Assigned FILE#: R 80798

WENDELL R PETERS
RT 2 BOX 160
BANDON, OR 97411

**Application No.** R-80798 HB2376

**Permit No.** R11956

**Certificate No.** 95771

**Stream Index, Page No.** _____

**FEES PAID**

| Date | Amount | Receipt No. |
|---|---|---|
| 12-29-95 | 100.00 | 131225 |
| 4-23-15 | 575.00 | 115608 |
| 4-23-15 | 85.00 | 115613 |
| 9-26-19 | $200.00 | 130920 |
| | Cert. Fee | |

**FEES REFUNDED**

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

Date filed _____

Priority _____

Action suspended until C 04

Return to applicant _____

Date of approval _____

**CONSTRUCTION**

Date for beginning AUG 20 1997

Date for completion OCT 1 '98

Extended to _____

Date for application of water OCT 01 1999

Extended to 10-1-04 10/1/2020

**PROSECUTION OF WORK**

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

**FINAL PROOF**

Blank mailed _____

Proof received _____

Date Certificate issued 10-1-2021

**ASSIGNMENTS**

| Date | To Whom | Address | Volume | Page |
|---|---|---|---|---|
| 4-23-15 | Peters Cranberries Inc. | PO Box 301 Langlois, OR 97450 | | |
| | | | | |
| | | | | |

**REMARKS**

R-11956

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PETERS CRANBERRIES INC
PO BOX 301
LANGLOIS OR 97450

confirms the right to store water perfected under the terms of Permit R-11956. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-80798

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMERS CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: CRANBERRY USE

VOLUME: 5.2 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: DECEMBER 29, 1995

The dam is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|---|---|---|---|---|---|
| 31 S | 15 W | WM | 33 | SE SW | 1845 FEET EAST AND 30 FEET NORTH FROM SW CORNER, SECTION 33 |

The area submerged by this reservoir is as follows:

| Twp | Rng | Mer | Sec | Q-Q |
|---|---|---|---|---|
| 31 S | 15 W | WM | 33 | SE SW |

Measurement, recording and reporting conditions:

A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The water user may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

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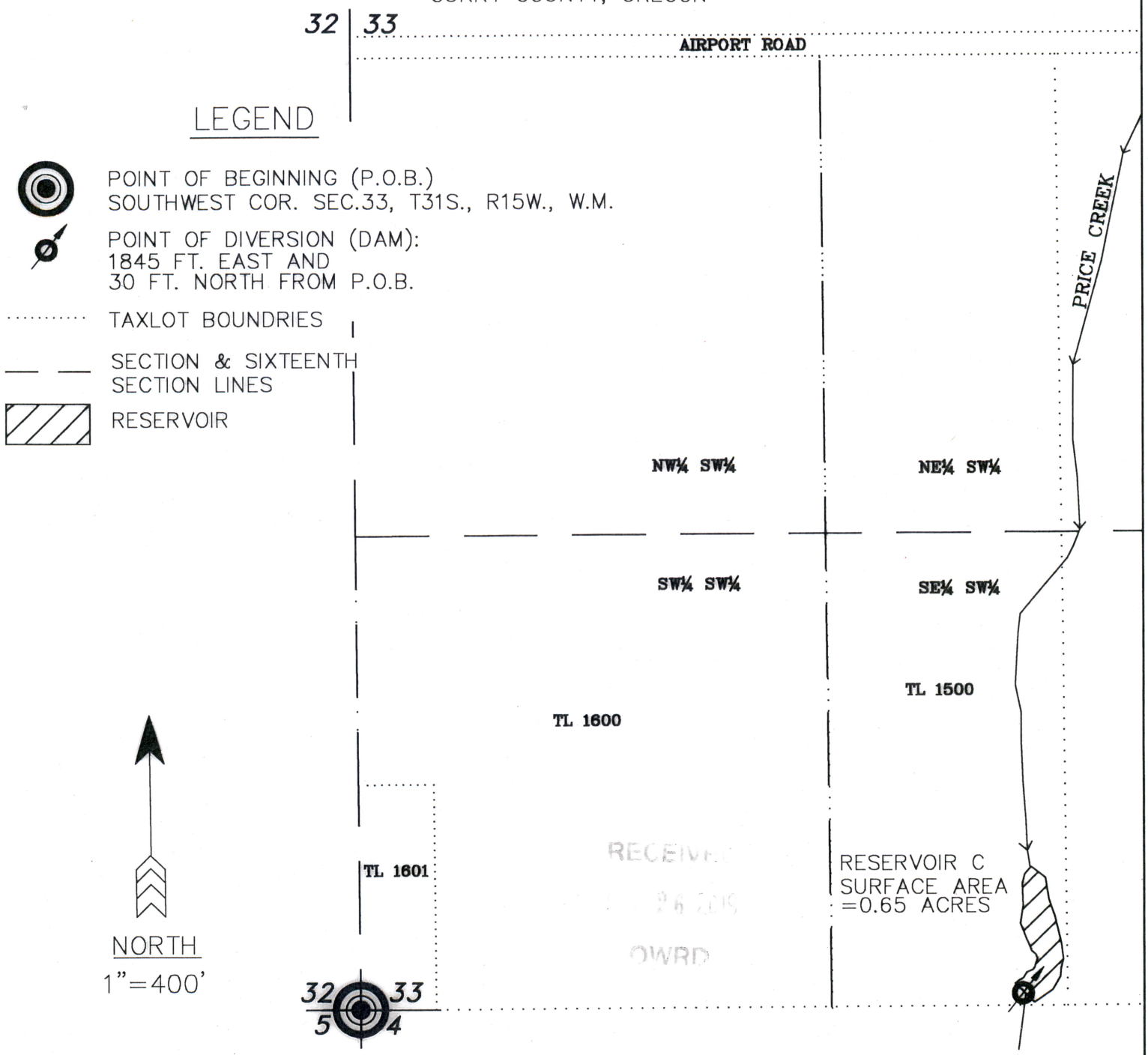
The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued OCT 0 1 2021.

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

CLAIM OF BENEFCIAL USE MAP
APPLICATION #R-80798, PERMIT #R-11956 SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
CURRY COUNTY, OREGON




RECEIVED
26 2019
OWRD

DISCLAIMER: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DESCRIPTIONS OR LOCATIONS OF PROPERTY LINES.

Certified Water Right Examiner
89189CWRE
Marc J. Van Camp
May 16, 2019
STATE OF OREGON

EXPIRES 06/30/2020

VCC
VAN CAMP CONSULTING
P.O. Box 995
Coos Bay, OR 97420
(541) 297-1880
vancampconsulting@gmail.com

*Prepared For:*
Peters Cranberries, Inc.
Sara Osborne
P.O. Box 301
Langlois, OR 97450

*Project:*
Permit R-11956
Claim of Beneficial Use Map

*Date:*
SEPT. 1, 2019

STATE OF OREGON

COUNTY OF CURRY

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THIS CERTIFICATE ISSUED TO

PETERS CRANBERRIES INC
PO BOX 301
LANGLOIS OR 97450

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B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The water user may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8".

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

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

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

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Issued OCT 0 1 2021.

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

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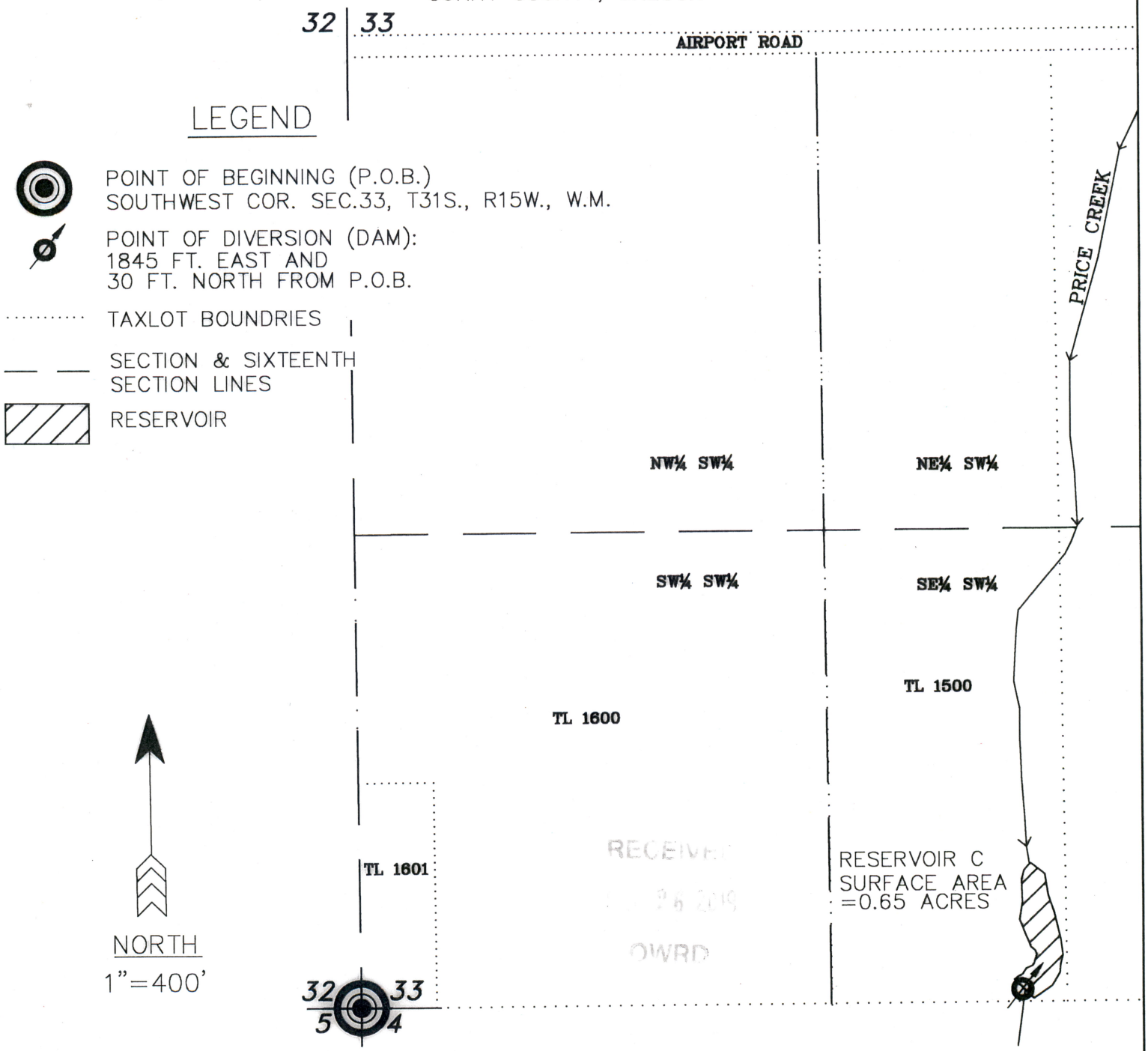
CURRY COUNTY, OREGON




RECEIVED
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Certified Water Right Examiner
89189CWRE
Marc J. Van Camp
May 16, 2019
STATE OF OREGON

EXPIRES 06/30/2020

VCC
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vancampconsulting@gmail.com

*Prepared For:*
Peters Cranberries, Inc.
Sara Osborne
P.O. Box 301
Langlois, OR 97450

*Project:*
Permit R-11956
Claim of Beneficial Use Map

*Date:*
SEPT. 1, 2019

Oregon
Kate Brown, Governor

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

**DATE MAILED: OCT 1, 2021**

## NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

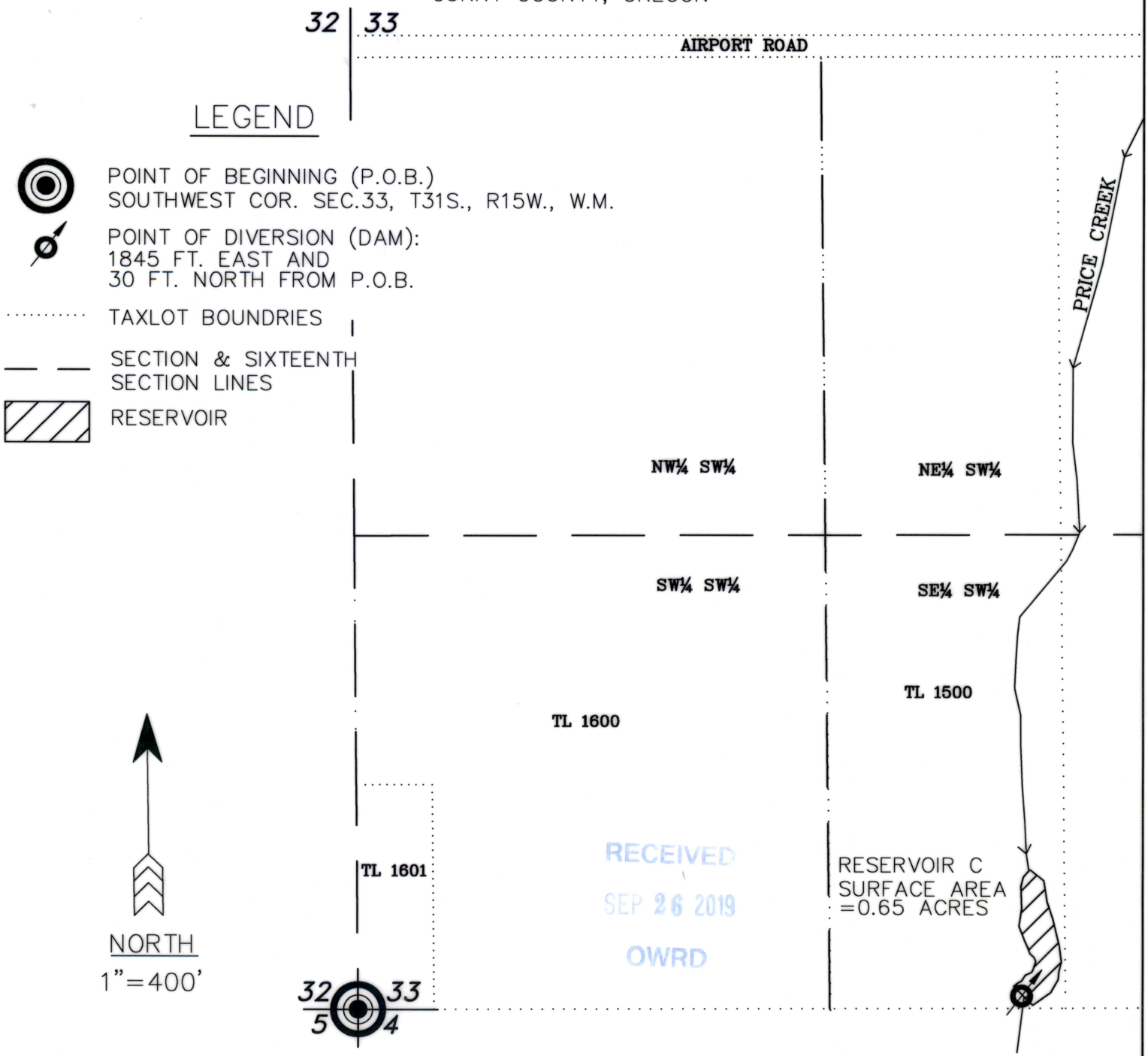
The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080,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

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-979-9103.

CLAIM OF BENEFCIAL USE MAP
APPLICATION #R-80798, PERMIT #R-11956 SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
CURRY COUNTY, OREGON

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SEP 26 2019
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*Prepared For:*
Peters Cranberries, Inc.
Sara Osborne
P.O. Box 301
Langlois, OR 97450

*Project:*
Permit R-11956
Claim of Beneficial Use Map

*Date:*
SEPT. 1, 2019

# Mailing List for Proposed Certificate

**Copies Mailed**

**by:** TM
(STAFF)

**on:** 11/6/2020
(DATE)

**Application:** R-80798

**Permit:** R-11956

**Certificate:**

**Permit/Certificate Holder:**

PETERS CRANBERRIES INC
PO BOX 301
LANGLOIS OR 97450

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

**Copies of Proposed Certificate to be sent to:**

1. Watermaster District #: 14
2. File

**Other persons to receive copies: (include map):**

3. Marc Van Camp, CWRE

Oregon
Kate Brown, Governor

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

**DATE MAILED:** NOV 0 6 2020

NOTICE

Reference: Application R-80798, Permit R-11956

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

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

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

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

If you have any other questions please contact Jonnine Skaug at 503-986-0813.

Sincerely,

Dwight French
Water Right Services Administrator

STATE OF OREGON

COUNTY OF CURRY

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PROPOSED



PROPOSED

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Issued _____.

