

ASSIGNED

FILE#: G 14559

MICHAEL WEBB
WEBB, MECHELLE
PO BOX 1934
BANDON, OR

97411

Application No. G G14559

Permit No. G G13328

Certificate No. _____

Stream Index, Page No. _____

FEEES PAID

Date	Amount	Receipt No.
6-30-97	300 ⁰⁰	13613
11/13/01	100.00	49548
6/11/03	25.00	60502
12-28-10	500 ⁰⁰	101935
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

Date filed _____
 Priority _____
 Action suspended until C/2017
"On-ex-cdb"
 Return to applicant _____
 Date of approval 2/12/98

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>6/11/03</u> <u>and</u>	<u>NW Farm Credit Services, FLCA,</u>	<u>Po Box 2515, Spokane, WA 99220</u>		
	<u>Michael Webb + Mechelle Winters-Webb,</u>	<u>P.O. Box 1934, Bandon, OR 97411</u>		

CONSTRUCTION

Date for beginning 2/12/99
 Date for completion _____
 Extended to _____
 Date for application of water 10/1/02
 Extended to 10-1-10; 10/1/2017

REMARKS

PROSECUTION OF WORK

Form "A" filed _____
 Form "B" filed _____
 Form "C" filed _____

FINAL PROOF

Blank mailed _____
 Proof received _____
 Date certificate issued _____

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-14559

**Final Order
Extension of Time for Permit Number G-13328
Permit Holder: Michael Webb & Michelle Winters-Webb and
NW Farm Credit Services, FLCA**

Appeal Rights

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

Application History

Permit G-13328 was issued by the Department on February 12, 1998. The permit called for complete application of water to beneficial use by October 1, 2002. On December 28, 2010, Michael Webb & Michelle Winters-Webb submitted to the Department an Application for Extension of Time for Permit G-13328. In accordance with OAR 690-315-0050(2), on August 16, 2011, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2017. The protest period closed September 30, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated August 16, 2011.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following condition:

CONDITION

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016. A form will be enclosed with your Final Order.**

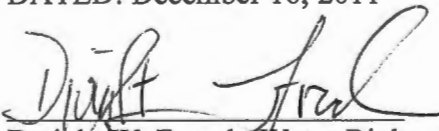
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-14559, Permit G-13328, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2010 to October 1, 2017.

DATED: December 16, 2011



Dwight W. French, Water Rights Services Administrator, for
PHILLIP C. WARD, DIRECTOR

-
- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

SECTION 32 T28S R14W W.M.
COOS COUNTY

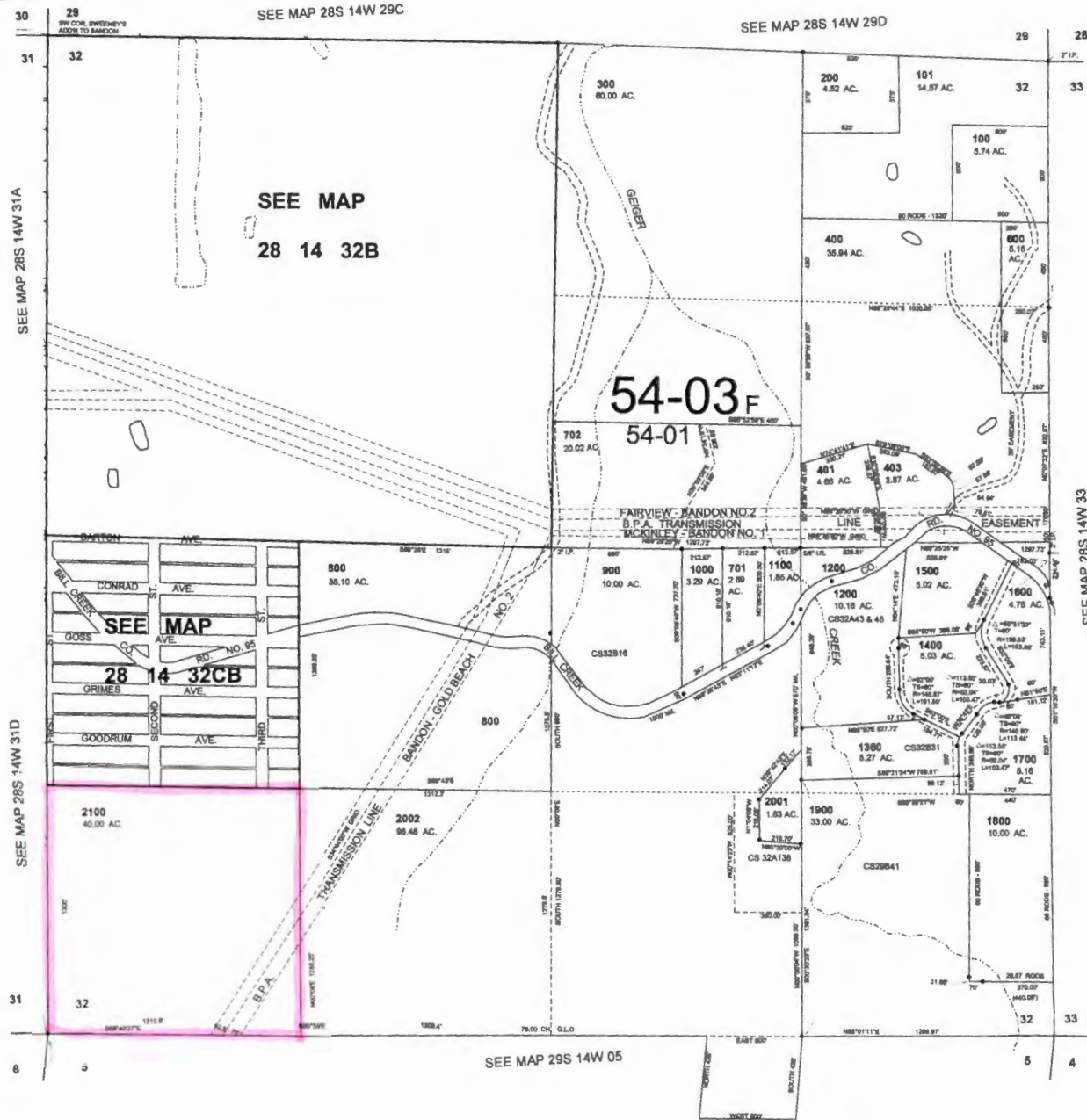
28S 14W 32
& INDEX

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 400'

CANCELLED NO.

- 500
- 700
- 2000
- 402
- 404
- 1601
- 2003



SEE MAP 28S 14W 33

05-22-2012
28S 14W 32
& INDEX

4/5/17

~~Ext. process - incompleteness
on App.~~

Michael Webb G-14589 / G-13328

Permit:

2 Sump wells
Cranberry u. on 27.0 a
0.602 cfs, 0.301 from each
Year round

- Meter

* Says
Jan. 1999
none in file

- Plan to monitor + report
periodically measure SWL

2001 Ext App = Meter + staff gage Sump Well 1 (1998)

2002 - 2010

~~Ext. App.~~

2.8 acre bog

Const. 2nd S. well < started

Electrical + pump

0.602 cfs

9.92 a

email: Countryocean@charter.net
for lot map

IMPORTANT MESSAGE

FOR _____

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

WHILE YOU WERE OUT

M Michael Webb

OF _____

PHONE NO. 707 210 4369

TELEPHONED

PLEASE CALL

CAME TO SEE YOU

WILL CALL AGAIN

WANTS TO SEE YOU

RUSH

RETURNED YOUR CALL

MESSAGE _____

6-14559

SIGNED _____

OfficeMax

OM97295

82241-9

paper for

Adrian Beaman

-Tom Moore

208 466 6439 Dave Adanson



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

File

November 21, 2016

Michael Webb
Michelle Winters-Webb
PO Box 1934
Bandon, OR 97411

REFERENCE: Application G-14559 / Permit G-13328

Dear Permit Holder:

The Water Right Services Division received your written 2016 Progress Report for Permit G-13328. Receipt of the progress report was published on the Department's weekly Public Notice, dated October 18, 2016. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2017.

If you have any questions, please feel free to contact me by telephone at (503) 986-0825.

Sincerely,

Corey Courchane
Adjudication & Extension Specialist

Enclosure

cc: Application G-14559
Watermaster District 19 – Greg Wacker

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2016 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 10/11/2016

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: _____

2. Support Staff: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 10-18-16

Update workflow in WRIS

(Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

add record for Checkpoint Public Notice ("EPR" or "EP2")

Return file to Corey Courchane.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 11-21-16

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Michael Webb and Michelle Winters-Webb Attn:

Application: G-14559

Permit: G-13328

County: Coos

Source: Two sump wells in Rosa Creek Basin

Use: Cranberry use on 27.0 acres



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

**Extension of Time
 Progress Reporting Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Michael and Mechelle Webb Application G-14559 Permit G-13328

Progress Report Form for 2016
 Report Due no later than October 1, 2016
 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit G-13328. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between December 28, 2010 and October 1, 2016	FINANCIAL INVESTMENT
4-21-14	clearing - Prepping Bog - hired	900 ⁰⁰
6-28-12	clearing - Own machinery	200 ⁰⁰
7-3-11	clearing - own machinery	80 ⁰⁰

2. Describe actions taken to comply with terms/conditions of the permit and/or previous extension.

clearing Gorse bush away - starting building of a dike on the East side of ecreage.

3. Total number of acres cranberry use to date= Approximately 10 ACRES

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date= _____ cfs(cubic feet per second)
 Maximum rate used to date= _____ gpm(gallons per minute)

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

Signature Michael A Webb Date 9-28-16

Printed Name/Title Michael A Webb / Farm Owner

RECEIVED BY OWRD

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____ SALEM, OR

Reviewed by: Covey

Date: 10-12-16

OCT 11 2016



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

File

April 14, 2016

MICHAEL WEBB
MEHELLE WEBB
PO BOX 1934
BANDON, OR 97411

REFERENCE: Application G-14559 / Permit G-13328

Dear Permit Holder:

On December 16, 2011, the Department issued a Final Order approving an Extension of Time for Permit G-13328. The Final Order contained a condition to submit a progress report to the Department by October 1, 2016.

This letter is being sent to you as a reminder the progress report is due on October 1, 2016.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your progress report no later than October 1, 2016.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2017.

Failure to submit written progress reports will most likely result in any future extensions being denied.

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0825.

Sincerely,

Corey A Courchane
Extensions
Water Rights Services Division

Enclosure

cc: Application G-14559
Watermaster District 19 – Greg Wacker

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: December 16, 2011

Copies Mailed

**Application G-14559
Permit G-13328**

By: *Connie Vance*
On: 12/16/2011

Original mailed to permit holder

Michael Webb & Michelle Winters-Webb
PO Box 1934
Bandon, OR 97411

NW Farm Credit Services, FLCA
PO Box 2515
Spokane, WA 99220

Copies sent to:

1. WRD - App. File G-14559/ Permit G-13328
2. WRD - Watermaster District 19, Mitch Lewis ✓
3. WRD - SWR Regional Manager, Larry Menteer ✓
4. Claly Jordan, Agent/CWRE ✓

Fee paid as specified under ORS 536.050 to receive copy:

5. None

Receiving via e-mail (10 AM day of signature date)

(DONE BY EXTENSION SPECIALIST)

6. None

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by awsq Date 12-19-11

CASEWORKER: JWG

Application # G-14559

Permit # G-13328

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 12-28-2010

◆ **Extension Specialist...**

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Jonnine Skaug...**

Publish on Public Notice (initial 30-day comment): Date of notice 1/11/11 *[Signature]*

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **101935**

INVOICE # _____

RECEIVED FROM: Twelve Oaks Cranberry
BY: Plantation

APPLICATION	G14559
PERMIT	
TRANSFER	

CASH: CHECK:# 3765 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____ 4611
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 500.00

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: **101935**

DATED: 12-28-10 BY: AG



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

January 11, 2011

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-14559 (PERMIT#: G-13328)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Jerry Gainey at (503) 986-0812. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "**www.wrd.state.or.us**".

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 14559 Permit: G- 13328 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Michael Webb & Michelle Winters-Webb (Also See Notes)

Permit Holder's Mailing Address: PO Box 1934, Bandon OR 97411-1934 email berrygrower@charter.net

Phone Number: 702-218-4368

POD Location: Township 28 S Range 14 W Section 32 $\frac{1}{4}$ SW SW

Drainage Basin: 17 County: Coos Watermaster District: 19 Watermaster: Mitch Lewis

Date Permit was issued: 2/12/1998 Priority Date: 6/30/1997 Date of PN: 1/11/2011

Source: Two Sump Wells in Rosa Creek Basin

Use: Cranberry use on 27 acres

"Q": 0.602 CFS

Orig "A" Date: _____

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2002

Extension request rec'd: 12/28/2010

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2010

Request Number (1, 2, 3...): 2

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2017

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Meters not installed on both sumps
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not all acres (bogs) developed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Only 1 sump developed
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: **\$191,500** Estimated Remaining Cost: **\$180,000**

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 0.602 cfs gpm af of the total permitted quantity of water on 9.92 acres

No GW section review needed
Duffin

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

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

Identify the closest surface water or localized water basin. Rosa Creek
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area _____
- within a Withdrawn Area? Name of area Ferry Creek
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: 2015)
- Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

Jordan Engineering

Structural-Civil-Geotech

460 Jordan Lane
Roseburg, OR 97471
541-673-1931

Oregon Water Resources Department
Extension of Time Dept.
725 Summer Street NE, Suite A
Salem, OR 97301

Extension of Time:
Michael & Mechelle Webb
Application: G-14559
Permit: G-13328

December 27, 2010

Sir:

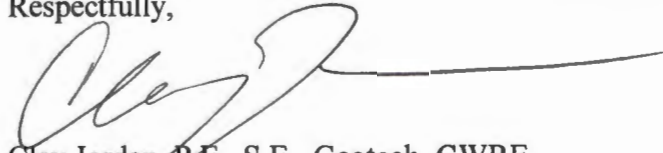
Please find inclosed application for an additional extension of time for the permit noted above. The indicated need in the application with further substantiating documentation from various agencies are inclosed. Interactions of agencies with interest requirements have delayed implementing permit intended location changes. The applicant would like at this time to request any monitoring plans for the additional extension to be considered only an annual monitoring and/or reporting requirement.

Inclosed:

1. Application for Extension of Time.
2. Copy of Permit labeled per Application.
3. multi-page documentation of agencies interactions.
4. Check #3765 in the sum of \$500 made out to the Department.

If there are any questions please let me know at your earliest convenience.

Respectfully,



Clay Jordan, P.E., S.E., Geotech, CWRE

file: OWRD G-13328 ext-cl.wpd

cc: 1. Mr. Webb
2. Mr. Daft

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DEC 28 2010

WATER RESOURCES DEPT
SALEM, OREGON

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**



GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits **DO NOT** use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

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DEC 28 2010

**WATER RESOURCES DEPT
SALEM, OREGON**

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification,; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

[OAR 690-315-0020(3)(d)]

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? Yes No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 1997

Details of construction: Sump well #1 construction began and was completed in 1998

RECEIVED

DEC 28 2010

WATER RESOURCES DEPT
SALEM, OREGON

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? Yes No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	1998	Meter installed
2	1/27/1999	Plan to monitor and report impact of water use submitted- approved 4/29/1999
3	NA	Sumps are not drilled wells and not subjected to construction standards

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
4	Prior to certificate	Project is not fully developed. Pump test is required prior to issuance of certificate.

RECEIVED

DEC 28 2010

WATER RESOURCES DEPT
SALEM, OREGON

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1996	Bog construction began for 7 acres of bogs and completed in 1998	

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
2/12/1998	Date the permit was signed - find date above signature on last page of permit.	
1998	Construct sump #1 , install meter and staff gage	
2/12/1999	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
	Purchase and install pump, electrical, piping	
2001	Total up through 2001	140,000.00
10/1/2002	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-C		\$140,000.00

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* If exact cost is not known, you must provide your best estimate.

3-B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use *chronological order*.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2002	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
2004	Begin construction on 2.8 acre bog. Construction stopped due to cease and desist order	
2008	2.8 acre bog developed (re-cleared land, constructed bog and irrigation system) and construction of second sump started	\$48,000.00
2009	Install electrical system and transfer pump in sump #2. Sump 2 not completed but useable	\$3,500.00
10/1/2010	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	NA	

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Total Cost of Chart-D	\$51,500.00
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* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$191,500.00
(The total combined cost from CHART-C and CHART-D)

[OAR 690-315-0020(3)(e)(B)]

5. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.



TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

5-A) For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):



TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

5-B) For Ground Water Permit Extensions (e.g. G-XXXX):



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under <u>this permit only</u> (CFS or GPM)	Is this well authorized or utilized under additional water rights?	
Sump 1		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	na	na	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Sump 2		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Na	na	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						0.602 cfs		

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5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes No

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # sump #2: Actual location: Approximately 560 feet N & 300 feet east from the SW corner Section 32, T28S, R14W, WM (construction not complete)

Well # _____: Actual location: _____

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 9.92

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well #Sump #1 Acres 9.92 Well # _____ Acres _____

Well #Sump #2 Acres 9.92 Well # _____ Acres _____

[OAR 690-315-0020(3)(j)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2010 -2017	Complete construction of sump #2 and an additional 5 to 6 acres of bogs with irrigation systems. Purchase new distribution pump for sump 2	\$180,00.00
Year: 2017	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$180,000.00

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[OAR 690-315-0020(3)(g)]

8. Estimated remaining cost to complete the project: \$180,000.00
(The total cost from CHART-F)

[OAR 690-315-0020(3)(h)]

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit. _____

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

Please see attached letter for explanation

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

Please see attached letter for explanation

- 9-D) **Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.**

[OAR 690-315-0020(3)(k)]

10. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Please see attached letter for additional explanation. Government agencies prevented us from proceeding with development of our project. We also need additional time as cranberry prices are uncertain and want to make sure we ask for enough time to allow for years with better prices. In order to go forward with new bogs we will need to get approval from various agencies. That process takes time.

11. **Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.**

We received agency approval for the recent construction of a 2.8 acre bog. Additional bogs will require new approval which we believe we can get, however, this will likely take considerable time.

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

Michael AA Well
Signature

12-16-10
Date

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MICHAEL AND MECHELLE WEBB
PO BOX 1934
BANDON, OREGON 97411

(541)347-3420

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

APPLICATION FILE NUMBER: G-14559

SOURCE OF WATER: TWO SUMP WELLS IN ROSA CREEK BASIN

PURPOSE OR USE: CRANBERRY USE ON 27.0 ACRES

MAXIMUM RATE: 0.602 CFS, BEING 0.301 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 30, 1997

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 32, T28S, R14W,
W.M.; SUMP 1 - 500 FEET NORTH AND 940 FEET EAST; SUMP 2 - 1190 FEET
NORTH AND 95 FEET EAST BOTH FROM SW CORNER, SECTION 32

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 27.0 ACRES
SECTION 32
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

- (1) 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.

Application G-14559

Water Resources Department

PERMIT G-13328

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- 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

② The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

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STANDARD CONDITIONS

③ The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

④ Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

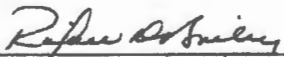
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2002.

Issued February 12, 1998


Martha O. Pagel, Director
Water Resources Department

Application G-14559 Water Resources Department
Basin 17 Volume 3 JOHNSON CR & MISC
RWK- WEEK 122 MGMT.CODES 7AG 7AR 7BG 7BR 7FG 7FR

PERMIT G-13328
District 19

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WATER RESOURCES DEPT
OREGON

Twelve Oaks Cranberry Plantation

P.O. Box 1934
54478 Rosa Road
Bandon By-The-Sea, Or 97411
United States of America

Phone 541-347-3420
Home Phone 541-347-3420

January 27, 1999

Ivan Gall
Oregon Water Resources
942 S.W. 6th Street Suite E
Grants Pass, Or 97526

Dear Ivan,

Our water rights application number is G-14559 and allows us the right to use two sump wells on our cranberry farm. My plan to monitor and report the impact of water use under this permit is as follows. We have presently developed ~~seven~~^{two} acres of cranberry bogs so the data we will provide is based on these acres until we are able to further expand our acreage of bogs. In our sump well we will place a staff gauge with which to monitor the water level. Every January, April, July and October we will take a water level measurement and send it to your office. We will also be metering the water usage from the sump well with a McCROMETER flow meter with I.D.# 987295. We will send you these totals of water usage in the same letter. When we are able to develop more cranberry acreage and need to dig the second sump well we will replicate the plan we have used on the first sump well.

Sincerely,

Michael A. A. Webb
Mechelle M. Webb

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14559

Final Order¹
Extension of Time for Permit Number G-13328

Application History

On NOVEMBER 13, 2001, MICHAEL and MECHELLE WEBB submitted an application to the Department for an extension of time for permit number G-13328. The Department issued permit number G-13328 on FEBRUARY 12, 1998. The permit called for complete application of water to the full beneficial use by OCTOBER 1, 2002. In accordance with OAR 690-315-0050(2), on DECEMBER 3, 2002, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to OCTOBER 1, 2010. The protest period closed JANUARY 17, 2003, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2007. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and

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.

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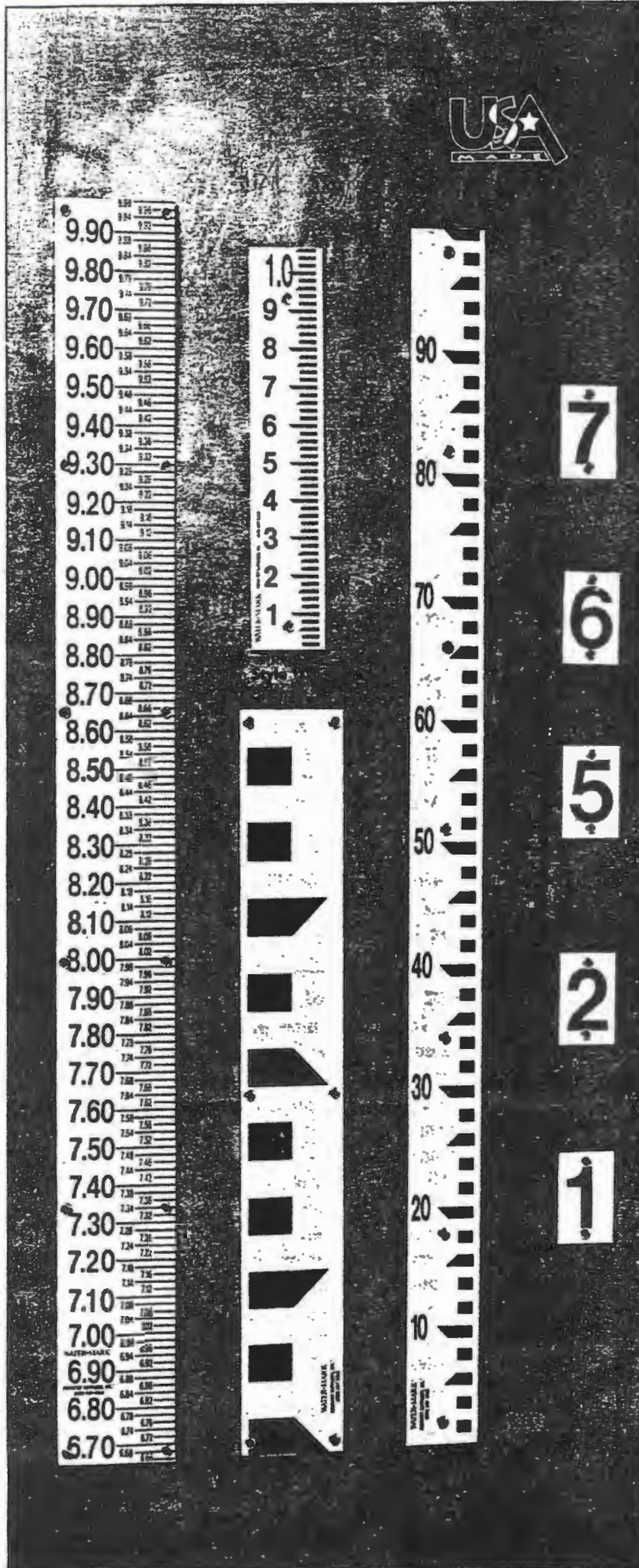
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WATER*MARK Stream Gauges

WaterMark® is our exclusive line of high quality stream gauges! Finished with a special porcelain enamel to ensure easy reading and resist rust or discoloration. Can even be used in salt water! Each gauge or gauge section is accurately graduated. Provided with grommets for fastening with No. 8 round head screws. Available in four standard styles.

Style "E"

Graduated in feet and tenths, unnumbered. 3-1/2" Wide. Available in 1', 2' and 5' sections. Separate number plates (optional and extra) are fastened on a plank or pier wall to number any elevations desired.

39739 1' Section (1 lb.)	1-5 \$21.90	6+ \$19.75
39740 2' Section (1.25 lbs.)	1-5 \$27.00	6+ \$24.30
39741 5' Section (3 lbs.)	1-5 \$43.25	6+ \$38.95

Style "M"

Metric gauge 65 mm wide. Divided into centimeters with each decimeter numbered. Gauges for any elevation may be assembled by using separate number plates (optional and extra).

39742 1 Meter section (1.5 lbs.)	1-5 \$29.25	6+ \$26.30
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Number Plates (For "E" and "M" Gauges)

Each Number Plate consists of a black numeral on a 2" x 3" white porcelain enameled iron plate. (2 oz.)

39744 Number 1	39749 Number 6
39745 Number 2	39750 Number 7
39746 Number 3	39751 Number 8
39747 Number 4	39752 Number 9
39748 Number 5	39743 Number 0
39753 Minus figures (-)	1-9 \$6.25 10+ \$5.75

Style "A"

Marked at every foot, tenth, and 0.02 foot with total elevations. 4" Wide. Available in 3-1/3' sections for numbering to 13.33'.

1-5	6+
39725 Graduated 0-3.33' (2.5 lbs.)	\$35.25 \$31.90
39726 Graduated 3.33-6.66' (2.5 lbs.)	\$35.25 \$31.90
39727 Graduated 6.66-10.0' (2.5 lbs.)	\$35.25 \$31.90
39728 Graduated 10.0-13.33' (2.5 lbs.)	\$35.25 \$31.90

Style "C"

Graduated to hundredths and marked at every foot and every tenth. 2-1/2" Wide. Numbered 3-1/3' sections are available to 20'.

1-5	6+
39729 Graduated 0-1.06' (6 oz.)	\$18.95 \$17.05
39730 Graduated 0-1.56' (10 oz.)	\$21.75 \$19.55
39731 Graduated 0-2.06' (1 lb.)	\$23.75 \$21.3
39732 Graduated 0-3.33' (1.75 lbs.)	\$28.30 \$25.5
39733 Graduated 3.33-6.66' (1.5 lbs.)	\$28.30 \$25.50
39734 Graduated 6.66-10.0' (1.5 lbs.)	\$28.30 \$25.50
39735 Graduated 10.0-13.33' (1.5 lbs.)	\$28.30 \$25.50
39736 Graduated 13.33-16.66' (1.5 lbs.)	\$28.30 \$25.50
39737 Graduated 16.66-20.0' (1.5 lbs.)	\$28.30 \$25.50
39738 Graduated 0-5.06' - two sections (2.25 lbs.)	\$53.90 \$48.50

A De sam low sam 769;
B or De bott and the har less ver hea cra wit jaw Sid 772 772
I ar C or bl or a ti fr



United States
Department of
Agriculture

Natural Resources
Conservation
Service

Coquille Field Office
382 North Central Boulevard
Coquille, Oregon 97423

Phone: 503-396-2841

Facsimile: 503-396-5106

October 1, 1996

Michael and Mechelle Webb
P.O. Box 1934
Bandon, Oregon 97411

Dear Michael and Mechelle,

Enclosed is a copy of Wetland Determinations form NRCS-CPA-026 for tract 6453. This determination is part of the conservation provisions of the Food, Agriculture, Conservation and Trade Act (FACTA) of 1990, and was made in response to your application for USDA program benefits.

Section II of form NRCS-CPA-026 describe any wetland found on tracts 6453. If you plan to maintain, improve, on install a drainage system, you should notify this office well in advance of your plan to alter a wet area so the alteration can be done with full knowledge of its potential effect on any USDA program eligibility.

If you do not agree with this determination, you may request a field visit or medication within 15 days of this preliminary decision. Your request should be made in writing to above office address and should state the reason for the request of a field visit or mediation.

Quan D. Quan
Agriculture Engineer.
NRCS-Wetland Team.

cc: Farm Service Agency

The Natural Resources Conservation Service
works hand-in-hand with the American people
to conserve natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER

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HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION

Name: Webb, Mike
County: Coos

Tract: 6453
Request Date: 10/01/96

Farm: 1087

Section I - Highly Erodible Land

Fields in this section have undergone a determination of whether they were highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field	HEL(Y/N)	Sodbusted(Y/N)	Acres	Determination Date
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Section II - Wetlands

Fields in this section have had wetland determinations completed. See the Wetlands Explanation section for additional information regarding allowable activities under the wetland conservation provisions of the Farm Bill and Section 404 of the Clean Water Act.

Field	Wetland Label	Acres	Determination Date	Certification Date
1	NW	40.0	10/01/96	10/01/96

Wetlands Explanation

Wetland Label

Explanatory Comments

NW Non-wetland;
Description: An area that does not meet wetland criteria under natural conditions or wetlands that were converted prior to 12/23/85, not cropped prior to 12/23/85, does not meet wetland criteria, and has not been abandoned; Authorized cropping: No Restrictions; Authorized Maintenance: No restrictions unless the manipulation would convert adjacent wetland labels.

Remarks

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SALEM, OREGON

HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

O. D. Quan
~~Ed Petersen~~
Signature District Conservationist

Date: Oct 01, 1996

Wetland Team.

All USDA programs and services are available without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

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WATER RESOURCES DEPT
SALEM, OREGON

HIGHLY ERODIBLE LAND CONSERVATION (HELIC) AND WETLAND CONSERVATION (WC) CERTIFICATION

Name of Producer <i>Mechelle M. Winters - WEBB</i>	2. Identification Number <i>543 80 0868</i>	3. Current Crop Year <i>1996</i>
Do the attached AD-1026A(s) list all your farming interests by county, and show current NRCS determinations? If "No", contact your County FSA Office before completing this form.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Are you a landlord on any farm listed on AD-1026A that will not be in compliance with HELC and WC provisions? If "Yes", AD-1026C must be prepared.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the landlord refuse to comply with HELC requirements on any farm listed on AD-1026A? If "Yes", AD-1026B must be prepared.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
List here or attach a list of affiliated persons with farming interest. See reverse for explanation. Enter "None", if applicable.		<i>None</i>

Items 5 or 6 are answered "YES", circle the applicable farm number on AD-1026A.

During the crop year entered in item 3 above, or the term of a requested USDA loan, will you:	Yes	No
(a) plant or produce an agricultural commodity on land for which neither a highly erodible nor wetland determination has been made?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Plant or produce an agricultural commodity on land on which planting was made possible by drainage, dredging, filling, leveling, or any other means after December 23, 1985, and NRCS has not evaluated and approved the drainage activities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Since December 23, 1985, have you or has anyone on your land, or will you or anyone on your land during the crop year entered in item 3 above, or the term of a requested USDA loan:	RECEIVED DEC 28 2010 WATER RESOURCES DEPT SALEM, OREGON	
(a) conduct(ed) any land clearing, drainage, (tile or open ditch), filling leveling, or dredging to create a new drainage system that has not been evaluated by NRCS? Indicate year if answered "Yes".	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) conduct(ed) any drainage activities to maintain, improve, or modify an existing drainage system that has not been evaluated by NRCS? Indicate year if answered "Yes".	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you conduct any activities for fish production, trees, vineyards, scrubs, building construction, or other non-agricultural purposes that have not been evaluated by NRCS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

answers to items 9, or 10 are: "YES" for any one of these items, sign and date in item 11 below. Circle the applicable tract number on AD-1026A, or list in item 12 on AD-1026A. A "YES" answer authorizes FSA to refer this AD-1026 to NRCS to make a HELC and/or certified wetland determination. DO NOT sign in item 13 until the NRCS determination is complete.

"NO" for all of these items or NRCS determinations are complete, complete item 13.

I hereby certify that the above information, and the information on attached AD-1026A's, is true and correct to the best of my knowledge and belief.

Signature of Producer >>>>> *Mechelle M. Winters Webb* Date *8-14-96*

Referral to NRCS (Completed by FSA) Enter a / if a NRCS determination is needed because "Yes" is answered in item 8, 9, or 10. Date Referred *8-19-96* Signature of FSA Rep. *[Signature]*

LOAN APPLICANT

TE: Before signing in item 13, Read AD-1026 Appendix.

Continuous AD-1026 Certification

I understand and agree that unless I give written notice otherwise, this certification of compliance and agreement shall serve as continuous certification and agreement for subsequent crop years. That is, as to the current and subsequent crop years:

I agree to the terms and conditions stated on AD-1026 Appendix on all land in which I have or will have an interest.

I agree that if there are any changes in my operation or activities that may affect compliance with these provisions, I will file a revised AD-1026.

I agree to file any required exemption requests for each applicable crop year.

I understand that affiliated persons are also subject to compliance with these provisions and their failure to comply or file AD-1026 will result in loss of eligibility to persons or enterprises with whom they are affiliated. (Affiliated person rules are printed on the reverse of this form.)

Producer Name Here >>>>> _____ Date _____

INSTRUCTIONS FOR ITEM 7 of AD-1026

The producer requesting benefits on AD-1026 shall attach to AD-1026 a list of the applicable affiliated person with farming interests who are required to file AD-1026. Follow the rules in this table.

producer requesting benefits is a(an)...	THEN affiliated persons who must file AD-1026 if they have farming interests are...	
individual	spouse with separate farming interests, or who receives benefits under their individual ID number	
NOTE: If the individual filing is a minor child, the father and mother shall be listed as affiliates	minor children with separate farming interests, or who receive benefits under their individual ID number.	
	estates, trusts, partnerships, and joint ventures that the individual filing or the individual's spouse or minor children have an interest.	
	corporations that the individual filing or the individual's spouse or minor children have more than 20% interest.	
general partnership	first level members of the entity	
joint venture		
limited partnership		
estate		
revocable trust		
Indian tribal venture		
Indian group		
revocable trust		
corporation with stockholders		first level members with more than 20% interest in the corporation.
state		none
church or other charitable organization		
county		
city		
public school		
corporation with no stockholders		

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KEY TO NRCS DETERMINATIONS IN ITEMS 8 THROUGH 11 LISTED ON AD-1026A

HEL = Highly Erodible Land:
 'Y' = NRCS determined highly erodible land.
 'N' = NRCS determined no highly erodible land.
 ' ' = NRCS has not made a determination.

