

DAVID S PECK
PECK, CHERI F
RT 1 BOX 1480 — 1934
BANDON, OR 97411

DAVID S PECK
89551 TWO MILE LANE
BANDON OR 97411

Certificate No. 91767

17-1550

See file R-73461
Volume 3 Two mile Ce + misc.

Action suspended until 7-1-00 ph

Date of approval _____

CONSTRUCTION
AUG 21 1997

Date for completion OCT 1 '98

Extended to _____

Date for application of water OCT 01 1999

Extended to _____

PROSECUTION OF WORK

Form "C" filed 2/18/00 (CBU due 10-1-

FINAL PROOF

Date Certificate issued 9.16.10

Date	Amount	Receipt No.
6/29/93	525.00	101639
7/10/96	60.00	4174
7/30/96	60.00	4888
10-12-10	1500.00	101401

Cert. Fee

FEES REFUNDED

[illegible]

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
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541-347-3262

REMARKS

voided receipt 4174 - check not signed by applicant

SMEAD 11 SP98874

1 butt
5 Plain
No Maps

Mailing List for Certificate

Application: S-73462

Permit: S-52613

Certificate: 91767

Permit/Certificate Holder:

DAVID S PECK
89551 TWO MILE LANE
BANDON OR 97411

① ✓

Copies Mailed	
by:	<u>SEP 16 2016</u> (STAFF)
on:	<u>9.16.16</u> <u>JD</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District #: 19 ② ✓
2. Data Center (include copy of map)
3. Water Availability ③ ✓
4. Vault ④ ✓
5. File ⑤ ✓

Other persons to receive copies: (include map):

1. Jerry Lee Estabrook, CWRE ⑥
PO Box 574
Lakeside, OR 97449

7117

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID S PECK
89551 TWO MILE LANE
BANDON OR 97411

confirms the right to the use of water perfected under the terms of Permit S-52613. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-73462

SOURCE OF WATER: AN UNNAMED SPRING, A TRIBUTARY OF AN UNNAMED STREAM; AN UNNAMED STREAM, A TRIBUTARY TWOMILE CREEK; AND TWOMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: CRANBERRY USE, IRRIGATION, DOMESTIC USE FOR TWO HOUSEHOLDS, AND STOCKWATER

RATE OF USE: 0.05 CUBIC FOOT PER SECOND (CFS), BEING 0.005 CFS FOR DOMESTIC USE FROM AN UNNAMED SPRING; 0.005 CFS TOTAL FOR STOCKWATER USE FROM AN UNNAMED STREAM AND AN UNNAMED SPRING; 0.02 CFS FROM AN UNNAMED STREAM FOR IRRIGATION AND STOCKWATER USE; AND 0.02 CFS FROM TWOMILE CREEK FOR CRANBERRY USE

PERIOD OF ALLOWED USE: YEAR ROUND FOR DOMESTIC USE AND STOCKWATER USE, DECEMBER 1 THROUGH APRIL 30 FOR CRANBERRY USE, AND MARCH 1 THROUGH APRIL 30 FOR IRRIGATION

DATE OF PRIORITY: JUNE 29, 1993

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	14 W	WM	27	SE NW	UNNAMED SPRING (POD 3) - 2300 FEET SOUTH AND 1860 FEET EAST FROM NE CORNER, SECTION 28
29 S	14 W	WM	28	NE NE	UNNAMED STREAM (POD 1) - 960 FEET SOUTH AND 550 FEET WEST FROM NE CORNER, SECTION 28
29 S	14 W	WM	28	NW NE	TWOMILE CREEK (POD 2) - 1040 FEET SOUTH AND 1680 FEET WEST FROM NE CORNER, SECTION 18

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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.

A description of the place of use is as follows:

CRANBERRY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	28	NE NE	0.7
29 S	14 W	WM	28	NW NE	3.0
29 S	14 W	WM	28	SW NE	5.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	28	NE NE	2.5

DOMESTIC AND STOCKWATER					
Twp	Rng	Mer	Sec	Q-Q	
29 S	14 W	WM	28	NE NE	

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user 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 water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

The totalizing flow meter must be maintained at each diversion point as identified in OAR 690-507-645.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Twomile Creek.

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

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

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued SEP 16 2016.

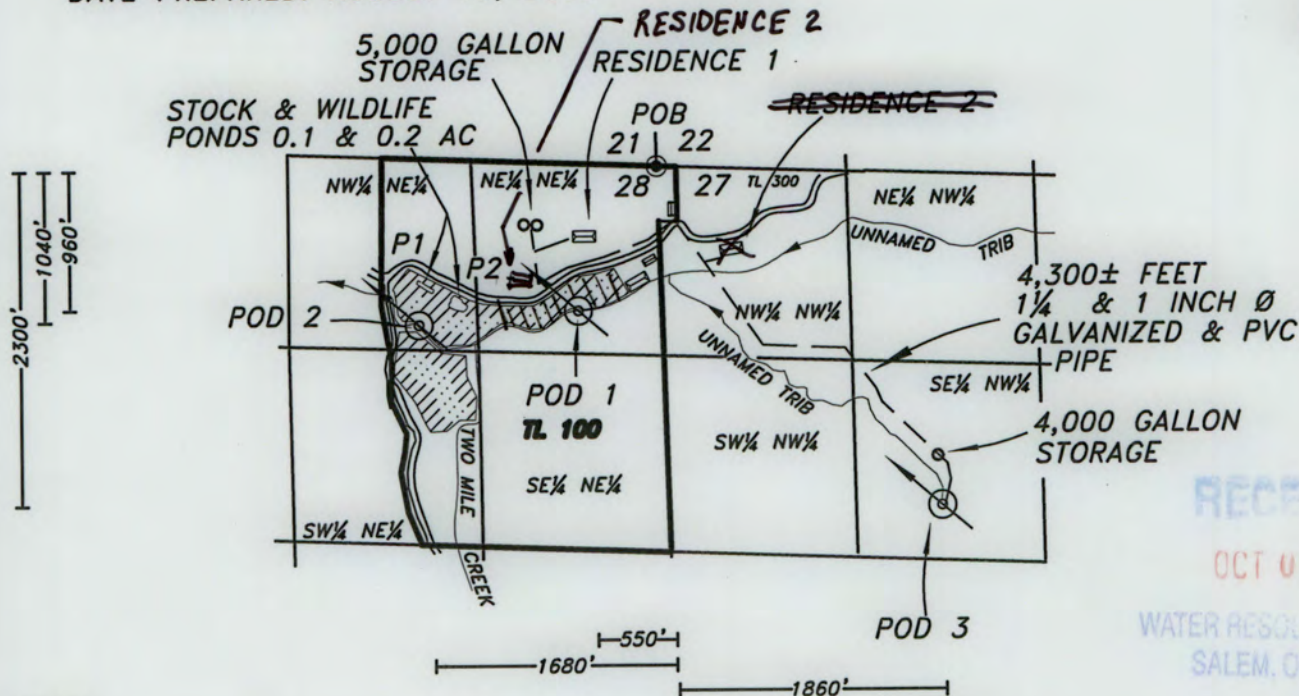
A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

CLAIM OF BENEFICIAL USE MAP
 LOCATED IN THE NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF
 SECTION 28, ALSO THE NW $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 29 SOUTH,
 RANGE 14 WEST, WILLAMETTE MERIDIAN
 APPLICATION S-73462 & PERMIT 52613
 APPLICATION R-73461 & PERMIT R-11924

PREPARED FOR: DAVID S. PECK
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: AUGUST 10, 2010

Scale 1"=1320'



NOTE:

IRRIGATED ACREAGE

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 ACRES CR

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.2 ACRES, being 2.5 for IR, and 0.7 for CR

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES CR

NOTE:

ALL POINTS OF DIVERSION AND PONDS ARE LOCATED FROM THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 29 SOUTH, RANGE 14 WEST W.M.

P.O.D. 1 550 FEET WEST & 960 FEET SOUTH.

P.O.D. 2 1680 FEET WEST & 1040 FEET SOUTH

P.O.D. 3 1860 FEET EAST & 2300 FEET SOUTH.

POND 1 1617 FEET WEST & 810 FEET SOUTH.

POND 2 1390 FEET WEST & 930 FEET SOUTH.

NOTE:

POINTS OF DIVERSION 1 & 2 ARE SEASONAL PORTABLE PUMP. POINT OF DIVERSION 3 IS A INSPIRING DEVICE. SEE ATTACHED PHOTO. ALL POINTS OF DIVERSION WERE TIED AT TIME OF APPLICATION BY CWRE #054

LEGEND

POB
 (POINT OF BEGINNING)

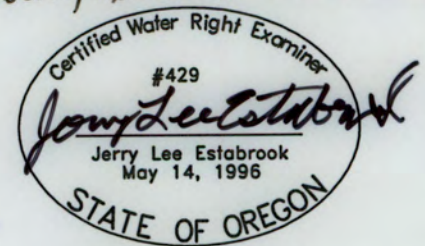
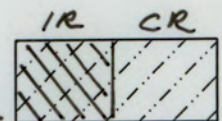
POD
 (POINT OF DIVERSION)

RESIDENCE & OUT BUILDINGS
 (NOT TO SCALE)

IRRIGATED AREA

IR= Irrigation

CR= Cranberry Operations



EXPIRES 12/31/2011

EXAMINERS DISCLAIMER STATEMENT

The preparation of this map was for the purpose of identifying the location of the Water Right only and has no intent to provide dimensions or location of property ownership lines.

Stuntzner Engineering
 & Forestry, L.L.C.

ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS

705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420

Phone: (541) 267-2872
 Fax: (541) 267-0588

Map revised by WRD 10-23-15 nfb to 8/8/2016 Residence #2 added

CLARK Gerry E

From: CLARK Gerry E
Sent: Thursday, February 25, 2016 5:16 PM
To: 'Chris Hood'
Subject: RE: Peck Claim Map

Chris,

Good seeing you yesterday. Glad to hear that you were able to meet with staff and I hope you were able to find a path to resolve the issues related to your project.

Thank you for the map. I have printed it out and will take a look at it tomorrow.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Chris Hood [<mailto:hoodc@stuntzner.com>]
Sent: Thursday, February 25, 2016 10:44 AM
To: CLARK Gerry E
Subject: FW: Peck Claim Map

Gerry... Attached is the revised Peck COBU map. Sorry for the mix up as the map was revised six or seven weeks ago....Thanks for the heads up at the counter.

I hope we didn't ruffle any feathers during our visit yesterday. It's very expensive to drive to Salem and we needed direction while we in town. Very complex issues that if not resolved could result in the closure of a 100 year old golf course. We really appreciate staff taking some unscheduled time to assist us.

Please confirm that you received this email.

Thanks, Chris

From: CLARK Gerry E [<mailto:gerald.e.clark@state.or.us>]
Sent: Thursday, January 7, 2016 3:07 PM
To: Chris Hood
Subject: Peck Claim Map

Chris,

Here is the map we discussed.

Please let me know if you have any additional questions.

Gerry

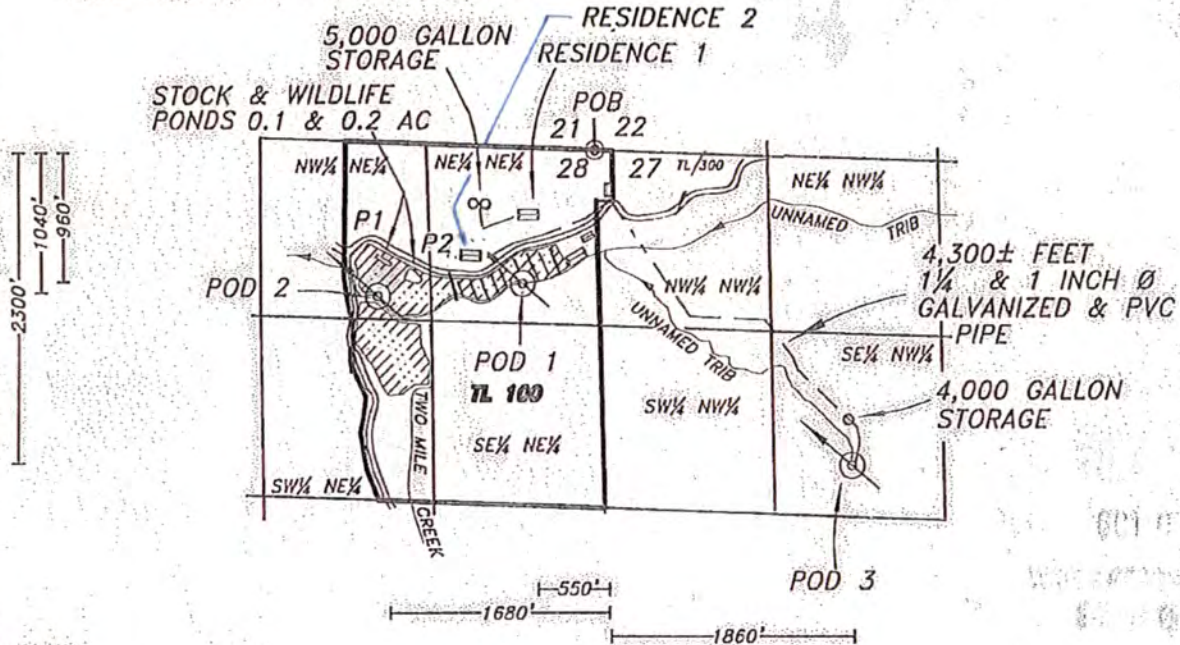
Gerry Clark
Water Right Services Division
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725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

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 LOCATED IN THE NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF
 SECTION 28, ALSO THE NW $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 29 SOUTH,
 RANGE 14 WEST, WILLAMETTE MERIDIAN
 APPLICATION S-73462 & PERMIT 52613
 APPLICATION R-73461 & PERMIT R-11924

PREPARED FOR: DAVID S. PECK
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: AUGUST 10, 2010

Scale 1"=1320'



NOTE:
 IRRIGATED ACREAGE
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 ACRES CR
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.2 ACRES, being 2.5 for IR, and 0.7 for CR
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NOTE:
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 TOWNSHIP 29 SOUTH, RANGE 14 WEST W.M.
 P.O.D. 1 550 FEET WEST & 960 FEET SOUTH.
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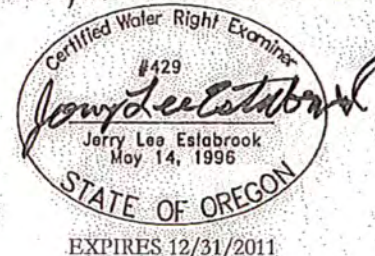
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 POINTS OF DIVERSION 1 & 2 ARE SEASONAL
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 PHOTO. ALL POINTS OF DIVERSION WERE
 TIED AT TIME OF APPLICATION BY CWRE #054

LEGEND

POB
 (POINT OF BEGINNING)
 POD
 (POINT OF DIVERSION)

RESIDENCE & OUT BUILDINGS
 (NOT TO SCALE)

IRRIGATED AREA
 IR= Irrigation
 CR= Cranberry Operations



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 PLANNING • WATER RIGHTS
 705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420
 Phone: (541) 267-2972
 Fax: (541) 267-0588

Map revised by WRD 10-23-15 mfb

Mailing List for Certificate

Application: S-73462

Permit: S-52613

Certificate:

Permit/Certificate Holder:

DAVID S PECK
89551 TWO MILE LANE
BANDON OR 97411

Copies Mailed

by: Connie Vance
(STAFF)

on: DEC 22 2015
(DATE)

Revised

Copies of Final Certificate to be sent to:

1. Watermaster District #: 19 ✓
- ~~2. Data Center (include copy of map)~~
- ~~3. Water Availability~~
- ~~4. Vault~~
5. File

Other persons to receive copies: (include map):

1. Jerry Lee Estabrook, CWRE ✓

PROPOSED

New
Proposed
only 1 domestic
developed
on prop.

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID S PECK
89551 TWO MILE LANE
BANDON OR 97411

PROPOSED

confirms the right to the use of water perfected under the terms of Permit S-52613. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-73462

SOURCE OF WATER: AN UNNAMED SPRING, A TRIBUTARY OF AN UNNAMED STREAM; AN UNNAMED STREAM, A TRIBUTARY TWOMILE CREEK; AND TWOMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: CRANBERRY USE, IRRIGATION, DOMESTIC USE FOR ONE HOUSEHOLDS, AND STOCKWATER

RATE OF USE: 0.05 CUBIC FOOT PER SECOND (CFS), BEING 0.005 CFS FOR DOMESTIC USE FROM AN UNNAMED SPRING; 0.005 CFS TOTAL FOR STOCKWATER USE FROM AN UNNAMED STREAM AND AN UNNAMED SPRING; 0.02 CFS FROM AN UNNAMED STREAM FOR IRRIGATION AND STOCKWATER USE; AND 0.02 CFS FROM TWOMILE CREEK FOR CRANBERRY USE

PERIOD OF ALLOWED USE: YEAR ROUND FOR DOMESTIC USE AND STOCKWATER USE, DECEMBER 1 THROUGH APRIL 30 FOR CRANBERRY USE, AND MARCH 1 THROUGH APRIL 30 FOR IRRIGATION

DATE OF PRIORITY: JUNE 29, 1993

The points of diversion are located as follows:

TwP	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	14 W	WM	27	SE NW	UNNAMED SPRING (POD 3) - 2300 FEET SOUTH AND 1860 FEET EAST FROM NE CORNER, SECTION 28
29 S	14 W	WM	28	NE NE	UNNAMED STREAM (POD 1) - 960 FEET SOUTH AND 550 FEET WEST FROM NE CORNER, SECTION 28
29 S	14 W	WM	28	NW NE	TWOMILE CREEK (POD 2) - 1040 FEET SOUTH AND 1680 FEET WEST FROM NE CORNER, SECTION 18

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PROPOSED
Certificate *****

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.

A description of the place of use is as follows:

CRANBERRY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	28	NE NE	0.7
29 S	14 W	WM	28	NW NE	3.0
29 S	14 W	WM	28	SW NE	5.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	28	NE NE	2.5

DOMESTIC AND STOCKWATER					
Twp	Rng	Mer	Sec	Q-Q	
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PROPOSED

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user 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 water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Twomile Creek.

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

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

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

PROPOSED
Certificate *****

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The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued _____.

