

KENNETH R STODDARD
STODDARD, MARY A
27228 HERMAN RD
GOLD BEACH, OR 97444

Stream Index, Page No. 17

Date Certificate issued _____

REMARKS

52714

H.J. NEWHOUSE

LAND SURVEYOR • OR 402 • CA 3605

May 28, 1998

POST OFFICE BOX 360
WEDDERBURN, OREGON 97491
TELEPHONE (503) 247-6923

Oregon Water Resources Dept.
Commerce Bldg.
158 12th St. NE
Salem, Ore. 97310-0210

RECEIVED

JUN - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Subject: Kenneth and Mary Stoddard
Final Proof Survey

Currant Adress: 27228 Herman Road , Gold Beach, Ore. 97444

Under Application #S-76671
Permit #52714

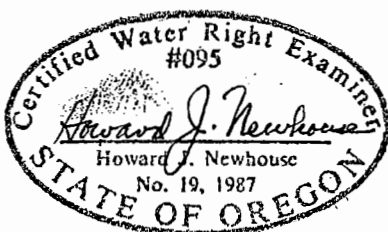
Location: Source SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T.37S., R.14W., W.M.
Place of use SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T.37S., R.15W. W.M.

We examined the water system on Feb. 26, 1998. The diversion point is a rock dam at a spring area 298.4 feet North and 246.2 feet East of the W. $\frac{1}{4}$ corner of said Section 30. The spring water flows Southwesterly, forms a channel and eventually leads to the Pacific Ocean. Although the diversion is not on the subjects property the proper easement has been obtained and is on file in Curry County Book of Records 36, pages 241-242.

From said dam the water flows by gravity in a one inch PVC pipe 750 feet to first, a 1000 gal plastic tank near the house and again to a 250 gal. tank next to the house. The rate of water by the gravity system is 3.6 gal./min. The actual house pressure is upgraded with a 52 gal. pressure tank. The water measured by the gravity system was done with a 3 gal. milk pail and stopwatch.

I hereby certify that my office did make the examination of said system Feb. 26, 1998 and the facts contained in this report are true and factual.

We, Kenneth and Mary Stoddard have read the report by the Oregon Water Rights Examiner and concur with findings.



Kenneth Stoddard Kenneth Stoddard
Mary Stoddard Mary Stoddard

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-76671

Final Order

Application History

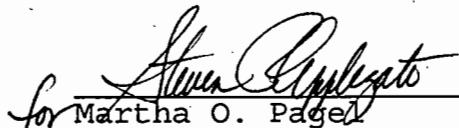
On January 18, 1995, KENNETH R & MARY A STODDARD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on May 21, 1996. The protest period closed July 5, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

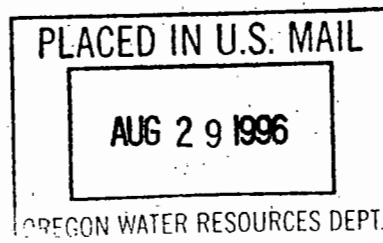
Application S-76671 therefore is approved as proposed by the Proposed Final Order, and Permit Number 52714 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED August 28, 1996

for 
Martha O. Pagel
Director

Appeal Rights

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



STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNETH R. AND MARY A. STODDARD
27228 HERMAN RD.
GOLD BEACH, OREGON 97444

(541) 247-0488

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

APPLICATION FILE NUMBER: S-76671

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

MAXIMUM RATE/VOLUME ALLOWED: 0.01 CUBIC FOOT PER SECOND (CFS) BEING FURTHER LIMITED DURING THE PERIOD LISTED BELOW TO 0.005 CFS FOR HUMAN CONSUMPTION USE ONLY

PERIOD OF USE: SEPTEMBER 16 THROUGH JUNE 15 FOR DOMESTIC USE AND JUNE 16 THROUGH SEPTEMBER 15 FOR HUMAN CONSUMPTION USE ONLY

DATE OF PRIORITY: JANUARY 18, 1995

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 30, T37S, R14W, W.M.; 298.4 FEET NORTH & 246.2 FEET EAST FROM SW CORNER, SECTION 30

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4
SECTION 25
TOWNSHIP 37 SOUTH, RANGE 15 WEST, W.M.

Measurement recording and reporting conditions:

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

- B. 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.

STANDARD CONDITIONS

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

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

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

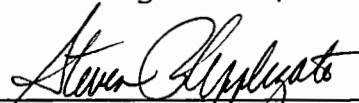
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued August 28, 1996


for Martha O. Pagel, Director
Water Resources Department

June 4, 1998

OREGON WATER RESOURCES DEPARTMENT
Commerce Bldg.
158 12th Street, NE
Salem, OR 97310-0210

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JUN - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

To Whom It May Concern:

RE: Final Proof Survey
Application #S-76671
Permit #52714
For Kenneth & Mary Anne Stoddard

Enclosed is the material prepared and furnished to us by Howard J. Newhouse, Certified Water Right Examiner - State of Oregon, to comply with the final state requirements to obtain water rights.

If you have any questions or need additional information, please contact us.