A027 = Applying Conservation Plan
 'Y' = Producer is actively applying an approved conservation plan or system.
 'N' = Producer is NOT actively applying an approved conservation plan or system.

9. 027 = Approved Farm Plan (CPA-027):
 'Y' = Tract has an approved conservation plan.
 'N' = Tract does not have an approved conservation plan.
 'X' = HEL flag is 'Y'. Producer has a 2-year grace period after soil survey is available to obtain an approved conservation plan.

11. W = Wetlands:
 'Y' = NRCS determined wetlands on this tract. (*See footnote.)
 'N' = NRCS determined no wetlands on this tract.
 ' ' = NRCS has not made wetland determinations on entire tract.

NRCS has determined a wetland does exist on this tract. Contact you local NRCS office or FSA office for details concerning the location of the wetlands and restrictions applying to the land according to NRCS determination before planting an agricultural commodity or performing any drainage or manipulation on this tract.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Arcata Fish and Wildlife Office

1655 Heindon Road

Arcata, CA 95521

(707) 822-7201

FAX (707) 822-8411

In Reply Refer To:
AFWO

August 21, 2003

Tina Monical, Office Supervisor
U.S. Army Corps of Engineers
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401

Subject: Possible Violations of Section 404 Clean Water Act and Section 9 Endangered Species Act near Bandon, Coos County, Oregon (1-14-2003-1961)

Dear Ms. Monical:

In followup to a recent phone conversation between you and our staff ecologist, David Imper, I have enclosed various information pertaining to suspected violations of Section 404 of the Clean Water Act (CWA), and one possible violation of Section 9 of the Endangered Species Act. The four violations all occurred within 2 to 3 miles of the city of Bandon, in Coos County, Oregon.

This office has the responsibility for pursuing the recovery of the endangered western lily (*Lilium occidentale*), which occurs sporadically along the Oregon coast between Coos Bay and Brookings. It is our opinion that certain activities in both Coos and Curry counties, including cranberry agricultural development, maybe be significantly reducing the available habitat for this species, and in several cases has impacted or eliminated known colonies. In many cases these developments appear to be subject to various permitting requirements, including Section 404 of the CWA, which trigger consultation provisions of the Endangered Species Act. The enclosed materials document at least one case (fill site #1) where suspected unauthorized filling of a darlingtonia fen eliminated western lily plants. We request the Corps of Engineers investigate these filling activities, in particular fill site #1, to determine if they were properly authorized under the CWA and that we be informed of the outcome of the investigation.

As a result, we will be arranging a meeting of the various agencies involved in the oversight of development in Coos and Curry counties, to be held in the Bandon area, to review the regulatory processes for developments including cranberry bogs, and to discuss the suspected violations. It is our hope that we can collectively identify ways to conserve western lily through existing regulatory mechanisms and voluntary, protective efforts.

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Oregon

Theodore R. Kulongoski, Governor

CERTIFIED MAIL

September 24, 2003

STM02/5706

Michael Webb
PO Box 1934
Bandon, OR 97411

RE: DSL Complaint File No. 5706

Dear Mr. Webb:

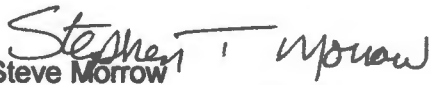
Under the Oregon Removal-Fill Law (ORS 196.800 - 196.990), removal, filling, or alteration of 50 cubic yards or more of material within the bed or banks of the waters of this state or any amount of material within waters designated Essential Salmonid Habitat or State Scenic Waterway requires a permit from the Division of State Lands. Waters of the state include the Pacific Ocean, rivers, lakes, most ponds and wetlands, and other natural water bodies.

It has come to our attention that work, specifically filling as the result of sidecasting excavated soil for cranberry bog development, has recently occurred or is currently being conducted within or near wetlands on your property (Township 28S, Range 14W, Section 32 Tax Lot 2100) located in Coos County. Upon preliminary assessment, the activity appears to be subject to our jurisdiction. Therefore, we request your cooperation in ceasing further work on the site until a final determination is made.

We are enclosing for your information a copy of our brochure, Oregon's Removal-Fill Permit Program. A copy of the Removal-Fill Law and/or the relevant administrative rules will be provided upon your request.

Again, we look forward to your cooperation in resolving this matter and ask that you contact me at (503) 378-3805 by October 10, 2003.

Sincerely,


Steve Morrow
Compliance Team Leader
Field Operations - Western Region

Ext. 297

Enclosure

C: Alan Ritchey, OFDW
George Edmonston, COE
David Imper, US Fish & Wildlife Service, Arcata Office

Tim Stevenson, ODA
Mitch Lewis, WRD
Coos County Planning

Division of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 378-3805
FAX (503) 378-4844
www.oregonstatelands.us.

State Land Board

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

REPLY TO

APR - 5 2007

ATTENTION OF:
Operations Division
Regulatory Branch
Corps No.: 200500232

Mr. Michael Webb
2460 Maciel Lane
Crescent City, California 95531-8663

Dear Mr. Webb:

This letter addresses activities related to a proposed expansion of cranberry production operations near Bandon, Coos County, Oregon. The site is in Section 32 of Township 28 South, Range 14 West.

Because you used a wetland delineation (completed by the NRCS) that identified your property as non-wetland (NW), work completed on the property is not considered a violation of Section 404 of the Clean Water Act.

Generally, water filled depressions created in dry land incidental to construction activity are not considered to be waters of the United States. No permit will be required under Section 404 of the Clean Water Act for activities within the area identified by the green line on the enclosed drawing (Enclosure 1). However, you should coordinate such construction with the U.S. Fish and Wildlife Service to determine if other Federal laws would restrict work. You may contact Mr. Dave Imper of that agency at 707-825-5112.

If you plan on developing other areas of your property, a delineation of jurisdictional waters of the U.S. should first be undertaken. We recommend you secure the services of a consultant versed in wetland delineation procedures, according to the Corps' 1987 Wetland Delineation Manual and regulatory processes. It would also be helpful to know where waters that drain from your property go. Do those waters go to other cranberry bog operations or to a tributary? This information would assist the U.S. Army Corps of Engineers (Corps) to determine Federal jurisdiction.

Information included in the enclosed Basis of Jurisdiction document (Enclosure 2) was used to make an approved wetland determination. This approved jurisdictional determination is valid for a period of five years from the date of this letter or unless new information warrants revision of the delineation before the expiration date.

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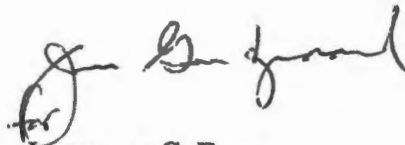
Corps regulations have established a process through which you may appeal an approved jurisdictional determination. Please see Enclosure 3, *Notification of Administrative Appeal Options and Process and Request for Appeal*, for further information about that process.

This delineation may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you continue as a USDA program participant, you should coordinate through the local office of the Natural Resources Conservation Service to determine their requirements prior to starting work.

You also had questions regarding Corps regulations or guidance concerning cranberry production. Regulatory Guidance Letter (RGL) 92-2, which was extended for use by RGL 05-06 explains Corps jurisdiction within those areas. Those RGLs are attached as enclosures 4 and 5, respectively.

For further questions regarding this review, please contact Mr. Jim Goudzwaard at the above address or telephone 503) 808-4376.

Sincerely,



Lawrence C. Evans
Chief, Regulatory Branch

Enclosures:

Copy Furnished:

Oregon Department of State Lands
Natural Resources Conservation Service (Outlaw and Purvis)
Environmental Protection Agency (Vallette)
U.S. Fish and Wildlife Service (Imper)

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SALEM, OREGON

541.673.1931

460 Jordan Ln.
Roseburg

97471

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-13328, Water Right Application G-14559) **PROPOSED FINAL ORDER**
in the name of Michael Webb & Michelle Winters-Webb)
and NW Farm Credit Services, FLCA)

Permit Information

Application File G-14559 Permit G-13328

Basin: 17 – South Coast / Watermaster District 19

Date of Priority: June 30, 1997

Authorized Use of Water

Source of Water: Two Sump Wells within the Rosa Creek Basin

Purpose of Use: Irrigation of 27 Acres

Maximum Rate: 0.602 Cubic Foot per Second (cfs)

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-13328, water right Application G-14559.
A copy of Permit G-13328 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2010 to October 1, 2017.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-13328 was granted by the Department on February 12, 1998. The permit authorizes the use of up to 0.602 cfs of water from two sump wells for cranberry use on 27 acres. The permit specified complete application of water was to be made on or before October 1, 2002.
2. One prior permit extensions have been granted for Permit G-13328. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2002 to October 1, 2010.
3. The permit holder submitted an "Application for Extension of Time" to the Department on December 28, 2010 requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13328 be extended from October 1, 2010 to October 1, 2017.
4. Notification of the Application for Extension of Time for Permit G-13328 was published in the Department's Public Notice dated January 11, 2011. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On December 28, 2010, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Actual construction of the well began prior to the deadline specified in the permit.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

7. As of December 28, 2010, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2017, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13328 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well was completed prior to October 1, 2002.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-13328.
 - c. During the most recent extension period, being from October 1, 2002, to October 1, 2010, the following was accomplished:
 - Construction and development on 2.8 acre bog; and
 - Electrical power was established to sump #2.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

10. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-13328 on February 12, 1998, a maximum rate of 0.602 cfs of water has been appropriated from Sump Well #1 for cranberry use on 9.92 acres. This exceeds the amount of water for the number of acres under cranberry use authorized under this permit.

- b. Delay of full beneficial use of water under Permit G-13328 was due, in part, to obtaining permit approval from state and federal agencies and the downturn in the cranberry market.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

- 11. The water right permit holder's conformance with the permit or previous extension conditions.

- a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

- 12. Financial investments made toward developing the beneficial water use.

- a. As of December 28, 2010, the permit holder has invested approximately \$191,500, which is approximately 52 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$180,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

- 13. As of December 28, 2010, the permit holder has invested approximately \$191,500 which is approximately 52 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$180,000 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

- 14. The Department has found good faith of the appropriator under Permit G-13328.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- 15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13328; furthermore, water availability for other affected water rights and scenic

waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-13328, located within the Rosa Creek Basin, are not located within a limited or critical ground water area. Rosa Creek is not located within or above any state or federal scenic waterway, however it is located within an area ranked "highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Rosa Creek is not listed by the Department of Environmental Quality as a water quality limited stream.

16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of December 28, 2010, the permit holder has invested approximately \$191,500.
17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
19. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

20. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

21. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

22. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-13328, in that the permit holder was faced with obtaining additional permits from state and federal agencies and the downturn in the cranberry market.

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 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2017⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-13328.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-13328 from October 1, 2010 to October 1, 2017.

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

Subject to the following condition:

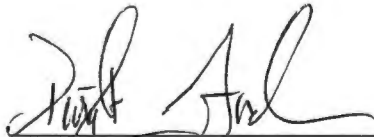
CONDITION

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: August 16, 2011


Dwight French, Water Rights Services
Administrator

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **September 30, 2011**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;

Mailing List for Extension PFO Copies

PFO Date: August 16, 2011

**Application G-14559
Permit G-13328**

Copies Mailed

By: JA
On: 8/16/11

Original mailed to Applicant:

✓ Michael Webb & Michelle Winters-Webb
PO Box 1934
Bandon, OR 97411

✓ NW Farm Credit Services, FLCA
PO Box 2515
Spokane, WA 99220

Copies sent to:

- ✓ 1. WRD - App. File G-14559/ Permit G-13328
- ✓ 2. WRD - Watermaster District 19, Mitch Lewis
- ✓ 3. Clay Jordan, CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date) (DONE BY EXTENSION SPECIALIST)

5. None

CASEWORKER: JWG

STATE OF OREGON

COUNTY OF Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MICHAEL AND MECHELLE WEBB
PO BOX 1934
BANDON, OREGON 97411

(541) 347-3420

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

APPLICATION FILE NUMBER: G-14559

SOURCE OF WATER: TWO SUMP WELLS IN ROSA CREEK BASIN

PURPOSE OR USE: CRANBERRY USE ON 27.0 ACRES

MAXIMUM RATE: 0.602 CFS, BEING 0.301 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 30, 1997

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 32, T28S, R14W, W.M.; SUMP 1 - 500 FEET NORTH AND 940 FEET EAST; SUMP 2 - 1190 FEET NORTH AND 95 FEET EAST BOTH FROM SW CORNER, SECTION 32

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 27.0 ACRES
SECTION 32
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

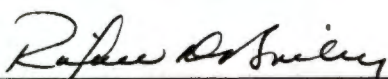
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2002.

Issued February 12, 1998



Martha O. Pagel, Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

August 6, 2010

Michael Webb
Twelve Oaks Cranberry Plantation
PO Box 1934
Bandon, OR 97411-1934

Dear Mr. Webb

Thank you for your letter received June 24, 2010 concerning an extension of time for your water rights permit. Included in this mailing are instructions and an Extension of Time application which will need to be filled out and submitted along with the statutorily mandated \$500.00 application fee.

If you have any questions regarding these forms please feel free to contact me at (503) 986-0813.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Kudlemyer", written over a horizontal dashed line.

Scott Kudlemyer
Extensions Specialist
Water Rights and Adjudications

Untitled

5-12-10

Water Resources Department
commerce Building
158 12th Street NE
Salem, Oregon 97301-4172

Letter sent
8/3/10
Appr - 14559
(possible)

Michael Webb
Twelve Oaks Cranberry Plantation
PO Box 1934
Bandon By-The-Sea, Oregon 97411-1934

Dear WaterMaster,

We started our farm in 1996 with the intention of constructing a total of 19 acres of Cranberry Bogs.

We solicited the use of N.R.C.S. to make a wetland delineation on our 40 acre piece of property.

The delineation resulted in a conclusion that there were no wetlands on the entire piece of property.

Our first phase of development began with the construction of approximately 7 acres of cranberry bogs.

The second phase of deveopment was consisting of a 2.5 acre which we began in 2002. We continued the

construction of the bog in September 2003 but were stopped with a certified complaint letter of a cease

and desist order for our project.

We complied with the directive and began meeting with multiple agencies to resolve the proposed issues.

In 2008, after the State Senator and Representative personally came and inspected our land and spoke with

the agencies we were able to complete phase 2 of the project.

The allowance from the multiple agencies, to continue our second phase, took apporximately 5 years.

Due to the lack of time to complete our project and the state agencies taking so long to figure out

who/what was supposed to happen we are asking for an extension. We need the time so that we are able to make our farm

self sustaining.

RECEIVED
JUN 24 2010
WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Extention Letter

Thank you for your time.

Sincerely,

Michael Webb
Grower/Owner

Michael AA Webb

RECEIVED
JUN 24 2010
WATER RESOURCES DEPT
SALEM, OREGON

June 15, 2005

2006.25
GA 14559, GP 13328

Natural Resources Conservation Service
Thomas Purvis - Resource Conservationist
382 North Central Blvd
Coquille, Oregon 97423

Dear Tom,

As per your request, below you will find a preliminary overview of issues that have come up regarding our **"NO WETLANDS"** NRCS Wetland Determination for our farm, **Twelve Oaks Cranberry Plantation**. In no way is this list to be received as a full and complete picture of our issues. Per our conversation, you stated you would like a general letter stating that we are having issues and problems with other government agencies.

- Loss of Cranberry Income
- Loss of Federal Program dollars for a 2.5 acre bog at 10 years.
- Accruing interest on this 2.5 bog, though not developed.
- Received threats of fines and imprisonment
- If above happened, would lose my Peace Officer Job for State of California (worry of that)
- Stress
- Received harassing phone calls at home from government agencies
- Confusion over what's going on, due to the above non wetland determination. Speaking to Farm Service and Department of State Lands. Thinking issues were fine, only to receive more calls stating it isn't. Different Departments getting involved and no cohesiveness.
- Fighting one agency and then another
- Loss of Time on Water right development, this supports the rest of property going in to development also.
- Stages of Expansive Development halted due to uncertainty
- Having to work longer at Super Max Prison, Pelican Bay State Prison, due to inability to expand our farm to provide a comfortable family living.
- Our land was purchased with intent on fully developing the property in to Cranberries.
- Losing money every year on these bogs....for our lifetime and our families future farmers.
- Stress over depreciation of land and farm value.