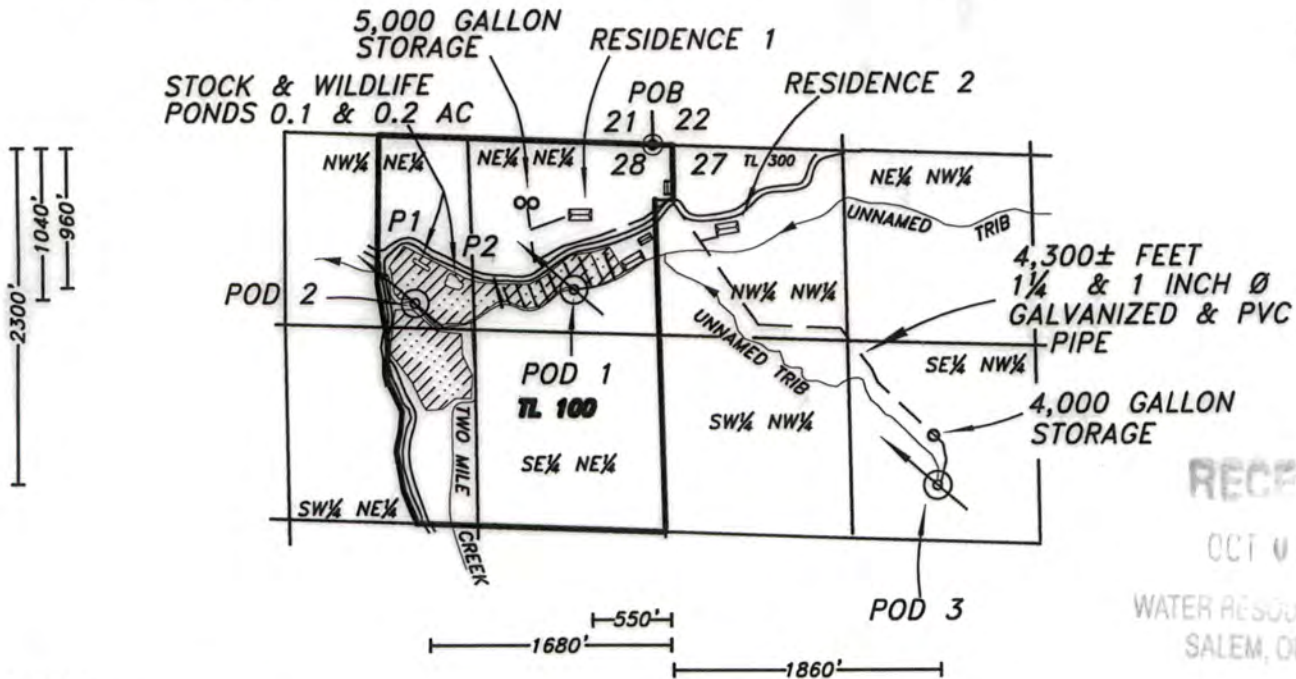
PROPOSED

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

CLAIM OF BENEFICIAL USE MAP
 LOCATED IN THE NW¼NE¼, NE¼NE¼ & SW¼NE¼ OF
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 RANGE 14 WEST, WILLAMETTE MERIDIAN
 APPLICATION S-73462 & PERMIT 52613
 APPLICATION R-73461 & PERMIT R-11924

PREPARED FOR: DAVID S. PECK
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: AUGUST 10, 2010

Scale 1"=1320'



RECEIVED

OCT 01 2010

WATER RESOURCES
 SALEM, OREGON

NOTE:
 IRRIGATED ACREAGE
 NW¼ NE¼ 3.0 ACRES CR
 NE¼ NE¼ 3.2 ACRES, being 2.5 for IR, and 0.7 for CR
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 PHOTO. ALL POINTS OF DIVERSION WERE
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LEGEND

- POB
 (POINT OF BEGINNING)
- POD
 (POINT OF DIVERSION)
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EXPIRES 12/31/2011

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 705 South 4th St.
 Post Office Box 118
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 Fax: (541) 267-0588

Map revised by WRD 10-23-15 mfb



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED: DEC 22 2015

NOTICE

Reference: Application S-73462 Permit S-52613

Enclosed is a **REVISED** proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The proposed certificate has been revised to remove the reference to the domestic use in the NW NW of Section 27, on Tax Lot 300, identified as "Residence 2" on the Claim map. This domestic use was not authorized under the permit. In our discussions, you have indicated that the second domestic use was developed as permitted and is actually located south and west of "Residence 1" as depicted on the Claim map. You have indicated that the Claim map is incorrect in the inclusion of "Residence 2" on your neighbor's tax lot.

In order to fix this situation, you will need to request reconsideration of the attached proposed certificate, and supply a new map that correctly identifies the location of the second domestic use. The letter requesting reconsideration will need to indicate that use of water at the second home was made between August 21, 1996, and October 1, 1999.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any other questions please contact Gerry Clark at 503-986-0811.

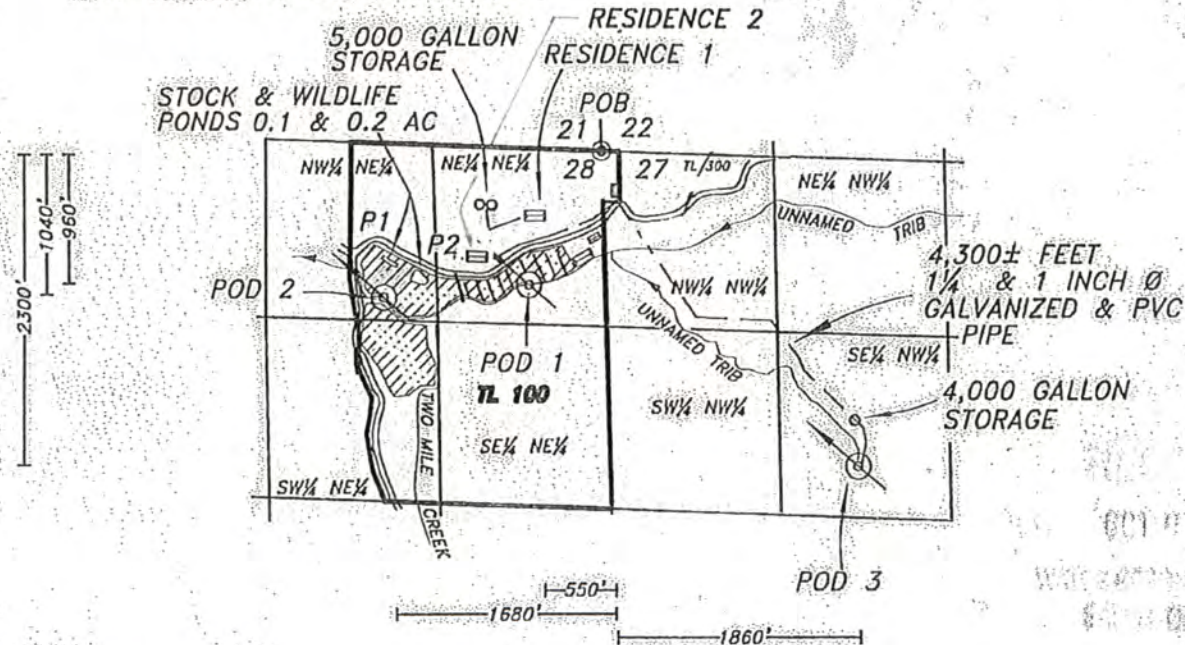
Sincerely,

Dwight French
Water Right Services Administrator

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PREPARED FOR: DAVID S. PECK
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: AUGUST 10, 2010

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 NW¼ NE¼ 3.0 ACRES CR
 NE¼ NE¼ 3.2 ACRES, being 2.5 for IR, and 0.7 for CR
 SW¼ NE¼ 5.0 ACRES CR

NOTE:
 ALL POINTS OF DIVERSION AND PONDS ARE LOCATED FROM THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 29 SOUTH, RANGE 14 WEST W.M.
 P.O.D. 1 550 FEET WEST & 960 FEET SOUTH.
 P.O.D. 2 1680 FEET WEST & 1040 FEET SOUTH
 P.O.D. 3 1860 FEET EAST & 2300 FEET SOUTH.
 POND 1 1617 FEET WEST & 810 FEET SOUTH.
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NOTE:
 POINTS OF DIVERSION 1 & 2 ARE SEASONAL PORTABLE PUMP. POINT OF DIVERSION 3 IS A INSPRING DEVICE. SEE ATTACHED PHOTO. ALL POINTS OF DIVERSION WERE TIED AT TIME OF APPLICATION BY CWRE #054

LEGEND
 POB (POINT OF BEGINNING)
 POD (POINT OF DIVERSION)
 RESIDENCE & OUT BUILDINGS (NOT TO SCALE)
 IRRIGATED AREA
 IR= Irrigation
 CR= Cranberry Operations

Certified Water Right Examiner
 #429
 Jerry Lea Estabrook
 May 14, 1996
 STATE OF OREGON
 EXPIRES 12/31/2011

EXAMINERS DISCLAIMER STATEMENT
 The preparation of this map was for the purpose of identifying the location of the Water Right only and has no intent to provide dimensions or location of property ownership lines.

Stuntzner Engineering & Forestry, L.L.C.
 ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS
 705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420
 Phone: (541) 267-2872
 Fax: (541) 267-0588

Map revised by WRD 10-23-15 nfb

CLARK Gerry E

From: CLARK Gerry E
Sent: Friday, February 26, 2016 4:22 PM
To: 'Cheryl Peck'
Subject: RE: Peck's Water right
Attachments: DAVID PECK REVISED COBU MAP_201602251033.pdf

Cheryl,

I saw Chris in our office the other day and asked him about the map. He forwarded me a copy of the map yesterday. I have not had a chance to fully review the map, but I have attached a copy for your reference.

At this point, we are still working to get your right to match your intention and use as we discussed in the past. The map gets us one step closer.

I will keep you posted.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Cheryl Peck [<mailto:crystalwaterspoolservice@gmail.com>]
Sent: Friday, February 26, 2016 3:03 PM
To: CLARK Gerry E
Subject: Peck's Water right

Hello Gerry

I'm checking back with you to see if there is anything else I need to pay attention to. After I spoke to Chris Hood a few months back, he was in the process of modifying the map to include our second residence, then sending it on to you. Its been a while since we've heard anything regarding the map. I'm assuming Chris made the modification and sent it on to you for approval. Also, I sent a letter requesting an extension to give us more time, since I haven't heard anything about that, in this case I guess no news is good news. At this point, I'm hoping I haven't been remiss in moving forward with anything I needed to follow up on. Once again, I very much appreciate your help in getting this water right completed. Please let me know if there is anything else I need to do, to get this done.

Thank you, sincerely

Cheryl Peck

RECEIVED

APPLICATION MAP

JUL 10 1996

RECEIVED

IN THE NAME OF DAVID S. or CHERI F. PECK

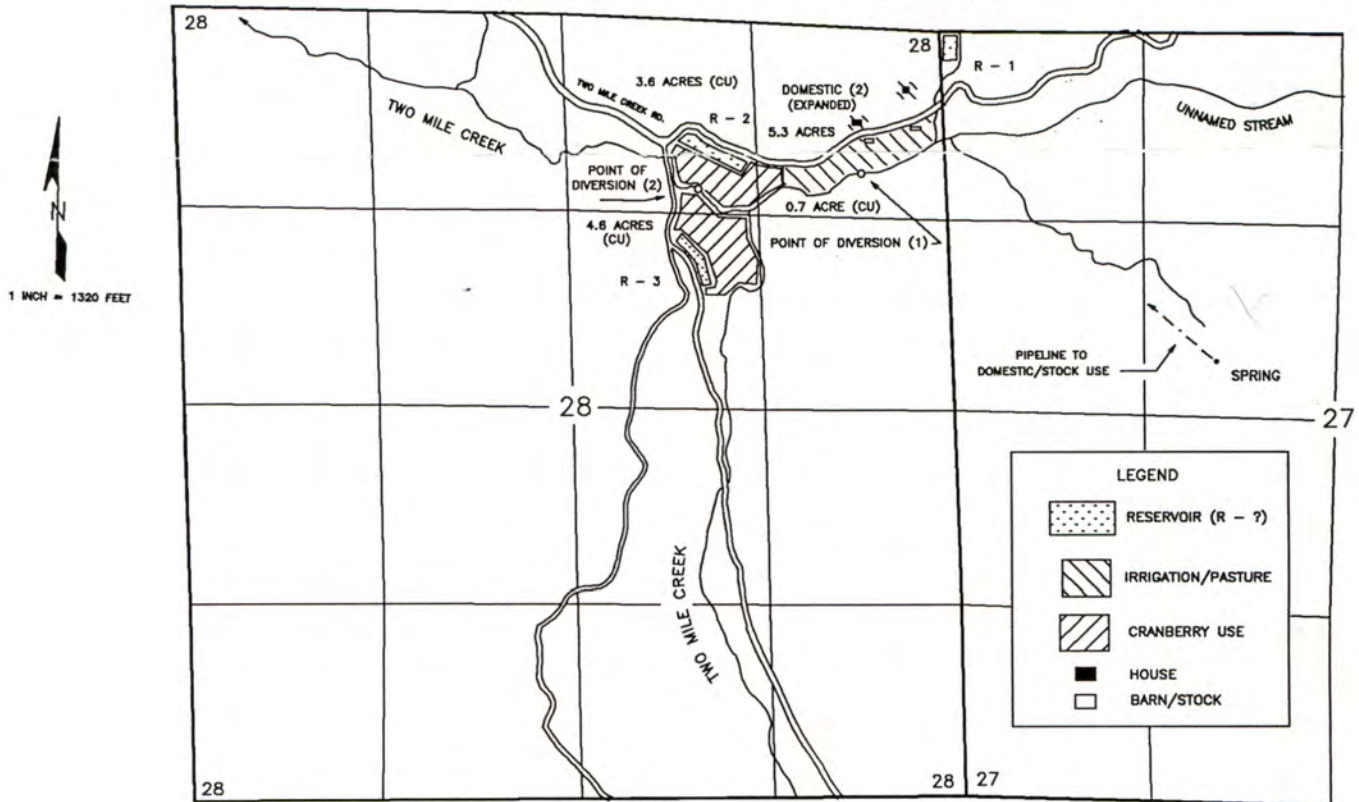
WATER RESOURCES DEPT.
SALEM, OREGON

JUN 29 1993

SECTIONS 27 & 28, T 29 S, R 14 W, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 73462
Permit No. 52613

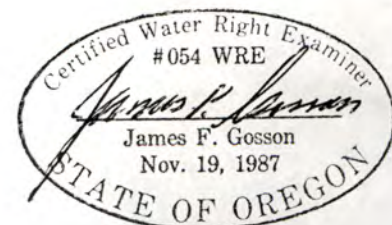


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THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF
PROPERTY OWNERSHIP BOUNDARY LINES.



CLARK Gerry E

From: Cheryl Peck <crystalwaterspoolservice@gmail.com>
Sent: Friday, January 08, 2016 9:58 AM
To: CLARK Gerry E
Subject: Re: Peck water right

Hello Gerry

Thank you for your update. I'm so relieved that the issue with the map is being resolved. My request for a extension may not be needed.

I appreciate your time, Have a great weekend.

Cheryl Peck

On Thu, Jan 7, 2016 at 6:31 PM, CLARK Gerry E <gerald.e.clark@state.or.us> wrote:

Cheryl,

Thank you for the update, and here is one from me.

I just got off the phone with Chris Hood at Stuntzner's and we are on a path to getting a revised map. The plan is for him to draft the second house onto the Claim map that was previously submitted.

I will keep you posted with anything I learn.

Have a great day!

Gerry

Gerry Clark

Water Right Services Division

Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Cheryl Peck [mailto:crystalwaterspoolservice@gmail.com]
Sent: Wednesday, January 06, 2016 1:29 PM
To: CLARK Gerry E
Subject: Peck water right

Hello Gerry

I wanted to send you a update on the revised water right map. I spoke to Chris Hood at Stuntzner Engineering today. He is trying to locate past data on the proposed map dated Oct. of 2010. There is not a job number on the map so Chris is having difficulty locating the information that Jerry Estabrook compiled for the map. I told Chris what you had related to me, that you would speak to him if he need more information. I'm faxing you a copy of a proposed map dated in June of 1993 and July of 1996. [i just found] I don't know why there are two dates on the map, but you probably do. This was done by James F. Gosson C.W.R.E. On this map it shows our two residence's in the correct location. There was never a second residence [our neighbors] on section 27 TL 300. Is there a possibility that you could accept that map in reference to the location of our second residence. In our last conversation you said [if I understood correctly] that if the location of the second residence is on the map that would be acceptable.

Our printer is not working, I will hand write a cover letter for the map I'm faxing.

Thank you for your help, I feel like we a finally getting some where.

Cheryl Peck

--

Cheryl Peck
Crystal Waters Pool and Spa

CLARK Gerry E

From: CLARK Gerry E
Sent: Thursday, January 07, 2016 3:31 PM
To: 'Cheryl Peck'
Subject: RE: Peck water right

Cheryl,

Thank you for the update, and here is one from me.

I just got off the phone with Chris Hood at Stuntzner's and we are on a path to getting a revised map. The plan is for him to draft the second house onto the Claim map that was previously submitted.

I will keep you posted with anything I learn.

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Cheryl Peck

CLARK Gerry E

From: CLARK Gerry E
Sent: Thursday, January 07, 2016 3:07 PM
To: 'chood@stuntzner.com'
Subject: Peck Claim Map
Attachments: scan_20160107_150339.pdf

Chris,

Here is the map we discussed.

Please let me know if you have any additional questions.

Gerry

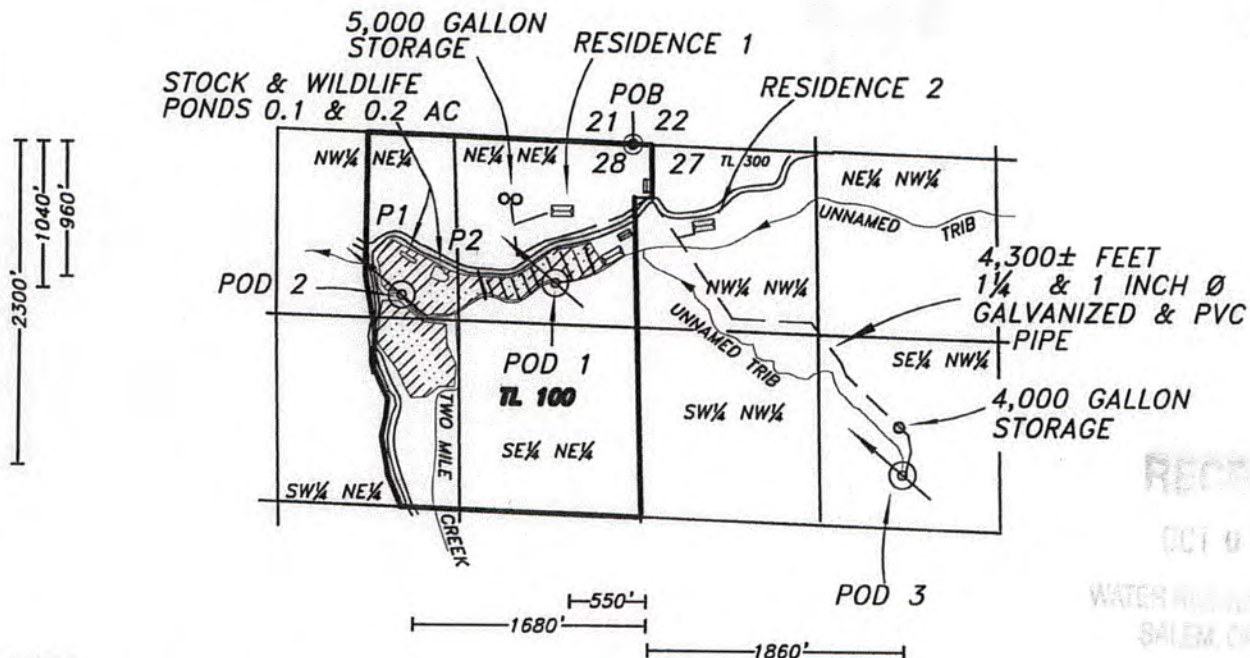
Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

CLAIM OF BENEFICIAL USE MAP
 LOCATED IN THE NW¼NE¼, NE¼NE¼ & SW¼NE¼ OF
 SECTION 28, ALSO THE NW¼ OF SECTION 27, TOWNSHIP 29 SOUTH,
 RANGE 14 WEST, WILLAMETTE MERIDIAN
 APPLICATION S-73462 & PERMIT 52613
 APPLICATION R-73461 & PERMIT R-11924

PREPARED FOR: DAVID S. PECK
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: AUGUST 10, 2010

Scale 1"=1320'



NOTE:
 IRRIGATED ACREAGE
 NW¼ NE¼ 3.0 ACRES CR
 NE¼ NE¼ 3.2 ACRES, being 2.5 for IR, and 0.7 for CR
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NOTE:
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NOTE:
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 PHOTO. ALL POINTS OF DIVERSION WERE
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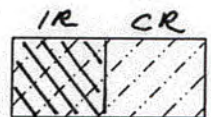
LEGEND

POB
 (POINT OF BEGINNING)

POD
 (POINT OF DIVERSION)

RESIDENCE & OUT BUILDINGS
 (NOT TO SCALE)

IRRIGATED AREA
 IR= Irrigation
 CR= Cranberry Operations



EXAMINERS DISCLAIMER STATEMENT

The preparation of this map was for the purpose of
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 property ownership lines.

