ <u>0</u>
AMOUNT OVERPAID refund due applicant	\$ <u>70</u>

AGR	100
STOCK	40
DAM	125

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

(7) S MAP: X Prepared by a CWRE  
 \_\_\_ Exempt under OAR 690-11-150(3)  
 \_\_\_ A map or drawing included (non-CWRE)  
 \_\_\_ No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used.
- (10) N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S Dom. Stock Agr use(s) ~~is~~ are classified uses(s) under the S. COAST Basin Program, OAR 690 517-00 (8)
- (14) S The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of Curry Co
- (16) S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 3.051).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) S The report from groundwater section has been received.

For reservoir applications:

- (22) S Plans, specifications and supporting information for the dam and impoundment area.

Application No. 72912  
 Permit No.



32	15	21			301			2-3
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In REAL PROP.	CODE AREA NUMBER
MAP NUMBER					TAX LOT NUMBER		FORMERLY PART OF 300	

OFFICIAL RECORD OF DESCRIPTIONS  
 OF REAL PROPERTY  
 Curry COUNTY ASSESSOR'S OFFICE

Indent each new course to this point	DESCRIPTION AND RECORD OF CHANGE	Date of entry on this card	Deed Record		Acres Remaining
			Vol.	PG.	
	<p>Any port of the Fol desc parcel lying E of the Ely li of those parcels conveyed by instruments recorded in Deed Vol 26 pg 364 and Deed Vol 34 pg 563:</p> <p>A parcel of land lying in sec 21 Twp 32 S R 15 W WM Curry County Oregon m/p desc as fol:</p> <p>Beg at the SW cor of the SE<math>\frac{1}{4}</math> of sd sec 21;            th alg the N-S <math>\frac{1}{4}</math> li N 00° 40' E 2636.6';            th alg the E-W <math>\frac{1}{4}</math> li N 89° 41' W 1287.0';            th N 1530.0';</p> <p>th alg the thread of Elk River upstream on the fol courses S 46° 26' E 1450.0';            th S 64° 41' E 1268.9' to the E-W<math>\frac{1}{4}</math> li;            th alg sd li S 89° 41' E and at 204.0' passing through an I rod post and cont the same course a total dist of 700.0' to an I post;</p> <p>th S 00° 32' W 1542.5' to an I rod post;            th alg the N bdy of the Rose Curry parcel N 88° 23' W and at 651.7' passing through an I rod post and cont the same course a total dist of 1140.0';</p> <p>th alg the W bdy of Elk River Co Rd on curve the long chord of which bears S 16° 46' E 1156.6';            th alg the S bdy of sd sec 21 N 89° 47' W 825.0' m/1 to the place of Beg</p> <p>JD 90-4400 NOV - 8 1989</p>	WD 10-23-89	BRL57	532	18.82

Application No. 72912  
 Permit No.



32	15	21			100		22-7	22-54	2-3
TWP	RGE	SEC	1/4	1/16	TAX LOT NUMBER	TYPE	SPEC INT IN REAL PROP	CODE AREA NUMBER	
MAP NUMBER					ACCOUNT NUMBER				

OFFICIAL RECORD OF DESCRIPTIONS  
 OF REAL PROPERTY  
 Curry COUNTY ASSESSOR'S OFFICE

FORMERLY PART OF T.L. NO.

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL.	PG.	
	Bg at the NE cor of sec 21; th S alg E li of sec 21 tap 1000 ft N of SE cor of sec 21; th W to SE cor of Woodworth tract in DV 43-756; th N 1542.5 ft; th W 700 ft; th N 64°41' W 1268.9 ft; th N 46°26' W 1450 ft; th N to the NE cor of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 21; th E alg N li of sec 21 to pob (FTLPO)	1-1-59	22 26	93 25	245.0
	Exc: Hy r/w (BR 3-414) (BR 3/359 Esmt.) Hy r/w (BR 4-196) 0.50 Easement BR 10-57 Ref. Ref. Only-Access Road Easement BR13/743 JVO 82-1912 Bargain & Sale Deed JVO 89-1663 Split Code-Sixes River RFPD	7-26-67 9-12-67 3-14-69 2-26-70 3/18/81 5-4-88			244.50
	JVO90-2851 & 2852 Code Change correcting JVO89-1662 & 1663	12-19-88			244.50

Application No. 72912  
 Permit No.



OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES  
 OFFICE OF COUNTY ASSESSOR, CURRY COUNTY, OREGON

32	15						22	32	15
TWP. S.	RO. W.	SEC.	1/4	1/16	4600	2-3	SECTION OR LOT	TOWNSHIP S. OR BLOCK	RANGE W. WM.
MAP NUMBER					TAX LOT NO.	1-3	CITY		
ACCOUNT NUMBER					CODE NO.	ADDITION			CITY

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
	Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	1-1-59	44	41	142.51
	JVO 82-1912 Bargain. & Sale Deed	3/18/81	BR83-790		142.51

Application No. 72912  
 Permit No.