Sincerely,



Mechelle M. Winters-Webb
Twelve Oaks Cranberry Plantation
Grower-Owner
PO Box 1934
Bandon By-The-Sea, Oregon 97411-1934

RECEIVED

JUN 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

June 15, 2005

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Thomas Purvis - Resource Conservationist
382 North Central Blvd
Coquille, Oregon 97423

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Sincerely,



Mechelle M. Winters-Webb
Twelve Oaks Cranberry Plantation
Grower-Owner
PO Box 1934
Bandon By-The-Sea, Oregon 97411-1934

RECEIVED

JUN 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

Webb's

From: "Purvis, Tom - Coquille, OR" <Tom.Purvis@or.usda.gov>
To: <berrygrower@charter.net>
Sent: Wednesday, December 28, 2005 9:02 AM
Subject: FW: Webb Wetland Determination, Coos County, OR

Tom Purvis
 Resource Conservationist
 Natural Resources Conservation Service
 SW Oregon Basin, Coquille Farm Service Center
 541 396-2841 extension 33

RECEIVED

JUN 24 2011

WATER RESOURCES DEPT
SALEM, OREGON

From: Borine, Roger - Redmond, OR
Sent: Tuesday, December 13, 2005 2:17 PM
To: Purvis, Tom - Coquille, OR
Cc: Zimmerman, Scott - Roseburg, OR; Hatz, Russ - Portland, OR; Jim Goudzwaard (jim.e.goudzwaard@usace.army.mil); Teena Monical (teena.g.monical@usace.army.mil)
Subject: Webb Wetland Determination, Coos County, OR

Tom,

This response is my assessment and recommendation regarding the Webb wetland determination in Coos county near Bandon.

The following link is to the COE website for the Portland District:
https://www.nwp.usace.army.mil/op/g/docs/branch/PN_AG.pdf. This Special Public Notice dated 17, 2001 is for "Operating Procedures for Completing Wetland Delineations/Determination on Agricultural Lands". This was developed jointly between NRCS and COE to provide guidance for both agencies to ensure policy is being followed for both the Food Security Act and the Clean Water Act. Please take a moment to review the document and then the rest of this letter may make more sense.

I have reviewed information provided by NRCS and COE. From this information the following is an overview:

*The purpose of a wetland determination is to determine eligibility of individuals for USDA program benefits. Persons who convert a wetland making production of an agricultural commodity possible after November 28, 1990, will be ineligible for program benefits until the functions and acreage of the wetland that was converted are restored or mitigated unless an exemption applies. Further, an agricultural commodity is any crop planted and produced by annual tilling of the soil. Agricultural land is land that is intensively used and managed for the production of food and fiber. This includes wetland areas that support wetland crops (i.e. rice, taro, cranberries).

*The Wetland determination completed for Michael and Michelle Webb was transmitted on October 1, 1996. All wetland determinations completed after July 3, 1996 are considered certified. By policy, the wetland determination stays with the land unless there is a technical error or a natural event that changes the landscape. There is no evidence that a technical error was made by NRCS nor has there been any natural events altering the landscape. For determining eligibility for USDA program benefits the NRCS wetland determination of 10/1/1996 will remain valid as long as the land is in agricultural use.

* The COE administers the Clean Water Act (CWA) in Oregon. The COE will accept the NRCS wetland determination for regulatory purposes for a period of 5 yrs from the date of transmittal (10/1/1996 for the Webb determination). The 5-year period has expired and the determination is no longer valid for regulatory purposes.

* Mr. Webb received a letter from the COE dated April 22, 2005. This letter stated that they had become aware he may be considering expanding his cranberry production operation into wetlands. The purpose of the letter was to advise him a COE permit may be required for the work. Currently no enforcement action has taken place and is not an issue.

* Joint guidance was provide to NRCS and COE on 2/25/2005. It stated that a certified wetland determination made by NRCS will remain valid for swampbuster purposes as long as the land is devoted to ag use or until such time as the person

12/28/2005

affected by it requests review of the certification. In addition, a certified wetland determination made by NRCS that is determined valid for CWA purposes by COE will be effective for CWA purposes for a period of five years from the date it is final unless new information warrants its revision before the expiration date.

In summary, Mr. Webb remains eligible for USDA program benefits based on the 10/1/1996 determination. This determination is no longer valid for CWA purposes and if a permit for future agricultural development is needed a review and update of the determination will be necessary. Since Mr. Webb is a USDA program participant he may request a review of the certified wetland determination at anytime. Also, he may request NRCS conduct the determination to be used for permitting purposes as long as the land remains in an ag use. If so, this would be conducted in conjunction with COE so the product would be valid for their permit requirements. If a review of the certified wetland determination is desired, Mr. Webb will need to request in writing using the "Request for Certified Wetland Determination/Delineation" (NRCS CPA-038).

Please give me a call if any clarification is needed. Also, pass this along to Mr. Webb and feel free to have him call me directly to clarify any confusion. If a new determination is requested please let me know and I will discuss this with the COE and coordinate with folks to get it done.

Roger Borine

NRCS Oregon
State Habitat Biologist
541-923-4358 X109
541-923-4713 fax

RECEIVED

JUN 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

12/28/2005

Water Resources Extention Letter

Water Resources Department
commerce Building
158 12th Street NE
Salem, Oregon 97301-4172

Michael Webb
Twelve Oaks Cranberry Plantation
PO Box 1934
Bandon By-The-Sea, Oregon 97411-1934

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Thank you for your time.





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

November 14, 2007

Michael and Mechell Webb
PO Box 1934
Bandon, OR 97411

REFERENCE: Application G-14559 (Permit G-13328)

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit G-13328 (Application G-14559). Receipt of the progress report was published on the Department's weekly Public Notice, dated October 2, 2007. The Department did not receive any public comment on the progress report.

If you have any questions, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

Kim R. French
Extensions Specialist
Water Rights and Adjudications Division

cc: Application G-14559 (Permit G-13328)
Watermaster District 19 - Mitch Lewis



Route Slip.....Extension of Time Diligence Progress Reports

1. Kim: Progress Report Review

Date Report Received: 9/29/07

Report Complete: YES

NO – Send certified letter requesting missing information.

certified letter mailed on: _____

2. Jonnine: Publish on the Department's Public Notice

Publish on Public Notice (written progress reports 315 320) Date: 10/2/07 JJS

Update workflow in WRIS (Extension Checkpoint Received, Salem, Date)

Print mailing label Next checkpoint due: None

Return to Kim

3. Prepare Notice of Determination Letter

Date Needed: _____

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster _____

File _____

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder: Michael & Mechell Webb

Mailing Address: PO Box 1934
Bandon, OR 97411

Application #: G-14559

Permit #: G-13328

County: Coos

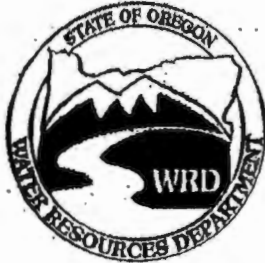
Quantity of Water: 0.602 cfs, being 0.301 cfs from each well

Source of Water: Two Sump wells in Rosa Creek Basin

Permitted Use: Cranberry Use on 27.0 acres

Current Authorized Extension Date: 10/1/2010

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAX TRANSMITTAL

TO: MECHELL WEBB FAX NUMBER: 801 806-5045
DATE: 9/28/07 PAGES: 2, INCLUDING COVER SHEET
FROM: KIM FRENCH PHONE: (503) 986-0 813
COMMENTS: HERE IS THE FORM WE TALKED ABOUT.

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901



FAX BACK TO THIS
NUMBER OR MAIL
BACK

TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics
- NORTHWEST REGION**
- District 16 Watermaster

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or
503-986-0904



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

Extension of Time Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Michael & Mechell Webb

Application G-14559
 Permit G-13328

Report Due no later than October 1, 2007

Diligence Progress Report for 2007

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-13328

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2002	FINANCIAL INVESTEMENT
	<i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	

2. **Compliance with terms and conditions of the permit and/or previous extension.**

3. **Total number of acres irrigated to date= _____ (if applicable)**

4. **Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, used to date.**

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet Stored = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

June 13, 2003

Key Title Company
P.O. Box 1379
Bandon, Oregon 97411-9353

Reference: Application G-14559, Permit G-13328

The assignment from Michael Webb and Mechelle Webb to Northwest Farm Credit Services, FLCA, and Michael A. A. Webb and Mechelle M. Winters-Webb, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 60502 covering the recording fee of \$25.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure

cc: Watermaster 19
Micheal A. A. Webb and Mechelle M. Winters-Webb
Northwest Farm Credit Services, FLCA
Data Center, OWRD
Mary Rohling
File



REQUEST FOR ASSIGNMENT

We, (permit holder, applicant) Michael A.A. Webb and Mechell M. Winters-Webb, husband and wife

54559 Rosa Rd. Bandon, OR 97411 (541) 347-3420
(mailing address) (City, State, Zip) (Phone)

CHECK ONE

- hereby assign all my interest in and to application/permit;
- hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);
- hereby assign a portion of my interest in and to the entire application/permit;

Application # _____, Permit # G-14559 _____;

OR GR Statement # _____, GR Certificate of Registration # _____ as filed in the office of the Water Resources Director. TO:

Northwest Farm Credit Services, FLCA and Michael A.A. Webb and Mechelle M. Winters-Webb, h/w
(name of new owner)

PO Box 2515 Spokane, WA 99220-2515
(address) (city, state, zip)

54559 Rosa Rd. Bandon, OR 97411
(address) (city, state, zip)

(Note: If there are other owners of the property described in this Application, Permit or Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 3rd day of June, 2003

Applicant/permit holder Michael A A Webb
Michael A.A. Webb

Applicant/permit holder Mechelle M. Winters-Webb
Mechelle M. Winters-Webb

PLEASE DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 60502
- For Director by Jerry Sauter, Program Analyst in Water Rights Division J.S.

The completed assignment must be submitted to the Water Resources Department together with a recording fee of \$25. Additional pages will cost \$5 per page.

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97310-0210

Ok. ASB/EM
J.L.S. 6/12/2003

RECEIVED
JUN 11 2003
WATER RESOURCES DEPT
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **60502**

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

INVOICE # _____

RECEIVED FROM: Fidelity National Title

APPLICATION G-14559

BY: _____

PERMIT	
TRANSFER	

CASH: CHECK:# 25000.00 OTHER: (IDENTIFY)

TOTAL REC'D \$ 2500

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)	<u>Assign</u>	\$ <u>25.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$

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: **60502**

DATED: 6/11/03 BY: Connie Vance

Webb

24-88473

250007972

54659 Rosa Road: Bandon, OR

250007972

RECEIVED

JUN 11 2003

WATER RESOURCES DEPT
SALEM, OREGON

Request For Assignment

\$25.00



KEY TITLE
COMPANY

P.O. Box 1379
Bandon, Oregon 97411-9353



KEY TITLE COMPANY

LINDA ROCHEK, CLEO

Escrow Officer

(541) 347-1848

1010 First St. SE, Suite #210

P.O. Box 1379

Bandon, OR 97411-9353

Fax: (541) 347-1849

lindar@keytitle.com

www.keytitle.com

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14559

Final Order¹
Extension of Time for Permit Number G-13328

Application History

On NOVEMBER 13, 2001, MICHAEL and MECHELLE WEBB submitted an application to the Department for an extension of time for permit number G-13328. The Department issued permit number G-13328 on FEBRUARY 12, 1998. The permit called for complete application of water to the full beneficial use by OCTOBER 1, 2002. In accordance with OAR 690-315-0050(2), on DECEMBER 3, 2002, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to OCTOBER 1, 2010. The protest period closed JANUARY 17, 2003, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2007. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and

¹

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.

- d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.


In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

Order

The extension of time for Application Number G-14559, Permit Number G-13328, therefore, is approved. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2010.

DATED: January 31, 2003


Paul R. Cleary, Director

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application)	
for an Extension of Time for)	
Permit #G-13328, Water Right)	PROPOSED FINAL ORDER
Application #G-14559)	
(Michael and Mechelle Webb))	

Permit Information
<hr/> <hr/>
<u>Application File #G-14559 / Permit #G-13328</u>
Basin: #17 - South Coast Basin / Watermaster District: #19
Date of Priority: June 30, 1997
<u>Authorized Use of Water</u>
Source of Water: Two Sump Wells in Rosa Creek Basin
Purpose or Use: Cranberry Use on 27.0 acres
Maximum Rate: 0.602 cubic foot per second (cfs), being 0.301 cfs from each well

**This Extension of Time request is being processed in accordance
with Oregon Administrative Rule Chapter 690, Division 315.**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit #G-13328, water right Application #G-14559. A copy of Permit #G-13328 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of the water to beneficial use from October 1, 2002, to October 1, 2010; and
- make the extension subject to certain conditions as set forth below.

FINDINGS OF FACT

Background

1. Permit #G-13328 was granted by the Water Resources Department on February 12, 1998. The permit authorizes the use of 0.601 cfs from two sump wells, within the Rosa Creek Basin, for cranberry use on 27.0 acres. The permit specified that complete application of water was to be made on or before October 1, 2002.
2. On November 13, 2001, the applicant submitted an "Application for Extension of Time" to the Department requesting an extension of time in which to complete the application of water to beneficial use to the full extent under the terms of Permit #G-13328 be extended from October 1, 2002, to October 1, 2010. This is the first permit extension requested for Permit #G-13328.

Development Overview

3. Construction of one sump well and the water system began within the time specified in the permit, being February 12, 1999. The work accomplished since then consists of complete construction of one sump well, installation of a staff gage and installation of a flow meter.
4. Since the issuance of Permit #G-13328 on February 12, 1998, the permit holder has appropriated the full permitted quantity of water, being 0.602 cfs, and applied it to 7.0 acres for cranberry operations.

Review Criteria [OAR 690-315-0040(1)(2)]

5. As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

6. Delay in the development of this project was not caused by any other governmental requirements.

Start of Construction [ORS 537.630]

7. Construction of one sump well and the water system began within the time specified in the permit, being February 12, 1999. The work accomplished since then consists of complete construction of one sump well, installation of a staff gage and installation of a flow meter.

Financial Investment [ORS 539.010(5)]

8. As of November 13, 2001, the permit holder had invested a total of \$140,000.00 into the project, consisting of complete construction of construction of one sump well, installation of a staff gage and installation of a flow meter. An additional investment of \$250,000.00 is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1), 537.630(1) and 539.010(5)]

9. Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

¹ ORS 537.248 applies to reservoir permits only.

10. In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:
- a. The amount of construction completed within the time allowed in the permit or previous extension.
 - Construction of one sump well and the water system began within the time specified in the permit, being February 12, 1999. The work accomplished since then consists of complete construction of one sump well, installation of a staff gage and installation of a flow meter.
 - b. The amount of beneficial use made of the water during the permit or previous extension time limits
 - Since the issuance of Permit #G-13328 on February 12, 1998, the permit holder has appropriated the full permitted quantity of water, being 0.602 cfs, and applied it to 7.0 acres for cranberry operations.
 - Delay of full beneficial use of water under Permit #G-13328 was due, in part, to a downturn in the cranberry market and the subsequent unavailability of cash flow needed to complete development of the project.
 - c. The water right permit holder's conformance with the permit or previous extension conditions.
 - Construction of one sump well and the water system began within the time specified in the permit, being February 12, 1999. The work accomplished since then consists of complete construction of one sump well, installation of a staff gage and installation of a flow meter.
 - d. Financial investments made toward developing the beneficial water use.
 - As of November 13, 2001, a total of \$140,000.00 has been invested into the project, consisting of complete construction of one sump well, installation of a staff gage and installation of a

- The permitted points of appropriation, authorized under Permit #G-13328, are located within an area that has been identified by the Oregon Department of Fish and Wildlife as a "highest" needs ranking area for streamflow restoration for fish. The Department determined on July 14, 1997, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13328 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impact.
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
- The permitted wells, authorized under Permit #G-13328, are located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified on the Division 33 map furnished by the Oregon Department of Fish and Wildlife. The Department determined on July 14, 1997, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13328 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impact.
- d. Economic investment in the project to date.
- As of November 13, 2001, the permit holder had invested approximately 36 percent of the total projected cost for complete development of this project. A total of \$140,000.00 has been invested into the project, consisting of complete construction of one sump well, installation of a staff gage and installation of a flow meter. An additional investment of \$250,000.00 is anticipated for the completion of this project.
- e. Other economic interests dependent on completion of the project.
- None have been identified.

flow meter. An additional investment of \$250,000.00 is anticipated for the completion of this project.

11. In accordance with OAR 690-315-0050(6), the Department shall establish checkpoints to determine if diligence is being exercised in the development and perfection of Permit #G-13328. The Department, therefore, is including conditions to ensure future diligence, as specified under Item #1 of the "Conditions Section" contained in this Proposed Final Order for an Extension of Time.

The Market and Present Demands for Water [ORS 539.010(5) and OAR 690-315-0040(4)]

12. In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - The permitted points of appropriation (two sump wells), authorized under Permit #G-13328, are not located within or above a state scenic waterway.
 - The Department determined on July 14, 1997, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13328 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impact.

The permitted points of appropriation (two sump wells), authorized under Permit #G-13328, are not located within the boundaries of any designated ground water limited area.
 - b. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

- f. Other factors relevant to the determination of the market and present demand for water and power.
 - None have been identified.

Fair Return Upon Investment [ORS 539.010(5)]

13. Income from the permitted water development will result in reasonable returns against the investment made to date. This will become especially true once the cranberry market returns to normal.

Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]

14. As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.
15. As of November 13, 2001, the remaining work to be completed consists of complete construction of the system and complete application of water to beneficial use.
16. Unforeseen events have extended the length of time needed to fully develop and perfect the permit, caused mainly by a downturn in the cranberry market and the subsequent unavailability of cash flow needed to complete development of the project.
17. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2010, to complete application of water to beneficial use under the terms of Permit #G-13328 is both reasonable and necessary.