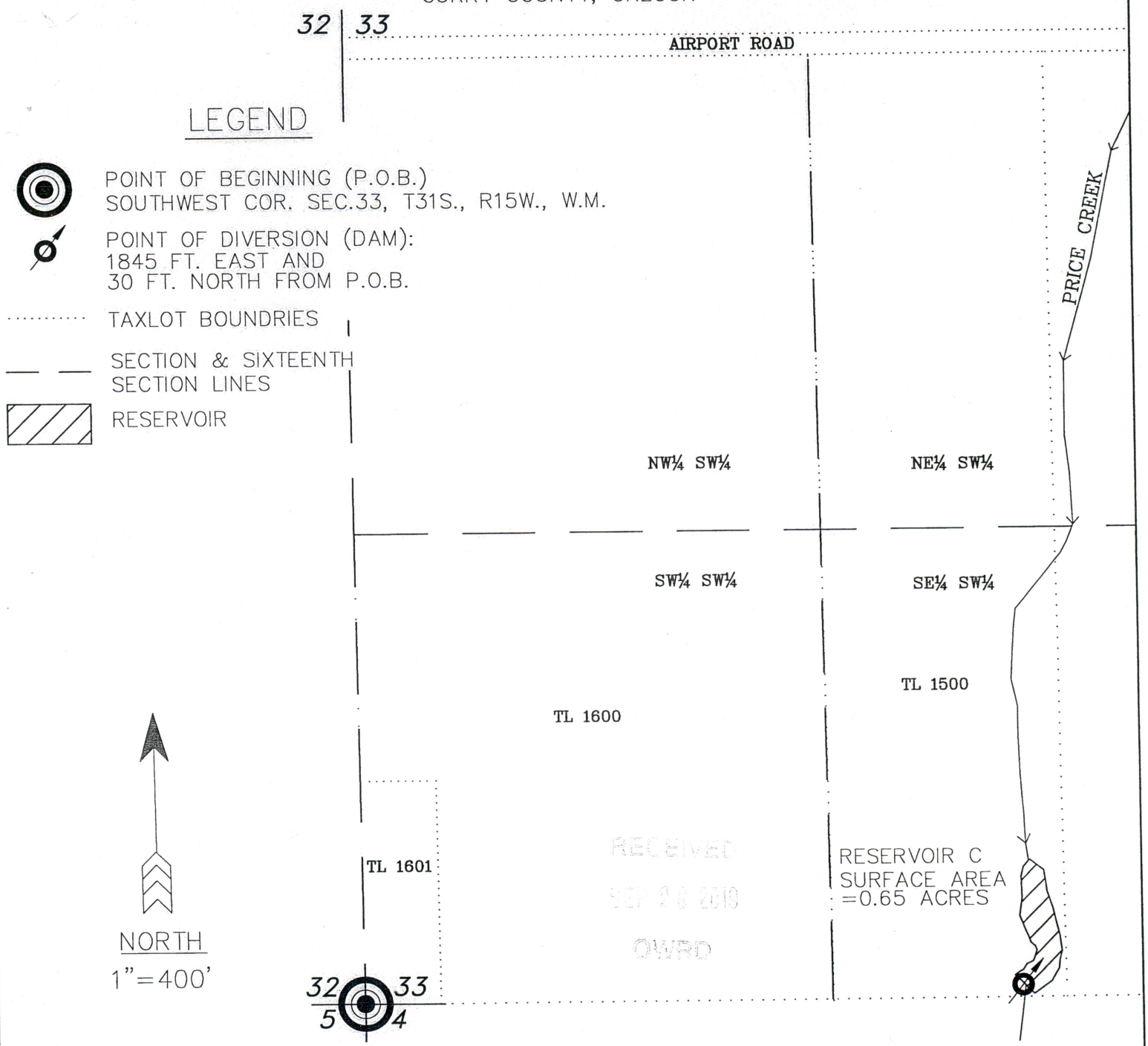
PROPOSED

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



PROPOSED

# CLAIM OF BENEFCIAL USE MAP
APPLICATION #R-80798, PERMIT #R-11956 SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
CURRY COUNTY, OREGON

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Sara Osborne
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Langlois, OR 97450

*Project:*
Permit R-11956
Claim of Beneficial Use Map

*Date:*
SEPT. 1, 2019

2019 LIST (G)

No 2nd right for this one

# MEMO –Proof to Satisfaction

| Application # R80798 | Permit # R119576 | Transfer # |
|---|---|---|
| WRD Reviewer skaug | Date July 2020 | |
| WRD Peer Reviewer | Date 9/22/20 | |

## Research

✓ Organize file in chronological order
✓ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments,
Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
✓ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
✓ Water Organization identified using AOI? ✓ No ___ Yes
If "Yes" cc: _____ & Add to Mailing List
✓ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor taxlot 1500 Same owner & addres info
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
✓ Print Platcard & check for Place of Use Conflict? ✓ No ___ Yes
If "Yes", provide copy of certificate & relevant map
✓ Print BLM Cadastral Survey
✓ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ___ No ✓ Yes
If "No", either _____WRD amend map OR _____ prepare Order of Certification

## Reviewing Claim

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

___ Fish Conditions
Yes Meter/measuring device
___ Water Use Reporting
___ Pump Test (post December 19, 1988)
Yes Other Conditions ext had requirement of progress report (included w/ claim)
___ SWL
✓ C-Date 10/1/2004 ext 10/1/20 Claim received 9-26-19
✓ 295 X 96 X 8 = 226,560 % 43560 = 5.2 AF
___ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

**NOTES:**

Assignment: Peters Cranberries Inc
PO Box 301 Langlois OR 97450
1) Marc Van Camp, CWRE

going proposed

**Determination**

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

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

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

**Processing**

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

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

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

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

**NOTES:**

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

S:groups\wr\certs\2014 Certificate Project\Proof to Satisfaction Memo March 17-2016




## Tax Lots

**Identify Tax Lots** OR Map

○ Off
◉ On

| | |
|---|---|
| County: | Curry |
| Taxlot: | 3115-33 -01500-00 |
| Owner1: | PETERS, ROY & BARBARA FAMILY LTD PARTNERSHIP |
| Owner2: | |
| Owner Address: | P O BOX 301, LANGLOIS OR 97450 |
| Site Address: | , , OR |
| Acres: | 39.6 |
| TRSQQ: | WM31.00S15.00W33XXXX |
| Effective Date: | January 1, 2019 |

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

## SKAUG Jonnine L * WRD

**From:** Jim Kolen <KolenJ@co.curry.or.us>
**Sent:** Tuesday, August 04, 2020 4:26 PM
**To:** SKAUG Jonnine L * WRD
**Subject:** RE: Property Owner Information

* -- Property Data Selection Menu --
Owner: PETERS, ROY & BARBARA FAMILY
Prop ID : R17018 (Real Estate) (43923) P O BOX 301
Map Tax Lot: 3115-33 -01500-00 LANGLOIS, OR 97450
Legal : ACRES 39.55

ÄÄÄ

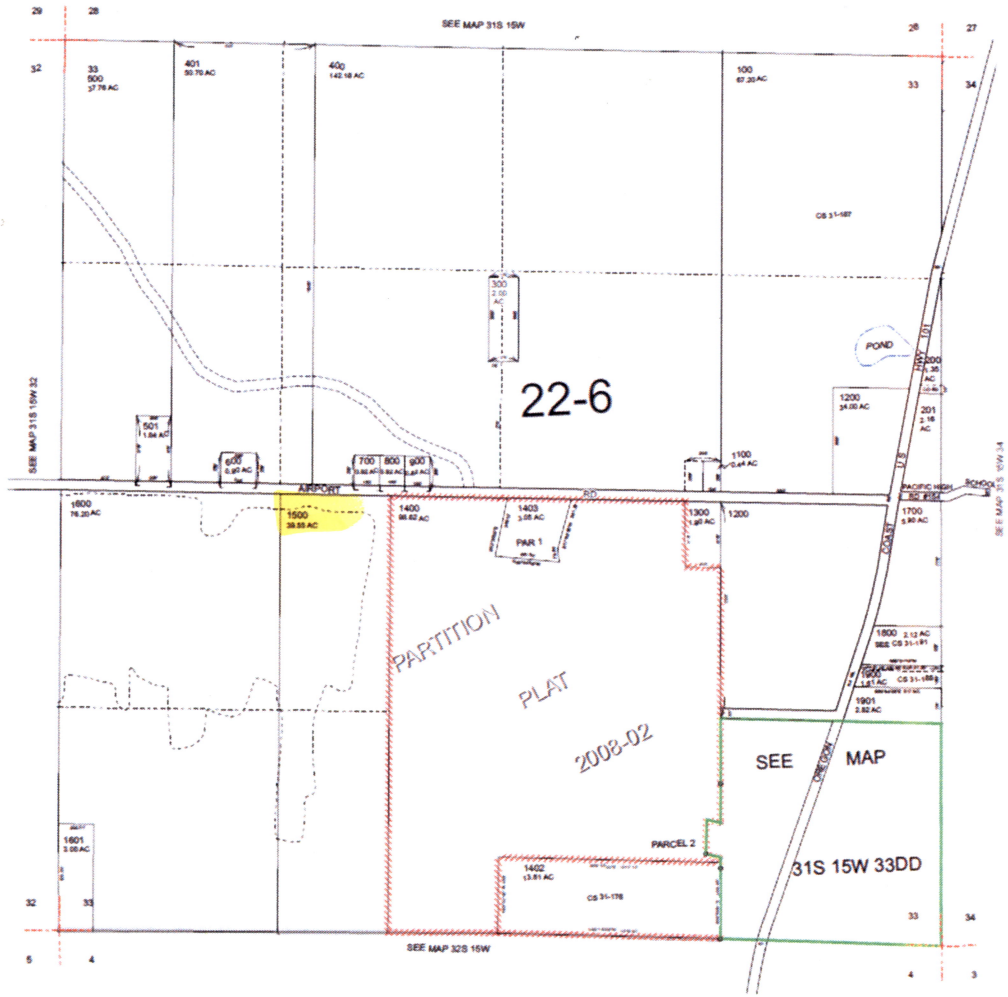
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 200 400 800 Feet

# SECTION 33 T.31S. R.15W. W.M.
## CURRY COUNTY
1" = 400'

31S15W33
& INDEX

Canceled
1000
1401
2000 THRU 3000

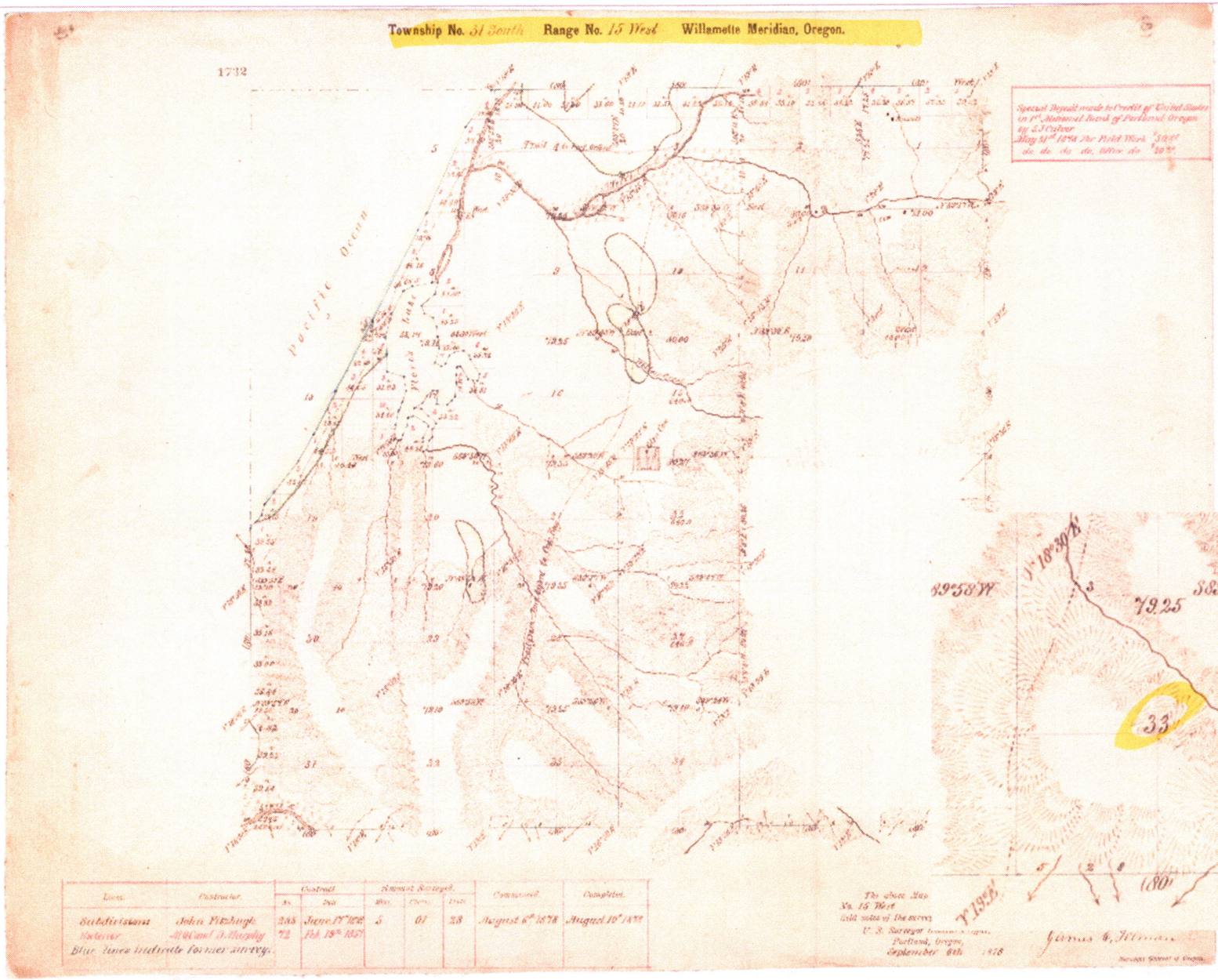



Revised: RAA
03/05/2008

& INDEX
31S15W33

Township No. 31 South Range No. 15 West Willamette Meridian, Oregon.

1732


Pacific Ocean
Meridian Line
Trail to Port Orford
Trail to Port Orford via Ophir
Trail to Port Orford via Ophir to the Sea
Trail to Ophir
Trail to Ophir via Pistol River
Trail to Pistol River
Trail to Pistol River via Ophir
Trail to Pistol River via Ophir to the Sea
Trail to Pistol River via Ophir to the Sea
Trail to Pistol River via Ophir to the Sea

Oregon Water Resources Department
Water Rights in the Same Area

no conflict

Main Help
Return Contact Us

# Places of Use from Water Rights in the Same Area

The following rights have acreage in the same quarter-quarter as Permit: R 11956 *

| Right | Name | Decree | App | Permit | Cert | Priority | Status | Use | T-R-S-QQ | DLC | Gov't Lot | Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PERMIT: G 11295 * | ROY PETERS | | G-12290 | G-11295 | | 11/9/1990 | NC | CR | 31.00S-15.00W-33-SESW | | | |
| CERT:85020 OR * | ROY PETERS | | R-70917 | R-11461 | 85020 | 11/9/1990 | NC | ST | 31.00S-15.00W-33-SWSE | | | |
| | | | | | | | | ST | 31.00S-15.00W-33-SESW | | | |
| CERT:90213 OR * | DANIEL LOSHBAUGH | | R-73610 | R-11511 | 90213 | 8/31/1993 | NC | CR | 31.00S-15.00W-33-SWSE | | | |
| PERMIT: R 14247 * | DANIEL LOSHBAUGH | | R-86310 | R-14247 | | 5/17/2005 | NC | ST | 31.00S-15.00W-33-SWSE | | | |
| CERT:88296 CF * | ROY PETERS | | S-41964 | S-31595 | 88296 | 3/9/1966 | NC | CH | 31.00S-15.00W-33-SESW | | | |
| | | | | | | | | FR | 31.00S-15.00W-33-SESW | | | |
| | | | | | | | | IR | 31.00S-15.00W-33-SESW | | | 2.2000 |
| CERT:90255 OR * | GEORGE BUSSMANN | | S-69983 | S-51053 | 90255 | 7/3/1989 | NC | CR | 31.00S-15.00W-33-SESW | | | 0.0300 |
| | | | | | | | | CR | 31.00S-15.00W-33-SWSE | | | 4.1700 |
| CERT:90214 OR * | DANIEL LOSHBAUGH | | S-73611 | S-51557 | 90214 | 8/31/1993 | NC | CR | 31.00S-15.00W-33-SWSE | | | 4.7000 |
| | | | | | | | | CR | 31.00S-15.00W-33-SWSE | | | 4.1700 |
| | | | | | | | | CR | 31.00S-15.00W-33-SESW | | | 4.3000 |
| | | | | | | | | CR | 31.00S-15.00W-33-SESW | | | 0.0300 |
| CERT:90256 OR * | GEORGE BUSSMANN | | S-86412 | S-54270 | 90256 | 9/6/2005 | NC | CR | 31.00S-15.00W-33-SESW | | | 2.5000 |

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WENDELL R PETERS
RT 2 BOX 160
BANDON, OREGON 97411

(541)348-2870

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

APPLICATION FILE NUMBER: R-80798

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMERS CREEK

STORAGE FACILITY: ~~TWO~~ AN UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: ~~TO BE APPROPRIATED UNDER APPLICATION S-_____ FOR~~ CRANBERRY USE.

None looked in file

Can't locate this right??

VOLUME: ~~16.04~~ 5.2 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: DECEMBER 29, 1995

The maximum height of the dam shall not exceed 9.9 feet.

1845' E & 30' N, swsw SW corner sec 33

DAM LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 ~~EAST~~ W, W.M.

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

SE 1/4 SW 1/4
~~SW 1/4 SE 1/4~~
SECTION 33
TOWNSHIP 3 ~~SOUTH~~ 1 NORTH, RANGE 15 WEST, W.M.



[redacted]

Measurement, recording and reporting conditions:

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

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

**STANDARD CONDITIONS**

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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

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

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

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



[redacted]

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

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

Issued August 20, 1996

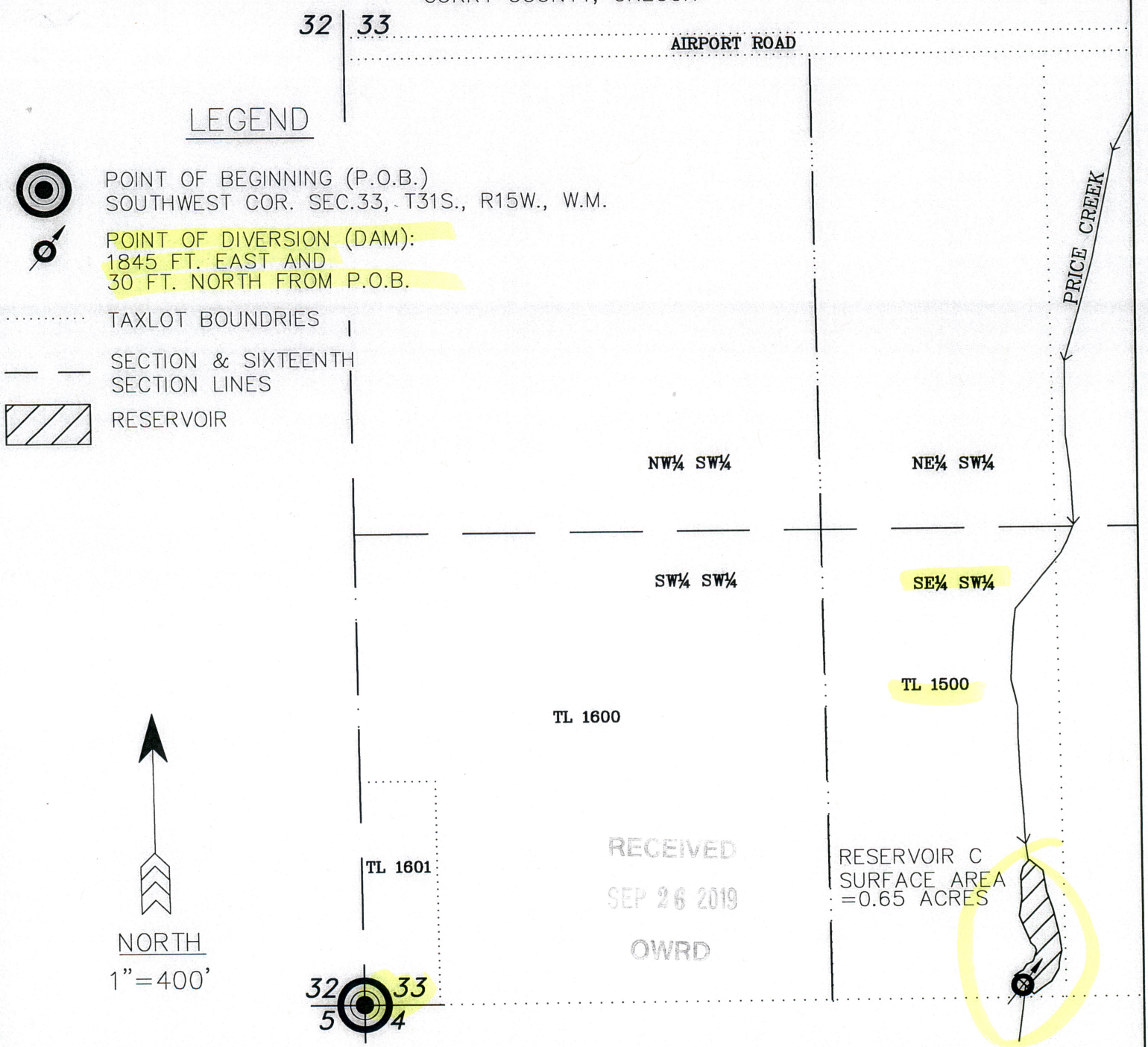
cdate = 10/1/99
ext 10/1/2020

for Martha O. Pagel, Director
Water Resources Department



[redacted]

CLAIM OF BENEFCIAL USE MAP
APPLICATION #R-80798, PERMIT #R-11956 SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
CURRY COUNTY, OREGON




DISCLAIMER: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DESCRIPTIONS OR LOCATIONS OF PROPERTY LINES.

