

Application No. S 86087
Permit No. 54174
Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
12-9-04	500.00	71774
4-14-08	250.00	73959
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

MAP LOCATION _____

2006 **PHONE CALL**

FOR <u>THR</u> F.D. <u>24 APR 2</u> DATE <u>24 APR 2</u> TIME <u>9:10</u> A.M.	
REPORTER <u>JOE WARD</u>	
OF <u>NO RELATION TO ELLEN</u>	☒ PHONED
PHONE ☐ FAX ☐ MOBILE <u>(541) 767-2001</u>	☐ RETURNED YOUR CALL
MESSAGE <u>?</u>	☒ PLEASE CALL
<u>APPROVED: S-86087</u>	☐ WILL CALL AGAIN
<u>FOR LIC -</u>	☐ CAME TO <u>455</u>
<u>1</u>	☐ WANTS TO SEE YOU
SIGNED <u>541 942 2702</u> FORM 4003	



**DOUGLAS COUNTY
PLANNING DEPARTMENT**

**Wayne Bates
Planner**

(541) 440-4289
(800) 224-1619, Ext. 4289
(541) 440-6266 (FAX)

Room 106, Justice Building
Douglas County Courthouse
Roseburg, Oregon 97470
gwates@co.douglas.or.us

HOLMES Codi N * WRD

From: BURLESON Mary L * WRD
Sent: Tuesday, June 28, 2022 11:27 AM
To: HOLMES Codi N * WRD; ALBIN Leona M * WRD
Cc: DOUTHIT Susan M * WRD
Subject: Permit S-54174

Hi Codi and Leona,

The permit holders for S_54174 received the cancellation letter and have been attempting to contact Salem with no return calls. I believe they are responding in writing today and have already contacted a CWRE to submit an extension and CBU.

Jennifer Fain 541-953-0953

Thanks,

Mary Burleson (she/her)

Douglas County, Assistant Watermaster

1036 SE Douglas Ave. Room 306 Roseburg, OR 974701 | Phone (541) 440-4255

Data provided by this office is based on the best and most current information available within our files and data base. The "Official Records" however, reside in the Oregon Water Resources Department's Salem office. For additional information, please contact the Oregon Water Resources Department at (503)986-0900 or at www.oregon.gov/owrd

[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

HOLMES Codi N * WRD

From: fainjen@gmail.com
Sent: Tuesday, June 28, 2022 10:08 AM
To: HOLMES Codi N * WRD
Cc: DOUTHIT Susan M * WRD
Subject: Permit S-54174

I am responding to the cancelation letter. We are hiring a CWRE to take care of this. I have spoke with Mary and Susan at Douglas County water masters office and getting this resolved.

Please reach out to me with any questions or concerns.

Jennifer N. Fain (Ellen Ward's daughter)
541-953-0953
Fainjen@gmail.com



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

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

Certified mail number 7019 0140 0000 7349 8562

Return receipt requested

May 27, 2022

ELLEN WARD
2580 UPPER SMITH RIVER RD
DRAIN, OR 97435

Reference: Application S-86087, Permit S-54174

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 October 1, 2009.

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 October 1, 2009. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

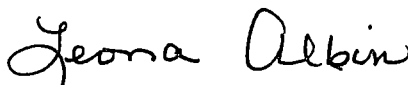
If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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. Please see the enclosed 'Resource Sheet' to access the cancellation form, 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 (July 26, 2022) 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 \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Codi.N.Holmes@water.oregon.gov, the address above or by telephone at 503-979-3184. Due to Covid-19, email may be the best way to reach me.

Sincerely,


for Codi Holmes
Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 15



Mailing List for 60-Day Letter

Application: S-86087

Permit: S-54174

Permit Holder(s):

ELLEN M. WARD
2580 UPPER SMITH RIVER RD
DRAIN OR 97435

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #15
2. File

Other persons to receive copies:

- 1.

Copies Mailed	
by: <u>La</u>	(STAFF)
on: <u>5/27/22</u>	(DATE)

7029 0140 0000 7349 8562

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage
\$

Total Postage and Fees
\$

Sent To
Street and Apt. No., or PO Box No.
City, State, ZIP+4®

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047

COMPLETENESS PROJECT

60 Day Compliance Letter

Reviewer	Date	Application	Permit	Priority Date
Holmes	May 22	586087	554174	12.9.2004

Organize: file by Date Received/Letter date/Issue date (oldest in back, newest in front);

Create: "Completeness" Folder within the electronic Application folder; save all items related in this folder

SECTION 1: Do NOT send a 60-Day Letter if:

		WRIS UPDATE NEEDED/DONE
☐ YES ☒ NO	Extension Pending	
☐ YES ☒ NO	Assignment Pending	
☐ YES ☒ NO	Voluntary Cancellation	
☐ YES ☒ NO	Claim of Beneficial Use/ C- Form / FPS *	
	Date Rec'd:	

* Needs further Review by GC/CH/JS

SECTION 2: Previous Compliance Review:

☒ YES ☐ NO Dept has already sent a certified 60-Day Compliance Letter

Date: Cert Mail #

Green Card Rec'd	☐ YES ☐ NO	Date: unk ☐	
Return Mail- letter?	☐ YES ☐ NO	Date: unk ☐	
Current LO notified? **	☐ YES ☐ NO		

**a copy of the county map/ownership will be documented in folder; as well as a copy of the letter to the new LO

Recommendation:

Re-send 60-Day Letter	☒ YES ☐ NO	Explain: NO COBU ; WM CONTACT; CWRE HIRED 2017
Send Cancellation Order	☐ YES ☐ NO	

SECTION 3: Preparation of Compliance 60 Day Letter (If items from #1 Above Do Not Apply/Pending):

☒ YES ☐ NO Send a 60 Day Compliance Letter to Permit Holder

Original C-date 10.1.2009	Basin Number 15	WM Number 15
Extended C-date	County DOUGLAS	Map/Tax Lots
Most recent Assignment:	Name:	
	Address:	

CWRE/AGENT	☐ YES ☒ NO	Name:
AOI Identified in Interactive Mapper	☐ YES ☒ NO	Name:
		Address:
SAVE to 'COMPLETENESS'	☐ OrMap Tax Lot Map ☐ Ownership from County 21S 5W 30 SESE	
New Landowner Identified per County	☐ YES ☐ NO	Name:
		Address:

SECTION 4: Letter Preparation (DocGen)

Letter:	☐ Permit Holder of Record	☐ Most recent C-date	☐ Add cc's: (WM, Agent, CWRE, AOI)
Certified Mail			
	Cert Mail #		
Letter:	☐ New Landowner	☐ New Landowner Packet	
Mail List	☐ Permit Holder of Record	☐ Agent/CWRE	☐ AOI
	☐ New Landowner		
	Include: copy of permit/map		

SECTION 5: 60 Day Waiting Period (date of 60 Day)

Be sure to save email(s) to the electronic file

Contact (Who):	Phone/Email:	Date:	Hold until date:	Copies of email to file	Copied to electronic e-file
				☐ YES ☐ NO	☐ YES ☐ NO

	Notes/Comments:			
			☐ YES ☐ NO	☐ YES ☐ NO
	Notes/Comments:			
			☐ YES ☐ NO	☐ YES ☐ NO
	Notes/Comments:			

*Give Landowner, if requested, additional 60 days to hire CWRE/file an extension

**Give CWRE additional 180 days to complete a COBU and submit

Green Card Rec'd	☐ YES ☐ NO	Date: unk ☐	Signed by: Unknown: Verify delivery by web ☐ (print)
Return Mail- Permit Holder	☐ YES ☐ NO	Date:	Forwarding address:
Return Mail- New Landowner	☐ YES ☐ NO	Date:	Forwarding address:

SECTION 6: Review for Cancellation

1. Green Card Returned and Signed:

A. Landowner has requested additional time, time has passed ☐ YES ☐ NO

Then: attempt to follow-up with Landowner Date:

B. Extension Received ☐ YES ☐ NO

Date Extension Received

Then: wait for final order and extended completion date

C. CWRE has contacted that they are working on the claim/map ☐ YES ☐ NO

Time has passed ☐ YES ☐ NO

Then: follow up with CWRE, cc landowner if able. Date:

More Time given: ☐ YES ☐ NO Date to complete

D. NO communication

Then: CANCEL ☐

2. Assignment is received:

A. Assignment

3. If NO Signed Green Card returned:

A. If a new address/Forwarding address is provided,

Then: re-send mail

B. Check USPS delivery status

Then: discuss with GC/CH/JS for next step

4. Any other scenario's/situations/oddities

Then: discuss with group for next step

SECTION 7: Preparation of Cancellation Order Documents (Prepare to Mail on Fridays)

Final Order: Check	☐ Permit Holder of Record	☐ Basin Number	☐ WM Dist
	☐ Application Number	☐ Permit Number	
Assign:	Ord. Vol.	60 Day Date	
Mail List:	☐ Permit Holder of Record	☐ Agent/CWRE	☐ AOI
	☐ New Landowner		
Signature:	Date:	Mail Date	

SECTION 8: Reinstatement

Request Rec'd Date

Fee Attached ☐ YES ☐ NO

☐ YES ☐ NO Reinstatement Ord. Vol. Deadline
☐ Intent to submit Extension
☐ Hire CWRE to complete/submit claim CWRE Name:

Property Details for Property ID: R20551**Owner Information :**

Owner Name: WARD, ELLEN MAYBELLE
Owner Address #1: 2580 UPPER SMITH RIVER RD
Owner Address #2:
Owner Address # 3: Alternate Account #: 1059.00
Owner City/State/Zip: DRAIN, OR 97435 Account Status: A

Property Information :

Township: 21	Situs Address: 0 UPPER SMITH RIVER RD DRAIN, OR 97435
Range: 05W	Map ID: 21053001200
Section: 30	County Property Class: 540
Quarter:	Legal Acreage: 2.30
Sixteenth:	Code Area: 02200
Maintenance Area: 1	Neighborhood Code: JA
Year Built:	Living Area:
Bedrooms:	Baths:
Exemption Code:	Exemption Desc.:
MFD Home ID:	

Value Information : 2021-2022 Certified Values and Tax Information

Improvement Appr. Value: \$0.00	Total Appr. Value: \$1,683.00
Land Appr. Value: \$1,683.00	Exemption Value: \$0.00
Land Market Value: \$16,100.00	Total Assessed Value: \$1,166.00
Total Real Market Value: \$16,100.00	Taxes Imposed: \$28.29

Sales Information :

Deed No: 1998-29549
Sale Price: \$0.00 Sale Date: 11/16/1998

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

Property Details for Property ID: R20479**Owner Information :**

Owner Name: WARD, ELLEN MAE BELL
Owner Address #1: 2580 SMITH RIVER RD
Owner Address #2:
Owner Address #3: Alternate Account #: 1056.03
Owner City/State/Zip: DRAIN, OR 97435 Account Status: A

Property Information :

Township: 21 Situs Address: 2580 UPPER SMITH RIVER RD
Range: 05W Map ID: 21053001300
Section: 30 County Property Class: 401
Quarter: Legal Acreage: 1.00
Sixteenth: Code Area: 02203
Maintenance Area: 1 Neighborhood Code: JA
Year Built: 1953 Living Area: 2152
Bedrooms: 5 Baths: BATH2
Exemption Code: VET-WNSC Exemption Desc.: VETERAN WIDOW-NOT
MFD Home ID: SERVICE CONNECTED

Value Information : 2021-2022 Certified Values and Tax Information

Improvement Appr. Value: \$130,524.00 Total Appr. Value: \$207,324.00
Land Appr. Value: \$76,800.00 Exemption Value: \$23,360.00
Land Market Value: \$76,800.00 Total Assessed Value: \$107,013.00
Total Real Market Value: \$207,324.00 Taxes Imposed: \$1,177.70

Sales Information :

Deed No: V237 P470
Sale Price: \$10.00 Sale Date: 9/20/1954

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21 5 30

756,001



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at

www.oregon.gov/OWRD

September 19, 2017

Certified mail number 7016 0340 0000 0163 8450

Return receipt requested

ELLEN M. WARD
2580 UPPER SMITH RIVER RD
DRAIN, OR 97435

503-836-2983

Reference: Application S-86087, Permit S-54174

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 October 1, 2009.

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 October 1, 2009. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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. Please see the enclosed 'Resource Sheet' to access the cancellation form, 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 (November 18, 2017) 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 \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-86087

OWRD Watermaster District 15

Spoke with
CWRE BRENT APP
He has been retained
for COBU.
JP 10-18-2017

See also D. Kim #15
Working with Permittee
Helen
JP 9/29/2017
HOLD ACTION
April 3, 2018
Laura - Asst. Wm
#15
Working
to get
CWRE



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

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

June 21, 2016

Certified mail number 7016 0340 0000 2326 0455

Return receipt requested

ELLEN M. WARD
2580 UPPER SMITH RIVER RD
DRAIN, OR 97435

Reference: Application S-86087, Permit S-54174

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above development of your water use by October 1, 2009.

