

ASSIGNED

FILE#: R 72911

HOYT LITTERELL

43691 HWY 101
PORT ORFORD, OR

97465

Application No. R- 72911

Permit No. R11807

Certificate No. _____

See file 72912

Stream Index, Page No. 17

Curry
17-1540 - 0050

V 3 E 1 K 2 4 m s c

ASSIGNED

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
5-1-98	NW Farm Credit Svcs, ACA	POB 1490-Roseburg 97470	8	174-75
<i>and</i>	Littrell Ranch, LLC, <i>+</i> Hoyt Littrell <i>+</i> Bobby Littrell, <i>+</i> Glen Littrell <i>+</i> Donald Littrell - 43691 Hwy. 101 - Port Orford, OR 97465			

ph. 673-3245

REMARKS

72912

118 seat 12/17/96

ASSIGNED

11/16/03 Littrell Ranch LLC *+* Bobby J Littrell, 15104 Westview Dr. Roseburg OR 97470

11/27/02 David *+* Melode Warner, 23151 Lorentz Rd, Plymouth CA 95669

Date	FEES PAID	
	Amount	Receipt No.
10/27/92	\$ 200.00	93566
5-9-96	100.00	002151
	100.00	
<i>assigned</i> 5-1-98	30.00	20854
11/27/02	12.50 Cert. Fee	57156
1/16/03	12.50 FEES REFUNDED	57852
Date	Amount	Check No.

LOR 11-2

Date filed _____

Priority _____

Action suspended until FPD 9/27/97

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 6-19-97

Date for completion 10-1-98

Extended to _____

Date for application of water 10-1-99

Extended to _____

PROSECUTION OF WORK

Form "A" filed 12/16/96

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

Application No. R 72911

NOTICE OF COMPLETION OF CONSTRUCTION

I, Hoyt Litterell, the holder of Permit No. R 11807
appropriate the public waters of the state of Oregon, completed the construction of the works described
re in on the 24 day of Sept, 1998.

Remarks: _____
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-
ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of Sept, 1998
Hoyt Litterell 43691 Hwy 101 Port Orford, OR 97465

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

Application No. R-72911

NOTICE OF BEGINNING OF CONSTRUCTION

I, Hoyt Litterell, the holder of Permit No. R-11807
appropriate the public waters of the state of Oregon, began the actual construction of the works described
re in on the 2 day of June, 1996.

Remarks: Reservoir #1- 95% completed. Have installed two 7 1/2 hp pumps. Completed 7
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment
required for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as
authorized by your permit. acres of cranberries with mainline and laterals. Reservoir #2- 90% completed. Have
installed one 15 hp pump and mainline and laterals for 1 1/2 acres cranberries. Installed one
5 hp pump in unnamed stream to pump to #2. Plan to complete 3 acres in summer of 1997
IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of December, 1996.

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

OK
DSM

B98

Application No. 7-72911
Permit No. R11807

HOYT LITTERELL
43691 HWY 101
PORT ORFORD, OR 97465
Assigned
Address
Beginning construction 6-19-97
Completion of construction 10-1-98
Extended to
Complete application of water 10-1-99
Extended to

Form 111

A - Form 90

STATE OF OREGON
Office of the Water Resources Director
Salem, Oregon 97310

The terms of your water right permit No. _____, require you to begin on or before _____ actual construction of the works and/or the purchase and installation of the pump and other equipment necessary to your use of water. We have not received the notice of beginning of construction. If you have begun such work you should promptly fill out, sign and forward the notice (Form A) which was attached to your permit.

In case you failed to begin construction work, your right has been lost. In order that the records of this office may be complete without strict notice procedure, a statement of the fact and authorization to cancel the permit would be greatly appreciated.

SUPERSEDED

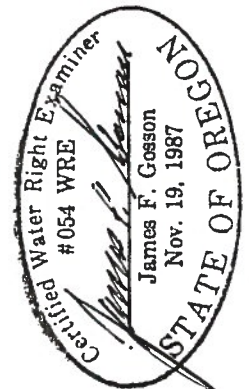
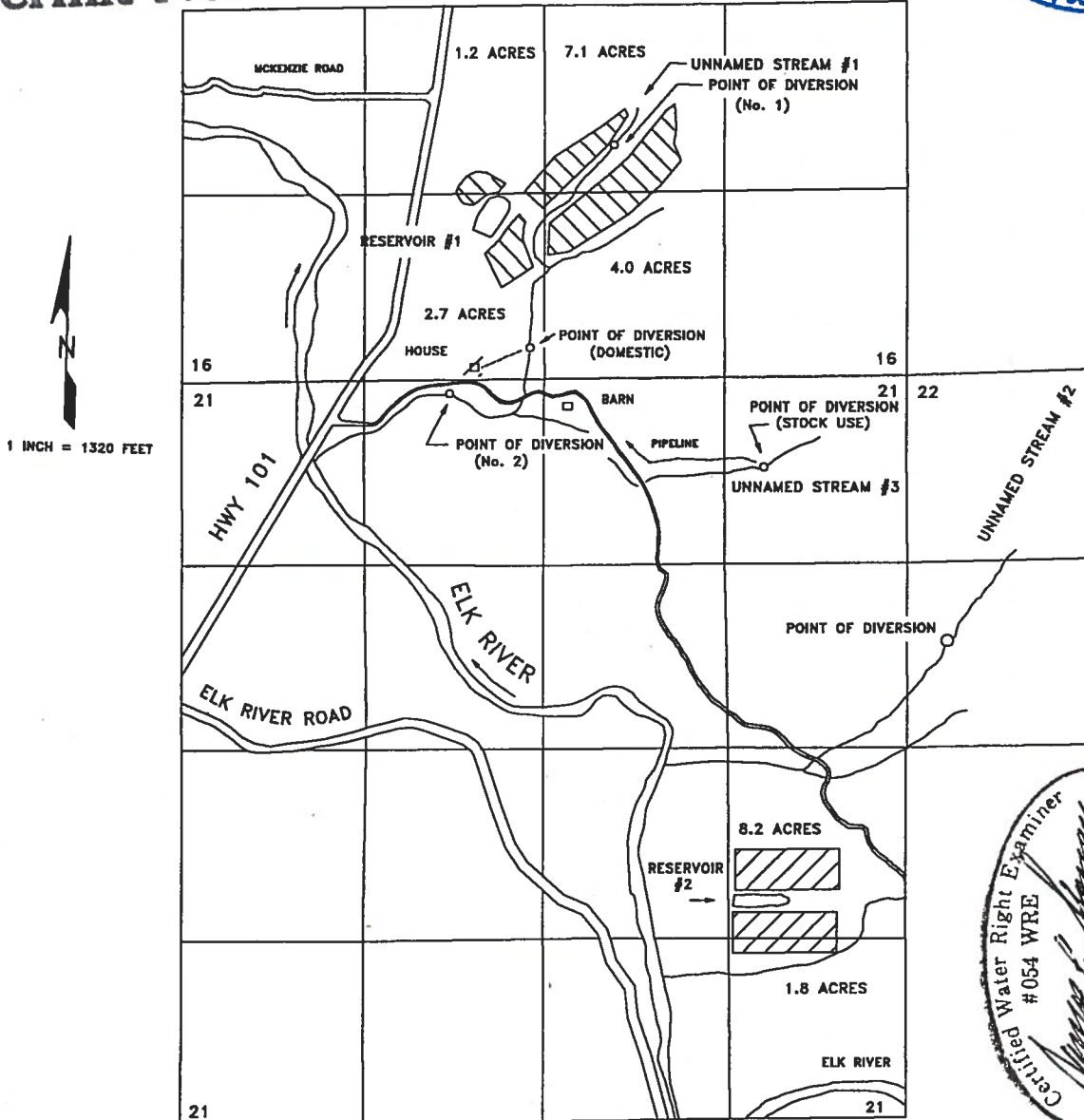
APPLICATION MAP

IN THE NAME OF HOYT LITTERELL

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

Application No. R-72911

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.