Certified Water Right Examiner
89189CWRE
Marc J. Van Camp
May 16, 2019
STATE OF OREGON

EXPIRES 06/30/2020


VCC
VAN CAMP CONSULTING
P.O. Box 995
Coos Bay, OR 97420
(541) 297-1880
vancampconsulting@gmail.com


*Prepared For:*
Peters Cranberries, Inc.
Sara Osborne
P.O. Box 301
Langlois, OR 97450

*Project:*
Permit R-11956
Claim of Beneficial Use Map

*Date:*
SEPT. 1, 2019

# CLAIM OF BENEFICIAL USE

## for Reservoirs storing less than 9.2 acre-feet permitted under ORS 537.409

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

**A fee of $200 must accompany this form.**
**The Claim will be returned if the fee is not included.**

**Claims received without the correct fee of $200 will be returned.**

**This form may be completed by the permit holder of record if:**

1) **The permit was issued under the authority of ORS 537.409.**
2) **No secondary permit exists for the use of water stored in the reservoir.**
3) **The developed capacity of the reservoir is less than 9.2 acre-feet.**
4) **The water was stored by the date required in the permit.**

A separate form shall be completed for each permit.

This form must be submitted to the Water Resources Department within one year of storage of water in the reservoir.

Please type or print in dark ink. If the data provided is found to contain errors or omissions, it may be returned. The Department may require the submittal of additional information.

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

## SECTION 1
## GENERAL INFORMATION

RECEIVED
SEP 26 2019
OWRD

File Information

| APPLICATION # | PERMIT # |
|---|---|
| R-80798 | R-11956 |

Applicant Information

| APPLICANT NAME | | PHONE NO. | ADDITIONAL CONTACT NO. |
|---|---|---|---|
| Peters Cranberries, Inc. Sara Osborne | | 541-348-2276 | 541-253-6041 |
| ADDRESS<br>P.O. Box 301 | | | |
| CITY<br>Langlois | STATE<br>OR | ZIP<br>97450 | E-MAIL<br>peterscranberries@gmail.com |

## SECTION 2
## RESERVOIR INFORMATION

Reservoir Dimensions and Capacity

| AVERAGE LENGTH | AVERAGE WIDTH | AVERAGE DEPTH | MAXIMUM CAPACITY IN ACRE-FEET |
|---|---|---|---|
| 295' N-S | 96' E-W | 8' | 5.2 AC-FT |

To determine capacity in acre-feet use for the above table, use the following calculation:

$$\text{Acre-feet} = \frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43{,}560}$$

## SECTION 3
## MAP

Attach a map identifying the reservoir location. If the water right application map accurately reflects the location of the reservoir, you may attach a copy it. Otherwise, you must submit a map meeting the standards of OAR 690-310-0050, which are attached.

Preparation of the map by a Certified Water Rights Examiner is **not** required for this type of permit, but may be submitted.

RECEIVED
SEP 26 2019
OWRD

## SECTION 4
## SIGNATURE

*This Claim of Beneficial Use must be signed by each permit holder of record.*

By my signature, I certify that the information contained herein is true and correct to the best of my knowledge.

| SIGNATURE | PRINT OR TYPE NAME | TITLE | DATE |
|---|---|---|---|
| Sara Osborne | Sara Osborne | Owner | 9/22/2019 |
| | | | |
| | | | |

ATTATCHMENTS:

1) 2019 PROGRESS REPORT FORM

2) CLAIM OF BENEFICIAL USE MAP

RECEIVED
SEP 26 2019
OWRD

**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: Peters Cranberries, Inc. Application R-80798 Permit R-11956

## Progress Report Form for 2019

Report Due no later than October 1, 2019
**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 R-11956. **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 April 23, 2015 and October 1, 2019 | FINANCIAL INVESTMENT |
|---|---|---|
| | all physical work done prior to | |
| | April 23, 2015. | |
| | | |
| | | |
| | | |

**2. Describe actions taken to comply with terms/conditions of the permit and/or previous extension.**
We hired a consultant to help understand the system and be able to move forward.

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SEP 26 2019
OWRD

**3. Total number of acres irrigated to date :** 5.2 AC-FT *(NA if not applicable)*

**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)
or
Maximum rate used to date = _____gpm (gallons per minute)
or
Acre Feet stored to date = _____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).* ***Do not provide daily, monthly or annual water volume totals.***

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

**Signature** Sara Osborne **Date** 9/23/2019

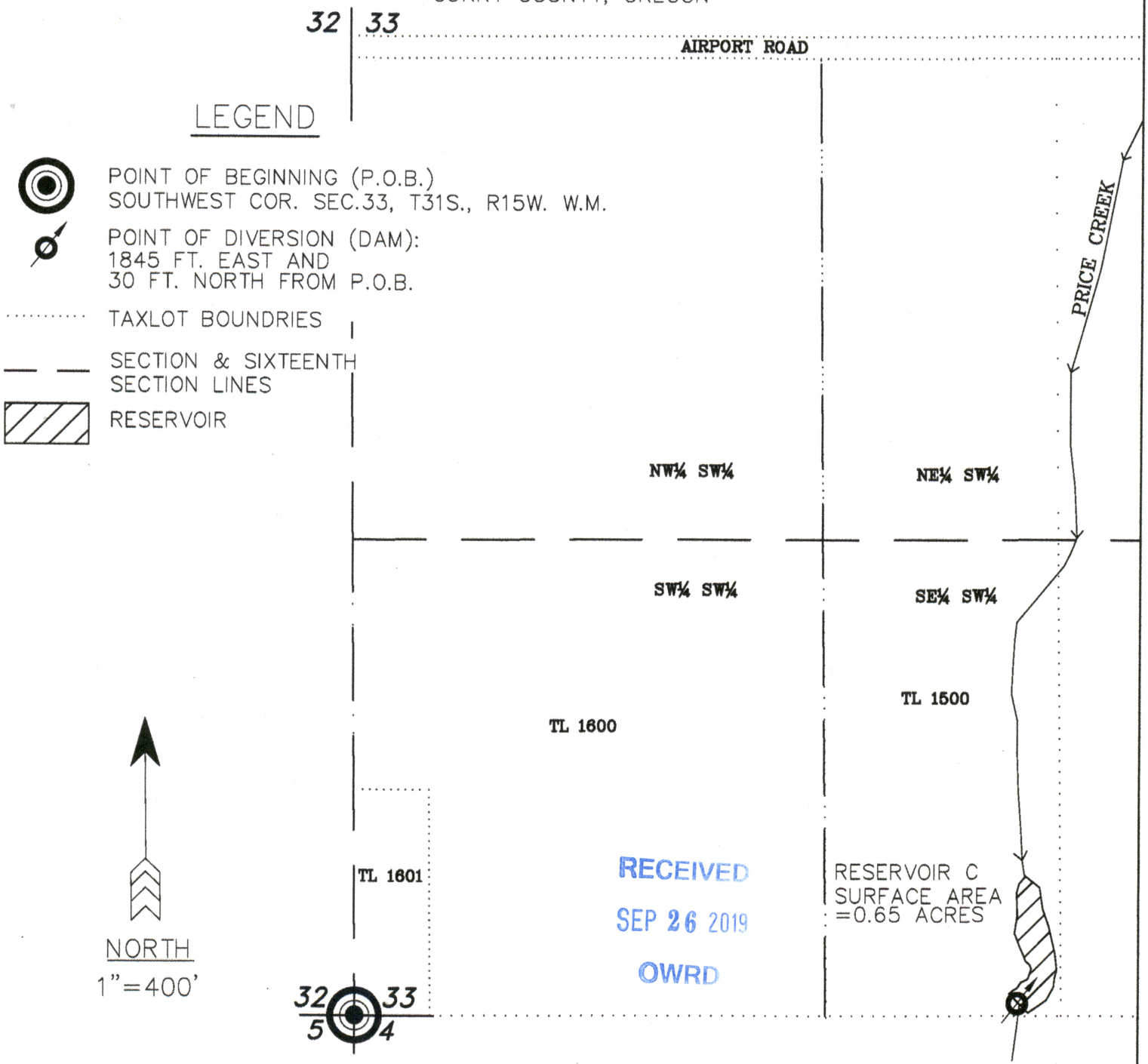
**Printed Name/Title** Sara Osborne owner

***For OWRD use only***

Diligence Shown ☐ Yes ☐ No Date Public Noticed: _____

Reviewed by: _____ Date: _____

CLAIM OF BENEFCIAL USE MAP
APPLICATION #R-80798, PERMIT #R-11956 TOWNSHIP 31 SOUTH, RANGE 15 WEST, SECTION 33 W.M.
CURRY COUNTY, OREGON




RECEIVED
SEP 26 2019
OWRD

DISCLAIMER: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DESCRIPTIONS OR LOCATIONS OF PROPERTY LINES.

Certified Water Right Examiner
89189CWRE
Marc J. Van Camp
May 16, 2019
STATE OF OREGON
EXPIRES 06/30/2020

VCC
VAN CAMP CONSULTING
P.O. Box 995
Coos Bay, OR 97420
(541) 297-1880
vancampconsulting@gmail.com

*Prepared For:*
Peters Cranberries, Inc.
Sara Osborne
P.O. Box 301
Langlois, OR 97450

*Project:*
Permit R-11956
Claim of Beneficial Use Map

*Date:*
SEPT. 1, 2019

STATE OF OREGON

# WATER RESOURCES DEPARTMENT

RECEIPT # 130920

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

INVOICE # _____

RECEIVED FROM: Peters Cranberries LLC.

BY: _____

| | |
|---|---|
| APPLICATION | R-80798 |
| PERMIT | |
| TRANSFER | |

CASH: ☐ CHECK:# ☒ 3742 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 200.00

## 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

46111

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

0200 OTHER (IDENTIFY) COBL $200.00

## 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: 130920 DATED: 9/26/19 BY: [signature]

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

Oregon
Kate Brown, Governor

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

October 3, 2019

Peters Cranberries, Inc.
Attn: Sara Osborne
P.O. Box 301
Langlois, OR 97450

On September 26, 2019, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Application R-80798 Permit R-11956

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the $200.00 COBU recording fee.

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

Cc: file

COPY

# Certificate Checklist for Qualifying Reservoirs

**Under ORS 537.409(10)(11) (COBU by Permittee for "Alternative Reservoirs)**
**(Must be less than 9.2 acre feet)**

*File No. R-* 80798 *File Marked* _____

*Date Rec'd.* 9/26/2019 *Claim Logged* _____

*Reviewer* Cay M. Judy *Peer Review* _____

## Intake Checklist

***Does a secondary permit exist for use of water under this permit at the time of this submittal?***
☐ **YES** ☒ **NO** (If "Yes", this self certification cannot be accepted. The Claim must be prepared by a CWRE for both the reservoir and the secondary use permit.)

***Are reservoir dimensions included?*** ☒ **YES** ☐ **NO**

***Signed by all permittees?*** ☒ **YES** ☐ **NO** (Must be signed by all permittees. If not, Assignment may be needed).

***Was a map included?*** ☒ **YES** ☐ **NO** (Must Identify Location of the Reservoir)

## Processing Notes and Conclusions

***The Claimed maximum capacity of the reservoir in acre feet is:*** _____

***The Permitted capacity of the reservoir in acre feet is:*** _____

***Is this reservoir located within an "Area of Interest"?*** ☐ **YES** ☐ **NO**

*Identified Party* _____

***Current Ownership Check:***
***Does the County Assessor indicate that there is a new landowner?*** ☐ **YES** ☐ **NO**
(If new owners, indicate name and mailing address below)

**Issue**: ☐ **PROPOSED** (If fewer acre feet were developed than were permitted)

☐ **CERTIFICATE #**_____

R-80798

## CLARK Gerald E * WRD

**From:** CLARK Gerald E * WRD
**Sent:** Friday, February 16, 2018 8:12 AM
**To:** PAULSON Lafe E * WRD
**Subject:** RE: R11956

Lafe,

I will place a copy of your message in the file for when a claim is reviewed for certificate issuance. I do not believe that we currently issue correcting permits.

Gerry

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

Phone: 503-986-0811

---

**From:** PAULSON Lafe E * WRD
**Sent:** Wednesday, February 14, 2018 2:58 PM
**To:** CLARK Gerald E * WRD
**Subject:** R11956

Hi Gerry,

I got a WRIS error on this older permit that has an incorrect township on the document for the POU. It says 3S, but is in Curry county and all other info says 31S. You may have gotten an email from Sheila re: this in 2016. This is the second WRIS error we have gotten. I am not sure you do anything on older permit like this, but I had to let you know.

Thanks,

Lafe

Lafe Paulson | Water Resource Data Technician I
**Oregon Water Resources Department**
725 Summer St. NE, Suite A | Salem, Oregon 97301
Phone: 503.986.0864
Email: Lafe.E.Paulson@oregon.gov

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WENDELL R PETERS
RT 2 BOX 160
BANDON, OREGON 97411

(541)348-2870

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

APPLICATION FILE NUMBER: R-80798

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMERS CREEK

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-_____ FOR CRANBERRY USE.

VOLUME: 16.04 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: DECEMBER 29, 1995

The maximum height of the dam shall not exceed 9.9 feet.

DAM LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 EAST, W.M.

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

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 33
TOWNSHIP 3 SOUTH, RANGE 15 WEST, W.M.





Measurement, recording and reporting conditions:

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

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

**STANDARD CONDITIONS**

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

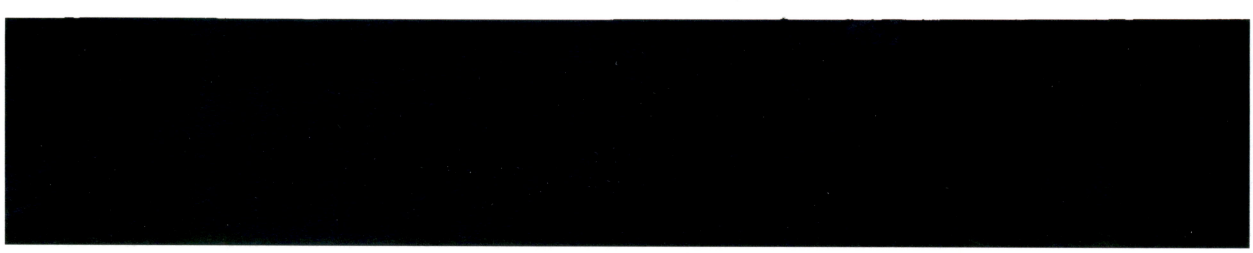
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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

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

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





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

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

Issued August 20, 1996

for Martha O. Pagel, Director
Water Resources Department



[redacted]

R-80798

**CLARK Gerald E * WRD**

**From:** Marc Van Camp <marcvancamp@stuntzner.com>
**Sent:** Friday, February 16, 2018 1:15 PM
**To:** CLARK Gerald E * WRD
**Subject:** RE: CBU by Owner for Permit R-80798

Gerry,

Some good news!

Thank you much.

Warm Regards,

*Marc Van Camp*
***Stuntzner Engineering and Forestry***
*P.O. Box 118 (705 S. 4th St.)*
*Coos Bay, OR 97420*
*(541)267-2872*
*Fax: (541)267-0588*

Stuntzner Engineering & Forestry, LLC

**From:** CLARK Gerald E * WRD [mailto:Gerald.E.Clark@oregon.gov]
**Sent:** Friday, February 16, 2018 11:45 AM
**To:** Marc Van Camp <marcvancamp@stuntzner.com>
**Subject:** CBU by Owner for Permit R-80798

Marc,

Jeffrey is correct, the permit holder may be able to prepare their own Claim for this permit because the reservoirs were applied for under ORS 537.409. In addition to being evaluated under this statute, they would also have to meet the following criteria:

1. The permit was issued under the authority of ORS 537.409.
2. No secondary permit exists for the use of water stored in the reservoir.
3. The developed capacity of the reservoir is less than 9.2 acre-feet.
4. The water was stored by the date required in the permit.

Here is a link to the entire Claim form than owner can use.

Hope this helps.

Gerry

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

Phone: 503-986-0811

## CLARK Gerald E * WRD

**From:** CLARK Gerald E * WRD
**Sent:** Friday, February 09, 2018 9:04 AM
**To:** 'Marc Van Camp'
**Subject:** RE: COBU Question R11956
**Attachments:** scan_20180209_083213.pdf

Marc,

I have been performing some research related to your questions.

You are correct, there is not currently a secondary right to use water that was authorized to be stored under Permit R-11956. This is something that they will need to remedy. The reservoir permit only allows them to store water, not use the water. We do see this as it relates to reservoir permits because one of our surface water permit processes does not allow for an application for the use of stored water to be filed until there is an existing stored water right for the source; either a permit or certificate.

You can certainly explain the issue of the location of the storage in the Claim. I have attached a copy of the original application and a second map from the file that describes the locations of the reservoirs.

Please let me know if you want to discuss this further. I plan to be in the office all day today.

Gerry

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

Phone: 503-986-0811

---

**From:** Marc Van Camp [mailto:marcvancamp@stuntzner.com]
**Sent:** Thursday, February 01, 2018 5:22 PM
**To:** CLARK Gerald E * WRD
**Subject:** COBU Question R11956

Hey Gerry,

I have an interesting permit for you that some clients of mine are hoping to get certified sooner than later. Client is Peter's Cranberries, they have a good amount of cranberry bogs here and they also have a "Mini Oceansprey" processing and juicing plant. Anyway, their bogs have had quite the mess of water rights for a while, I just submitted 2 extensions today for their other 2 permits. They hired me as a general water right consultant just to figure out what they all have exactly. They acquired the bogs in 2007 after grandpa's sudden death and Grandpa, Roy Peters, had done all the water rights work previously, so they never really even knew what they had or what Roy's vision/plan was. Enough of the background, my apologies.