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 a complete extension application form and the fee required by ORS 536.050(1)(k).

3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to complete construction and apply water to full beneficial use pursuant to ORS 537.630(1).
5. Full application of water to beneficial use can be accomplished by October 1, 2010.²
6. In order to ensure future diligence is exercised in the development and perfection of Permit #G-13328, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6).

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

- Extend the time for complete application of the water to beneficial use under Permit #G-13328 from October 1, 2002, to October 1, 2010.

Subject to the following conditions:

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2007. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each**

² Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

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Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

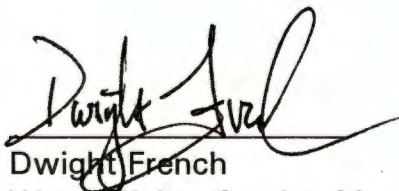
If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

DATED: December 3, 2002



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.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **Friday, January 17, 2003**, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503) 387-8455, extension 201. Address all other correspondence to:

**Water Rights Section
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301-4172
Fax #: (503) 378-2496**

This document was prepared by Lisa J. Juul. 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 may contact me by telephone at (503) 378-8455, extension 272.

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 Dwight French. His extension number is 268.

If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at extension 201.

**Twelve Oaks Cranberry Plantation
Michael A A Webb**

54659 Rosa Road
PO Box 1934
Bandon, Oregon 97411
United States of America

Home Phone 541-347-3420
Email mmweb@gte.net

December 17, 2001

Lisa J. Juul
Water Rights Specialist

Reference: File # G-14559 (Perm

Dear Lisa,

In your letter dated November 19, I spoke with John Younquist and he reported the impact of water used on the temperature control, .02 for irrigation meter for actual usage. I will sub

Sincerely,

Michael A A Webb

Michael A A Webb
Grower/Owner

RECEIVED
DEC 18 2001
WATER

11-22-02
Appl G-14559
Permit G-13328

NOTE:

Mr. Webb is verifying the water use figures indicated on his Dec. 17, 2001, letter.

John Youngquist helped calculate figures... so he's checking with him.

If he has indeed been using over the permitted rate, he will be submitting a new application for permit to cover the extra amount.

I also informed him that he is subject to regulation if he's using over the permitted amount.

[Signature]
11-22-02

**Twelve Oaks Cranberry Plantation
Michael A A Webb**

54659 Rosa Road
PO Box 1934
Bandon, Oregon 97411
United States of America

Home Phone 541-347-3420
Email mnmweb@gte.net

December 17, 2001

Lisa J. Juul
Water Rights Specialist

Reference: File # G-14559 (Permit # G-13328)

Dear Lisa,

In your letter dated November 19, you requested the actual quantity of water used on our 7.0 acres of cranberries. I spoke with John Younquist and he helped me compute the amounts of CFS and they are as such: 1.0 for temperature control, .02 for irrigation, and .35 for harvest. You also requested a plan that would monitor and report the impact of water used under the permit. I have a staff gauge to monitor my sump well, and I have a water meter for actual usage. I will submit reports for these at your request.

Sincerely,

Michael A A Webb

Michael A A Webb
Grower/Owner

RECEIVED
DEC 18 2001
WATER RESOURCES DEPT.
SALEM, OREGON



WINTERS-WEBB
PO Box 1934, Bandon, OR 97411

Water Resources Department
Lisa J. Jull - Water Rights Specialist
Commerce Building
158 12th St. NE
Salem, Oregon 97301-4172

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

MICHAEL & MECHELLE WEBB
 PO BOX 1934
 BANDON OR 97411

2. Article Number

(Transfer from service label)

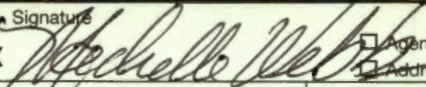
WR 14559 LJ
9017-5360

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

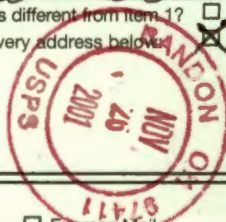
X


 Agent Addressee

B. Received by (Printed Name)

Mechelle Webb

C. Date of Delivery

D. Is delivery address different from item 1? YesIf YES, enter delivery address below No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

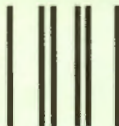
4. Restricted Delivery? (Extra Fee)

 Yes

Domestic Return Receipt

102595-01-M-2509

UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPT.
158 12TH ST NE
SALEM OR 97301

1%4172





Oregon

John A. Kitzhaber, M.D., Governor

November 19, 2001

CERTIFIED MAIL
Return Receipt Requested

File
Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

Michael Webb
Mechelle Webb
PO Box 1934
Bandon, Oregon 97411

REFERENCE: File #G-14559 (Permit #G-13328)

Dear Mr. and Mrs. Webb:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

- ▶ **What quantity of water has been put to beneficial use under this permit? Your extension application indicates you have applied water to 7.0 acres of cranberries, but the actual quantity of water used in not provided.**
- ▶ **This permit requires that a plan be developed to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted wells. The plan was to be submitted to the Department by February 12, 1999. A copy of your permit highlighting this condition is enclosed for your reference.**

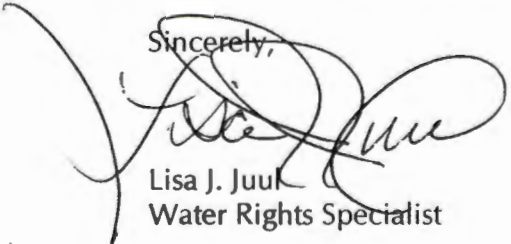
To date, the Department has not received this plan. Before your extension of time request can be processed or approved, you must submit the monitoring and reporting plan as required under this permit.

Please submit this information by **Wednesday, December 19, 2001**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.

If you should have any questions concerning your extension request or the required materials listed above, you may contact me at (503) 378-8455, extension 272.

Sincerely,



Lisa J. Juul
Water Rights Specialist

cc: File
Lloyd Van Gordan, Watermaster District #19



Application # G-14559 / Permit # G-13328

Route Slip ... Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ WRIG...
Money Received: \$100.⁰⁰ on 11-13-2001

◆ Lisa Juul...
Extension Completeness: ~~11-15-01~~ 11-15-01 - certified letter sent
(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: 11/20/01
Update Extension Database: 11/23/01
Files back to filing cabinets: 11/23/01

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 #: G-14559 / Permit #: G-13328

Permittee's Name: Michael & Mechelle Webb

Permittee's Mailing Address: PO Box 1934, Bandon OR 97411

POD Location: Township 28-S Range 14-W Section 32 ¼¼ SWSW

Stream Basin: Johnson Cr. & misc County: Coos

- ✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No \$100.00 - Yes
***If "No"..... has certified request for the new extension form been sent? Yes / No
- ✗ 2. Shortcomings of Extension Request.... based upon review of updated extension form Yes No OK
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
- Monitoring & Reporting Plan (see permit conditions)? Certified letter sent 11-15-01
- Actual quantity of water used so far? →
- ✓ 3. Date Permit was issued: 2-12-98 (priority = 6-30-97)
- ✓ 4. Source: Two Sump Wells in Rosa Creek Basin
- ✓ 5. Use: Cranberry Use on 27.0 ac
- ✓ 6. "Q": 0.602 cfs (being 0.301 cfs from each well)
- ✓ 7. Original "B" Date: _____ Original "C" Date: 10-1-2002
- ✓ 8. Conditions of Permit: Orig. "A" Date = 2-12-99
 - Before water use may begin → shall install a meter or other suitable device.
- may be required to keep & maintain water use records.
 - Shall develop a plan to monitor & report impact of water use. Must be submitted within one year of permit issuance
- ✓ 9. Extension request received: 11-13-2001 Request Number (...1st 2nd, 3rd): 1st
- ✓ 10. Last Authorized "B" Date: _____ Last Authorized "C" Date: 10-1-2002
- ✓ 11. Proposed "B" Date: 10-1-2010 Proposed C Date: 10-1-2010
- ✓ 12. Amount Invested to date: \$140,000.00 Estimated Total Cost: \$390,000.00
(***Estimated Remaining Cost: \$250,000.00)

✓ 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?

• staff gauge & flow meter in place. • Plan is recording usage of water by means of staff gauge & flowmeter.

• "A" Date met (per applicant ph. call on 11-22-02... Constr. of Sump well began) prior to Feb. 12, 1999.

✓ 14. Work on the water development project completed to date includes:

• 7 acres of cranberries in production. • installed staff gauge & flow meter
• Compl. Constr. of one sump well

✓ 15. The work remaining to be completed consists of:

• Completion of construction • Full beneficial use of water on all 27.0 AC

NOTE: 12-17-01 letter from Mr. Webb indicates use of water over the permitted "Q". He is working on verifying that. If accurate, he will be submitting a new appl. for permit to cover the discrepancy.

✓ 16. Progress in perfecting the permit is being held up by:

• Cranberry Market has crashed. & drastically reduced cash flow.

✓ 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.

• Invested 36% of total projected cost
• Construction approx. 30% complete
• Has used approx 100% of total "Q"
• Conditions - OK... see above.

✓ 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.

• Water Availability - N/A

• Is located within a Div. 33 Area
• IS NOT in a SWW
• IS NOT in a GW Lmt'd Area
• IS within an ODFW "highest" needs ranking area for streamflow restoration for fish
• Div 9 Review by GW - "will if properly cond. protect SW from interference"

✓ 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: • 5-yr Progress Report (2007)

Extension "PFO" Dates
Mailing / Issuance Date: 12-3-02
Protest Deadline Date: 1-17-03
Checklist Last Revised: 9 / 12 / 2001
Reviewer's Name: [Signature]
Date: 11-21-02

Permit Extension Ground Water Review

Date: June 27, 2002

To: Fred Lissner, Ground Water Section Manager

From: Lisa Juul, Permit Extension Review

Subject: Ground Water Review Needed for File # G14559 / Permit # G13328

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, however, a Ground Water review for this file is necessary due to the following:

NOTE: Original Division 9 review completed by: Doug Woodcock

- No Division 9 Ground Water Review Done.... *please see below*
- Located within a **Critical** Ground Water Area
- Located within a Ground Water **Limited** Area
- Located within a Ground Water **Study** Area
- 5-Year Limited Permit

Other: Please see Questions below

For Ground Water / Hydrology Staff Use: 10-23-02 KJW	
<input type="checkbox"/> -YES <input checked="" type="checkbox"/> -NO	Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.
Please answer the following questions. If necessary, attach an additional sheet.	
1.	Should any additional conditions be added to this permit? <u>NO</u>
2.	Should the extension of time request be further conditioned or DENIED due to ground water supply concerns? <u>NO</u>
3.	Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? <u>NO</u>
4.	Other issues or concerns? <u>NO</u>

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT **49548**

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

INVOICE # _____

RECEIVED FROM: Twelve Oaks Cranberry
BY: Plantation - Michael Webb

APPLICATION	<u>G14559</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 96-7007 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$
OTHER (IDENTIFY) <u>Ext. of time</u>			\$ <u>100.00</u>

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

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

RECEIPT # **49548**

DATED: 11/13/01 BY: C. Vance

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

I, Michael A. A. Webb
NAME

PO. Box 1934 Bandun Or 97411 (541)347-3420
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No 614559, Permit No 613328, 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, 2002, be extended to October 1, 2010,

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, 2002, be extended to October 1, 2010.

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.

Enclosed 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]?

7 Acres Accomplished

JB
11/20/01

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SALEM, OREGON

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). I have a staff gauge and a flow meter in place

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.

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:
I have completed my sump well and have purchased equipment for my cranberry farm.

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

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated): I have 7 acres of cranberries in production.

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NOV 1 2007
WATER RESOURCES DEPT
SANTA BARBARA, CALIF.

4-Cost of project to date 140,000. Estimated remaining cost to complete the project 250,000.

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. ~~No, the intention~~ Yes I thought I would complete project on time but market has crashed

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. yes cash flow changed because of market crash

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, I have complied all agency requirements

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. No,

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WATER RESOURCES DEPT.
SALEM, OREGON

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. Due to drop in cranberry prices from 660 a barrel

to fill a barrel which did not allow cash flow as quickly as possible

A) Has there been any change in this market since the permit was issued? Yes we went from \$60 a barrel to \$18 a barrel.

B) Have these changes, if any, affected the economic feasibility of your project? Yes I was not able to develop as quickly as possible; but the market is changing favorably - to allow me to develop fully at a later time.

7-Are there other present competing demands for water in your community? No.

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? for me there are no alternative sources.

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 AS SOON AS THE market recovers in 3 to 5 years.

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

No. I need a minimum of 20 acres to make this a family farm economically feasible

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.

Michael Webb

Signature

11-8-01

Date

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

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

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NOV 13 2001
WATER RESOURCES DEPT.
SALEM, OREGON



Winters-Webb
PO Box 1934
Bandon, OR 97411

POSTAGE DUE 23¢



Water Rights Permit Extensions
Water Resources
158 12th St. NE
Salem, Oregon 97310

TO: Water Rights Section

July 14, 1997

FROM: Groundwater/Hydrology Section

Doug Woodcock

Reviewer's Name

SUBJECT: Application G- 14559

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE Basin rules, one or more of the proposed POA's is/is not within feet/mile of a surface water source () and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely ; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B ;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7A ; (MODIFIED) + 7F
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
- 4.
 - a. THE PERMIT should allow groundwater production from no deeper than ft. below land surface;
 - b. The permit should allow groundwater production from no shallower than ft. below land surface;
 - c. The permit should allow groundwater production only from the groundwater reservoir between approximately ft. and ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: MODIFY CONDITION 7A (ATTACHED) BY CHANGING
25 FT MAX DECLINE TO 10 FT MAX DECLINE.
ALSO CONDITION W/ 7B + 7F.

(Well Construction Considerations on Reverse Side)

14559

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ___ was, or constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ___ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ___ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ___ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199__
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__
(Signature)

151
current wa

7A NON-SEASONAL USE CONDITION

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

REPLACE
w/
0 ft.
→

Comment (Internal use only)

This is a resource protection condition for non-seasonal uses such as municipal or industrial. The plan submitted by the water user will likely be reviewed by the hydrogeologist that recommended the condition. The condition does not require the water level data to be submitted. The approved plan should specify data requirements. The plan should have a clause in it that allows the changes to be made at a later date. This would allow the plan to be adjusted to changing conditions. One of the criteria for excessive decline is 50 feet of water level decline. The last sentence of the condition indicates that a maximum of 50 feet of decline would be allowed under current rules.

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14559

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 28S/14W-32

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: D. Woodcock

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology
FROM: Doug Woodcock
SUBJECT: Groundwater Application G- 14559

Date 7-14-97

Applicant(s) seek _____ gpm (0.6 cfs) from 2 sump wells in the JOHNSON CR basin

Applicants Name: NEBB _____ sub basin
Proposed Use: CANNIBERY OPS _____ sub basin

Well 1 WRD# sump well T 2B3 R 14W S 32 QQ SWSW County COO

Legal Description 500' N + 940' E OF SW COR SEC 32

Well is ~1500 ft from GEIGER CR (river/stream)

Well is ~1450 ft from JOHNSON CR (river/stream)

Well Elevation _____ ft River/Stream elevation _____ ft.

Well Elevation - River/Stream elevation _____ ft.

Well depth _____ ft SWL _____ ft on _____

Sealed to _____ ft Depth first water found _____ ft

Cased to _____ ft Perforations/screens _____ ft

Lined to _____ ft Perforations/screens _____ ft

Well test and types _____

(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO

Potential to cause substantial interference? UNLIKELY

Well 2 WRD# sump well T 2B3 R 14W S 32 QQ SWSW County COO

Legal Description 1190' N + 95' E OF SW COR SEC 32

Well is 2510 ft from GEIGER CR (river/stream)

Well is 2000 ft from JOHNSON CR (river/stream)

Well Elevation _____ ft River/Stream elevation _____ ft.

Well Elevation - River/Stream elevation _____ ft.