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

NOV 27 2002

WATER RESOURCES DEPT.
SALEM, OREGON

REQUEST FOR ASSIGNMENT

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 # S-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.

*OK. ASSIGNMENT
11/17/2002
S. Miller*

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 _____

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 12TH STREET NE
SALEM, OREGON 97301-4172

Application No. R-72911



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

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 construct 2 reservoirs reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: 2 unnamed streams,
a tributary of Elk River.
If not in channel of a stream, state how it is to be filled: Sheet runoff & piped from streams

2. **THE DAM:** The maximum height of the structure will be #1-9.0 feet above stream bed or ground surface at the centerline. #2-9.5
The dam will be (check one) XX earthfill, concrete, flashboard, other.
If "other" give description: Most of the impoundment will be excavated. Maximum height of fill at low point will be as noted.

Give the location, description, and dimensions of the outlet conduit: No outlet conduit - off channel reservoirs

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. **THE USE(s)** of the impounded water will be: Supplemental cranberry use.

4. **THE AMOUNT OF WATER to be stored is:** #1-9.0 #2-9.0 _____ acre-feet.
The area submerged by the reservoir, when filled, will be #1-1.1 #2-0.9 _____ acres,
and the maximum depth of water will be _____ feet.

5. **SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam.** Both will have spillways excavated on original ground adjacent to dam. _____

- 1 - 2' deep - 8' wide - 2:1 side slopes _____
- 2- 2' deep - 8' wide - 2:1 side slopes _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

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

Proposed date construction work will begin 10/1/93

Proposed date construction work will be completed 10/1/94

Proposed date water use will be completed 10/1/95

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.

7. 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 XX 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 XX CWRE _____ Other (Identify in REMARKS section)



8. 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.

REMARKS: Hydraulic fail height will not exceed 9.5 feet. Remainder of
storage will be in Excavated area not subject to failure.

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.

Walter L. Litterell
Signature of Applicant

Oct. 21, 1992
Date

Signature of Co-Applicant, if any

Date

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 27th day of Oct., 19 92, at 8:00 o'clock, A M.

APPLICATION NO: R- 72911

B98

Application No. **7-72911**
Permit No. **R11807**

HOYT LITTERELL
43691 HWY 101
PORT ORFORD, OR

97465

Assigned

Address

Beginning construction

6-19-97

Completion of construction

10-1-98

Extended to

Complete application of water

10-1-99

Extended to

Form 111

A - Form 90

STATE OF OREGON
Office of the Water Resources Director
Salem, Oregon 97310

The terms of your water right permit No. _____, require you to begin on or before _____ actual construction of the works and/or the purchase and installation of the pump and other equipment necessary to your use of water. We have not received the notice of beginning of construction. If you have begun such work you should promptly fill out, sign and forward the notice (Form A) which was attached to your permit.

In case you failed to begin construction work, your right has been lost. In order that the records of this office may be complete without strict notice procedure, a statement of the fact and authorization to cancel the permit would be greatly appreciated.

**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: Litterell Ranch
BY: _____

APPLICATION	<u>below</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 96-7030 OTHER: (IDENTIFY) _____

TOTAL REC'D 25.00

0417 WRD MISC CASH ACCT

*R 72911 - \$12.50
72912 - \$12.50*

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>Assign</u>	\$ <u>25.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

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



RECEIVED

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 541-464-6700
(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 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 541-957-1444
(name of new owner) (phone #)

1564 Westview Drive Roseburg, OR 97470
(address) (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 14th day of January 2003
applicant/permit holder Margaret Fabrizius
Margaret Fabrizius, authorized agent for
Northwest Farm Credit Services, ACA

PLK ASB/BN
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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 57852

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

INVOICE # _____

RECEIVED FROM: Farm Credit Services APPLICATION _____
 BY: _____ PERMIT _____
 TRANSFER _____

CASH: CHECK: # 66/798 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 25.00

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

REDUCTION OF EXPENSE CASH ACCT. \$
 PCA AND OBJECT CLASS VOUCHER #

0427 WRD OPERATING ACCT	
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)			

0437 WELL CONST. START FEE		
0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		

0539 LOTTERY PROCEEDS	
1302 LOTTERY PROCEEDS	\$

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

CLAIM OF BENEFICIAL USE AND SITE REPORT

IN THE NAME OF BOBBY LITTERELL

APPLICATION R-72911 PERMIT R-11807

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 Permit R-11807,
2. Examination of Assessor Map 32-15,
3. Examination of Assessor Map 32-15-16,
4. Examination of Assessor Map 32-15 21,
5. Examination of Assessor Map 32-15 22,
6. Examination of U.S.G.S. Quadrangle Map (Sixes),
7. On-site survey, 3 April, 2000,
7. Interview with Bobby Litterell, 3 April, 2000.

SOURCE

Two un-named streams, tributaries of Elk River.

STORAGE FACILITIES

Two reservoirs; designated Reservoir #1 and Reservoir #2.

Reservoir #1

An off-channel partially excavated reservoir; the excavated material from the reservoir forming the dam.

Dam Top Width: 10 ft.

Maximum Dam Height: 15 ft.

Upstream Slope: 3:1

Downstream Slope: 1 1/2:1

Maximum Water Depth: 12 ft.

Full Pool Surface Area: 1.5 acres

Maximum Storage Capacity: 9.0 acre-feet.

Area Submerged by Reservoir: SE1/4 SW1/4 S16, T32S, R15W, WM.

Dam Location: 620 feet north and 2900 west from the northeast corner of Section 21, being within the SE1/4 SW1/4 Section 16, Township 32 South, Range 15 West, W.M., Curry County.

Staff gage: USGS style "C".

RECEIVED

AUG 24 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

CLAIM OF BENEFICIAL USE - LITTERELL - PERMIT R-11807

Reservoir #2

An off-channel partially excavated reservoir; the excavated material from the reservoir forming the dam.

Dam Top Width: 8 ft.

Maximum Dam Height: 12 ft.

Upstream Slope: 2:1

Downstream Slope: 2:1

Maximum Water Depth: 10 ft.

Full Pool Surface Area: 1.8 acres

Maximum Storage Capacity: 9.0 acre-feet.

Area Submerged by Reservoir: NE1/4 SE1/4 S21, T32S, R15W, WM.

Dam Location: 3640 feet south and 1240 feet west from the northeast corner of Section 21, being within the NE1/4 SE1/4 Section 21,

Township 32 South, Range 15 West, W.M., Curry County.

Staff gage: USGS style "C".

USE

Cranberry Operations.

RECEIVED

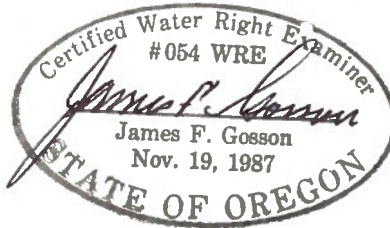
AUG 24 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

CLAIM OF BENEFICIAL USE - LITTERELL - PERMIT R-11807

CERTIFICATION

The Final Proof Survey Map and Site Inspection Report associated with Permit R-11807 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 R-11807.