Stuntzner Engineering
 & Forestry, L.L.C.

ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS

705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420

Phone: (541) 267-2872
 Fax: (541) 267-0588

Map revised by WRD 10-23-15 mfb

Cover Letter

Attention to Gerry Clark

Application Map

noted in my recent Email

Thank You

RECEIVED BY OWRD

JAN 07 2016

SALEM, OR

Application # 73462
Permit # 52613

APPLICATION MAP

JUL 10 1996

RECEIVED BY OWRD

IN THE NAME OF DAVID S. or CHERI F. PECK

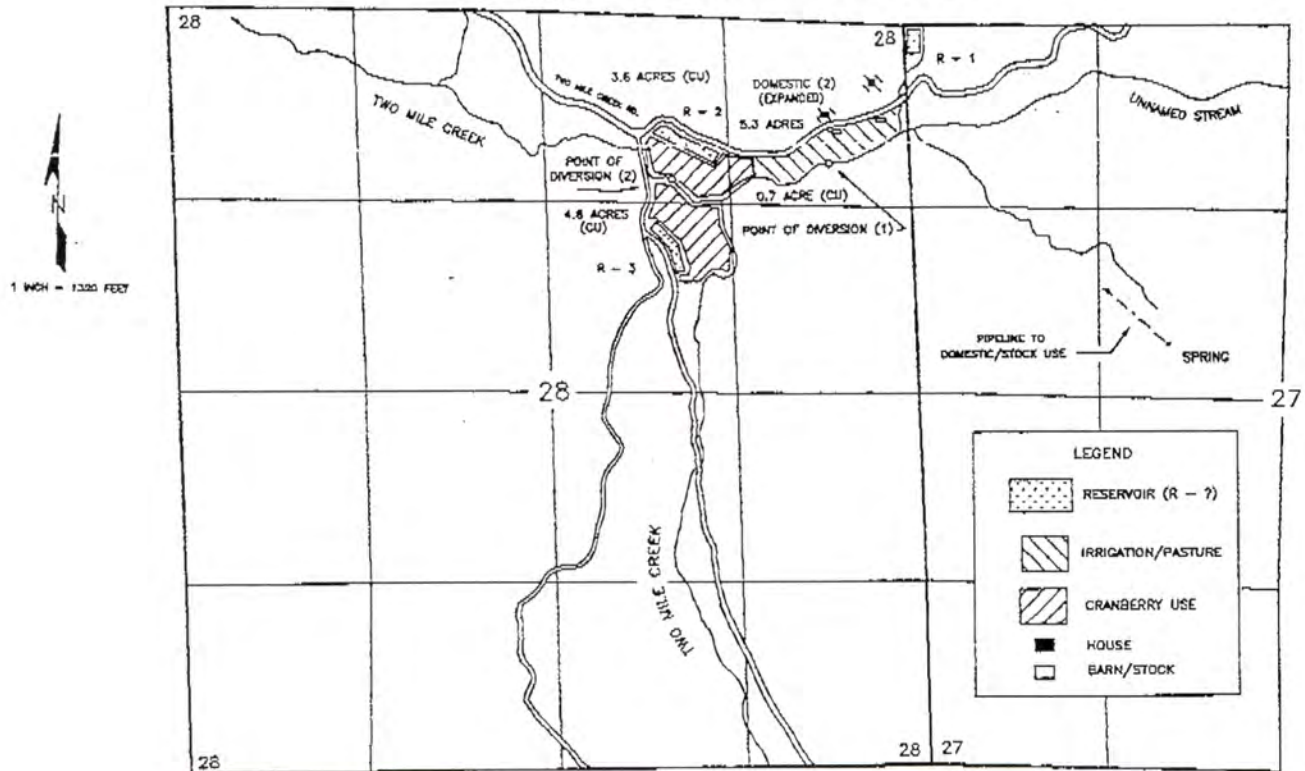
WATER RESOURCES DEPT.
SALEM, OREGON JUN 20 1993

JAN 07 2016

SECTIONS 27 & 28, T 29 S, R 14 W, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON

SALEM, OR

Application No. 73462
Permit No. 52613

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PROPERTY OWNERSHIP BOUNDARY LINES.

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

June 17, 1996

DAVID S PECK
PECK, CHERI F
RT 1 BOX 1480
BANDON OREGON 97411

RE: Application File # S-73462

Dear Mr. & Mrs. Peck,

On **May 13, 1996**, a letter was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ Permit recording fees in the amount of \$60.00.
- ▶ A map showing the place where water is to be used and the point where water will be diverted. The map must show the location of each dam (Reservoirs #1, #2, & #3) referenced by bearing and distance or coordinates relative to an established survey corner. For example, "XX feet south and YY feet west from the northeast corner of Section 5, Township 4 South, Range 2 West." A copy of your original map is enclosed.

Please submit these items by ^{JULY}~~June~~ 19, 1996. If we do not receive the items 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, please call me at 503-378-8455, extension 306.

Sincerely,



Mr. Cory Engel
Final Order Team

Enclosures



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

APPLICATION MAP

IN THE NAME OF DAVID S. or CHERI F. PECK

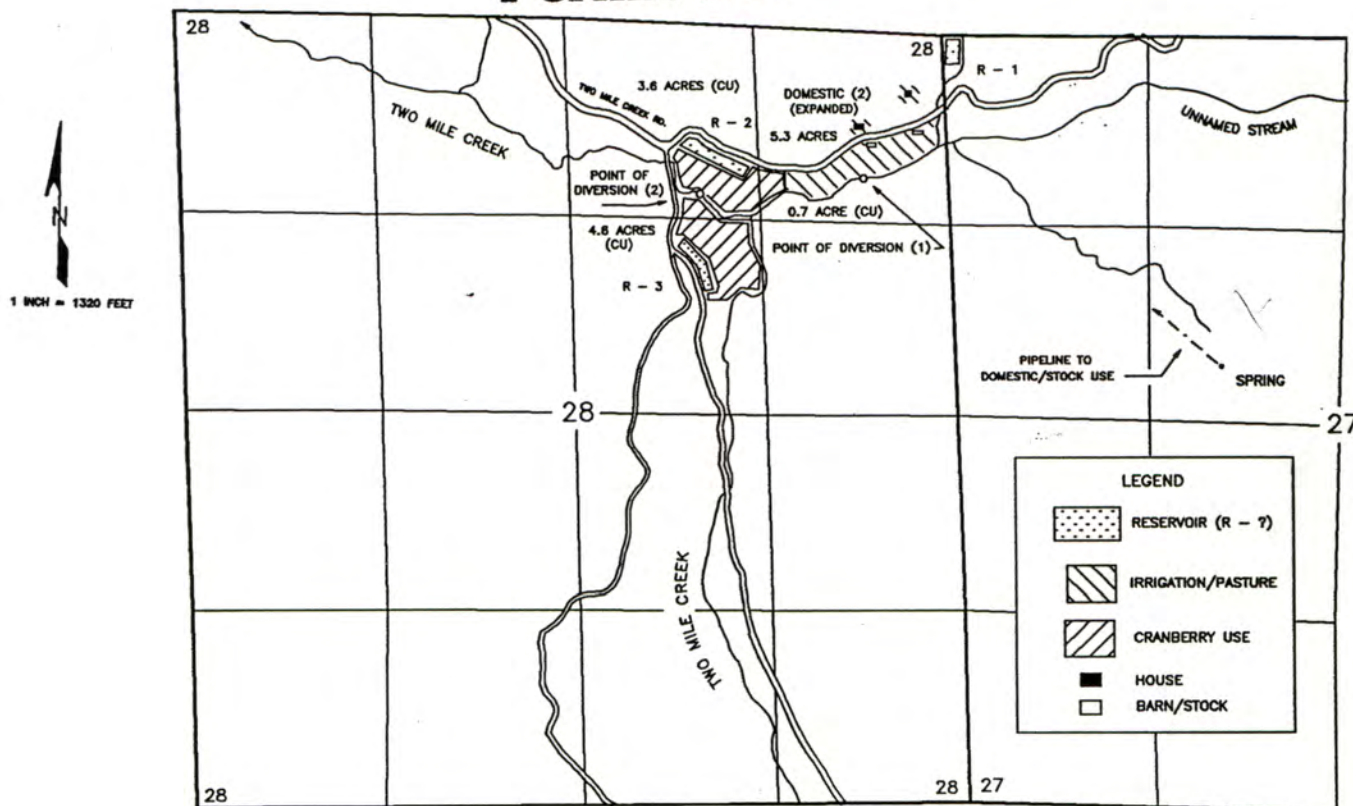
SECTIONS 27 & 28, T 29 S, R 14 W, W.M.

RECEIVED

JUN 29 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 73462
Permit No.

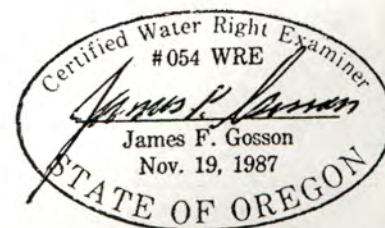


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PROPERTY OWNERSHIP BOUNDARY LINES.



Water Resources Department

12-7-15

Dear Mr. Dwight French

We are requesting a reconsideration of the proposal of Application S-73462 Permit S-52613. The indicated residence #2 on the map is our neighbor's residence and is not on our property and is not part of the permit. The map does not show our second residence. I am contacting a C.W.R.E. in our area that will be able to modify the proposed map. We are requesting more time to get this done; possibly a March date would be enough time to get this corrected.

Thank you,

Cheryl Peck

David Peck

RECEIVED BY OWRD

DEC 11 2015

SALEM, OR

CLARK Gerry E

From: CLARK Gerry E
Sent: Monday, December 07, 2015 11:51 AM
To: 'Cheryl Peck'
Subject: RE: test email
Attachments: Coos County CWRE List 12-2015.xlsx

Cheryl,

Here is the list we discussed.

Gerry

From: CLARK Gerry E
Sent: Monday, December 07, 2015 9:24 AM
To: 'Cheryl Peck'
Subject: RE: test email

Cheryl,

I did receive your test message.

Sorry we were not able to speak on Friday. I plan to be in the office this entire week and only have a few meeting scheduled (Tuesday morning). If you are unable to catch me by phone, maybe we can arrange a specific time to discuss the questions that you have.

My guess is that you are questioning why the Department is including Cranberry use on the proposed certificate when the Claim specifically indicated that the use was not developed. The reason that we are carrying forward that use is that within the description paragraph, contain on both the permit and the proposed certificate, there is language that indicates that the "Cranberry Operations" includes the irrigation of other crops as well:

"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."

The issuance of the proposed certificate as it is will not affect your ability to use this right for irrigation. In other words, if the right is not used for the production of cranberries, you are not out of compliance with the water right.

I hope this helps.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A

Salem, Oregon 97301

Phone: 503-986-0811

From: Cheryl Peck [<mailto:crystalwaterspoolservice@gmail.com>]

Sent: Sunday, December 06, 2015 9:43 PM

To: CLARK Gerry E

Subject: test email

Checking to see if this address bounces back.

CLARK Gerry E

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APPLICATION MAP

RECEIVED

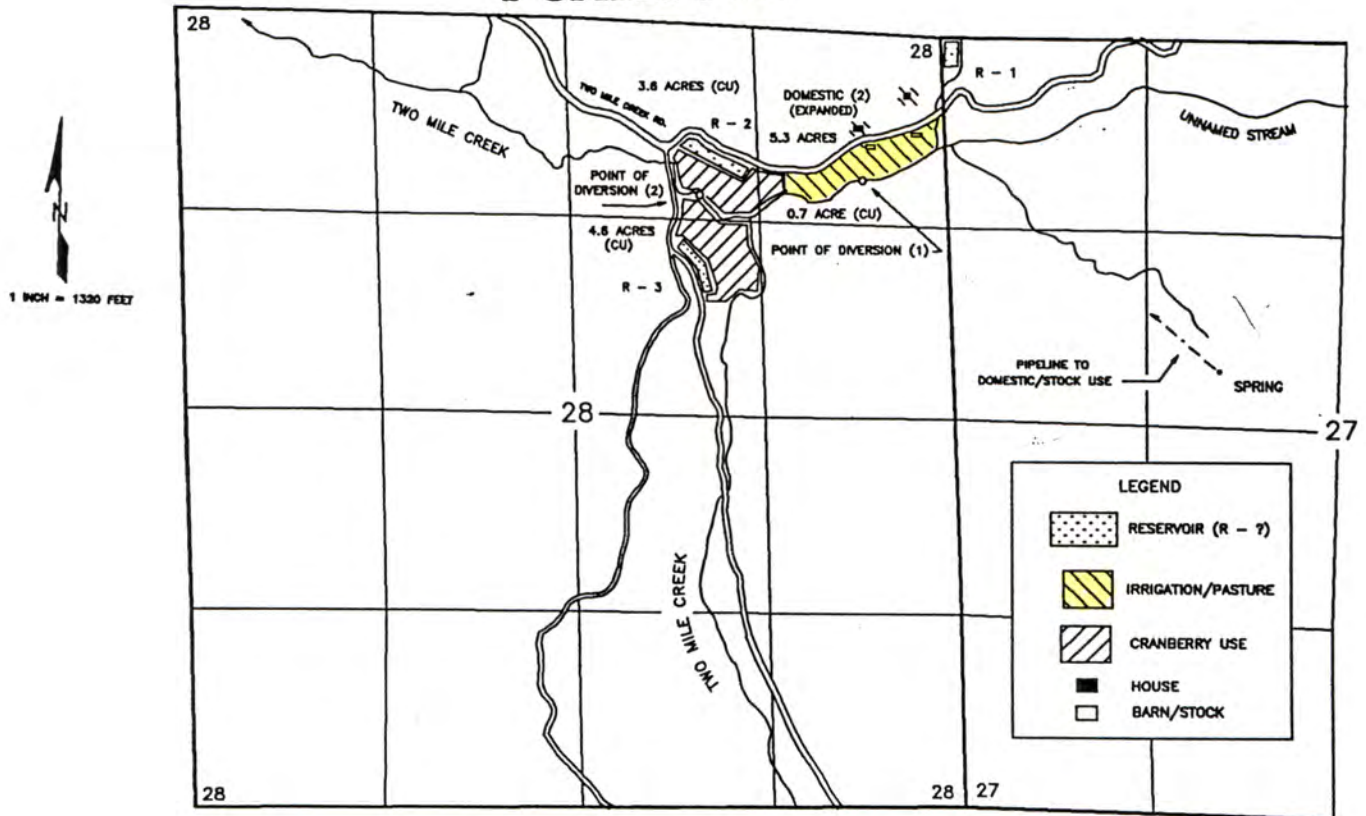
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JUN 29 1993

SECTIONS 27 & 28, T 29 S, R 14 W, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 73462
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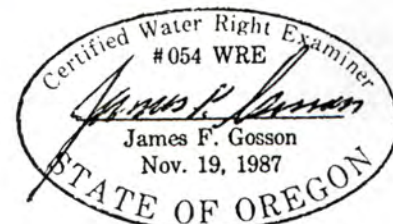


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Mailing List for Certificate

Application: S-73462

Permit: S-52613

Certificate:

Permit/Certificate Holder:

DAVID S PECK
89551 TWO MILE LANE
BANDON OR 97411 ✓

Copies of Final Certificate to be sent to:

1. Watermaster District #: 19
2. ~~Data Center (include copy of map),~~
3. ~~Water Availability~~
4. ~~Vault~~
5. File

Other persons to receive copies: (include map):

1. Jerry Lee Estabrook, CWRE ✓

Copies Mailed

by: Connie Vance
(STAFF)

on: NOV 12 2015
(DATE)

PROPOSED

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID S PECK
89551 TWO MILE LANE
BANDON OR 97411

PROPOSED

confirms the right to the use of water perfected under the terms of Permit S-52613. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-73462

SOURCE OF WATER: AN UNNAMED SPRING, A TRIBUTARY OF AN UNNAMED STREAM; AN UNNAMED STREAM, A TRIBUTARY TWOMILE CREEK; AND TWOMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: CRANBERRY USE, IRRIGATION, DOMESTIC USE FOR TWO HOUSEHOLDS, AND STOCKWATER

RATE OF USE: 0.05 CUBIC FOOT PER SECOND (CFS), BEING 0.005 CFS FOR DOMESTIC USE FROM AN UNNAMED SPRING; 0.005 CFS TOTAL FOR STOCKWATER USE FROM AN UNNAMED STREAM AND AN UNNAMED SPRING; 0.02 CFS FROM AN UNNAMED STREAM FOR IRRIGATION AND STOCKWATER USE; AND 0.02 CFS FROM TWOMILE CREEK FOR CRANBERRY USE

PERIOD OF ALLOWED USE: YEAR ROUND FOR DOMESTIC USE AND STOCKWATER USE, DECEMBER 1 THROUGH APRIL 30 FOR CRANBERRY USE, AND MARCH 1 THROUGH APRIL 30 FOR IRRIGATION

DATE OF PRIORITY: JUNE 29, 1993

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	14 W	WM	27	SE NW	UNNAMED SPRING (POD 3) - 2300 FEET SOUTH AND 1860 FEET EAST FROM NE CORNER, SECTION 28
29 S	14 W	WM	28	NE NE	UNNAMED STREAM (POD 1) - 960 FEET SOUTH AND 550 FEET WEST FROM NE CORNER, SECTION 28
29 S	14 W	WM	28	NW NE	TWOMILE CREEK (POD 2) - 1040 FEET SOUTH AND 1680 FEET WEST FROM NE CORNER, SECTION 18

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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.

A description of the place of use is as follows:

CRANBERRY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	28	NE NE	0.7
29 S	14 W	WM	28	NW NE	3.0
29 S	14 W	WM	28	SW NE	5.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	28	NE NE	2.5

DOMESTIC AND STOCKWATER					
Twp	Rng	Mer	Sec	Q-Q	
29 S	14 W	WM	27	NW NW	
29 S	14 W	WM	28	NE NE	

PROPOSED

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user 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 water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

The totalizing flow meter must be maintained at each diversion point as identified in OAR 690-507-645.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Twomile Creek.

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

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

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued _____.