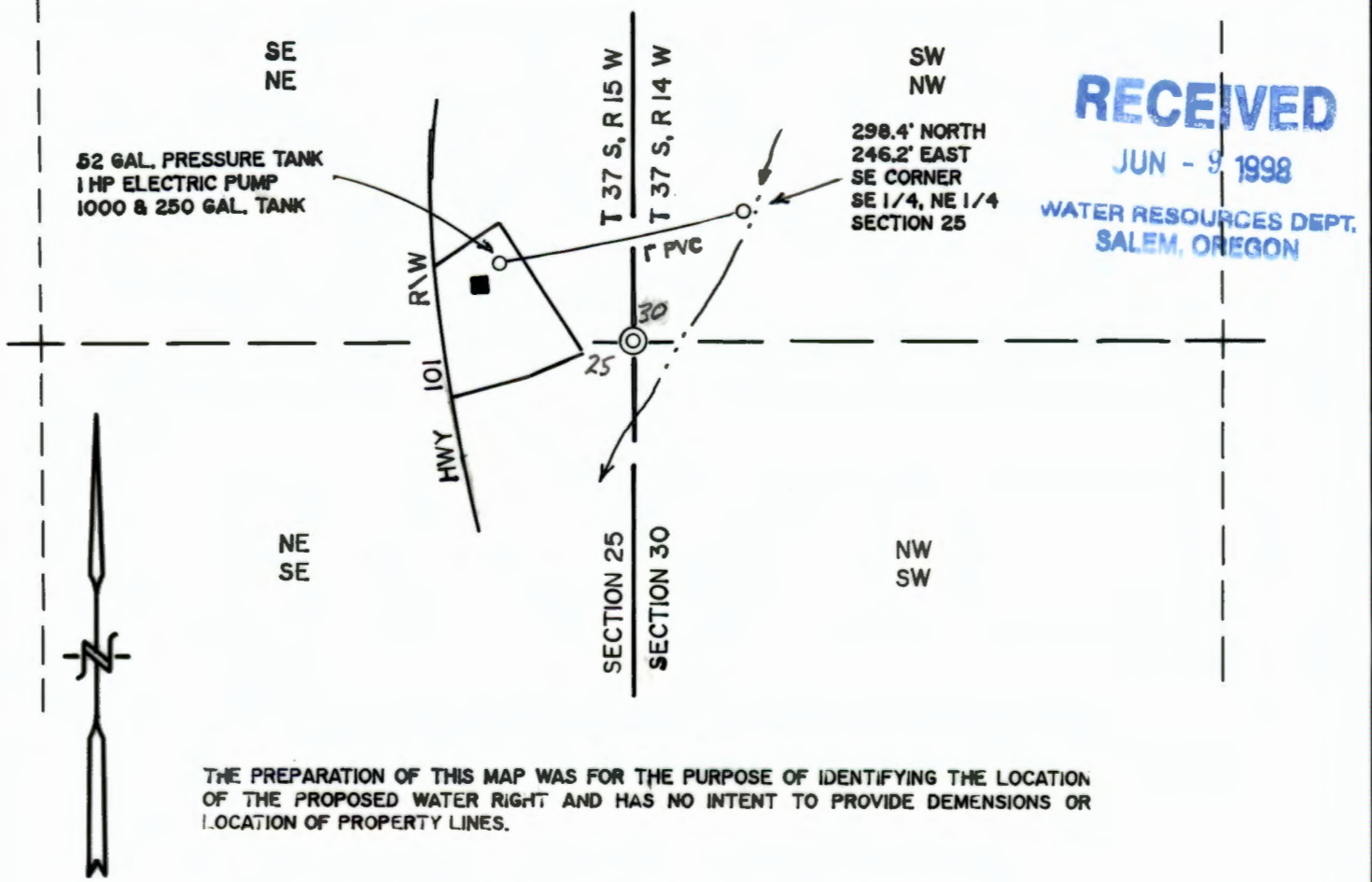
Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Stoddard", written in a cursive style.

Kenneth R. Stoddard
27228 Herman Rd.
Gold Beach, OR 97444

(541) 247-0488

Enclosures



T 37 S, R 15 W, W.M.,
SECTION 25
FINAL PROOF SURVEY

UNDER

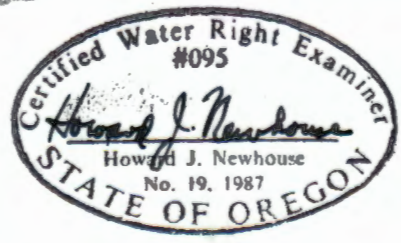
APPLICATION #S-76671 PERMIT #52714

IN THE NAME OF

KENNETH R. AND MARY A. STODDARD

SURVEYED BY H.J. NEWHOUSE, FEBRUARY 26, 1998

SCALE 1" = 400'



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

KENNETH & MARY STODDARD
27228 HERMAN RD
GOLD BEACH OR 97444

4a. Article Number

P-56504

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

4/11/98

5. Received By: (Print Name)

Ken Stoddard

6. Signature: (Addressee or Agent)

X 

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



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

April 8, 1998

KENNETH & MARY STODDARD
27228 HERMAN RD
GOLD BEACH OR 97444

REFERENCE: File 76671

This letter is in regard to your water use Permit 52714. As we pointed out to you in our letter of July 29, 1997, your claim of beneficial use must be received in this office by **July 8, 1998**.

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 **July 8, 1998**, 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: John Drolet, Watermaster
Howard Newhouse, CWRE

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

July 29, 1997

KENNETH & MARY STODDARD
27228 HERMAN RD
GOLD BEACH OR 97444

REFERENCE: File 76671

We have received your notice that complete application of water has been made under Permit 52714.