Bobby Litterell
Signature

Aug. 22, 2000
Date

RECEIVED

AUG 24 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

RECEIVED

FINAL PROOF SURVEY MAP IN THE NAME OF BOBBY LITTERELL

AUG 24 2000

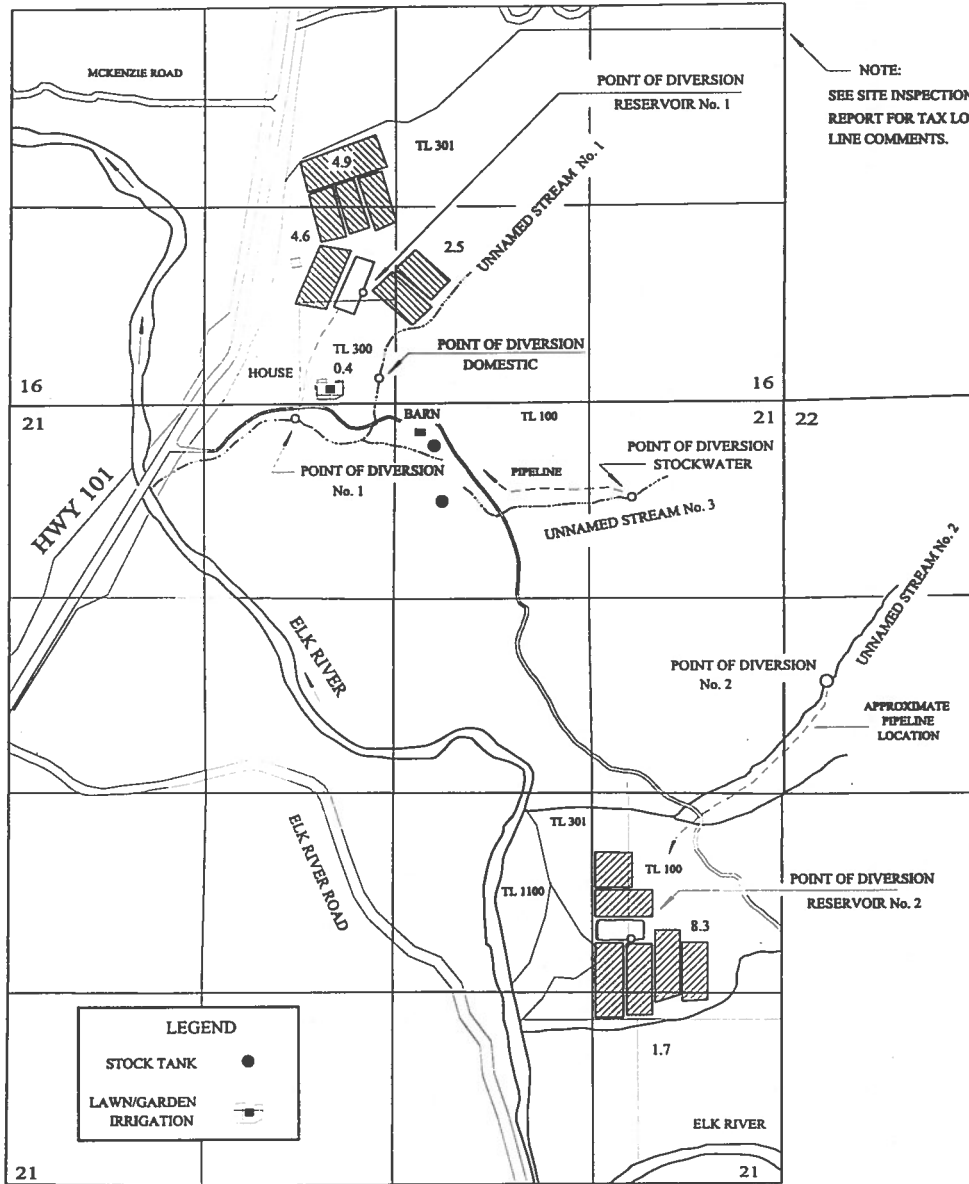
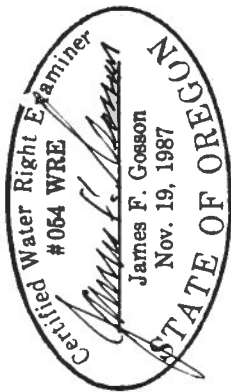
APPLICATION R-72911
S-72912

WATER RESOURCES DEPT.
SALEM, OREGON
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

K 72911 K 11801

RECEIVED

Form C (690-9-77)

AUG 24 2000

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C. WATER RESOURCES DEPT. SALEM OREGON

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. R 72911

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Bobby Litterell, the holder of Permit No. R-11807

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 3 day of April, 2000

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 22 day of Aug, 2000

Bobby Litterell (Signature of Applicant)

43691 Hwy 101, Port Orford, OR (Address) 97465



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
MW Farm

CERTIFIED - RETURN RECEIPT REQUESTED





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 DEPARTMENT OF FISH AND WILDLIFE
HABITAT CONSERVATION DIVISION
2501 SW FIRST P.O. BOX 59 PORTLAND 97207

RECEIVED

DEC 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Requirements
for Small Pump Screens

In accordance with ORS 469.371, 498.248, and other rules, pump screens must be installed on all pumps where the possibility of game fish ingestion exists. Technical requirements for pump screens of less than 0.5 cfs (225 gpm) are summarized in simplified form below:

1 Screen Construction & Materials:

- 1.1 The minimum amount of wetted (submerged) screen surface area required is 1 square inch of screen for each gallon per minute (gpm) of flow. In terms of cubic feet per second (cfs), 3 square feet of screen area are required for cfs). The screen shall be designed so as to uniformly admit water through it, without a disproportionate amount of the water coming through any localized portion of the screen.
- 1.2 The screen mesh shall have 1/8" maximum size holes or slots, measured in their smallest dimension. There is no restriction on the length of slits or slots.
- 1.3 The screen surface shall have a minimum of 40% open area.
- 1.4 The screen material may be wire mesh, perforated plate, or other suitable material.
- 1.5 Any gaps in the screen assembly through which fish might pass shall not exceed 1/8".
- 1.6 There shall be no sharp edges or surfaces exposed which could injure fish. Sharp edges are herein defined as edges of less than .010 inches radius.
- 1.7 Durable material (plastic, stainless steel, brass, etc) is recommended to ensure continued usefulness and ease of maintenance.

2 Larger Screens: For all other screens (i.e. dams, gravity diversions), and for all pump screens larger than 0.5 cfs, contact the ODFW Fish Passage Program at 229-5410 x466 for further information.

3 Self-Certification: ODFW does not usually inspect small pump screens of less than 225 gpm (0.5 cfs), but simply furnishes the above screening information to the water right applicant.

After required fish screening has been installed, sign the certification below and present this letter to the OREGON WATER RESOURCES DEPARTMENT, 158 12th St, NE, Salem, OR, 97310 as evidence of meeting ODFW screening requirements.

Certification: I certify that my small pumped diversion of less than 225 gallons per minute meets the fish screening criteria stated above, and that I will maintain it to comply with regulatory criteria. I also understand that should fish screening standards change, I may be required to modify my installation to meet applicable standards.