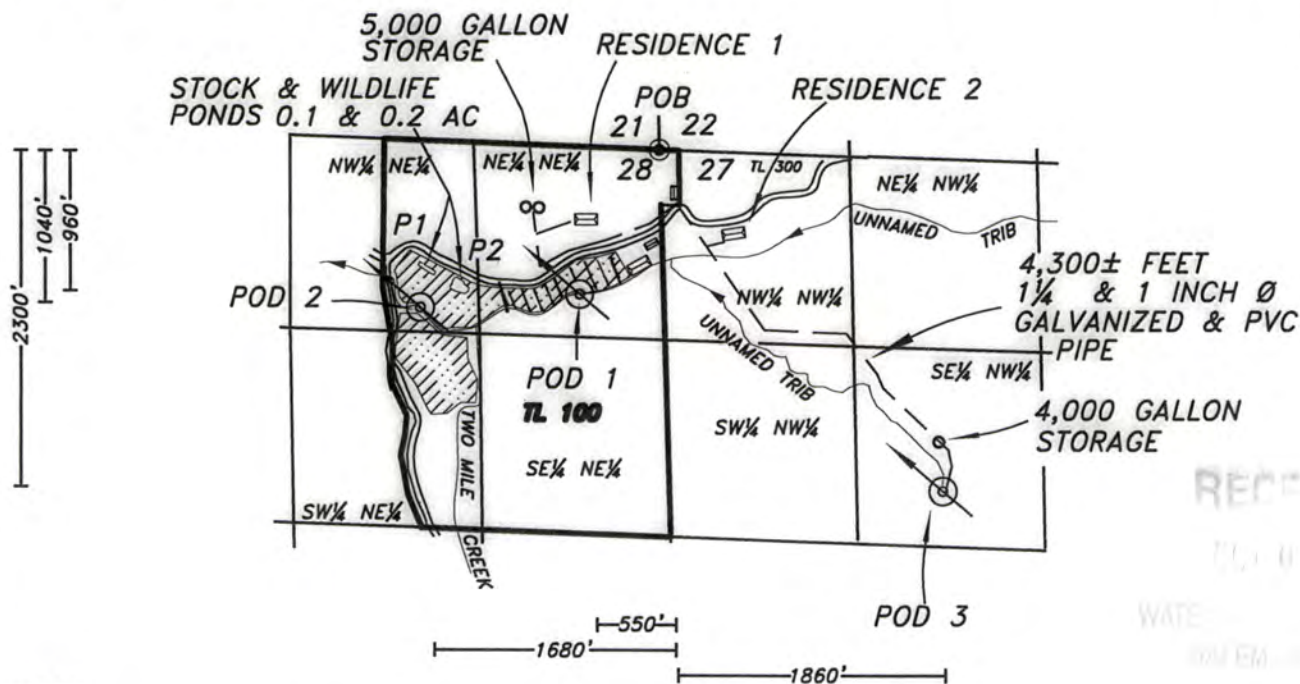
PROPOSED

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

CLAIM OF BENEFICIAL USE MAP
 LOCATED IN THE NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF
 SECTION 28, ALSO THE NW $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 29 SOUTH,
 RANGE 14 WEST, WILLAMETTE MERIDIAN
 APPLICATION S-73462 & PERMIT 52613
 APPLICATION R-73461 & PERMIT R-11924

PREPARED FOR: DAVID S. PECK
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: AUGUST 10, 2010

Scale 1"=1320'



NOTE:

IRRIGATED ACREAGE

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 ACRES CR
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.2 ACRES, being 2.5 for IR, and 0.7 for CR
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES CR

NOTE:

ALL POINTS OF DIVERSION AND PONDS ARE LOCATED FROM THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 29 SOUTH, RANGE 14 WEST W.M.

P.O.D. 1 550 FEET WEST & 960 FEET SOUTH.
 P.O.D. 2 1680 FEET WEST & 1040 FEET SOUTH
 P.O.D. 3 1860 FEET EAST & 2300 FEET SOUTH.
 POND 1 1617 FEET WEST & 810 FEET SOUTH.
 POND 2 1390 FEET WEST & 930 FEET SOUTH.

NOTE:

POINTS OF DIVERSION 1 & 2 ARE SEASONAL PORTABLE PUMP. POINT OF DIVERSION 3 IS A INSPRING DEVICE. SEE ATTACHED PHOTO. ALL POINTS OF DIVERSION WERE TIED AT TIME OF APPLICATION BY CWRE #054

LEGEND

POB
 (POINT OF BEGINNING)

POD
 (POINT OF DIVERSION)

RESIDENCE & OUT BUILDINGS
 (NOT TO SCALE)

IRRIGATED AREA
 IR= Irrigation
 CR= Cranberry Operations



EXPIRES 12/31/2011

EXAMINERS DISCLAIMER STATEMENT

The preparation of this map was for the purpose of identifying the location of the Water Right only and has no intent to provide dimensions or location of property ownership lines.

Stuntzner Engineering
 & Forestry, L.L.C.

ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS

705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420

Phone: (541) 267-2872
 Fax: (541) 267-0588

Map revised by WRD 10-23-15 nfb



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED: NOV 12 2015

NOTICE

Reference: Application S-73462 Permit S-52613

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any other questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Administrator

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-73462

Final Order

Application History

On June 29, 1993, DAVID S PECK submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 24, 1995. The protest period closed December 8, 1995, and no protest was filed.

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

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

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

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 add the conditions listed above, to correctly describe the rate of use, and to add supplemental irrigation use.

Order

Application S-73462 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number 52613 is issued as limited by the conditions set forth in the permit.

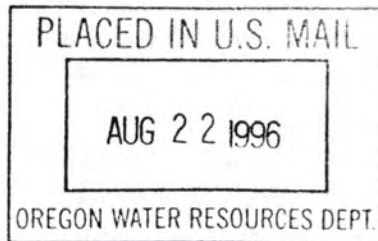
DATED August 21, 1996

for Martha O. Pagel
Director

Hearing and Appeal Rights

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

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



STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID S PECK
RT 1 BOX 1480
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-73462

SOURCE OF WATER: AN UNNAMED SPRING, A TRIBUTARY OF AN UNNAMED STREAM; AN UNNAMED STREAM, A TRIBUTARY TWOMILE CREEK; AND TWOMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN; RESERVOIRS #1, #2, & #3, CONSTRUCTED UNDER APPLICATION R-73461, PERMIT R-11924, TRIBUTARIES OF TWOMILE CREEK

PURPOSE OR USE: CRANBERRY USE, IRRIGATION, SUPPLEMENTAL IRRIGATION, DOMESTIC USE FOR TWO HOUSEHOLDS, AND STOCKWATER

RATE OF USE: 1.08 CUBIC FEET PER SECOND (CFS), BEING 0.005 CFS FOR DOMESTIC USE FROM AND AN UNNAMED SPRING; 0.005 CFS TOTAL FOR STOCKWATER USE FROM AN UNNAMED STREAM AND AN UNNAMED SPRING; 0.07 CFS FROM AN UNNAMED STREAM FOR IRRIGATION AND STOCKWATER USE; 1.00 CFS FROM TWOMILE CREEK FOR CRANBERRY USE; AND 27.00 ACRE-FEET (AF) PER YEAR, BEING 9.00 AF FROM RESERVOIR #1 FOR SUPPLEMENTAL IRRIGATION AND CRANBERRY USE, 9.00 AF FROM RESERVOIR #2 FOR IRRIGATION AND CRANBERRY USE, AND 9.00 AF FROM RESERVOIR #3 FOR CRANBERRY USE

PERIOD OF ALLOWED USE: LIVE FLOW - YEAR ROUND FOR DOMESTIC USE AND STOCKWATER USE, DECEMBER 1 THROUGH APRIL 30 FOR CRANBERRY USE, AND MARCH 1 THROUGH APRIL 30 FOR IRRIGATION; STORED WATER - YEAR ROUND FOR CRANBERRY USE, MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION

DATE OF PRIORITY: JUNE 29, 1993

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 27; NE 1/4 NE 1/4, NW 1/4 NE 1/4, SW 1/4 NE 1/4, SECTION 28; T29S, R14W, W.M.; UNNAMED SPRING - 2300 FEET SOUTH & 1860 FEET EAST, UNNAMED STREAM - 960 FEET SOUTH & 550 FEET WEST, TWOMILE CREEK - 1040 FEET SOUTH & 1680 FEET WEST, RESERVOIR #1 - 100 FEET SOUTH & 90 FEET EAST, RESERVOIR #2 - 890 FEET SOUTH & 1580 FEET WEST, RESERVOIR #3 - 1720 FEET SOUTH & 1660 FEET WEST, ALL FROM THE NE CORNER OF SECTION 28

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 - DOMESTIC & STOCK
SECTION 28

	<u>CRANBERRY USE</u>	<u>IRRIGATION</u>	<u>SUPP. IRR.</u>
NE 1/4 NE 1/4	0.7 ACRES	5.3 ACRES	5.3 ACRES
NW 1/4 NE 1/4	3.6 ACRES		
SW 1/4 NE 1/4	4.8 ACRES		

SECTION 28
TOWNSHIP 29 SOUTH, RANGE 14 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 and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Twomile Creek.

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 21, 1996

for Steven Applegate
Martha O. Pagel, Director
Water Resources Department

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>5-73462</u>	Permit # <u>5-52613</u>	Transfer #
WRD Reviewer <u>Corey</u>	Date <u>10-14-15</u>	
WRD Peer Reviewer <u>Mary Björk</u>	Date <u>10-23-15</u>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor verified by phone w/ Assessor 10-21-15
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- YES Fish Conditions screened 1999, fishway - no → see notes next page
- YES Meter/measuring device shall; TRM - OK by Watermaster Approval
- NA Water Use Reporting
- NA Pump Test (post December 19, 1988)
- NA Other Conditions _____
- NA SWL
- yes C-Date CForm = 8-6-99
- cc Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

A = 8-21-97

B = 10-1-98

C = 10-1-99

App.
* R-73461 cancelled by
the Department February 7, 2011
not re-instated *

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

CC I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

*user didn't fully develop - App. R-73461 Cancelled by Dept. 2011, so
cranberry operation never fully developed.*

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

CC Stamp ~~PROPOSED~~ or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

CC Draft Certificates or Proposed Order of Certifications are available in the Application directory.

CC Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking: App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____

NOTES:

- ✓ per G.C. 10.16-15: Keep language for Cranberry operations, due to language containing; irrigation of any other crop. Allows water user to keep POD2 (Twonite Creek) and place of use (irrigated acres). Ponds on FPS map not included due to cancellation of R-73461. Supplemental IR is not allowed, as source was reservoir and ~~was~~ originally listed as Supplemental Cranberry. Requirement of meter ok'd by ~~letter~~ ^{approval} form from WM Dist. 19, however carry language forward on prop. cert. G.C. agrees fishway not necessary. Rates and acreage verified, ok'd by G.C.
- ✓ 10-20-15 ok'd by DF to move forward using "cranberry" language to cover IR

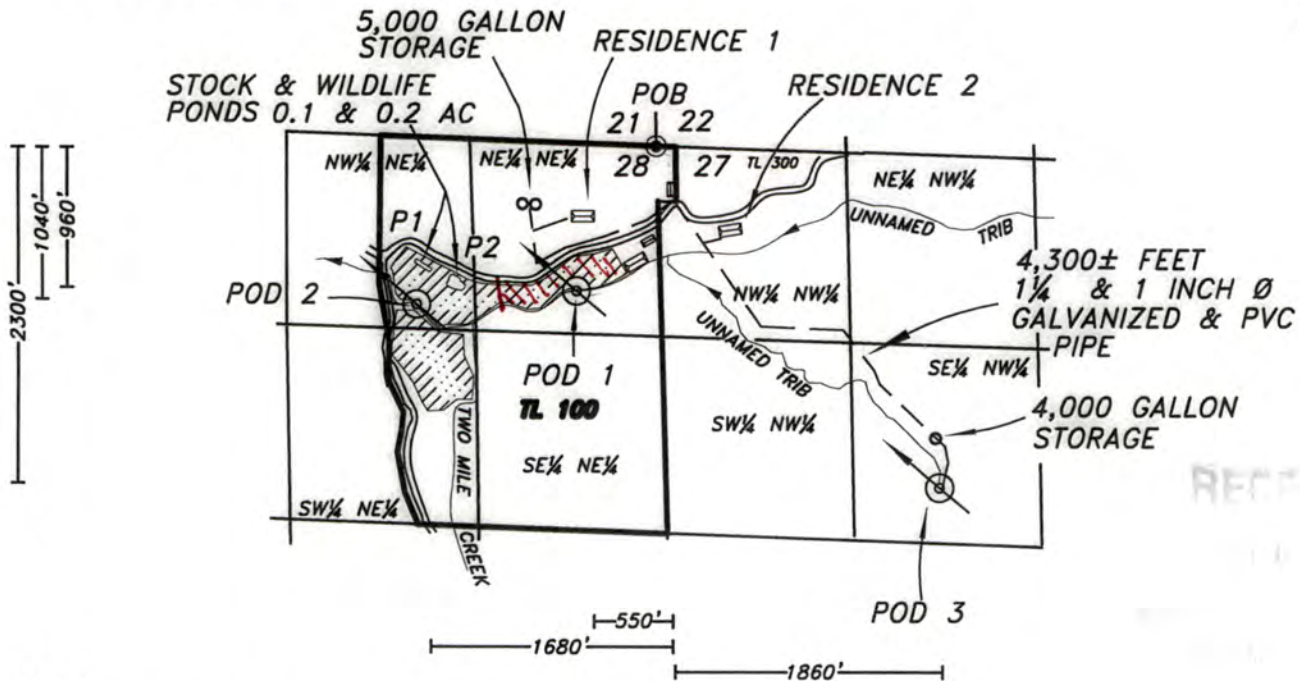
S:\groups\wr\certs\2014-2015 Certificate Project\Checklist

HC 12/9/15 - removed "Residence 2" from proposed cert - not developed on land authorized under the permit. in and on the proposed cert.

CLAIM OF BENEFICIAL USE MAP
 LOCATED IN THE NW¼NE¼, NE¼NE¼ & SW¼NE¼ OF
 SECTION 28, ALSO THE NW¼ OF SECTION 27, TOWNSHIP 29 SOUTH,
 RANGE 14 WEST, WILLAMETTE MERIDIAN
 APPLICATION S-73462 & PERMIT 52613
 APPLICATION R-73461 & PERMIT R-11924

PREPARED FOR: DAVID S. PECK
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: AUGUST 10, 2010

Scale 1"=1320'



NOTE:
 IRRIGATED ACREAGE
 NW¼ NE¼ 3.0 ACRES CR
 NE¼ NE¼ 3.2 ACRES, being 2.5 for IR, and 0.7 for CR
 SW¼ NE¼ 5.0 ACRES CR

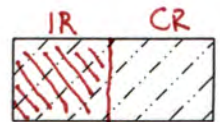
LEGEND

POB
 (POINT OF BEGINNING)

POD
 (POINT OF DIVERSION)

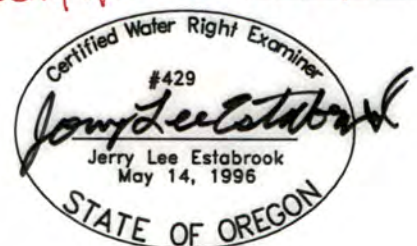
RESIDENCE & OUT BUILDINGS
 (NOT TO SCALE)

IRRIGATED AREA
 IR= Irrigation
 CR= Cranberry operations



NOTE:
 ALL POINTS OF DIVERSION AND PONDS ARE LOCATED
 FROM THE NORTHEAST CORNER OF SECTION 28,
 TOWNSHIP 29 SOUTH, RANGE 14 WEST W.M.
 P.O.D. 1 550 FEET WEST & 960 FEET SOUTH.
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NOTE:
 POINTS OF DIVERSION 1 & 2 ARE SEASONAL
 PORTABLE PUMP. POINT OF DIVERSION 3
 IS A INSPRING DEVICE. SEE ATTACHED
 PHOTO. ALL POINTS OF DIVERSION WERE
 TIED AT TIME OF APPLICATION BY CWRE #054



EXPIRES 12/31/2011

EXAMINERS DISCLAIMER STATEMENT

The preparation of this map was for the purpose of
 identifying the location of the Water Right only and
 has no intent to provide dimensions or location of
 property ownership lines.

Stuntzner Engineering
 & Forestry, L.L.C.

ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS

705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420

Phone: (541) 267-2872
 Fax: (541) 267-0588

Application No. 73462 Permit No.

APPLICATION IN THE NAME OF DAVID S. or CHERI F. PECK

SUPPLEMENTAL SHEET

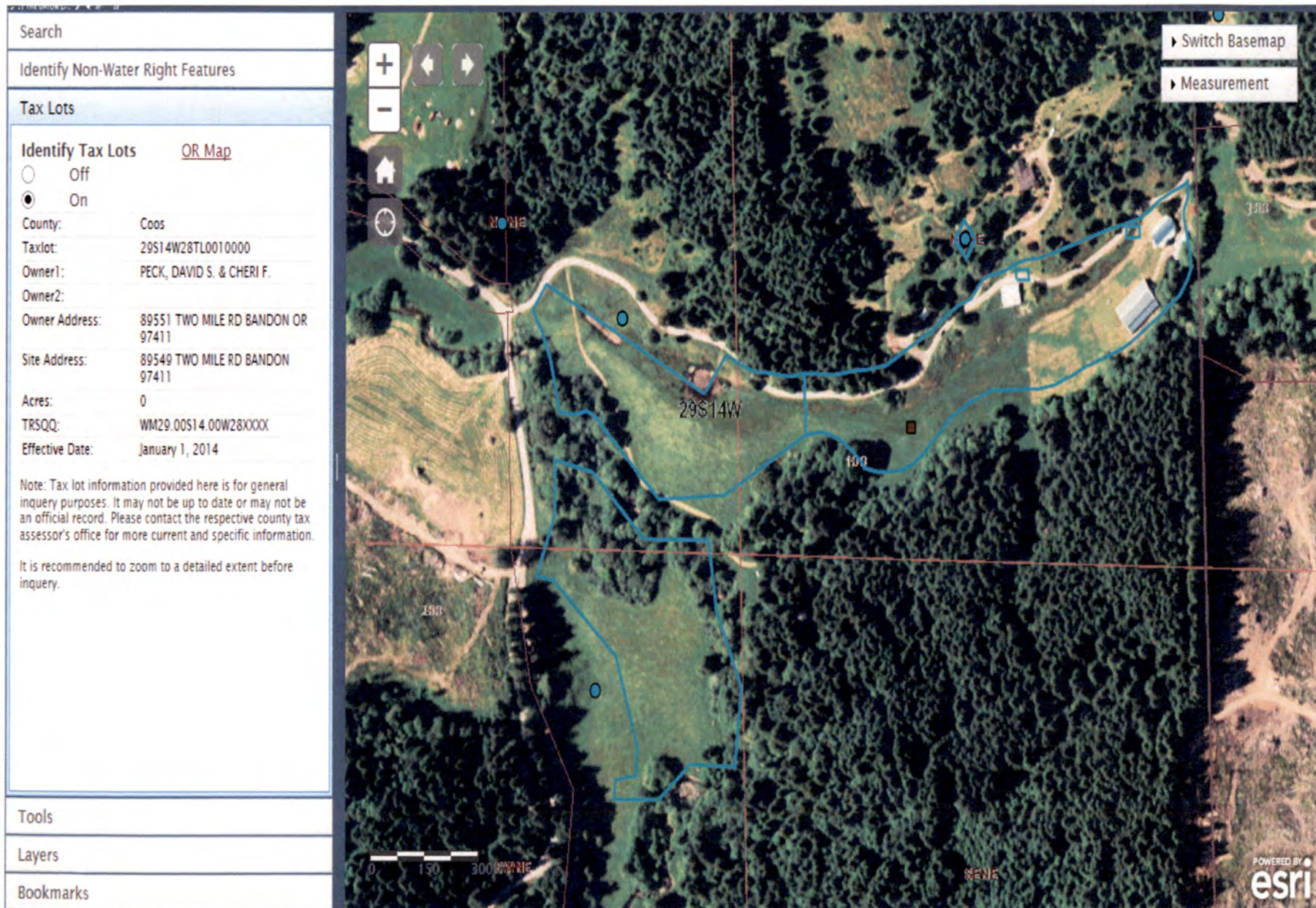
SOURCE OF WATER	USE OF WATER	QUANTITY OF WATER	COMMENTS
UNNAMED STREAM	IRRIGATION (FIELD)/STOCK WATER OUTSIDE THE BARNS	^{0.005} 0.07 cfs ^{0.075}	
TWO MILE CREEK	CRANBERRY USE	1.00 cfs	
RESERVOIR No. 1	SUPPLEMENTAL IRRIGATION/CRANBERRY USE	9.00 ACRE FEET	
RESERVOIR No. 2	SUPPLEMENTAL CRANBERRY USE/IRRIGATION	9.00 ACRE FEET	
RESERVOIR No. 3	SUPPLEMENTAL CRANBERRY USE	9.00 ACRE FEET	
SPRING	DOMESTIC including up to 1/2 lawn and garden and STOCKWATER IN THE BARNS	^{0.005} 0.025 cfs ^{0.005} 0.01	DOMESTIC EXPANDED: 0.02 cfs STOCKWATER 0.005 cfs