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 **July 8, 1998**. A list of Certified Examiners is enclosed for your information.

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
Water Rights Specialist

DM:jh
enclosure

cc: John Drolet, Watermaster
Howard Newhouse, CWRE

RECEIVED

JUL - 8 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Form C (690-9-77)

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.

NOTICE—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. S-76671

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Kenneth R. & Mary A. Stoddard, the holder of Permit No. 52714
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 July, 1997.

Remarks: Water system existing; water in use

OK

IN WITNESS WHEREOF, I have hereunto set my hand this 3 day of July, 1997.

Kenneth R. Stoddard
Mary A. Stoddard
(Signature of Applicant)

27228 Herman Rd
Gold Beach, OR (Address) 97444

RECEIVED

JUL - 8 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Form B (690-9-77)

Application No. S-76671

NOTICE OF COMPLETION OF CONSTRUCTION

I, Kenneth R. & Mary A. Stoddard, the holder of Permit No. 52714
appropriate the public waters of the state of Oregon, completed the construction of the works described herein on the 3 day of July, 1997.

Remarks: Water system existing; water in use

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3 day of July, 1997.

Kenneth R. Stoddard
Mary A. Stoddard
(Signature of Applicant)

27228 Herman Rd
Gold Beach, OR (Address) 97444

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

RECEIVED

JUL - 8 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Form A (690-9-77)

Application No. S-76671

NOTICE OF BEGINNING OF CONSTRUCTION

I, Kenneth R. & Mary A. Stoddard, the holder of Permit No. 52714
to appropriate the public waters of the state of Oregon, began the actual construction of the works described herein on the 3 day of July, 1997.

Remarks: Water system existing; water in use

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment

used 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.

IN WITNESS WHEREOF, I have hereunto set my hand this 3 day of July, 1997.

Kenneth R. Stoddard
Mary A. Stoddard
(Signature of Applicant)

27228 Herman Rd
Gold Beach, OR (Address) 97444

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

KENNETH & MARY STODDARD
27228 HERMAN RD
GOLD BEACH, OR 97444

4a. Article Number

P50642

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

7/18/96

5. Received By: (Print Name)

Kenneth Stoddard

6. Signature: (Addressee or Agent)

Kenneth Stoddard

8. Addressee's Address (Only if requested and fee is paid)

CERTIFIED MAIL
Return Receipt Requested

July 16, 1996

WATER
RESOURCES
DEPARTMENT

KENNETH R. AND MARY A STODDARD
27228 HERMAN RD
GOLD BEACH OREGON 97444

RE: Application File # S-76671

Dear Mr and Mrs Stoddard,

On **MAY 21, 1996**, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. As of today, this item has not been received:

- ▶ A written authorization or an easement permitting access to lands not owned by you, namely the land owned by Ted and Rhonda Burdett.

Please submit this item by **AUGUST ³⁰~~16~~, 1996**. If we do not receive the item requested above by this date, we will reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 458.

Sincerely,


Jerry Gainey
Water Rights Specialist
Final Order Team



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

PFO TO FO CONVERSION

INITIALS : JT6

16. (Y) N Team leader review completed

Application S-76671

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-76671

KEN STAHR

WATERMASTER # 19

REGIONAL MANAGER: AL COOK

ODF&W - Curry County: CURRY COUNTY

CWRE (if agent): HOWARD J. NEWHOUSE

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):

Ted & Rhonda Burdett, 27256 Herman Rd, Gold Beach, 97444
H.W. Crooks Estate Western Bank Trusting, PO Box 1784, Medford, OR 97501

CASEWORKER : LKS

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-76671

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Additional Information Required: A statement indicating that the application has written authorization or an easement permitting access to lands not owned by the applicant, namely those owned by Ted and Rhonda Burdett, has not been received by the Department. A copy of the written authorization or an easement permitting access to these lands needs to be submitted to the Department before a permit may be issued.

Application History

On January 18, 1995, KENNETH R. AND MARY A. STODDARD submitted an application to the Department for the following water use permit:

- Amount of Water: 0.01 CUBIC FOOT PER SECOND (CFS)
- Use of Water: DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA
- Source of Water: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN
- Area of Proposed Use: Curry County within SECTION 25, TOWNSHIP 37 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: According to the applicant the system utilizes gravity flow. The diversion point is a rock dam in an Unnamed Stream. The water flows downhill through a 1 inch PVC pipe to a 1000 gallon plastic holding tank and then to a 52 gallon pressure tank to the residence.

On SEPTEMBER 8, 1995, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.01 CFS of water for Domestic Use including irrigation of lawn and garden not to exceed 1/2 acre in area is available January 1 through December 31. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On SEPTEMBER 26, 1995, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The South Coast Basin Program allows the following uses: DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA.

Senior water rights exist on AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN, or on downstream waters.

AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN, is not within or above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) YEAR ROUND.

The Department finds that no more than 0.01 CFS would be necessary for the proposed use. The amount of water requested, 0.01 CFS, is allowable but shall be restricted to 0.005 CFS when the use is limited to Human Consumption Use only as described below in the findings of the interagency team.

There is no evidence in the record of the presence of game fish at the described point of diversion.