Hoyt Litterell
Signature of Applicant

Dec. 11, 1996
Date

R-72911
WR Application #

Hoyt Litterell; 43691 Hwy 101; Port Orford, OR 97465
Printed Name, Address, City, State, Zip Code

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-72911

WATERMASTER # 19

REGIONAL MANAGER: SW Region

ODF&W - Curry County: James F. Gosson

CWRE (if agent):

DEQ

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

TOWNSHIP 32 S RANGE 15 W W.M. SECTION 16

NE				NW				SW				SE				APPLICA- TION 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;"> 15⁰⁰ Dom 15.808 </div>																		
<div style="display: flex; justify-content: space-between;"> T-6838 18462 14077 15415 </div>																		
<div style="display: flex; justify-content: space-between;"> R-30906 R-1920 30250 </div>																		
<div style="display: flex; justify-content: space-between;"> 30907 24440 30251 </div>																		
<div style="display: flex; justify-content: space-between;"> R-71828 </div>																		
<div style="display: flex; justify-content: space-between;"> 71829 </div>																		
<div style="display: flex; justify-content: space-between;"> 26⁵ 8⁴ 6⁶ 7⁰ 11² 12 7-22 </div>																		
<div style="display: flex; justify-content: space-between;"> 72912 </div>																		
<div style="display: flex; justify-content: space-between;"> R-72911 </div>																		
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<div style="display: flex; justify-content: space-between;"> 4⁶ 5² 5⁴ 4⁸ </div>																		
<div style="display: flex; justify-content: space-between;"> T-6838 (C-15415) </div>																		

(SEE BACK OF CARD FOR PLAT OF SECTION)

ver
ver

TOWNSHIP 32 S RANGE 15 W W.M. SECTION 21

NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
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<div style="display: flex; justify-content: space-between;"> 13⁸ 27601 21744 19655 36420 </div>																		
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<div style="display: flex; justify-content: space-between;"> 39740 29631 36859 </div>																		
<div style="display: flex; justify-content: space-between;"> 4⁴ 5⁶ 5⁶ 16⁴ 5² </div>																		
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<div style="display: flex; justify-content: space-between;"> 55884 41917 65201 </div>																		
<div style="display: flex; justify-content: space-between;"> 21⁰ 4⁰ </div>																		
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<div style="display: flex; justify-content: space-between;"> 14² 5⁰ </div>																		
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<div style="display: flex; justify-content: space-between;"> 72912 </div>																		

(SEE BACK OF CARD FOR PLAT OF SECTION)

NOT

COMPLETED
UC 10-3-95

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
R - 72911	10/3/95	GERRY

200 Exam
100 18 ACFT

300 Total

200 Received

\$100 needed

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.

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
Salem, 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.¹

¹ 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.

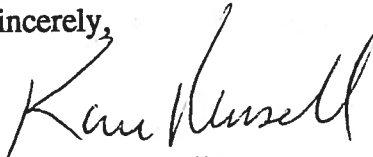
Failure of the State to look for or provide other sources of water, in the face of potential listing of the coastal coho creates expectations for water that may not be fulfilled if/when the species are listed. Instream flows in the creek provide critical habitat for fish - without water instream there 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 cursive script that reads "Karen Russell". The signature is written in black ink and is positioned above the printed name and title.

Karen A. Russell
Assistant Director

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 272911 ✓

WATERWATCH ✓

ODF&W ✓

WATERMASTER # 19 ✓

REGIONAL MANAGER - SLW ✓

CWRE - James F GOOSON ✓

DEO ✓

KEN STAHR ✓

OTHER ADDRESSES:

CASEWORKER 25

ORIGINAL TO APPLICANT 12/03/93

REFUND

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: R 72911

(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>U</u>	Completeness <u>Fees</u>
<u>S</u>	Land Use <u>not found</u>
<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>240</u>
Recording fee:	\$	<u>40</u>
TOTAL REQUIRED	\$	<u>280</u>
TOTAL SUBMITTED	\$	<u>200</u>
AMOUNT DUE prior to issuance of permit	\$	<u>80</u>
AMOUNT OVERPAID refund due applicant	\$	<u>150</u>

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

(7) S MAP: 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 STORAGE use(s) is/are classified uses(s) under the S. COAST Basin Program, OAR 690 -517-0018)
- (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.

DATE	INITIALS
10-27-92	N. J.M.
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
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_____	_____

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 _____

_____	_____
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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 _____

11/3.	<i>[Signature]</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: _____

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?

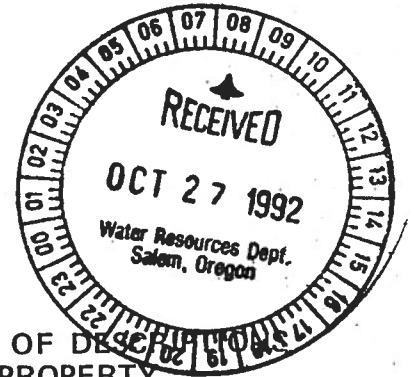
We request copies of the draft permit and the Department's technical analysis of this application.

Sincerely,

Jim Myron

bc:

Application No. **R72911**
 Permit No. **72912**

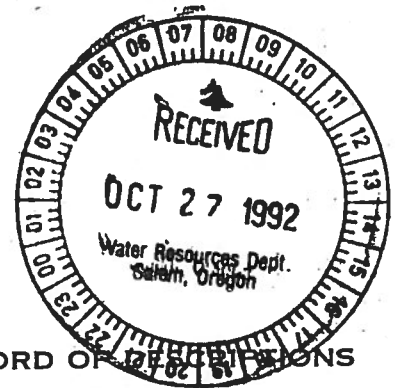


32	15	21			301			2-3
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In REAL PROP.	CODE AREA NUMBER
MAP NUMBER					TAX LOT NUMBER			
FORMERLY PART OF 300								

OFFICIAL RECORD OF DEEDS
 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 1/4 of sd sec 21; th alg the N-S 1/4 li N 00° 40' E 2636.6'; th alg the E-W 1/4 li N 89° 41' W 1287.0'; th N 1530.0'; 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 1/4 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; 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'; 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/l to the place of Beg</p> <p>JV 90-4400 NOV - 8 1989</p>	WD 10-23-89	ER157	632	18.82

Application No. 72912
 Permit No.



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

32	15	21		100		22-7	22-5	2-3
TWP.	RGE	SEC	1/4	TAX LOT NUMBER	TYPE	SPEC INT. IN REAL PROP.		CODE AREA NUMBER
MAP NUMBER				ACCOUNT NUMBER				

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.)	7-26-67			
	Hy r/w (BR 4-196) 0.50	9-12-67			244.50
	Easement BR 10-57 Ref.	3-14-69			
	Ref. Only-Access Road Easement BR13/743	2-26-70			244.50
	JVO 82-1912 Bargain & Sale Deed	3/18/81	BR83-790		244.50
	JVO 89-1663 Split Code-Sixes River RFPD	5-4-88			
	JV090-2851 & 2852 Code Change correcting JV089-1662 & 1663	12-19-88			244.50

Application No. 72912
 Permit No.



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

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

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	R/4 /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.	
	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 3/442)	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
	PORTION REMAINING: SE½SE½SW½				
	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 ins91-5829		10.00
	JVO93-354 Death Cert. Ref. Only Affidavit of Claiming Successor Testate	5-19-92 Est9-30-92	ins92-3259 INS92 7321		10.00

Application No. 72912

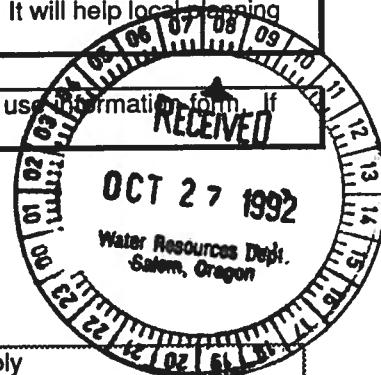
Planning Official Initials: _____

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

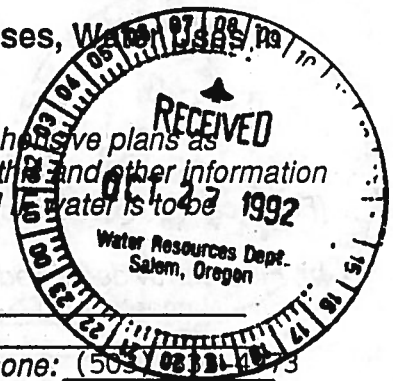


Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- 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-Feet
<input checked="" type="checkbox"/> Reservoir or pond (2)	
<input type="checkbox"/> Ground Water	

**Land Use Information Form: Permits, Hydroelectric Licenses, Water Right 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) 883-1473

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 TT	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.