Well depth _____ ft SWL _____ ft on _____

Sealed to _____ ft Depth first water found _____ ft

Cased to _____ ft Perforations/screens _____ ft

Lined to _____ ft Perforations/screens _____ ft

Well test and types _____

(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO

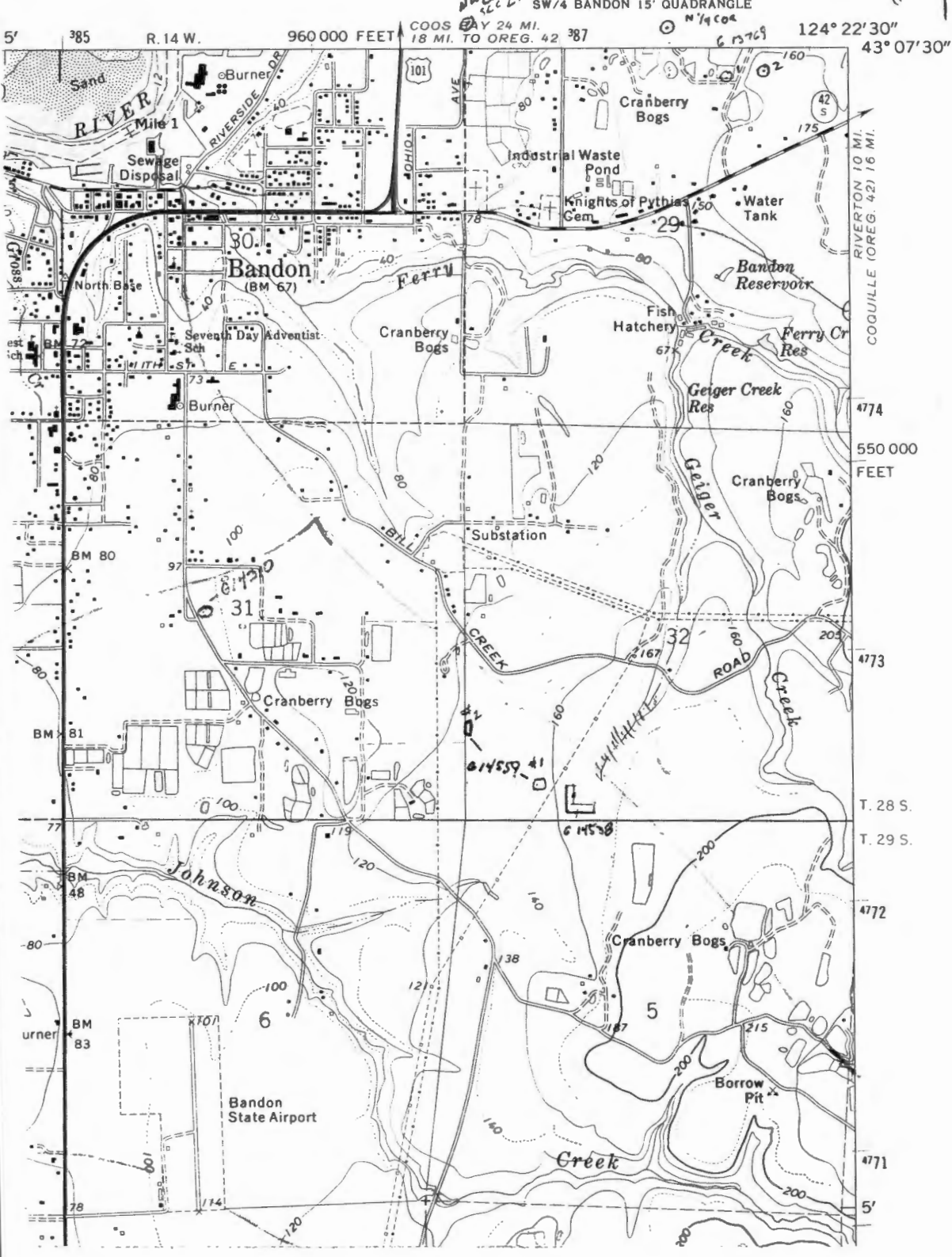
Potential to cause substantial interference? UNLIKELY

Comments: PROPOSED SUMP WELLS ARE TO BE DEVELOPED IN MARINE TERRACE SANDS. UNNAMED TR.B. TO GEIGER CR IS MISLOCATED ON QUAD SHEET (CONFIRMED BY JOHN DELOET). SEE REVIEW FOR G-14538 FOR GW ANALYSIS THIS AREA. CONDITION W/ TA FOR MBAS. PLAN W/ 10% MAX DECLINE.

References Used: Bull 87 DEQMI

BANDON QUADRANGLE
OREGON-COOS CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

1170 III NE
(RIVERTON)
139200

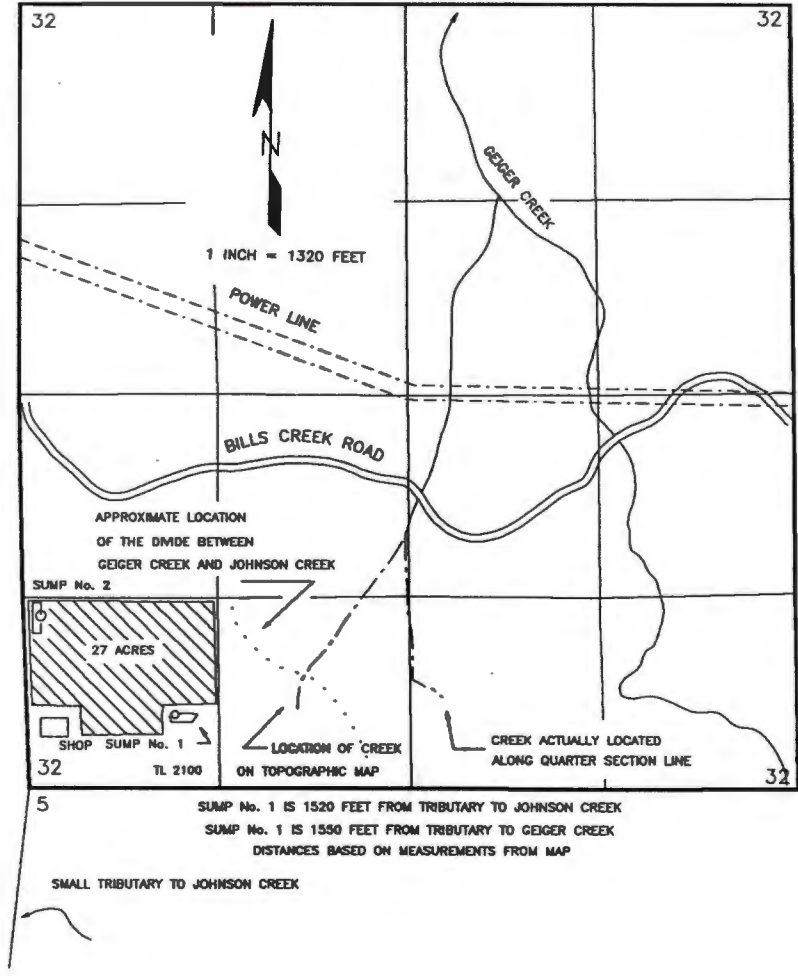


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JUN 30 1997

APPLICATION MAP
IN THE NAME OF MICHAEL AND MECHELLE WEBB
SECTION 32, T 28 S, R 14 W, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON



SUMP No. 1 IS 1520 FEET FROM TRIBUTARY TO JOHNSON CREEK
 SUMP No. 1 IS 1550 FEET FROM TRIBUTARY TO GEIGER CREEK
 DISTANCES BASED ON MEASUREMENTS FROM MAP

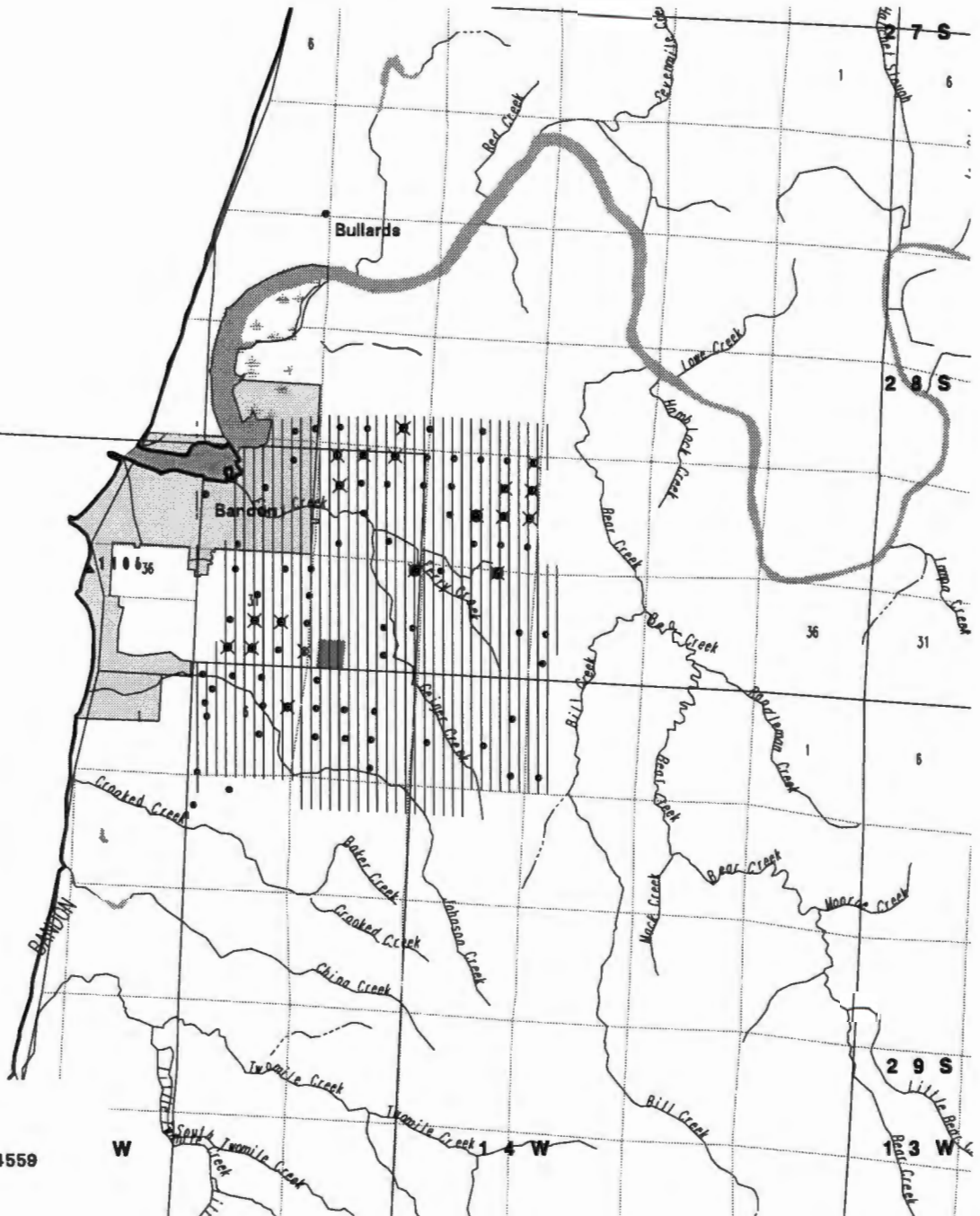
SMALL TRIBUTARY TO JOHNSON CREEK

THE POINT OF DIVERSIONS ARE TO BE LOCATED AS FOLLOWS: SUMPWELL No. 1 : 500 FEET NORTH AND 940 FEET EAST AND SUMPWELL No. 2: 1,190 FEET NORTH AND 95 FEET EAST, BOTH FROM THE SOUTHWEST CORNER OF SECTION 32, AND BOTH BEING WITHIN THE SW¹/₄SW¹/₄ OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M., IN COOS COUNTY.

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

Wells in the vicinity of application G 14559

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-ld within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE OF G 14559

DO	326
DS	2
ID	6
IM	8
IR	48
LV	2
MO	620
MU	2

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14559

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	12087	G 11084	29.00S14.00W 6SENE CR	2.2500	C
2	G	7263	G 6783	28.00S14.00W20SWSE AG	0.4400	C
2	G	7263	G 6783	28.00S14.00W20SWSE IR	0.4400	C
2	G	7263	G 6783	28.00S14.00W20SWSE TC	0.4400	C
3	G	3063	G 2856	28.00S14.00W29NWNW CH	0.0250	C
3	G	3063	G 2856	28.00S14.00W29NWNW CI	0.0250	C
3	G	3063	G 2856	28.00S14.00W29NWNW FR	0.0250	C
3	GR	793	GR 768	28.00S14.00W29NWNW IR	20.0000	G
3	GR	794	GR 769	28.00S14.00W29NWNW IR	450.0000	G
4	G	11941	G 11394	28.00S14.00W29NENW CR	25.0000	G
5	G	7263	G 6783	28.00S14.00W29NWNE AG	0.4400	C
5	G	7263	G 6783	28.00S14.00W29NWNE IR	0.4400	C
5	G	7263	G 6783	28.00S14.00W29NWNE TC	0.4400	C
5	G	7352	G 6894	28.00S14.00W29NWNE CR	0.1000	C
5	G	7352	G 6894	28.00S14.00W29NWNE FR	0.1100	C
5	G	7352	G 6894	28.00S14.00W29NWNE IR	0.0300	C
5	G	11941	G 11394	28.00S14.00W29NWNE CR	35.0000	G
5	G	13158	G 12604	28.00S14.00W29NWNE CR	0.0890	C
6	G	3652	G 3431	28.00S14.00W28NENE AG	0.0800	C
6	G	3652	G 3431	28.00S14.00W28NENE IS	0.0700	C
6	G	3652	G 3431	28.00S14.00W28NENE TC	0.0800	C
6	G	10279	G 9685	28.00S14.00W28NENE CR	0.2800	C
6	G	10279	G 9685	28.00S14.00W28NENE IS	0.1400	C
6	G	10279	G 9685	28.00S14.00W28NENE TC	0.8300	C
6	G	10883	G 10017	28.00S14.00W28NENE CR	0.0450	C
6	G	11759	G 11311	28.00S14.00W28NENE CR	0.0350	C
6	G	12797	G 12726	28.00S14.00W28NENE CR	0.1500	C
7	G	771	G 661	28.00S14.00W29SWNW IR	0.0200	C
8	G	3594	G 3158	28.00S14.00W28SWNE AG	0.0800	C
8	G	3594	G 3158	28.00S14.00W28SWNE IS	0.0400	C
8	G	3594	G 3158	28.00S14.00W28SWNE TC	0.0800	C
8	G	10279	G 9685	28.00S14.00W28SWNE CR	0.2900	C
8	G	10279	G 9685	28.00S14.00W28SWNE IS	0.1400	C
8	G	10279	G 9685	28.00S14.00W28SWNE TC	0.8600	C
8	G	10883	G 10017	28.00S14.00W28SWNE CR	0.0610	C
8	G	11759	G 11311	28.00S14.00W28SWNE CR	0.0650	C
8	G	12797	G 12726	28.00S14.00W28SWNE CR	0.1500	C
8	G	12797	G 12726	28.00S14.00W28SWNE CR	0.3400	C
9	G	12797	G 12726	28.00S14.00W28SENE CR	0.4100	C
9	GR	3414	GR 3270	28.00S14.00W28SENE CI	5.0000	G
10	G	11414	G 10520	28.00S14.00W28NESW CI	0.0500	C
10	G	11414	G 10520	28.00S14.00W28NESW CR	0.1000	C
10	G	11414	G 10520	28.00S14.00W28NESW TC	0.3000	C
10	G	12181	G 11382	28.00S14.00W28NESW CR	0.0750	C
10	G	12181	G 11382	28.00S14.00W28NESW IR	0.0350	C
11	G	12187	G 11315	28.00S14.00W28NWSE CR	0.4400	C
11	G	12187	G 11315	28.00S14.00W28NWSE CR	1.0000	C
12	G	12187	G 11315	28.00S14.00W28NESE CR	0.1200	C
12	G	12797	G 12726	28.00S14.00W28NESE CR	0.4000	C
12	G	12797	G 12726	28.00S14.00W28NESE CR	0.5000	C
13	G	12422	G 11437	28.00S14.00W32NENE CR	0.0600	C
14	G	11867	G 11254	28.00S14.00W33NWNE CR	140.0000	G
15	G	2987	G 2778	28.00S14.00W31NESW AG	0.4800	C
15	G	2987	G 2778	28.00S14.00W31NESW CR	0.4800	C
15	G	2987	G 2778	28.00S14.00W31NESW IR	0.1800	C
15	G	2987	G 2778	28.00S14.00W31NESW TC	0.2100	C

15	G	3381	G	3234	28.00S14.00W31NESW	TC	0.9000	C
15	G	12195	G	11383	28.00S14.00W31NESW	CR	1.5600	C
16	G	2987	G	2778	28.00S14.00W31NWSE	AG	0.4800	C
16	G	2987	G	2778	28.00S14.00W31NWSE	CR	0.4800	C
16	G	2987	G	2778	28.00S14.00W31NWSE	IR	0.1800	C
16	G	2987	G	2778	28.00S14.00W31NWSE	TC	0.2100	C
16	G	12195	G	11383	28.00S14.00W31NWSE	CR	1.5600	C
17	G	3380	G	3233	28.00S14.00W31SWSW	TC	1.1700	C
18	G	3380	G	3233	28.00S14.00W31SESW	TC	1.1700	C
19	G	4616	G	4339	28.00S14.00W31SESE	AG	0.0600	C
19	G	4616	G	4339	28.00S14.00W31SESE	IR	0.0300	C
19	G	4616	G	4339	28.00S14.00W31SESE	TC	0.1800	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 14559

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	11414	G 10520	28.00S14.00W28NESW 10A
1	G	11414	G 10520	28.00S14.00W28NESW 10A
1	G	11414	G 10520	28.00S14.00W28NESW 10A
1	G	12181	G 11382	28.00S14.00W28NESW
1	G	12181	G 11382	28.00S14.00W28NESW
2	G	12422	G 11437	28.00S14.00W32NENE XXG
3	G	11867	G 11254	28.00S14.00W33NWNE 3D

APPLICATION G 14559 FALLS WITHIN THESE QUAD(S)

BANDON

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # 6-14559

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 28-14W-32

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: D. Woodcock

TO:

Water Rights Section

July 14, 1997

FROM:

Groundwater/Hydrology Section

Donc Woodcock

Reviewer's Name

SUBJECT:

Application G- 14559

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ___ The permit should contain condition #(s) 7A (MODIFIED) + 7F
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: MODIFY CONDITION 7A (ATTACHED) BY CHANGING
25 FT MAX DECLINE TO 10 FT MAX DECLINE.
ALSO CONDITION W/ 7B + 7F.