NOT
DEVELOPED
CANCELLED

PC/
0.02 IR
Stock
0.02 CR

0.01 Down
Stock

NOTE: cfs = CUBIC FEET/SECOND

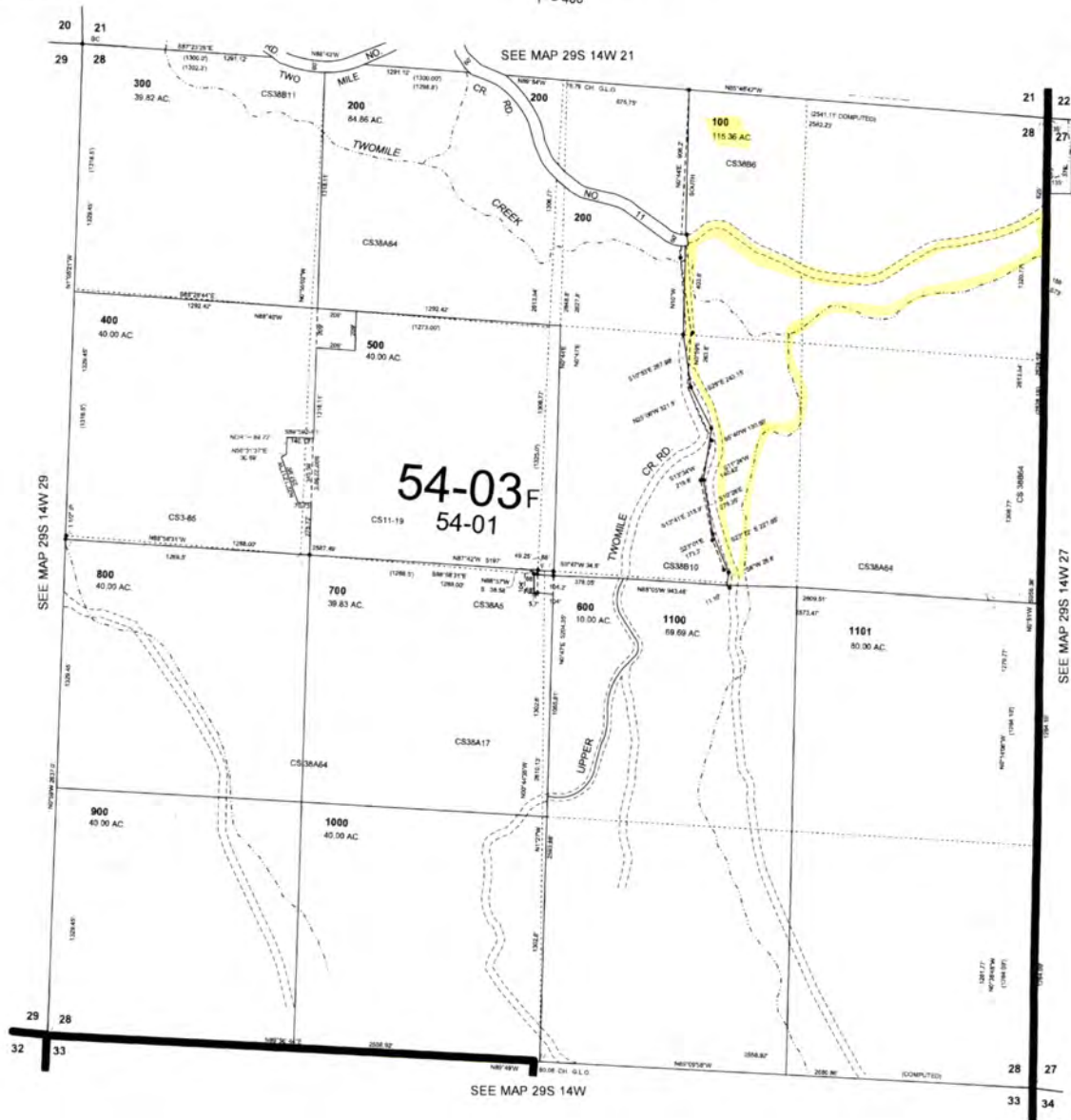


29S 14W 28

CANCELLED NO.

401
501

1" = 400'



8-12-2011

29S 14W 28

Water Rights Platcard Report

NCR

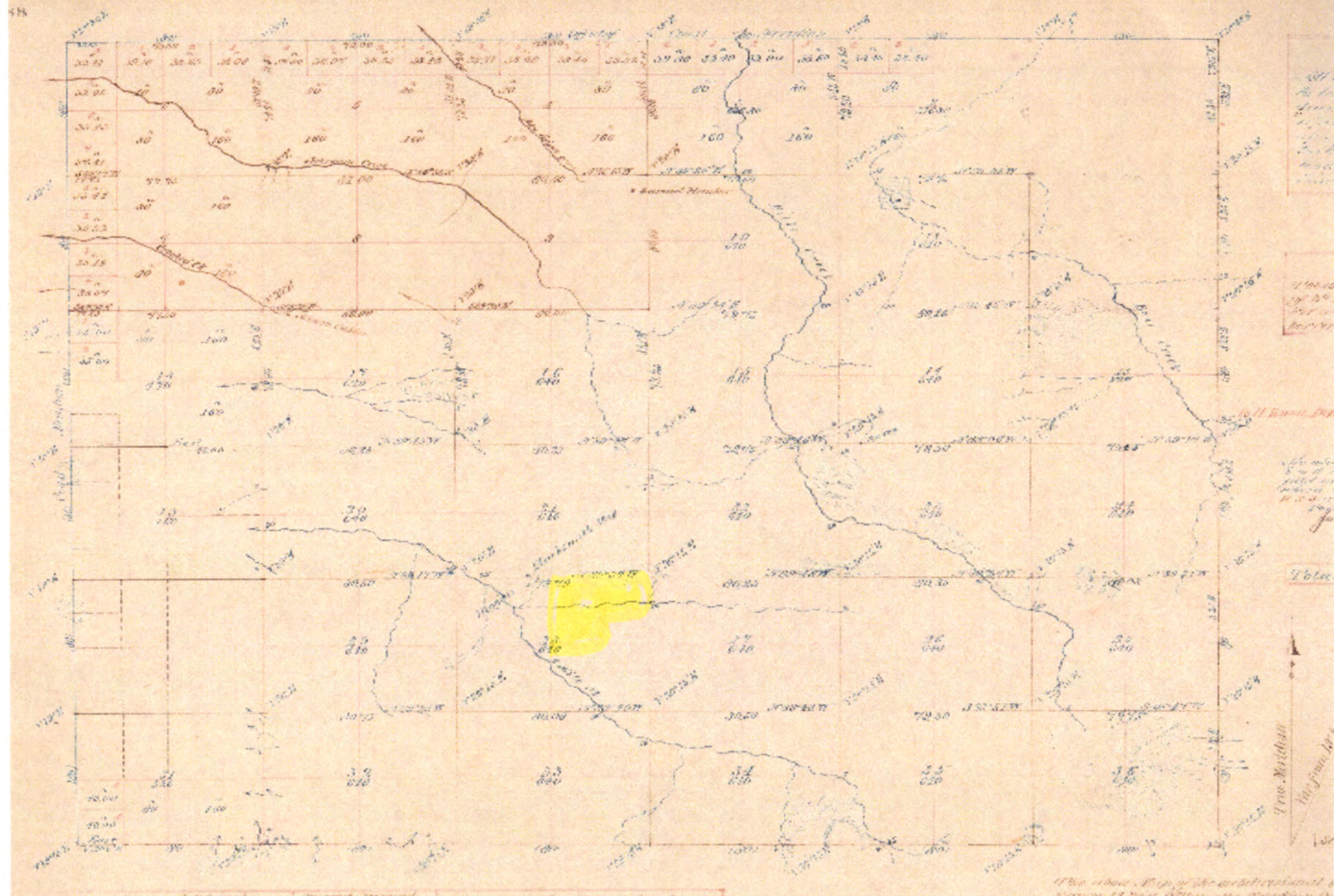
Meridian: Township: Range: Section: Records per Page: Search

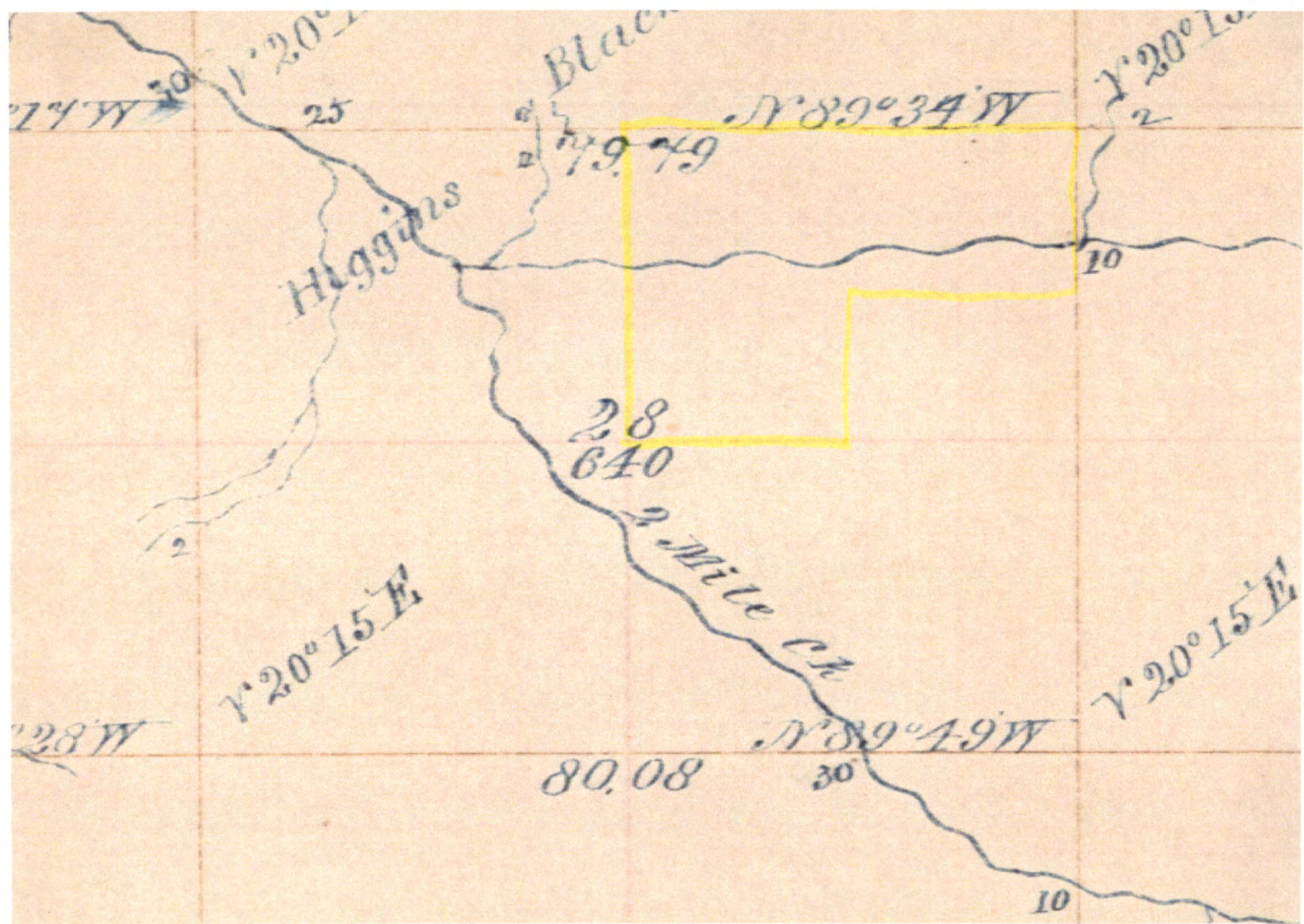
Platcards Maps!
[Learn about](#) * [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ
Select Permit: S 52613 *		6/29/1993	CRANBERRY				5.3																	
Additional Info: DAVID S PECK App: S73462 Permit: S52613																								
Select Permit: S 52613 *		6/29/1993	IRRIGATION				5.3																	
Additional Info: DAVID S PECK App: S73462 Permit: S52613																								
Select Permit: S 52613 *		6/29/1993	CRANBERRY (Suppl'mnt)				0.7	3.6	4.8															
Additional Info: DAVID S PECK App: S73462 Permit: S52613																								
Select Permit: S 52613 *		6/29/1993	DOMESTIC AND LIVESTOCK				*																	
Additional Info: DAVID S PECK App: S73462 Permit: S52613																								
Select App: P 77542 *		1/3/1995	LIVESTOCK																					*
Additional Info: GINA P KOSKELA App: P77542																								
Select Permit: R 11924 CN		6/29/1993	CRANBERRY	CN																				
Additional Info: DAVID S PECK App: R73461 Permit: R11924																								
Select Permit: R 11924 CN		6/29/1993	STORAGE	CN																				
Additional Info: DAVID S PECK App: R73461 Permit: R11924																								

<u>Select</u> Cert:36973 OR * <u>Additional Info:</u> NEWTON L DICKEY App: S38461 Permit: S28805 Cert: 36973	5/31/1963 IRRIGATION						3.5														
<u>Select</u> Claim:SW 524 * <u>Additional Info:</u> R NEIL LAFFERTY Claim: SW524	1/1/1900 LIVESTOCK																				*
Acreage Legend: 12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)					[12.25] Acreage has been suspended		* Acreage is not specified												

Township 23 South, Range 14 West, Willamette Meridian, Oregon





Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 0.5
Efficiency = 7.04
Lift = 15
PSI = 50

Results Calculated

$(hp)(\text{efficiency}) = 3.52$
Head based on psi = 127.0
Total dynamic head = 142.0
(head + lift)

Pump Capacity = 0.02 feet per second

Auth rate; Stockwater = 0.005
IR = 0.07

Does not meet capacity
Can't make proof
Rate = 0.02 cfs

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 1 inches, or 0.0833333 feet
Roughness Coefficient (C) = 150
Fall = 231 feet per 2650 feet of distance
Grade = 0.08716981, or 8.7%

Results calculated

Area of cross-section = 0.005454 square feet
Wetted Perimeter = 0.261799 feet
Hydraulic Radius = 0.020833
Velocity = 4.619792 feet per second

Pipe Capacity = 0.025 cubic feet per second

Auth rate = 0.005
Exceeds capacity
Makes proof

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 1 inches, or 0.0833333 feet
Roughness Coefficient (C) = 150
Fall = 64 feet per 475 feet of distance
Grade = 0.13473684, or 13.5%

Results calculated

Area of cross-section = 0.005454 square feet
Wetted Perimeter = 0.261799 feet
Hydraulic Radius = 0.020833
Velocity = 5.8445 feet per second

Pipe Capacity = 0.032 cubic feet per second

Date Received 10/12/2010CWRE Name Jerry Lee Estabrook Claim Logged yesFile Marked yes

Oversized Map # _____

Read the file and attach a copy of the permit or transfer final order. _____

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☐ Source illustrated if surface water (OAR 690-014-0170(3))
- ☐ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☐ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☐ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☐ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- ☐ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Tax lot information (OAR 690-014)
- ☐ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☐ Source(s) of water (OAR 690-014-0100)
- ☐ Point of diversion/appropriation location (OAR 690-014-0100)
- ☐ Use, period of use, and rate for use (OAR 690-014-0100)
- ☐ Place of use location (OAR 690-014-0100)
- ☐ Type of use (OAR 690-014-0100)
- ☐ Extent of use (OAR 690-014-0100)
- ☐ Rate and Duty (OAR 690-014-0100)
- ☐ Diversion rate for each use (OAR 690-014-0100)
- ☐ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☐ System capacity (OAR 690-014-0100)
 - ☐ Calculated capacity of system (required)
 - ☐ Measured amount of use (optional)
- ☐ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - ☐ Time limits
 - ☐ Initial water level measurements
 - ☐ Annual static water level measurements
 - ☐ Measurement, recording, and reporting
 - ☐ Meter/measuring device
 - ☐ Water use reporting
 - ☒ Fish screening and/or by-pass
 - ☐ Pump test (ground water)
 - ☐ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee or transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed
_____ Conflict check (include copy of plat card printout) Any Conflicts? _____
_____ Check for ownership

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
_____ Proof to the Satisfaction has not been established for the following reasons: _____
_____ **Proposed Actions:**
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming 0.1 cfs or less**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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**A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))**

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml.

SECTION 1

GENERAL INFORMATION

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1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
S-73462	S-52613	

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME David S. Peck		PHONE No. (541) 347-3262	ADDITIONAL CONTACT No.
ADDRESS 89551 Two Mile Lane			
CITY Bandon	STATE OR	ZIP 97411	E-MAIL

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit holder of record.**

3. Is the Property Owner the permit holder of record?

YES

If "YES" the remainder of this item may be deleted.

Are there additional permit holders of record?

NO

If "NO" the following box may be deleted.

4. Date of Site Inspection: **8/2/2010**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
David Peck	8/2/2010	Property Owner

6. County: **Coos**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

**Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD		
N/A		
ADDRESS		
CITY	STATE	ZIP

Are there additional Owners of Record?

NO

If "NO" the following box may be deleted.

SECTION 2 SYSTEM DESCRIPTION

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A. Points of Diversion

1. POD source and, if from surface water, the tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
P.O.D. 1	Unnamed stream	Two Mile Creek
P.O.D. 2	Two Mile Creek	Pacific Ocean
P.O.D. 3	Unnamed spring	Two Mile Creek

2. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
P.O.D. 1	Irrigation/livestock	Grass Hay	3/1 to 10/31	.07 CFS
P.O.D. 2	Irrigation/livestock	Grass Hay	3/1 to 10/31	.005 CFS
P.O.D. 3	Domestic		Year round	.005 CFS
Total Quantity of Water Used				0.08CFS

3. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the place of use:

P.O.D. 1 & 2 A portable sump pump with a 8 HP gasoline generator are moved between the P.O.D.'s. Water is distributed via a 1½ inch diameter hose. (flood irrigation).
P.O.D. 3 is a gravity system that starts with an in-spring device (see photo). Down hill from the P.O.D. is a 4,000 gallon storage tank. Approximately 2,650 feet of 1½ and 1 inch galvanized and plastic pipe connect to the first residence. Approximately 1,650 feet of 1½ and 1 inch galvanized and plastic pipe connect to two 2,500 gallon storage tanks above the second residence with 475 feet of 1 inch diameter plastic pipe connecting to residence two.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (Gov Lot), and Quarter-Quarters (QQ).

SECTION 2

SYSTEM DESCRIPTION (B through F)

Are there multiple PODs?

If "YES" you will need to copy and complete Sections 2B through 2F for each POD.

POD Name or Number this section describes (only needed if there is more than one):

P.O.D. 1, P.O.D. 2 same portable pump

YES
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B. Place of Use

Attach Claim of Beneficial Use map.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

If "NO" items 2 through item 5 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Sta-Rite		4B845	Submersible

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
½	50		15	0.02 cfs

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YES

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4. Provide pump calculations:

See attached pump calculation sheet.