Land uses to be served by proposed water uses

Oregon Water Resources Department
 3850 Portland Rd. NE
 Salem, OR 97310
 378 - 3671

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



DRAFT

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

HOYT LITTERELL
43691 HIGHWAY 101
PORT ORFORD, OREGON 97465

503-332-4973

to construct TWO UNNAMED RESERVOIRS and to store the waters of TWO UNNAMED STREAMS, tributaries of ELK RIVER, to be appropriated under Application 72912, Permit , for CRANBERRY OPERATIONS.

This permit is issued approving Reservoir Application R-72911. The date of priority is OCTOBER 27, 1992. The amount of water entitled to be stored each year is not more than 18.0 ACRE-FEET (AF), BEING 9.0 AF IN EACH RESERVOIR.

The dams will be located as follows:

SE 1/4 SW 1/4, SECTION 16, NE 1/4 SE 1/4, SECTION 21, T 32 S, R 15 W, W.M.

The total area proposed to be submerged by the reservoir 1, when full, is 1.1 acres; the proposed maximum depth of water is feet. The maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by the reservoir 1, when full, is 0.9 acre; the proposed maximum depth of water is feet. The maximum height of the dam shall not exceed 10.0 feet.

The area to be submerged by the reservoir is located within:

SE 1/4 SW 1/4
SECTION 16
NE 1/4 SE 1/4
SECTION 21
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provisions of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1994. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1995.

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.

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.

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.

Application R-72911 Water Resources Department

PERMIT R-

DRAFT

PAGE TWO

The storage 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.

Issued this date,.

Water Resources Department
Martha O. Pagel
Director

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-72911

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, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

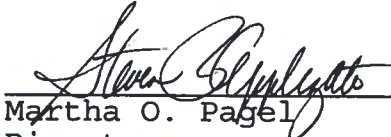
Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

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 R-72911 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number R-11807 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.



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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **20854**

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

INVOICE # _____

RECEIVED FROM: <u>Farm Credit Services</u>	APPLICATION <u>R 72911</u>
BY: _____	PERMIT <u>11807</u>
	TRANSFER

CASH: CHECK: # 66-156 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 30.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>assignment</u>	\$ <u>30.00</u>
(New) TC165 DEPOSIT LIAB. (IDENTIFY) _____	\$

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

	LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **20854**

DATED: 5-1-78

BY: D. Bushnell

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

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 # R 72911 + 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 of Certificate of 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 24 day of April, 1998

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,)
County of Marion.) ss

I certify that the within was received by me on the 15th 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
DSM

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 15th day of
May, 1998, at 8 o'clock
A. m., and was recorded in the
Miscellaneous Records, Vol. 8
Page 175

Water Resources Director

R 72911

Control No. 47000089

Paid To:
WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OR 97310-0210

Comments:
REQUEST FOR ASSIGNMENT OF WATER
PERMITS R-11807 AND 52289
LITTERELL RANCH, LLC HOYT & BOBBY
LITTERELL NW FARM CREDIT SERVICES

Mail To:
LITTERELL RANCH LLC
43691 HIGHWAY 101
PORT ORFORD OR 97465

Date	04/30/98
Amount	\$30.00
Cust No.	150-470-040565
Account No.	441-01-999

MEMO:

DETACH BEFORE DEPOSITING



Farm Credit Services

RECEIVED

MAY 01 1998

WATER RESOURCES DEPT.
SALEM, OREGON

2222 N.W. Kline Street
P.O. Box 1490
Roseburg, Oregon 97470-0356
541/673-3248 FAX 541/672-6695

April 30, 1998

Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Re: Water Right Permit Nos. R-11807, 52289.

Please file the enclosed Assignment of Water Rights on the above referenced permits.

Our check no. 47000089 in the amount of \$30.00 is enclosed to cover filing charges.

The Assignment identifies Northwest Farm Credit Services, ACA interest as security for a loan. Please send copies of all notices and correspondence affecting the above referenced permits to the following:

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

If you have any questions, please call me at (541) 673-3248.