(Well Construction Considerations on Reverse Side)

current wa
al sa

7A NON-SEASONAL USE CONDITION

REPLACE w/ 10ft.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Comment (Internal use only)

This is a resource protection condition for non-seasonal uses such as municipal or industrial. The plan submitted by the water user will likely be reviewed by the hydrogeologist that recommended the condition. The condition does not require the water level data to be submitted. The approved plan should specify data requirements. The plan should have a clause in it that allows the changes to be made at a later date. This would allow the plan to be adjusted to changing conditions. One of the criteria for excessive decline is 50 feet of water level decline. The last sentence of the condition indicates that a maximum of 50 feet of decline would be allowed under current rules.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14559

Final Order

Application History

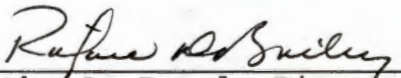
On June 30, 1997, MICHAEL AND MECHELLE WEBB submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 25, 1997. The protest period closed January 9, 1998, and no protest was filed.

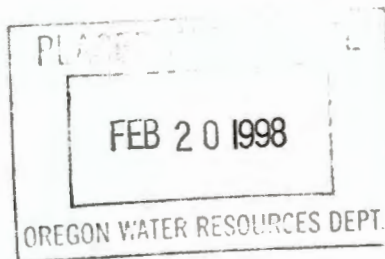
The proposed use would not impair or be detrimental to the public interest.

Order

Application G-14559 therefore is approved as proposed by the Proposed Final Order, and Permit G-13328 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED February 12, 1998


Martha O. Pagel, Director



Appeal Rights

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

This document was prepared by Mr Baer. If you have any questions about any of the statements contained in this document he is most likely the best person to answer your questions. You can reach him toll free within Oregon at 1-800-624-3199 extension 264. 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.

FO CHECKLIST

FILE # G-14554

REVIEW DATE: 2 / 3 / 98

WEEK # 122

PFO TO FO CONVERSION

INITIALS : **DB**

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received? If so, from whom and when?
2. On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and those who paid the \$10 fee.
3. Y / N / NA If for Surface water, Have affected landowners been notified?
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N / NA Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. Verify payment of recording fees (*circle the appropriate option*)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO**
(2) Issue FO w/o permit if fees are lacking
9. N Is further processing possible? If not state reason: _____
10. Notify applicant of additional information or fees required prior to permit issuance. (**SEND CERTIFIED LETTER** & use standard wording from M:\...\FO\TOOLS if possible)
11. Assign permit numbers to files with oath, fees, and no protests or other issues
12. Y / N Do the PFO conclusions requires modification? Why? _____
(If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	FO w/o PERMIT	<input checked="" type="radio"/> FO & PERMIT	FOMOD
COMMENTS:				MGMT CODES: 7A 7B 7F

Modify FO as needed to:

Initials **DB**

13. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
14. Include or exclude permit conditions and management codes
15. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

16. Save WordPerfect document in M:\...\FO\WEEK 124 & delete duplicates
17. Print final draft of document and submit to team leader for review
18. Y / N Team leader review completed

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number G-14559

Proposed Final Order

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

Application History

On June 30, 1997, MICHAEL AND MECHELLE WEBB submitted an application to the Department for the following water use permit:

- Amount of Water: 270.0 GPM (0.602 CFS), BEING 135.0 GPM (0.301 CFS) FROM EACH WELL
- Use of Water: CRANBERRY USE ON 27.0 ACRES
- Source of Water: TWO SUMP WELLS IN ROSA CREEK BASIN
- Area of Proposed Use: Coos County within SECTION 32, TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

On 9/19/97, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.602 CFS, BEING 0.301 CFS FROM EACH WELL, from TWO SUMP WELLS, IN THE ROSA CREEK BASIN, for CRANBERRY USE ON 27.0 ACRES is allowable year-round." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 10/7/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas

- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The South Coast Basin Program allows the following uses: CRANBERRY USE.

Senior water rights exist on TWO SUMP WELLS, IN ROSA CREEK BASIN, or on downstream waters.

TWO SUMP WELLS, IN ROSA CREEK BASIN, are not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation year round.

The Department finds that the amount of water requested, 0.602 CFS, being 0.301 CFS from each well, is allowable.

The proposed wells are not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

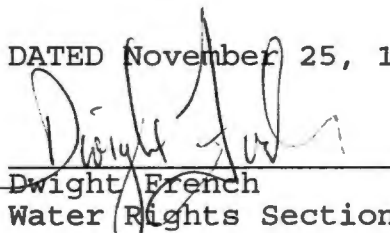
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

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

DATED November 25, 1997


Dwight French
Water Rights Section Manager

Protest Rights

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than **January 9, 1998**.

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

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

RWK- WEEK 122

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF Coos

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MICHAEL AND MECHELLE WEBB
PO BOX 1934
BANDON, OREGON 97411

(541) 347-3420

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

APPLICATION FILE NUMBER: G-14559

SOURCE OF WATER: TWO SUMP WELLS IN ROSA CREEK BASIN

PURPOSE OR USE: CRANBERRY USE ON 27.0 ACRES

MAXIMUM RATE: 0.602 CFS, BEING 0.301 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 30, 1997

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 32, T28S, R14W,
W.M.; SUMP 1 - 500 FEET NORTH AND 940 FEET EAST; SUMP 2 - 1190 FEET
NORTH AND 95 FEET EAST BOTH FROM SW CORNER, SECTION 32

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 27.0 ACRES
SECTION 32
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

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 of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2002.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

PFO CHECKLIST

Application #: G 14559

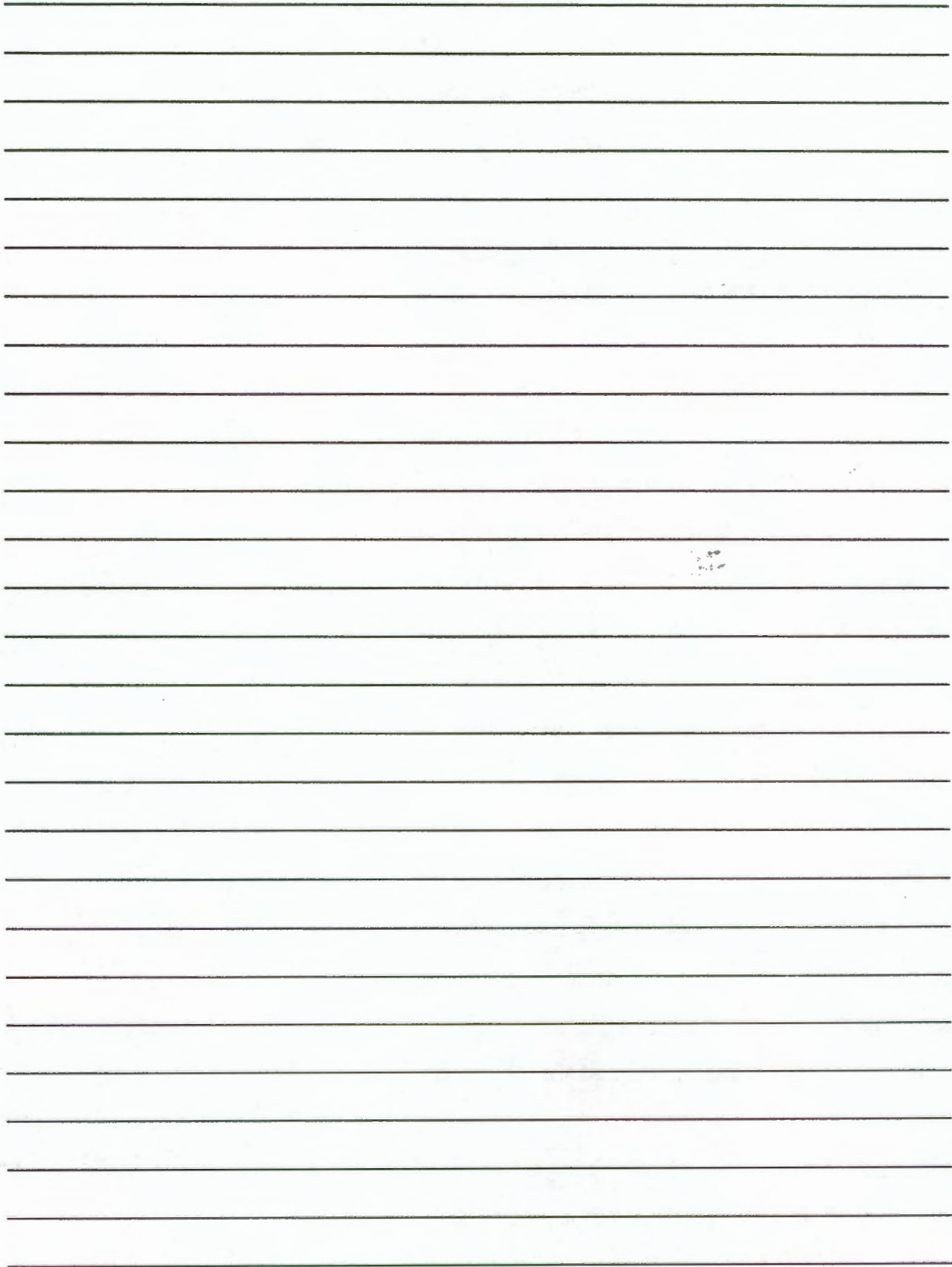
Basin: S Coast 17 WAB: _____

County CODS Township 285 Range 14W Section 32 1/4 1/4 SW SW

- 1. Is the file complete by the Minimum Requirements Checklist? Y / N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y (N)
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- 4. Groundwater Review A B (C) D River/Stream Name _____ Conditions _____
 - a. Groundwater Availability A B (C)
 - b. Is second groundwater review necessary? (comments) Y (N)
 - c. Is HB 1033 review complete? Y / N
- 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y (N)
- 6. Is use from a B.O.R. project? Y (N) Contract in file? Y / N Contract # _____
- 7. Is the use allowed by the Basin Program? Y (N) Limited? Y / N _____
- 8. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 9. Is the source withdrawn or limited by statute or Department withdrawal order? Y (N)
- 10. Is the Proposed Use located in or above a Scenic Waterway? Y (N)
- 11. Division 33: Above Bonn (after July 17, 1992) Y / N / NA
Below Bonn (after April 8, 1994; June 3, 1994) Y / N / NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N / NA
- 12. Have conflicts been identified, verified and/or addressed? Y (N)
- 13. Rate 100RS Duty NA/PO Irrigation Season _____
- 14. Period of Allowed Use 4R RND
- 15. Allowed Rate of Use .002 REQUESTED .301 EA
- 16. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF) **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
- 17. Conditions 7B, 7F, 7H (CHANGE FROM 25 MAX TO 10 MAX DECLINE)
- 18. IR Public Notice Date 9/19/97; 10/7/97
- 19. Documents used in determination are attached and highlighted
- 20. Spell Check
- 21. Check for Accuracy
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #
- 24. Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N REFUSE BENDER

Name: RVK

Date: 11/19/97



IR CHECKLIST

Application #: G 14559

Basin: S. Coast - 17

WAB: - POU-WAB -

County Cook Township 285 Range 14W Section 32 1/4 1/4

- 1. Complete by Minimum Requirements checklist. Y N Items still required: _____
- 2. Indicators that the process should not continue (ie - items missing, letter to file indicating hold, or other) Y N - see revised sheet
- 3. Groundwater review A B C D River/Stream Name _____ Conditions 7B, 7A(modified), 7F
Water Availability A B C
- a. Is the well located in a groundwater limited area? Y N Name _____
- 4. Within or Above a Scenic Waterway Y N conditions/restrictions Y N
- 5. Allowed under Basin Program Y N Limitations? Y N
- 6. Withdrawn? Y N season allowed _____
- 7. Basin Maps have been checked Y N
- 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA
- 9. Use Operational Period of Allowed Use Year Round
- 10. For Irrigation: Rate _____ Duty _____ Season _____
- 11. Allowable Rate of Use: 0.602 cfs (270 gpm)
- 12. Priority Date(s) June 30, 97
- 13. B.O.R. project Y N contract # _____
- 14. Subject to Division 33 (Above Bonn after July 17, 1992; Below Bonn after April 8, 1994 or June 3, 1994; or Statewide - in shaded areas on t=T, E, & S Map - After June 3, 1994) Y N NA
- 15. Conflicts Y N
- 16. Conditions? (BOR, GW, other) Y N 3D, 7B, 7A(modified), 7F
- 17. Land use approval OK'd needs approval county notified NA
- 18. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)
- 19. Letter will be Good Limited Bad Bad w/IRshort because _____

$27ac \times \frac{1}{40} = 0.675 cfs (3030 gpm)$
 $27ac \times 0.15 = 4.05 cfs (1818.0 gpm)$

requesting 270 gpm = 0.602 cfs

Name: Laura Smeltzer Date: 9-11-97

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 517
SOUTH COAST BASIN PROGRAM

Classifications

690-517-001

no
(1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:

- (a) Bradley Lake
- (b) Eel Lake
- (c) Garrison Lake

(3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.

(4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife.

- (a) Glenn Creek (tributary to the East Fork Millicoma River)
- (b) Brush Creek

(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8).

(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife.

(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.

(8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

(9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.

(10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

Reservations

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- (1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- (2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

Minimum Perennial Streamflows

690-517-003

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:

- (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

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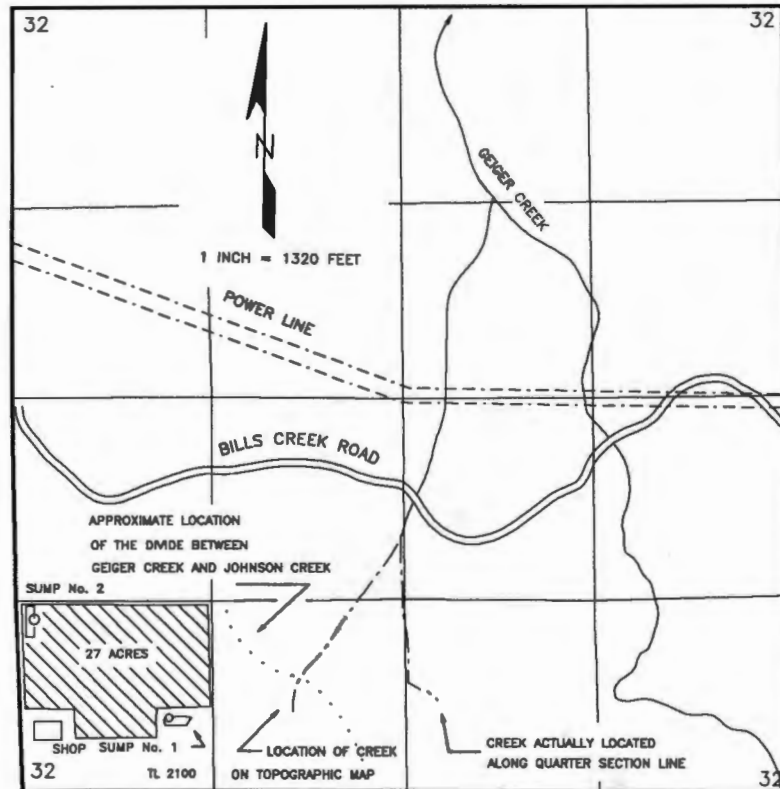
JUN 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION MAP

IN THE NAME OF MICHAEL AND MECHELLE WEBB

SECTION 32, T 28 S, R 14 W, W.M.



5

SUMP No. 1 IS 1520 FEET FROM TRIBUTARY TO JOHNSON CREEK
 SUMP No. 1 IS 1550 FEET FROM TRIBUTARY TO GEIGER CREEK
 DISTANCES BASED ON MEASUREMENTS FROM MAP

SMALL TRIBUTARY TO JOHNSON CREEK

Application No. **G14559**
 Permit No. **G13328**

THE POINT OF DIVERSIONS ARE TO BE LOCATED AS FOLLOWS: SUMPWELL No. 1 : 500 FEET NORTH AND 940 FEET EAST AND SUMPWELL No. 2: 1,190 FEET NORTH AND 95 FEET EAST, BOTH FROM THE SOUTHWEST CORNER OF SECTION 32, AND BOTH BEING WITHIN THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M., IN COOS COUNTY.

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



Oregon Water Resources Department

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JUN 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: Webb Michael and Mechelle
Last First MI

Mailing address: P.O. Box 1934
Bandon Oregon 97411
City State Zip

Phone: (541) 347-3420
Home Work Other

*Fax: (541) 396-4212 *E-Mail address: _____

B. Organizations

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

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. G-14559 Permit No. _____ Date _____

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? Coos County

In what county is the appropriation point proposed? Coos County

B. River Basin

(See instruction booklet pg.3 for list):

Basin 17 - South Coast

C. Property Ownership

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

Yes (Skip to section 3 "Groundwater Development.")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

I have a recorded easement or written authorization permitting access.

