

FILE#: R 72495

JAMES A BUSSMANN
PO BOX 211
SIXES, OR

97476

Application No.

Permit No.

Certificate No.

Stream Index, Page No.

Date filed

Priority

Action suspended until

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date Certificate issued

72495

R11810

Curry

17

17-1570-0090

Y3 Sixes Reverse

ASSIGNMENTS

Date

To Whom

Address

Volume

Page

REMARKS

See 72496

FEES PAID

Date	Amount	Receipt No.
6-30-92	50.00	88621
10/5/99	100.00	33610
3/28/03	100.00	59026

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

OK for Dam Safety 7/30/92 HJ



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Gold Beach District Office

29907 Airport Way

PO Box 642

Gold Beach, OR 97444

(541) 247-7605

FAX (541) 247-2321

RECEIVED BY OWRD

July 29, 2013

AUG 01 2013

Michele McAleer
Water Resources Dept.
725 Summer Street NE
Suite A
Salem, OR 97301

SALEM, OR



Re: Ernest Bussman Water Right Applications R-73021, S-81718

Dear Michele:

Oregon Department of Fish and Wildlife (ODFW) conducted an onsite inspection of the above referenced reservoir site on July 26, 2013. No native fish are present at or upstream of the reservoir site.

Because no native fish are present ODFW has determined that fish screening, by-pass devices, and/or a fishway are not necessary for applications R-73021 or S-81718.

While onsite ODFW also conducted inspections of reservoir sites for applications R-79634/S-71131 and R72495/S72496. No native fish are present at either site and ODFW has determined that fish screening, by-pass devices, and/or fishways are not necessary for applications R-79634, S-71131, **R72495**, or S72496.

Please call if you have any questions.

Sincerely,

Todd Confer
District Fish Biologist

C: Clay Jordan
George Bussman
Rich Kilbane, ODFW



N 1/16

EAST

1100'

NW 1/16

RECEIVED

MAR 18 1994

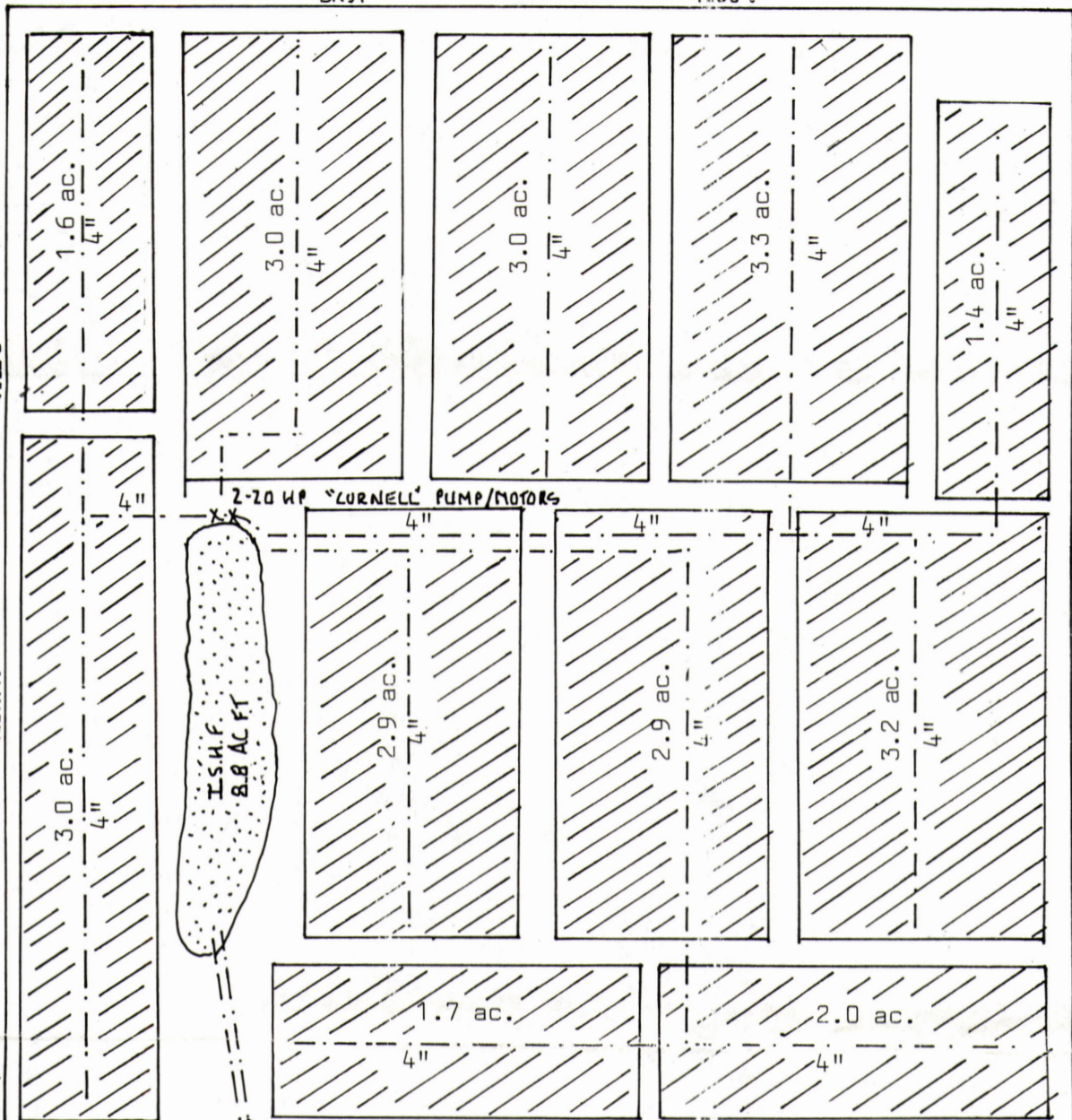
WATER RESOURCES DEPT.
SALEM, OREGON 97331

28 acres
SW1/4, NW1/4
Sec. 4
T32S., R15W
Cranberry
Production

NORTH

CW 1/16

3CIP W 1/4
Sec. 4
32-15.



MAP TO ACCOMPANY THE
APPLICATION TO APPROPRIATE
THE SURFACE WATERS AND BUILD
THE BUSSMANN #1 RESERVOIR.

Prepared For: James A. Bussmann
P.O. Box 211
Sixes, OR 97476

Prepared By: Prahar Surveying
1045 Baltimore #1
Bandon, OR. 97411

- LEGEND: ● Found monuments as noted
--- Main waterlines
▨ Area of Cranberry Production/Irrigation/FH/TC.
--- unnamend stream
▨ I.S.H.F. (in system holding facility)
○ Point of diversion

SCALE: 1"==200.00.

DATE: June 23, 1992

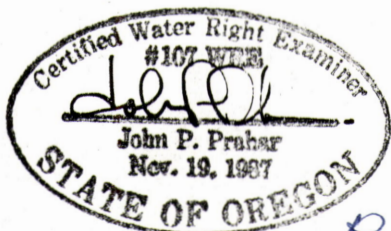
6" plastic pipes

UNNAMED STREAM

2-20 HP CORNELL
PUMP / MOTORS

Bussmann
#1 Rese.
2.07 ac
ft.

Point of Diversion
is located 700' South
and 1220' East of the
West 1/4 corner Sec 4.
T. 32S., R.15W., W.M.



NW 1/4, SW 1/4

R11810

Permit



WEST

1200'

Revised
3/18/94

Application # R-724951 Permit # R-11810

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**
Money Received: \$100.00 on 3-28-03

♦ **Lisa Juul...**
Extension Completeness: OK
If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$100 fee submitted, route to...

♦ **Jonnine Fuss...**
Initial 30-day Public Notice: 4/8/03 n
Update Extension Database: 4/8/03 n
Files back to filing cabinets: 4/10/03 n

At the close of the Initial 30-day Comment Period...

♦ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

♦ **Jonnine Fuss...**
Prepare Ext PFO for
Mail to those who
Include Ext PFO or

1-12-2004 R-724951
RE-FILE
- DENISING EXT. App. TO 2012!
- UPDATE D. BASE.
✓
jd

Within 60 days after the
(PFO Protest Period ends 45 days after)

♦ **Lisa Juul...**
Issue an Extension

Application # R-724951 Permit # R-11810

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

- ♦ **WRIG...**
Money Received: \$100.00 on 3-28-03
- ♦ **Lisa Juul...**
Extension Completeness: OK
☒ If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$100 fee submitted, route to...

- ♦ **Jonnine Fuss...**
Initial 30-day Public Notice: 4/8/03 n
Update Extension Database: 4/8/03 n
Files back to filing cabinets: 4/10/03 n

At the close of the Initial 30-day Comment Period...

- ♦ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

- ♦ **Jonnine Fuss...**
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented and paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

Within 60 days after the close of the 45-day PFO Protest Period...
(PFO Protest Period ends 45 days from PFO sign date)...

- ♦ **Lisa Juul...**
Issue an Extension FO: _____

EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: R-72495 / Permit #: R-11810

Permittee's Name: James A. Bussmann

Permittee's Mailing Address: PO Box 211, Sixes, OR 97476

POD Location: Township 32-S Range 15-W Section 4 $\frac{1}{4}$ $\frac{1}{4}$ NWSW

Stream Basin: _____ County: Curry

1. Has the applicant completely filled out the updated Extension Application form? Yes / No

***If "No"..... has certified request for the new extension form been sent? Yes / ~~No~~

\$100.00 - 1/25

2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No

*****(NOTE:** Any missing Extension information that is needed before an Extension PFO can be completed???)

3. Date Permit was issued: 5-28-96 (priority = 6-29-92)

4. Source: An Unnamed Stream, trib of Sixes River

5. Use: Storage for Cranberry Operations under Appl S-72496 / Permit S-52322

6. "Q": 2.07 AF

7. Original "B" Date: 10-1-98 Original "C" Date: 10-1-99

8. Conditions of Permit: Original "A" Date: 5-28-97

shall install a meter before water use begins.
shall install, maintain & operate fish screening to ODFW specs. - prior to water use
shall install a fishway at the obstruction prior to water use.
shall install a staff gage --- before water use begins.
If reservoir in channel, shall install weirs upstream & downstream of reservoir

9. Extension request received: 3-28-03 Request Number (...1st 2nd, 3rd): 2nd

10. Last Authorized "B" Date: 10-1-2001 Last Authorized "C" Date: 10-1-2001

11. Proposed "B" Date: 10-1-2012 Proposed C Date: 10-1-2012

12. Amount Invested to date: \$40,000 Estimated Total Cost: \$47,500

(***Estimated Remaining Cost: \$7,500.)