Sincerely,

Marilyn Haun
Financial Specialist

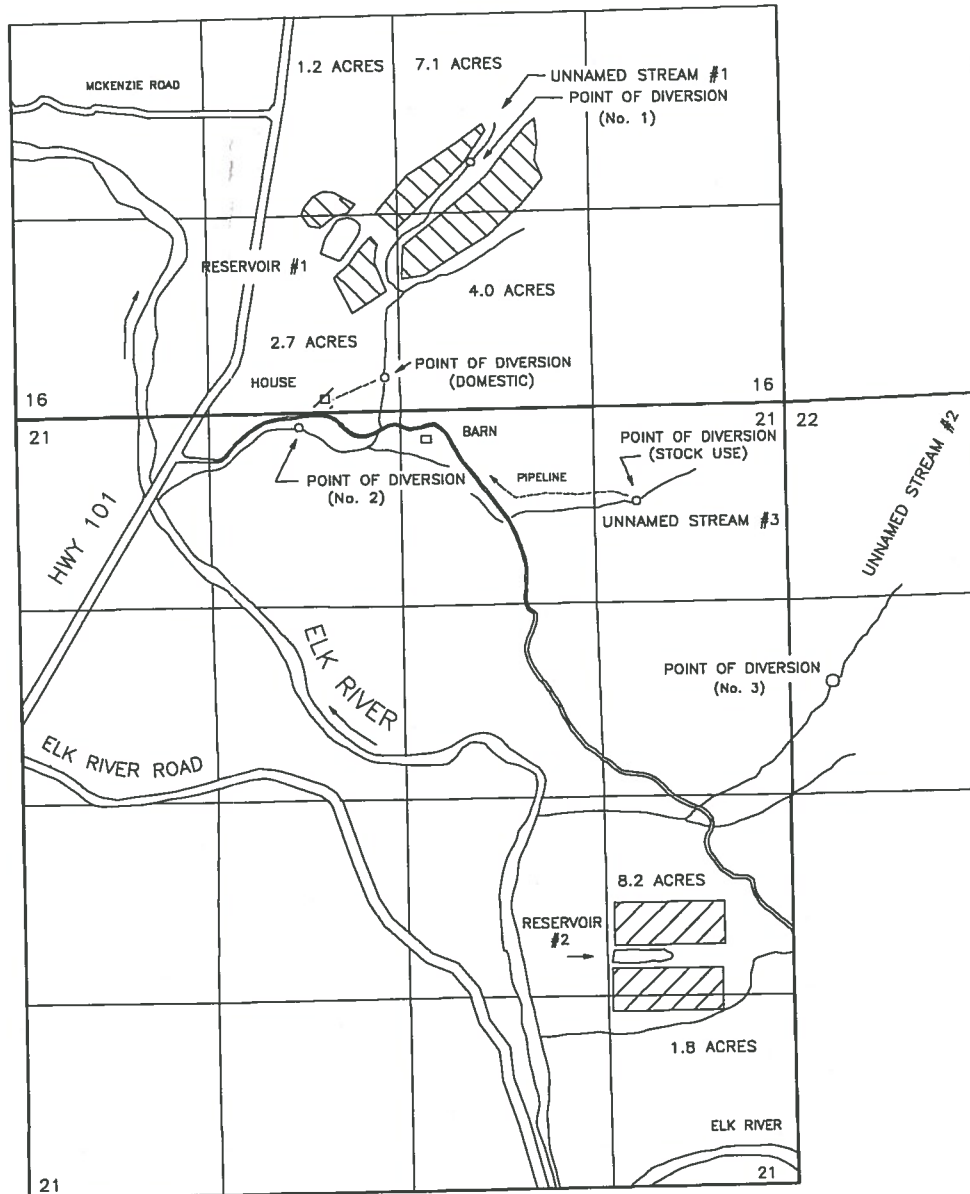
541-464-6700

Enclosures

SUPERCEDED RECEIVED

APR 26 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 # R11807

WATER RESOURCES DEPT.
SALEM, OREGON

MAY - 9 1996

RECEIVED

72911
72912

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE 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: R-72911

SOURCE OF WATER: TWO UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-72912, PERMIT 52289 FOR CRANBERRY OPERATIONS

VOLUME OF USE: 18.0 ACRE-FEET (AF), BEING 9.0 AF IN RESERVOIR #1 AND 9.0 AF IN RESERVOIR #2

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 27, 1992

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY THE RESERVOIRS, WHEN FULL, IS 1.1 ACRES IN RESERVOIR #1 AND 0.9 ACRE IN RESERVOIR #2. THE PROPOSED MAXIMUM DEPTH OF WATER IS 9.5 FEET IN RESERVOIR #1 AND 9.5 FEET IN RESERVOIR #2. THE MAXIMUM HEIGHT OF THE DAMS WILL NOT EXCEED 9.5 FEET.

LOCATION OF DAMS: SE 1/4 SW 1/4, SECTION 16; NE 1/4 SE 1/4, SECTION 21, T32S, R15W, W.M.; RESERVOIR #1 - 1040 FEET NORTH & 3095 FEET WEST, RESERVOIR #2 - 3820 FEET SOUTH & 1230 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 21

THE AREA TO BE SUBMERGED BY THE RESERVOIRS IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4
SECTION 16

NE 1/4 SE 1/4
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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening 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, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

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

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


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

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

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

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

Issued June 19, 1996

for 
Martha O. Pagey, Director
Water Resources Department

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



FO CHECKLIST

PFO TO FO CONVERSION

FILE # 72 911

REVIEW DATE: 04 /23 /1996

WEEK # WEEK 32

INITIALS : LLS

Week 32

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. *paid* 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? *200
100
300*
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?
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

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	<input checked="" type="radio"/> CORY	JERRY	DOUG

Modify FO as needed to:

INITIALS : CL

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 & delete duplicates
15. Print final draft of document and submit to team leader for review
16. Y / N Team leader review completed

EX

Fish District: Lower Rogue/South Coast

WAB #

Application # R-72911

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 Reservoir Special

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.

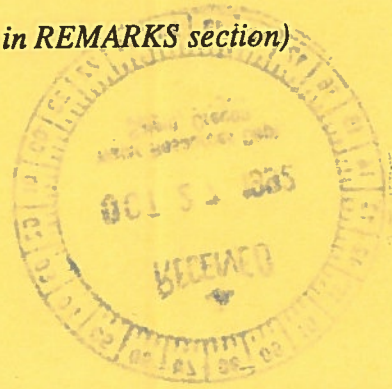
4. THE AMOUNT OF WATER to be stored is: #1-9.0 #2-9.0 acre-feet.
The area submerged by the reservoir, when filled, will be #1-1.1 #2-0.9 acres,
and the maximum depth of water will be _____ feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. Both will have spillways excavated on original ground adjacent to dam.
1 - 2' deep - 8' wide - 2:1 side slopes
2- 2' deep - 8' wide - 2:1 side slopes

6. PROJECT SCHEDULE: (List month and year)
Proposed date construction work will begin 10/1/93
Proposed date construction work will be completed 10/1/94
Proposed date water use will be completed 10/1/95

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.

7. 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 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 CWRE _____ Other (Identify in REMARKS section)



8. 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.

REMARKS: Hydraulic fail height will not exceed 9.5 feet. Remainder of storage will be in Excavated area not subject to failure.

APPLICATION NO: R-72911

A: APPFORM 9/89

Application No. R-72911



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

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 construct 2 reservoirs reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: 2 unnamed streams,
a tributary of Elk River.
If not in channel of a stream, state how it is to be filled: Sheet runoff & piped from streams

2. THE DAM: The maximum height of the structure will be #1-9.0 feet above stream bed or ground surface at the centerline. #2-9.5
The dam will be (check one) earthfill, concrete, flashboard, other.
If "other" give description: Most of the impoundment will be excavated. Maximum height of fill at low point will be as noted.

Give the location, description, and dimensions of the outlet conduit: No outlet conduit - off channel reservoirs

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: Supplemental cranberry use.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of)	PROPOSED
Reservoir Application)	FINAL
R-72911 submitted by)	ORDER
HOYT LITTERELL		

FINDINGS OF FACT

Water Use Request

1. HOYT LITTERELL requested to construct TWO UNNAMED RESERVOIRS and to store the waters of TWO UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER, TO BE APPROPRIATED UNDER APPLICATION 72912 for CRANBERRY OPERATIONS within the South Coast Basin.
2. The amount of water to be stored in TWO Reservoirs each year is not more than 18.0 ACRE-FEET (AF), being 9.0 AF in Reservoir 1 and 9.0 AF in Reservoir 2.
3. The area to be submerged by TWO Reservoirs is located in Curry County within SECTION 16 (Reservoir 1) and SECTION 21 (Reservoir 2), TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.
4. The total area proposed to be submerged by the TWO reservoirs, when full, is 1.1 acres in Reservoir 1 and 0.9 acres in Reservoir 2. The proposed maximum depth of water is 9.5 feet in Reservoir 1 and 9.5 feet in Reservoir 2. The maximum height of the dams will not exceed 9.5 feet
5. The request was made in Application R-72911 which was received by the Water Resources Department on October 27, 1992.

Affected Waters

1. TWO UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER, are not within or above a State Scenic Waterway.
2. ODFW has advised that these reservoirs have a low probability for negative impact to aquatic life in the subject stream. The installation of fish screening and by-pass devices though not required at this time may be required in the future.
3. There are senior water rights on TWO 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. STORAGE for CRANBERRY OPERATIONS is allowed under the South Coast Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water is available for storage and further appropriation (at a 80 percent exceedance probability) for the period December 1 through March 30.
 - 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 R-72911, 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. Dam Construction Standards (OAR Chapter 690, Division
 - d. The amount of water available in TWO UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER
 - 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. Water availability was assessed using an incorrect exceedance probability (80%) and the volume of water to be stored in Reservoir 2 was incorrectly identified in the technical review.
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. Water may be appropriated for storage during the period: November 1 through April 30.

4. The Department finds that no more than 18.0 AF would be beneficial for CRANBERRY OPERATIONS. The amount of water requested, 18.0 AF, being 9.0 AF in Reservoir 1 and 9.0 AF in Reservoir 2, is allowable for the proposed use.

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 proposed conditions, would not result in injury to existing water users.