The permit I am looking at is permit R11956 App R80798. The thing I find very interesting about this one is the blank for an associated S permit/application to divert the stored water.... This is interesting because most their other water rights (Certificates
85020, 85021, 88295, 88297) were all transferred under T7514 to one of the two Reservoirs. Have you ever seen this before? Is it something we would need to apply for a surface right for?

Also, the Permit calls out the SE-SW and SW-SE QQ of Section 33. The Peters do not own any land in the SW-SE QQ and it should be SW-SW (That's where the reservoirs are). But I am thinking that something I can explain in the COBU...

Anyway, I figured I would give you a quick rundown and the permit #'s quickly over email so we can chat whenever you get a chance to look it over. I hope the New Year is treating you well.

Sincerely,

*Marc Van Camp*
***Stuntzner Engineering and Forestry***
*P.O. Box 118 (705 S. 4th St.)*
*Coos Bay, OR 97420*
*(541)267-2872*
*Fax: (541)267-0588*

Stuntzner
Engineering
& Forestry, LLC

# Oregon Water Resources Department
# Application for a Permit to Store Water
## Expedited Review Process

For reservoirs that:

- Store less than 9.2 acre-feet of water, or
- Have a dam less than 10 feet high.

Landowner: PETERS (Last name), Wendell (First name), R (MI)

Authorized Agent: _____ (Last name), _____ (First name), _____ (MI)

Address: RT 2 BOX 160

~~BANDON, OR~~

BANDON (City), OR (State), 97411 (Zip)

Phone: 541/347-2870 (Home) 541/348-2216 (Work)

FAX: _____ E-Mail Address: _____

RECEIVED
DEC 29 1995
WATER RESOURCES DEPT
SALEM, OREGON

**A. County of use:** Curry. **B. River basin** (*see reverse*): S. Coast.

**C. Legal description of reservoir location:**

| Township | Range | Section | Quarter/Quarter | Tax Lot # |
|---|---|---|---|---|
| 31S | 15W | 33 | SW1/4, SE1/4 SE1/4 SW1/4 | 1500 |

**D. Name, if any, of reservoir:** _____.

**E. Source of water:** Unnamed stream (Name of river or creek) which flows into Summers Creek (Name of river or creek).

**F. Water** ☒ **is** ☐ **would be used for** (*see reverse*): Cranberry use.

**G. Maximum height of dam:** 9.9 feet.

**H. Quantity of water stored in reservoir at maximum capacity:** 17.68 (includes 1.65 from R11461) acre-feet (*see reverse*).

**BEFORE YOU SIGN AND SUBMIT THIS APPLICATION . . . HAVE YOU:**

- ☐ Answered each question on this form as completely as possible?
- ☐ Attached a legible map which includes township, section, range, quarter-quarter and tax lot identification?
- ☐ Included a check payable to the Oregon Water Resources Department for $10 per acre-foot up to a maximum of $100?

**By my signature below, I swear that all statements made and information provided in this application are true to the best of my knowledge.**

Roy Peters (Signature of Landowner/Agent)

Roy Peters owner (Printed name and title)

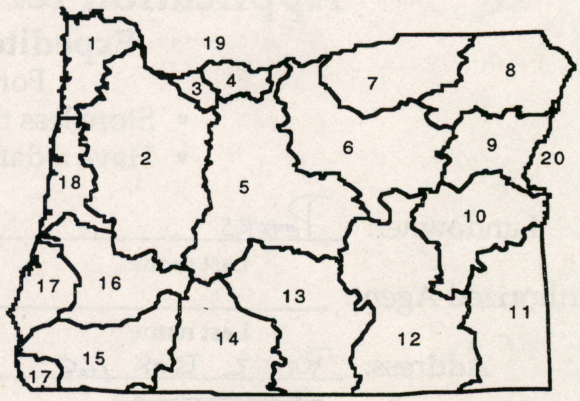
December 29, 1995 (Date)

**For Department Use** 10-95

R-80798 (Application #) _____ (Permit #) 12-29-95 (Tentative Priority Date)

## Oregon's major river basins:

| | | |
|---|---|---|
| 1–North Coast | 8–Grande Ronde | 15–Rogue |
| 2–Willamette | 9–Powder | 16. Umpqua |
| 3–Sandy | 10–Malheur | 17–S. Coast |
| 4–Hood | 11–Owyhee | 18–Mid Coast |
| 5–Deschutes | 12–Malheur L. | 19–Columbia |
| 6–John Day | 13–Goose/Summer | 20–Snake |
| 7–Umatilla | 14–Klamath | |




One acre-foot is the volume of water that would cover one acre with one foot of water. To find out how much water your pond stores, multiply the surface area by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. To be eligible to apply under the expedited review process (HB 2376, 1995), your pond must store less than 400,752 cubic feet (43,560 X 9.2).

## What do you use water for?

| Agriculture, Land Management | |
|---|---|
| General Agriculture | Cranberry |
| Irrigation | Nursery Operations |
| Stockwater | Temperature Control |
| Aquatic Life | Forest & Range Management |
| Other: (Specify) | |

| Industrial/Commercial Uses | |
|---|---|
| Industrial | Commercial |
| Fire Protection | Mining |
| Power Development | Other: (Specify) |

| Drinking Water Supply | |
|---|---|
| Human Consumption | Domestic |
| Domestic Expanded | Other: (Specify) |

| Community Water Supply | |
|---|---|
| Municipal | Quasi-Municipal |
| Group Domestic | Storm Water Management |
| Other: (Specify) | |

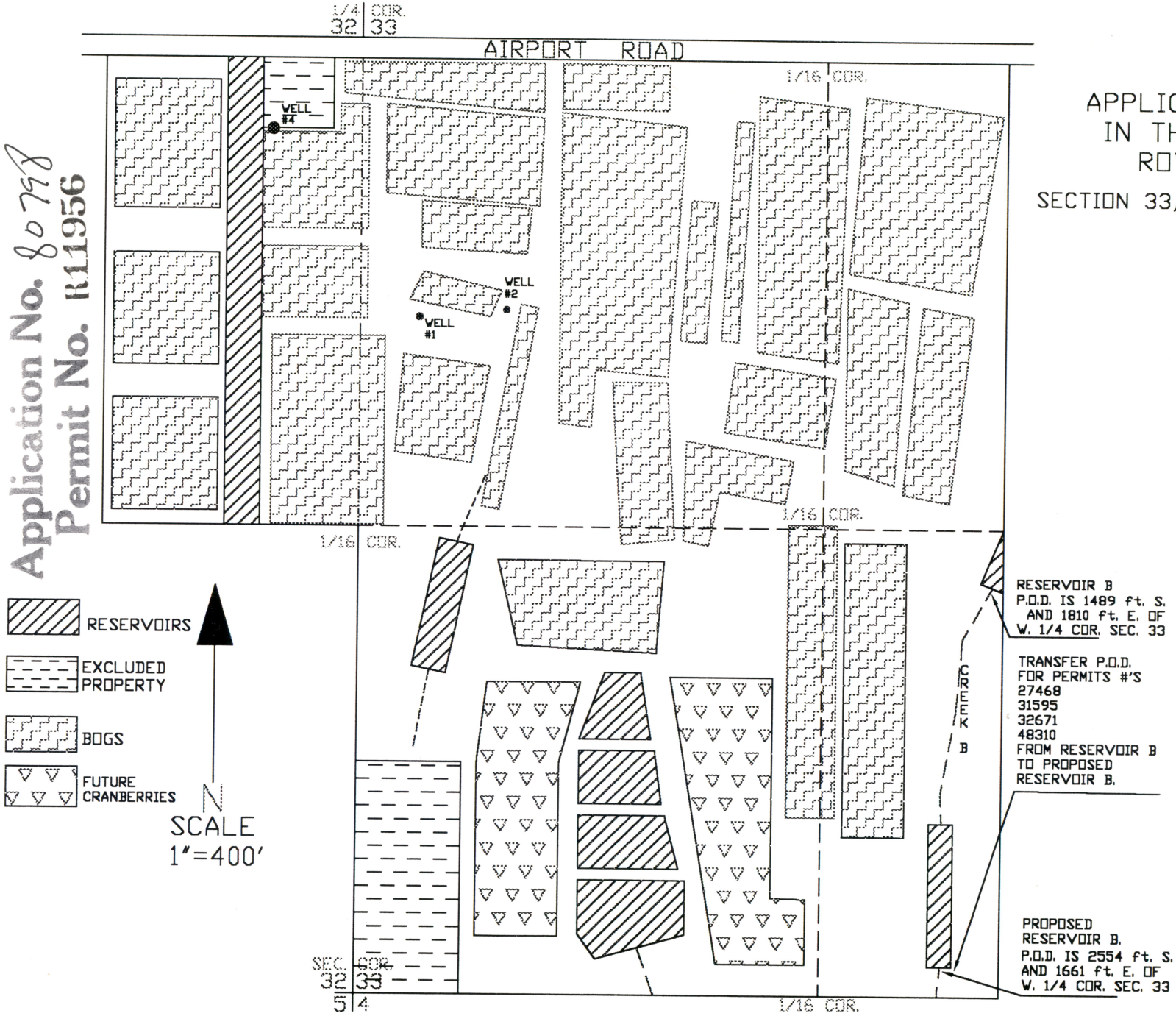
| Environmental Benefits | |
|---|---|
| Pollution Abatement | Recreation |
| Wetland Enhancement | Wildlife |
| Other: (Specify) | |

Application No. 80798
Permit No. R11956

# APPLICATION MAP IN THE NAME OF ROY PETERS

SECTION 33, T 31 S, R 15 W, W.M.

RECEIVED
DEC 29 1995
WATER RESOURCES DEPT
SALEM, OREGON




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

* Correction needed on POD + POU Locations prior to Certificate - WRIS is incorrect. But matches the document, stating Dam Location is Sect. 33 T31S R15E while the area to be submerged by the reservoirs is listed as Sect. 33 T35 R15W.

Coment left in WRIS 1.20.16
SLB

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 # 115608 INVOICE # _____

RECEIVED FROM: Peters Cranberries Inc.
BY: Sara Peters | Whitney Peters

| | |
|---|---|
| APPLICATION | R-80798 |
| PERMIT | |
| TRANSFER | |

CASH: ☐ CHECK:# ☒ 2433 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 575.00

## 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

46111

**MISCELLANEOUS**

| | | | |
|---|---|---|---|
| 0407 | COPY & TAPE FEES | | $ |
| 0410 | RESEARCH FEES | | $ |
| 0408 | MISC REVENUE: (IDENTIFY) | _____ | $ |
| TC162 | DEPOSIT LIAB. (IDENTIFY) | _____ | $ |
| 0240 | EXTENSION OF TIME | | $ 575.00 |

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

_____ OTHER (IDENTIFY) _____

## 0536 TREASURY 0437 WELL CONST. START FEE

| | | | | |
|---|---|---|---|---|
| 0211 | WELL CONST START FEE | $ | CARD # | |
| 0210 | MONITORING WELLS | $ | CARD # | |

_____ OTHER (IDENTIFY) _____

## 0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

| | | | |
|---|---|---|---|
| 0233 | POWER LICENSE FEE (FW/WRD) | | $ |
| 0231 | HYDRO LICENSE FEE (FW/WRD) | | $ |
| _____ | HYDRO APPLICATION | | $ |

## _____ TREASURY OTHER / RDX

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

RECEIPT: 115608 DATED: 4/23/15 BY: _____

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

**Application #** R-80798 **Permit #** R-11956

## Public Notice Route Slip ... New Application Extension of Time

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

- **WRIG...**
  Money Receipted on: 4-23-15
- **Extension Specialist...**
  - ☑ Added to tracking spreadsheet

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

- **Codi Holmes...**
  - ☑ Publish on Public Notice (initial 30-day comment): Date of notice 5/5/15
  - ☑ 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** Corey

Extension PFO Checklist for

# Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: R-80798 Permit: R-11956 Permit Amendment? No ☑ Yes ☐ T- _____ ☐ pending ☐ approved

Permit Holder's Name: Peters Cranberries, Inc. PO Box 301 Langlois, OR 97450

Permit Holder's Mailing Address: _____ email _____

Phone Number: (541) 253-6041

POD Location: Township _____ Range _____ Section _____ ¼¼ _____

Drainage Basin: 17 South Coast County: Curry Watermaster District: 19 Watermaster: vacant

**Date Permit was issued:** August 20, 1996 **Priority Date:** December 29, 1995 **Date of PN:** 5-5-15

**Source:** An unnamed stream, a tributary of Summers Creek

**Use:** To be appropriated for cranberry use

**"Q":** 16.04 AF

**Orig "A" Date:** August 20, 1997 **Orig "B" Date:** 10/1/ 1998 **Orig "C" Date:** 10/1/ 1999

**Extension request rec'd:** 4-23-15 **Last Authorized "B" Date:** ~~10/1/ 2004~~ **Last Authorized "C" Date:** ~~10/1/ 2004~~

**Request Number (1, 2, 3...):** 2 **Proposed "B" Date:** 10/1/ 2020 (30) **Proposed C Date:** 10/1/ 2020 (30)

**Conditions of Permit:**

| Condition Met? | Condition Not Met? | Permit Condition |
|---|---|---|
| ☐ Unknown | ☐ | Meter |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |

**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
- unk. ☐ 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: $ unk Estimated Remaining Cost: $ unk
- unk ☐ ☐ Beneficial use made of the water during the permit or previous extension time limits
  - Permit holder has beneficially used unk ☐cfs ☐gpm ☐af of the total permitted quantity of water on unk acres

**GW REVIEW:** Y (N) cc

**MITIGATION REVIEW:** Y (N)

**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. Sixes River

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
- ☐ ☑ 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: 2019 )

☐ 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:** Corey **Date:** 4-29-15

# Completeness Checklist for Permit Extension of Time Application

*Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.*

☑ **1.** Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.

☑ **2.** Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____

If the permit has been cancelled, the Extension Application cannot be accepted.

☑ **3.** Is the extension applicant's name and mailing address supplied? yes

If yes, is the applicant a permit holder of record *(i.e., permit issued or assigned to them)*? no

If the extension applicant is **NOT** a permit holder of record, a *"Request for Assignment"* must be accepted and processed before the Extension Application can be processed.

If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.

* ***NOTE:*** The applicant **may** submit a complete *"Request for Assignment,"* at the same time, which **must** include the statutory fee of $85 for the assignment, required proof of ownership, or signature of previous permit holder, in addition to all necessary items required for the Extension of Time Application so that **both applications can be accepted**.

☑ **4.** Is the appropriate Extension of Time Application used? yes

If the wrong application form is used, the Extension Application cannot be accepted.

- If a Municipal or Quasi-Municipal permit, use: *"Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."*
- If a NON-Municipal or NON-Quasi-Municipal permit, use: *"Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."*

☑ **5.** Are the requested date(s) for extension identified *(Page 1)*? yes

- Check the permit to see if it includes a "B-Date" and/or a "C-Date."

*"B-Date" = date by which construction of the water delivery system for the permit is to be completed.*

*"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.*

**NOTE:** For permits with both a "B-Date and a "C-Date," the applicant will likely request an extension of both dates *(i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use)*. Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" *(i.e., to apply water to full beneficial use)*.

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

☑ **6.** Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____

*(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)*

If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.

**NOTE:** If the permit covers land that has been subdivided and assigned to different, individual parties… we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

☑ **7.** Are all questions on the application answered? yes

*(NOTE: Supporting documentation such as: copies of the permit/well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)*

## The tables below are informational only. No need to check off.

### ■ NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:

| | |
|---|---|
| ▪ **Ques. #1** - Information provided on beginning of construction ("A" Date) under the permit. | ▪ **Ques. #5-C** - Well location information provided and whether a permit amendment is necessary. |
| ▪ **Ques. #2** - Information provided on compliance with permit conditions. | ▪ **Ques. #6** - Information provided on number of acres irrigated, if applicable. |
| ▪ **Ques. #3** - Description provided of progress made in developing the permit. | ▪ **Ques. #7** - Description provided of remaining work left to be accomplished to perfect the permit. |
| ▪ **Ques. #4** - Monetary investment made in the project to date provided. | ▪ **Ques. #8** - Description provided of estimated cost to complete the project associated with the permit. |
| ▪ **Ques. #5-A** - Max amount of water beneficially used to date for a SW permit indicated. | ▪ **Ques. #9** - Explanation provided of why the permit has not been fully developed/perfected. |
| ▪ **Ques. #5-B** - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated. | ▪ **Ques. #10** - Justification provided of why the requested time is necessary to complete project. |

### ■ Municipal/Quasi-Municipal Permit Extension Applications:

| | |
|---|---|
| ▪ **Ques. #2** – For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit. | ▪ **Ques. #8** - Estimate provided of current peak water demand of the population served and the methodology used to make the estimate. |
| ▪ **Ques. #3** – For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date). | ▪ **Ques. #9** - Explanation provided of why the permit has not been fully developed/perfected. |
| ▪ **Ques. #4** - Description provided of progress made in developing the permit and financial expenditures made in the project to date. | ▪ **Ques. #10-A** - Estimate provided of demand projection for the permit, the methodology used to make the estimate and anticipated date for full beneficial use of the permit. |
| ▪ **Ques. #5-A & #5-B -** Information provided on compliance *(or non-compliance)* with permit conditions. | ▪ **Ques. #10-B** – For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder. |
| ▪ **Ques. #6-A** - Max amount of water beneficially used to date for a SW permit indicated. | ▪ **Ques. #11** – Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right. |
| ▪ **Ques. #6-B** - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated. | ▪ **Ques. #12** - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use. |
| ▪ **Ques. #6-C** - Well location information provided and whether a permit amendment is necessary. | ▪ **Ques. #14**- A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable. |
| ▪ **Ques. #7** – Estimate provided of current population served under the permit and the methodology used to make the estimate. | ▪ **Attachment A** – A tabular inventory of the water supplier's water rights and any other water use authorizations. |

☑ **8.** Has the $575 fee been paid? yes

***If applicable**, has the $85 fee for the Assignment been paid? yes

*(As of July 1, 2013, the Extension of Time fee is $575, and Request for Assignment fee is $85)*

If the fee has **NOT** been paid, the application cannot be accepted.

***NOTE:** If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks.*

☐ **9.** If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Extension Specialist,** or **Anne Reece** for municipal and quasi-municipal applications. One will either: **1)** accept the application; **2)** return the application; or **3)** prepare a deficiency letter.

Reviewed by: Corey Date: 4-23-15

# Completeness Checklist for Permit Extension of Time Application

*Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.*

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☑ **2.** Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____

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☑ **4.** Is the appropriate Extension of Time Application used? yes

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☑ **5.** Are the requested date(s) for extension identified *(Page 1)*? yes

- Check the permit to see if it includes a "B-Date" and/or a "C-Date."