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 period of use has been limited to September 16 through June 15 for Domestic Use and June 16 through September 15 for Human Consumption Use only.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the South Coast Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

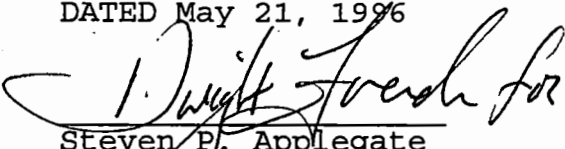
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED May 21, 1996


Steven P. Applegate
Administrator
Water Rights Division

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than July 5, 1996.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

LKS

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

KENNETH R. AND MARY A. STODDARD
27228 HERMAN RD.
GOLD BEACH, OREGON 97444

PHONE: (541) 247-0488

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

APPLICATION FILE NUMBER: S-76671

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA AND HUMAN CONSUMPTION

MAXIMUM RATE/VOLUME ALLOWED: 0.01 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE AND 0.005 CFS FOR HUMAN CONSUMPTION USE ONLY

PERIOD OF USE: SEPTEMBER 16 THROUGH JUNE 15 FOR DOMESTIC USE AND JUNE 16 THROUGH SEPTEMBER 15 FOR HUMAN CONSUMPTION USE ONLY

DATE OF PRIORITY: JANUARY 18, 1995

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 30, T37S, R14W, W.M.; 298.4 FEET NORTH & 246.2 FEET EAST FROM SW CORNER, SW 1/4 NW 1/4, SECTION 30

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4
SECTION 25
TOWNSHIP 37 SOUTH, RANGE 15 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such

device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. 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.

STANDARD CONDITIONS

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

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

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

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

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

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

Application S-76671

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application S-76671 Water Resources Department
Basin 17 Volume 7 Basin 15 Misc.
LKS MGMT.CODE

PERMIT DRAFT
District 19

August 14, 1996

RECEIVED

AUG 16 1996

Kenneth R. and Mary A. Stoddard
27228 Herman Rd.
Gold Beach, OR 97444

WATER RESOURCES DEPT.
SALEM, OREGON

To whom it may concern:

RE: Water line access

We confirm that Kenneth R. Stoddard and Mary A. Stoddard and their heirs and assigns as the owners of Tax Lot 1200 Section 25, Township 37, Range 15, have the right to lay, maintain, operate, replace, repair, use and remove a line of pipe for the carriage of water for their residential use over and across our property - Tax lot 1100, Section 25, Township 37 South, Range 15 West, Willamette Meridian, Curry County, Oregon, for the benefit of Tax Lot 1200 in said Section 25.

Theodore L. Burdett 8/14/96
Theodore L. Burdett Date

Rhonda L. Burdett 8/14/96
Rhonda L. Burdett Date

for file #5-76671
Mary A. Stoddard
Kenneth R. Stoddard

JAN 18 1995

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) Kenneth R. & Mary A. Stoddard
(Please print or type - use dark ink)

Mailing Address: 27228 Herman Road
Gold Beach Oregon 97444 247-0488
City State Zip Daytime Phone No.

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

1. **SOURCE OF WATER** for the proposed use: Unnamed Creek,
a tributary of Pacific Ocean.
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.01 cubic feet per
second, OR _____ gallons per minute. If water is to be used from more than one source,
give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Domestic use including the irrigation
of a lawn or garden not to exceed 1/2 acre in area

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

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

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

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

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

Irrigation _____

Other (describe) _____

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

The system is all gravity. The diversion point is a rock dam
in Unamed creek. The water flows downhill through a 1" PVC
pipe to a 1000 gallon plastic holding tank. Then to a 52 gallon
pressure tank to the dwelling.

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

Proposed date construction work will begin Dec. 1, 1994

Proposed date construction work will be completed Dec. 1, 1995

Proposed date water use will be completed Dec. 1, 1996

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

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

REMARKS: _____

RECEIVED
JAN 18 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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:

✓ Samuel R. Stoddard
Signature of Applicant

1/7/95
Date

✓ Mary D. Stoddard
Signature of Co-Applicant, if any

1/7/95
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 18 day of January, 19 95, at 8:00 o'clock, 14 M.

APPLICATION NO: 5- 766 71

PERMIT NO: _____

PFO ACCURACY CHECKLIST

Application #: S-76671

1. ☒ CHECK NAME(S)/COMPANY NAME
 - * Assigned
 - * Signature Name
 - * Correct Name(s)/Company throughout PFO
 - * Correct Address & Phone Number on Draft Permit
2. ☒ CHECK SOURCE AND TRIBUTARY
 - * Consistent throughout PFO and Draft Permit
3. ☒ CHECK RATE OF USE
4. ☒ CHECK PRIORITY DATE & TR/IR DATES
5. ☒ CHECK POD IN DRAFT PERMIT
 - * Check Map against permit
 - * Check Township, Range and Section
6. ☒ CHECK POU IN PFO AND DRAFT PERMIT
 - * Check Map against both
 - * If Acres on Application do not agree with Map, use Map info
 - * Check Township, Range and Section
7. ☒ ADD VOLUME NUMBER/NAME AT END OF DRAFT PERMIT
8. ☒ COMPLETE READ THROUGH OF PFO
 - * Sentence Structure
 - * Punctuation
 - * Spelling, etc.