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 October 1, 2009. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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. Please see the enclosed 'Resource Sheet' to access the cancellation form, 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 19, 2016) 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 \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-86087

OWRD Watermaster District 15

Resend
letter
-SP

delete the

PERMIT STATUS REVIEW B : Jeffrey Pierceall DATE June 1, 2016 FILE # S-86087

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

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

"C" DATE Oct 1, 2009 BASIN NUMBER 116 WM # 15

CWRE or AGENT _____

3. AOI Yes _____ NO ✓ If Yes, name of AOI _____

SEND LETTER JP

Property Details for Property ID: R20479**Owner Information :**

Owner Name: WARD, ELLEN MAE BELL
Owner Address #1: 2580 SMITH RIVER RD
Owner Address #2:
Owner Address # 3: Alternate Account #: 1056.03
Owner City/State/Zip: DRAIN, OR 97435 Account Status: A

Property Information :

Township: 21 Situs Address: 2580 UPPER SMITH RIVER RD
Range: 05W DRAIN, OR 97435
Section: 30 Map ID: 21053001300
Quarter: County Property Class: 101
Sixteenth: Legal Acreage: 1.00
Maintenance Area: 1 Code Area: 02203
Year Built: 1953 Neighborhood Code: JA
Bedrooms: 5 Living Area: 2152
Baths: BATH2
Exemption Code: VET-WNSC Exemption Desc.: VETERAN WIDOW-NOT
SERVICE CONNECTED
MFD Home ID:

Value Information : 2015-2016 Certified Values and Tax Information

Improvement Appr. Value: \$94,182.00 Total Appr. Value: \$154,182.00
Land Appr. Value: \$60,000.00 Exemption Value: \$19,570.00
Land Market Value: \$60,000.00 Total Assessed Value: \$89,618.00
Total Real Market Value: \$154,182.00 Taxes Imposed: \$956.16

Sales Information :

Deed No:
Sale Price: \$0.00 Sale Date:

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Property Details for Property ID: R20551**Owner Information :**

Owner Name: WARD, ELLEN MAYBELLE
Owner Address #1: 2580 UPPER SMITH RIVER RD
Owner Address #2:
Owner Address # 3: Alternate Account #: 1059.00
Owner City/State/Zip: DRAIN, OR 97435 Account Status: A

Property Information :

Township: 21 Situs Address: 0 UPPER SMITH RIVER RD
DRAIN, OR 97435
Range: 05W Map ID: 21053001200
Section: 30 County Property Class: 540
Quarter: Legal Acreage: 2.30
Sixteenth: Code Area: 02200
Maintenance Area: 1 Neighborhood Code: JA
Year Built: Living Area:
Bedrooms: Baths:
Exemption Code: Exemption Desc.:
MFD Home ID:

Value Information : 2015-2016 Certified Values and Tax Information

Improvement Appr. Value: \$0.00 Total Appr. Value: \$1,591.00
Land Appr. Value: \$1,591.00 Exemption Value: \$0.00
Land Market Value: \$16,100.00 Total Assessed Value: \$979.00
Total Real Market Value: \$16,100.00 Taxes Imposed: \$26.31

Sales Information :

Deed No: 1998-29549
Sale Price: \$0.00 Sale Date: 11/16/1998

DISCLAIMER

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86087

Final Order

Application History

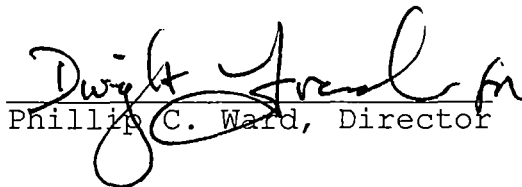
On December 9, 2004, ELLEN WARD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 8, 2005. The protest period closed April 22, 2005, and no protest was filed.

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

Order

Application S-86087 therefore is approved as proposed by the Proposed Final Order, and Permit 54174 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED May 26, 2005


Phillip C. Ward, Director

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0812.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ELLEN WARD
2580 UPPER SMITH RIVER RD
DRAIN, OR 97435

(541)836-2983

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-86087

SOURCE OF WATER: A SPRING, A TRIBUTARY OF FITCH CREEK

PURPOSE OR USE: DOMESTIC USE AND HUMAN CONSUMPTION (COOKING, DRINKING,
AND SANITATION)

MAXIMUM RATE: 0.005 CUBIC FOOT PER SECOND

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 31 FOR DOMESTIC USE, AND APRIL
1 THROUGH NOVEMBER 30 FOR HUMAN CONSUMPTION USE

DATE OF PRIORITY: DECEMBER 9, 2004

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T21S, R5W, W.M.; 250
FEET NORTH & 1370 FEET WEST FROM SE CORNER, SECTION 30

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 30
TOWNSHIP 21 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device 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 permit. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

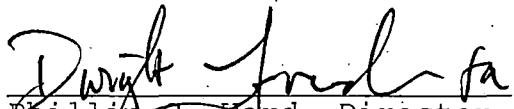
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 26, 2005


Phillip C. Ward, Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the water user named hereon, if the land the permit is associated with changes ownership, or if the water user is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the water user named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the water user's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Water users involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Mailing List for FO Copies

Application # S-86087

Mailing List Print Date: April 28, 2005

Original mailed to(when permit issued, include copy of permit map):

Applicant: ELLEN WARD, 2580 UPPER SMITH RIVER RD, DRAIN OR 97435

For FO w/Permit - Copies sent to:

1. WRD - File # S-86087
2. WRD - Ken Stahr

**For FO w/ Permit - FO and Map Copies sent to
(Remember to reduce copy margins):**

3. WRD - Watermaster District #: 15
4. WRD - Regional Manager: SWR
5. WRD - Dave Jarrett

Copies Mailed
By: <u> </u>
(SUPPORT STAFF)
on: <u>5/26/05</u>

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

1. _____

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

CASEWORKER: gaineyjw

5-86087



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY
REFER TO:

PN-3322
WTR-4.00

JUL 30 2004

RECEIVED

AUG 02 2004

WATER RESOURCES DEPT
SALEM, OREGON

Mr. James O. and Ms. Joyce J. Ward
13640 SW Fielding Road
Lake Oswego, OR 97034

Subject: Temporary Water Service Contract, 2004 Irrigation Season, Willamette Basin Project, Oregon

Dear Mr. and Ms. Ward:

Enclosed for your consideration are three copies of a proposed temporary water service contract that when properly executed, would make stored water from the Willamette Basin Project (Project) available to you for irrigation use for the remainder of the 2004 irrigation season ending October 31. The subject contract is a one-season arrangement only, and is intended to address irrigation needs for the 2004 irrigation season while this office continues to process and evaluate your application for a long-term contract for such a water supply. The provision of water service in subsequent irrigation seasons, temporary or otherwise, would be contingent upon execution of a suitable contract for that purpose.

The information detailed in the proposed contract is based on that provided in your contract application to this office and, when possible, it has been reconciled against information provided in the water right application to the Oregon Water Resources Department (OWRD). A water right issued by OWRD is required in order to divert the stored water provided under this proposed contract. If you have not done so, we recommend you contact OWRD for this purpose.

Article 4 describes by quarter-quarter section a total of 0.375 acre that is eligible to receive irrigation water service under the contract. Article 5 of the contract requires payment of \$50 be made at this time to receive up to a maximum of 0.75 acre-feet of stored water. Article 5 explains that the payment for the use of stored water is based on a rate of \$8 per acre-foot, provided that such payment shall as a minimum be the greater of \$2 per acre or \$50. In addition, Article 5 allows for the partial refund of the water service payment based on information as to the amount of stored water actually delivered during the irrigation season, provided such information is received by this office by December 1, 2004.

It is important that the information in the contract is accurate. Therefore, you should assure that the contract correctly represents the amount of stored water to be made available and the descriptions of the point(s) of diversion and the acre(s) to be irrigated. In addition to confirming the accuracy of the contract, you now have the opportunity to request a reduction in the amount of stored water provided if you desire. If you decide to request a reduction in water service, please write a note specifying the acre-feet of stored water desired or note it on the contract. If you change the amount of stored water desired, we will revise the amount shown in contract Articles 4 and 5 and the payment shown in Article 5 before executing the contract on behalf of the United States. If other information in the contract should be changed (such as the land description in Article 4, the diversion point(s) in Article 7, or the mailing address in Article 13), please provide this information along with the completed contract and payments due so that we can modify the contract prior to execution.

If you find the contract acceptable, we ask that you each sign two copies and have your signatures notarized. Then return the two copies of the contract to this office, Attention: PN-3322, along with payment of \$150 (\$50 for 2004 water service and a \$100 contract administration fee) and your taxpayer identifying numbers. Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

Upon our receipt of the items described above, the contract can be executed on behalf of the United States, dated, and assigned a contract number for identification purposes. We would then return to you an executed original, and as many copies as you desire for your records. We would also mail a copy of the contract to the appropriate State and Federal offices.

Execution of the proposed temporary water service contract is voluntary on your part. Should you decide not to execute the proposed water service contract for this season, your decision in no way impacts your standing application for a long-term contract for Project water service.

If you have any questions, please contact Mr. Michael Cobell of my staff at the above address or by telephone at 208-378-5223.

Sincerely,



Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

Enclosure – 3 copies

cc: Water Rights Division
Oregon Water Resources Department
725 Summer Street N.E., Suite A.
Salem, OR 97301-1271
(enclosure available upon request)

U.S. Army Corps of Engineers
Attention: CENWP-EC-HR
PO Box 2946
Portland, OR 97208-2946
(enclosure available upon request)

RECEIVED

AUG 02 2004

WATER RESOURCES DEPT
SALEM, OREGON

FO CHECKLIST

Application #: S-86087 Applicant: ELLEN WARD PFO week: 502 FO week : 457

☒ Has applicant **name and/or address changed**, or has the file been **assigned**? Y / ☒ N
If new: _____

☒ Were **comments** received? If so, from whom and when? NO

Respond to significant comments, issues, or disputes related to the proposed use of water

☒ **Verify names and mailing addresses** of all commentors, affected landowners and those who paid \$10 fee on PFO cc: list.

☒ Have **affected landowner(s)** been notified? ☒ Y / N / NA If not, do not issue FO. Send a letter to affected landowner(s).

☒ Has ODFW asked for **screening** condition and rate ≤ 0.5 CFS? Y / ☒ N / NA If yes, include fish screening form.

☒ Are requested **GW conditions** included in permit? Y / N / ☒ NA If not, add condition(s) _____

☒ Do PFO conclusions **require modification** due to typos or errors? Y / ☒ N What and why? _____

Fees

Base Fee	Water Amount (Q)
\$100 / \$150	1 st CFS/AF <u>200</u>
\$250 / \$300	<u>0</u> Addl @ <u>0</u> + <u>0</u>
<u>300</u> (base)	<u>200</u> (Q)
+	=
	<u>500</u> (total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 \$250
EXAM FEE PAID	<u>500</u>	RECORDING FEE PAID	<u>250</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

FO type DENIAL

☒ FO w/ Permit # 54174

☐ FO w/o permit ☐ lacks fees
☐ lacks easement
☐ lacks approved dam plans & specs

Name: Jerry Gainey Date: 4/28/2005

Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

PFO CHECKLIST

Application #: S-86087 Applicant: ELLEN WARD PFO week: 501

☒ Shortcomings preventing PFO? Y / ☒ N Should process continue? ☒ Y / N

☒ IR Date 1/7/05 Public Notice Date 1/11/05 Comments received? Y / ☒ N

☒ Was additional information requested in the IR? ☒ Y / N If so, do we now have enough info to do the PFO? ☒ Y / N

☒ Was the application filed after 10/23/99? ☒ Y / N (If not, add A date requirement)

☒ B.O.R. or Doug Co. project Y / ☒ N Contract in file? N contract # _____

☒ IR identifies as DEQ 303d? Y / ☒ N NA Comments received? Y / N _____

☒ Is second gw review necessary? Y / N / ☒ NA Complete? Y / N

☒ Water Availability ☒ OK / REDONE / NA _____

☒ Have conflicts been addressed? Y / N / ☒ NA _____

☒ Changes from IR determinations _____

☒ Copy to Same as IR cc list

Fees	Base Fee	Water Amount (Q)
	\$100 / \$150	1 st CFS/AF <u>200</u>
	\$250 / \$300	<u>0</u> Addl @ <u>0</u> + <u>0</u>
	<u>300</u> (base) +	<u>200</u> (Q) = <u>500</u> (total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 / \$250
EXAM FEE PAID	<u>500</u>	RECORDING FEE PAID	<u>0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>250</u>

Name: Jerry Gainey Date: 2/15/2005

Peer Reviewer: Kerry

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Application #: S-86087 Applicant: ELLEN WARD

☒ Is the stream **withdrawn**? Y / ☒ NA season allowed _____

☒ Basin Maps have been checked Y / ☒ River Mile _____

☒ SWW ABOVE WITHIN ☒ NO (if so, notify state parks & record app # in book) Name _____

☒ Is the use located within Oregon **Streamflow Restoration Area**? ☒ Y / N / NA

☒ Letter format Good Limited Bad ☒ Bad w/ HC Opportunity

☒ If Initial Review is negative, did you notify the applicant? Y / N / NA

☒ CWRE, representative, etc. to notify? ☒ Y N Linda M. Simard & George H. Thomas FIF
5148 Hard SCRABBLE Rd
DRAIN OR 97435

☒ Addn'l info req'd? ☒ Y / N _____
(If Y, send certified)

☒ Attachments included? ☒ Y / N / NA _____

☒ Fees

Base Fee	Water Amount (Q)
\$100 / \$150	1 st CFS/AF <u>200</u>
\$250 / \$300	<u>0</u> Addl CFS/AF @ <u>0</u> + <u>0</u>
<u>300</u> (base) +	<u>200</u> (Q) = <u>500</u> (total exam fee)

EXAM FEE REQUIRED	<u>500</u>
EXAM FEE PAID	<u>500</u>
STILL OWED	<u>0</u>

Name: Jerry Gainey Date: 12/31/04

Peer Reviewer: Anita

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

IR CHECKLIST

Application #: S-86087 Applicant: ELLEN WARD

Use(s): DOMESTIC EXPANDED Priority Date: December 9, 2004

☒ If quasi/muni, reviewed by Bill Fujii Y / N / NA

☒ Is the application complete? Y / N

☒ Prohibited by ORS 538? Y / N If so, do not do an IR; return app & fees to applicant.