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

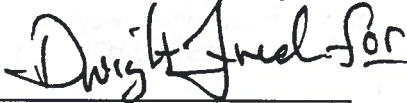
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached 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 R-72911 in the name of HOYT LITTERELL be approved for CRANBERRY OPERATIONS 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 STORE 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: R-72911

SOURCE OF WATER: TWO UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: To be appropriated under Application S-72912 for CRANBERRY OPERATIONS.

VOLUME OF USE: 18.0 ACRE-FEET (AF), BEING 9.0 AF IN RESERVOIR 1 AND 9.0 AF IN RESERVOIR 2 EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 27, 1992

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY THE TWO RESERVOIRS, WHEN FULL, IS 1.1 ACRES IN RESERVOIR 1 AND 0.9 ACRES IN RESERVOIR 2. THE PROPOSED MAXIMUM DEPTH OF WATER IS 9.5 FEET IN RESERVOIR 1 AND 9.5 FEET IN RESERVOIR 2. THE MAXIMUM HEIGHT OF THE DAMS WILL NOT EXCEED 9.5 FEET.

LOCATION OF DAMS: (1) SE 1/4 SW 1/4, SECTION 16, T32S, R15W, W.M.;
(2) NE 1/4 SE 1/4, SECTION 21, T32S, R15W, W.M.;

THE AREA TO BE SUBMERGED BY THE RESERVOIRS IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4
SECTION 16 (RESERVOIR 1)
NE 1/4 SE 1/4
SECTION 21 (RESERVOIR 2)
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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee 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.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

Regulating devices shall be installed pursuant to ORS 540.310. Plans and specifications shall be approved by the watermaster before installation. Work shall be done under the general supervision of the watermaster. Weirs may be required both upstream and downstream of the reservoirs.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

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. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application R-72911 Water Resources Department
Basin 17 Volume 3 Elk River & Misc.
KL

PERMIT DRAFT
District 19

December 30, 1993

HOYT LITTERELL
43691 HIGHWAY 101
PORT ORFORD, OR 97465

Reference: File R 72911

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.



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.

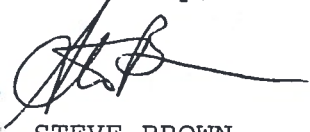
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before March 11, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water 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 - R 72911

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

Purpose and/or use: STORAGE

Volume: RESERVOIR 1 - 9.0 acre-feet
RESERVOIR 2 - 9.5 acre-feet

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.

Place of use:

SESW

Section 16

T 32 S, R 15 W, W.M.

NESE

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 18.5 acre-feet is likely available for 4 months. 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. Water may be appropriated for storage during the period: December 1 through March 30 of each year
3. Volume of use: Reservoir 1 - 9.0 acre-feet
Reservoir 2 - 9.5 acre-feet
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.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

- ✓ 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 total area proposed to be submerged by the Reservoir 1, when full is 1.1 acres; the proposed maximum depth of water in feet is 9.5; the maximum height of the dam is 9.5 feet. The total area proposed to be submerged by the Reservoir 2, when full is 0.9 acres; the proposed maximum depth of water in feet is 9.5; the maximum height of the dam is 9.5 feet.
- ✓ 10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
- + 11. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.
- + 12. Regulating devices shall be installed pursuant to ORS 540.310. Plans and specifications shall be approved by the watermaster before installation. Work shall be done under the general supervision of the watermaster. Weirs will be required both upstream and downstream of the reservoirs.

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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 cursive script, appearing to read "A. Mirati, Jr.".

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



TO: Steve P. Applegate
Manager, Water Rights Div.

FROM: John P. Drolet *JPD*
Watermaster, District XIX

SUBJECT: Recommendations for Permit Conditions

DATE:

11-02-95

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WATER RESOURCES DEPT.
SALEM, OREGON

Steve, reference is made to an earlier conversation during which we discussed the appropriateness of field recommendations for permit conditions. Permit condition recommendations are listed below for the following pending applications:

I. Permit Conditions (if reservoir is in channel):

- A. Require weir or other suitable measuring device upstream and downstream from the reservoir,
- B. Require a controllable and lockable headgate or gate valve located at natural stream elevation,
- C. Require all pumping from the reservoir to be metered,
- D. Require watermaster approved staff gauge with a range that extends from dead pool storage to maximum reservoir elevation.

application #'s R-71744, R-71720, R-72911, R-73461, R-73943, R-73854, R-73855, R-73856, and R-74428.

II. If the above reservoirs are not in channel:

- A. Require all pumping into and out of the reservoir to be metered, and
- B. Require watermaster approved staff gauge with a range that extends from dead pool storage to maximum reservoir elevation.

Steve, if these recommended permit conditions should more appropriately be directed to another member of you staff, please let me know who that might be.

Also, please let me know if you think that the above recommendations can not be incorporated into the permits as conditions.

JPD/dt

CF: AJC



TO: Alan J. Cook
SW Regional Manager

FROM: John P. Drolet *JPD*
Watermaster, District XIX

SUBJECT: New Applications--Inadequate Water

DATE: 11-02-95

REF: file #'s R-71744, R-71720, R-72911, R-73461,
R-73854, R-73855, R-73856, and R-74428

Al, one of the trends in permit issuance is to condition water use permits to allow water use for only those months when water availability reports indicate adequate flow.

Certain types of agricultural water uses are more suited to these restrictions than other uses. Most pastures can go without water during late summer with no long term permanent damage; the grasses go into dormancy, production falls, stock have to be moved; but the pasture should recover with seasonal rains and the reapplication of water during the next irrigation season.

Most of the proposed final orders crossing my desk for cranberry production also have monthly prohibitions for surface water use but additionally allow water use from storage. My level of anxiety is elevated when the period of allowed water use from a surface water source is so restrictive as only to allow water use during the winter months. The applicant must then rely on storage for the remainder of the year for all uses (irrigation, heat control, frost protection, and flood harvest).

With most of the pending applications, the quantity of stored water appears to be inadequate for the uses and the acreage applied for. Please see attachment for examples.

Cranberries are a high value crop. By allowing permits to be issued with inadequate water supplies, are we in some way encouraging future water theft with the resultant distribution problems? If we can not withhold issuance of the permit on common sense grounds, can we at least have some statement written into a cover letter or into the text of the permit that says something to the effect that we believe that the allowed water use may periodically be inadequate and the permit holder should be aware that the use may be subject to periodic regulation?

My preference would be to withhold permit issuance unless the applicants can demonstrate, when our concerns are brought to their attention, that they do have adequate stored water to meet use demands.

Your thoughts???

JPD/dt

CF: Dwight French (for files)

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WATER RESOURCES DEPT.
SALEM, OREGON

<u>file #</u>	<u>Applicant</u>	<u>Acreage</u>	<u>Storage</u>	<u>Period</u>	<u>Sfc H2O Use</u> <u>Not Allowed</u>
R-71744	Aten	10 ac	8 af		July-November
R-72130	Gant	8 ac	9 af		April-December
R-72911	Litterell	25 ac	18 af		August-December
R-73461	Peck	14 ac	27 af		May-December
R-73854	Fugate	70 ac	108 af		April-December
R-73855	" "				
R-73856	" "				
R-74428*	Boak	12 ac	3 af		April-February

* (The Boak application is a good example. How can we in good conscience issue a surface water permit for 12 acres of cranberry use, tell the grower that he can only use surface water in February and March and expect him to get through irrigation and flood harvest of 12 acres with 3 af of stored water? I do not think that we are doing the applicant or the Department a service by glossing over these issues.)