Name:
LKS

Laura Suedaker

Date: 5-13-96

Fish District: Lower Rogue/South Coast

WAB #

Application # S-76671Applicant Name K. Stoddard

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 ☐ NShould the application be denied? Y ☒ ☐ NShould 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
						X			X				

2. Are there adequate flows to protect salmon/steelhead/trout? Y ☒ ☐ NShould the application be denied? Y ☒ ☐ NShould 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. ** No Screening.*

5. Miscellaneous

- ☐ A. Reservoir Filling _____
☐ B. Water Quality Permits _____
☐ C. Return Flow _____
☐ D. Time Limited Water Right _____
☐ E. Other _____

6. Measurement and Reporting

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

FINDINGS

☐ Permit is proposed for denial prior to interagency team review for fishery concerns.☐ Deny permit due to fishery concerns, except for

- ☐ A. Domestic (which may be limited to human consumption, see above)
☐ B. Livestock
☐ C. Unless water is from storage

☐ Do not condition further due to fishery concerns.☒ Condition permit due to fishery concerns listed above.

September 8, 1995

WATER
RESOURCES
DEPARTMENT

KENNETH R & MARY A STODDARD
27228 HERMAN RD
GOLD BEACH, OREGON 97444

Reference: File S-76671

Dear Applicant:

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA is allowed under OAR 517, the South Coast Basin Program.
4. The use of 0.01 CUBIC FOOT PER SECOND from Daniels Creek for DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA is available January 1 through December 31 of each year.

Summary of Allowable Water Use

The use of 0.01 cfs from Daniels Creek for Domestic including irrigation of 0.5 acre non-commercial lawn and garden from January 1 through December 31 of each year is allowable.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.



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

S-76671

September 8, 1995

Page 2

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **September 22, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

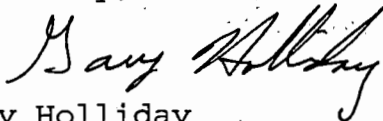
If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

If you have any questions:

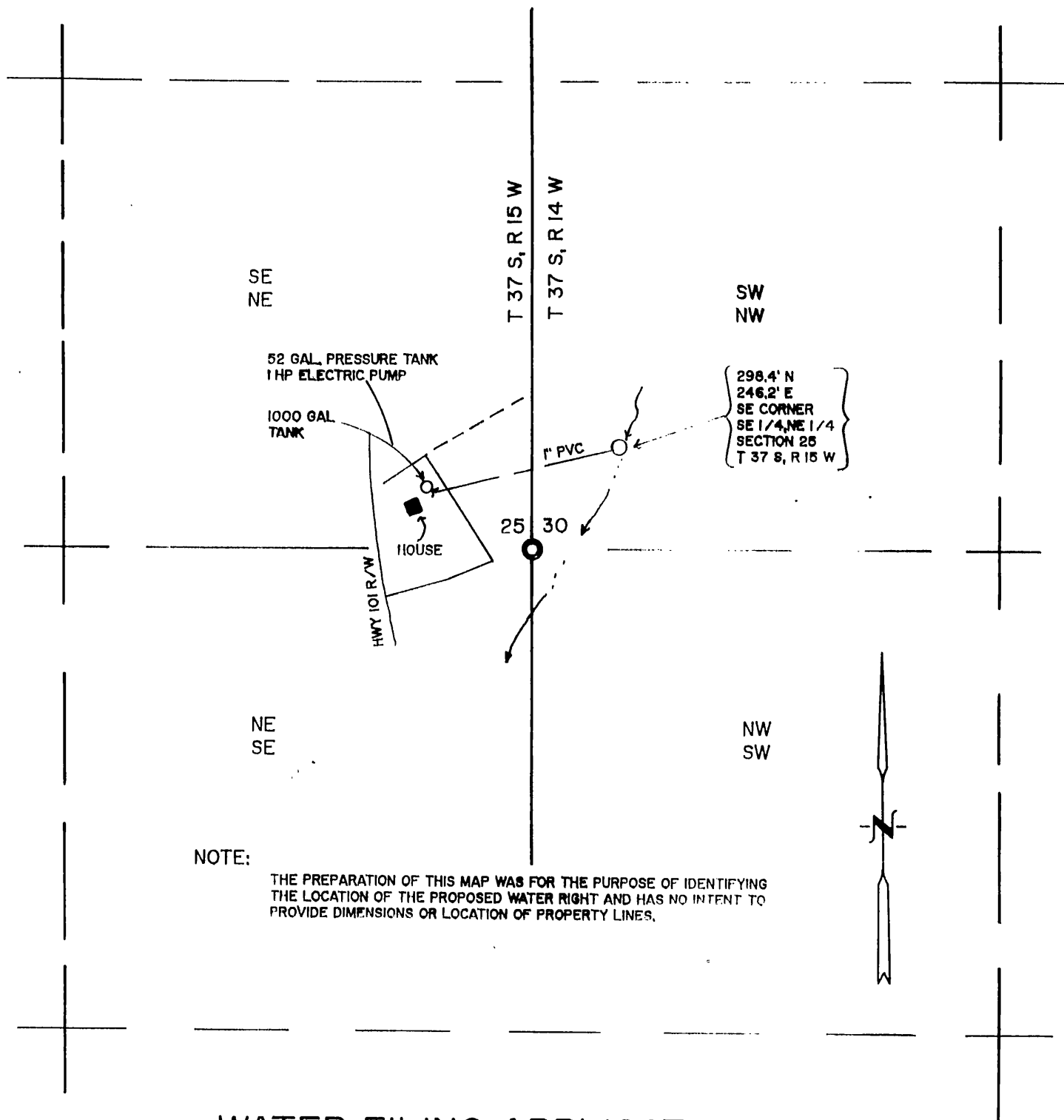
Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form