NA GW Review ☐ surface classification triggered ☐ Is there PSI? stream name _____

- ☐ will not ☐ will likely be available ...without injury... and/or within the capacity of the resource
- ☐ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource
- ☐ Well located in GWLA or CGWA or T1N R3E Sec 20, 21, 28, 29? Y / N (If Y, include basin map noting POD)

☒ WM Dist (NWR - 1 2 16 18 20) (NCR - 3 4 5 21) (ER - 6 8 9 10) (SCR - 11 12 17) (SWR - 13 14 15 19)
swr cc: dave jarrett

☒ DIVISION 33 Y / N / NA
(If Y, attach basin map w/ pod)

- ☐ Above Bonn ☐ If above, not allowed April 15 - September 30?
- ☒ Below Bonn
- ☒ Statewide

☒ SW Availability NA ☒ 80% live ☐ 50% storage Only Dec-Mar WID: 16-343

- ☐ wab in Lost River Basin? If so, use 7-13-04 table for watershed ID # 31420404.
- ☐ wab in Chehalem, Champoeg, Mission or Case Creeks? If so, use 9-12-95 memo written by Dave Jarrett.

☐ Is there a conflict? Y / N / NA _____

- ☐ If conflict, are rights from a different source?
- ☐ If supplemental, ☐ check for primary right on same land
- ☐ will this be making up a deficiency in rate?

☒ Allowed under Basin Program Y / N Limitations? Y / N _____

☒ 303D Y / N / NA (cc: DEQ Regional Manager) IN GEOGRAPHIC UMATILLA Y / N (cc: CTUIR) BOTTLED WATER Y / N (cc: DOA Food Safety Division)

Rate DD Rate Max 0.005 CFS - H/C Req DOM EX - 0.01 CFS

Duty _____ Season Allowed YR Req XR

☒ Land use approval OK needs approval county notified NA

☒ B.O.R. or Doug Co. project Y / N contract # _____

☒ Does the applicant intend to begin use within 5 years? Y / N
(If not, bring to supervisor's attention.)

☒ Statement allowing someone to act as authorized agent? Y / N NA

Conditions: _____

Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 or < 1.5 CFS, > 9.2 or < 100 AF, Large ≥ 1.5 CFS, ≥ 100 AF
use at least Medium for: human consumption (SWW), siltcoos lake, livestock SWW, Galesville/BOR
uses that require Large: GW condition 7I, temp control (NU), gov. entity and tenmile lake

WATER RESOURCES DEPARTMENT

DIVISION 516

UMPQUA BASIN PROGRAM

690-516-0005 - Classifications

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Umpqua River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, temperature control, power development, industrial, mining, recreation, wildlife, fish life uses, and pollution abatement; and the waters of the Umpqua River Basin are hereby so classified with the following exceptions:

(a) Preference shall be given to human consumption, livestock consumption and irrigation of non-commercial gardens not to exceed one-half acre in area for all the waters of the Umpqua River Basin over any other beneficial uses;

(b) The waters of the natural lakes of the Umpqua River Basin are classified only for the utilization of water for domestic, livestock, power development not to exceed 7-1/2 theoretical horsepower, and in-lake uses for recreation, wildlife, and fish life purposes;

(c) The waters of Roberts Creek and its tributaries were withdrawn by Water Resources Commission's Order of Withdrawal on October 4, 1991;

(d) The unappropriated waters of Lookingglass Creek and tributaries are withdrawn from further appropriation except for domestic and livestock watering uses under 5,000 gallons per day per appropriation and water legally stored and released from storage from June 1 through September 30 of each year, by the Water Policy Review Board's Order of Withdrawal dated April 3, 1983.

(e) The unappropriated waters of the South Umpqua River and tributaries, excluding Lookingglass and Roberts Creeks, are withdrawn from further appropriation except for human consumption, livestock consumption, irrigation of up to 1/2-acre non-commercial garden and water legally released from storage from July 15 through September 30 of each year, by the Water Policy Review Board's Order of Withdrawal dated April 29, 1985. This limitation shall not affect the withdrawals previously enacted by the Board for the waters of Roberts and Lookingglass Creeks.

(2) Applications for the use of the waters of the Umpqua River Basin shall not be accepted by any state agency for any purposes contrary to the classifications herein specified, and the granting of applications for such other purposes is declared to be prejudicial to the public interest, and the granting of applications for such other use would be contrary to this water-use program.

(3) Structures or works for utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed and operated in conformity with the applicable provisions of ORS 536.310; and any such structures or works which do not give cognizance to the multiple-purpose concept are further declared to be prejudicial to the public interest.

Stat. Auth.: ORS 536.300, ORS 536.340 & ORS 536.410

Stats. Implemented:

Hist.: (WRB 9, f. 4-21-59; WRB 11, f. 10-31-60; WRB 22, f. 11-16-62; WRB 27, 5-11-64; WRB 58, f. 4-15-74; WRD 8(Temp), f. 7-22-77; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 6-1981(Temp), f. & cert. ef. 8-25-81; WRD 8-1982, f. & cert. ef. 7-1-82; WRD 7-1984, f. & cert. ef. 12-27-84; WRD 4-1985, f. & cert. ef. 5-15-85; WRD 8-1985, f. & cert. ef. 8-2-85; WRD 9-1985, f. 8-2-85; South Umpqua WRB 22, f. 11-16-62; Main Stem-Umpqua System, WRB 27, f. 5-11-64) WRD 8-1991, f. & cert. ef. 11-7-91, Renumbered from 690-080-0160

Analysis for Application: S86087**Location: 21S-5W-30-SESE****Uses: DN P****Basins**

BASIN_NUM	BASIN_NAME
16	Umpqua

Records Found: 1**WaterMaster Districts**

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
15	SW	David Williams	1036 Douglas, Douglas Co Courthouse, Rm 306	Roseburg	97470	541-440-4255		541-440-6264

Records Found: 1**WAB**

GAGE	BASIN	LINK1	LINK2
343	16	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1**County**

COUNTY	FIPS
Douglas	41019

Records Found: 1**Groundwater Restricted Records Found: 0****Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1**Rule 4D**

RULE4D
In a Rule4D Area

Records Found: 1**303D Streams Records Found: 0****303D Lakes Records Found: 0**

Platcard Report

Township 21.0S Range 5.0W Section 30

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	S13479 05/31/1930	S9680 9254																		DI		
i	S86087 12/09/2004	- -																		DN		

Page:1

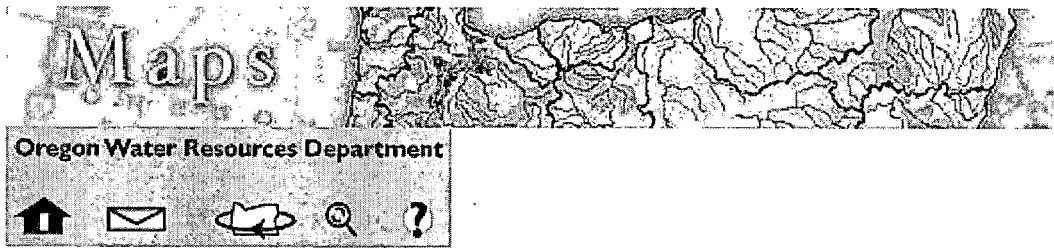
[Return to Platcard Query Screen](#)

Phillip C. Ward, Director

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 3 seconds

12/17/04 2:03 PM



WATER AVAILABILITY TABLE
Water Availability as of 12/17/2004 for
PASS CR > ELK CR - AT MOUTH

Watershed ID #: 343 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	368	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	73350	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES
3	71183	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
4	309	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
5	343	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES
Water Availability as of 12/17/2004 for
PASS CR > ELK CR - AT MOUTH

Watershed ID #: 343 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Item	Watershed ID	Stream Name
1	368	UMPQUA R > PACIFIC OCEAN - AT MOUTH
2	73350	UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR
3	71183	ELK CR > UMPQUA R - AT MOUTH
4	309	ELK CR > UMPQUA R - AB BRUSH CR
5	343	PASS CR > ELK CR - AT MOUTH

LIMITING WATERSHEDS
Water Availability as of 12/17/2004 for
PASS CR > ELK CR - AT MOUTH

Watershed ID #: 343 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	343	PASS CR > ELK CR - AT MOUTH	YES	27.0
2	343	PASS CR > ELK CR - AT MOUTH	YES	38.6
3	343	PASS CR > ELK CR - AT MOUTH	YES	26.3
4	343	PASS CR > ELK CR - AT MOUTH	NO	-2.9
5	343	PASS CR > ELK CR - AT MOUTH	NO	-5.5
6	71183	ELK CR > UMPQUA R - AT MOUTH	NO	-13.2
7	71183	ELK CR > UMPQUA R - AT MOUTH	NO	-16.5
8	73350	UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR	NO	-158.0
9	73350	UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR	NO	-135.0
10	73350	UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR	NO	-448.0
11	309	ELK CR > UMPQUA R - AB BRUSH CR	NO	-73.4
12	343	PASS CR > ELK CR - AT MOUTH	YES	6.0
Stor	343	PASS CR > ELK CR - AT MOUTH	YES	32100.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 12/17/2004 for

UMPQUA R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 368 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	6790.00	198.00	50.00	6540.00	0.00	1000.00	5540.00
2	8470.00	205.00	51.00	8210.00	0.00	1000.00	7210.00
3	7680.00	24.90	50.10	7610.00	0.00	1000.00	6610.00
4	6730.00	39.50	49.90	6640.00	0.00	1000.00	5640.00
5	4720.00	67.00	48.80	4600.00	0.00	1000.00	3600.00
6	2430.00	130.00	51.90	2250.00	0.00	1000.00	1250.00
7	1420.00	164.00	52.00	1200.00	0.00	750.00	454.00
8	1090.00	142.00	48.80	899.00	0.00	750.00	149.00
9	1070.00	111.00	46.70	913.00	0.00	750.00	163.00
10	1240.00	28.30	41.40	1170.00	0.00	1000.00	170.00
11	2170.00	85.00	41.70	2040.00	0.00	1000.00	1040.00
12	5020.00	192.00	49.70	4780.00	0.00	1000.00	3780.00
Stor	5350000	83300	35100	5240000	0	679000	4560000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 12/17/2004 for

UMPQUA R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 368 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	181.00	0.00	11.00	9.32	0.02	4.71	2.13	40.00	248.00
2	189.00	0.00	11.00	9.38	0.02	4.71	2.13	40.00	256.00
3	5.65	2.21	11.00	9.32	0.02	4.72	2.13	40.00	75.10
4	3.28	19.30	10.60	9.32	0.02	4.71	2.13	40.00	89.40
5	1.27	50.40	10.60	6.93	0.02	4.67	2.04	40.00	116.00
6	0.57	82.40	45.20	6.86	0.02	4.63	2.04	40.00	182.00
7	0.07	117.00	45.20	6.65	0.02	4.59	1.83	40.00	215.00
8	0.02	92.60	45.20	6.56	0.02	4.58	1.78	40.00	191.00
9	0.02	58.90	45.20	6.56	0.02	4.58	2.00	40.00	157.00
10	0.01	5.88	10.60	6.56	0.02	4.60	2.00	40.00	69.70
11	62.80	0.01	10.60	6.65	0.02	4.61	2.03	40.00	127.00
12	175.00	0.00	10.60	9.04	0.02	4.69	2.13	40.00	241.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/17/2004 for

UMPQUA R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

368

Basin: UMPQUA

Exceedance Level: 80

Time: 14:02

Date: 12/17/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 12/17/2004 for

UMPQUA R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

368

Basin: UMPQUA

Exceedance Level: 80

Time: 14:02

Date: 12/17/2004

-----ISWRs-----								
APP #	368A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
2	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
3	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
4	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
5	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
6	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
7	750.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
8	750.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
9	750.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
10	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
11	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00
12	1000.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 12/17/2004 for

UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR

Watershed ID #: 73350

Basin: UMPQUA

Exceedance Level: 80

Time: 14:02

Date: 12/17/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	5470.00	194.00	47.50	5230.00	0.00	1700.00	3530.00
2	7110.00	203.00	48.50	6860.00	0.00	1700.00	5160.00
3	6490.00	23.70	47.60	6420.00	0.00	1700.00	4720.00
4	5960.00	38.00	47.50	5870.00	0.00	1700.00	4170.00
5	4250.00	64.90	48.70	4140.00	0.00	1700.00	2440.00
6	2210.00	127.00	51.80	2030.00	0.00	1700.00	331.00
7	1320.00	160.00	51.90	1110.00	0.00	1000.00	108.00
8	1030.00	139.00	48.70	842.00	0.00	1000.00	-158.00
9	1020.00	108.00	46.70	865.00	0.00	1000.00	-135.00
10	1180.00	27.10	41.30	1110.00	0.00	1560.00	-448.00
11	1870.00	83.30	41.60	1750.00	0.00	1700.00	45.10
12	4120.00	194.00	47.20	3880.00	0.00	1700.00	2180.00
Stor	4480000	82000	34400	4370000	0	1100000	3270000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 12/17/2004 for

UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR

Watershed ID #: 73350

Basin: UMPQUA

Exceedance Level: 80

Time: 14:02

Date: 12/17/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	178.00	0.00	11.00	7.10	0.02	3.83	1.92	40.00	242.00
2	188.00	0.00	11.00	7.17	0.02	3.83	1.92	40.00	252.00
3	5.38	2.16	11.00	7.10	0.02	3.83	1.92	40.00	71.40
4	3.08	18.90	10.60	7.10	0.02	3.82	1.92	40.00	85.40
5	1.15	49.30	10.60	6.81	0.02	3.79	1.92	40.00	114.00
6	0.52	80.70	45.20	6.74	0.02	3.75	1.92	40.00	179.00
7	0.05	115.00	45.20	6.53	0.02	3.71	1.72	40.00	212.00
8	0.01	90.60	45.20	6.44	0.02	3.70	1.67	40.00	188.00
9	0.01	57.70	45.20	6.44	0.02	3.70	1.88	40.00	155.00
10	0.00	5.75	10.60	6.44	0.02	3.72	1.88	40.00	68.40
11	62.10	0.01	10.60	6.53	0.02	3.72	1.91	40.00	125.00
12	178.00	0.00	10.60	6.83	0.02	3.81	1.92	40.00	241.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/17/2004 for

UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR

Watershed ID #: 73350 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 12/17/2004 for

UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR

Watershed ID #: 73350 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

-----ISWRs-----								
APP #	367A	368B	73350A	0	0	0	0	MAXIMUM
Status	Cert.	Cert.	PFO					
1	525.00	1000.00	1700.00	0.00	0.00	0.00	0.00	1700.00
2	525.00	1000.00	1700.00	0.00	0.00	0.00	0.00	1700.00
3	525.00	1000.00	1700.00	0.00	0.00	0.00	0.00	1700.00
4	525.00	1000.00	1700.00	0.00	0.00	0.00	0.00	1700.00
5	525.00	1000.00	1700.00	0.00	0.00	0.00	0.00	1700.00
6	525.00	1000.00	1700.00	0.00	0.00	0.00	0.00	1700.00
7	525.00	750.00	1000.00	0.00	0.00	0.00	0.00	1000.00
8	525.00	750.00	1000.00	0.00	0.00	0.00	0.00	1000.00
9	525.00	750.00	1000.00	0.00	0.00	0.00	0.00	1000.00
10	525.00	1000.00	1560.00	0.00	0.00	0.00	0.00	1560.00
11	525.00	1000.00	1700.00	0.00	0.00	0.00	0.00	1700.00
12	525.00	1000.00	1700.00	0.00	0.00	0.00	0.00	1700.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 12/17/2004 for

ELK CR > UMPQUA R - AT MOUTH

Watershed ID #: 71183 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	335.00	6.81	0.17	328.00	0.00	110.00	218.00
2	386.00	7.13	0.18	379.00	0.00	110.00	269.00
3	330.00	0.64	0.14	329.00	0.00	110.00	219.00
4	195.00	1.57	0.09	193.00	0.00	110.00	83.30
5	110.00	3.34	0.10	107.00	0.00	80.00	26.60
6	42.00	5.14	0.10	36.80	0.00	50.00	-13.20
7	13.30	7.30	0.04	5.97	0.00	22.50	-16.50
8	6.30	5.91	0.02	0.36	0.00	10.80	-10.40
9	7.62	3.91	0.03	3.68	0.00	13.60	-9.92
10	11.40	0.86	0.03	10.50	0.00	50.00	-39.50
11	50.10	1.75	0.03	48.30	0.00	110.00	-61.70
12	236.00	7.11	0.17	229.00	0.00	110.00	119.00
Stor	240000	3100	66	237000	0	53400	187000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 12/17/2004 for

ELK CR > UMPQUA R - AT MOUTH

Watershed ID #: 71183 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	6.41	0.00	0.00	0.27	0.00	0.19	0.10	0.00	6.97
2	6.74	0.00	0.00	0.27	0.00	0.19	0.10	0.00	7.30
3	0.09	0.12	0.00	0.27	0.00	0.19	0.10	0.00	0.78
4	0.02	1.08	0.00	0.27	0.00	0.19	0.10	0.00	1.67
5	0.00	2.89	0.00	0.27	0.00	0.18	0.10	0.00	3.44
6	0.00	4.68	0.00	0.27	0.00	0.18	0.10	0.00	5.23
7	0.00	6.78	0.00	0.27	0.00	0.18	0.10	0.00	7.33
8	0.00	5.39	0.00	0.27	0.00	0.18	0.09	0.00	5.93
9	0.00	3.39	0.00	0.27	0.00	0.18	0.10	0.00	3.94
10	0.00	0.34	0.00	0.27	0.00	0.18	0.10	0.00	0.89
11	1.23	0.00	0.00	0.27	0.00	0.18	0.10	0.00	1.78
12	6.72	0.00	0.00	0.27	0.00	0.19	0.10	0.00	7.28

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/17/2004 for

ELK CR > UMPQUA R - AT MOUTH

Watershed ID #: 71183

Basin: UMPQUA

Exceedance Level: 80

Time: 14:02

Date: 12/17/2004

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 12/17/2004 for

ELK CR > UMPQUA R - AT MOUTH

Watershed ID #: 71183

Basin: UMPQUA

Exceedance Level: 80

Time: 14:02

Date: 12/17/2004

ISWRs								
APP #	308A	71183A	0	0	0	0	0	MAXIMUM
Status	Cert.	Cert.						
1	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
2	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
3	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
4	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
5	80.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00
6	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
7	15.00	22.50	0.00	0.00	0.00	0.00	0.00	22.50
8	10.00	10.80	0.00	0.00	0.00	0.00	0.00	10.80
9	10.00	13.60	0.00	0.00	0.00	0.00	0.00	13.60
10	50.00	23.50	0.00	0.00	0.00	0.00	0.00	50.00
11	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
12	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 12/17/2004 for

ELK CR > UMPQUA R - AB BRUSH CR

Watershed ID #: 309 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	254.00	1.62	0.17	252.00	0.00	110.00	142.00
2	294.00	1.68	0.18	292.00	0.00	110.00	182.00
3	251.00	0.56	0.14	250.00	0.00	110.00	140.00
4	147.00	1.42	0.09	145.00	0.00	110.00	35.50
5	82.20	3.04	0.10	79.10	0.00	70.00	9.06
6	31.40	4.70	0.10	26.60	0.00	30.00	-3.39
7	9.95	6.68	0.04	3.23	0.00	15.00	-11.80
8	4.72	5.41	0.02	-0.71	0.00	10.00	-10.70
9	5.69	3.57	0.03	2.09	0.00	10.00	-7.91
10	8.49	0.76	0.03	7.70	0.00	70.00	-62.30
11	37.30	0.67	0.03	36.60	0.00	110.00	-73.40
12	177.00	1.67	0.17	175.00	0.00	110.00	65.20
Stor	182000	1920	66	180000	0	52100	133000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 12/17/2004 for

ELK CR > UMPQUA R - AB BRUSH CR

Watershed ID #: 309 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1.29	0.00	0.00	0.22	0.00	0.18	0.09	0.00	1.78
2	1.37	0.00	0.00	0.22	0.00	0.18	0.09	0.00	1.86
3	0.09	0.12	0.00	0.22	0.00	0.18	0.09	0.00	0.70
4	0.02	1.00	0.00	0.22	0.00	0.18	0.09	0.00	1.51
5	0.00	2.66	0.00	0.22	0.00	0.17	0.09	0.00	3.14
6	0.00	4.32	0.00	0.22	0.00	0.17	0.09	0.00	4.80
7	0.00	6.24	0.00	0.22	0.00	0.17	0.09	0.00	6.72
8	0.00	4.96	0.00	0.22	0.00	0.17	0.09	0.00	5.43
9	0.00	3.12	0.00	0.22	0.00	0.17	0.09	0.00	3.60
10	0.00	0.31	0.00	0.22	0.00	0.17	0.09	0.00	0.79
11	0.22	0.00	0.00	0.22	0.00	0.17	0.09	0.00	0.70
12	1.35	0.00	0.00	0.22	0.00	0.18	0.09	0.00	1.84

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/17/2004 for

ELK CR > UMPQUA R - AB BRUSH CR

Watershed ID #:

309

Basin: UMPQUA

Exceedance Level: 80

Time: 14:02

Date: 12/17/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 12/17/2004 for

ELK CR > UMPQUA R - AB BRUSH CR

Watershed ID #:

309

Basin: UMPQUA

Exceedance Level: 80

Time: 14:02

Date: 12/17/2004

-----ISWRs-----								
APP #	309A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
2	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
3	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
4	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
5	70.00	0.00	0.00	0.00	0.00	0.00	0.00	70.00
6	30.00	0.00	0.00	0.00	0.00	0.00	0.00	30.00
7	15.00	0.00	0.00	0.00	0.00	0.00	0.00	15.00
8	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00
9	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00
10	70.00	0.00	0.00	0.00	0.00	0.00	0.00	70.00
11	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
12	110.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 12/17/2004 for

PASS CR > ELK CR - AT MOUTH

Watershed ID #: 343 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	67.30	0.22	0.04	67.00	0.00	40.00	27.00
2	78.90	0.23	0.05	78.60	0.00	40.00	38.60
3	66.50	0.14	0.04	66.30	0.00	40.00	26.30
4	37.40	0.29	0.02	37.10	0.00	40.00	-2.90
5	20.10	0.55	0.03	19.50	0.00	25.00	-5.48
6	7.74	0.82	0.05	6.87	0.00	10.00	-3.13
7	2.40	1.15	0.01	1.25	0.00	5.00	-3.75
8	1.11	0.94	0.00	0.17	0.00	5.00	-4.83
9	1.32	0.64	0.01	0.68	0.00	5.00	-4.32
10	2.01	0.18	0.00	1.83	0.00	25.00	-23.20
11	9.32	0.14	0.00	9.17	0.00	40.00	-30.80
12	46.30	0.23	0.04	46.00	0.00	40.00	6.03
Stor	49000	335	18	48600	0	19000	32100

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 12/17/2004 for

PASS CR > ELK CR - AT MOUTH

Watershed ID #: 343 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.13	0.00	0.00	0.02	0.00	0.10	0.01	0.00	0.27
2	0.14	0.00	0.00	0.02	0.00	0.10	0.01	0.00	0.28
3	0.03	0.02	0.00	0.02	0.00	0.10	0.01	0.00	0.18
4	0.00	0.17	0.00	0.02	0.00	0.10	0.01	0.00	0.31
5	0.00	0.45	0.00	0.02	0.00	0.10	0.01	0.00	0.58
6	0.00	0.74	0.00	0.02	0.00	0.10	0.01	0.00	0.87
7	0.00	1.02	0.00	0.02	0.00	0.10	0.01	0.00	1.15
8	0.00	0.81	0.00	0.02	0.00	0.10	0.01	0.00	0.94
9	0.00	0.51	0.00	0.02	0.00	0.10	0.01	0.00	0.64
10	0.00	0.05	0.00	0.02	0.00	0.10	0.01	0.00	0.18
11	0.02	0.00	0.00	0.02	0.00	0.10	0.01	0.00	0.15
12	0.14	0.00	0.00	0.02	0.00	0.10	0.01	0.00	0.27

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/17/2004 for

PASS CR > ELK CR - AT MOUTH

Watershed ID #: 343 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 12/17/2004 for

PASS CR > ELK CR - AT MOUTH

Watershed ID #: 343 Basin: UMPQUA Exceedance Level: 80
Time: 14:02 Date: 12/17/2004

-----ISWRs-----								
APP #	343A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	40.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00
2	40.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00
3	40.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00
4	40.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00
5	25.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00
6	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00
7	5.00	0.00	0.00	0.00	0.00	0.00	0.00	5.00
8	5.00	0.00	0.00	0.00	0.00	0.00	0.00	5.00
9	5.00	0.00	0.00	0.00	0.00	0.00	0.00	5.00
10	25.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00
11	40.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00
12	40.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00

1

Phillip C. Ward, Director

Oregon Water Resources Department 725 Summer ST NE, Suite A Salem, OR 97301 Phone: 503-986-0900 Fax: 503-986-0903

Mailing List for PFO Copies

Application #S-86087

PFO Date March 8, 2005

Original mailed to:

~~Applicant:~~ ELLEN WARD, 2580 UPPER SMITH RIVER RD, DRAIN, OR 97435

Copies sent to:

- ~~1.~~ WRD - File # S-86087
- ~~2.~~ Water Availability: Ken Stahr

PFO and Map Sheet Copies sent to:

- ~~3.~~ WRD - Watermaster # 15
- ~~4.~~ Regional Manager: SWR

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

- ~~5.~~ Linda M. Simard & George H. Thomas III, 5648 Hardscrabble Rd, Drain OR 97435

VIA EMAIL BY J GAINNEY TO:

- 6. WRD - Dave Jarrett

CASEWORKER: gaineyjw WEEK 502

Copies Mailed
By: <u>TCB</u>
(SUPPORT STAFF)
on: <u>3/8/05</u>
(DATE)

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86087

Prior to issuance of a permit, recording fees in the amount of **\$250.00** must be submitted to the Department. In order to increase Department efficiency and expedite the processing of your application, please submit the necessary fees prior to the protest deadline of **April 22, 2005**. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **April 22, 2005**, issuance of a permit may be delayed.

Proposed Final Order

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

Application History

On December 9, 2004, ELLEN WARD submitted an application to the Department for the following water use permit:

- Amount of Water: 0.01 CUBIC FOOT PER SECOND (CFS)
- Use of Water: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD
- Source of Water: A SPRING, A TRIBUTARY OF FITCH CREEK
- Area of Proposed Use: Douglas County within SECTION 30, TOWNSHIP 21 SOUTH, RANGE 5 WEST, W.M.

On January 7, 2005, the Department mailed the applicant notice of its Initial Review, determining that "*the use of 0.005 cubic foot per second of water from a spring, a tributary of Fitch Creek for domestic expanded is not allowable, and it appears unlikely that you will be issued a permit.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On January 11, 2005, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

On February 4, 2005, the Department received information from the applicant intending to document that no alternate source is available, and that denial of the permit would cause loss of reasonable expectation for use of the property.