___13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ***If "No"..... What permit terms and/or conditions have not been met?

___14. Work on the water development project completed to date includes: _____

___15. The work remaining to be completed consists of: _____

___16. Progress in perfecting the permit is being held up by: _____

___17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes / No**

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- a. The amount of construction completed within the time allowed in the permit or previous extension;
- b. The amount of beneficial use made of the water during the permit or previous extension time limits;
- c. Water right permit holder conformance with the permit or previous extension conditions; and
- d. Financial investments made toward developing the beneficial water use.

___18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
- b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- d. Economic investment in the project to date;
- e. Other economic interests dependent on completion of the project; and
- f. Other factors relevant to the determination of the market and the present demand for water or power.

___19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" cannot be found. → Denial of Extension Request

___20. Conditions to be included on Extension PFO: _____

Extension "PFO" Dates

Checklist Last Revised: 9 / 12 / 2001

Drafting / Issuance Date: _____ **Reviewer's Name:** _____

Protest Deadline Date: _____ **Date:** _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **59026**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Sixes River Cranberry Co
BY: _____

APPLICATION	R-72495
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 2993 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$ <u>100.00</u>

WATER RIGHTS:

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

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: **59026**

DATED: 3/28/03 BY: K J Hall

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, James A. Bussmann
NAME

P.O. Box 211
ADDRESS

Sixes
CITY

OR	97466
STATE	ZIP

(541) 332-8006
PHONE

owner of record, or duly authorized agent, of Application No. R-72495, Permit No. R-11810,
do hereby request that the time in which to:

- ☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2001, be extended to October 1, 2012,

and/or the time in which to:

- ☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2001, be extended to October 1, 2012 .

NOTE:

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extension application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension application. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

RECEIVED

MAR 28 2003

WATER RESOURCES DEPT.
SALEM, OREGON

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

Yes.

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

Yes, we have complied with permit conditions.

- A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).

Reservoir construction was started in the summer of 1998. The reservoir has been constructed and the pump is purchased. No pipe has been installed.

- B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

All of the permit conditions for R-11810 will be complied with at the time of project completion.

3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

- A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

Pipe has been purchased to connect the reservoir with the place of use.

- B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

Excavation of the reservoir and purchasing of the reservoir pump.

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [*in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water*]:

None at this time.

B) Number of Acres Irrigated (*if an irrigation permit*):

None at this time.

5. Cost of project to date \$40,000.00 . Estimated remaining cost to complete the project \$7,500.00 .

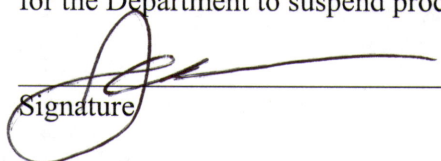
6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

N/A

- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.
Due to reduced cash flow caused by the collapse of the cranberry market, the project has been slowed but not abandoned.
- C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.
No.
- D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.


Signature

3/25/03
Date

MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
158 12th STREET NE
SALEM, OREGON 97301-4172

revised: September 18, 2002

RECEIVED
MAR 28 2003
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES A BUSSMANN
PO BOX 211
SIXES, OREGON 97476

(541) 332-6611

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

APPLICATION FILE NUMBER: R-72495

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SIXES RIVER

STORAGE FACILITY: BUSSMANN #1 RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-72496, PERMIT 52322, FOR CRANBERRY OPERATIONS.

VOLUME OF USE: 2.07 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JUNE 29, 1992

The area submerged by the reservoir, when full, will be 0.5 acre and the maximum depth of water will be 20.0 feet. The maximum height of the dam shall not exceed 9.0 feet.

DAM LOCATION: NW 1/4 SW 1/4, SECTION 4, T32S, R15W, W.M.; 700 FEET SOUTH AND 1220 FEET EAST FROM THE W 1/4 CORNER OF SECTION 4

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

NW 1/4 SW 1/4
SECTION 4
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

STANDARD CONDITIONS

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

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

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

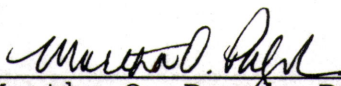
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued May 28, 1996



Martha O. Page, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R 72495

Final Order
Extension of Time for Permit Number R 11810

Application History

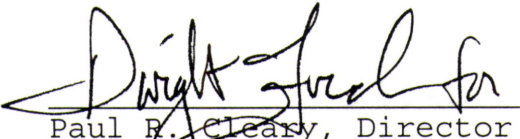
On OCTOBER 5, 1999, JAMES BUSSMAN submitted an application to the Department for an extension of time for permit number R 11810. The Department issued Permit number R 11810 on MAY 28, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on NOVEMBER 2, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2001, and/or the time to fully apply water to beneficial use to October 1, 2001. The protest period closed DECEMBER 17, 1999. No protest was filed.

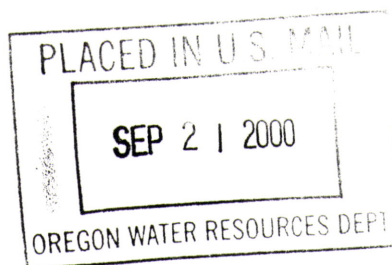
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

The extension of time for Application R 72495, Permit Number R 11810, therefore, is approved. The deadline for completing construction is extended to October 1, 2001. The deadline for applying water to full beneficial use is extended to October 1, 2001.

DATED September 18, 2000


Paul R. Cleary, Director



Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number R 11810

Water Right Application Number R 72495

Proposed Final Order

This Proposed Final Order applies only to permit number R 11810.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2001, and

grant the extension for complete application of water from October 1, 1999 to October 1, 2001.

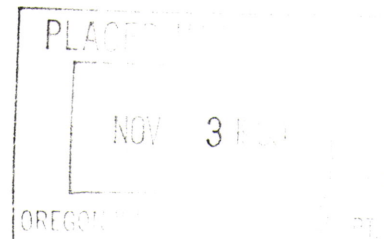
Application History

Permit no. R 11810 was granted by the Water Resources Department on MAY 28, 1996. The permit authorizes use of 2.07 ACRE-FEET of water from UNNAMED STREAM for STORAGE FOR CRANBERRY USE in the SIXES RIVER basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. R 11810 is attached.

On OCTOBER 5, 1999, the Department received an application from JAMES BUSSMAN for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2001 to complete construction of the water system and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.



1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by reduced cash flow. The market price of cranberries has dropped, which has reduced available money.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of the reservoir and installation of pump. Water has not yet been diverted to the pond.
 - b) The applicant has invested approximately \$ 40,000 of an estimated total water system project cost of \$ 47,500.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2001 as requested by the applicant.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2001 to complete construction and until October 1, 2001 to complete the application of water.

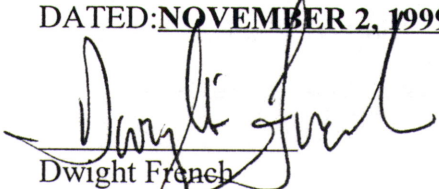
Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1998 to October 1, 2001 and

extend the permit time to complete application of water from October 1, 1999 to October 1, 2001.

DATED: ~~NOVEMBER 2, 1999~~


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 Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **DECEMBER 17, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. 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 toll free within Oregon at 1-800-624-3199 extension 272.

Outside of Oregon you can dial 1-503-378-8455.

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 Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **33610**

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

INVOICE # _____

RECEIVED FROM: James Bussman
BY: _____

APPLICATION	72495
PERMIT	72496
TRANSFER	

CASH: ☐ CHECK: # 96-292 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

REDUCTION OF EXPENSE

PCA AND OBJECT CLASS

CASH ACCT.

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

0240 OTHER (IDENTIFY) Ext of Time

EXAM FEE
\$
\$
\$
EXAM FEE
\$

0202

0204

0206

0219

0220

RECORD FEE
\$
\$
\$
\$
LICENSE FEE
\$
\$

\$ 200.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$
\$

CARD #
CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION

LIC NUMBER

\$
\$
\$

RECEIPT # **33610**

DATED: 10-5-99 BY: Cul

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

RECEIVED

OCT 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON

**APPLICATION FOR EXTENSION OF TIME
TO THE WATER RESOURCES DIRECTOR OF OREGON**

I, JAMES A. BUSSMANN
NAME

P.O. Box 211
ADDRESS

SIXES
CITY

OR 97476(541) 332-8006
STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. R-72495, Permit No. R-11810, do hereby request that the time in which to:

☐ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, _____, be extended to October 1, _____,

and/or the time in which to:

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2000.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?
yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? yes

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

THE RESERVOIR
HAS BEEN CONSTRUCTED. THE PUMP HAS BEEN INSTALLED AT
THE POINT OF DIVERSION.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

PERMIT CONDITIONS LIMIT PERIOD OF USE FOR PERMIT 52322
DECEMBER 1 THROUGH APRIL 30. COMPLIANCE WILL BE COMPLETED
BY APRIL 30, 2000

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

4-Cost of project to date \$40,000. Estimated remaining cost to complete the project \$7,500.

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. _____

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. DUE TO REDUCED CASH FLOW THE PROJECT WAS SLOWED.

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. _____

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. CRAW BERRIES

A) Has there been any change in this market since the permit was issued? THE PRICE PER POUND OF CRANBERRIES HAS DROPPED 50-60¢/LB

B) Have these changes, if any, affected the economic feasibility of your project? THESE CHANGES HAVE SLOWED BUT NOT STOPPED THE PROJECT.

7-Are there other present competing demands for water in your community? NONE OTHER THAN THE ONES EXISTING WHEN THE PERMIT WAS ISSUED.

A) Has there been any change in these demands for water since the permit was issued? NO!

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands? NO!

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? NO!

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? YES !

9-If the extension request is denied, is the current level of water use economically feasible?

NO!

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Kelli L. Hermann
Signature

October 1, 1999
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

LAND SURVEYING

PLANNING

ENGINEERING

WATER RIGHTS

FORESTRY

MATERIALS TESTING

Stuntzner**Engineering
& Forestry, LLC**TELEPHONE (541) 267-2872
FAX (541) 267-0588705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY • BROOKINGS • WILSONVILLE

FAX COVER SHEET

DATE: OCT. 1, 1999

TO: WATER RESOURCES

FROM: DENNIS GOUDE

FAX: 378-6203

Number of pages including cover sheet: 12

If you do not receive all the pages indicated above, or have any problems with clarity, please call.
The information contained in this facsimile is confidential and may also be privileged. The information is intended only for the individual or entity to which it is addressed. If you are not the intended recipient, or the employee or agent for delivering it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by a collect call to (541) 267-2872, and destroy the original message.