32	15	16		300		22-1 -2-3
TWP	RGE	SEC	1/4	TAX LOT	TYPE	SPEC INT IN
MAP NUMBER				NUMBER	REAL PROP	CODE AREA NUMBER
ACCOUNT NUMBER						

OFFICIAL RECORD OF DESCRIPTIONS  
 OF REAL PROPERTY  
 Curry COUNTY ASSESSOR'S OFFICE

FORMERLY PART OF T.L. NO. \_\_\_\_\_

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL.	PG.	
	That portion of the fol des tract ly E of the Oregon Coast Hy; Bg at the cor com to secs 15, 16, 21 & 22 in T32S R15W WM; th W on a li betn sd sec 16 & 21 for a dist of 3960 ft; th S 400 ft; th S 76°15' W 100 ft; th N 61°30' W 55 ft; th N 39°45' W 170 ft; th N 37°35' W 173 ft; th N 28° 15' W 114 ft; th N 2° 05' W 177 ft; th N 17° 20' E 138 ft; th N 27° 45' E 200 ft; th N 55° 35' E 766 ft; th N 37°40' E 595 ft; th N 67° 15' E 500 ft; th E 162 ft; th N 63° 20' E 338 ft; th N 46° 40' E 680 ft; th E 1830 ft to the li betn the secs 15 & 16; th S 2172 ft to the pob. (Easement BR 3/448)	1-1-59 7/26/67	22	93	161.48
	Exc: Hy r/w (BR3-414) & (4-196) 5.15 Easement BR10-57 Ref. TL 301 (BR32-894) JVO 75-3473 146.33 ac B&S	7-26-67 3-14-69 3-6-74			156.33 10.00
	<u>PORTION REMAINING:</u> SE¼SE¼SW¼				
	Ref. Only Subordination of Lease JVO 85-6103 & 6104 Code Change-Curry Health Dist.	5/19/81 5-24-84	BR84	1029	10.00 10.00
	JVO 89-1663 Split Code - Sixes River RFPD	5-2-88			
	JVO91-5936 Bargain & Sale Deed Ref Only Power of Attorney	3-14-90 11-18-91	90-1230 ins91		10.00
	JVO93-354 Death Cert. Ref. Only Affidavit of Claiming Successor Testate	5-19-92 Est9-30-92	ins92	3259	10.00
			INS92	7321	



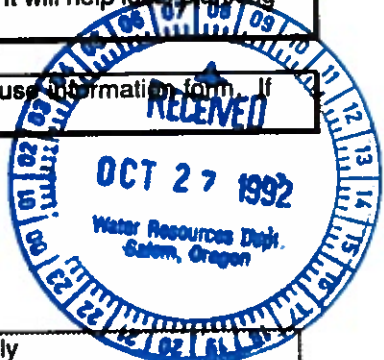
Application No. 72912

Planning Official Initials: \_\_\_\_\_

# Permit No. \_\_\_\_\_ Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.



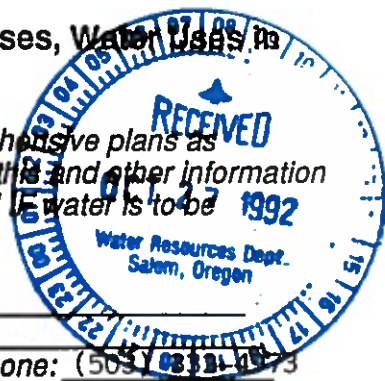
Applicant Name: Hoyt Litterell  
Address: 43691 Highway 101  
Port Orford, Or. 97465  
Phone: (503) 332-4973

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): Lawn and garden around home
- Livestock (type of livestock, feedlot, slaughterhouse): stock use in and around barn for 200-800 sheep.
- Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- Institutional (i.e., school, library, etc.): \_\_\_\_\_
- Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- Recreation (park, campsite, pond, etc.) \_\_\_\_\_
- Fish and Wildlife (pond, hatchery, etc.) \_\_\_\_\_
- Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- Other (Name and list key characteristics): Raising cranberries - up to 25 acres.