NOTE:

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION MAP
KENNETH R. & MARY A. STODDARD
SE 1/4, NE 1/4 & NE 1/4, SE 1/4
SECTION 25, T 37 S, R 15 W, W.M.
CURRY COUNTY, OREGON

SCALE 1" = 400'

NOVEMBER 1994

RECEIVED

JAN 16 1995

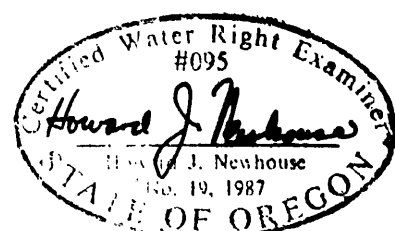
WATER RESOURCES DEPT.
SALEM, OREGON

KENNETH STODDARD
27228 HERMAN ROAD
GOLD BEACH, OREGON 97444
(503) 247-0488

H.J. Newhouse - Land Surveying
P.O. Box 360
Wedderburn, Oregon 97491
(503) 247-6923
C.W.R.E. # 095

Application No. 8-94670
Permit No.

52714



PFO CHECKLISTApplication #: 5 76671Basin: S. Coast 17

WAB: _____

Township 37S Range 15W Section 25 1/4 1/4 _____

- ☒ A1. Public Interest Screen Criteria No P.M. = 9/26/95
- ☒ 1. Is the file complete by the Completeness Checklist? Yes
- ☒ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) No
- ☒ 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) Address for easement?
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- ☒ a. Is second groundwater review necessary? (objection)
- ☒ b. Is HB 1033 review complete?
- ☒ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No Basin 15 mi N.7
- ☒ 6. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 8. Is the use allowed or limited by the Basin Program? Allowed
- N/A If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
- ☒ 10. Water Availability Data has been verified (50% before July 17, 1992, 80% live flow & 50% storage after July 17, 1992) Year Round
- ☒ 11. Rate _____ Duty _____ Irrigation Season _____
- ☒ 12. Period of Allowed Use Sept 16 -> June 15 Domestic
June 16 -> Sept 15 H.C. Tried
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
- ☒ 15. Have conflicts been identified, verified and/or addressed? None identified by I.R.
- ☒ 16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? 0.01 cfs
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- ☒ 18. Fill out Accuracy Checklist
- ☒ 19. Spell Check
- ☒ 20. Documents used in determination are attached and highlighted See I.R. info packet
- ☒ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laura Smolaker Date: 5-9-96 LKS

Land owner / Ted & Rhonda Burchett.
Gold 27256 Herman Rd. easement?
G. Beach 97444

Other Land owner w/ easement / H.W. Crooks Estate Western Bank Trusting
PO Box 1784
Medford, OR 97501

5-10-96 - left message for Mr. Stoddard re easement in file.

later spoke w/ Mr. Stoddard re address for property owner w/ the easement. - for notification purposes. He said he would locate this information & call me back. He also provided an additional property owner affected by his diversion - Ted & Rhonda Burchett. He then indicated that there were no other affected land owners.

1:22 - Mr. Stoddard left a message ~~for~~ ^{w/} the name & address of the trust associated w/ the easement.

5-13-96 re easement w/ Burchett's / Mr. Stoddard is not sure if he has an easement w/ the Burchetts. I will send PFO indicating that this needs to be received before obtain permit

INITIAL REVIEW CHECKLIST

APPLICATION # 5 76671
BASIN 17
WAB # 5600
POU-WAB 5600

☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
☒ BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

☒ BASIN PLAN
☒ LEGISLATIVE WITHDRAWAL (ORS 538)
☒ RULES
☒ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
☐ OTHER _____
☒ WATER AVAILABILITY (WA) CFS _____ MONTHS
50 % BEFORE JULY 17, 1992; (80) % LIVE FLOW 50 % STORAGE
AFTER JULY 17, 1992
☒ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER
AVAILABILITY SHEETS
☒ USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN
THE FILE
☒ GROUND WATER REVIEW HAS BEEN EVALUATED FOR HYDRAULIC
CONNECTION (USE WA DATABASE IF CONNECTED)
REQUIRED CONDITIONS _____

DIVISION 33 HAS BEEN ADDRESSED...

N/A SEASON FOR DIRECT FLOW (ABOVE BONN ONLY) _____
N/A WATER QUALITY PARAGRAPH
N/A EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)
☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP IS
ATTACHED SHOWING THE CONFLICT WITH _____
N/A IRRIGATION SEASON _____ (DECREE, BASIN PLAN, PERMIT,
GENERIC)
N/A RATE & DUTY _____ (DECREE, BASIN PLAN, PERMIT, GENERIC)
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY
☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER
☒ SPELL CHECK HAS BEEN COMPLETED
☒ WATERMASTER # 19
☒ REGNL MANGER - SEND COPY (SW) NC, SC, E) DO NOT SEND COPY TO (NW)
LETTER WAS SAVED FROM M:\T\IR\WORK TO M:\T\IR\SENT

NAME

S. R.

DATE

7-7-85

**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 4900

✓(b) Eel Lake 01010

✓(c) Garrison Lake 00

(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) 070142

✓(b) Brush Creek 2500

✓(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). 16/123440

✓(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. 0701310 to 07013123

✓ 3400 ✓ 1601

(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.