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For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

☑ **6.** Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____

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**NOTE:** If the permit covers land that has been subdivided and assigned to different, individual parties… we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

Oregon
Kate Brown, Governor

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

April 30, 2015

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-80798 (Permit R-11956).** Your application will be reviewed in the 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.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. 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 website at: www.wrd.state.or.us.

(503) 986-0900
www.wrd.state.or.us

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# Application for Extension of Time for a Water Right Permit

(Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, Sara Osborne (Peters) president of Peters Cranberries, Inc. & general partner for SWK Peters Family Limited Partnership
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

**the holder of:** Application Number R-80798 Permit Number R-11956 *[OAR 690-315-0020(3)(b)]*

***A separate application must be submitted for each permit as per OAR 690-315-0020(2).***

P.O. Box 301
MAILING ADDRESS

LANGLOIS, OR. 97450
CITY, STATE, ZIP

541-253-6041
PHONE

peters@harborside.com
E-MAIL ADDRESS

X **do hereby request that** the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month 10 Day 1 Year 2004, be extended to October 30, Year 2020.

**Please Note.** If the permit **does** specify a date when **construction** must be **completed**, you should request to extend both the time to apply water to full beneficial use **and** to complete construction. These dates are typically found on the permit above the signature of the Director.

**and**

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

Sara Osborne (Peters)
**Signature**

3-12-2015
**Date**

**Printed Name/Title** president / general partner

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

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

January 16, 2015 Certified mail number 7013 2630 0000 2612 8315
Return receipt requested

Roy and Barbara Peters
PO Box 301
Langlois, OR 97450

Reference: Application R-80798, Permit R-11956

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2004.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2004. The fee for submitting a claim of beneficial use is $175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is $575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (March 17, 2015) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a $450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.**

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

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Enclosures (1)
cc: File R-80798
OWRD Watermaster District 19

**do hereby request that** the time to complete construction of the water system, which now expires on Month _____ Day _____ Year _____, be extended to October 30, Year

**Sign after completing the entire application, questions 1-11.MAIL COMPLETED and SIGNED APPLICATION with the $575 STATUTORY FEE TO:**

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

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Submit the following items with your Application for Extension of Time:

- **The signed and completed Application for Extension of Time.**
- **$575 check to OWRD or Oregon Water Resources Department**
- **All supporting documentation and/or evidence referenced in the application.**

Reference materials needed to complete this Application:

- **Water right permit**. A copy of the water right permit can be downloaded from the Department's Website at *http://www.wrd.state.or.us* (using the link to the Water Rights Information System (WRIS). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (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.).

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

_____ _____

**Signature** **Date**

**Printed Name/Title** _____

Helpful information for completing this Application:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form.** The form *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits* is 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 construction of the water project and/or to fully use the permitted quantity of water under the permit terms & conditions.

- The attached *Instructions for Completing an Application for Extension of Time for a Water Right Permit* will help you answer each question on the application. If, after reading the instructions, you need assistance, please call the Extensions Specialist at 503-986-0900.

- Permit extensions are evaluated under OAR Chapter 690, Division 315, which may be viewed at: http://www.wrd.state.or.us/OWRD/LAW/index.shtml. Please note that OWRD may require additional information, if necessary, to evaluate the application per OAR 315-0020(3)(n).

- OWRD will review applications received for completeness and will return incomplete or deficient applications per OAR 690-315-0040(1)(a) to the applicant.

## Questions to Complete this Application for Extension of Time

Please see the instruction sheet to help you answers these questions.

[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 N/A**, if not specified in this permit

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Date "actual construction" began is:

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Describe details of construction:

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**Signature** _____ **Date** _____

**Printed Name/Title** _____

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

**2-A. Please Describe how you have complied with each standard and special condition in the original permit [and, if applicable, conditions contained in any order approving a permit amendment and/or order approving a prior extension of time].**

*TIP: The instruction sheet explains which typical conditions must be addressed here.*

***Condition Number:*** *Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit.*

**CHART-A**

| Conditi | Date | Describe How Permit Condition Has Been Satisfied |
|---|---|---|
| | 3/12/2015 | this project began nearly a decade ago. |
| | | The area has been cleared and prepared and |
| | | will need some clearing again. |
| | | |
| | | |

**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**

| Conditi | Date | Explain Why Each Permit Condition Has NOT Been Satisfied |
|---|---|---|
| | 3/12/2015 | my father-in-law began this project. After he passed |
| | | my son and I took over the farm. The price of cranberries |
| | | has been horrible and the focus has been on taking |
| | | care of existing bogs and not an option to spend |
| | | money on water development. |

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

**3-A. Provide evidence of physical progress made toward completion of the water system and**

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

Sara Osborne (Peters) 3-12-2015

**Signature** **Date**

**Printed Name/Title** SARA OSBORNE (PETERS) President/General Partner

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**progress toward making beneficial use of water within the original permitted time period.**

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

## CHART-C

| DATE | LIST & DESCRIBE WORK ACCOMPLISHED | COST* |
|---|---|---|
| | unfortunately I do not know Ray's starting day and I don't have access to his expenses | |
| **DATE** | **LIST & DESCRIBE WORK ACCOMPLISHED AFTER PERMIT WAS** | **COST*** |
| | Date the permit was signed - find date above signature on last page of permit. | |
| | He cleared the area and did some digging but as I understand, the area was already | |
| | Date the permit specified "Actual Construction Work" shall begin | |
| | a lower area on the farm. | |
| | OCTOBER, 1, 2004 | |
| | Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date. | |
| **DATE** | **LIST & DESCRIBE WORK ACCOMPLISHED AFTER DATE FOR COMPLETE APPLICATION OF WATER UP TO NOW** | **COST*** |

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I am the permit holder, or have attached to this application written 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. I have completed the entire application.

Sara Osborne (Peters) — **Signature**

3-12-2015 — **Date**

**Printed Name/Title** SARA OSBORNE (PETERS) President/General Partner

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| | | |
|---|---|---|
| | SALEM, OR | |
| | | |
| | NA | |
| | | |
| *Total | | |

* **If exact cost is not known, please provide your best estimate.IF this is** your first Application for an Extension of Time, write NA in Chart D below and proceed to question 4 at the bottom of this page.

**3-B) Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the most recent extension period.**

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 | LIST AND DESCRIBE WORK ACCOMPLISHED DURING |
|---|---|
| | "Extended From" date for complete application of water used in th (or the most recent) Application for Extension of Time. |
| | We haven't made any progress lately |
| | but would be willing to work on |
| | this in the near future. |
| | |
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I am the permit holder, or have attached to this application written 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. I have completed the entire application.

(Sara Osborne) (PETERS) 3-12-2015

**Signature** **Date**

**Printed Name/Title** SARA OSBORNE (PETERS) President / General Partner

| | "Extended To" date for complete application of water resulting fror 1st (or the most recent) Application for Extension of Time. |
|---|---|
| **DATE** | **LIST AND DESCRIBE WORK ACCOMPLISHED AFTER THE LAST EXPIRED EXTENSION PERIOD UP TO NOW** |
| | |
| | |
| | N/A |
| | |
| | |
| | |
| | |
| **Total** | |

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

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

**4. Cost of project to date:**
*(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 actually 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 in the same units of measurement as specified in the permit. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.*

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

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

Sara Osborne (Peters) — **Signature**

3-12-2015 — **Date**

**Printed Name/Title** SARA OSBORNE (PETERS) President/General Partner

Will have a meeting with water master soon to hopefully help with what Ray's plan for this project was. ?

Maximum measured rate used to date = _____ cfs (cubic feet per second)
*or*
Maximum measured rate used to date = _____ gpm (gallons per minute)
*or*
Acre-feet stored to date = _____ AF

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

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

**CHART-E**

| Well # | Wate | Has | IF | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Well Log Number e.g. MORR 50473 | Well Tag Number e.g. # 27566 | Is the actual drilled location authorized on this permit or on a permit | Maximum **measured rate** used from this well - - under this permit only | Is this well authorized or utilized under any OTHER | If yes, provide the Permit, Certificate, or Transfer No. |
| | | Yes | | | Yes | | Yes | - |
| | | Yes | | | Yes | | Yes | |
| | | Yes | | | Yes | | Yes | |
| | | Yes | | | Yes | | Yes | |
| Total | | | | | | | | |

**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

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

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

Sara Osborne (Peters) 3-12-2015
**Signature** **Date**

**Printed Name/Title** SARA OSBORNE (PETERS) President/General Partner

again – will be asking for assistance from Coos/Curry County Water master.

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Well #_____: Actual location:

Well #_____: Actual location:

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

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

Surface Water Permits: I have applied water to _____ acres for irrigation to date.

Ground Water Permits: I have applied water to _____ acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

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Well #_____ Acres_____ Well #_____ Acres

Well #_____ Acres_____ Well #_____ Acres

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

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

**CHART-F**

| APPROXIMATE | LIST & DESCRIBE WORK TO BE ACCOMPLISHED | ESTIMATED COST |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Year: | Date intend to apply water to full beneficial use under the terms and conditions of this permit. | |
| **8.** | | |

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

(Sara Osborne) (Peters) _____ 3-12-2015 _____

**Signature** **Date**

**Printed Name/Title** SARA OSBORNE (PETERS) President/General Partner

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

**9. Describe the reasons why the water development 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)** Is the project 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? If yes, describe.

Perhaps not initially but given the circumstances of both the death of the person in charge and the economic crisis the cranberry industry has faced, Yes.

**9-B)** Did the financial resources needed to develop the project preclude completion of the project within authorized time frames? If yes, describe.

See above

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**9-C)** Did good faith attempts to comply with other agency permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delay completion of the project? If yes, describe.

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**9-D)** Have other unforeseen events delayed full development of the water system and use of water within the authorized time frames? If yes, describe. ↑

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

Sara Osborne (Peters) — **Signature**

3-12-2015 — **Date**

**Printed Name/Title** SARA OSBORNE (PETERS) President / General Partner

[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. 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. Of cause we don't have a crystal ball, but we are a little more financially stable than we were. We have purchased a piece of equipment to help complete the project.

11. **Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.** I have found water rights to be extra confusing. After learning many other things I needed to take over this business, I am ready to dive into learning these water rights laws, rules and regulations.
Also, please note this project is still in my deceased father-in-laws name. I am including paperwork to show I am the person with the authority to complete this application.

Thank you for submitting a complete and accurate application. Remember to sign the front page. If you have questions or need assistance, please ask to speak with the Department's Extension Specialist by calling 503-986-0900 during business hours.

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I am the permit holder, or have attached to this application written 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. I have completed the entire application.

(Sara Osborne (Peters)) 3-12-2015
**Signature** SARA OSBORNE (PETERS) **Date**

**Printed Name/Title** ~~Sara Osborne~~ PRESIDENT / GENERAL PARTNER

# Oregon Water Resources Department
Water Right Services Division

## PROPOSED FINAL ORDER

In the Matter of the Application for an Extension of Time for Permit R-11956, Water Right Application R-80798, in the name of Peters Cranberries, Inc.

**Permit Information**

| | |
|---|---|
| Application: | R-80798 |
| Permit: | R-11956 |
| Basin: | 17 – South Coast / Watermaster District 19 |
| Date of Priority: | December 29, 1995 |
| Source of Water: | An unnamed stream, a tributary of Summers Creek |
| Purpose of Use: | Storage, for cranberry use |
| Maximum Volume: | 16.04 Acre-Feet (AF) each year |

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

*In summary, the Department proposes to:*

- Grant an extension of time to complete construction of the water system from October 1, 2004 to October 30, 2020.
- Grant an extension of time to apply water to full beneficial use from October 1, 2004 to October 30, 2020.[1]
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

[1] 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.

**ACRONYM QUICK REFERENCE**
Department – Oregon Water Resources Department
PFO – Proposed Final Order
cfs – cubic feet per second
gpm – gallons per minute
AF – acre-feet

## AUTHORITY

**Generally, see ORS 537.230 and OAR Chapter 690 Division 315.**

**ORS 537.230(3)** provides 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 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(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 R-11956 was issued by the Department on August 20, 1996. The permit authorizes the storage of up to 16.04 AF of water in two unnamed reservoirs from an unnamed stream, a tributary of Summers Creek, to be stored for cranberry use. The permit specified actual construction was to begin by August 20, 1997 and construction of the water system was to be completed by October 1, 2004, and complete application of water was to be made on or before October 1, 2004.

2. The permit holder, Peters Cranberries, Inc., submitted an "Application for Extension of

Time" to the Department on April 23, 2015, requesting the time to complete construction of the water system extended from October 1, 2004 to October 30, 2020 and the time to apply water to full beneficial use under the terms of Permit R-11956 be extended from October 1, 2004 to October 30, 2020. This is the second permit extension requested for Permit R-11956.

3. One prior permit extension has been granted for Permit R-11956. The most recent extension resulted in the completion dates for construction being extended to October 1, 2004 and full application of water being extended to October 1, 2004.

4. On April 29, 2015, an assignment from Wendell R. Peters to Peters Cranberries, Inc. was recorded in the records of the Department.

5. Notification of the Application for Extension of Time for Permit R-11956 was published in the Department's Public Notice dated May 5, 2015. 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 537.230[2], 537.248[3] and/or 539.010(5)[4].*

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

6. On April 23, 2015, 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)]*

7. Actual construction of the water system began prior to the August 20, 1997 deadline specified in the permit. According to the permit holder, the date for beginning construction is unknown. However, according to the Application for Extension of Time submitted to the Department on September 24, 1999, the agent representing the permit holder states construction of the lower reservoir/dam was completed prior to August 20, 1997.

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.*

8. As of April 23, 2015, the permit holder states the remaining work to be completed is unknown. The Department identifies the remaining work to be completed consists of

---

[2]ORS 537.230 applies to surface water permits only.

[3]ORS 537.248 applies to reservoir permits only.

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

installing a meter; completing construction of the water system; and applying water to full beneficial use, by storing 10.04 AF of water authorized by Permit R-11956.

9. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 30, 2020, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit R-11956 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)]*

10. The permit holder states work was not accomplished within the time allowed in the permit or previous extension as follows:

    a. Actual construction of the water system began prior to the August 20, 1997 deadline specified in the permit. According to the permit holder, the date for beginning construction is unknown. However, according to the Application for Extension of Time submitted to the Department on September 24, 1999, the agent representing the permit holder states construction of the lower reservoir/dam and installation of an outlet culvert/gate valve was completed prior to August 20, 1997.

    b. Work was not completed during the original development time frame under Permit R-11956.

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

11. According to the water user no water has been appropriated for storage in the reservoirs. According to the Application for Extension of Time submitted to the Department on September 24, 1999, the agent representing the permit holder states approximately 6.0 AF has been stored in the reservoirs. The authorized amount of water to be stored is 16.04 cfs.

12. Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2004.

13. According to the permit holder delay of full beneficial use of water under Permit G-11956 was due, in part; to the passing of the original permit holder, and the poor

performance of the cranberry market. The permit holder needs more time in which to obtain the full quantity of water allowed under the permit.

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

14. 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 has identified the following concern: (1) the record does not show that a meter or other suitable measuring device has been installed. The Department recognizes that it is the intent of the permit holder to comply with all permit conditions at the time the conditions become applicable.

    b. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments to appropriate and Apply Water to a Beneficial Purpose *[OAR 690-315-0040(2)(b),(3)(d),(4)(d)]*

15. As of April 23, 2015, the permit holder states the amount invested is unknown. According to the Application for Extension of Time submitted to the Department on September 24, 1999, the agent representing the permit holder states the permit holder has invested approximately $15,000, which is about 56 percent of the total projected cost for complete development of this project. The agent representing the original permit holder anticipated an additional $12,000 investment was needed for the completion of this project.

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

16. The Department has found good faith of the appropriator under Permit R-11956.

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:*

17. 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 R-11956; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The point of diversion is located on an unnamed stream, a tributary of Summers Creek, and is not located within a Withdrawn Area. The unnamed stream, a tributary of Summers Creek is not located within or above a 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. The point of diversion is not in a location listed by the Department of Environmental Quality as a water quality limited stream.

18. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

a. None have been identified.

19. 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.

20. 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)]*

21. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

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

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

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

23. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit R-11956, in that the permit holder was faced with the death of the original permit holder and a poor cranberry market, which restricted their ability to complete development of the project in a timely manner.

## 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(3).

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 537.230 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 30, 2020[5], 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 complete construction and 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 R-11956.

**Continued on the following page**

[5]Pursuant to ORS 537.230(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 a new or revised claim of beneficial use as deemed appropriate by the Department.

## 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 complete construction of the water system under Permit R-11956 from October 1, 2004 to October 30, 2020.

Extend the time to apply water to beneficial use under Permit R-11956 from October 1, 2004 to October 30, 2020.

Subject to the following conditions:

## CONDITIONS

1. **Checkpoint Condition**
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019.** ***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: June 9, 2015

Dwight W. French, Administrator
Water Right Services Division

*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 **July 24, 2015,** 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;
   c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
   d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
   e. Any citation of legal authority supporting the petitioner, if known;
   f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
   g. The applicant or non-applicant 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 protest has been submitted, and:
      1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
      2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

**NOTICE TO ACTIVE DUTY SERVICEMEMBERS:** Active Duty servicemembers have a right to stay these proceedings under federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.of.mil

- If you have any questions about statements contained in this document, please contact Corey A Courchane at (503) 986-0825.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

# Mailing List for Extension PFO Copies

PFO Date: June 9, 2015

Application: R-80798
Permit: R-11956

Copies Mailed

By: KF
On: 6/9/15

Original mailed to Applicant:

Peters Cranberries, Inc.
PO Box 301
Langlois, OR 97450

Copies sent to:

1. WRD - App. File R-80798/ Permit R-11956

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 19, Vacant

CASEWORKER: CAC

# Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number R-80798

## FINAL ORDER

Extension of Time for Permit Number R-11956
Permit Holder: Peters Cranberries, Inc.

**Permit Information**

| | |
|---|---|
| Application: | R-80798 |
| Permit: | R-11956 |
| Basin: | 17 – South Coast / Watermaster District 19 |
| Date of Priority: | December 29, 1995 |
| Source of Water: | An unnamed stream, a tributary of Summers Creek |
| Purpose of Use: | Storage, for cranberry use |
| Maximum Volume: | 16.04 Acre-Feet (AF) each year |

**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315**

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit R-11956 was issued by the Department on August 20, 1996. The permit called for actual construction of the reservoirs to begin by August 20, 1997, completion of construction by October 1, 2004, and complete application of water to beneficial use by October 1, 2004. On April 23, 2015, Peters Cranberries, Inc. submitted to the Department an Application for Extension of Time for Permit R-11956. In accordance with OAR 690-315-0050(2), on June 9,

2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2004 to October 30, 2020 and the time to apply water to full beneficial use from October 1, 1999 to October 30, 2020. The protest period closed July 24, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated June 9, 2015.

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

1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019.** ***A form is enclosed with this 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.