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

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

Findings of Fact

The Umpqua Basin Program allows the use of water for DOMESTIC USE EXPANDED.

Senior water rights exist on A SPRING, A TRIBUTARY OF FITCH CREEK, or on downstream waters.

A SPRING, A TRIBUTARY OF FITCH CREEK is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) only during the period December 1 through March 31 of each year.

The Department finds that no more than 0.005 CFS would be necessary for the proposed use. The amount of water allowed shall be restricted to 0.005 CFS.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered 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 did not recommend that any additional conditions of use be imposed on this application.

Instream Water Right Findings

The proposed diversion is necessary to uses designated in ORS 536.310(12), specifically human consumption use (cooking, drinking, and sanitation).

After considering various alternative water sources, including groundwater, stored water, purchased trucked water, community and municipal suppliers, and transfers of existing water rights, the applicant provided documentation that there are no reasonable alternative sources of water.

The Department has considered the following factors:

The maximum economic development of the waters involved: The applicant has demonstrated that denial of this application would result in loss of reasonable expectations for use of the property.

The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control: Human consumption includes uses of water for sanitation (OAR 690-300-0010(24)). Because the applicant has no other reasonable source of water to provide sanitation to their home, human consumption use is necessary to provide the beneficial use of sanitation to the applicant.

The amount of waters available for appropriation for beneficial use: Water is not available for the proposed use during the full period requested.

The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved: The use will be conditioned to require reasonable use of the water and installation of equipment to permit water use measurement and reporting.

All vested and inchoate rights to the waters of this state or to the use of waters of this state, and the means necessary to protect such rights: Issuance of this right may increase the likelihood that water may not be available for all water rights. However, those rights are protected by their respective relative priority dates, the prior appropriation doctrine, and established regulatory procedures.

The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.534: ORS 536.310(12) provides that "[w]hen available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses." Because the proposed use is human consumption there is a preference for this use over all other uses.

Applying these factors one may conclude that the proposed use could increase the likelihood that water may not be available for all existing water rights (including those for the protection of fish

and wildlife) because water is not available for the proposed use during the full period requested. However, because the proposed use is preferred above all other uses, is for sanitation and will not be wasteful, uneconomic, impracticable or unreasonable, and because denial of this application will result in the loss of reasonable expectations for use of the property, the public interest in the proposed use outweighs water availability concerns.

Conclusions of Law

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

The proposed use requested in this application is allowed in the Umpqua Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water **is not** available for the proposed use during the full period requested.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

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

Because water is not available during the full period requested, the required presumption **has not** been established.

OAR 690-310-120(2)(b) states that when the presumption is not established, the Department shall determine whether the proposed use will impair or be detrimental to the public interest considering the factors in ORS 537.170(8), and may make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or be detrimental to the public interest, and propose approval of the application with appropriate modifications or conditions.

In consideration of findings described above under "*Instream Water Right Findings*", even though the presumption is not established, the proposed use will not impair or be detrimental to the public interest if approved with the following condition:

During the period APRIL 1 THROUGH NOVEMBER 30 of each year, the use shall be limited to HUMAN CONSUMPTION (COOKING, DRINKING, AND SANITATION) FOR ONE HOUSEHOLD at a diversion rate of 0.005 CFS.

When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED March 8, 2005


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.

- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **April 22, 2005**.

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

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

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0812.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

gaineyjw-WEEK 502

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF DOUGLAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ELLEN WARD
2580 UPPER SMITH RIVER RD
DRAIN, OR 97435

(541)836-2983

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-86087

SOURCE OF WATER: A SPRING, A TRIBUTARY OF FITCH CREEK

PURPOSE OR USE: DOMESTIC USE AND HUMAN CONSUMPTION (COOKING, DRINKING,
AND SANITATION)

MAXIMUM RATE: 0.005 CUBIC FOOT PER SECOND

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 31 FOR DOMESTIC USE, AND APRIL
1 THROUGH NOVEMBER 30 FOR HUMAN CONSUMPTION USE

DATE OF PRIORITY: DECEMBER 9, 2004

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T21S, R5W, W.M.; 250
FEET NORTH & 1370 FEET WEST FROM SE CORNER, SECTION 30

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 30
TOWNSHIP 21 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device 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 permit. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2005

DRAFT - THIS IS **NOT** A PERMIT

Phillip C. Ward, Director
Water Resources Department

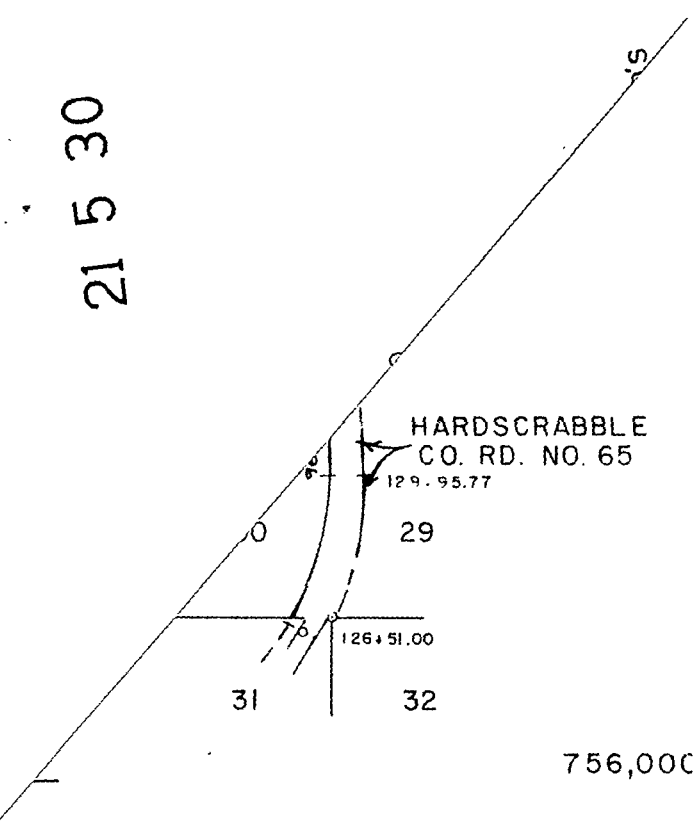
ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the water user named hereon, if the land the permit is associated with changes ownership, or if the water user is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the water user named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the water user's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Water users involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

21 5 30



RECEIVED

FEB 04 2005

File #: S-86087



WATER RESOURCES DEPT
SALEM, OREGON

Oregon Water Resources Department

Application Supplement for Human Consumption & Livestock Uses

For water use permit applications within or above scenic waterways or from streams water rights for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption use is limited to use of water for drinking, cooking, and sanitation, and does not include other uses such as lawn or garden watering or other related water uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

1. Can you reasonably obtain water from any other source? YES / NO
(circle one)

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)
Two closest neighbors' wells have
proved inadequate [they go dry in the
summer] see attached letters.
- b. Securing stored water from upstream reservoirs.
None available.
- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)
I'm retired on a fixed income
and cannot afford to have water
trucked to my house.

RECEIVED

FEB 04 2005

WATER RESOURCES DEPT
SALEM, OREGON

S-86087

- d. Community or municipal water suppliers.

None available.

- e. Tying in to a neighboring property's spring.

This is what I am applying to do.

- g. Transferring existing water rights to your proposed use(s).

None available.

Please identify any other alternate water sources you have considered, and why they are not feasible:

This spring is the only alternative.

2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

YES / NO / NOT APPLICABLE

(circle one)

If so, please describe how:

The spring supplies water to my residence for a family of seven.
No spring, no water, no house, no family

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

YES / NO / NOT APPLICABLE

(circle one)

3. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

YES / NO / NOT APPLICABLE

(circle one)

X Applicant Signature: Ellen M. Ward

Date: Feb 3, 2005

Applicant Signature: _____

Date: _____

RECEIVED

FEB 04 2005

WATER RESOURCES DEPT
SALEM OREGON

Nov. 27, 04
To who it may Concern

We live at 2763 Upper
Smith River Rd Drain Or
97435

Our well on our
property has Very
Low Volume, goes dry,
Milky in color and a
strong bad odor.

Jeffrey & Evelyn
Edmon

RECEIVED

FEB 04 2005

WATER RESOURCES DEPT
SALEM, OREGON

Marko Mikulich, CMI, MS
Certified Medical Illustrator

541.836.7046
marko@erdc.com
www.erdc.com

23 November 2004

State Watermaster
State of Oregon

Dear Sir,

I'm writing this letter on behalf of Ellen Ward who is a neighbor regarding her water rights.

The 350 foot deep well on my property has a very low output and often is pumped dry during the summer and requires a period to replenish itself.

This is indicative of the neighboring wells in this area.

Sincerely Yours,

Marko Mikulich

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FEB 04 2005

WATER RESOURCES DEPT
SALEM, OREGON

Division 33 Application Work Sheet — Human Consumption Exception

RECEIVEDDate: 1/7/2005 Please return to WRD before **February 10, 2005****FEB 10 2005**

Application #: S-86087

Applicant's Name: ELLEN WARD

**WATER RESOURCES DEPT
SALEM, OREGON****Background**

The Water Resources Department (Department) is attempting to streamline the review of water right applications for human consumption exception under Division 33. Oregon law and Administrative Rule (OAR 690-410-070(2) and OAR 690-310-260(2)) allows for a Human Consumption Exception allowing 0.005 cubic foot per second (cfs) where water is not available due to an In-Stream Water Right and/or the Scenic Waterway. When water is not available due to an In-Stream Water Right, the use may be allowed because human consumption can be considered a high public use if no reasonable alternatives are available and the use is conditioned to protect instream values. The information required for an applicant to request an exception is:

- 1) demonstrate that denial of the application would result in loss of reasonable expectations for use of the property; and
- 2) demonstrate that there are no reasonable alternative sources.

Department recommendation

If the applicant is able to meet the human consumption exception criteria described above, based on water availability, applicable basin rules, etc, the Department will most likely recommend the following (see attached Initial Review):

Proposed Use: **Domestic Use**Rate: **0.005 CFS** Period of Use: **December 1 through March 31**Other limitations: **Human Consumption Only**Rate: **0.005 CFS** Period of Use: **April 1 through November 30****Human Consumption Only:**

Rate: _____ Period of Use: _____

Your Role

Do you concur with the likely Department recommendation described above? If not, what is your recommendation and why? YES _____ NO _____

Explain:

As long as this water right stays within the guidelines stated above the potential for impacts on downstream water rights should be minimized. Also impacts on sensitive species (coho, pacific lamprey) will be minimized.

ODFW Commenter Signature: _____

Date: Feb 7, 2005WRD Contact: **Caseworker:** Jerry Gainey, Water Rights Division

503-986-0812/Fax: 503-986-0901 / E-mail: Jerry.W.GAINEY@wrд.or.state.us

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.

Date: 1/7/2005 Please return to WRD before **February 10, 2005**. Application #: S-86087

Applicant's Name: ELLEN WARD

SOURCE OF WATER: ☐ GROUNDWATER ☒ SURFACE WATER ☐ STORAGE

DESCRIPTION OF THE SOURCE: UNNAMED SPRING
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow above ground in a defined channel into another water body?

☐ YES ☐ NO ☐ SOMETIMES UNKNOWN

If sometimes, describe the time period, Between: _____ and _____.

2) Does the source ever go dry in the area of the proposed diversion?

☐ YES ☐ NO UNKNOWN

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES ☒ NO

If YES, please explain: _____

HOWEVER PASS CREEK IS REGULATED ANNUALLY FOR ISWR'S

4) Do you agree with the water availability recommended period of use?

☒ YES ☐ NO ☐ I DON'T KNOW

If NO, why do you disagree with the recommended period of use and what period do you recommend? _____

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**WATER RESOURCES DEP
SALEM, OREGON**

5) Did you meet with staff from another agency to discuss this application?

☐ YES ☒ NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

☐ YES ☐ NO

If YES, please explain: _____

UNKNOWN

Comments: _____

Watermaster Signature: _____

Date: 1-24-2005

WRD Contact: **Caseworker:** Jerry Gainey, Water Rights Division
503-986-0812/ Fax: 503-986-0901 / e-mail: Jerry.W.GAINEY@ wrd.or.state.us

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG
(Developed 6/27/97 - revised 7/13/04)

standard language for all surface and reservoir applications unless instructed otherwise by ODFW:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction. (formerly b54c and od fwdam)

fishself The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary. (formerly fish)

fishapprove The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. (formerly od fw and b54b)

fishdiv33 If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. (formerly pisp)
For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed. [same as riparian]

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows. [same as wq]

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. [same as fishapprove]

fishmay Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish. (formerly od fw may)

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 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.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

futile call The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

wq The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Division 33 Application Work Sheet — Human Consumption Exception

Date: 1/7/2005 Please return to WRD before **February 10, 2005**

Application #: S-86087

Applicant's Name: ELLEN WARD

RECEIVED**JAN 26 2005****Background**

The Water Resources Department (Department) is attempting to streamline the review of water right applications for human consumption exception under Division 33. Oregon law and Administrative Rule (OAR 690-410-070(2) and OAR 690-310-260(2)) allows for a Human Consumption Exception allowing 0.005 cubic foot per second (cfs) where water is not available due to an In-Stream Water Right and/or the Scenic Waterway. When water is not available due to an In-Stream Water Right, the use may be allowed because human consumption can be considered a high public use if no reasonable alternatives are available and the use is conditioned to protect instream values. The information required for an applicant to request an exception is:

- 1) demonstrate that denial of the application would result in loss of reasonable expectations for use of the property; and
- 2) demonstrate that there are no reasonable alternative sources.