Thank you.

Message: ATTACHED ARE TWO APPLICATIONS FOR EXTENSION
OF TIME AND A PHOTO COPY OF PAYMENT.

RE: JAMES A BUSSMAN

Permit # 52322

Permit # R-11810

THE ORIGINALS ARE IN THE MAIL.

Dennis Goude

10/22/99

Per Phone call to

George Bussman

The Reservoir is, BUT
NO water DIVERTED FROM
Creek YET. NOT FILLED.
WANTS TO CHANGE B-C dates
to 2001.

DSM

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, JAMES A. BUSSMANN
NAME

P.O. Box 211
ADDRESS

SIXES
CITY

OR 97476(541) 332-8006
STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. R-72495, Permit No. R-11810, do hereby request that the time in which to:

☐ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, _____, be extended to October 1, _____,

and/or the time in which to:

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2000.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?
yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? yes

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

THE RESERVOIR
HAS BEEN CONSTRUCTED. THE PUMP HAS BEEN INSTALLED AT
THE POINT OF DIVERSION.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

PERMIT CONDITIONS LIMIT PERIOD OF USE FOR PERMIT S2322
DECEMBER 1 THROUGH APRIL 30. COMPLIANCE WILL BE COMPLETED
(BY) APRIL 30, 2000

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

4-Cost of project to date \$40,000. Estimated remaining cost to complete the project \$7,500.

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. _____

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. DUE TO REDUCED CASH FLOW THE PROJECT WAS SLOWED.

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project. _____

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. _____

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. CRAW BERRIES

A) Has there been any change in this market since the permit was issued? THE PRICE PER POUND OF CRANBERRIES HAS DROPPED 50-60¢/LB

B) Have these changes, if any, affected the economic feasibility of your project? THESE CHANGES HAVE SLOWED BUT NOT STOPPED THE PROJECT.

7-Are there other present competing demands for water in your community? NONE OTHER THAN THE ONES EXISTING WHEN THE PERMIT WAS ISSUED.

A) Has there been any change in these demands for water since the permit was issued? NO!

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands? NO!

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? NO!

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? YES

9-If the extension request is denied, is the current level of water use economically feasible?

NO

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Melli L. Mummann
Signature

October 1, 1999
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

Mailing List for PFO Extension Copies

Application # 72496

PFO Date 11/2/99

R 72495

Original mailed to:

Applicant:

Copies sent

Regional Manager SW

Watermaster 19

ODFW Todd Carter, Gold Beach

DEQ Tom Rosetta, Portland

Mailed
(support staff)

on: 11/2/99 gh
(date)

db ✓

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

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES A BUSSMANN
PO BOX 211
SIXES, OREGON 97476

(541) 332-6611

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

APPLICATION FILE NUMBER: R-72495

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SIXES RIVER

STORAGE FACILITY: BUSSMANN #1 RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-72496, PERMIT 52322, FOR CRANBERRY OPERATIONS.

VOLUME OF USE: 2.07 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JUNE 29, 1992

The area submerged by the reservoir, when full, will be 0.5 acre and the maximum depth of water will be 20.0 feet. The maximum height of the dam shall not exceed 9.0 feet.

DAM LOCATION: NW 1/4 SW 1/4, SECTION 4, T32S, R15W, W.M.; 700 FEET SOUTH AND 1220 FEET EAST FROM THE W 1/4 CORNER OF SECTION 4

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

NW 1/4 SW 1/4
SECTION 4
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

STANDARD CONDITIONS

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

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

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


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

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

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

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

Issued May 28, 1996



Martha O. Page, Director
Water Resources Department

April 9, 1997

Ronald S. Yockim
548 S.E. Jackson Suite #7
P.O. Box 2456
Roseburg, Oregon 97470

No protest
on this
one but
goes with
572496
which is
protested!

RE: Follow-up on Protested Water Right Applications Previously
Scheduled for Hearing November 18, 1996.

Dear Ron:

I wanted to touch base with you on the protests scheduled for
hearing November 18, 1996, and still unresolved. Your clients with
unresolved protests are:

S-69980 and R-69989 (Gardner), S-69537 (Stolz), S-72496
(Bussman), and S-72420 (Watson Escola).

- 1) Gardner - My understanding is, and I think you agree, that
these applications need to be set for hearing. Although these
two files went through the inter-agency review process,
fishery concerns have been expressed throughout the history of
these application.

My intention with these two files is to request the Hearings
Officer set them up for hearing for July or August. Please let
me know if you disagree.

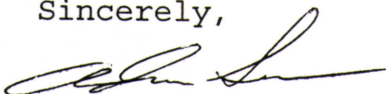
- 2) Stolz - I plan to take another run at settlement on this
application this month. Similar to Gardner, fishery concerns
on the Stoltz application are not new. I'm hopeful we can
reach a reasonable agreement without a hearing.
- 3) Bussman - In our last conversation on this application you
indicated that a well might be drilled to resolve this
protest. Please provide me with some specifics
such as a well log (if already drilled) or proposed
location, depth etc. Once I get this type of material
I can explore settlement options.



- 4) Watson Escola - It is my understanding that you have contacted WaterWatch about their protest on this application. Is there possibility of settlement? Please let me know the status of the negotiations if any and if this matter should be set for hearing.

Please feel to contact me at (503) 378-8455 ex. 262 to discuss any of these cases further.

Sincerely,



Adam Sussman
Program Analyst and
Department Representative

cc: Dick Bailey, OWRD
Gary Ball, Watermaster District 15
Al Cook, OWRD
Weisha Mize, ALJ

Fish District: Lower Rogue/South Coast

WAB #

Application #

R-72495

Applicant Name

J. Bussman

Date: March 26, 1996

AREA

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

INFORMATION/CONDITIONS

1. Are there water quality concerns related to salmon/steelhead/trout? Y (N)

Should the application be denied? Y N

Should the application be restricted? Y N

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

2. Are there adequate flows to protect salmon/steelhead/trout? Y (N)

Should the application be denied? Y (N)

Should the application be restricted? (Y) N

☐ Based on water availability

Storage Season

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

Dec → Apr

3. Domestic

Should domestic use be conditioned to human consumption? Y N ☐ Based on water availability

4. Fish Screening and Passage

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

5. Miscellaneous

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

6. Measurement and Reporting

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

FINDINGS

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

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

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

RECEIVED

OCT 23 1996

WATER RESOURCES DEPT.
SALEM, OREGON

RONALD S. YOCKIM

Attorney at Law

548 S.E. Jackson
Suite #7
P.O. Box 2456
Roseburg, Oregon 97470

(541) 957-5900
FAX (541) 957-5923

October 22, 1996

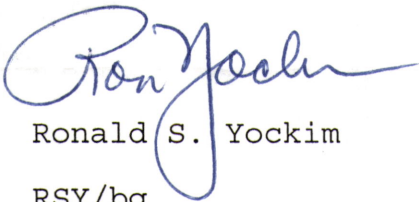
Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Substitute Filing
Application Nos. S-71884, S-74037, S-74489, S-71997, S-73096,
S-71915, S-72605, S-72496, S-72495, S-72547, S-69537, S-72420,
S-69980, R-69989

Dear Sirs:

Enclosed is a SUBSTITUTE FILING in the above matter. Please file-stamp the copy and return to us in the envelope provided.

Sincerely,



Ronald S. Yockim

RSY/bg

cc: clients
Weisha Mize
Melinda Bruce
Adam Sussman

RECEIVED

OCT 23 1996

WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DEPARTMENT

IN RE WATER RIGHT APPLICATION NOS.)

✓S-71884 (Lindbloom); ✓S-74037 (Semas);)

✓S-74489 (Russell); ✓S-71997 (Scharf);) SUBSTITUTE FILING

✓S-73096 (Albro); ✓S-71915 (Rubin);)

✓S-72605 (Cariaga); S-72496, S-72495)

✓(Bussman) ✓S-72547 (Brown); S-69537)

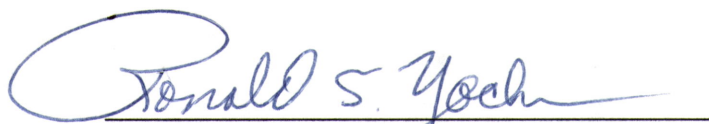
✓(Stolz) ✓S-72420 (Watson Escola); and)

✓S-69980, R-69989 (Gardner).)

On October 15, 1996 the Department filed a motion for a continuance of the hearing scheduled in the above-referenced cases. The above referenced contestants do not object to the motion for a continuance.

The Department and above referenced contestants in anticipation that the motion will be granted have elected not to file the witness lists and the voluminous exhibits on the original schedule set by the Hearing Officer, the contestants hereby submit this Substitute Filing and will file the actual documents when the Hearing Officer has ruled on the motion and a new schedule has been set.

DATED this 22nd day of October, 1996.


Ronald S. Yockim, OSB 81430
Attorney for Protestants

RECEIVED

OCT 23 1996


WATER RESOURCES DEPT.
SALEM, OREGON

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 1996 I served a copy of the SUBSTITUTE FILING, by depositing in the U.S. Mail in Roseburg, Oregon to the following:

Weisha Mize
Administrative Law Judge
Water Resources Department
158 12th Street NE
Salem OR 97310

Melinda L. Bruce
Assistant Attorney General
Natural Resources Section
Department of Justice
1162 Court Street NE
Salem OR 97310



Barbara Griffin
Secretary to Ronald S. Yockim

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

July 8, 1992

To: John Drolet

Subject: Application R-72495 and 72496 - James A. Bussmann

Please send us water availability information as soon as possible.

August 26, 1996

Oregon

WATER
RESOURCES
DEPARTMENT

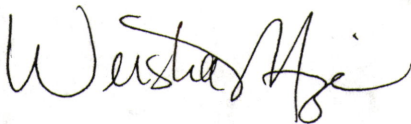
To the parties addressed:

The following applications were inadvertently omitted from the Order and Notice of Rescheduled Contested Case Hearings mailed to you on Friday, August 23, 1996. Enclosed please find a corrected Order and Notice of Hearing adding these applications:

S74037, Donna Semas & Albert Smith, represented by Ronald Yockim
S74489, Greg Russell, represented by Ronald Yockim
S69980 & R69989, Raymond Gardner, represented by Ronald Yockim
S71987, Steven Scheel
S71837 & R71840, Robert & Norma Spring

My apologies for any confusion this omission may have caused.

Sincerely,



Weisha Mize, ALJ

encl.