**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}

WATER AVAILABILITY TABLE

Basin: SOUTH COAST

Exceedance Level: 80

Water Availability Subbasin: 5600000000000000 (and Nested Subbasins)

Time: 10:39

Date: 09/07/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	5600000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Basin: SOUTH COAST

Water Availability Subbasin: 5600000000000000 (and Nested Subbasins)

Time: 10:39

Date: 09/07/1995

WAB #	Stream Name	Tributary to
5600000000000000	DANIELS CR	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 5600000000000000

Basin: SOUTH COAST

Exceedance Level: 80

Time: 10:39

Date: 09/07/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	5600000000000000	DANIELS CR	YES	1.9
2	5600000000000000	DANIELS CR	YES	2.5
3	5600000000000000	DANIELS CR	YES	2.2
4	5600000000000000	DANIELS CR	YES	1.1
5	5600000000000000	DANIELS CR	YES	0.5
6	5600000000000000	DANIELS CR	YES	0.3
7	5600000000000000	DANIELS CR	YES	0.3
8	5600000000000000	DANIELS CR	YES	0.2
9	5600000000000000	DANIELS CR	YES	0.2
10	5600000000000000	DANIELS CR	YES	0.2
11	5600000000000000	DANIELS CR	YES	0.5
12	5600000000000000	DANIELS CR	YES	1.7
Stor	5600000000000000	DANIELS CR	YES	1610.0

Date: 09/07/1995

Date: 09/07/1995

APP # :		ISWRs					RESULTANT
STATUS:		0	0	0	0	0	
1	0.0	0.0	0.0	0.0	0.0	0.0	C
2	0.0	0.0	0.0	0.0	0.0	0.0	C
3	0.0	0.0	0.0	0.0	0.0	0.0	C
4	0.0	0.0	0.0	0.0	0.0	0.0	C
5	0.0	0.0	0.0	0.0	0.0	0.0	C
6	0.0	0.0	0.0	0.0	0.0	0.0	C
7	0.0	0.0	0.0	0.0	0.0	0.0	C
8	0.0	0.0	0.0	0.0	0.0	0.0	C
9	0.0	0.0	0.0	0.0	0.0	0.0	C
10	0.0	0.0	0.0	0.0	0.0	0.0	C
11	0.0	0.0	0.0	0.0	0.0	0.0	C
12	0.0	0.0	0.0	0.0	0.0	0.0	C

9/ 7/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 76671 0	0	V				(DI)												
S 76671 0	0	V													(DI)			

9/ 7/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 34183	30259	V				(DO)												
S 26936																		

Application No. B-76671
Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) to it in hand paid, the Estate of H. W. CROOK, DECEASED, Grantor, hereby grants unto L. D. KUYKENDALL and DARLENE KUYKENDALL, husband and wife, Grantees, their heirs, executors, administrators or assigns, the right to lay, maintain, operate, repair and remove a line of pipe for the carriage of water for their residential use over and across the following described real property situated in the County of Curry, State of Oregon, to-wit:

A strip of land ten feet in width, running five feet on either side of the following described centerline located in Section 30, Township 37 South, Range 14 West, of the Willamette Meridian.

Beginning at a point on the West boundary of Section 30, 255 feet North of the quarter Section corner of the West boundary of said Section 30.

Thence North 80° East 250 feet to an existing spring and water works.

Together with the right of ingress and egress to said easement for the purpose of laying, maintaining, operating, repairing or removing said pipeline. Grantees, their heirs, executors, administrators and assigns covenant and agree that they will bury said pipeline so that it will not interfere with the cultivation of grantor's premises and grantor reserves the right to use and cultivate the premises described in said easement. All damages to crops, surface, fences and the premises caused by the laying, maintaining, operating, repairing or removing of said pipeline shall be paid for by the grantees, their heirs, executors, administrators, and assigns.

No fencing of the easement shall be permitted without the written consent of grantor, its successors and assigns, having been first obtained.

IN WITNESS WHEREOF, the Estate of H. W. Crook, Deceased, has caused these presents to be executed by the Personal Representatives

thereof this 9th day of September, 1974.

ESTATE OF H. W. CROOK, DECEASED

By: Lawrence Payne
Lawrence Payne

By: Harvey Crook
Harvey Crook

By: Berniece Turner
Berniece Turner

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WATER RESOURCES DE
SALEM, OREGON

STATE OF OREGON)
 : SS
County of Curry)

September 9, 1974

PERSONALLY APPEARED Lawrence Payne, Harvey Crook and
Berniece M. Turner, Executors of the Estate of H. W.
Crook, Deceased, and acknowledged the foregoing instrument
to be their free act and deed. Before me:



Burt M. Mathier
Notary Public for Oregon
My Commission expires 10/25/77

Indexed in Deeds

State of Oregon } ss.
County of Curry }

I hereby certify that the within instrument was
filed for record Sept 11, 1974
at 11:00 o'clock A. M. and recorded
in Book of Records Vol. 36 Page 241-2
BERNARD I. MATHIER, County Clerk

Bernard I. Mathier Deputy
Rec'd. 40

Wm to: Darlene Kuykendall
Box 1091
Grass Beach Ore

Application No. 8-76610
Permit No.