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SALEM, OREGON

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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:

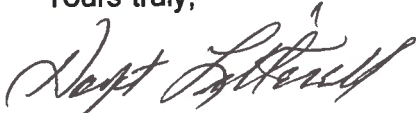
1. Restriction in period of use (April - October) is based on the instream water right filing on Elk River. Water availability computations should not be done until the instream water right is issued and the final figures are known.
2. According to the local Oregon Department of Fish and Wildlife biologist, 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

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WATER RESOURCES DEPT.
SALEM, OREGON

Reservoir 1-1.0 AF off-channel
Reservoir 2-9.0 AF

PFO CHECKLIST

16
22
SESW - POD 1
SWNW -
NENW - POD 2
SESW - # Res #1
NESE - Res #2

APPLICATION # R 72911
BASIN - SUBBASIN 17 - South Coast
RIVER MILE Elk R >
WAB # 2300
POU-WAB 2300

POD LOCATION: T 325 R 15W, SEC 21 1/4 1/4
POU LOCATION: T 325 R 15W SEC 16 1/4 1/4
PRIORITY DATE: 10/27/92
COUNTY: Curry County
PROPOSED USE: STORAGE for Supp CRANBERRY Use

- DATE TR/IR SENT: 12/30/93 ^{SAT TR} TR/IR VALID (Y/N) N MODIFICATIONS (Y/N) Y Res # 2 = 9.0 ac - A
DEFINE TR/IR MODIFICATIONS Water avail @ 50% (STORAGE)
- ADD'L CONDITIONS? (ie Fish Screens, etc.): low priority -> fish screens in future
- LAND USE: APPROVED DISCRETIONARY - OBTAINED NOT OBTAINED
- OBJECTIONS: Water Watch; Applicant
- ISSUES HINDERING PROCESS (IE. PROTEST, INCOMPLETE, REQUEST TO HOLD, ETC.)
Max. depth of reservoirs?
- DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
 - BASIN PLAN (CURRENT, PREVIOUS - (YEAR) WILLAM, JOHN DAY, UMAT., GOOSE & SUMMER)
USE & SEASON ALLOWED BY BASIN PLAN Cranberry -> IRRIG (Div 500); IRRIG Allowed
 - WITHDRAWAL: (ORS 538), STATE ENG., BASIN MAP - SEASON (also Agricul add)
 - ABOVE/WITHIN SWW (Y/N); WHICH? EXCEPTIONS (H, LV, 1/2AC)
 - TMDL BASIN? (PUDDING, TUALATIN, YAMHILL)
- TR/IR WATER AVAIL VERIFIED? (Y/N) TR used 80% for STORAGE WA PREDATES WA TABLES FROM wars (Y/N): Y
CFS; 18.0 AF; MONTHS AVAIL Nov 1 - Apr 30, 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 cut of App exempt HC, LV
(cut exempt 1R/2ac but App more restrictive)
- USE FROM BOR/COUNTY PROJECT? IS SIGNED CONTRACT IN FILE? (Y/N)
- 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)
- 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)
- CONFLICTS IDENTIFIED IN TR/IR - CORRECT? VERIFIED CONFLICT CHECK:
NCR ATTACH FINAL PROOF MAP W/CONFLICT
- IRRIGATION/STORAGE SEASON NONE IN S. Coast Basin (DECREE, BASIN PLAN, PERMIT, GENERIC)
RATE & DUTY (DECREE, BASIN PLAN, PERMIT, GENERIC)
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
- M SMALL (< 0.1 cfs / < 9.2 af), MEDIUM (0.1 - 1.5 cfs / 9.2 - 100 af), LARGE (> 1.5 cfs / > 100 af)
9.0 af + 9.0 af = 18 af
- COMBINED PERIOD OF ALLOWED USE (SUMMARY) STORAGE: Nov 1 - Apr 30, July (water avail)
Dec 1 - Mar 30 & July (to match)
S-72912
- WATERMASTER # 19
- REGIONAL MANAGER (SW, SC, E, NW, NC) [TR: storage Dec 1 - March 30]
- VOLUME # ADDED & 674 DUMP CHECKED & SPELL ✓ HAS BEEN COMPLETED
- COMPLETE PFO CC: LIST
- SAVE TO M:\T\PFO\DONE\APP #

NAME _____ DATE _____ REVIEWED BY _____ DATE _____

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

R-72911

WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 50
 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	YES	NO	NO	YES	NO	NO	NO	YES	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: 50
 Time: 15:59 Date: 10/12/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	2300000000000000	ELK R	YES	487.0
2	2300000000000000	ELK R	YES	573.0
3	2300000000000000	ELK R	YES	483.0
4	2300000000000000	ELK R	YES	131.0
5	2300000000000000	ELK R	NO	-1.1
6	2300000000000000	ELK R	NO	-4.2
7	2300000000000000	ELK R	YES	27.0
8	2300000000000000	ELK R	NO	-4.8
9	2300000000000000	ELK R	NO	-2.2
10	2300000000000000	ELK R	NO	-71.6
11	2300000000000000	ELK R	YES	109.0
12	2300000000000000	ELK R	YES	617.0
Stor	2300000000000000	ELK R	YES	145000.0

NO WATER May 1 - June 30 & Aug 1 - Oct 31

due to ISWR

→ HC & LV allowed May 1 - June 30 & Aug 1 - 2

→ Dom Exp allowed Nov 1 - Apr 30, July

no storage in July

MM 10/17/25

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
 Stream: ELK R > PACIFIC OCEAN
 Water Availability Subbasin: 2300000000000000
 Exceedance Level: 50
 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	870.00	0.00	870.00	2.52	867.00	380.00	487.00
2	956.00	0.00	956.00	2.59	953.00	380.00	573.00
3	866.00	0.00	866.00	2.51	863.00	380.00	483.00
4	511.00	0.00	511.00	0.45	511.00	380.00	131.00
5	262.00	1.00	261.00	0.15	260.85	262.00	-1.15
6	157.00	4.00	153.00	0.15	152.85	157.00	-4.15
7	92.90	5.70	87.20	0.16	87.00	60.00	27.00
8	59.80	4.60	55.20	0.15	55.05	59.80	-4.75
9	51.20	2.00	49.20	0.15	49.05	51.20	-2.15
10	78.80	0.30	78.50	0.15	78.40	150.00	-71.60
11	489.00	0.00	489.00	0.44	489.00	380.00	109.00
12	1000.00	0.00	1000.00	2.58	997.00	380.00	617.00
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	4/1/80 70895A 11/5/90 0 RM 13.0 (April Creek to Mouth) except HC, LV				
1	300.0	380.0	0.0	0.0	0.0	380.0 A
2	300.0	380.0	0.0	0.0	0.0	380.0 A
3	225.0	380.0	0.0	0.0	0.0	380.0 A
4	225.0	380.0	0.0	0.0	0.0	380.0 A
5	225.0	262.0	0.0	0.0	0.0	262.0 A
6	80.0	157.0	0.0	0.0	0.0	157.0 A
7	45.0	60.0	0.0	0.0	0.0	60.0 A
8	45.0	59.8	0.0	0.0	0.0	59.8 A
9	45.0	51.2	0.0	0.0	0.0	51.2 A
10	150.0	78.8	0.0	0.0	0.0	150.0 C
11	300.0	380.0	0.0	0.0	0.0	380.0 A
12	300.0	380.0	0.0	0.0	0.0	380.0 A

Cert 59869 This ISWR shall not have priority over appropriations of water for human consumption, livestock consumption & irrig of non-comm garden not to exceed 1/2 acre in area of waters legally released from storage

Basin: ELK RIVER 80²

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

what is this?