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

**State of Oregon
Water Resources Department**

In the Matter of the Water Right Applications		CORRECTED Order and
S71884, S72605, S73096, S47037, S74489, S69980 & R69989,		Notice of Rescheduled
S73073, S73853, S73313, S72636, S71987, S70715, S71817,		Contested Case Hearings
S71908, S72152, S72868, S72922, S73007, S73747, S72248,		
S72478, S72919, S73334, S69537, S73065, R73469 & S71883,		
S72496, S73251, S71837 & R71840		

TO: The parties addressed as shown on the attached Certificate of Service

Hearings Rescheduled to New Date and Time

Pursuant to the request made by the Water Resources Department, the contested case hearings on the above-listed applications are hereby POSTPONED.

All hearings on all the applications listed above are consolidated and are RESCHEDULED for the week of November 18, 1996. The hearing will be held in Room 216 of the Douglas County Courthouse in Roseburg, Oregon, before Weisha Mize, Administrative Law Judge. The hearing will commence at 1 p.m. on Monday, November 18, recess at 5:00 p.m. and reconvene at 9:00 a.m. the following day.

The hearings on the applications listed above are being consolidated as they share the common issues of the review by the interagency team and restrictions placed on the proposed use as a result of that review.

The Water Resources Department will present its case first. Ron Yockim, Attorney at law, representing the applicants for applications S71884, S72605, S73096, S74037, S74489, S69980 & R69989, will present the case on behalf of these applicants, followed by Steven Mountainspring, legal counsel presenting the applicants on applications S73073, S73853 and S73313, and Gary Hill, legal counsel for the applicant on application S72636. The individual unrepresented applicants will then present their cases in the order set out in the above case caption and attached certificate of service.

Prehearing telephone conference call

A prehearing conference will be conducted by telephone on October 29th, using Oregon's Meet Me Teleconferencing system. The prehearing conference will begin at 1:30 p.m. and must conclude no later than 3:30 p.m. To participate, parties must call 1-503-378-3333 no earlier than 1:30 p.m. As there are a maximum of 20 ports (in-coming lines) available through this system, applicants on applications S69537, S73065, S71883 & R73469, S72496, and S73251 in the south coast area will be connected through an ATT conference operator.

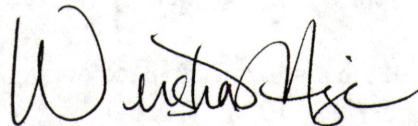
The purpose of the prehearing conference call will be to discuss and establish clear procedures and guidelines for the consolidated hearing, including order of presentation and time requirements; to identify, simplify and clarify issues; to specify matters on which judicial notice may be taken; to obtain stipulations of fact; and to discuss settlement or other resolution or partial resolution of the cases.

Department Representative

The Department has provided notice that it will be represented in this matter by Melinda Bruce, Assistant Attorney General, Department of Justice. Assisting Ms. Bruce will be Paul Conable, law clerk, and Adam Sussman, lay representative for the Department.

Any witness lists, copies of proposed exhibits, motions, pleadings or other filings to be served on the Department should be directed to Melinda Bruce at the address set out in the attached certificate of service.

DATED this 26th day of August, 1996.

A handwritten signature in black ink, appearing to read 'Weisha Mize', written in a cursive style.

Weisha Mize
Administrative Law Judge

Certificate of Service

I certify that on August 26, 1996, I hand-delivered a copy of this Notice of Hearing in a sealed envelope to the office of Melinda Bruce, Assistant Attorney General; Oregon Dept. of Justice; 100 Justice Building, Salem, OR 97310; and mailed, first-class postage prepaid, a copy of this Notice and the agency's file to:

<u>Applicant</u>	<u>Appl. #</u>
Sonja Lindbloom/Carol Hamil	71884
Diana Cariaga	72605
WC Albro	73096
Donna Semas & Albert Smith	74037
Greg Russell	74489
Raymond Gardner	69980, R69989
c/o Ron Yockim, Attorney at Law	
PO Box 2456	
Roseburg OR 97470	
Gerald & Doris Bacon	73073
Dale Woodruff	73853
Dave & Diana Harland	73313
c/o Stephen Mountainspring, Attorney at Law	
DOLE, COALWELL & CLARK, P.C.	
810 SE Douglas Ave.	
Roseburg, OR 97470	
Hazel Gladwill Trust	72636
c/o Gary Hill, Attorney at Law	
PO 1146	
Roseburg OR 97470	
Steven Scheel	71987
895 Riverwood Lane	
Oakland OR 97462	
Frank Nielson, Manager	70715
Douglas Co. Nat'l Resources	
Rm 103, Justice Building	
Roseburg OR 97470	
Donald Kilcrease	71817
601 Lone Rock Rd..	
Glide OR 97443	
Art Adams	71908
6600 Camino De Luna	
Rancho Murieta CA 95683	

Randy Albertson 849 Darrell St. Costa Mesa CA 92627	72152
Lori Depew & Paul Czemerys 6038 South Umpqua Rd.. Tiller OR 97484	72868
Juliane Schnieder 149 Lone Pine Lane Roseburg OR 97470	72922
John Irvine 1304 SE 58th Portland OR 97215	73007
Wm. Bonaiuto 1420 Echo Drive Roseburg OR 97470	73747
Donald & Norma Jean Wright 1187 Little River Rd. Glide OR 97443	72248
DeAnna Moore PO Box 75 Umpqua OR 97486	72478
Donald Stearns Stearns Family Trust 18057 Tyee Rd. Umpqua OR 97486	72919
Walter & Kathleen Loomis PO Box 195 Winchester OR 97495	73334
Robert Stolz Route 1 Box 2030 Bandon OR 97411	69537
K. V. Miller PO Box 7366 Brookings OR 97415	73065
James Deatherage PO Box 248 Allegany OR 97407	71883, R73469

George Bussman
2090 North Bank Rd.
Bandon OR 97411

72496

Darlene & Kenneth Fulk
HC 83 Box 2010
Coquille OR 97423

73251

Robert & Norma Spring
606 Lone Roack Rd.
Glide OR 97443

71837, R71840

A handwritten signature in dark ink, appearing to read 'S. Carter', written over a horizontal line.

Sara Carter, Administrative Hearings Coordinator

FOR _____

DATE _____ TIME _____ A.M.
P.M.

FROM James Bussmann George

FIRM _____

PHONE _____

☐ FAX AREA CODE _____ NUMBER _____ EXTENSION _____

☐ MOBILE _____

AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED		PLEASE CALL	
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE _____	

MESSAGE _____

Home : 347-4105 (541)
Office : 332-7375
FAX : 332-5305

SIGNED _____

 FORM 4007
MADE IN U.S.A.

MESSAGE

NOTES

WEBSITE

SIBER

WINTER

XMAS : 333-2302

CHR : 333-3312

ST : 333-1102

(24)

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-72495

Final Order

Application History

On June 29, 1992, JAMES A BUSSMANN submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 12, 1995. The protest period closed January 26, 1996, and no protest was filed.

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

The period of use for storage has been limited to DECEMBER 1 THROUGH APRIL 30.

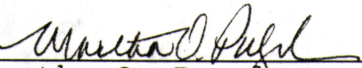
Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M.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

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

Order

Application R-72495 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number R-11810 is issued as limited by the conditions set forth in the permit.

DATED May 28, 1996


Martha O. Page
Director

Hearing and Appeal Rights

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

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

7

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-72495

WATERMASTER # 19

REGIONAL MANAGER: Al Cook

ODF&W - Curry County:

CWRE (if agent): John P. Prahar

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

CASEWORKER : LJJ

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of)	PROPOSED
Reservoir Application)	FINAL
R-72495 submitted by)	ORDER
JAMES A BUSSMANN		

FINDINGS OF FACT

Water Use Request

1. JAMES A BUSSMANN requested to construct BUSSMANN #1 RESERVOIR and to store the waters of AN UNNAMED STREAM, A TRIBUTARY OF SIXES RIVER, to be appropriated under Application S-72496, for CRANBERRY OPERATIONS, within the South Coast Basin.
2. The amount of water requested for storage each year is 2.07 ACRE- FEET.
3. The area to be submerged by the reservoir is located in Curry County within SECTION 4, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.
4. The total area proposed to be submerged by the reservoir, when full, is 0.5 acres; the proposed maximum depth of water is 20.0 feet. The maximum height of the dam will not exceed 9.0 feet.
5. The request was made in Application R-72495 which was received by the Water Resources Department on June 29, 1992.

Affected Waters

1. AN UNNAMED STREAM, A TRIBUTARY OF SIXES RIVER, is not within or above a State Scenic Waterway.
2. ODFW has advised that one or more species of game fish are present at the described dam location and point of diversion and requires applicant to provide fish screening pursuant to ORS 498.248.
3. There are senior water rights on AN UNNAMED STREAM, A TRIBUTARY OF SIXES RIVER, and on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on March 9, 1994.

3. The technical review determined:
 - a. CRANBERRY OPERATIONS is allowed under the South Coast Basin Program [OAR 690-517-001(8)].
 - b. The use is not prohibited by Statute.
 - c. Water is available for storage (at a 50 percent exceedance probability) for the period NOVEMBER 1 THROUGH JUNE 30.
 - d. The use would not injure existing water rights.
4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application R-72495, the following criteria were found to be relevant by the Department.
 - a. The South Coast Basin Program [OAR 690-517-001(8)]
 - b. The Curry County Comprehensive Plan and Zoning Ordinance
 - c. Dam Construction Standards (OAR Chapter 690, Division 20)
 - d. The amount of water available in AN UNNAMED STREAM, A TRIBUTARY OF SIXES RIVER
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received

CONCLUSIONS OF LAW

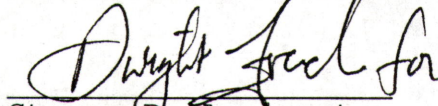
1. Based upon continued evaluation, the Department finds the determinations of the technical review remain valid.
2. Based on comments and data received, the Department has determined that the proposed use can be allowed as conditioned. The Department has further determined that, to protect the resource, an additional condition on the proposed water use is necessary. The condition, as further described on the attached draft permit, would require fish screening.
3. Period of allowed use: CONSTRUCT RESERVOIR AND STORE WATER FROM NOVEMBER 1 THROUGH JUNE 30.
4. The Department finds that no more than 2.07 ACRE-FEET would be necessary for CRANBERRY OPERATIONS. The amount of water requested, 2.07 ACRE-FEET, is allowable for the proposed use.
5. Curry County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Curry County Comprehensive Land Use Plan.