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>3 Unnamed streams</u>	<u>3.77</u> Cubic feet per second. <u>1692</u> Gallons per minute. <u>18</u> Acre-Foot
<input checked="" type="checkbox"/> Reservoir or pond (2)	
<input type="checkbox"/> Ground Water	

**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses  
Addition to Classified Uses**



*This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM if water is to be diverted, conveyed, and/or used only on federal lands.*

**Applicant's Name:** Hoyt Litterell  
**Address:** 43691 Highway 101  
**City:** Port Orford **State:** Or. **Zip:** 97465 **Day Phone:** (503) 881-0173

*Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) 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.*

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
B2/15 - 21				
TL 301, 100	FORESTRY GRAZING (FG)	X	X	X
B2/15 - 16 TL	300/301 - FORESTRY GRAZING (FG)	X	X	X
B2/15 - 22		X	X	

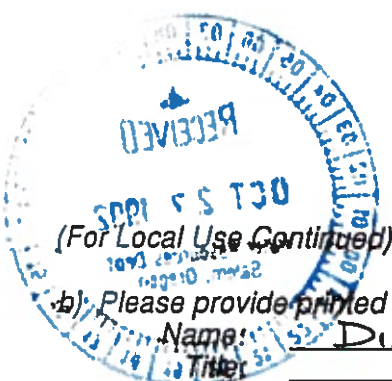
*Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry*  
*The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.*

**For Local Government Use Only**

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed this land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Sec. 3.051. Go to section b) on reverse side.



b) Please provide printed name and written signature.

Name: DIANNE L. SNOW

Date: 10/21/92  
Phone: 247-7011

Title: PLANNER  
Signature: *Dianne L. Snow*

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

Additional Comments:

WATER RIGHTS FOR IRRIGATION'S LIVESTOCK USES

*(This area contains horizontal lines for additional handwritten comments.)*

October 30, 1992

HOYT LITTERELL

43691 HWY 101  
PORT ORFORD, OR 97465

REFERENCE: File(s) R-72911, S-72912

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



---

3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

# WaterWatch

O F O R E G O N

RECEIVED

NOV 10 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

November 9, 1992

Water Resources Department  
3850 Portland Rd. N. E.  
Salem, OR 97310

RE: Application for Permit #R72911, 72912, Hoyt Litterell  
Elk R., Curry Co., Domestic, Livestock, Cranberry Op.

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Will the Department use the 80% exceedence level in determining water availability?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical analysis of this application.

Sincerely,

Jim Myron

bc:

DATE	INITIALS
10-27-92	W. J. M.

**MINIMUM REQUIREMENTS TO FILE**

Name and mailing address  
 Source of water  
 Quantity of water  
 Location of project  
 Use of water  
 Signature of applicant  
 Allowable use by policy  
 State Engineer withdrawal  
 Legislative withdrawal  
 Land use approved  pending \_\_\_\_\_

**FIELD OPERATIONS**

Application date stamped per money receipt date  
 Stream Indexed  
 Stream Code \_\_\_\_\_  
 Scenic Waterway \_\_\_\_\_  
 Findings:  
 1) Concluded - Scenic-Reg Ack letter  
 2) Under Study - Scenic-Ack letter  
 3) Basin 2 - Willamette-Ack letter  
 Plat Carded and copy made **YES NO**  
 Conflicts (well \_\_\_\_\_ surface \_\_\_\_\_) \_\_\_\_\_  
 Prior ISWR # \_\_\_\_\_  
 Within Irrigation District \_\_\_\_\_ (name)  
 Notified \_\_\_\_\_  
 District excerpt received \_\_\_\_\_  
 Entered in Paradox \_\_\_\_\_  
 Prepare six copies of Draft Permit  
 Send one copy to Data Center

**SUPPORT SERVICES**

Stamp contents with application number  
 Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER  
 Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file  
 Place label on file and card  
 If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section  
 Notify Irrigation District

**FIELD OPERATIONS**

	YES	NO
Ownership Statement		
Name and address of all owners		
Other landowners notified		
Legal Description		
Need Commission review		
Requests greater than 5.0 cfs		
Dam height greater than 20 feet		
Storage greater than 100 acre-feet		
Out of Basin diversion		
Groundwater recharge project		
Other substantial public interest		
GW comments received _____ resolved _____		
ODFW comments received _____ resolved _____		
DEQ comments received _____ resolved _____		
Interest Groups _____		
Water availability received _____		
Objections received _____ resolved _____		
Protest received _____ resolved _____		
Management Codes		

EXAMINATION FEE: \_\_\_\_\_  
 RECORDING FEE: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 TOTAL: \_\_\_\_\_  
 REFUND: \_\_\_\_\_  
 DEFICIENT: \_\_\_\_\_