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A			

Reminder: For pump calculations use the reference information at the end of this document.

6. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
N/A					

Reminder: For sprinkler output determination use the reference information at the end of this document.

7. Additional notes or comments related to the system:

Water is pumped through a 1½ inch hose to provide irrigation for the pastures.

D. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir)

If "NO", item 2 and 3 relating to this section may be deleted.

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NO

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

If "NO", items 2 through 4 relating to this section may be deleted.

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NO

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Provide description and calculations if necessary:

N/A

SECTION 3

CONDITIONS

Please pay special attention to this section. All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the

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SECTION 2

SYSTEM DESCRIPTION (B through F)

Are there multiple PODs?

YES If

"YES" you will need to copy and complete Sections 2B through 2F for each POD.

POD Name or Number this section describes (only needed if there is more than one):

P.O.D. 3

B. Place of Use

Attach Claim of Beneficial Use map.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

If "NO" items 2 through item 5 may be deleted.

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NO

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6. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
N/A					

Reminder: For sprinkler output determination use the reference information at the end of this document.

7. Additional notes or comments related to the system:

--

D. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir)

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

YES

Bulge in System / Reservoir

NO

Complete appropriate table(s) below, unused table may be deleted.

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
CONCRETE	4,000± GALLONS	ABOVE GROUND
PLASTIC (2)	5,000 GALLONS	ABOVE GROUND

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
N/A		

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
1"	PLASTIC	150	231'	2,650±'	.087	0.025 CFS
1'	PLASTIC	150	64'	475'	.134	0.032 CFS

3. Provide calculations:

SEE ATTACHED CALCULATION SHEETS

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4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A			

Attach measurement notes.

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Provide description and calculations if necessary:

N/A

complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	8/21/1996		
BEGIN CONSTRUCTION (A)	8/21/1997	Domestic System existing	
COMPLETE CONSTRUCTION (B)	10/1/1998	10/1/1998	Purchased portable pump and generator.
COMPLETE APPLICATION OF WATER (C)	10/1/1999	10/1/1999	

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

NO

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES

If "NO", items 3b through 3f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

NO

c. Meter Information See attached watermaster measurement approval form.

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES

If a meter has been installed, items 3e through 3f relating to this section may be deleted.

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
Mitch Lewis	Watermaster	9/20/2010

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED

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4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

If "NO", item 4b relating to this section may be deleted.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES

If "NO", items 5b through 5e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed?

YES

c. When was the fish screening installed?

DATE	BY WHOM
1999	Owner

d. If the diversion **involves a pump** and the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

- Has the self-certification form previously been submitted to the Department?
- If not, go to <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

NO

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

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Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES

If "NO", items 6b and 6c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the by-pass device been installed?

NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (I.E. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
No by-pass is necessary because there is a direct diversion from the stream via a portable submersible pump that is seasonal.	3/1 thru 10/31	Owner

7. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed?

NO

b. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, or extension final order. (i.e. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

Permit variations; the permit is for 1.08 cfs, being 0.005 from an un-named spring for domestic use, 0.005 cfs for stock water and 0.07 cfs for irrigation and stock water. 1.0 cfs from Two Mile Creek for cranberry use and supplemental irrigation. The cranberry operations were not developed. There are two shallow 4 ± feet deep sump ponds with surface areas of 0.1 and 0.2 acres. These sumps are livestock and wildlife use only.

SECTION 5 ATTACHMENTS

If you are attaching any documents to this report, provide a list:

ATTACHMENT NAME	DESCRIPTION
Claim of beneficial use map	
Calculation sheets	OWRD pipe and pump calculation sheets
ODF&W	Small pump screen self certification

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SECTION 6

CLAIM SUMMARY

POD NAME OR #	MAXIMUM RATE AUTHORIZED BY PERMIT	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED BY PERMIT	# OF ACRES DEVELOPED
P.O.D. 3	0.005	0.025		Domestic		
P.O.D. 2	0.005	0.02		Stock water		
P.O.D. 3	0.07	0.02		Stock water & irrigation	10.6	11.2

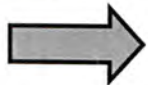
SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Points of diversion and areas were tied using conventional survey methods at the time of application by CWRE #054 as per water line easement agreements 48299 and 48063.



Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- ☐ Map on polyester film.
- ☐ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☐ Township, Range, Section, Donation Land Claims, and Government Lots
- ☐ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☐ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☐ Tax lot boundaries and numbers

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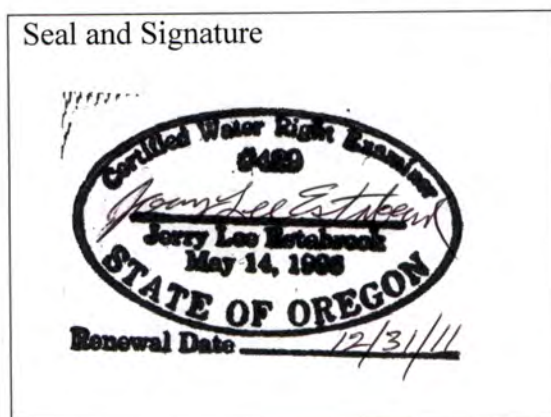
- ☐ Source illustrated if surface water
- ☐ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☐ Application and permit number or transfer number
- ☐ North arrow
- ☐ Legend
- ☐ CWRE stamp and signature

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SECTION 8 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



RECEIVED
OCT 12 2010
WATER RESOURCES DEPT
SALEM, OREGON

CWRE NAME <i>JERRY LEE ESTABROOK</i>	PHONE NO. <i>541-267-2872</i>	ADDITIONAL CONTACT NO. <i>541-404-3356</i>
ADDRESS <i>PO BOX 118</i>		
CITY <i>COOS BAY</i>	STATE <i>OR</i>	ZIP <i>97420</i>
E-MAIL <i>JERRYESTABROOK@STUNTZNER.COM</i>		

Permit Holder's of Record Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	DATE
<i>N.D. Peck</i>	<i>D. S. Peck</i>	<i>9-30-10</i>

SECTION 9
REFERENCE INFORMATION FOR CWRE USE
(Please DO NOT submit these pages.)

Additional information is available at: http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml

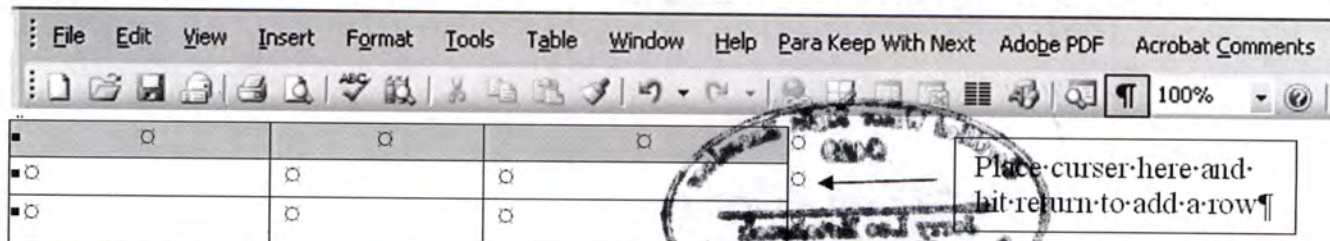
MS Word Hints

To add rows to a table, click outside the table on the far right and hit enter.



Place cursor here and
hit return to add a row

If you are having difficulty placing the cursor outside the table, click on the Show/Hide (Paragraph) icon ¶. This is found on the Standard toolbar (View => Toolbars => Standard) of some versions of Word.



To resolve page numbering issues, go to print preview. Page through the entire document (while in print preview), then print from print preview.

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OREGON WATER RESOURCES DEPARTMENT

Watermaster Measurement Device Approval Form

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WATER RESOURCES DEPT
SALEM, OREGON

Applicant

Name: David S. PeckAddress: 89551 TWO MILE LANE

Site Address (if different from above): _____

Phone: (541) 347-3262Application Number: S-73462Permit Number: 52613

Transfer Number: _____

Diversion

Stream: TWO MILE CREEK Tributary to: PACIFIC OCEANDiversion Type (gravity or pump): Gravity / Pump

Description of Approved Measurement Device

NOT REQUIRING A METER AT THIS TIME. WATER RIGHT
HAS BEEN GREATLY DOWNIZED FROM APPLICATION.
NO HISTORY OF ANY SHORTAGE OR REGULATORY ACTIONS
ON THIS SOURCE.

MLC

Mitch Lewis

Watermaster Signature

19

Watermaster District

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WATER RESOURCES DEPT
SALEM OREGON09.20.10

Date

Copies to:

1. Watermaster's Files
2. Applicant
3. Application File at Salem office

INSERT FILE NAME AND VERSION

Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>0.5</u>
Efficiency =	<u>7.04</u>
Lift =	<u>15</u>
PSI =	<u>50</u>

Results Calculated

(hp)(efficiency) =	3.52
Head based on psi =	127.0
Total dynamic head =	142.0
(head + lift)	

Pump Capacity = 0.02 feet per second

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SALEM OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 1 inches, or 0.0833333 feet
Roughness Coefficient (C) = 150
Fall = 13.4 feet per 100 feet of distance
Grade = 0.134, or 13.4%

Results calculated

Area of cross-section = 0.005454 square feet
Wetted Perimeter = 0.261799 feet
Hydraulic Radius = 0.020833
Velocity = 5.827218 feet per second

Pipe Capacity = 0.032 cubic feet per second

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WATER RESOURCES DEPT
SALEM, OREGON

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 1 inches, or 0.0833333 feet
Roughness Coefficient (C) = 150
Fall = 8.7 feet per 100 feet of distance
Grade = 0.087, or 8.7%

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SALEM, OREGON

Results calculated

Area of cross-section = 0.005454 square feet
Wetted Perimeter = 0.261799 feet
Hydraulic Radius = 0.020833
Velocity = 4.61493 feet per second

Pipe Capacity = 0.025 cubic feet per second

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SALEM, OREGON



07/29/2010

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OCT 01 2010

**WATER RESOURCES DEPT
SALEM, OREGON**



07/29/2010

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OCT 12 2010

WATER RESOURCES DEPT
SALEM, OREGON



07/29/2010

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**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 5, 2010

David Peck
89551 Two Mile Lane
Bandon, OR 97411

RE: Application S-73462, Permit S-52613

Dear Mr. Peck,

The Department received the Claim of Beneficial Use (Claim) for the above referenced permit on October 1, 2010. We are returning the Claim because:

A. The required fee of \$150 was not submitted with the Claim.

The fee requirement for the submittal of a Claim of Beneficial Use is a new fee enacted by the 2009 Legislature. The fee went into effect on July 24, 2009.

The Department did not retain a copy of the Claim.

If you have any questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark
Water Rights Specialist

enclosure

Cc: Jerry Lee Estabrook, CWRE
file

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WATER RESOURCES DEPT
SALEM, OREGON



OREGON DEPARTMENT of FISH and WILDLIFE

FISH SCREENING PROGRAM

SMALL PUMP SCREEN SELF CERTIFICATION

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OCT 01 2010

WATER RESOURCES DEPT
SALEM, OREGON

As evidence of having met fish screen installation requirements, please provide the information requested below, sign the certification, and send copies to:

Oregon Water Resources Department, and
Water Rights Section,
725 Summer Street NE, Suite A,
Salem, OR 97301-1271.

Alan Ritchey
Oregon Dept. Fish and Wildlife
3406 Cherry Ave NE
Salem, OR 97303

Water right permit/certificate number: 52613 Amount of water diverted 0.07
Stream: Two Mile Creek Tributary to: Pacific ocean
Location (GPS if available): _____
Screen Length: _____ Screen Diameter: _____
Is pump screen self-cleaning: _____

If screen is not a cylinder shape, please provide a diagram and measurements.

RECEIVED

OCT 12 2010

WATER RESOURCES DEPT
SALEM, OREGON

Certification: I certify that my small pumped diversion of less than 225 gpm meets fish screening criteria, 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.

Applicant Signature: [Signature] Date: 9/30/10 WRD File #: _____

Printed Name and Address: D. S. Peck 89551 Two Mile Ln, Randon

Phone: (541) 341-3262 Fax: () _____



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 18 2010

David S Peck
89551 Two Mile Lane
Bandon OR 97411

On October 12, 2010, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-73462 Permit S-52613

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program. The typical cost to process applications ranges from \$700 to \$1100, with \$800 being the most common. The time to process most applications is 30 days. For more information on expediting the review of your Claim of Beneficial Use and issuing a water right certificate, go to http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml or contact Bob Rice at (503) 986-0927 or Robert.D.Rice@ wrd.state.or.us.

For all other questions please call our Customer Service phone: (503) 986-0801.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Enclosed is your receipt.



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

March 7, 2000

DAVID & CHERI PECK
RT 1 BOX 1934
BANDON OR 97411

REFERENCE: File 73462

We have received your notice that complete application of water has been made under Permit 52613.

In order to maintain your water right you are now required to submit a final proof survey of the completed use. Most permit holders must hire a Certified Water Right Examiner (CWRE) to conduct this survey. Reservoir permit holders who obtained their permits after 1995 under the Alternate Ponds Program, store less than 9.2 acre-feet and have no secondary water right that permits the diversion of water from the reservoir you can prepare your own final proof survey. Whether you hire a CWRE or perform your own, the survey must be received 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 **October 1, 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.

In addition, if your water right is a groundwater permit applied for on or after December 20, 1988, you are required to submit a well pump test before the Water Right Certificate is issued. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request.

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: Watermaster #19
James Gosson, CWRE



RECEIVED

FEB 18 2000

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.

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. 5-73462

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, DAVID S. PELK, the holder of Permit No. 52613

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 6TH day of APR, 1999.

Remarks: WATER HAS BEEN USED SINCE
EARLY 1940'S FOR TWO HOMES ON THIS
LAND - ALSO WATER HAS BEEN USED FOR STOCK

IN WITNESS WHEREOF, I have hereunto set my hand this 14TH day of FEB, 192000

(Signature of Applicant)

(Address)

RT-1 Box 1934 Bandon, OR
97411



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

*NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD*

February 12, 2009

Certified mail number 4124 9896
Return receipt requested

DAVID S PECK
RT 1 BOX 1934
BANDON OR 97411

Reference: Application S-73462, Permit S-52613

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by 10/1/1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of 10/1/1999. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (April 13, 2009) the Department may issue a Final Order to cancel your permit without further notice.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (3)

cc: **File S-73462**
OWRD Watermaster District 19

Mailing List for 60-Day Compliance Letter Copies

Application # S-73462 Permit # S-52613 Letter Date: 2/12/2009

**Original mailed to: DAVID S PECK
RT 1 BOX 1934
BANDON, OR, 97411**

Copies Mailed
By: <u>DIS</u> (support staff)
On: <u>2/12/09</u> (date)

☒ Certified Mail ☐ Return Receipt Received (date) _____

☐ Letter Returned (if checked, please complete below)

Attempted to find permit holder by:

☐ Internet search – sites _____

☐ Phone book search

☐ Tax Assessor's office search

☐ Other _____

Attempt Successful ☐ Yes ☐ No (if Yes, fill in new address)

New Address: _____

Date new letter sent: _____

☐ Return receipt received (date) _____

Attempt to Find
By: _____
On: _____ (date)

**If attempt to find permit holder was not successful, name will be added to
the Public Notice for 30 days**

Date added to PN: _____

Copies sent to:

1. WRD – File # S-73462
2. WRD – Watermaster # 19

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

None

PERMIT STATUS REVIEW BY SKaug DATE 10/10/08 FILE # S-73462

Related
File
R-73461

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if:

update appropriate db

no Extension pending _____

no Assignment is pending _____

no Cancellation has been requested _____

no Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time ? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check ? Y N date _____ successful ? Y N

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

no Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

yes Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-1999 BASIN NUMBER 17 WM # 19

CWRE or AGENT James Gosson Retiree

O.R. Laws Letter
10-27-2008



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 5, 2010

David Peck
89551 Two Mile Lane
Bandon, OR 97411

RE: Application S-73462, Permit S-52613

Dear Mr. Peck,

The Department received the Claim of Beneficial Use (Claim) for the above referenced permit on October 1, 2010. We are returning the Claim because:

A. The required fee of \$150 was not submitted with the Claim.

The fee requirement for the submittal of a Claim of Beneficial Use is a new fee enacted by the 2009 Legislature. The fee went into effect on July 24, 2009.

The Department did not retain a copy of the Claim.

If you have any questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark
Water Rights Specialist

enclosure

Cc: Jerry Lee Estabrook, CWRE
file



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

*NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD*

February 12, 2009

Certified mail number 4124 9896
Return receipt requested

DAVID S PECK
RT 1 BOX 1934
BANDON OR 97411

Reference: Application S-73462, Permit S-52613

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by 10/1/1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of 10/1/1999. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (April 13, 2009) the Department may issue a Final Order to cancel your permit without further notice.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (3)

cc: File S-73462
OWRD Watermaster District 19

Memo to Files

August 13, 2010

R-73461

S-73462

Dennis Goude – Stuntzner Engineering called today. Claims are done, final calculations being worked on.

Hold Action

JKS

Jerry Sauter

From: Dennis Goude [dennisgoude@stuntzner.com]
Sent: Monday, July 26, 2010 2:53 PM
To: OWRD
Subject: Water Permits R-11924 & S-52613

Jerry,

David Peck visited our office today and retained our services to conduct claim of beneficial use surveys for Application R-73461, Permit R-11924 and Application S-73462, Permit 52613. I plan to contact Mr. Peck tomorrow and set up an appointment for a site inspection and survey. We should be able to get the COBU package to your office by the week of August 16th. If you have any questions please call me at (541) 267-2872.