6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and proposed conditions, would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application R-72495 in the name of JAMES A BUSSMANN be approved for STORAGE OF 2.07 ACRE-FEET OF WATER, TO BE APPROPRIATED UNDER APPLICATION S-72496 FOR CRANBERRY OPERATIONS, as provided in the attached draft permit.

DATED December 12, 1995



Steven D. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

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

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

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

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

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on January 26, 1996.

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

DRAFT
STATE OF OREGON
COUNTY OF CURRY

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JAMES A BUSSMANN
PO BOX 211
SIXES, OREGON 97476

(503)332-6611

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

APPLICATION FILE NUMBER: R-72495

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SIXES RIVER

STORAGE FACILITY: BUSSMANN #1 RESERVOIR

PURPOSE OR USE OF THE STORED WATER: CRANBERRY OPERATIONS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED/MAINTAINED UNDER APPLICATION S-72496 FOR CRANBERRY OPERATIONS.

VOLUME OF USE: 2.07 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: JUNE 29, 1992

The area submerged by the reservoir, when full, will be 0.5 acre and the maximum depth of water will be 20.0 feet. The maximum height of the dam shall not exceed 9.0 feet.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 4, T32S, R15W, W.M.

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

SW 1/4 NW 1/4
SECTION 4
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

The water user shall install and maintain, both upstream and downstream of the reservoir, a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

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

Issued _____, 199__

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application R-72495 Water Resources Department
Basin 17 Volume 3
LJJ Sixes River & Misc.

PERMIT DRAFT
District 19

FO CHECKLIST

TRIAGE FILES

FILE # 72495

WEEK # 33

70

REVIEW DATE: 5/13/96

INITIALS: JS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. Y / N List names and addresses of **ALL** commentators (regardless of comment date) on the PFO CC list.
3. Y / N Verify payment of recording fees (circle the appropriate option)
(1) Y Issue FO w/permit if fees are paid
(a) Prepare refund request for any excess fees
(2) N Issue FO w/o permit if fees are lacking
4. Y / N Has the applicant signed an oath of accuracy for the application?
5. Y / N Is water use restricted for one or more months of the normal use period?
6. Y / N Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY	JEREMY JERRY	DOUG

5/13/96 DEC-APR
58

INITIALS: _____

7. Y / N If #5 = "Y", Have you completed the Triage Report Card sheet?

Modify FO as needed to:

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

Once FO document is completed:

13. Y / N Save WordPerfect document in M:\T\FO\WEEK 36 & delete duplicates
14. Y / N Print final draft of document and submit to team leader for review
15. Y / N Team leader review completed

Application No. R-72495

Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

RECEIVED

JUN 29 1992

WATER RESOURCES DE
SALEM, OREGON

I, James A. Bussmann

(Name of Applicant)

of P. O. Box 211

(Mailing Address)

Sixes

(City)

State of Oregon

Phone No. (503) 332-6611

(Zip Code)

do hereby make application for a permit to construct the Bussmann #1 reservoir

and to store the unappropriated waters of the State of Oregon, subject to existing rights.

1. The name of the stream from which the reservoir is to be filled is unnamed

Sixes River
tributary to

2. If not in channel of a stream, state how it is to be filled. in channel

3. The dam will be located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4

Township 32 S, Range 15W, W. M.

4. The maximum height will be 9.0 feet above stream bed or ground surface at the centerline. The top width will be 20' feet, slope of upstream face 3:1, slope of downstream face 2:1, and height of dam above water line when full 2.5' feet.

5. The dam will be (check one) X earthfill, concrete, flashboard, other.

If "other", give description:

6. Give the location, description, and dimensions of the outlet conduit: centerline of the dam at natural stream level will be a 36"x45' CMP having a flashboard style outlet.
(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)

Application No.

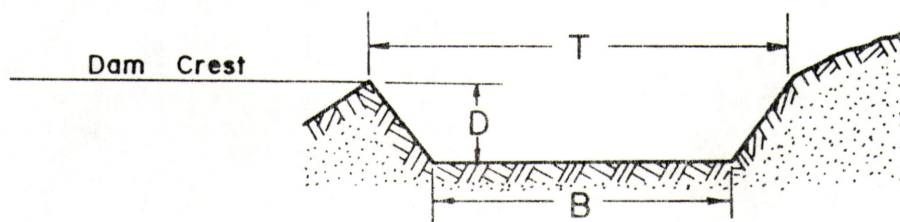
Permit No.

7. The impounded water will be used for 28 acres of cranberry production

8. The amount of water to be stored is 2.07 acre feet.

9. The area submerged by the reservoir, when full, will be 0.50 acres,
and the maximum depth of water will be 20 feet.

10. Give the location and dimensions of the spillway 2.5' below the surface of the
dam will be a 24" x 27' cmp. (State whether over or around dam)



The bottom width of the spillway, B, will be n/a feet.

The top width of the spillway, T, will be n/a feet.

The distance between the crest of the dam and the crest of the spillway, D, will be 2.5' feet.
(Must be at least 2½ feet)

If any other type of spillway describe and give dimensions:

11. Construction work will begin on or before Aug. 1992

12. Construction work will be completed and the reservoir filled by Aug. 1993

Remarks:

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

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Signature of Applicant

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before....., 19.....

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

Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the day of, 19....., at o'clockM.

Application No.

Permit No.

Application No.

Permit No.

**Permit to Construct a Reservoir
and Store for Beneficial Use the Public Waters
of the State of Oregon**

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions. The right herein granted is limited to the construction of

.....
.....
.....
.....
.....
.....

The right hereunder shall be limited to the storage of acre feet.

The priority date of this permit is

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1; 19.....

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

.....
Water Resources Director

32 SOUTH / 15 WEST / 4 SW OF NW

Jose Jul
11-9-95

APPLICATION NUMBER

R-72495

PRIORITY DATE

June 30, 1992

DATE TR/IR SENT

Mar. 9, 1994

TR VALID/MODIF.

Valid

LAND USE FORM

Allowed

OBJECTIONS

WW

ABOVE SCENIC WATERWAY

NO

TMDL BASIN

NO

GW REVIEW

N/A

DIVISION 33

N/A

IRR/STORAGE SEASON

Nov. 1 - June 30

MEASURING/REPORTING

Small

WATERMASTER

19

Dam Safety OK'd

July 30, 1992

BAR 690-517-001(8).

Watermaster Conditions added.

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

R-72495

Name of Applicant JAMES BUSSMANN Application Number 72496

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes No ✓

If yes, please explain.

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JUL 24 1992

WATER RESOURCES DE
SALEM, OREGON

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes ✓ No

Frequent reg for 1964 & 1980 IWR
There is a pending IWR (Ap# 70877)

If yes, please explain.

Application should be amended to correct
range (i.e., from R14W to R15W)

3. Do you observe this stream system during regular field work?

Yes ✓ No

If yes, what are your observations for the stream.

Frequent low flows during mid summer to mid fall

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes No Don't Know ✓

What would you recommend for conditions on a permit, that may be issued approving this application?

Require gate valve on outlet at bottom of reservoir
" " u.s. & d.s. weirs to meas inflow & outflow

5. Any other recommendations you would like to make?

Recommend permit not be certified as right unless above
conditions are met

Signature

[Signature]

WM District #

XIX

Date

07-21-92

May 12, 1994

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

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MAY 16 1994

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

DEPARTMENT OF
FISH AND
WILDLIFE

RE: Water Right Application #R-72495 and 72496; Reports of
Technical Review

HABITAT
CONSERVATION
DIVISION

During discussion between ODFW field personnel and the applicant, the applicant agreed to the shortening of the allowed storage to exclude summer low-flow months, June through October. Therefore, ODFW requests WRD modify the proposed permit conditions for R-72495 to reflect this agreement.

Because one or more species of game fish are present at the described POD, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests WRD add the following condition to those already proposed:

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

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

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

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Albert H. Mirati, Jr.".

Albert H. Mirati, Jr.
Water Right Review Coordinator

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

FILE: R-72495.TEC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-6967

March 9, 1994

WATER
RESOURCES
DEPARTMENT

JAMES A. BUSSMAN
PO BOX 211
SIXES, OREGON 97476

Reference: File R 72495

Hello:

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

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

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

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

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

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

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the

water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



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

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

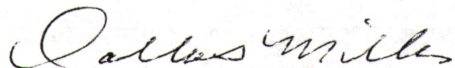
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before JUNE 1, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Dallas Miller".

DALLAS MILLER
Water Rights Division

Enclosures

Report Date: MARCH 9, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: JUNE 1, 1994

1. APPLICATION FILE NUMBER - R 72495

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

JAMES A BUSSMANN

PO BOX 211

SIXES, OR 97476

CURRY Co. 503-332-6611

Date application received for filing and/or tentative date of priority: 6/29/1992

SOURCE: UNNAMED STREAM

TRIBUTARY TO: SIXES RIVER

Purpose and/or use: CONSTRUCT RESERVOIR AND STORE WATER FOR CRANBERRY OPERATIONS

Flow: 2.07 acre-feet

Point of Diversion Location:

NWSW SEC 4, T 32 S, R 14 W, WM; 700'S, 1220'E, W 1/4 COR SEC 4

Place of use:

NWSW

2.07

Acre-feet

Section 4

T 32 S R 14 W, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

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

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

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

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, stored water in the amount of 2.07 acre-feet is likely available for 8 months during storage season, no live flow. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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

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

PROPOSED PERMIT CONDITIONS

Application: R 72495

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: CONSTRUCT RESERVOIR AND STORE WATER FROM NOVEMBER 1 THROUGH JUNE 30 FOR CRANBERRY USE
3. Volume of use: 2.07 ACRE-FEET
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The total area proposed to be submerged by the reservoir, when full is 0.5 acre; the proposed maximum depth of water in feet is 20; the maximum height of the dam is 9.0 feet.
10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Basin:

Water Availability By Month for Exceedance Level 50
 For Water Availability Subbasin 220000000000000000
 And Its Associated Nested Subbasins

		Consumptive Use		Storage Rights		Instream Water Rights											
		Applic	Permit	Applic	Permit	Applic	Permit	Applic	Permit	Applic	Permit	Applic	Permit	Applic	Permit	Applic	Permit
Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	St	St	St	St
1	220000000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YE	YE	YE	YE
2	1180	0	0	0	0	0	0	1180	0	0	190	0	0	0	0	0	0
3	666	0	0	0	0	0	0	666	0	0	190	0	0	0	0	0	0
4	321	0	0	0	0	0	0	321	0	0	190	0	0	0	0	0	0
5	252	0	0	0	0	0	0	252	0	0	120	0	0	0	0	0	0
6	159	0	0	0	0	0	0	159	0	0	40	0	0	0	0	0	0
7	101	0	0	0	0	0	0	101	40	0	0	0	0	0	0	0	0
8	74	0	0	0	0	0	0	74	40	0	0	0	0	0	0	0	0
9	102	0	0	0	0	0	0	102	0	0	210	0	0	0	0	0	0
10	628	0	0	0	0	0	0	628	0	0	210	0	0	0	0	0	0
11	1430	0	0	0	0	0	0	1430	0	0	210	0	0	0	0	0	0
12	3450	0	0	0	0	0	0	3450	0	0	210	0	0	0	0	0	0
13	2850	0	0	0	0	0	0	2850	0	0	210	0	0	0	0	0	0