Department recommendation

If the applicant is able to meet the human consumption exception criteria described above, based on water availability, applicable basin rules, etc, the Department will most likely recommend the following (see attached Initial Review):

Proposed Use: **Domestic Use**Rate: **0.005 CFS** Period of Use: **December 1 through March 31**Other limitations: **Human Consumption Only**Rate: **0.005 CFS** Period of Use: **April 1 through November 30****Human Consumption Only:**

Rate: _____ Period of Use: _____

Your Role

Do you concur with the likely Department recommendation described above? If not, what is your recommendation and why? YES ☒ NO ☐

Explain: _____

Watermaster Signature: Jerry W. Gainey Date: 1-24-2005

WRD Contact: **Caseworker:** Jerry Gainey, Water Rights Division
 503-986-0812/Fax: 503-986-0901 / E-mail: Jerry.W.GAINEY@ wrd.or.state.us



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

January 7, 2005

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

ELLEN WARD
2580 UPPER SMITH RIVER RD
DRAIN, OR 97435

(541)836-2983

Reference: File S-86087

Dear Ms. Ward:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from a spring, a tributary of Fitch Creek for domestic expanded is a **classified use** under OAR 690-516, the Umpqua Basin Program.
3. Because water is not available for domestic expanded April 1 through November 30, you may provide additional information that would allow you to pursue a permit for a limited, human consumption (cooking, drinking, and sanitation) use year round. Please refer to the **ADDITIONAL INFORMATION. OPPORTUNITY** section below for details and additional information required.
4. The Department has determined that the standard allowable rate of water necessary for domestic use for one household is 0.005 cubic foot per second (CFS). Your application requested 0.01 CFS. If the application is approved, the rate allowed will be limited to 0.005 CFS.

5. Your proposed use falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.

Summary of Allowable Water Use

Because item #3 above is unfavorable, the use of 0.005 cubic foot per second of water from a spring, a tributary of Fitch Creek for domestic expanded is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

ADDITIONAL INFORMATION OPPORTUNITY:

Due to the lack of water necessary to maintain instream uses protected by an instream water right and/or minimum flows in a scenic waterway, water is not available in sufficient quantities to support the proposed use. However, human consumption of water (cooking, drinking and sanitation) from the proposed source may be considered a high public interest use if there is no reasonable alternative. This may be especially true if denial of the application will result in loss of reasonable expectations for use of the property. If you can provide evidence that this is the case, we will work with the Oregon Department of Fish and Wildlife to attempt to determine conditions which will protect instream values during the months when instream flow requirements are not met. These conditions may include mitigation measures to offset the impact of the requested use.

If you do not either withdraw your application, or complete and return the attached "Application Supplement for Human Consumption & Livestock Uses", the Department will propose to reject your application. **The form should be submitted no later than February 10, 2005.** If you need more time to consider your options or gather information, please let us know, in writing, how much time you need.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, January 21, 2005.** For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device 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 permit. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The tentative priority date for this application is December 9, 2004.

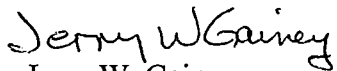
WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oda.state.or.us/nrd/water_quality/index.html to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our customer service staff at 503-986-0801. Feel free to call me at 503-986-0812 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Sincerely,



Jerry W. Gainey
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86087
wab 16-343
pou 16-343
gw

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-86087

Applicant: ELLEN WARD

County: Douglas

Watermaster: 15

Priority Date: December 9, 2004

Source: A SPRING, A TRIBUTARY OF FITCH CREEK

Use: DOMESTIC EXPANDED

Quantity: 0.01 CUBIC FOOT PER SECOND

Basin Name & Number: Umpqua, #16

Stream Index Reference: Volume 2 PASS CR MISC

Point of Diversion Location: SWSE, SECTION 30, T21S, R5W, W.M.; 250 FEET NORTH &
1370 FEET WEST FROM SE CORNER, SECTION 30

Place of Use: SESE, SECTION 30, TOWNSHIP 21 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 21, 2005

PUBLIC NOTICE DATE: Tuesday, January 11, 2005

30 DAY COMMENT DEADLINE DATE: Thursday, February 10, 2005

Mailing List for IR Copies

Application #S-86087

IR Date: January 7, 2005

Original mailed to:

Applicant: ELLEN WARD , 2580 UPPER SMITH RIVER RD, DRAIN, OR 97435

Copies sent to:

- 1. WRD - File # S-86087
- 2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

- 3. WRD - Regional Manager: SWR
- 4. WRD - Dave Jarrett
- 5. DOA: Jim Johnson

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
on: <u>1/7/05</u>
(DATE)

Note to Support: staple Division 33 Review Forms to front of copy packet for the following:

- 1) Watermaster 2) ODFW 3) DEQ (if indicated below)

- 6. WRD - Watermaster # 15 + **Watermaster Form**
- 7. ODFW District Biologist: Jim Brick + **ODFW Form 2 (L. Col./Statewide)**
- 8. DEQ: W Region - John Blanchard + **DEQ Form**

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

- 9. Linda M. Simard & George H. Thomas III, 5648 Hardscrabble Rd, Drain OR 97435

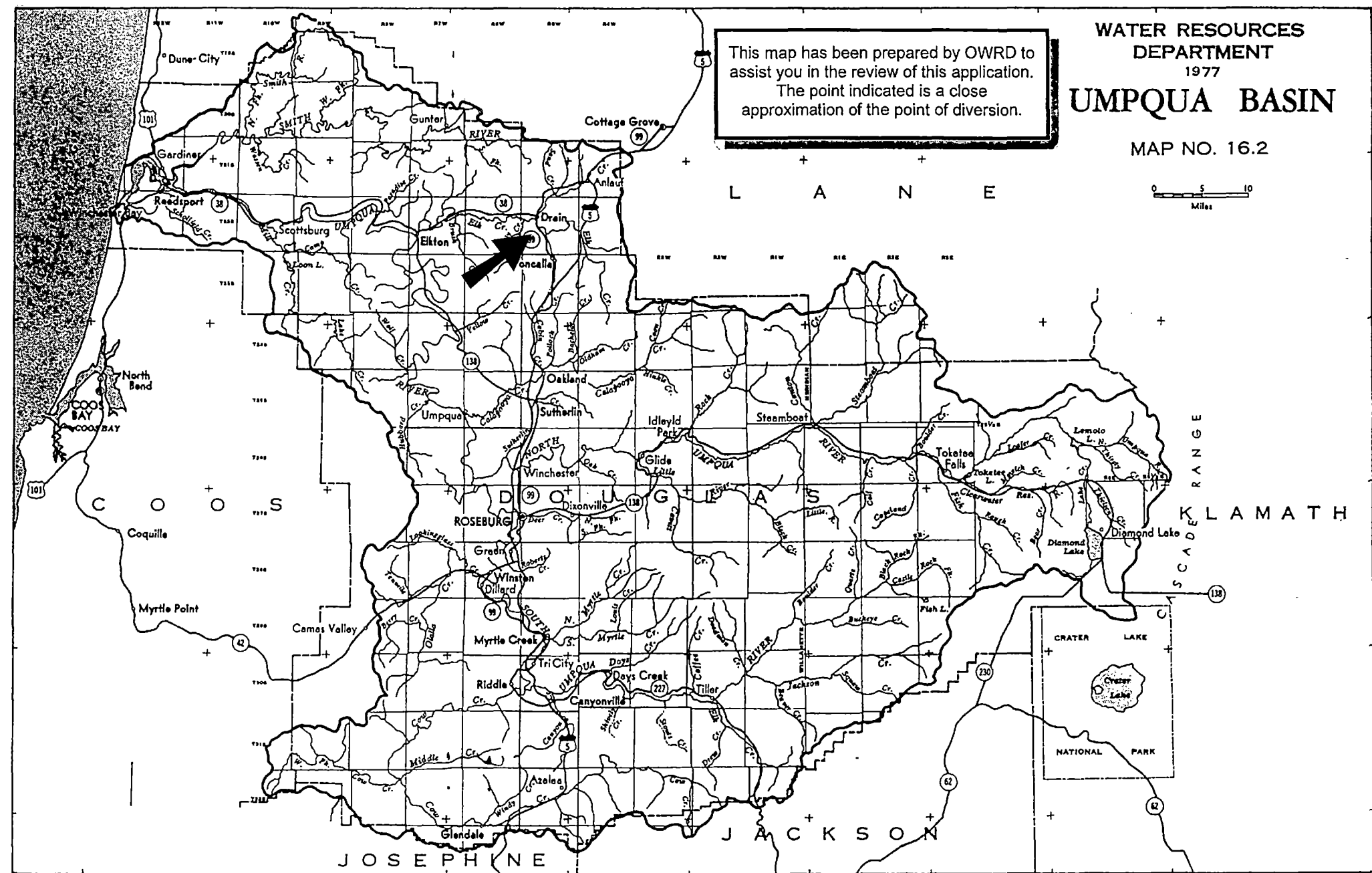
ID# JWG

\\COPYSHT\IR

REMINDER: Copy *all* IR's for uses in the geographic Umatilla Basin to Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, 73239 Confederated Way, Pendleton, OR 97801.

REMINDER: Copy *all* IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)

S-86087
ELLEN WARD
A SPRING, A TRIBUTARY OF FITCH CREEK





Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: Ellen M. WARD
First Last

Mailing address: 2580 Upper Smith River Rd.
Drain OR 97435
City State Zip

Phone: 541-836-2983
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

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WATER RESOURCES DEPT
SALEM, OREGON

For Department Use		
App. No. <u>S86087</u>	Permit No. _____	Date _____

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Spring Tributary to: Fitch Creek - Pass Creek
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

B. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

☐ Yes (Skip to section 3 "Water Use.")

☒ No Please check the appropriate box below.

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or an easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

List the names and mailing addresses of all affected landowners.

Linda M. Simard & George H. Thomas III
5648 Handscabble Rd.
Drain OR 97435

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 1
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

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WATER RESOURCES DEPT
SALEM, OREGON

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use	Amount
Spring	Domestic + $\frac{1}{2}$ A. lawn + Garden	☒ cfs ☐ gpm ☐ af
	(Domestic Expanded)	☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af

C. Period of Use

Indicate the time of year you propose to use the water: Year round
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: $\frac{1}{2}$ A. lawn & garden
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- ☐ Pump (give horsepower and pump type) _____
- ☐ Head-gate (give dimensions) _____
- ☒ Other means (describe) Spring box - pipeline to house

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☐ Weir ☐ Meter ☒ Periodic Sampling
- ☐ Other (describe) _____

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WATER RESOURCES DEPT
SALEM, OREGON

C. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length)

Diameter 3/4" Length 1000 ft.

☐ Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

house hold plumbing system

Irrigation or land application method (check all that apply):

☐ Flood

☐ High-pressure sprinkler

☐ Low pressure sprinkler

☐ Drip

☐ Water cannons

☐ Center pivot system

☐ Hand lines

☐ Wheel lines

☐ Siphon tubes or gated pipe with furrows

☐ Other, describe _____

Distribution method

☒ Direct pipe from source ☒ In-line storage (tank or pond) ☐ Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

Check waterline regularly for leaks.

5. RESOURCE PROTECTION

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See the instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

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WATER RESOURCES DEPT
SALEM, OREGON

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: No screening necessary - this is a Spring.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: No excavation planned.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: None planned

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: piped enclosed system

☐ Other: _____

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin Existing

Proposed date construction will be completed Existing

Proposed date beneficial water use will begin ASAP

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Ellen M. Ward
Signature of Applicant (If more than one applicant, all must sign)

11-29-04
Date

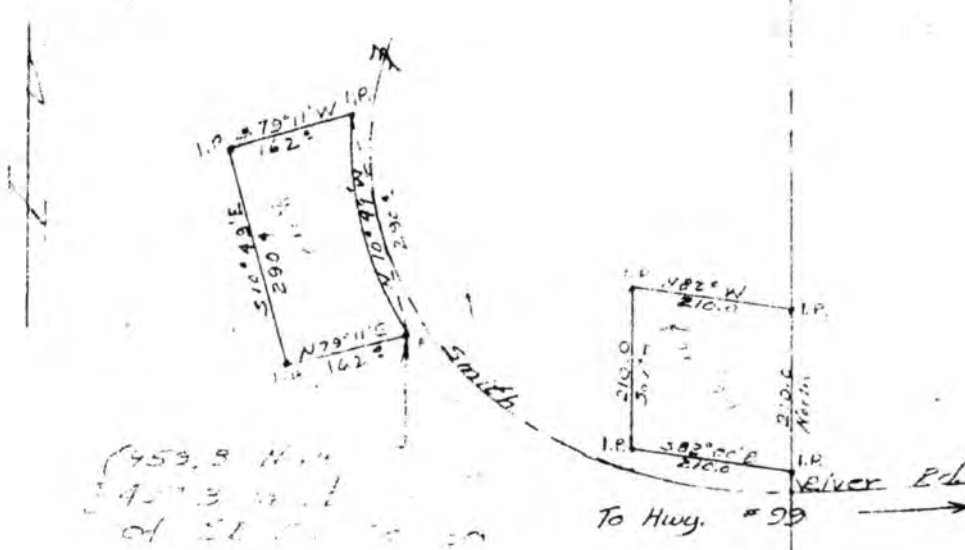
Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's Fee Schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

SURVEY for WARD & RANDALL
IN

SEC. 30; TWP. E1S; R. 5W. W1/4

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WATER RESOURCES DEPT
SALEM, OREGON



(459.8 ft. x
290.0 ft.)
of 162.2 x 290.0

Sec. 30

Sec. 20

COUNTY SURVEYORS FILE DATA
DO NOT REMOVE FROM OFFICE



S.E. Cor. Sec. 30
Found 1. Pipe

FILED
RECEIVED
JUL 13 1954
COUNTY SURVEYOR
DOUGLAS COUNTY, ORE.

app # S86087

C. S. File No. 41/285



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR. 97301-1271
(503) 986-0900
www.wrd.state.or.us

REV. 11/20/03

SPRING DESCRIPTION SHEET

1. Is the spring on the property owned by the applicant? YES ☒ NO ☐
2. If not, give name and address of legal owner: NA
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES ☒ NO ☐
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES ☐ NO ☐
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?
What is the maximum flow? 20 gal per minute
Is flow measured or estimated? MEASURED ☒ ESTIMATED ☐
6. Does the stream flowing from the spring form a well defined natural channel?
YES ☒ NO ☐
7. Does the water flow off the lands on which it first arises? YES ☒ NO ☐
8. Give the name of the stream or other body of water into which the water from the spring flows: Fitch Creek
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: _____
10. Remarks: _____

I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

Applicant Ellen M. Ward Signature 11-29-04 Date

Signature _____ Date _____

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

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 "Approval" below.
- ☒ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
None - Preexisting dwelling	N/A	☐ Obtained	☐ Being pursued
		☐ Denied	☒ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have been obtained for this project. (Record of Action/land use decision and accompanying findings are sufficient.)