Dennis Goude
Stuntzner Engineering & Forestry, LLC

C.K. - How Action
J.D.S. 7/26/2010

Memo to Files

July 23, 2010

Files: App. R-73461, Permit R-11924

App. S-73462, Permit S-52613

From: JK Sauter

Phone call from Mr. Dave Peck (541-347-3262) this morning regarding the 60 day letters sent on both of these permits. Mr. Peck will be locating a CWRE who will contact us with a schedule. The deadline is August 10, 2010, so time is short. We should call Mr. Peck to see how he is doing before cancelling.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

*NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD*

June 11, 2010

Certified mail number 8797 3517

Return receipt requested

DAVID S'PECK
89551 TWO MILE LN
BANDON OR 97411

Reference: Application S-73462, Permit S-52613

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by 10/1/1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of 10/1/1999. The fee for submitting a claim of beneficial use is \$150.00. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. The fee for filing an extension of time is \$500.00. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (August 10, 2010) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$400.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (5)

cc: **File S-73462**
OWRD Watermaster District 19

Mailing List for 60-Day Compliance Letter Copies

Application # S-73462 Permit # S-52613 Letter Date: 6/11/2010

**Original mailed to: DAVID S PECK
89551 TWO MILE LN
BANDON, OR, 97411**

☒ Certified Mail ☐ Return Receipt Received (date) _____

Copies Mailed
By: <u>[Signature]</u> (support staff)
On: <u>6/11/10</u> (date)

Copies sent to:

1. WRD – File # S-73462
2. WRD – Watermaster # 19

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

3 Results matching "(541) 347-3262".

Sort by: - Select -

Cheri F Peck

89551 Two Mile Ln
Bandon, OR 97411-7243
(541) 347-3262

Age: 60-64
Household: David S Peck,
Cheryl Peck

[Listing Details](#)

SPONSORED LINKS

[Lookup Background Info for Cheri Peck.](#)
[Find High School Info on Cheri Peck](#)
[Find Cheri Peck's Email](#)

Alternate Ad Image Text Goes Here!
Low fares on jetBlue starting from \$49 each way.

beta

Make it easy for people to contact you on WhitePages.com [Learn more](#) [Add your listing](#)

Cheryl Peck

89551 Two Mile Ln
Bandon, OR 97411-7243
(541) 347-3262

Household: David S Peck,
Cheri Peck

[Listing Details](#)

SPONSORED LINKS

[Lookup Background Info for Cheryl Peck.](#)
[Find High School Info on Cheryl Peck](#)
[Find Cheryl Peck's Email](#)

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David S Peck

89551 Two Mile Ln
Bandon, OR 97411-7243
(541) 347-3262

Age: 65+
Household: Cheri F Peck,
Cheryl Peck

[Listing Details](#)

SPONSORED LINKS

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[Find High School Info on David Peck](#)
[Find David Peck's Email](#)

Alternate Ad Image Text Goes Here!
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COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-73462

WATERMASTER # 19

REGIONAL MANAGER: AL COOK, SW REGION

ODF&W - Coos County:

CWRE (if agent): JAMES GOSSON

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):

✓ WATERWATCH OF OREGON, 213 SW ASH, PORTLAND, OR 97204

✓ RON YOCKIM, PO BOX 218, ROSEBURG, OR 97470

CASEWORKER : CSS

FO CHECKLIST

PFO TO FO CONVERSION

FILE # 73462
WEEK # 13

PFO - OCT, 24, 1995

REVIEW DATE: 4/24/96
INITIALS: ST6

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. 60 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)

200 EXAM
125 DOMESTIC
10 LIVESTOCK
150 CROPS
100 IRRIGATION
\$ 585
4. ☒ Y / N Has the applicant signed an oath of accuracy for the application?
5. Y / ☒ N Has ODFW asked for self certification on screening condition?
6. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
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	CORY	JERRY	DOUG	

Modify FO as needed to:

INITIALS: CB

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

Six Blue sheet of Triage

Fish District: Coos/Coquille

WAB #

Application # 5-7.3462Applicant Name D. Peck

Date: March 27, 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 ☒ 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.
☒ M. Screening may be required

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)
☒ T. Totalizing

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.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of	)	PROPOSED
Surface Water Application	)	FINAL
S-73462 submitted by	)	ORDER
DAVID S PECK		

FINDINGS OF FACT

Water Use Request

1. DAVID S PECK requested use of 1.095 CUBIC FEET PER SECOND, BEING 0.07 CFS FROM UNNAMED STREAM FOR IRRIGATION, 1.0 CFS FROM TWO MILE CREEK FOR CRANBERRY USE AND 0.025 CFS FROM SPRING FOR DOMESTIC INCLUDING UP TO 1/2 ACRE LAWN AND GARDEN AND STOCKWATER from within the South Coast Basin.
2. The area of proposed use is in Coos County within SECTION 27 AND 28, TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.
3. The water delivery system is described by the applicant as follows: Spring - 1-1/2 inch galvanized pipeline to 2500 gallon concrete storage tank, then piped to houses and barns. Creek - Each diversion will be serviced by electric motor/pump and piped to place of use. Water will be applied by sprinkler. Stock tanks will be placed in irrigated field next to barn and filled from irrigation system.
4. The request was made in Application S-73462 which was received by the Water Resources Department on June 29, 1993.

Affected Waters

1. AN UNNAMED STREAM, TWO MILE CREEK AND A SPRING, TRIBUTARIES OF PACIFIC OCEAN are not within or above a State Scenic Waterway.
2. ODFW has advised that one or more species of game fish are present at the described point of diversion.
3. There are senior water rights on AN UNNAMED STREAM, TWO MILE CREEK AND A SPRING, TRIBUTARIES OF PACIFIC OCEAN and 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 November 17, 1993.
3. The technical review determined:
 - a. CRANBERRY USE, IRRIGATION, DOMESTIC USE AND STOCKWATER are allowed under the South Coast Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water is available for further appropriation (at an 80 percent exceedance probability) for the period Domestic for 0.005 cfs year round, does not include lawn or garden, December 1 through April for cranberry use and March 1 through April 30 for irrigation, and 0.005 cfs year round for stock.
 - d. The use would not injure existing water rights.
4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application S-73462, the following criteria were found to be relevant by the Department.
 - a. The South Coast Basin Program (OAR Chapter 690, Division 517)
 - b. The Coos County Comprehensive Plan and Zoning Ordinance
 - c. The amount of water available in AN UNNAMED STREAM, TWO MILE CREEK AND A SPRING, TRIBUTARIES OF PACIFIC OCEAN
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received

CONCLUSIONS OF LAW

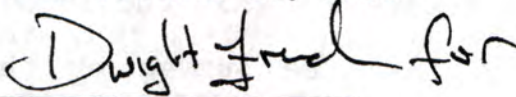
1. Based upon continued evaluation, the Department finds the determinations of the technical review remain valid.
2. Based on comments and data received, the Department has determined that the proposed use can be allowed as conditioned
3. Period of allowed use: Domestic for 0.005 cfs year round, does not include lawn or garden, December 1 through April 30 for cranberry use and March 1 through April 30 for irrigation, and 0.005 cfs year round for stock.

4. The Department finds that no more than 1.095 cfs and stored water would be necessary for the proposed use. The amount of water requested, 1.095 CUBIC FEET PER SECOND, BEING 0.07 CFS FROM UNNAMED STREAM FOR IRRIGATION, 1.0 CFS FROM TWO MILE CREEK FOR CRANBERRY USE AND 0.025 CFS FROM SPRING FOR DOMESTIC AND STOCKWATER, is allowable.
5. Coos County Planning Department staff acknowledged receipt of the Department's Land Use Information Form. Since land use information was not postmarked or received within the 30 day comment period initiated pursuant to OAR 690-11-155, the Department has presumed that the land use served by the proposed water use is compatible with the comprehensive plans and land use regulations of affected local governments.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application S-73462 in the name of DAVID S PECK be approved for CRANBERRY USE, IRRIGATION, DOMESTIC USE INCLUDING UP TO ONE-HALF ACRE LAWN AND GARDEN AND STOCKWATER 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 Coos

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DAVID S PECK
RT 1 BOX 1480
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-73462

SOURCE OF WATER: AN UNNAMED STREAM, TWO MILE CREEK AND A SPRING, TRIBUTARIES OF PACIFIC OCEAN

PURPOSE OR USE: CRANBERRY USE, IRRIGATION, DOMESTIC USE AND STOCKWATER

RATE OF USE: 1.095 and stored water

PERIOD OF ALLOWED USE: Domestic for 0.005 cfs year round, does not include lawn and garden, December 1 through April 30 for cranberry use and March 1 through April 30 irrigation, and 0.005 cfs year round for stock

DATE OF PRIORITY: June 29, 1993

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 28, T29S, R14W, W.M. - 960 FEET SOUTH & 550 FEET WEST FROM NE CORNER; NW 1/4 NE 1/4, SECTION 28, T29S, R14W, W.M. - 1040 FEET SOUTH & 1680 FEET WEST FROM NE CORNER; SE 1/4 NW 1/4, SECTION 27, T29S, R14W, W.M. - 2300 FEET SOUTH & 1860 FEET EAST FROM NE CORNER

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4
SECTION 27
NE 1/4 NE 1/4 5.3 ACRES
NE 1/4 NE 1/4 0.7 ACRES
NW 1/4 NE 1/4 3.6 ACRES
SW 1/4 NE 1/4 4.8 ACRES
SECTION 28
TOWNSHIP 29 SOUTH, RANGE 14 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 and maintain a fish screening device in Twomile Creek as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Twomile Creek.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

May 13, 1996

DAVID S PECK
PECK, CHERI F
RT 1 BOX 1480
BANDON OREGON 97411

RE: Application File # R-73461 & S-73462

Dear MR. & MRS. PECK,

The Water Resources Department is preparing a Final Order and permit approving your application for water use. Before we may proceed, the following information must be submitted:

- ▶ Permit recording fees in the amount of \$60.00.
- ▶ The location of each dam referenced by bearing and distance or coordinates relative to an established survey corner. For example, "XX feet south and YY feet west from the northeast corner of Section 5, Township 4 South, Range 2 West."

In order to expedite the processing of your application, we request that you submit these items by **June 1, 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

cc: James F. Gosson



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

November 17, 1993

David S Peck
Peck, Cheri F
Rt 1 Box 1480
Bandon, Or 97411

Reference: 73462

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 OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

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

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

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

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



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

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

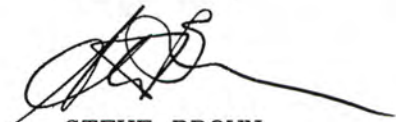
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before January 26, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon 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,

A handwritten signature in black ink, appearing to read 'Steve Brown', with a long horizontal line extending to the right.

STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: November 17, 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: January 26, 1994

1. APPLICATION FILE NUMBER - S 73462

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

David S Peck
Peck, Cheri F
Rt 1 Box 1480
Bandon, Or 97411
Coos 503-347-3262

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

SOURCE: UNN Cr, spring and Twomile Cr TRIBUTARY TO:
Pacific Ocean

Purpose and/or use: Irrigation, stockwater, cranberry use, supplemental irrigation, supplemental cranberry use and domestic including up to 1/2 acre lawn and garden

Flow: 1.095 cfs being 1.0 cfs for cranberry use, 0.07 cfs for irrigation and 0.025 for domestic and stock and stored water

Point of Diversion Location:

NENE AND NWNE SECTION 28, AND SENW SECTION 27, T 29 S, R 14 W, W.M.; 960 FEET SOUTH AND 550 FEET WEST, 1040 FEET SOUTH AND 1680 FEET WEST, AND 2300 FEET SOUTH AND 1860 FEET EAST, ALL FROM THE NE CORNER OF SECTION 28.

Place of use:

NENE	5.3 ACRES IRRIGATION AND 0.7 ACRES CRANBERRY
NWNE	3.6 ACRES CRANBERRY
SWNE	4.8 ACRES CRANBERRY USE

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:

Water in the amount of 1.09 cfs is likely available for 5 months of the 12 months normal period of use for cranberries and 0.005 CFS each is likely available for 12 months of the 12 months normal period of use for stock and domestic. This does not include lawn or garden and 2 months of 8 months for irrigation. 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: 73462

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: Domestic for 0.005 cfs year round, does not include lawn or garden, December 1 through April 30 for cranberry use and March 1 through April 30 for irrigation, and 0.005 cfs year round for stock
3. Rate of use: 1.095 and stored water
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 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.

APPLICATION NUMBER

73462

PRIORITY DATE

6/29/93

DATE TR/IR SENT

Nov 17, 1993

TR VALID/MODIF.

Valid

LAND USE FORM

receipt

OBJECTIONS / *comments*

WaterWatch, applicant, Ron Yockim

ABOVE SCENIC WATERWAY

NO

TMDL BASIN

NO

GW REVIEW

N/A

DIVISION 33

N/A

IRR/STORAGE SEASON

~~Mark~~ Mark Apr 30

MEASURING/REPORTING

Medium

WATERMASTER

19

RECEIVED

JAN 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

January 14, 1994

Oregon



DEPARTMENT OF
FISH AND
WILDLIFE

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

RE: Water Right Application #R-73461 and 73462; Reports of
Technical Review

Because there are no fish associated with the spring and unnamed creek, no fish screening or passage facilities are to be required at these PODs. Because one or more species of game fish are present at the Twomile Creek POD, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests WRD add the following condition to those already proposed:

The permittee shall install and maintain a fish screening device in Twomile Creek as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

Because the subject diversion is less than 0.5 cfs, ODFW will not request requiring inspection and approval of the fish screening device by ODFW personnel as a condition of the permit. Instead, we request the applicant be given (and required to complete) the attached self-certification form to be returned to WRD as proof of compliance. The reverse side of the form contains information that should ease the task of screening the diversion.

ODFW also requests the following condition relating to in-channel obstructions in Twomile Creek be included as a permit condition:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Twomile Creek.

Under "period of allowed use" for 73462, as written lawn and garden water are disallowed year-round. Is this intended? ODFW has investigated this appropriation and



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

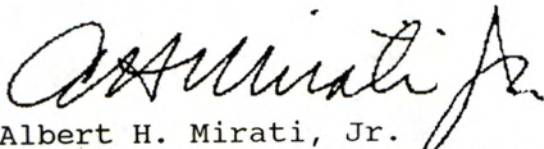
WR R-73461 and 73462
January 14, 1994
Page 2

would not object to year-round use of the spring for domestic use as is the applicant's current practice.

Under "rate of use", the proposed permit indicates that 1.095 cfs is authorized for all uses combined. However, under permit condition #9, 1.365 cfs¹ is allowed for temperature control alone.

Thank you for the opportunity to comment.

Sincerely,



Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Reimers, Charleston

FILE: R-73461.TEC

¹calculation: 9.1 acres of cranberries x 0.15 cfs/acre = 1.365 cfs.

Brown		use 50
Bowder	4/9/92	use 50
Richert	6/5/92	use 50
Markham	8/31/92	use 80
ISUR	9-8-92	use Natural
Lindsay	11/15/93	use 80
Jay	2/24/93	use 80
Peck	6/29/93	use 80
Mancke	10/18/93	use 80

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
S-73462	10/4/95	GERRY

COMPLETED

MC 10-4-95

200 Exam
100 9ACCR
100 5-3IR
125 Don
10 Stock 15x

535 Total

525 Received

\$10 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.

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: 73462

(2) Review Date: 11/8/93

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

SUMMARY

_____ Completeness
 _____ Land Use
 _____ GW Interference (if potential interference with surface water, see results of water availability analysis)
 _____ Conflicts
 _____ 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) NA No oath is required because application was filed before June 5, 1992.

(5) S Application fees:

Examination fee:	\$	<u>200</u>	<u>100 +</u> 50 400 1.1 cf. <u>125</u> Dom <u>100</u> IRP <u>375</u>
Recording fee:	\$	<u>375</u>	
TOTAL REQUIRED	\$	<u>525</u>	
TOTAL SUBMITTED	\$	<u>525</u>	
AMOUNT DUE prior to issuance of permit	\$	<u>0</u>	
AMOUNT OVERPAID			
refund due applicant	\$	<u> </u>	

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

(7) ✓ MAP: ☒ Prepared by a CWRE gossow
☐ Exempt under OAR 690-11-150(3)
☐ A map or drawing included (non-CWRE)
☐ No map or drawing in file

- (8) NA 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) S 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 IRR, Ag - Cranberry - Dom use(s) is/are classified uses(s) under the SOUT COAST Basin Program, OAR 690 - 517-001 (8)
- (14) S The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of Coos
- (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 _____).
- (17) NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) NA 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) NA A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) NA The report from groundwater section has been received.

For reservoir applications:

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

Brown G-12600 all year 7-3-91

Bowder R-72309 Nov 1-June 30 4-9-92
72310 all year 4-9-92

Richert R 72438 Nov 1-June 30 6-5-92
72439 year round

Markham R 72643 Nov 1-June 30 8-31-92
72644 Mar 1-Oct 31 8-31-92

ODFW IWR 72803 all year 9-8-92

Hoffer G-13220 Dec 1-April 30 12-17-92

Lindsay R 73170 Dec 1-June 30 ~~1~~-15-93 fix
73171 Dec 1-April 30 ~~1~~-15-93
G 13251 Dec 1-April 30 1-15-93

Jay R 73262 Dec 1-June 30 2-24-93
73263 Dec 1-April 30 2-24-93

Pack R 73461 Dec 1-June 30 6-29-93.
73462 Dec 1-April 30 6-29-93 all year
all year Dec-Nov
Nov 1-April 30 Nov
stock all year

Application No. 73462

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water



Applicant(s) David S. Or Cheri F. Peck
(Please print or type - use dark ink)

Mailing Address: Route 1, Box 1480
Bandon, Oregon 97411 (503) 347-3262
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: See Supplemental Sheet,
a tributary of Twomile Creek
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.095 cubic feet per
second, OR 491.5 gallons per minute. If water is to be used from more than one source,
give the quantity of water from each: See Supplemental Sheet

3. **INTENDED USE(s) OF WATER:** Cranberry use, irrigation, domestic
including up to 1/2 acre lawn and garden and stockwater

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

If for **DOMESTIC** use, state the number of households to be supplied; 2

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 5.3 acres
Other (describe) _____
Cranberry Use: 8.7 acres

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

Spring: $1\frac{1}{2}$ inch galvanized pipeline to 2500 gallon concrete storage tank then piped to houses and barns.

Creek: Each diversion will be serviced by electric motor/pump and piped to place of use. Water will be applied by sprinkler. Stock tanks will be placed in irrigated field next to barn and filled from irrigation system.

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

Proposed date construction work will begin October, 1993

Proposed date construction work will be completed October, 1996

Proposed date water use will be completed October, 1998

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 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)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. 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: Spring not located on my lands. See spring description sheet.

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.

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.

[Signature]
Signature of Applicant

Date

6-28-93

[Signature]
Signature of Co-Applicant, if any

Date

6-28-93

COOS CO - NWNE-29 S 14th

Two Miles or Pacific Ocean

17-1550

R-73461

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 29 day of June, 19 93, at 8:00 o'clock, A M.

APPLICATION NO: 73462

PERMIT NO: _____

Application No. 73462
Permit No.

APPLICATION IN THE NAME OF DAVID S. or CHERI F. PECK

SUPPLEMENTAL SHEET

SOURCE OF WATER	USE OF WATER	QUANTITY OF WATER	COMMENTS
UNNAMED STREAM	IRRIGATION (FIELD)/STOCK WATER OUTSIDE THE BARNS	0.07 cfs	
TWO MILE CREEK	CRANBERRY USE	1.00 cfs	
RESERVOIR No. 1	SUPPLEMENTAL IRRIGATION/CRANBERRY USE	9.00 ACRE FEET	
RESERVOIR No. 2	SUPPLEMENTAL CRANBERRY USE/IRRIGATION	9.00 ACRE FEET	
RESERVOIR No. 3	SUPPLEMENTAL CRANBERRY USE	9.00 ACRE FEET	
SPRING	DOMESTIC including up to ½ lawn and garden and STOCKWATER IN THE BARNS	0.025 cfs	DOMESTIC EXPANDED: 0.02 cfs STOCKWATER 0.005 cfs

NOTE: cfs = CUBIC FEET/SECOND

Two Mile Creek 29S 14W Below Bandford

Limiting Water Availability Subbasins
For Water Availability Subbasin 1900000000000000

Water Availability By Month for Exceedance Level 80

Month	Limiting Subbasin	Water Available?	Net Water Available
1	190000000000000000	YES	43
2	190000000000000000	YES	52
3	190000000000000000	YES	47
4	190000000000000000	YES	28
5	190000000000000000	YES	15
6	190000000000000000	YES	9
7	190000000000000000	YES	8
8	190000000000000000	YES	8
9	190000000000000000	YES	8
10	190000000000000000	YES	6
11	190000000000000000	YES	14
12	190000000000000000	YES	35
Stor	190000000000000000	YES	25400

0.3
Mankke
R 726
7/2/19

ISWR	1	2	3	4	5	6	7	8	9	10	11	12
43	39	41	19	20	23	+	+	+	+	+	+	+
52	47	52	19	28	31	+	+	+	+	+	+	+
47	42	45	19	23	26	+	+	+	+	+	+	+
28	23	26	19	4	7	+	+	+	+	+	+	+
15	10	12	19	-	-	-	-	-	-	-	-	-
9	4	7	11	-	-	-	-	-	-	-	-	-
8	3	6	7	-	-	-	-	-	-	-	-	-
8	3	6	7	-	-	-	-	-	-	-	-	-
8	3	6	7	-	-	-	-	-	-	-	-	-
6	1	4	7	-	-	-	-	-	-	-	-	-
14	9	11	11/19	-	-	-	-	-	-	-	-	-
35	30	33	19	11	15	+	+	+	+	+	+	+

9.1AF
1.5GW
1.5 supp
Lindsay

6.4AF
0.9cf
Joy

27AF
6.1cf
Peck

6.0cf
Mankke
not here
30 days

Store Apr
Month Dec - April 31

Store Apr
Month Dec - April 31

Store Apr
Month Dec - April 31

Nowhere

Store
Nov 15 - April 30

5 MONTHS

Chamber

NO Live flow

May
June
July
Aug
Sept

RECEIVED

JUN 29 1993⁵

Exhibit "A"

WATER RESOURCES DEPT.
SALEM, OREGON

That portion of the Northwest quarter of the Northwest quarter of Section 27, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon described as follows: Beginning at the Northwest corner of Section 27, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; running thence South along the West line of said Section 27 a distance of 375 feet; thence at right angles East 135 feet; thence North on a line parallel with the West line of said Section 27 a distance of 375 feet to the North line of said Section 27; thence West along the North line of said section 27 a distance of 135 feet to the point of beginning. Also the East half of the Northeast quarter of Section 28, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and all that part of the West half of the Northeast quarter of Section 28, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon described as follows: Beginning in the center of the bridge over upper Two Mile Creek in the Northeast quarter of Section 28, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence following the bearings and distances along the centerline of the existing county maintained road to the intersection of said road center line with the center line of the lower or Bottom Road; thence proceed along the centerline of the lower road bed on the following bearings and distances: South 10° 53' East 287.99 feet, South 25° 00' East 243.16 feet; South 05° 40' West 130.50 feet; South 11° 24' West 140.42 feet; South 10° 28' East 279.35 feet; South 23° 12' East 227.65 feet; South 8° 00' West 28.8 feet to the East-West quarter line through the center of said Section 28 at a point which is North 87° 42' West 1664.54 feet from the East quarter corner of said section 28 to the centerline of said lower road; thence leaving the center line of said road Easterly along said quarter section line to the Southeast corner of the Southwest quarter of the Northeast quarter of said Section 28; thence Northerly along the quarter quarter section line to the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 28; thence West along the section line to a point due North of the place of beginning; thence South to the place of beginning.