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
R - 72495	10 / 2 / 95	GERRY

COMPLETED
10-2-95 MC
40 Exam
10 2 ACFT

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

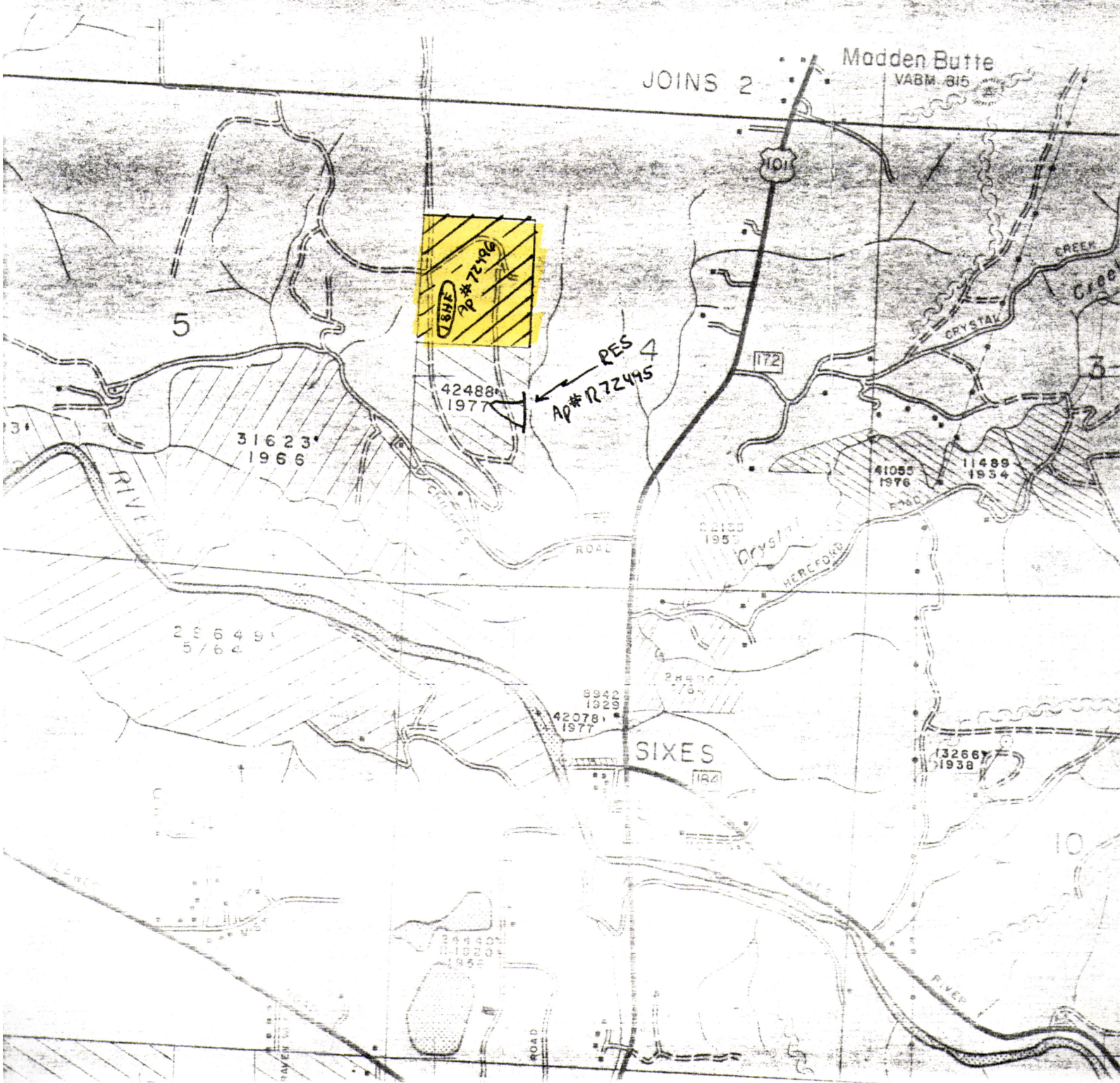
50 Total
50 Received
X Fees OK

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

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JUL 24 1992

WATER RESOURCES DEPT.
SALEM, OREGON



WaterWatch

MAY 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

May 19, 1994

Oregon Water Resources Department
Water Rights Section
158 12th Street NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
72496, R 72495, Bussmann, Cranberry, Unnamed Strm/Sixes
Coos Co., South Coast

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

◆ **The Technical Reports are Defective**

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

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

The analyses are defective for the following reasons:

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.
- There is no water availability analysis for the proposed source of water, the unnamed stream.
- The water availability analysis in the technical reports fail to take into account flows needed to meet senior pending instream water rights for the Sixes River. If the analysis had taken into account the flows requested by ODFW, the report would have concluded that the river is overappropriated from May through November.¹

¹ The instream flows currently proposed by the Water Resources Department are lower than those requested by ODFW. The exact flows that will be adopted will not and cannot be determined until the instream certificates are issued. To base water availability analysis on the Department's lower flows is bad policy and will result in an overestimation of water availability. Even if the analysis had taken into account the instream flows proposed to be issued by the WRD, the analysis would have concluded that the river is overappropriated August through November and should have prohibited use during those months.

- The analyses fail to take into account existing water rights of record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

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

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

The South Coast Basin plan states:

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

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

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

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

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

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

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

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

The Sixes River system support a variety wildlife and fish life. Coho, Chinook salmon and winter steelhead rely on flows in the Sixes River for different stages of their life cycles.

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

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

Currently there are pending instream water right applications for the Sixes River system. These pending instream water right applications request flows needed for fish life in the system. The public uses reflected in the instream water right applications (protection and conservation of fish life) has a "reasonable expectation of being developed" as evidenced by the pending instream water right application. This instream use provides greater benefit to the public at large than these proposed uses. These fish populations have statewide and even national significance and streamflows are essential for maintenance of these fish. The additional diversion of water from the unnamed stream will reduce flows in the Sixes system. Thus, the proposed uses are not in the public interest because they will preclude flows needed for the pending instream water right applications.

2. **Measurement and reporting.**

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

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

The technical reports propose to limit the amount and months of use. The Department's enforcement staff is already incapable of control existing rights to use water in

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

3. The uses will impair the public interest because fish screening and passage facilities are not mandatory conditions of use.

The technical reports does not require mandatory fish screening and passage facilities prior to any use of water. Given the critical status of fish populations in the this basin, the adverse impact diversions and dams have on fish habitat, screening and passage should clearly be required to be in place **before** any diversion or storage of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which **clearly** states these requirements.

4. The proposed uses are contrary to Oregon policy.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). No such consideration has been done.

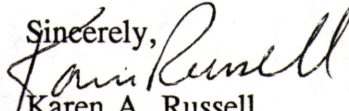
The recent petition for listing of coho and steelhead populations coast wide makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state. Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of these applications.

Failure of the State to look for or provide other sources of water, in the face of potential listing of the coastal coho creates expectations for water that may not be fulfilled if/when the species are listed. Instream flows in the creek provide critical habitat for fish -

without water instream there is **no** habitat. Continuing to issue water rights on a river with a possibility of a listed species, as well as existing water availability and water quality problems makes little sense.

Conservation

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

Sincerely,

Karen A. Russell
Assistant Director

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE #

R 72495

72496

WATERWATCH

ODF&W

WATERMASTER #

17 19

REGIONAL MANAGER -

SCU

CWRE -

John P. Proctor

DEO

KEN STAHR

OTHER ADDRESSES:

OR Minneapolis

CASEWORKER

D Miller

ORIGINAL TO APPLICANT 11/15/93

T. TR 94

WaterWatch

O F O R E G O N

RECEIVED

JUL 31 1992

WATER RESOURCES DEPT.
SALEM, OREGON

July 30, 1992

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

RE: Application for Permit #R72495, 72496, J. Bussman
Sixes River, 2.07 af, 4.2 cfs, Cranberry Operations

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

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

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

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

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

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

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

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

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

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

Sincerely,

Jim Myron

TECHNICAL REVIEW CHECKLIST

Application:

R 72495

Review Date:

1993

1194

D M. HCR

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

SUMMARY

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

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

NA No oath is required because application was filed before June 5, 1992.

S Application fees:

Examination fee:	\$ 40
Recording fee:	\$ 10
TOTAL REQUIRED	\$ 50
TOTAL SUBMITTED	\$ 50
AMOUNT DUE prior to issuance of permit	\$ 0
AMOUNT OVERPAID	
refund due applicant	\$

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

S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

NA

A CWRE map is not required for applications filed before November 9, 1987.

S

A written copy of the legal description of the property on which the water is to be used.

NA

A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

S

No statement of ownership was required for applications filed before August, 1990.

S

The proposed use is not restricted or prohibited by statute.

S

The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

S

Irrigation (Crawfish) use(s) is/are classified use(s) under the South Coast Basin Program, OAR 690 - 517.001. (8)

S

The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of Curry

S

The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 3.050).

NA

The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

NA

The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

NA

A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.

NA

The report from groundwater section has been received.

For reservoir applications:

S

Plans, specifications and supporting information for the dam and impoundment area.

RECEIVED

JUL 17 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

DIVISION OF
STATE LANDS

July 16, 1992

James A. Bussmann
P.O. Box 211
Sixes, OR 97476

STATE LAND BOARD

BARBARA ROBERTS
Governor
PHIL KEISLING
Secretary of State
ANTHONY MEEKER
State Treasurer

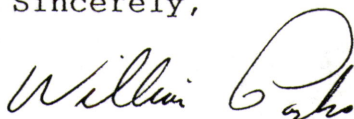
Dear Mr. Bussmann:

We received notification of your water appropriations permit application from Water Resources concerning the project on Bussmann 1 Reservoir and store waters of an unnamed stream, tributary of Sixes River.