DOUGLAS COUNTY WATER RESOURCES DEPARTMENT
1000 N. 10TH ST., SUITE 200
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

B. Approval

Please provide printed name and written signature.

Name: G. WAYNE BATES Date: 11-30-04
 Title: PLANNER Phone: 541-440-4289
 Signature: G. Wayne Bates

C. Additional Comments

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

This sign-off does not imply that T21S-R05W-S30-TL 1200
and 900 are lots of record.
The proposed water use and easement is a pre-existing
situation. For health and welfare reasons, the water
use should be authorized.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____
 Staff contact: _____ Phone: _____
 Signature: _____ Date: _____



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Ellen M. WARD
Address: 2580 Upper Smith River Rd
City: Drain State: OR Zip: 97435 Day Phone: 541-836-2983

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (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 I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
1200	FARM FOREST (FF)	☒ Diverted ☒ Conveyed ☒ Used	
1300	FARM FOREST (FF)	☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☒ Conveyed ☒ Used	
900	FARM FOREST (FF)	☐ Diverted ☒ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. _____

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☐ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) _____
☐ Other _____

Briefly describe: _____

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water _____

Indicate the estimated quantity of water the use will require: _____ ☐ CFS ☐ GPM ☐ Acre-Feet (source)

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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SALEM, OREGON



PLANNING DEPARTMENT

Room 106, Justice Building
Douglas County Courthouse, Roseburg, Oregon 97470
(541) 440-4289 / Fax (541) 440-6266

November 30, 2004

MEMORANDUM

TO: Planning Clearance Worksheet No. 2004-1673

FROM: Wayne Bates, Planner *WB*

RE: LUCS for OWRD Land Use Information Form

The property owner has requested a Land Use Compatibility Statement (LUCS).

- We received a request to approve a LUCS for Ellen M. Ward.
- LUCS is by OWRD Land Use Information Form.
- LUCS is for property T21S-R05W-Sec30-TL1300; R20479; at 2580 Upper Smith River Rd, Drain.
- The pre-existing 1953 home has an easement for a pre-existing water line from TL 1200 to TL 1300 by Instrument #88-04119 (Book 1016, Pages 396-398).
- This worksheet sign-off does not imply that T21S-R05W-S30-Tax Lots 1200 and 900 are lots-of-record.
- The proposed water use and easement is a pre-existing situation. For health and welfare reasons, the water use should be authorized.

Based on the preceding findings, Staff determined that a review by the Douglas County Planning Department per the requirements of Chapter 3, Article 37 of the Land Use and Development Ordinance.

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SALEM OREGON

PL

DOUGLAS
COUNTY

(541) 440-4289

11/30/2004

WORKSHEET NUMBER

2004-1673

ACCOUNT NUMBER

R20479
1056,03

☒ CASH ☐ CHECK: _____ ☐ OTHER: _____

RECEIVED BY

WIN

RECEIPT NO.

W12012

Planning Screen Print Account# R20479
Alternate Acct# 1056.03

11/29/2004

MTL: 21-05W-30-01300 Code: 02203 Class: 101
Name: WARD, ELLEN MAE BELL Acres: 1.00
2580 SMITH RIVER RD MARKET
DRAIN, OR 97435 Land: 31,500
Add Bldg: 111,006
Names: ASSESSED
Land: 31500
Bldg:
Vet
Exempt: 10,460
Inst.
Num.:

Site: 2580 UPPER SMITH RIVER RD DRAIN, OR 97435

Building Permits: 2000-1758-A
Plan/Zones: FFT FF
Overlays:
PD Numbers:
Worksheets: 2000-1183
Old Worksheets:

Mobile Additional Info

Code: Class : Mkt Mobl:
Make Yr: Assd Mobl : 0
Size: X Vet Exempt: 10,460
Serial#: Sr Deferral :
Plate No.

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SALEM, OREGON

Planning Screen Print Account# R20551
Alternate Acct# 1059.00

11/29/2004

MTL: 21-05W-30-01200 Code: 02200 Class: 540
Name: WARD, ELLEN MAYBELLE Acres: 2.30
2580 UPPER SMITH RIVER RD MARKET
DRAIN, OR 97435 Land: 10,350
Add Bldg: 0
Names: ASSESSED
Land: 0
Bldg:
Vet
Exempt: 0
Inst.
Num.: 1998-29549
Site: 0 UPPER SMITH RIVER RD DRAIN, OR 97435

Building Permits:

Plan/Zones: FFT FF
Overlays:
PD Numbers:
Worksheets:
Old Worksheets:

Mobile Additional Info

Code: Class : Mkt Mobl:
Make Yr: Assd Mobl : 0
Size: X Vet Exempt: 0
Serial#: Sr Deferral :
Plate No.

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SALEM, OREGON

Planning and Sanitation Pre-Application Worksheet No. 2004-1673

Planning approval shall be valid for one (1) year from the date of approval.

OTHER ACTION

APPLICANT INFORMATION

Applicant: WARD, ELLEN MAE BELL
2580 SMITH RIVER RD
DRAIN, OR 97435

Owner: WARD, ELLEN MAE BELL
2580 SMITH RIVER RD
DRAIN, OR 97435

Phone: 541-836-2983

Phone:

Site Address: 2580 UPPER SMITH RIVER RD, DRAIN

Acct. No.: R20479

Size: 1

MTL: 21-05W-30-01300

Improvement: LUCS FOR LAND USE INFORMATION FORM, OWRD.

Use: LUC - LUC

Existing Structures (Number & Type): NA

Distance of Building Site from River, Creek or Stream Bank: NA

Directions: I-5 TO YONCALLA/DRAIN EXIT, HWY 99 APPROX 2 MI NORTH OF DRAIN, LEFT ON UPPER SMITH RIVER RD, 2.5 MI DRIVE ON LEFT, PAST HARDSCRABBLE RD.

As, for, or on behalf of, all property owners:

Applicant Signature: Kenneth R. Bell Date: 11 30 04

PLANNING DEPARTMENT INFORMATION LOR:

Zoning: FF

Overlays:

Setbacks from Front Property Line of Public Right of Way :		30 FEET	
Rear Line :	10 FEET	Ext Side Line :	
Side Line :	10 FEET	Special Setback:	
		Sign Code:	SC.NA
Riparian Setback in Feet: 50 FEET		Building Height:	NONE

Parking Spaces Required: NA

Floodplain: N

Floor Height Above Ground:

Conditions of Approval: LUCS FOR OWRD LAND USE INFORMATION FORM. SEE ATTACHED WS MEMO AND EASEMENT DOC.

Sanitation: : 99 N/A Water: Private Public

Access:

Report Codes: SAC

Approval By: GWB Receipt#: W2004.12012

Date: 11/30/2004

Amount: \$20.00

Refer To:

SANITATION INFORMATION

SE# STP# Existing System System: Approved Denied

Remarks:

By: Date: CSC Date:

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WATER RESOURCES DEPT
SALEM, OREGON

88-04119

WARRANTY DEED—STATUTORY FORM

BOOK 1016 PAGE 396

AKA Robert Franklin Ward Sr. INDIVIDUAL GRANTOR
R. F. WARD and SARAH J. WARDGrantor,
conveys and warrants to MID-STATE INDUSTRIES INC., an Oregon CorporationGrantee, the following described real property free of encumbrances,
except as specifically set forth herein situated in Douglas County, Oregon, to-wit:

Exhibit A attached

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free from encumbrances except Easement for gateway road of record

The true consideration for this conveyance is \$ 77,500.00 (Here comply with the requirements of ORS 93.050)

Dated this 6th day of Apr., 1988

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

By: Sarah J. Ward
Sarah J. Ward
Robert Franklin Ward Sr.
Sarah Ward, Attorney in Fact

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on
by SARAH J. WARD personally and SARAH WARD, Attorney in Fact for R. F. WARD
AKA ROBERT FRANKLIN WARD SR.

(SEAL)

Notary Public for Oregon
My commission expires 4-10-88

WARRANTY DEED

GRANTOR

GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements
shall be sent to the following address:Mid State Industries, Inc.
32406 Taylor Butte Rd.
Cottage Grove, OR 97424

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of } ss.

I certify that the within instrument was received for record on the
day of 1988,
at o'clock M., and recorded in book/reel/volume No. on
page or as fee/file/instrument/microfilm/reception No. Record of Deeds of said county.Witness my hand and seal of
County affixed.

NAME

TITLE

By Deputy

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WATER RESOURCES DEPT
SALEM, OREGON

DOUGLAS COUNTY TITLE COMPANY

The East half of the Southeast quarter of Section 30, Township 22 South, Range 9 West, of the Willamette Meridian, Douglas County, Oregon.

EXCEPT the following:

Beginning at a point on the westerly boundary of the Smith River County Road right of way, 959.8 feet North, and 497.3 feet West of the southeast corner of Section 30, Township 21 South, Range 5 West, of the Willamette Meridian, Douglas County, Oregon, thence along said westerly right of way boundary on a 28° curve to the right, the long chord of which bears North 10° 49' West 290.4 feet; thence South 79° 11' West 162.0 feet; thence South 10° 49' East 290.4 feet; thence South 79° 11' East 162.0 feet to the place of beginning.

Beginning at the point of intersection of the section line between Sections 29 and 30, Township 21 South, Range 5 West, of the Willamette Meridian, Douglas County, Oregon, and the northerly right of way boundary of the Smith River County Road, said point being also 766.45 feet north of the southeast corner of said Section 30, said township and range; thence North along said section line 210.0 feet; thence North 82° 00' West 210.0 feet; thence South 210.0 feet to said northerly road right of way boundary; thence along said Northerly road right of way boundary South 82° 00' East 210.0 feet to the place of beginning.

Beginning at the northeast corner of the Northeast quarter of the Southeast quarter of Section 30, Township 21 South, Range 5 West, of the Willamette Meridian, Douglas County, Oregon; thence West along the north line of said Northeast quarter of the Southeast quarter, 500 feet; thence South 200 feet; thence East 500 feet to the east line of said Northeast quarter of the Southeast quarter; thence North along said east line to the place of beginning, all in said Northeast quarter of the Southeast quarter of Section 30, Township 21 South, Range 5 West, of the Willamette Meridian, Douglas County, Oregon.

ALSO EXCEPT any portion lying within Upper Smith River Road No. 37.

RESERVING unto the Grantor an easement, appurtenant, for ingress and egress, with duty to maintain the same, from Harscrabble County Road No. 65 along the South 25 feet of the Southeast quarter of the Southeast Quarter of Section 30, Township 22 South, Range 9 West, of the Willamette Meridian, to Tax Lot 1200, all in Douglas County, Oregon.

RESERVING unto the Grantor an easement, appurtenant, for maintenance and repair of an existing water line that runs from Tax Lot 1200 to Tax Lot 1300 across the Southeast Quarter of the Southeast Quarter of Section 30, Township 22 South, Range 9 West of the Willamette Meridian, 15 feet in width with the center line over the existing pipe, all in Douglas County, Oregon.

Grantor does hereby release the rights to any and all merchantable timber on the above-described real property to the Grantee

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WATER RESOURCES DEPT
SALEM, OREGON

700 1016 398

BOOK 1016 PAGE 398

STATE OF OREGON)
COUNTY OF DOUGLAS) SS.
I, GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HEREBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED

1998 APR -7 AM 11: 57

GAY FIELDS
IN THE DOUGLAS COUNTY OF DOUGLAS COUNTY

BY

Carol Engel
FEE 10.00

SS-04119

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SALEM, OREGON

* - - Property Data Selection Menu - -
 -1 Owner: WARD, ELLEN MAE BELL
 Prop ID : R20479 (1056.03) (6978) 2580 SMITH RIVER RD
 Map Tax Lot: 21-05W-30-01300 DRAIN, OR 97435
 Legal : ACRES 1.00, (1) M&B VOL 237 INT
 186495 (5) CCJ 65/707 97-6747

Situs : 2580 UPPER SMITH RIVER RD Year Built : 1953
 DRAIN, OR 97435 Living Area: 2152

Name(s) :
 Code Area : 02203

Sale Info :

Deed Type :

Instrument:

2004 Tax Status * No Taxes Due *

Current Levied Taxes : 642.88

Special Assessments :

2005-06 SB125 Taxes :

2004 Roll Values

RMV Land	\$	34,965	(+)
RMV Improvements	\$	108,821	(+)
RMV Total	\$	143,786	(=)
Total Exemptions	\$	10,160	
M5 Net Value	\$	133,626	
M50 Assd Value	\$	68,725	

(AD) Alt Disp
 (O)wnership

(Y) primarY
 (H)istory

(SE)condary
 (W) Spec Assmt

(L)and/Impr
 (.) More

Enter Option from Above or <RET> to Exit: _

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 WATER RESOURCES DEPT
 SALEM, OREGON

CLAIMING SUCCESSOR'S DEED

THIS INDENTURE Made this November __, 1998, by and between DELLA BERNICE FRASIEUR, claiming successor under that certain AFFIDAVIT OF CLAIMING SUCCESSOR, TESTATE ESTATE, filed on August 13, 1996, Case No. 96 CV2906 PB, Circuit Court of the State of Oregon for Douglas County, Small Estate of Sarah Jane Ward, deceased, hereinafter called the first party, and ELLEN MAYBELLE WARD, hereinafter called the second party; WITNESSETH: For Value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors-in-interest and assigns all the estates, right and interest of the deceased at the time of decedent's death, and all the right, title and interest that the estate of the deceased by operation of law or otherwise may have thereafter acquired in that certain real property situated in the County of Douglas, State of Oregon, described as follows, to-wit:

See Exhibit "A" attached hereto and by this reference incorporated herein.
Subject to roads and easements of record and rights of the public therein.