1990 Curry Co.
Instrument

N^o 06420

INDEX

WARRANTY DEED (INDIVIDUAL)

ALDEN W. BOICE and ALDENE McCAW, as individuals hereinafter called grantor, convey(s) to KENNETH R. STODDARD and MARY A. STODDARD, husband and wife all that real property situated in the County of CURRY, State of Oregon, described as:

REAL PROPERTY AS DESCRIBED IN EXHIBIT "A" ATTACHED

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except:

- the rights of the public in and to that portion of the herein described property lying within the limits of public roads or highways.
- right of way as described in deed recorded June 23, 1929 in Deed Volume 20, page 315, Deed Records of Curry County, Oregon.
- subject to reservation of a road for ingress and egress over the property for the benefit of adjacent property, as set forth in Deed Volume 61, page 92, recorded March 31, 1961.
- subject to a right of way over the existing road or property now owned by Louis Dean Kuykendall, et ux, as set forth in Deed Volume 81, page 481, recorded October 27, 1966.
- an easement created by instrument including the terms and provisions thereof recorded September 29, 1977 in Book of Records 54, page 925.
- an easement created by instrument including the terms and provisions thereof recorded July 11, 1988 in Book of Records 146, pages 138-42.

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$75,000.00.

Dated this 7 day of November, 1990.

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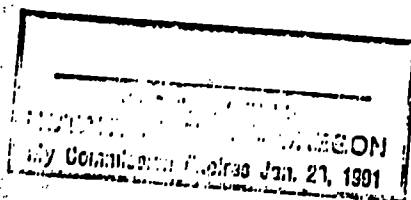
JAN 18 1995

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Alden W. Boice
ALDEN W. BOICE
Aldene McCaw
ALDENE McCAW

STATE OF OREGON, County of CURRY) ss.

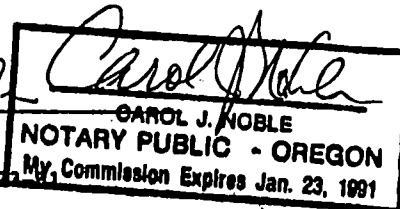
Nov. 7, 1990 personally appeared the above named ALDEN W. BOICE and ALDENE McCAW and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me:

Carol J. Noble
Notary Public for Oregon

My Commission Expires: 1-23-91



The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.

WARRANTY DEED (INDIVIDUAL)

ALDEN W. BOICE

ALDENE McCAW

TO

KENNETH R. STODDARD

MARY A. STODDARD

Send tax statements to:

Kenneth R. Stoddard, et ux

28661 Lathrup Blvd

Lathrup Village, MI 48076

SPACE RESERVED FOR RECORDER'S USE

EXHIBIT "A"

That certain tract of land lying in the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) and the Northeast quarter (NE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section Twenty-five (25), Township Thirty-seven (37) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon, described as follows:

Beginning at a point 253.19 feet North and 301.25 feet West of the Quarter Section Corner on the East side of said Section 25;

thence South 46° 02' East 349.26 feet to Point "A";

thence South 66° 40' West 161.7 feet;

thence South 69° 30' West 197 feet, more or less, to the Easterly right of way boundary of the Relocated Oregon Coast Highway 101, Point "B";

thence Northerly, following the Easterly right of way boundary of the Relocated Oregon Coast Highway 101 to a point that bears South 59° 44' West from the point of beginning;

thence North 59° 44' East 175 feet; more or less, to the point of beginning.

Map No. 37-15-25AD, Tax Lot 1200 (107466)

TOGETHER WITH an easement for right of way as described in instrument recorded September 29, 1977 in Book of Records 5A, Page 925.

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STATE OF OREGON } WATER RESOURCES DEPT.
COUNTY OF CURRY } SALEM, OREGON

'90 NOV 16 PM 1 53

ELAINE JOY
CURRY COUNTY CLERK

I hereby certify that the within
Instrument was received and duly
recorded in the OFFICIAL RECORDS
OF CURRY COUNTY:

By: M. D. Deputy

Fee: 35.00 Pgs: 2

1990
Instrument

N^o 90-06420

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses In
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: KENNETH R. + MARY A. STODDARD
Address: 27228 HELMAN ROAD
City: GOLD BEACH State: ORE Zip: 97444 Day Phone: 247-0488

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
<u>Map # 37-15-2540</u> <u>Tax Lot 1200</u>	<u>RURAL RESIDENTIAL (RR-10)</u>		☒	☒

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JAN 18 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry County

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

Application No 8-76670
Permit No

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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): 3.081 (1). Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOW
Title: PLANNER

Date: 11/29/94
Phone: 247-7011

Signature: Dianne L. Snow

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

[Lined area for additional comments]

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: KENNETH R. + MARY A. STODDARD
 Address: 2722 B HEMMAN ROAD
COLD BEACH OREGON 97444
 Phone: 247-0488

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): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☒ Residential (# units, single or multi-family, # lots if partition or subdivision): SINGLE FAMILY
- ☐ 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): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>UNAMED CREEK</u> <u>TRIBUTARY OF: PACIFIC OCEAN</u>	<u>0.01</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

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JAN 18 1995

WATER RESOURCES DEPT.
SALEM, OREGON