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JUN 29 1993

WATER RESOURCES DEPT.
SALEM, OREGON

22

SEE MAP 29 14 21

N89°54'W 79.24 CH. C.L.O.

675.75

NH5°46'42"W

(2541.0' COMPANED)
2582.23'

100

115.36 AC.

SEE CS 38B5

28

27

CREEK

RD.

NO.

NO°44'E 908.2'

SOUTH

306.77'

2613.54'

2648.8'

2627.8'

N0°44'E

N0°47'E

(1325.0') 1306.77'

S0°43'E 287.98'

N0°59'E

283.8'

S27°E 243.86'

CR. RD.

TWOMILE

SEE CS 38B10

CS38A44

2613.54'

(528.18')

1320.77'

1306.77'

N0°59'W 5048.38'

SEE MAP 29 14 27

54-03

Nd7°42'W 1187'

49.25'

30°47'W 34.6'

104.7'

378.0'

0°21'E

N88°37'W

8.00'

S 36.56'

5.7'

104'

104'

104'

104'

104'

104'

104'

104'

104'

104'

104'

104'

104'

104'

SEE CS 38A5

600

10

N

1100

149.69 AC.

2573.47'

KEY: TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS
PROVIDED SOLELY TO ASSIST IN LO-
CATING SUBJECT PROPERTY. NO
LIABILITY IS ASSUMED BY KEY FOR
DISCREPANCIES IN THIS MAP AS OUT-
LINED AND THE ACCOMPANYING
LEGAL DESCRIPTION.

SEE CS 38A17

35°W

2610.13'

UPPER

Application No. 73462
Permit No.

N0°14'06"W 1279.77'

(1284.10')

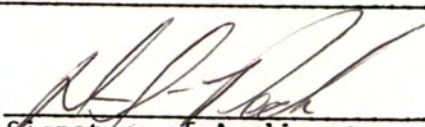
DESCRIPTION OF SPRING.

RECEIVED

JUN 29 1993

1. Is spring on property of applicant? No
2. If not, give name and address of legal owners. South Coast Lumber Co.,
Highway 101 North, Brookings, Oregon 97415
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline and other works? Yes
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 10-12 GPM
(Gallons per minute or
cubic feet per second)
- What is the minimum flow? 8-9 GPM
- Is flow measured or estimated? Estimated
6. Does the stream flowing from spring form a well defined natural channel? Yes
7. Does the water flow off the lands on which it first arises? Yes
8. Give the name of the stream or other body of water into which water from the spring flows. Unnamed Creek
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks Easement recorded in the records of the Coos County Clerks Records
Vol. 302 Page 305-309 and Vol. 302 Page 142 & 143


Signature of Applicant

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

RECEIVED

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.

JUN 29 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant's Name: David S. or Cheri F. Peck
Address: Route 1, Box 1480
City: Bandon State: Or. Zip: 97411 Day Phone: (503) 347-3262

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
29/14 S.28	EFU/F	X	X	X
TL 100				
29/14 S.27		X	X	X
TL 100	FOREST			

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

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 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): . 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: X *David S. Peck*

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 cannot provide the above requested land use information while the applicant waits.

City or County: Coos

Staff Contact: Planning Technician

Phone: 396-3121, X21

Signature: Sheila Wilson

Date of Information Request: 6/28/93

2

WATER RESOURCES DEPT.
SALEM, OREGON

b) Please provide printed name and written signature.

Title: _____

Phone: _____

Signature: _____

Additional Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Receipt for Request for Land Use Information

WRD Applicant Name:

X. K. S. Ford

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 cannot provide the above requested land use information while the applicant waits.

City or County:

Coos

Staff Contact:

Planning Technician

Phone:

546-3121, X210

Signature:

Sheila Wilson

Date of Information Request:

6/28/93

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JUN 29 1993

WATER RESOURCES
SALEM, OR

Version: 6/15/92

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

Version: 6/92

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: David S. or Cheri F. Peck
 Address: Route 1, Box 1480
Bandon, Oregon 97411
 Phone: (503) 347-3262

RECEIVED

JUN 29 1993

WATER RESOURCES DEPT
SALEM, OREGON

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): Pasture
- ☒ Livestock (type of livestock, feedlot, slaughterhouse): Primarily horses
- ☒ Residential (# units, single or multi-family, # lots if partition or subdivision): 2 homes
- ☐ 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): Cranberry Use

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>Spring</u> <u>Unnamed stream</u> <u>TwoMile Creek</u>	<u>1.095</u> Cubic feet per second. <u>491.5</u> Gallons per minute. <u>27</u> Acre-Feet
☒ Reservoir or pond (3)	
☐ Ground Water	

M. JOHN YOUNGQUIST
WATER RESOURCES CONSULTANT

RESEARCH
PLANNING

PERMITS/LICENSING
PROJECT MANAGEMENT

827 SE MOSHER AVE
ROSEBURG, OR 97470
PH: (503) 672-5692
OVER THE COUNTER

January 26, 1994

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

Attention: Steve Brown, Manager
Water Rights Division

Reference: Files No. R 73461 & 73462
Objection to the Technical Review

Dear Mr. Brown:

Mr. Peck will not be submitting an objection to the Technical Review by January 26, 1994. He desires to file an objection, however, I have been unable to contact him. I presume Mr. Peck is in the Los Angeles area visiting family.

My submittal constitutes Mr. Peck's objection to the Technical Review. I have been given the authority to act on Mr. Peck's behalf.

Please contact either Mr. Peck or myself if you or your staff have any questions.

Yours truly,



M. John Youngquist

cc: David Peck

WaterWatch

O F O R E G O N

By FAX and Regular Mail

January 26, 1994

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

Re: Objections pursuant to OAR 690-11-170 to Technical Report for:
R 73170, 73171, G 13251, Lindsay, Cranberry Ops
R 73262, 73263, Jay, Cranberry Ops
R 72438, 72439, Richert, Cranberry Ops
G 13220, Hoffer, Cranberry Ops
R 73461, 73462, Peck, Cranberry Ops, Domestic, Livestock
R 72309, 72310, Bowder, Cranberry Ops
R 72643, 72644, Markham, Irrigation
G 12600, Brown, Cranberry Ops

WaterWatch submits the following objections:

◆ **The Technical Reports are Defective**

The technical reports fail to include some of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in our objections to R-71100 and 71101, which are hereby incorporated into this objection letter.

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

The analyses are defective for the following reasons:

- The technical reports fail to include an analysis of water availability as required under OAR 690-11.
- The water availability analysis for R 73170, R 73262, R 73461 and R 72643 uses a 50% exceedence flow rather than an 80% exceedence flow.¹ The Water Allocation Policy requires that water be available at least 80% of the time before a permit can be issued. OAR 690-400-010(2)(a). Subsection (c) does give the agency the discretion to allow new storage facilities even if

¹ These applications were filed after July of 1992, so the 80% exceedence standard applies. OAR 690-400-010(11)(b).

Water Resources Department

R 73170, 73171, G 13251, R 73262, 73262, R 72438, 72439,
G 13220, R 73461, 73462, R 72309, 72310, R 72643, 72644, G 12600

Page 2

water is not available under this standard. It does not, however, automatically exempt storage facilities from this standard.

The initial water availability analysis must use the same standard for storage and other proposed uses of water. If, after the initial calculations are made, it is determined that a different standard will be used, the Department must justify the use of a different standard. This justification should be stated in the technical report. It is not good public policy to use two different water availability standards in the initial analysis. The lower standard of water availability is not appropriate given the critical status of the water resource and the public uses that rely on the resource for survival.

- The water availability analysis for 72644, G 13251 and 73462 are exactly the same. The analysis for R 72309, G 12600, R 72643, 72310 and R 73461 are also identical to one another. Use of the exact same water availability analysis for competing applications results in an overestimation of water availability, contrary to OAR 690-410-070.
- The "net water available" information used to determine water availability for all the above referenced applications is fundamentally flawed. The starting point for the analysis appears to be the estimated average natural flows, rather than the required "net water available". (Compare the ENAF flow figures for instream water right application 72803 with the "net water available" figures for these applications). In order to ensure against overappropriation, the "net water available" should have taken into account "expected demands from all water rights". OAR 690-400-010(11). This analysis not only failed to take into account prior pending applications that have been proposed for issuance but also failed to take into account existing water rights. Water users may at any time use the water which they are legally entitled to up to the limit of their 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.
- There was no water availability for surface waters that will be depleted by ground water pumping proposed in G 13220.

Water Resources Department

R 73170, 73171, G 13251, R 73262, 73262, R 72438, 72439,

G 13220, R 73461, 73462, R 72309, 72310, R 72643, 72644, G 12600

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- The technical report for R 72438 and 72439 stated that the water availability tables were available in the application file at the Department. However, the file WRD staff could not locate these files when we requested an opportunity to review them on January 24. We assume that the analysis for these applications was similar to the analysis of the other above-referenced applications.

- The water availability analysis for G 13220, 73464, R 73461 and G 13251 failed to take into account the senior pending instream water right application for Two Mile creek.

♦ The Uses are Not in the Public Interest

1. Measurement and Reporting

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. 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 resources of Two Mile Creek are in critical condition. 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 would be essential for protection of the public interest in the resource and must be a condition of use. In addition, these applications 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, as a condition of use, to contribute to activities that enable the state to better manage and control the resource - such the installation and maintenance of gauging stations in key locations.² However, we question the Department's ability to control these uses, even with these requirements.

² The WRD water availability analysis appeared to be based upon modeled flows rather than actual streamflow measurements. Clearly there is a need for actual streamflow measurements.

Water Resources Department

R 73170, 73171, G 13251, R 73262, 73262, R 72438, 72439,

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The applicants have asked for water to provide for multiple uses. The technical report proposes to limit the months of use for each of these applicants. The Department's enforcement staff is already stretched thin. 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 the applicant will, **at all times**, use water in compliance with the permit conditions. Given the critical state of the water resource in the creeks and this basin and the Department's inability to control these uses, even with measurement and reporting, these uses are not in the public interest.

- 2. The proposed uses would preclude other, more valuable uses, would exacerbate existing water quality problems and are not consistent with Oregon water resources policies.**

The proposed uses fails to pass the public interest considerations in ORS 537.170(5) including ORS 537.170(5)(a), (c), (d), (e), and (g) and ORS 537.620. *See also* OAR 690-11-195 (3)(d), (4)(a)(B)(D), (c)(A) and (d)(A). The analysis in the technical reports fail to take into account flows necessary to maintain petitioned coho salmon and other sensitive fish populations in this creek. These analyses also fail to take into account the pending application by the Oregon Department of Fish & Wildlife for instream water rights for Two Mile Creek. These flows are essential for sensitive coho salmon, winter steelhead and searun and resident cutthroat trout.

When pending applications are in conflict for water, the Water Resources Commission may choose to issue either application, regardless of the filing sequence. *See* Or Ag. Opin. 3/18/88 at 2. The public interest in providing legal protect for streamflows in this creek is high. The South Coast Basin plan states:

Income from water-related recreation is a major contributor to the economy of the South Coast Basin. Finding 39.

The natural lakes, storage reservoirs and free-flowing streams support part of the water-based recreation use. Finding 40.

The water resources, wetlands and associated habitat are critical to the subsistence and propagation of wildlife in the Basin. Finding 42.

Water Resources Department
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The Plan also recognizes the importance of fish life in the basin:

The coastal streams support resident and anadromous species of fish. Finding 43.

The fish resources of the South Coast Basin are significant to the State of Oregon. Finding 44.

Adequate streamflow throughout the year is necessary for the maintenance of aquatic life in the coastal streams. Finding 45.

Low summer streamflow in many Basin streams is one factor limiting production of salmonids. Finding 46.

Summer flows in some streams will not support recommended minimum flows. Finding 47.

Review of these out-of-stream water use applications should take into account water needed to protect these public uses regardless of the application filing date. This is consistent with the statewide policy on water allocation requires that applications for out-of-stream water rights be subject to review to ensure that public values are protected. OAR 690-410-070(2). See also Instream Flow Protection policy OAR 690-410-030.

The state and federal Endangered Species Acts place a burden on the Commission. Under the state act, the Department has a duty to consult with the ODFW to ensure that the Department's actions do not adversely affect listed species. The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above reference Palilia case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

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Listing under the federal endangered species act is a sign not only of the health of a particular species but also a warning signal for the health of the human environment. It has been a goal of Governor Roberts and the state not to allow resource conflicts to reach the level where federal intervention removes the state control. The proposed approval of this and other applications will inevitably lead to these issues being resolved in Washington D.C. not in Oregon.

These proposed uses, cumulatively propose to divert large amounts of water from this stream system. Even using the WRD's flawed water availability analysis, there is insufficient water to satisfy both the instream water right applications and these proposed uses from at least April through December of every year. In addition, several of these applications are for supplemental supply, a further indication that the surface water resources are not capable of accommodating existing uses in the area. Approval of these out-of-stream applications would lead to overappropriation of the resource, contrary to the statewide allocation policy. These applications should be denied.³

These uses not only affect quantity, but also affect water quality. The failure to require a water quality management plan for the agricultural operations and the failure to require livestock fencing of the stream corridor as conditions of use are contrary to the public's interest in protecting the resource and violates the state's duty⁴ to ensure new uses of water do not cause water quality problems.

The uses proposed in these applications will impair and be detrimental to the public's interest in maintaining sufficient streamflows for fish life and other public uses of water in this creek. See ORS 537.170(5)(a), (b), (c) and (g) and OAR 690-11-195(3), (4)(a)(D), (c)(A) (d), & (f).

³ If any of these proposed uses were considered for issuance, they should be subordinate to the pending instream water right applications for this creek.

⁴ When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g., ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015, ORS 468B.015(2), (4). ORS 468B.020, ORS 468B.015, ORS 536.220(1)(b), ORS 536.220(2)(a), ORS 537.332(4)(c), OAR 690-11-010(3), OAR 537.170(4)(a) & (c), OAR 690-11-195(4)(c).

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

The technical reports for the surface water applications do not require that fish screening and passage facilities be installed and operational prior to use under the proposed permit. Given the critical status of coastal fish populations and the adverse impact these diversions and storage project have on fish habitat, screening and passage should clearly be required to be in place before any diversion or storage of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition 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).

Allowing the proposed uses 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). No such determination has been made and the proposed uses have not been conditioned in a way that will protect instream values.

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

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

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The recent petition for listing of coho and other contemplated petitions for fish populations in this basin and 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 South Coast Basin and throughout the state.

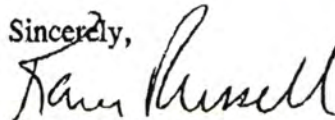
Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring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

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 critical status of the public uses that rely upon the water resource for survival and the fact that these proposed uses are the type of uses known to cause these existing problems it is imperative that water use be as efficient as possible. A conservation plan should be in place **prior** to any permit issuance.

◆ Conclusion

We are open to discussion with the Department and the applicants on all of the issues raised in this objection letter.

Sincerely,



Karen A. Russell
Assistant Director

SECTION 28[illegible]

Two Mile Creek 295 140 DeLeon Hanson

Limiting Water Availability Subbasins
For Water Availability Subbasin 1900000000000000

1.0954

Water Availability By Month for Exceedance Level 80

Month	Limiting Subbasin	Water Available?	Net Water Available
1	1900000000000000	YES	43
2	1900000000000000	YES	52
3	1900000000000000	YES	47
4	1900000000000000	YES	28
5	1900000000000000	YES	15
6	1900000000000000	YES	9
7	1900000000000000	YES	8
8	1900000000000000	YES	8
9	1900000000000000	YES	8
10	1900000000000000	YES	6
11	1900000000000000	YES	14
12	1900000000000000	YES	35
Stor	1900000000000000	YES	25400

WaterWatch

O F O R E G O N

July 17, 1993

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

RE: Application for Permit #R73461, 73462, David Peck
Two Mile Creek, Coos Co., Irrigate & Cranberry Use

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? Does the Department have adequate data to accurately determine the 80% exceedence level?

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 review of this application.

Sincerely,

Jim Myron

bc:

WaterWatch of Oregon, Inc. 921 S.W. Morrison. Suite 438 Portland, Oregon 97205 (503) 295-4039

RECEIVED

JUL 13 1993

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

WATER RESOURCES DEPT.
SALEM, OREGON

Application #s ^R 73460, R 73461, 73459, 73462

Send to: Ron Yochim
P.O. Box 218
Roseburg, OR 97470

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the JUL/ 7/1993 Public Notice.

July 6, 1993

DAVID S PECK
PECK, CHERI F
RT 1 BOX 1480
BANDON, OR 97411

REFERENCE: File(s) R-73461, S-73462

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - R-73461, S-73462

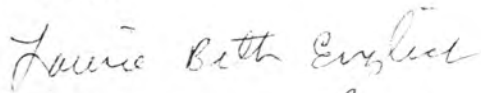
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Laurie Beth English *By CHL*
Water Rights Program Analyst

cc:CWRE

SECTION 27[illegible]SECTION 28[illegible]

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE #

73462

WATERWATCH

ODF&W

WATERMASTER #

19

REGIONAL MANAGER

Cook

CWRE

Gosson

KEN STAHR

OTHER ADDRESSES:

Ron Yockim

South Coast Lumber, Highway 101 North, Brookings, OR 97415

DEC

CASEWORKER

jake

ORIGINAL TO APPLICANT 10/12/93