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever. The true consideration for this conveyance is \$-0-. (Here comply with the requirements of ORS 93.030) The actual consideration consists of other valuable consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENTS TO VERIFY APPROVED USES; AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated: November 16, 1998

Della Bernice Frasier

Della Bernice Frasier, Claiming Successor
Small estate of Sarah Jane Ward

STATE OF OREGON, County of Deschutes) ss.

Personally appeared the above named Della Bernice Frasier, claiming successor of the small estate of Sarah Jane Ward, deceased and acknowledged the foregoing instrument to be her voluntary act and deed on November 16, 1998.

Before me: *Kenneth L. Travis*
Notary Public for Oregon

(Official Seal)



CLAIMING SUCCESSOR'S DEED

Ellen M. Ward

Deed Delivered to, (Grantee)

After recording return to:

Ellen M. Ward

HANDED

1580 Upper Smith River Road

Drain, OR 97435

Until a change is requested, all tax statements
shall be sent to the following address:

Ellen M. Ward

1580 Upper Smith River Road

Drain, OR 97435

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DEC 09 2004

WATER RESOURCE
SALEM, OREGON

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter (SW1/4 SE1/4) of Section 30, Township 21 South, Range 5 West of the Willamette Meridian, Douglas County, Oregon; thence North along the East line of said Southwest quarter of the Southeast quarter (SW1/4 SE1/4), 400 feet; thence West and parallel to the South line of said Southwest quarter of the Southeast quarter (SW1/4 SE1/4), 250 feet to a point; thence South and parallel to the East line of said Southwest quarter of the Southeast quarter (SW1/4 SE1/4), 400 feet to a point on the South line thereof; thence East along the South line thereof 250 feet to the point of beginning.

STATE OF OREGON]
COUNTY OF DOUGLAS] SS
I, DOYLE SHAVER JR., COUNTY CLERK AND
RECORDER OF CONVEYANCES, DO HEREBY CERTIFY
THAT THIS INSTRUMENT WAS RECORDED

98 DEC 30 PM 3:38

DOYLE SHAVER JR.
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY

DEPUTY

FEE

RECEIVED

DEC 09 2004

WATER RESOURCES
SALEM, OREGON

HANDED

98-29549

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application _____

County: Douglas

Priority Date: _____

Township: _____

Use(s): _____

Range: _____

Section: _____

POD $\frac{1}{4}$ $\frac{1}{4}$: _____

Rate: _____

POU $\frac{1}{4}$ $\frac{1}{4}$: _____

☒ **Applicant/Organization Name, Mailing Address and Telephone Number.** If applicant is other than a private landowner, Organizations section must be completed.

☒ **Source listed**

☒ **Property ownership indicated?** If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is locatedor..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE:** An easement or agreement **DOES NOT** need to be submitted at this time, however a statement declaring the existence of written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work is required at this time. Easement or agreement will be required before a permit will be issued.

☐ **If a groundwater application...**is the groundwater development section completed, including copies of well logs?

☒ **Proposed Use of the water....** Is each proposed use identified?

☒ **Has the appropriate "Supplemental Form" for each proposed use been completed, if applicable?**

☐ **Form I** (Irrigation)

☐ **Form M** (Municipal or Quasi-Municipal)

☐ **Form R** (Mining)

☐ **Form Q** (Commercial or Industrial)

☒ **Spring Description Sheet** (if source is a Spring)

☐ **Amount of water from each source listed in GPM, CFS or AF?** .01 CFS

☐ **Acreage being proposed, if applicable.**

app # 586087

- ☒ Season being requested by applicant.
- ☒ Water management section has been completed? If system has not been designed, the applicant may estimate this information.
- ☒ Resource protection system completed on Surface Water application?
- ☒ Are the **dates of construction** indicated? Proposed dates for the Beginning of construction, completion of construction, and complete application of water to the proposed use(s) If system already completed, applicant should indicate **existing**. Applicant may indicate in other than dates, these timelines.
- ☒ Is the **application signed in ink by the applicant**? If the application is in the name of an organization or corporation, the authorized agent with title or authority, must sign the application. If more than one applicant named, both/all must sign or application is incomplete.
- ☒ **Legal description included** ? A copy of the deed, land sales contract or title insurance policy can provide this information. We cannot accept a copy of the tax bill.
- ☒ A **completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed? Does the use on land-use form match the proposed use on the application? Date should be within 6 months.
- ☐ Does the map meet map requirements of OAR 690-310-050?

☐ Town, Range, Sec, $\frac{1}{4}$ $\frac{1}{4}$ and Tax Lot #

☒ Scale of the Map, not less than 4" = 1 mile

☒ Reference corner on map

☐ North Directional Symbol (not fatal if omitted)

☐ $\frac{1}{4}$ $\frac{1}{4}$'s clearly identified

☒ Location of each diversion point, well or dam

☒ POU clearly identified
location of place of use where water is to be used. ie: domestic, industrial stock, irr, etc.

☒ Location Coordinates for each POD
by reference to a recognized public land survey corner

☐ Number of acres per $\frac{1}{4}$ $\frac{1}{4}$, if Irrigation

☐ Other

☐ fees enclosed?

Base Fee\$ 300.00

Total Paid \$ 500.00

plus\$ 200.00

plus\$ _____

Total Amount of
Water Requested: .01 cfs

Total Exam Fee \$ 500.00

Total Exam Fee \$ 500.00

Recording Fee \$ 250.00

Completeness Check by: Connie Vance

Date: 12/10/04

S:\groups\wr\WRIG DOCUMENTS\application related\COMPLETENESSCHECKLIST04.wpd

RECEIVED
DEC 09 2004
WATER RESOURCES
SALEM, OREGON

SEE M12-32

SEE M42-54

SEE MAP 21

22-03

NORTH

SPRINGS POINT OF
DIVERSION IS
LOCATED 250' NORTH
1/4 1370' WEST FROM
SE CORNER SECT. 30

SWSE

HOUSE

WATER
LINE

SESE

HARDSCRABBLE
CO. RD. NO 65

app # S86087
Permit #

756,000



237 470

238 19

KNOW ALL MEN BY THESE PRESENTS, That R. F. WARD and SARAH J. WARD, husband and wife,

in consideration of Ten and no/100 (\$10.00) - - - - - Dollars, and other valuable consideration

to them paid by ROBERT F. WARD, JR. and ELLEN MAD BELLE WARD, husband and wife, grantees,

do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Douglas and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point on the Westerly boundary of the Smith River County Road right of way, 959.8 feet North and 197.3 feet West of the Southeast corner of Section 30, Township 21 South, Range 5 West, W.M., run thence along said Westerly right of way boundary on a 28 degree curve to the right, the long chord of which bears North 10° 49' West 290.4 feet, thence South 79° 11' West 162.0 feet, thence South 10° 49' East 290.4 feet, thence North 79° 11' East 162.0 feet to the place of beginning, containing 1.0 acres, more or less, in Douglas County, Oregon.

To Have and to Hold the above described and granted premises unto the said grantees as tenants by the entirety, their heirs and assigns forever.

And we, the grantor, covenant that we are lawfully seized in fee simple of the above granted premises free from all incumbrances,

and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand and seal this 20th day of September, 1954.

R. F. Ward (SEAL)

Sarah J. Ward (SEAL)

STATE OF OREGON,

ss.

County of Lane On this 20th day of September, 1954, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named R. F. WARD and SARAH J. WARD, husband and wife,

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Notary Public for Oregon
My Commission expires 9-20-57

WARRANTY DEED

R. F. WARD et ux

TO

ROBERT F. WARD, JR. et ux

AFTER RECORDING RETURN TO

RETURN TO
HERBERT W. LOMBERG
WISER BUILDING
COTTAGE GROVE, OREGON

(DON'T USE THIS
SPACE; RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED.)

ADMITTED TO RECORD

1954 OCT 14 AM 11:52

STATE OF OREGON,

ss.

County of Douglas

I certify that the within instru-
ment was received for record on the
14 day of October, 1954,
at 11:53 o'clock A.M., and recorded
in book 237 on page 470
Record of Deeds of said County.

Witness my hand and seal of County affixed.

Chas. Doerner

County Clerk—Recorder.

By Marge Desseman Deputy.

Indexed LT

RECEIVED
DEC 09 2004
WATER RESOURCES
SALEM, OREGON

ADMITTED TO RECORD
1954 OCT 29 PM 2:58

Fee _____ No. _____
STATE OF OREGON,)
COUNTY OF DOUGLAS) ss.

I, Chas. Doerner County Clerk and ex-officio
Recorder of Conveyances, in and for said County,
do hereby certify that the within instrument was
filed OCT 30 1954 at 2:58 P. M.

and Recorded in Volume 238
at Page 19 of DEED
Records of Douglas County, Oregon.

Chas. Doerner
County Clerk.
By Margie Weseman Deputy
Indexed LT

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **71774**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: KC Timber Management Corp.
BY: _____

APPLICATION	<u>586087</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3752 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ <u>500.00</u>	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **71774**

DATED: 12/9/04 BY: J. Albin

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **73959**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Ellen M. Ward

APPLICATION 586087

BY: _____

PERMIT _____

TRANSFER _____

CASH: _____ CHECK: # _____ OTHER: (IDENTIFY) _____

☐ ☒ 1403 ☐ _____

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 \$ _____ RECORD FEE \$ 250.00

0203 GROUND WATER EXAM FEE 0204 \$ _____

0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$ _____ LICENSE FEE \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **73959**

DATED: 4/14/05 BY: Linda Dwyer

Allen Ward
2580 Smith River Rd.
Rain, OR 97435



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

S 86087

Attn: Terry Brown 97301+1271



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S-86087

ELLEN WARD
2580 UPPER SMITH RIVER RD
DRAIN OR 97435

2. Article Number

(Transfer from service label)

7004 1160 0007 0796 9610

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Ellen M. Ward* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

Ellen M. Ward

C. Date of Delivery

1/10/05

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



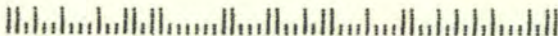
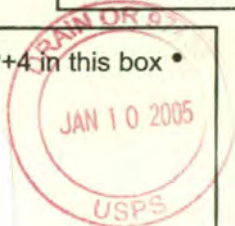
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED
JAN 11 2005

WATER RESOURCES DEPT
SALEM, OREGON

• Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1271



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

S-86087
 ELLEN M. WARD
 2580 UPPER SMITH RIVER RD
 DRAIN OR 97435



9590 9402 6878 1104 8361 78

2. Article Number (Transfer from service label)

7019 0140 0000 7349 8562

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Kaylene - PR

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

JUN 17 2022

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

PO Box 972
 Drain, OR 97435

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery
 (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

RECEIVED

JUN 21 2022

OWRD

USPS TRACKING #



EUGENE, OR 974

17 JUN 2022 PM 4 L



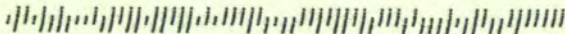
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 6878 1104 8361 78

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

OREGON WATER RESOURCES
725 ST NE., SUITE A
SALEM, OR 97301



G. Ward
2580 Smith River Rd.
Drain, OR 97435



Oregon Water Resources Dept.
725 Summer St. NE Suite A
Salem, OR 97301-1271

97301-1271



S-86087

Ellen Ward
2580 Upper Smith River Rd
Drain OR 97435

ELLEN M. WARD
2580 SMITH RIVER RD PH 836-2983
DRAIN, OR 97435

24-680-3187
1230
0091046540

1403

Date April 13, 2005

Pay to the
Order of

Oregon Water Resources Dept \$ 250.00
Two hundred fifty and no

Dollars  Security Features
Hologram
Debit on Back



Wells Fargo Bank Northwest N.A.
1500 East Main Street
Cottage Grove, OR 97424
www.wellsfargo.com

Memo

water app
IT S-81087

Ellen M. Ward - M

1403

DOUGLAS COUNTY

REVISED ON
6-14-93

21 5 30

1'-400'

SEE MAP 21 5

19

20

CANCELLED NO'S
200

RECEIVED
DEC 09 2004
WATER RESOURCES DEPT
SALEM OREGON

22-03

SPRING POINT OF
DIVERSION IS
LOCATED 250' NORTH
± 1370' WEST FROM
SE CORNER SECT. 30

SWSE

HOUSE

WATER
LINE

SESE

HARDSCRABBLE
CO. RD. NO. 65

app # 586087
Permit # 54174

756,000