The project will require a removal permit from our agency if 50 cubic yards or more of material is removed or altered within the waterway, including wetlands. However, pursuant to ORS 196.800 - 196.990, a permit is not required for filling within the waterway for the purpose of constructing, operating, and maintaining dams or other diversions for which a water right or hydroelectric permit shall be issued under ORS Chapters 537 or 539, or under ORS 543.010 to 543.620, administered by the Water Resources Department. Fill for activities associated with dam or water diversions for purposes other than operating or maintaining the dam or water diversion (fishways, erosion protection, etc.) require permits under the Removal-Fill Law.

Enclosed are copies of the Removal-Fill Law and joint application forms for your information and/or use. If we can be of further assistance, please contact our office.

Sincerely,



William L. Parks
Staff Biologist

WLP/dsh
bil:1

Enclosure: Permit Package

cc: Water Resources Department--Ref. No. 72495



775 Summer Street NE
Salem, OR 97310-1337
(503) 378-3805
FAX (503) 378-4844



August 12, 1992

RECEIVED
AUG 14 1992
WATER RESOURCES DEPT
SALEM, OREGON

Steve Brown
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right application review; request for report of technical review

Dear Steve:

ODFW is interested in reviewing WRD's technical analyses for the following water use applications when they become available:

72487	72495	72532	72540	72547
72491	72496	72533	72544	72550
72492	72529	72538	72545	
72493	72530	72539	72546	

These applications have the potential to impact fish and wildlife resources in the subject waterways and are, therefore, of concern to ODFW.

Thank you.

Sincerely,

Albert H. Mirati, Jr.
Instream Water Right and
Water Right Review Coordinator

c WaterWatch of Oregon (public information request)

File: WRD/WR/Comments



July 6, 1992

JAMES A BUSSMANN

PO BOX 211
SIXES, OR 97476

REFERENCE: File(s) R-72495, S-72496

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

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

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

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

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

cc: CWRE



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

POLICY NO. 53916

Application No. 72495

Permit No.

~~FWA~~ James A. Bussan

P.O. Box 211

SIXES, OR

97476

EXHIBIT "A"

RECEIVED

JUN 29 1992

WATER RESOURCES DEPT.
SALEM, OREGON

The Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Four (4), Township Thirty-two (32) South, Range Fifteen (15) West of the Willamette Meridian, Curry County, Oregon.

The Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Four (4), Township Thirty-two (32) South, Range Fifteen (15) West of the Willamette Meridian, Curry County, Oregon, EXCEPTING THEREFROM the following described parcel:

A parcel of land located in the West Half (W1/2) of the Southwest Quarter (SW1/4) of Section Four (4), Township Thirty-two (32) South, Range Fifteen (15) West of the Willamette Meridian, Curry County, Oregon, described as follows:

Beginning at a point on the Section line on the West side of Section Four (4), Township Thirty-two (32) South, Range Fifteen (15) West, located South 1° 01' West 753.11 feet from the Quarter Section Corner on the said West side of Section Four (4);

Thence South 73° 21' East 290.58 feet;

Thence South 36° 49' 15" East 247.48 feet;

Thence South 27° 23' 47" West 434.86 feet;

Thence North 62° 23' 54" West 266.61 feet, to a point on the

said Section line on the West side of Section Four (4);

Thence North 01° 01' East 543.99 feet, along the said Section line to the Point of Beginning.

That portion of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Nine (9), Township Thirty-two (32) South, Range Fifteen (15) West of the Willamette Meridian, Curry County, Oregon, which lies North of the thread of the stream of the Sixes River and North of a tract of land previously conveyed, described as follows:

Beginning at the Northwest Corner of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4);

Thence following the West boundary of said Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), South 750.0 feet, more or less, to the thread of the stream of the Sixes River;

Thence following said thread of stream Southeasterly to its intersection with the North boundary of that certain tract of land deeded by F. O. Norberg to Harry Dewey, et. ux., and recorded in Volume 21, Page 74, Records of Deeds of Curry County;

Continued -

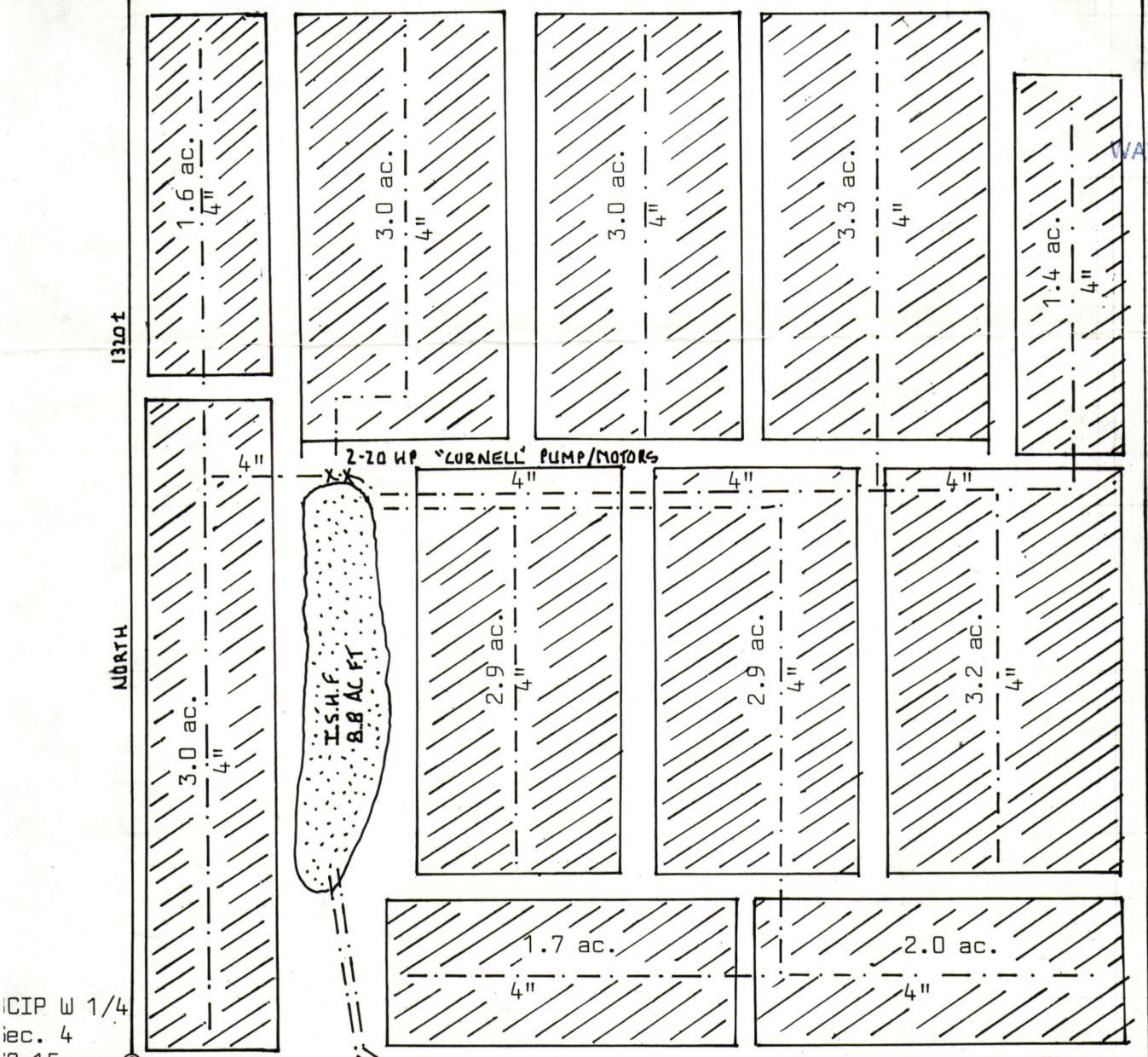
Application No. 72495
Permit No.

OTE 91-0074

EXHIBIT "A"

Beginning at the Southwest corner of the Northwest quarter of Section 4, Township 32 South, Range 15 West, Willamette Meridian, Curry County, Oregon; thence North along the West line of said Section 4 a distance of 1320.0 feet, more or less, to the Southwest corner of Government Lot 4, said Section 4; thence North along the West line of said Government Lot 4, 100.0 feet; thence East, parallel to the North line of said Section 4, 1320 feet, more or less, to the East line of said Government Lot 4; thence South along said East line of Government Lot 4 and South along the East line of said Southwest quarter of the Northwest quarter of Section 4; a distance of 1420 feet, more or less, to the Southeast corner of said Southwest quarter of the Northwest quarter; thence West 1320.0 feet, more or less, to the Point of Beginning.

NW 1/16
RECEIVED
JUN 29 1992
WATER RESOURCES
SALEM, OREGON



28 acres
SW1/4, NW1/4
Sec. 4
T32S., R14W
Cranberry
Production

SW 1/4
Sec. 4
T2-15.

CW 1/16

MAP TO ACCOMPANY THE
APPLICATION TO APPROPRIATE
THE SURFACE WATERS AND BUILD
THE BUSSMANN #1 RESERVOIR.

Prepared For: James A. Bussmann
P.O. Box 211
Sixes, OR 97476

Prepared By: Prahar Surveying
1045 Baltimore #1
Bandon, OR. 97411

- LEGEND: ● Found monuments as noted
--- Main waterlines
Area of Cranberry Production/Irrigation/FH/TC.
--- unnamend stream
I.S.H.F. (in system holding facility)
○ Point of diversion

SCALE: 1"==200.00.

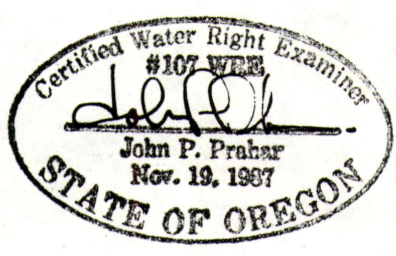
DATE: June 23, 1992

6" plastic pipes

UNNAMED STREAM

Point of Diversion
is located 700' South
and 1220' East of the
West 1/4 corner Sec 4.
T. 32S., R.15W., W.M.

Bussmann
#1 Rese.
2.07 ac
ft.
2-20 HP CORNELL
PUMP / MOTORS



NW 1/4, SW 1/4



WEST

1275'



Permit No.
Application No.