## CONCLUSION OF LAW

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

## ORDER

The extension of time for Application R-80798, Permit R-11956, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2004 to October 30, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2004 to October 30, 2020.

DATED: August 7, 2015

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

- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0825.
- 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

## Mailing List for Extension FO Copies

FO Date: August 7, 2015

Application: R-80798
Permit: R-11956

Copies Mailed

By: KF
On: 8/7/15

Original mailed to permit holder

Peters Cranberries, Inc.
PO Box 301
Langlois, OR 97450

**Copies sent to:**

1. WRD - App. File R-80798/ Permit R-11956

   Receiving notification via e-mail FO available in WRIS for review
   (DONE BY EXTENSION SPECIALIST)

2. WRD - Watermaster District 19, Vacant

If Progress Reports are included:
(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by CC Date 8-6-15

CASEWORKER: CAC

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WENDELL R PETERS
RT 2 BOX 160 (541)348-2870
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-80798

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMERS CREEK

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-_____ FOR CRANBERRY USE.

VOLUME: 16.04 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: DECEMBER 29, 1995

The maximum height of the dam shall not exceed 9.9 feet.

DAM LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 EAST, W.M.

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

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 33
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Corrected

Measurement, recording and reporting conditions:

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

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

**STANDARD CONDITIONS**

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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

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

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

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

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

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

Issued August 20, 1996

for Martha O. Pagel, Director
Water Resources Department

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

# Request for Assignment

**By Proof of Ownership**
**(If Water Right Holder is Not Available)**

If for multiple rights, a separate form and fee for each right will be required.

I, Peters Cranberries, Inc by Sara Osborne
*(Name of Party Requesting Assignment)*

P.O. Box 301, Langlois, OR 97450 541.253.6041
*(Mailing Address)* *(City)* *(State)* *(Zip)* *(Phone #)*

☒ hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;

☐ hereby request assignment of a <u>portion</u> of application/permit/transfer/license/GR Certificate of Registration; *(You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)*

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # R-80798 ; Permit # R-11956 ; Transfer# _____
*-OR-*
License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

Roy Peters (deceased)
*(Name of Holder of Record)*

_____
*(Mailing Address)* *(City)* *(State)* *(Zip)* *(Phone #)*

***Note:*** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) *Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)*

1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 20th day of April, 2015.

Party Requesting Assignment Sara Osborne, Peters Cranberries, Inc.

Party Requesting Assignment _____

ASSIGN Proof $0 4/23/2015

***DO NOT WRITE IN THIS BOX***

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 115613
Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of $85.

RECEIVED BY OWRD
APR 23 2015
WR
SALEM, OR

Oregon
Kate Brown, Governor

**Water Resources Department**
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

April 29, 2015

Peters Cranberries, Inc.
P.O. Box 301
Langlois, Oregon 97450

Reference: Application 80798, Permit R-11956

The assignment by proof from Wendell R. Peters to Peters Cranberries, Inc. has been recorded in the records of the Water Resources Department.

The Departments records will now show peters Cranberries, Inc. as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 115613 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: receipt 115613

cc: Watermaster #
Data Center, OWRD (cover letter & request)
Hydrographics
File

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 # 115613

INVOICE # _____

RECEIVED FROM: Peters Cranberries Inc.
BY: Sara peters, whitney peters

| | |
|---|---|
| APPLICATION | R-80798 |
| PERMIT | |
| TRANSFER | |

CASH: ☐ CHECK:# ☒ 2483 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 85.00

## 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

46111

Assignment

| | | | |
|---|---|---|---|
| | **MISCELLANEOUS** | | |
| 0407 | COPY & TAPE FEES | | $ |
| 0410 | RESEARCH FEES | | $ |
| 0408 | MISC REVENUE: (IDENTIFY) | | $ 85.00 |
| TC162 | DEPOSIT LIAB. (IDENTIFY) | | $ |
| 0240 | EXTENSION OF TIME | | $ |

| | | EXAM FEE | | RECORD FEE |
|---|---|---|---|---|
| | **WATER RIGHTS:** | | | |
| 0201 | SURFACE WATER | $ | 0202 | $ |
| 0203 | GROUND WATER | $ | 0204 | $ |
| 0205 | TRANSFER | $ | | |

| | | EXAM FEE | | LICENSE FEE |
|---|---|---|---|---|
| | **WELL CONSTRUCTION** | | | |
| 0218 | WELL DRILL CONSTRUCTOR | $ | 0219 | $ |
| | LANDOWNER'S PERMIT | | 0220 | $ |

_____ OTHER (IDENTIFY) _____

## 0536 TREASURY 0437 WELL CONST. START FEE

| | | | | |
|---|---|---|---|---|
| 0211 | WELL CONST START FEE | $ | CARD # | |
| 0210 | MONITORING WELLS | $ | CARD # | |

_____ OTHER (IDENTIFY) _____

## 0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

| | | | |
|---|---|---|---|
| 0233 | POWER LICENSE FEE (FW/WRD) | | $ |
| 0231 | HYDRO LICENSE FEE (FW/WRD) | | $ |
| _____ | HYDRO APPLICATION | | $ |

## _____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 115613 DATED: 4/23/15 BY: _____

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

Oregon
Kate Brown, Governor

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

March 17, 2015

Peters Cranberries Inc.
Sara Peters
PO BOX 301
Langlois, OR 97450

Reference: Application R-80798, Permit R-11956

Dear Ms. Peters;

The Department received an application for an extension of time for the above referenced Permit on March 16, 2015 along with check #2433 for $575.00. Unfortunately you are not the permit holder of record, so I am returning your application and check. I have enclosed a form for Request for an Assignment for your convenience.

You will need to fill out the Request for an Assignment, copy of proof of ownership/or death certificate, and with a fee of $85.00 you can be the permit holder of record. At the same time return the application for an extension of time and a check for $575.00. Then we can process your requests.

If you have any questions, please feel free to contact me at 503-986-0802.

Machelle A Bamberger
Extension Specialist

Enclosure (2)

Cc file App 80798

RECEIVED BY OWRD

APR 23 2015

SALEM, OR

FORM No. 881 – TRUST DEED (Assignment Restricted). COPYRIGHT 19' TEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 97204

NN

# TRUST DEED

Roy and Barbara Peters Family Limited Partnership, an Oregon limited partnership

Grantor's Name and Address

Barbara Jeanne Peters, Individually and as Trustee

Beneficiary's Name and Address

After recording, return to (Name, Address, Zip):

John C. Fisher
767 Willamette St., Suite 201
Eugene, OR 97401

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of _____ } ss.

I certify that the within instrument was received for recording on _____, at _____ o'clock _____.M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE

By _____, Deputy.

THIS TRUST DEED, made on July 1, 2007, between The Roy and Barbara Peters Family Limited Partnership, an Oregon limited partnership, as Grantor, John C. Fisher, as Trustee, and Barbara Jeanne Peters, individually and as Trustee of the Roy Peters Revocable Living Trust & the Barbara J. Peters Revocable Living Trust, both dated July 26, 1993, as Beneficiary,

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee, in trust, with power of sale, the property in Curry County, Oregon, described as:

See Exhibit A attached

RECEIVED BY OWRD APR 23 2015 SALEM, OR

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together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in any way now or hereafter appertaining, and the rents, issues and profits thereof, and all fixtures now or hereafter attached to or used in connection with the property.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of Nine Hundred Thirty Eight Thousand ($928,000.00) Dollars, with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made by grantor, the final payment of principal and interest, if not sooner paid, to be due and payable on _____.

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of the note becomes due and payable. Should the grantor either agree to, attempt to, or actually sell, convey, or assign all (or any part) of the property, or all (or any part) of grantor's interest in it without first obtaining the written consent or approval of the beneficiary, then, at the beneficiary's option*, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, or herein, shall become immediately due and payable. The execution by grantor of an earnest money agreement** does not constitute a sale, conveyance or assignment.

To protect the security of this trust deed, grantor agrees:

1. To protect, preserve and maintain the property in good condition and repair; not to remove or demolish any building or improvement thereon; and not to commit or permit any waste of the property.
2. To complete or restore promptly and in good and habitable condition any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefor.
3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require, and to pay for filing the same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the beneficiary.
4. To provide and continuously maintain insurance on the buildings now or hereafter erected on the property against loss or damage by fire and other hazards, as the beneficiary may from time to time require, in an amount not less than $full insurable value, written by one or more companies acceptable to the beneficiary, with loss payable to the latter. All policies of insurance shall be delivered to the beneficiary as soon as issued. If the grantor shall fail for any reason to procure any such insurance and to deliver the policies to the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on the buildings, the beneficiary may procure the same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured hereby and in such order as beneficiary may determine, or at option of beneficiary the entire amount so collected, or any part thereof, may be released to grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.
5. To keep the property free from construction liens and to pay all taxes, assessments and other charges that may be levied or assessed upon or against the property before any part of such taxes, assessments and other charges becomes past due or delinquent and promptly deliver receipts therefor to beneficiary. Should the grantor fail to make payment of any taxes, assessments, insurance premiums, liens or other charges payable by grantor, either by direct payment or by providing beneficiary with funds with which to make such payment, beneficiary may, at its option, make payment thereof, and the amount so paid, with interest at the rate set forth in the note secured hereby, together with the obligations described in paragraphs 6 and 7 of this trust deed, shall be added to and become a part of the debt secured by this trust deed, without waiver of any rights arising from breach of any of the covenants hereof. For such payments, with interest as aforesaid, the property hereinbefore described, as well as the grantor, shall be bound to the same extent that they are bound for the payment of the obligation herein described. All such

13. After the trustee has commenced foreclosure by advertisement and sale, and at any time prior to 5 days before the date the trustee conducts the sale, the grantor or any other person so privileged by ORS 86.753 may cure the default or defaults. If the default consists of a failure to pay, when due, sums secured by the trust deed, the default may be cured by paying the entire amount due at the time of the cure other than such portion as would not then be due had no default occurred. Any other default that is capable of being cured may be cured by tendering the performance required under the obligation or trust deed. In any case, in addition to curing the default or defaults, the person effecting the cure shall pay to the beneficiary all costs and expenses actually incurred in enforcing the obligation of the trust deed, together with trustee and attorney fees not exceeding the amounts provided by law.

14. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale or the time to which the sale may be postponed as provided by law. The trustee may sell the property either in one parcel or in separate parcels and shall sell the parcel or parcels at auction to the highest bidder for cash, payable at the time of sale. Trustee shall deliver to the purchaser its deed in form as required by law conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in the deed of any matters of fact shall be conclusive proof of the truthfulness thereof. Any person, excluding the trustee, but including the grantor and beneficiary, may purchase at the sale.

15. When trustee sells pursuant to the powers provided herein, trustee shall apply the proceeds of sale to payment of: (1) the expenses of sale, including the compensation of the trustee and a reasonable charge by trustee's attorney; (2) to the obligation secured by the trust deed; (3) to all persons having recorded liens subsequent to the interest of the trustee in the trust deed as their interests may appear in the order of their priority; and (4) the surplus, if any, to the grantor, or to any successor in interest entitled to such surplus.

16. Beneficiary may, from time to time, appoint a successor or successors to any trustee named herein or to any successor trustee appointed hereunder. Upon such appointment, and without conveyance to the successor trustee, the latter shall be vested with all title, powers and duties conferred upon any trustee herein named or appointed hereunder. Each such appointment and substitution shall be made by written instrument executed by beneficiary, which, when recorded in the mortgage records of the county or counties in which the property is situated, shall be conclusive proof of proper appointment of the successor trustee.

17. Trustee accepts this trust when this deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other deed of trust or of any action or proceeding in which grantor, beneficiary or trustee shall be a party unless such action or proceeding is brought by trustee.

The grantor covenants to and agrees with the beneficiary and the beneficiary's successors in interest that the grantor is lawfully seized in fee simple of the real property and has a valid, unencumbered title thereto, except as may be set forth in any addendum or exhibit attached hereto, and that the grantor will warrant and forever defend the same against all persons whomsoever.

WARNING: Unless grantor provides beneficiary with evidence of insurance coverage as required by the contract or loan agreement between them, beneficiary may purchase insurance at grantor's expense to protect beneficiary's interest. This insurance may, but need not, also protect grantor's interest. If the collateral becomes damaged, the coverage purchased by beneficiary may not pay any claim made by or against grantor. Grantor may later cancel the coverage by providing evidence that grantor has obtained property coverage elsewhere. Grantor is responsible for the cost of any insurance coverage purchased by beneficiary, which cost may be added to grantor's contract or loan balance. If it is so added, the interest rate on the underlying contract or loan will apply to it. The effective date of coverage may be the date grantor's prior coverage lapsed or the date grantor failed to provide proof of coverage. The coverage beneficiary purchases may be considerably more expensive than insurance grantor might otherwise obtain alone and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.

The grantor warrants that the proceeds of the loan represented by the above described note and this trust deed are (choose one):*

~~(a) primarily for grantor's personal, family or household purposes (see Important Notice below).~~

(b) for an organization, or (even if grantor is a natural person) are for business or commercial purposes.

This deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns. The term beneficiary shall mean the holder and owner, including pledgee, of the contract secured hereby, whether or not named as a beneficiary herein.

In construing this trust deed, it is understood that the grantor, trustee and/or beneficiary may each be more than one person; that if the context so requires, the singular shall be taken to mean and include the plural, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument the day and year first written above.

***IMPORTANT NOTICE: Delete, by lining out, whichever warranty (a) or (b) is inapplicable. If warranty (a) is applicable and the beneficiary is a creditor as such word is defined in the Truth-in-Lending Act and Regulation Z, the beneficiary MUST comply with the Act and Regulation by making required disclosures. For this purpose use Stevens-Ness Form No. 1319, or the equivalent. If compliance with the Act is not required, disregard this notice.**

Roy and Barbara Peters Family Limited Partnership

6-26-2014

By: Sara Ellen Peters Sara E. Osborne

Sara Ellen Peters, General Partner

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STATE OF OREGON, County of _____) ss.

This instrument was acknowledged before me on _____,

by _____.

This instrument was acknowledged before me on _____,

by Sara Ellen Peters

as General Partner

of Roy and Barbara Peters FAmily Limited Partnership.

OFFICIAL SEAL
SUSAN C HAMILTON
NOTARY PUBLIC-OREGON
COMMISSION NO. 424635
MY COMMISSION EXPIRES FEBRUARY 6, 2012

Susan C. Hamilton

Notary Public for Oregon

My commission expires 2-6-2012

**REQUEST FOR FULL RECONVEYANCE (To be used only when obligations have been paid.)**

TO: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by the foregoing trust deed. All sums secured by the trust deed have been fully paid and satisfied. You hereby are directed, on payment to you of any sums owing to you under the terms of the trust deed or pursuant to statute, to cancel all evidences of indebtedness secured by the trust deed (which are delivered to you herewith together with the trust deed) and to reconvey, without warranty, to the parties designated by the terms of the trust deed, the estate now held by you under the same. Mail the reconveyance and documents to _____.

DATED _____.

**Do not lose or destroy this Trust Deed OR THE NOTE which it secures.**
**Both should be delivered to the trustee for cancellation before reconveyance is made.**

_____

_____
Beneficiary

# AMENDMENT TO AGRICULTURAL LEASE

**EFFECTIVE DATE OF AGREEMENT**: February 1, 2013

**PARTIES**:

**LESSOR**:

Peters Family Limited Partnership
P.O. Box 301
Langlois, OR 97450
referred to herein as "Lessor"

**LESSEE**:

Peters Cranberries, Inc.
an Oregon Corporation
P.O. Box 301
Langlois, OR 97450
referred to herein as "Corporation" or "Lessee"

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**RECITALS**:

A. Lessor is the owner of cranberry bog property located in the vicinity of Bandon, Oregon.

B. Lessee and Lessor entered into an Agricultural Lease on May 21, 2008 with an effective date of February 1, 2008 ("the Lease").

C. The parties wish to amend paragraph 2 of the Lease to provide that the Lease shall continue for an additional four years.

D. The parties wish to set forth their agreement in writing.

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**AGREEMENT ENTERED THIS _____ DAY OF _____, 2013, EFFECTIVE FEBRUARY 1, 2013.**

Paragraph 2 *Term of Lease* is hereby amended as follows:

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2. **TERM OF LEASE**:

2.1 **ORIGINAL TERM**: The original term of this Lease commenced February 1, 2008 is extended and shall continue through January 31, 2017.

In all other respects, all other provisions of the original Agricultural Lease dated May 21, 2008, effective February 1, 2008 shall remain in full force and effect.

**LESSOR**:

**PETERS FAMILY LIMITED PARTNERSHIP**
An Oregon Limited Partnership

Sara E. Peters
Sara E. Peters, General Partner

**LESSEE**:

**PETERS CRANBERRIES, INC.**
An Oregon Corporation

Sara E. Peters
Sara E. Peters, President

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STATE OF OREGON )
) ss.
County of Coos )

Personally appeared the above named Sara E. Peters, who is the General Partner of the Peters Family Limited Partnership, an Oregon Limited Partnership, and acknowledged the foregoing to be her voluntary act and deed. Before me this 22 day of January, 2013.

OFFICIAL SEAL
CONNIE L POLK
NOTARY PUBLIC-OREGON
COMMISSION NO. 460441
MY COMMISSION EXPIRES JULY 26, 2015

Connie L Polk
Notary Public for Oregon

STATE OF OREGON )
) ss.
County of Coos )

Personally appeared the above named Sara E. Peters and acknowledged the foregoing to be her voluntary act and deed as President of Peters Cranberries, Inc., an Oregon Corporation, pursuant to a resolution of its Board of Directors. Before me this 22 day of January, 2013.

OFFICIAL SEAL
CONNIE L POLK
NOTARY PUBLIC-OREGON
COMMISSION NO. 460441
MY COMMISSION EXPIRES JULY 26, 2015

Connie L Polk
Notary Public for Oregon

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# MINUTES OF THE SPECIAL MEETING
# OF THE SHAREHOLDERS AND DIRECTORS OF
# PETERS CRANBERRIES, INC.

A special meeting of the Shareholders and Directors of Peters Cranberries, Inc. was held at the office of Steve Wilgers, P.C. on January 15, 2013 by telephone.

Sara E. Peters served as chairperson of the meeting and Whitney R. Peters was chosen as Secretary of the meeting.

The purpose of the meeting was to discuss an extension of the Agricultural Lease between Peters Family Limited Partnership, as Lessor, and the Corporation, as Lessee. After some discussion, it was,

> **RESOLVED**, that Sara E. Peters, as President of the Corporation, is hereby authorized to execute an amendment to the Agricultural Lease between Peters Family Limited Partnership, as Lessor, and the Corporation, as Lessee, dated May 21, 2008 with an effective date of February 1, 2008, extending that lease for an additional four years, to end January 31, 2017. In all other respects, the provisions of the original lease shall remain in full force and effect.

There being no further business, the meeting was adjourned. Each shareholder and director by signing this agreement waives all notice required pursuant to Oregon State Corporation Law.