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

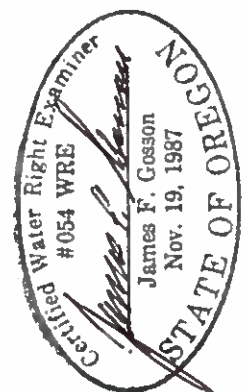
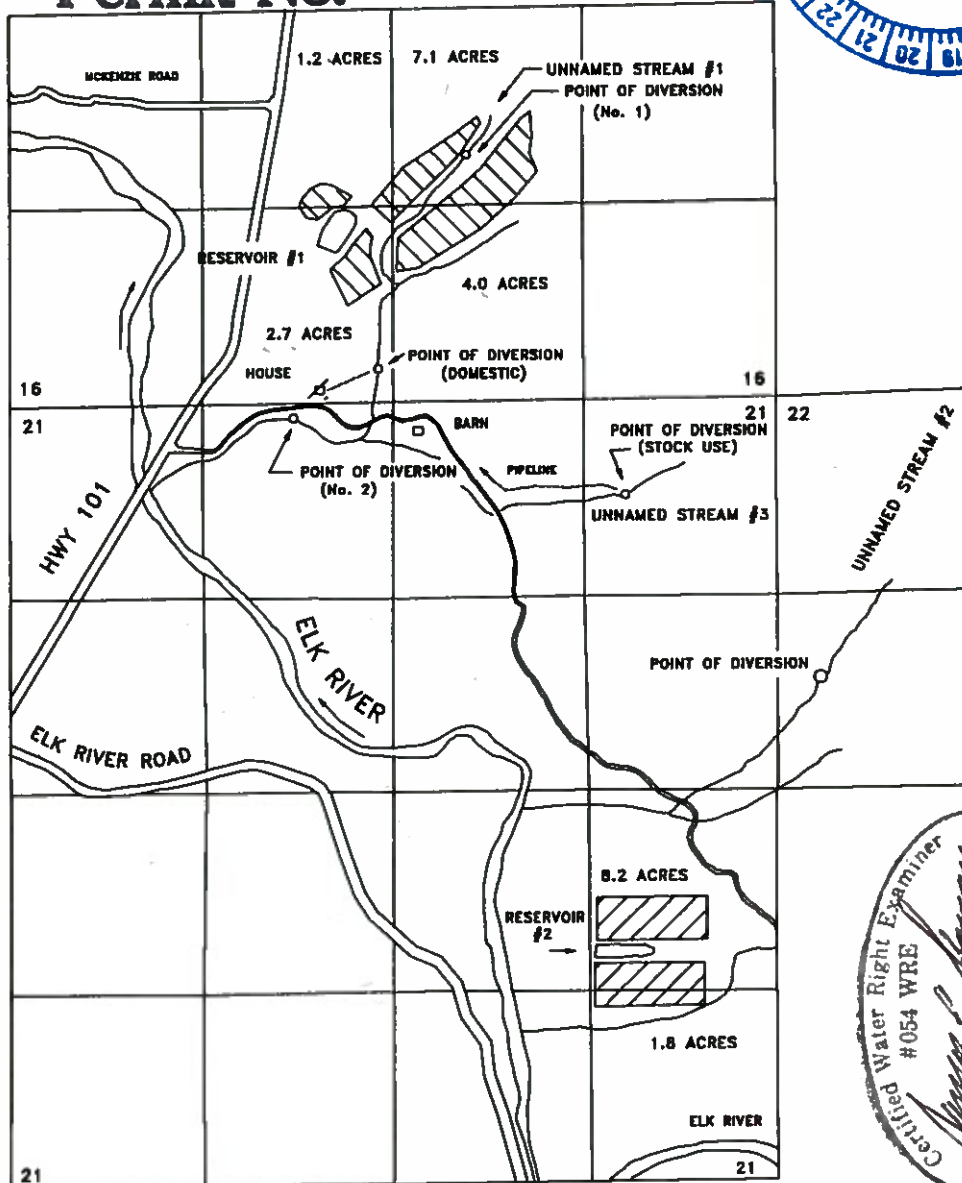
**SUPERCEDED**

APPLICATION MAP

IN THE NAME OF HOYT LITTERELL

SECTIONS 16, 21 and 22, T32S, R15W, W.M.

Application No. 72912  
 Permit No.



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	NORTH/SOUTH	EAST/WEST	¼ ¼	SECTION
UNNAMED STREAM #1 (POD 1)	1670 FEET NORTH	2090 FEET WEST	NWSE	16
UNNAMED STREAM #1 (POD 2)	110 FEET SOUTH	3310 FEET WEST	NENW	21
UNNAMED STREAM #1 (DOMESTIC)	220 FEET NORTH	2750 FEET WEST	SESW	16
UNNAMED STREAM #2	1930 FEET SOUTH	310 FEET EAST	SWNW	22
UNNAMED STREAM #3 (STOCK)	650 FEET SOUTH	1040 FEET WEST	NENE	21

ALL FROM THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.