SECTION 15
TOWNSHIP 15 N
RANGE 15 E
COUNTY 15

SECTION 15
TOWNSHIP 15 N
RANGE 15 E
COUNTY 15

SECTION 15
TOWNSHIP 15 N
RANGE 15 E
COUNTY 15

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

JUN 29 1992

WATER RESOURCES DEPT.
SALEM, OREGON

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

Applicant's Name: James A. Bussmann
Address: P.O. Box 211
City: Sixes State: Or Zip: 97476 Day Phone: 332-6611

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot, or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
302				
32-15-4	F.G. Zone	X	X	X

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

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

For Local Government Use Only

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

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

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CURRY COUNTY ZONING ORD. Go to section b) on reverse side.
SEC. 3.050

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

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

Receipt for Request for Land Use Information ;

(over)

WRD Applicant Name: _____

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

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE SNOW
Title: PLANNER

Date: 6/24/92
Phone: 247-7011

Signature: Dianne L Snow

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

Additional Comments:

CRANBERRY PRODUCTION IS AN OUTRIGHT USE

Lined area for additional comments.

Description of Water Use

Planning Official Initials: _____

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

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

Applicant Name: James A. Bussmann
 Address: P. O. Box 211
Sixes, OR 97476
 Phone: 332-6611

RECEIVED

JUN 29 1992

WATER RESOURCES DEPT.
 SALEM, OREGON

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

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): Cranberry production
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>unnamed stream</u> _____ _____	<u>4.2</u> Cubic feet per second. <u>1885</u> Gallons per minute. <u>2.07</u> Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	


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

Version: 8/30/90

APPLICATION FILE #
PRIORITY DATE

72995

MINIMUM REQUIREMENTS TO FILE



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

Application date stamped per money receipt date
Stream Indexed
Stream Code _____
Scenic Waterway _____

- 1) Concluded - Scenic-Reg Ack letter
- 2) Under Study - Scenic-Ack letter
- 3) Basin 2 - Willamette-Ack letter

[illegible]

Plat Carded and copy made YES NO
Conflicts (well _____ surface _____) _____ X
Prior ISWR # _____
Within Irrigation District _____ (name)

District excerpt received — —
Entered in Paradox — —
Prepare six copies of Draft Permit
Send one copy to Data Center

7/6

C₇

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

	<u>YES</u>	<u>NO</u>
Ownership Statement	_____	_____
Name and address of all owners	_____	_____
Other landowners notified	_____	_____
Legal Description	_____	_____
Need Commission review	_____	_____

- ___ Requests greater than 5.0 cfs
- ___ Dam height greater than 20 feet
- ___ Storage greater than 100 acre-feet
- ___ Out of Basin diversion
- ___ Groundwater recharge project
- ___ Other substantial public interest

[illegible]

GW comments received	_____	resolved	_____
ODFW comments received	_____	resolved	_____
DEQ comments received	_____	resolved	_____
<u>Interest Groups</u>			
Water availability received	_____		
Objections received	_____	resolved	_____
Protest received	_____	resolved	_____
<u>Management Codes</u>			

EXAMINATION FEE: _____
RECORDING FEE: _____

TOTAL: _____
REFUND: _____
DEFICIENT: _____

REMARKS: _____

N 1/16

EAST

1200'

NW 1/16

RECEIVED

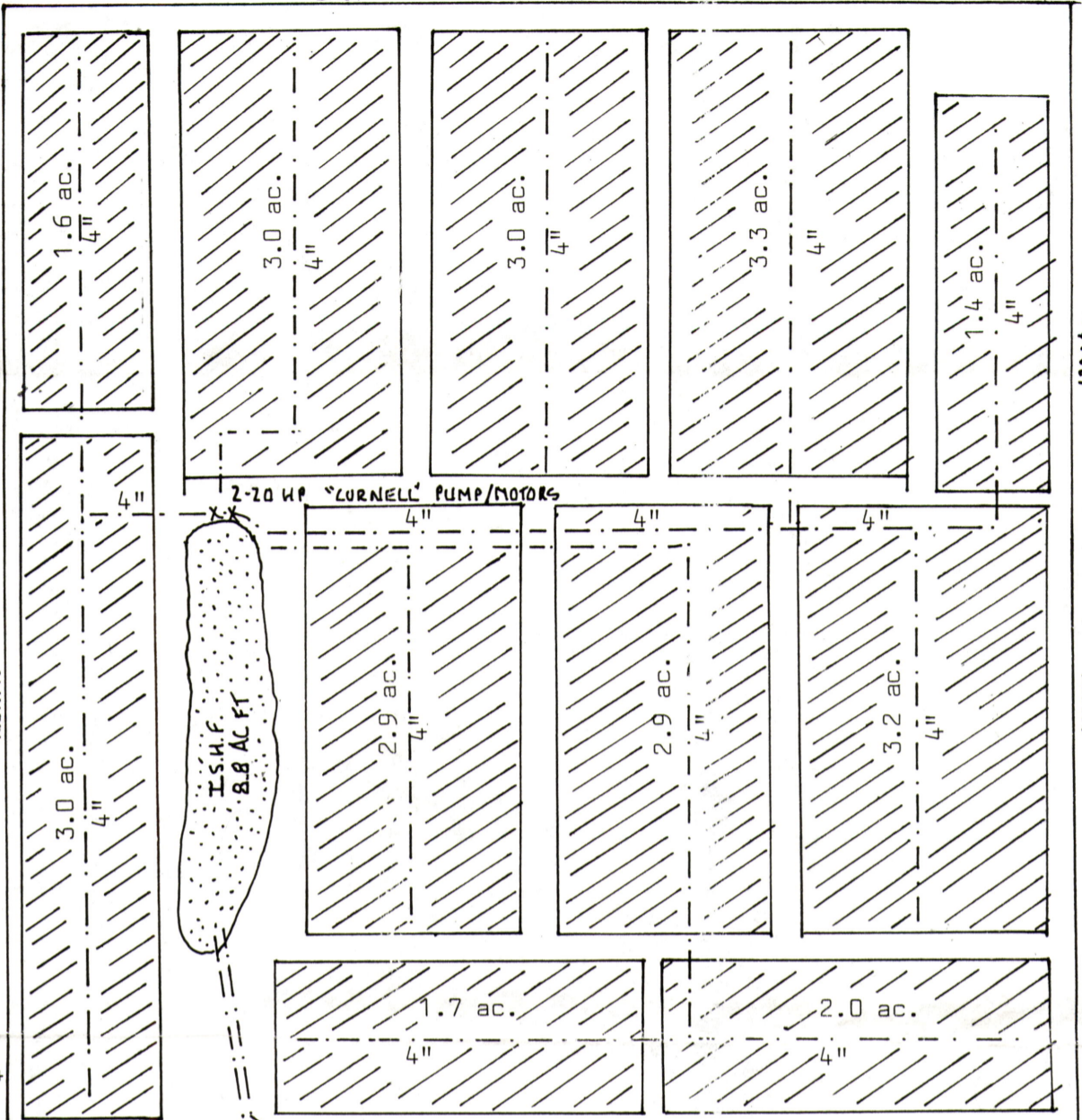
MAR 18 1994

WATER RESOURCES DEPT.
SALEM, OREGON 97331

28 acres
SW1/4, NW1/4
Sec. 4
T32S., R15W
Cranberry
Production

1100'

CW 1/16



MAP TO ACCOMPANY THE
APPLICATION TO APPROPRIATE
THE SURFACE WATERS AND BUILD
THE BUSSMANN #1 RESERVOIR.

Prepared For: James A. Bussmann
P.O. Box 211
Sixes, OR 97476

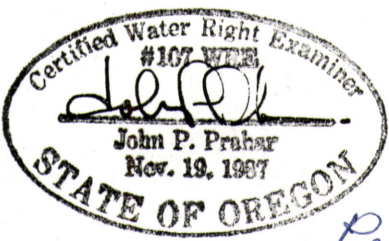
Prepared By: Prahar Surveying
1045 Baltimore #1
Bandon, OR. 97411

- LEGEND: ● Found monuments as noted
--- Main waterlines
▨ Area of Cranberry Production/Irrigation/FH/TC.
--- unnamed stream
▨ I.S.H.F. (in system holding facility)
○ Point of diversion

SCALE: 1"=200.00.

DATE: June 23, 1992

Point of Diversion
is located 700' South
and 1220' East of the
West 1/4 corner Sec 4.
T. 32S., R.15W., W.M.



NW 1/4, SW 1/4

R11810

Permit

WEST

1200'



3CIP W 1/4
Sec. 4
32-15.

1320'

1100'

1280'

1100'

REVISOR
3/18/94

Permit No.

N 1/16

EAST

1300 ±

NW 1/16

RECEIVED

JUN 29 1992

WATER RESOURCES
SALEM, OREGON

28 acres
SW1/4, NW1/4
Sec. 4
T32S., R14W
Cranberry
Production

CW 1/16

MAP TO ACCOMPANY THE
APPLICATION TO APPROPRIATE
THE SURFACE WATERS AND BUILD
THE BUSSMANN #1 RESERVOIR.

Prepared For: James A. Bussmann
P.O. Box 211
Sixes, OR 97476

Prepared By: Prahar Surveying
1045 Baltimore #1
Bandon, OR. 97411

LEGEND: © Found monuments as noted

— . — . — Main waterlines

 Area of Cranberry Production/Irrigation/FH/TC.

→ . → . unnamend stream

☒ I.S.H.F. (in system holding facility)

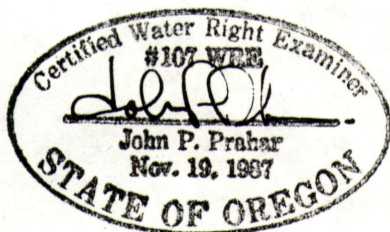
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T. 32S., R.15W., W.M.

NW 1/4, SW 1/4



WEST

1275±

UNNAMED STREAM

2-20 HP "CORNELL"
PUMP / MOTORS

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

JUN 29 1992

WATER RESOURCES DEPT.
SALEM, OREGON

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Applicant's Name: James A. Bussmann
Address: P.O. Box 211
City: Sixes State: Or Zip: 97476 Day Phone: 332-6611

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Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
302				
32-15-4	F.G. Zone	X	X	X

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

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

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		Already Obtained	Already Denied	Being Pursued Satisfactorily

Receipt for Request for Land Use Information :

(over)

WRD Applicant Name: _____

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

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE SNOW
Title: PLANNER

Date: 6/24/92
Phone: 247-7011

Signature: Dianne L Snow

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

Additional Comments:

CRANBERRY PRODUCTION IS AN OUTRIGHT USE.

Lined area for additional comments.

C 1

R 72495

Application No. _____

Permit No. R11810

JAMES A BUSSMANN

PO BOX 211

SIXES, OR 97476

Assigned _____

Address _____

Beginning construction 5-28-97

Completion of construction 10-1-98

Extended to _____

Complete application of water 10-1-99

Extended to _____