Sara E. Peters

Sara E. Peters, Shareholder and Director

Whitney R. Peters, Shareholder and Director

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MINUTES

360/84

$55.00

Phone: (503) 986-2200
Fax: (503) 378-4381

# Articles of Incorporation—Business/Professional

Secretary of State
Corporation Division
255 Capitol St. NE, Suite 151
Salem, OR 97310-1327
FilingInOregon.com

Check the appropriate box below:

☑ BUSINESS CORPORATION (Complete only 1, 2, 3, 4, 5, 6, 8, 9, 10)

☐ PROFESSIONAL CORPORATION (Complete all items)

FILED

JAN 17 2008

OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 491079-98

For office use only

In accordance with Oregon Revised Statute 192.410-192.490, all information on this form is publicly available, including addresses. We must release this information to all parties upon request and it will be posted on our website. For office use only

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1) NAME OF CORPORATION: PETERS CRANBERRIES, INC.

NOTE: For a BUSINESS CORPORATION, the name must contain the word "Corporation," "Company," "Incorporated," or "Limited," or an abbreviation of one of such words. For a PROFESSIONAL CORPORATION, the name must contain the words "Professional Corporation," or abbreviations thereof, i.e., "P.C.," or "Prof. Corp."

2) NAME OF THE PERSON WHO WILL ACCEPT LEGAL SERVICE FOR THIS BUSINESS (REGISTERED AGENT)
STEVE WILGERS

3) REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS (Must be an Oregon Street Address, which is identical to the registered agent's business office. Must include city, state, zip; No PO Boxes.)
243 W. Commercial Ave.
Coos Bay, OR 97420

4) ADDRESS WHERE THE DIVISION MAY MAIL NOTICES
P.O. Box 29
Coos Bay, OR 97420

5) OPTIONAL PROVISIONS (Attach a separate sheet.)

6) NUMBER OF SHARES (At least one share must be listed.)
2000

## Professional Corporation Only

7) IF RENDERING A LICENSED PROFESSIONAL SERVICE OR SERVICES, DESCRIBE THE SERVICE(S) BEING RENDERED.

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8) WHO IS FORMING THIS BUSINESS? (INCORPORATORS) (List names and addresses of each incorporator.) (Attach a separate sheet if necessary.)
Steve Wilgers, P.O. Box 29, Coos Bay, OR 97420

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9) EXECUTION/SIGNATURE(S) (All incorporators must sign.) (Attach a separate sheet if necessary.)
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

| Signature | Printed Name |
|---|---|
| Steve Wilgers | Steve Wilgers |

10) CONTACT NAME (To resolve questions with this filing.)
Steve Wilgers

DAYTIME PHONE NUMBER (Include area code.)
541-269-5566

**FEES**

| | |
|---|---|
| Required Processing Fee | $ 50 |
| Confirmation Copy (Optional) | $5 |

Processing Fees are nonrefundable

Please make check payable to "Corporation Division."

NOTE:
Fees may be paid with VISA or MasterCard. The card number and expiration date should be submitted on a separate sheet for your protection.

111 (Rev. 8/07)

# Exhibit A

Parcel I:

The West Half (W½) of the Southwest Quarter (SW¼) of Section Thirty-three (33), Township Thirty-one (31) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon, excepting that parcel conveyed to Murry Preston Bright et ux, described as follows:

Beginning at the Southwest Corner of said Section Thirty-three (33);
Thence North along the section line 626 feet to a point;
Thence East 208 feet, 8 1/2 inches to a point;
Thence South 626 feet to a point on the South section line of said Section Thirty-three (33);
Thence West 208 feet 8 1/2 inches along said section line to the place of beginning.

Parcel II:

Beginning at the Northeast Corner of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Thirty-two (32), Township Thirty-one (31) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon;
Thence West 107 feet;
Thence South 268 feet;
Thence West 208 feet;
Thence South 1112 feet to the South line of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼);
Thence East 315 feet to the Southeast Corner of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼);
Thence North 1320 feet to the point of beginning.

EXCEPTING that part lying within the limits of Airport Road.

Parcel III:

The West Half (W½) of the East Half (E½) of the Southwest Quarter (SW¼) of Section Thirty-three (33), Township Thirty-one (31) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon.

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ASSIGNMENT OF INTEREST IN LIMITED PARTNERSHIP

EFFECTIVE DATE: July 1, 2007

PARTIES: BARBARA JEANNE PETERS, acting individually and as Trustee of the Roy Peters Revocable Living Trust dated July 26, 1993 and the Barbara J. Peters Revocable Living Trust dated July 26, 1993

(Transferring Partner)

SARA ELLEN PETERS,
WHITNEY RUSSELL PETERS,
and SARA ELLEN PETERS, CUSTODIAN FOR KATLYN ELLEN PETERS

(Transferees)

RECITALS:

A. The Transferring Partner and Transferees are partners in the Roy and Barbara Peters Family Limited Partnership, an Oregon limited partnership formed in December, 1994 (the "Company"). The percentage interests of the partners in the Company are as follows:

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| | | |
|---|---|---|
| Barbara Jeanne Peters | 1.000% | General partnership interest |
| Barbara Jeanne Peters | 56.896% | Limited partnership interest |
| Sara Ellen Peters | 21.052% | Limited partnership interest |
| Whitney Russell Peters | 10.526% | Limited partnership interest |
| Katlyn Ellen Peters | 10.526% | Limited partnership interest |
| | 100.000% | |

B. The Transferring Partner wishes to assign her entire interests as a limited partner and general partner in the Company to Transferees effective July 1, 2007, subject to the terms and conditions hereof.

AGREEMENTS:

1. ASSIGNMENT

By signing this Assignment, the Transferring Partner assigns and transfers to Transferees all of the Transferring Partner's interest as a limited and general partner in the Company as set forth in paragraph 7 below. This Assignment and transfer includes rights of the Transferring Partner as limited and general partner in the profits and losses of the Company and rights of the Transferring Partner in the capital of the Company commencing as of July 1, 2007. Any profits or losses through June 30, 2007 shall be allocated in accord with the Limited Partnership Agreement.

2. ACCEPTANCE

By signing this Assignment, Transferees accept the assignment and transfer of an interest as a partner in the Company.

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3. CONSIDERATION

The interests as a limited and general partner of the Company being transferred under this assignment is being transferred in consideration of the sum of [redacted] Fifty Thousand Dollars.

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($50,000) has been paid upon execution herewith. The balance of Nine Hundred Thirty Eight Thousand Dollars ($938,000) shall be paid as set forth on the Promissory Note dated July 1, 2007 and secured by the Pledge Agreement, Security Agreement and Trust Deed of even date herewith, the sufficiency of which is acknowledged by the Transferring Partner.

4. TRANSFERRING PARTNER's REPRESENTATIONS AND WARRANTIES

The Transferring Partner represents and warrants to Transferees that the Transferring Partner is the sole owner of the interest as limited and general partner of the Company being transferred under this Assignment, free and clear of any and all liens or encumbrances, and will defend the same against all claims and demands of all persons. The Transferring Partner has a good right to transfer her interest to Transferees.

5. GOVERNING LAW

This Assignment will be governed by the law of the state of Oregon.

6. NO DISSOLUTION

While this assignment will result in a "termination" of Company for tax purposes, the parties hereby confirm their intention to continue the Company under the law of the state of Oregon and reaffirm the existing Limited Partnership Agreement as amended.

7. OWNERSHIP INTERESTS OF THE PARTIES AFTER ASSIGNMENT

The percentage ownership interests of the parties after the effective date of this assignment are as follows:

| | | |
|---|---|---|
| Sara Ellen Peters | 1.000% | General partnership interest |
| Sara Ellen Peters | 40.017333% | Limited partnership interest |
| Whitney Russell Peters | 29.491333% | Limited partnership interest |
| Katlyn Ellen Peters | 29.491333% | Limited partnership interest |
| | 100.000000% | |

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TRANSFERRING PARTNER:

Barbara Jeanne Peters, Individually and as Successor Trustee Roy Peters Revocable Living Trust Dated July 26, 1993 and Barbara J. Peters Revocable Living Trust Dated July 26, 1993

TRANSFEREES:

Sara Ellen Peters

Whitney Russell Peters

Sara Ellen Peters custodian for Katelyn Ellen Peters
Sara Ellen Peters, Custodian for Katlyn Ellen Peters

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# AGREEMENT PLEDGING PARTNERSHIP INTEREST

THIS AGREEMENT, made and entered into effective the 1st day of July, 2007, by and between Sara Ellen Peters, Whitney Russell Peters and Sara Ellen Peters, Custodian for Katlyn Ellen Peters (hereinafter referred to as "Pledgors") and Barbara Jeanne Peters, individually and as trustee of the Roy Peters Revocable Living Trust dated July 26, 1993 and the Barbara J. Peters Revocable Living Trust dated July 26, 1993 (hereinafter referred to as "Pledgee").

W I T N E S S E T H :

WHEREAS, Pledgors are the makers of that certain Promissory Note dated the 1st day of July, 2007, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, Pledgors own the percentage interests as partners in the Roy and Barbara Peters Family Limited partnership ("the Company") as follows:

| | | |
|---|---|---|
| Sara Ellen Peters | 1.000000% | General partnership interest |
| Sara Ellen Peters | 40.017333% | Limited partnership interest |
| Whitney Russell Peters | 29.491333% | Limited partnership interest |
| Katlyn Ellen Peters | 29.491333% | Limited partnership interest |

and

WHEREAS, Pledgors as the owners of the above interests have agreed that they shall be pledged as security for the repayment of the aforesaid indebtedness.

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NOW, THEREFORE, in consideration of the premises, which shall be deemed an integral part of this Agreement and not as mere recitals thereto, and in consideration of the mutual agreements and covenants herein contained, the parties hereto, intending to be legally bound thereby, agree as follows:

1. Pledge. Pledgors hereby grant to Pledgee a security interest in their partnership interests in the Company.

2. Term. Equitable and legal title to such partnership interest shall remain vested in Pledgors, subject to the security interest granted herein, for the repayment to Pledgee of all of the indebtedness described in Exhibit "A" hereof. Such partnership interest shall remain so pledged to Pledgee until the said indebtedness is repaid in full with interest, in accordance with Exhibit "A" attached hereto.

3. Representations as to Ability to Pledge Partnership Interest. Pledgors warrant and represent that there are no restrictions upon the transfer of any of the partnership interest, and that Pledgors have the right to transfer such partnership interest free of any encumbrances and without obtaining the consent so to do from any other person, corporation, or entity whomsoever.

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4. Covenants and Warranties of the Pledgors. Pledgors covenant and warrant that:

A. Until all of the aforesaid indebtedness and other obligations shall have been paid in full, the Company will be an Oregon limited partnership validly existing and in good standing under the laws of the State of Oregon.

B. Until all of the aforesaid indebtedness and other obligations shall have been paid in full, Pledgors will not allow the Company or Pledgors, without the written consent of Pledgee, to:

(1) Merge or consolidate with or into any other company, or to acquire another company or the assets of such company.

(2) Liquidate, cease doing business as a going concern, fail to meet its obligations as they mature or

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become a party to any bankruptcy or state receivership action.

(3) Fail to provide Pledgee with reasonable access to all financial records of Company;

(4) Fail to make timely payment of income taxes and tax estimates, including income taxes due as individuals attributable to income received from Company.

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5. Default. In the event Pledgors default in the performance of any of the terms of this Agreement, or in the event that there is a default in the payment of any installment due with respect to the indebtedness and other obligations secured hereby, then and in any of such events, Pledgee shall have the right to exercise any of the remedies of a secured creditor under ORS Chapter 79. The parties do not intend by this agreement to either expand or contract those statutory remedies, nor to specifically define any term relevant to those remedies.

6. Prohibition of Sale or Further Encumbrance of Partnership Interests. During the term of this pledge, Pledgors agree not to sell, assign, dispose of or further encumber the shares of partnership interest subject to this pledge, without the written consent of Pledgee.

7. Construction. This Agreement shall be construed in accordance with the laws of the State of Oregon and shall be binding upon and inure to the benefit of the parties hereto, and their respective heirs, personal representatives, successors or assigns, and it is particularly understood and agreed that whenever the term "Pledgee" is used in this Agreement, the said term shall include and mean the Pledgee's successors and assigns.

8. Attorney Fees. Should any party utilize the services of an attorney with respect to any aspect of this Agreement or to enforce this Agreement, the losing party promises and agrees to pay the prevailing party's reasonable attorney fees and costs, even though no arbitration, suit or action is filed hereon. However, if arbitration is instituted or a suit, action or motion for relief from stay in bankruptcy court is filed, the amount of such reasonable attorney fees shall be fixed by the arbitrator, court or courts in which the arbitration, suit, action, or motion, including any appeal therein, is tried, heard or decided.

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become a party to any bankruptcy or state receivership action.

(3) Fail to provide Pledgee with reasonable access to all financial records of Company;

(4) Fail to make timely payment of income taxes and tax estimates, including income taxes due as individuals attributable to income received from Company.

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5. Default. In the event Pledgors default in the performance of any of the terms of this Agreement, or in the event that there is a default in the payment of any installment due with respect to the indebtedness and other obligations secured hereby, then and in any of such events, Pledgee shall have the right to exercise any of the remedies of a secured creditor under ORS Chapter 79. The parties do not intend by this agreement to either expand or contract those statutory remedies, nor to specifically define any term relevant to those remedies.

6. Prohibition of Sale or Further Encumbrance of Partnership Interests. During the term of this pledge, Pledgors agree not to sell, assign, dispose of or further encumber the shares of partnership interest subject to this pledge, without the written consent of Pledgee.

7. Construction. This Agreement shall be construed in accordance with the laws of the State of Oregon and shall be binding upon and inure to the benefit of the parties hereto, and their respective heirs, personal representatives, successors or assigns, and it is particularly understood and agreed that whenever the term "Pledgee" is used in this Agreement, the said term shall include and mean the Pledgee's successors and assigns.

8. Attorney Fees. Should any party utilize the services of an attorney with respect to any aspect of this Agreement or to enforce this Agreement, the losing party promises and agrees to pay the prevailing party's reasonable attorney fees and costs, even though no arbitration, suit or action is filed hereon. However, if arbitration is instituted or a suit, action or motion for relief from stay in bankruptcy court is filed, the amount of such reasonable attorney fees shall be fixed by the arbitrator, court or courts in which the arbitration, suit, action, or motion, including any appeal therein, is tried, heard or decided.

Such sums shall include an amount estimated by the arbitrator or court as the reasonable costs and fees to be incurred by the prevailing party in collecting any monetary judgment or award or otherwise enforcing each order, judgment or decree entered in such arbitration, suit, action, motion or other proceeding.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

PLEDGORS

PLEDGEE

Sara Ellen Peters

Sara Ellen Peters

Whitney Russell Peters

Barbara Jeanne Peters
Individually and as Trustee of the Roy Peters Revocable Living Trust dated July 26, 1993 and the Barbara J. Peters Revocable Living Trust dated July 26, 1993

Sara Ellen Peters custodian for Katelyn Ellen Peters

Sara Ellen Peters, Custodian
for Katlyn Ellen Peters

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MAR 16 2015

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SECURITY AGREEMENT

THIS SECURITY AGREEMENT is made effective the 1st day of July, 2007, by and between the Roy and Barbara Peters Limited Partnership, an Oregon limited partnership, (hereinafter referred to as "Company") and Barbara Peters, individually and as Trustee of the Roy Peters Revocable Living Trust dated July 26, 1993 and the Barbara J. Peters Revocable Living Trust dated July 26, 1993 (hereinafter collectively referred to as "Secured Party"), and is made to secure [redacted] promissory Note dated the 1st day of July, 2007 ("Note").

The property subject to the security interest (the Collateral) is as follows:

All equipment, fixtures, leasehold improvements, vehicles and personalty owned by Company in Company's business located at 93030 Airport Road, Sixes, Oregon, including all after acquired property;

All inventory, supplies, accounts, contract rights, proceeds, crops and all other personal property assets used by Company in Company's business at 93030 Airport Road, Sixes, Oregon, including after acquired property;

All accessions, replacements, substitutions and products of the foregoing.

1. This Security Agreement is made and the security interest is given to secure the Note.

2. Company hereby warrants, represents and agrees as follows:

A. Company is, and at all times hereafter will be, the sole owner of the Collateral.

B. The Collateral is located and/or upon acquisition

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will be kept at Company's premises at 93030 Airport Road, Sixes, Curry County, Oregon, as it may exist from time to time.

C. Company authorizes Secured Party to sign and file financing statements at any time with respect to any Collateral pursuant to this Agreement without the signature of Company. Company will, however, at any time on request of Secured Party, sign financing statements with respect to the Collateral. Company will pay all filing fees and reimburse Secured Party for all costs and expenses of any kind incurred in any way in connection with the Collateral. Company further agrees that it will execute and deliver to Secured Party any instrument, document, assignment or other writing which may be necessary or convenient to carry out the terms of this Agreement.

D. Company will keep the Collateral free from any adverse lien, security interest or encumbrance and in good order and repair and will not waste or destroy the Collateral or any part thereof. Company will not use the Collateral in violation of any statute or ordinance and Secured Party may examine and inspect Collateral during ordinary business hours, wherever located. Company will pay promptly, when due, all taxes, liens and assessments of any kind whatsoever levied or assessed against the Collateral, or any part thereof, for its use and/or operation.

E. Company will keep the Collateral separate and identifiable and Company will not sell, lease, transfer, hypothecate (other than in the normal course of business to replace economic or functionally obsolete equipment, provided it is done on a commercially reasonable basis) or permit or suffer any attachment, judgment or other judicial or involuntary lien against, or otherwise dispose of, the Collateral or any part thereof.

F. Company will observe all conditions, comply with all terms, and perform and discharge all acts and obligations secured hereby.

G. Company will promptly notify Secured Party in the event of any material damage to the Collateral, or any part thereof, from any source whatsoever.

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H. Secured Party may, at its option, discharge taxes, liens or security interest or other encumbrances at any time levied or placed on the Collateral. Secured Party may pay for insurance on the Collateral and may pay for the maintenance and preservation of the Collateral, in the event Company fails to obtain such insurance or fails to maintain said Collateral. Company agrees to reimburse Secured Party on demand for any payment made or any expense incurred by Secured Party pursuant to the foregoing authorization.

I. Company will have and maintain insurance at all times in an amount not less than the full insurable value with respect to the Collateral against the risks of fire, theft and other perils.

J. In the event an attorney is employed by either party to enforce any of the terms hereof, the prevailing party shall be entitled to recover from the other party all costs and reasonable attorneys' fees at both trial and appellate levels incurred in connection therewith.

3. The happening of any of the following shall constitute a default by Company under this Security Agreement:

A. Any warranty, or representation made or furnished by Company in this Security Agreement proves to have been false in any material respect when made or furnished.