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

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

A. Number of wells: 2 **B.** Name of nearest surface water body N.Fk. Johnson Creek

C. Distance from well(s) to nearest stream or lake: 1) 1520'

2) 2200' 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 20' plus/minus

2) 25' plus/minus 3) _____ 4) _____

5. Water Management

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) 15-25 HP Electric
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
Diameter(s) 6" - 1½" Length 2-3000' when completed
- Other (describe) _____

C. Application/Distribution Method

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

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

- Flood High-pressure sprinkler Low pressure sprinkler
 Drip Water cannons Center pivot system
 Hand lines Wheel lines
 Siphon tubes or gated pipe with furrows
 Other, describe _____

Distribution method

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

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Fields will be constructed by modern technology. Water will return to
source for reuse and we subscribe to the cranberry industry's BMP's.

4. Water Use

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

A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

Cranberry use

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

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1	Unknown	Cranberry	67.5 AF	135 GPM
2	Unknown	Cranberry	67.5 AF	135 GPM

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

Year Around

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

27 Acres

6. Project Schedule

Proposed date construction will begin 10-1-97

Proposed date construction will be completed 10-1-98

Proposed date beneficial water use will begin 10-1-2000

7. Remarks

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

Signature

By my signature below I confirm that I understand:

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

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

Michael A Webb
Signature of Applicant

6-27-97
Date

Michelle M. Winter Webb
Signature of Co-applicant

6-27-97
Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: Owner

Address: _____

Completion date: _____

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
1		Excavated sump well	approximately 15'		deep				
2		Excavated sump well	approximately 20'		deep				

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N/A



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 19, 1997

MICHAEL AND MECHELLE WEBB
P.O. BOX 1934
BANDON, OREGON 97411

Reference: File G-14559

Dear Applicant:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from TWO SUMP WELLS, IN THE ROSA CREEK BASIN, for CRANBERRY USE ON 27.0 ACRES **is allowable** under OAR 690-517, the South Coast Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 270.0 GALLONS PER MINUTE (GPM) (0.602 CUBIC FOOT PER SECOND (CFS)), BEING 135.0 GPM (0.301 CFS) FROM EACH WELL, for CRANBERRY USE ON 27.0 ACRES if properly conditioned, will not injure existing rights or the groundwater resource.

Summary of Initial Determinations

The use of 0.602 CFS, BEING 0.301 CFS FROM EACH WELL, from TWO SUMP WELLS, IN THE ROSA CREEK BASIN, for CRANBERRY USE ON 27.0 ACRES is allowable year-round.

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

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, October 3, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Additional Information Required:

The Land Use forms submitted to the Department were signed by a government official from Coos County. However, according to Department records, the lands to be used under this application are within the city limits of Bandon. New land use forms, signed by the appropriate city official need to be submitted to the Department.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the 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.
2. You will be required to comply with state and federal water quality standards.
 3. The priority date for this application is June 30, 1997.
 4. 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.
 5. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
 6. If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.
 7. The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level

decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 331 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,



Laura K. Snedaker
Senior Water Rights Examiner

cc: Regional Manager, Watermaster District 19, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form
Land Use Form

G-14559
gw c

BACK PAGE

Public Interest Review Sheet for Use by ODFW Staff
Recommendations for Applications that may affect the Habitat of
Non S T & E Fish or Wildlife Species OAR 690-310-140(3)(b)(D)

Date: 9/26/97

Application # G-14559 Name: M. & M. WEBB

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

No Yes Species? _____

What stage or value is at risk: Spawning; Incubation; Rearing; Passage; Habitat Value

Other _____

2) Will the proposed use result in a loss of habitat? No / Yes

3) Can conditions be applied to mitigate the impact the loss of habitat?

No / Yes Yes or no, which conditions are recommended? (Try to select those from the menu) _____

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species? No / Yes If yes, explain _____

THESE COMMENTS ARE BASED ON WRD'S DETERMINATION THAT THERE IS NO CONNECTION BETWEEN THESE GROUNDWATER PODS & SURFACE WATER.

WRD Contact: _____ Title: _____

Date: _____

Comments: _____

ODFW Recommendation:

- Approval with conditions See #3 Above
- Approval without conditions
- Denial

ODFW Representative(s)
Name: Kevin E Benke Date: 9/26/97

Name: _____ Date: _____

**Division 33 Application Review Sheet for Use by ODFW Staff
Recommendations for Water Right Applications that may affect the Habitat of
Sensitive, Threatened or Endangered Fish Species OAR 690-33-310 through 340**

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SEP 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Date: _____ 14 Day Deadline: _____

Application # _____ Name: _____

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened or endangered fish species? [690-33-330(1)]

No / Yes Species? _____ Status S T E

If Yes, continue, if NO go to Public Interest Review Sheet  (BACK PAGE)

What stage or value is at risk: Spawning; Incubation; Rearing; Passage; Habitat Value

2) Will the proposed use result in a loss in the essential habitat of threatened or endangered species or a net loss in the habitat of sensitive species? No / Yes

A) Standard of "net loss" applies to sensitive species statewide [690-33-330(2)(a)]

B) Standard of "loss" of applies to T or E species outside the Columbia Basin [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of STE species?

No / Yes [690-33-330(3)] Yes or no, which conditions are recommended? (Try to select those from the menu) _____

4) If conditions cannot be identified to offset impacts to the essential habitat of STE fish species, would the proposed use harm the species? [690-33-330(4)] No / Yes If yes, explain

WRD Contact: _____ Title: _____

Date: _____

Comments: _____

ODFW Recommendation:

- ___ Approval with fishery conditions See #3 Above
- ___ Approval without fishery conditions
- ___ Denial

ODFW Representative(s)

Name: _____ Date: _____

Name: _____ Date: _____ (M:\div.33\odfw chk lst i modified.6-25...



Oregon Water Resources Department

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JUN 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

Application No 614559

Permit No _____

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 27.00 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: no. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Cranberries Full season Partial season (from: _____ to _____)
- 2. _____ Full season Partial season (from: _____ to _____)
- 3. _____ Full season Partial season (from: _____ to _____)
- 4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

108-135 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
- Two or three times weekly during daytime Two or three times weekly during nighttime
- Weekly, during daytime hours Weekly, during nighttime hours
- Other, explain: Flood Harvest

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30 1997
RESOURCES
LEM. OREGON

96 11 0025

After recording return to: Key Bandon
MICHAEL A.A. WEBB
P.O. BOX 1934
BANDON, OR 97411

TITLE ORDER NO. 24-64248
KEY ESCROW NO: 25-1774

Until a change is requested tax statements
shall be sent to the following address:
SAME AS ABOVE

TAX ACCT. NO:
MAP NO:

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL or CORPORATION)

BARRY K. WINTERS, Grantor,

conveys and warrants to:

MICHAEL A.A. WEBB and MECHELLE M. WINTERS WEBB, husband and wife, Grantee,

the following described real property free of encumbrances except as
specifically set forth herein:

The Southwest Quarter of the Southwest Quarter of Section 32, Township 28
South, Range 14 West, Willamette Meridian, Coos County, Oregon.
Together with an easement for ingress and egress, created by MFR# 92-11-0404,
Coos County, Oregon records.

SUBJECT TO:

1. The rights of the public in and to that portion of the premises herein
described lying within the limits of roads, streets and highways.

2. An easement created by instrument, including the terms and provisions
thereof, as disclosed by Declaration of Taking,

Dated: June 30, 1970
Recorded: August 10, 1970, Microfilm Reel Number 70-8-50840,
Records of Coos County, Oregon

In favor of: United States of America, Bonneville Power Administration

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

The true consideration for this conveyance is \$125,000.00 (Which is paid by
an accommodator as part of an IRC 1031 exchange). However, if the actual
consideration consists of or includes other property or other value given or
promised, such other property or value was part of the/the whole of the
(indicate which) consideration. If the grantor is a corporation, this has been
signed by authority of the Board of Directors.

Dated this 30th day of October, 1996.

GRANTOR(S):

Barry K. Winters
BARRY K. WINTERS

Application No. C 14559
Permit No.

STATE OF OREGON, County of Coos) ss.

This instrument was acknowledged before me on October 30, 1996,
by BARRY K. WINTERS

Carla Lacoma
Notary Public for Oregon

My commission expires: _____



RECORDING # 96110025
I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at



2:28 ON 11/01/1996
M. BRIGHT

By _____ Deputy

pages 1 Fee \$ 33.00

67



Oregon Water Resources Department
Land Use Information Form

RECEIVED

SEP 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.100. 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, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Michael A.A. Webb and Mechelle M.W. Webb

Address: P.O. Box 1934

City: Baden State: Or Zip: 97411 Day Phone: 541-347-3420

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>28-14-32</u>	<u>Forest (Mixed-use)</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
<u>JL 2100</u>		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
<u>J/A: 70306.00</u>		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Cranberry Use.

Briefly describe: For use on 27 Acres

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

270 CFS GPM Acre-Feet

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ . Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Theda L Kerns Date: 9-26-97
 Title: Planner Phone: (541) 396-3121 ext 492
 Signature: Theda L Kerns

C. Additional Comments

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

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

For Local Government Use Only

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		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
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		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
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Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

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Name: Theda L Kerns Date: 9-26-97
 Title: Planner Phone: (541) 396-3121 ext 492
 Signature: Theda L Kerns

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Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 Commerce Bldg.
 158 12th St. NE
 Salem, OR 97310-0210
 (503)378-8455

4566
 rec # 1257
 9/26/97 original
 given to Michelle Webb



Oregon Water Resources Department
Land Use Information Form

RECEIVED

SEP 29 1997

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, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Michael A.A. Webb and Mechelle M.W. Webb

Address: P.O. Box 1934

City: Bandon State: Or Zip: 97411 Day Phone: 541-347-3420

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>28-14-32</u>	<u>Forest (Mixed-use)</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
<u>JL 2100</u>		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
<u>J/A: 10306.00</u>		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Cranberry Use.

Briefly describe: For use on 27 Acres

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

270 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

Name of water right applicant: Michael A. A. Webb + Mechelle M.W. Webb

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: Coos County
Staff contact: Theda L. Kerns Phone: (541) 396-3121

Signature: Theda L. Kerns Date: 9/26/97



Oregon Water Resources Department
Land Use Information Form

RECEIVED

JUN 3 0 1997

WATER RESOURCES DEPT.
SALEM, OREGON

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To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Michael and Mechelle Webb Application No. C14559

Address: P.O. Box 1934 Permit No. _____

City: Bandon State: Or Zip: 97411 Day Phone: (541) 347-3420

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

T.28S. R.14W Sec. 32

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
TL 2100	Forest (mifed use)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
TA: 10306.00		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Cranberry Use

Briefly describe: _____

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require.

270 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

For Local Government Use Only

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

RECEIVED

JUN 30 1997

A. Allowed Use

Check the appropriate box below and provide requested information.

WATER RESOURCES DEPT.
SALEM, OREGON

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ . Go to section B "Approval" below
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Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
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Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Theda L Kerns Date: 6-27-97
 Title: Planner Phone: (541) 396-3121 ext 210
 Signature: Theda L Kerns

C. Additional Comments

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

Agriculture is an allowed use within the Forest (mixed use) zone.

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

Receipt for Request for Land Use Information

Name of water right applicant: Michael A A + Michelle Webb

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: Cook County
 Staff contact: Theda L Kerns Phone: (541) 396-3121 ext 210
 Signature: Theda L Kerns Date: 6-27-97



Oregon Water Resources Department

RECEIVED

JUN 30 1997

WATER RESOURCES DEPT
SALEM, OREGON

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: Webb Michael and Mechelle
Last First MI

Mailing address: P.O. Box 1934

Bandon Oregon 97411
City State Zip

Phone: (541) 347-3420
Home Work Other

*Fax: (541) 396-4212 *E-Mail address:

B. Organizations

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

Name of organization:

Name and title of person applying:

Mailing address of organization:

City State Zip

Phone: Day Evening

*Fax: *E-Mail address:

*Optional information

For Department Use

App. No. G-14559 Permit No. Date

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? Coos County

In what county is the appropriation point proposed? Coos County

B. River Basin

(See instruction booklet pg.3 for list):

Basin 17 - South Coast

C. Property Ownership

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

Yes (Skip to section 3 "Groundwater Development.")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

I have a recorded easement or written authorization permitting access.

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

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

A. Number of wells: 2 **B. Name of nearest surface water body** N.Fk. Johnson Creek

C. Distance from well(s) to nearest stream or lake: 1) 1520'

2) 2200'

3) _____

4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 20' plus/minus

2) 25' plus/minus

3) _____

4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: Owner

Address: _____

Completion date: _____

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
1		Excavated sump well	approximately 15'	deep					
2		Excavated sump well	approximately 20'	deep					

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N/A

4. Water Use

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

A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

Cranberry use

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

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1	Unknown	Cranberry	67.5 AF	135 GPM
2	Unknown	Cranberry	67.5 AF	135 GPM

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

Year Around

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

27 Acres

5. Water Management

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) 15-25 HP Electric
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
Diameter(s) 6" - 1½" Length 2-3000' when completed
- Other (describe) _____

C. Application/Distribution Method

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

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

- Flood High-pressure sprinkler Low pressure sprinkler
 Drip Water cannons Center pivot system
 Hand lines Wheel lines
 Siphon tubes or gated pipe with furrows
 Other, describe _____

Distribution method

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

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Fields will be constructed by modern technology. Water will return to
source for reuse and we subscribe to the cranberry industry's BMP's.

6. Project Schedule

Proposed date construction will begin 10-1-97

Proposed date construction will be completed 10-1-98

Proposed date beneficial water use will begin 10-1-2000

7. Remarks

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

Signature

By my signature below I confirm that I understand:

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

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

Michael A Webb
Signature of Applicant

6-27-97
Date

Michelle M. Webb
Signature of Co-applicant

6-27-97
Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

JOHN DROLET, WATERMASTER
COOS COUNTY COURTHOUSE
COQUILLE, OR 97423



OREGON WATER RESOURCES DEPT
158 12TH STREET NE
SALEM, OR 97310

97310>0705



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **13613**

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

INVOICE # _____

RECEIVED FROM: Michael Webb
BY: _____

APPLICATION	G-74559
PERMIT	
TRANSFER	

CASH: CHECK: # 91-119 OTHER: (IDENTIFY)

TOTAL REC'D \$ 300⁰⁰

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

0427 WRD OPERATING ACCT

PLA 060111

0407 MISCELLANEOUS	\$
0410 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
New) TC165 DEPOSIT LIAB. (IDENTIFY)	\$

Existing) TC168	WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER		\$	0202 \$
0203 GROUND WATER		\$ <u>200</u>	0204 \$ <u>100</u>
0205 TRANSFER		\$	0206 \$
	WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR		\$	0219 \$
LANDOWNER'S PERMIT			0220 \$
OTHER (IDENTIFY)			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

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

RECEIPT # **13613**

DATED: 6-30-97 BY: R. B. Sa

C02

Application No. G 14559

Permit No. G13328

Name MICHAEL WEBB
WEBB, MECHELLE
Address PO BOX 1934
BANDON, OR 97411

Assigned

Address

Beginning construction 2/12/99

Completion of construction

Extended to

Complete application of water 10/1/02

Extended to

IMPORTANT MESSAGE

FOR TUES 499 DATE 9-9 TIME 944 A.M.
P.M.

M SHERLEY WEBB

OF PH # @ "BANK"

PHONE FAX MOBILE 541-396-3132
AREA CODE NUMBER EXTENSION

MESSAGE _____

Needs IR

A# G-14559

SIGNED _____

PHONED

RETURNED
YOUR CALL

PLEASE CALL

WILL CALL
AGAIN

CAME TO
SEE YOU

WANTS TO
SEE YOU

FORM 4006

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
R 70050 R 11227	0	V								(CH)								
S 22415 S 17868	21653	V							4.90 (IR)									
S 23631 S 18845	21685	V							4.50 (IR)									
S 34572 S 27232	0	V					(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	
City of Bandon																		
			S 34573 S 27233	0	V					(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)
S 42775 S 31857	48118	V	2.80 (AG)			2.20 (TC)												
			2.80 (IR)			2.20 (IR)												
			2.80 (TC)			2.20 (AG)												
S 64533 S 47286	0	V								4.50 (CR)								
S 70051 S 50975	0	V								5.19 (CR)								
										2.91 (CR)								

Subject file is inside
city limits

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
--------------------------	-------------	------------------	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

PERMIT NO.	DLC	VE	NW	SW	SE	NW	SW	SE	NW	SW	SE	NW	SW	SE	NW	SW	SE
G 14538 0	0	V															26.00 (CR)
G 14538 0	0	V															33.00 (CR)
G 14538 0	0	V															9.00 (CR)
G 14559 0	0	V															27.00 (CR)
G 14564 0	0	V															8.50 (CR)
G 14564 0	0	V															8.10 (CR) (S)
S 69654 0	0	V															2.80 (CI) (S)
S 69654 0	0	V															2.80 (CF) (S)
S 69654 0	0	V															20.00 (CI)
S 69654 0	0	V															2.20 (CF) (S)
S 69654 0	0	V															2.20 (TC) (S)
S 69654 0	0	V															10.00 (CI)
S 69654 0	0	V															10.00 (TC)
S 69654 0	0	V															10.00 (CH)
S 69654 0	0	V															7.00 (IR)
S 69654 0	0	V															2.80 (TC) (S)

Subject file

Continuing with Township 28.00 S Range 14.00 W SECTION 32 9/12/1997

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S 69654 0	0	V																	2.20 (CI) (S)