B. Failure by Company to keep or perform any of its covenants in or to observe any of the terms of this Security Agreement, if such failure shall not be cured within 30 calendar days after written notice thereof from Secured Party to Company describing such failure in reasonable detail; provided, however, that if such failure is, by its nature and not merely by inadvertence, lack of diligence, or delay on the part of Company, not susceptible of cure within a period of 30 days, then Company shall have a reasonable time to cure such failure, and such failure shall not constitute a default hereunder so long as, within such reasonable time, Company is diligently and in good faith attempting to effect such cure.

C. Any default in the payment of the Note or other

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indebtedness secured by this Security Agreement.

D. The levy of any attachment, execution or other process against Company or against the Collateral or any part thereof and the failure of removal of such process within 30 days.

E. The loss, theft, damage, destruction, sale or encumbrance to or of the Collateral, or any substantial part thereof, unless substantially covered by insurance;

F. The suspension of the business of Company or commencement of proceedings for its dissolution or liquidation or the making of a general assignment for the benefit of creditors or the commencement of proceedings under any bankruptcy, insolvency, readjustment of debt or liquidation law or statute of the federal government or any state government, or the adjudication of Company as a bankrupt or insolvent under any law or statute, or the application for, or by any action of Company the indication of its approval of, consent to, acquiescence in, the appointment of a trustee or receiver for the whole or any substantial portion of its assets, or if a trustee or receiver (other than an ex parte trustee or receiver) is appointed for the whole or any substantial portion of its assets.

4. Time is of the essence in this Security Agreement and upon, or at any time after, a default by Company, as set forth above, Secured Party may, at Secured Party's option:

A. Declare the entire indebtedness secured hereby or any portion thereof immediately due and payable; and

B. Exercise all rights and remedies accorded to Secured Party by law; and

5. This Security Agreement shall be construed in accordance with the following provisions:

A. This Security Agreement applies and shall inure to the benefit of the successors and assigns of Secured Party and shall bind the successors and assigns of Company;

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APR 23 2015 SALEM, OR

SALEM, OR

B. This Security Agreement and the Agreement and other related documents of which it is a part sets forth the entire agreement between Company and Secured Party with respect to all matters herein, and the provisions hereof may not be changed or modified except by an instrument in writing signed by the parties hereto;

C. This Security Agreement is intended to be performed in the State of Oregon and shall be construed in accordance with the laws of the State of Oregon;

D. In the event any provision or provisions of this Security Agreement are adjudged for any reason to be unenforceable, illegal or void, the remainder of its provisions shall remain in full force and effect;

IN WITNESS WHEREOF, the undersigned have executed this Security Agreement on the date first above written.

COMPANY:

ROY AND BARBARA PETERS LIMITED PARTNERSHIP

By: Sara Ellen Peters
Sara Ellen Peters
General Partner

SECURED PARTY:

Barbara J. Peters, Individually and as Trustee of the Roy Peters Revocable Living Trust dated July 26, 1993 and the Barbara J. Peters Revocable Living Trust dated July 26, 1993

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Oregon
Kate Brown, Governor

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

March 17, 2015

Peters Cranberries Inc.
Sara Peters
PO BOX 301
Langlois, OR 97450

Reference: Application R-80798, Permit R-11956

Dear Ms. Peters;

The Department received an application for an extension of time for the above referenced Permit on March 16, 2015 along with check #2433 for $575.00. Unfortunately you are not the permit holder of record, so I am returning your application and check. I have enclosed a form for Request for an Assignment for your convenience.

You will need to fill out the Request for an Assignment, copy of proof of ownership/or death certificate, and with a fee of $85.00 you can be the permit holder of record. At the same time return the application for an extension of time and a check for $575.00. Then we can process your requests.

If you have any questions, please feel free to contact me at 503-986-0802.

Machelle A Bamberger
Extension Specialist

Enclosure (2)

Cc file App 80798

# Completeness Checklist for Permit Extension of Time Application

*Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.*

☑ **1.** Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.

☑ **2.** Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____

If the permit has been cancelled, the Extension Application cannot be accepted.

☐ **3.** Is the extension applicant's name and mailing address supplied? ~~NO~~ - Yes -

If yes, is the extension applicant a permit holder of record *(i.e., permit either issued to them or assigned to them)*? NO, She is the daughter of applicant who is deceased.

Return the Application & fee to check

If the extension applicant is **NOT** a permit holder of record, a "*Request for Assignment*" must be processed before the Extension Application can be accepted.

If an Assignment has **not** yet occurred, or if a concurrent "*Request for Assignment*" was **not** submitted along with the Extension Application, the Extension Application cannot be accepted.

****NOTE***: The applicant can submit both the assignment and extension of time requests at the same time, if they present a complete application for assignment, with proof of ownership if the previous owner was not available to sign the form, and the statutory fee of $85 for the assignment, and the necessary items for the application for Extension of Time.

☑ **4.** Is the appropriate Extension of Time Application used? _____

If the wrong application form is used, the Extension Application cannot be accepted.

- If a Municipal or Quasi-Municipal permit, use: "*Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits.*"
- If a NON-Municipal or NON-Quasi-Municipal permit, use: "*Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use).*"

☑ **5.** Are the requested date(s) for extension identified *(Page 1)*? Original "C-Date" 10-1-99, 1st extension Now requesting till 10/1-04, till 10/1/2020

- Check the permit to see if it includes a "B-Date" and/or a "C-Date."

*"B-Date" = date by which construction of the water delivery system for the permit is to be completed.*

*"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.*

**NOTE:** For permits with both a "B-Date and a "C-Date," the applicant will likely request an extension of both dates *(i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use)*. Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" *(i.e., to apply water to full beneficial use)*.

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

☐ **6.** Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____

*(If signed by agent, documentation from the permit holder(s) granting authorization to agent to sign on their behalf must be provided or already in the permit file.)*

If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.

**NOTE:** If the permit covers land that has been subdivided and assigned to different, individual parties… we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

☐ **7.** Are all questions on the application answered? _____

*(NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)*

**The tables below are informational only. No need to check off.**

■ **For NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:**

| | |
|---|---|
| ▪ **Ques. #1** - Information provided on beginning of construction ("A" Date) under the permit. | ▪ **Ques. #5-C** - Well location information provided and whether a permit amendment is necessary. |
| ▪ **Ques. #2** - Information provided on compliance with permit conditions. | ▪ **Ques. #6** - Information provided on number of acres irrigated, if applicable. |
| ▪ **Ques. #3** - Description provided of progress made in developing the permit. | ▪ **Ques. #7** - Description provided of remaining work left to be accomplished to perfect the permit. |
| ▪ **Ques. #4** - Monetary investment made in the project to date provided. | ▪ **Ques. #8** - Description provided of estimated cost to complete the project associated with the permit. |
| ▪ **Ques. #5-A** - Max amount of water beneficially used to date for a SW permit indicated. | ▪ **Ques. #9** - Explanation provided of why the permit has not been fully developed/perfected. |
| ▪ **Ques. #5-B** - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated. | ▪ **Ques. #10** - Justification provided of why the requested time is necessary to complete project. |

■ **For Municipal/Quasi-Municipal Permit Extension Applications:**

| | |
|---|---|
| ▪ **Ques. #2** – For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit. | ▪ **Ques. #8** - Estimate provided of current peak water demand of the population served and the methodology used to make the estimate. |
| ▪ **Ques. #3** – For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date). | ▪ **Ques. #9** - Explanation provided of why the permit has not been fully developed/perfected. |
| ▪ **Ques. #4** - Description provided of progress made in developing the permit and financial expenditures made in the project to date. | ▪ **Ques. #10-A** - Estimate provided of demand projection for the permit, the methodology used to make the estimate and anticipated date for full beneficial use of the permit. |
| ▪ **Ques. #5-A & #5-B** - Information provided on compliance *(or non-compliance)* with permit conditions. | ▪ **Ques. #10-B** – For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder. |
| ▪ **Ques. #6-A** - Max amount of water beneficially used to date for a SW permit indicated. | ▪ **Ques. #11** – Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right. |
| ▪ **Ques. #6-B** - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated. | ▪ **Ques. #12** - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use. |
| ▪ **Ques. #6-C** - Well location information provided and whether a permit amendment is necessary. | ▪ **Ques. #14**- A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable. |
| ▪ **Ques. #7** – Estimate provided of current population served under the permit and the methodology used to make the estimate. | ▪ **Attachment A** – A tabular inventory of the water supplier's water rights and any other water use authorizations. |

☐ **8.** Has the $575 fee been paid? _____

*(As of July 1, 2013, the Extension of Time fee is $575.)*

If the fee has **NOT** been paid, the application cannot be accepted.

***NOTE:*** *If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within a certain timeframe, hold the Extension Application. If the fee does not arrive within that timeframe, return the Extension Application to the applicant.*

☐ **9.** If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Michele McAleer**. She will either: **1)** accept the application; **2)** return the application; or **3)** prepare a deficiency letter.

Reviewed by: R. Craig Kolanek Date: February 17, 2014

**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:

R-80798
Roy and Barbara Peters
PO Box 301
Langlois, OR 97450

***COMPLETE THIS SECTION ON DELIVERY***

A. Signature
X Sara Peters ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* SARA PETERS C. Date of Delivery

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

3. Service Type
☐ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
*(Transfer from service label)* 7013 2630 0000 2612 8315 R

PS Form 3811, July 2013 Domestic Return Receipt BVO/JI

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

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

January 16, 2015

Certified mail number 7013 2630 0000 2612 8315
Return receipt requested

Roy and Barbara Peters
PO Box 301
Langlois, OR 97450

Reference: Application R-80798, Permit R-11956

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2004.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2004. The fee for submitting a claim of beneficial use is $175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is $575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (March 17, 2015) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a $450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.**

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)
cc: File R-80798
OWRD Watermaster District 19

BWO

Oregon

**Water Resources Department**
Water Right Services Division
725 Summer St NE Ste A
Salem, OR 97301-1266

RETURN SERVICE REQUESTED

(541) 247-3294 12/8/14
31S 15W 33 1500
Roy & Barbara Peters
PO Box 301 UAA
Langlois, OR 97450

CERTIFIED MAIL™

7010 2780 0003 2635 5883

U.S. POSTAGE PITNEY BOWES
ZIP 97301 $ 006.48⁰
02 1W
0001393082 NOV 24 2014

RECEIVED
DEC 04 2014
OWRD

R-80798

Wendell Peters
RT 2 Box 160
Bandon, OR 97411

NIXIE 970 DE 1009 0012/02/14
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 97301126673 *0329-00361-24-44

97411$999
97301@1266

Oregon
John A. Kitzhaber, MD, Governor

**Water Resources Department**
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

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

November 24, 2014

Certified mail number 7010 2780 0003 2635 5883
Return receipt requested

Wendell Peters
RT 2 Box 160
Bandon, OR 97411

Reference: Application R-80798, Permit R-11956

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2004.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2004. The fee for submitting a claim of beneficial use is $175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is $575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (January 23, 2015) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a $450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.**

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)
cc: File R-80798
OWRD Watermaster District 19

***PERMIT STATUS REVIEW BY*** CMungate ***DATE*** 10/3/14 ***FILE #*** R-80798

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

ND Extension pending _____ _____

ND Assignment is pending _____

ND Cancellation has been requested ____ _____

PO Box 301 &
Langlois, OR 97450

ND Dept. has already sent a **certified** 60-Day Compliance letter (date _____, #_____)
Was **60 days notice** allowed? Y N If No, How Much Time ? _____
Was mail deliverable as addressed? Y N date _____
If mail returned, online/www check ? Y N date _____ successful ? Y N
Re-send Cert. Letter ? Y N date _____
Send cancellation order Y N

Nb Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received_____ _____

2. IF **NONE** OF THE ABOVE APPLY
_____ Send **certified** "C" date notice packet to permit holder.
**"C" DATE** 10/1/~~1998~~2004 **BASIN NUMBER** 17 **WM #** 19

**CWRE or AGENT**_____

S:\groups\wr\PERMIT C jd\c-date-checklist.doc

SEND LETTER
KS 10/14/14

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-80798

**Final Order**
**Extension of Time for Permit Number R-11956**

*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.

*Application History*
On September 24, 1999, Peter's Cranberries & Co. submitted an application to the Department for an extension of time for permit number R-11956. The Department issued Permit number R-11956 on August 20, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on February 22, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2004, and/or the time to fully apply water to beneficial use to October 1, 2004.

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

The permittee must submit a satisfactory surface water application to the Department by February 22, 2001. The application shall request to appropriate the 16.04 acre-feet of water authorized for storage under permit R-11956 for cranberry operations. The Department will find that the application has not been diligent toward completing the project if an application for use of the stored water is not submitted by the deadline noted above. ***Failure to submit the application by the due date above will likely result in the cancellation of permit R-11956.***

The protest period closed April 7, 2000. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and

PLACED IN U.S. MAIL
JUL
OREGON WATER RESOURCES DEPT

539.010(5) (as appropriate).

**Order**

The extension of time for Application S-80798, Permit Number R-11956, therefore, is approved. The deadline for completing construction is extended to October 1, 2004. The deadline for applying water to full beneficial use is extended to October 1, 2004.

**DATED July 18, 2000**

Paul R. Cleary, Director

COPY CHECK-OFF SHEET FOR FILES WITH NO PROPOSED FINAL ORDERS

CC: FILE # R-80798

WATERMASTER # 19

REGIONAL MANAGER: Southwest Region

ODF&W - Curry County:

CWRE (if agent):

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE $10 FEE:

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

CASEWORKER : JKS

M:\T\FO\WORK\FO-R.MST

# Oregon Water Resources Department
# Water Rights Division

Water Right Permit Extension Application
for Permit Number R-11956

Water Right Application Number S-80798

## Proposed Final Order

**Please read this Proposed Final Order in it's entirety, it contains additional conditions, not included in the original permit.**

This Proposed Final Order applies only to permit number R-11956.

**Summary of Recommendation**

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998, to October 1, 2004, and

grant the extension for complete application of water from October 1, 1999, to October 1, 2004.

**Application History**

Permit no. R-11956 was granted by the Water Resources Department on August 20, 1996. The permit authorizes use of 16.04 acre-feet of water from an unnamed stream for storage for cranberry operations in the Summers Creek basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. R-11956 is attached.

On September 24, 1999, the Department received an application from Peter's Cranberries & Co. for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2004, to complete construction of the water system and until October 1, 2004, to apply water to full beneficial use. This is the first permit extension request.

**Findings of Fact**

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has



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FEB 2 3 2000
OREGON WATER RESOURCES DEPT

dbv copies ✓

considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up because of limited financial resources due to a drop in the price of wholesale cranberry.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
   a) Work on the water development project completed to date includes clearing of the reservoir area and spoil area, construction of the access road and lower dam, installed outlet culvert and gate valve, and storage of 6.0 acre-feet of water.
   b) The applicant has invested approximately $ 15,000 of an estimated total water system project cost of $ 27,000.
   c) The work remaining to be completed consists of the construction of the remaining reservoir water delivery system, filing of a secondary permit to use the stored water, as required below, and storage of the total amount of acre-feet allowed in the permit water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence. Perfection of the permit has been delayed by limited financial resources.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction should be extended to October 1, 2004, and the length of time requested for completion of the application of water should be extended to October 1, 2004, as requested by the applicant.
8.

**Conclusions of Law**

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

development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).

5. The permit extension should be approved until October 1, 2004 to complete construction and until October 1, 2004 to complete the application of water.

**Conditions**

The permittee must submit a satisfactory surface water application to the Department by February 22, 2001. The application shall request to appropriate the 16.04 acre-feet of water authorized for storage under permit R-11956 for cranberry operations. The Department will find that the applicant has not been diligent toward completing the project, if an application for use of the stored water is not submitted by the deadline noted above. ***Failure to submit the application by the due date above will likely result in cancellation of permit R-11956.***

**Recommendation**

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1998, to October 1, 2004, and
extend the permit time to complete application of water from October 1, 1999, to October 1, 2004.

DATED: February 22, 2000

Dwight French
Water Rights Section Manager

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

**Protest Rights and Comments**

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
   a) Your name, address and telephone number;
   b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
   c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
   d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;

e) Any citation of legal authority supporting your protest, if known; and

f) The $25 protest fee required under ORS 536.050 (1)(j).

2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.

3. The Water Resources Department must receive written protests or written comments no later than **April 7, 2000**.

4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

**This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.**

**If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.**

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

STATE OF OREGON
**WATER RESOURCES DEPARTMENT**

RECEIPT # 33176

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

INVOICE #_____

RECEIVED FROM: Mr. & Mrs. W.R. Peters
BY: _____

| | |
|---|---|
| APPLICATION | R-80778 |
| PERMIT | |
| TRANSFER | |

CASH: ☐ CHECK: # ☑ 96455 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 200.00

**0417 WRD MISC CASH ACCT**

| | | |
|---|---|---|
| | ADJUDICATIONS | $ |
| | PUBLICATIONS / MAPS | $ |
| _____ | OTHER: (IDENTIFY) | $ |
| _____ | OTHER: (IDENTIFY) _____ | $ |

RECEIVED
OVER ~~THE COUNTER~~

**REDUCTION OF EXPENSE** CASH ACCT. _____ $ _____

PCA AND OBJECT CLASS _____ VOUCHER # _____

**0427 WRD OPERATING ACCT**

PUB #66111
Ref #33175

| | | | | |
|---|---|---|---|---|
| | **MISCELLANEOUS** | | | |
| 0407 | COPY & TAPE FEES | | | $ |
| 0410 | RESEARCH FEES | | | $ |
| 0408 | MISC REVENUE: (IDENTIFY) _____ | | | $ |
| (New) TC162 | DEPOSIT LIAB. (IDENTIFY) _____ | | | $ |
| | **WATER RIGHTS:** | **EXAM FEE** | | **RECORD FEE** |
| 0201 | SURFACE WATER | $ | 0202 | $ |
| 0203 | GROUND WATER | $ | 0204 | $ |
| 0205 | TRANSFER | $ | 0206 | $ |
| | **WELL CONSTRUCTION** | **EXAM FEE** | | **LICENSE FEE** |
| 0218 | WELL DRILL CONSTRUCTOR | $ | 0219 | $ |
| | LANDOWNER'S PERMIT | | 0220 | $ |
| 0240 | OTHER (IDENTIFY) EXT. OF TIME | | | $100.00 |

**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 # 33176 DATED: 9-24-99 BY: Roger Wright

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

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

I, Peters' Cranberries & Co.
NAME

Rte 2, Box 160 Bandon Or 97411 (541)-348-2276
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. R-80798, Permit No. R-11956, do hereby request that the time in which to:

[X] 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, 1998, be extended to October 1, 2004,

and/or the time in which to:

[X] accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2004.

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

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

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

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

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

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db ✓

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**). There are no date specific conditions on the permit. The requirements to install a measuring device and fish screens (future potential) are "before water use may begin." It is not practical to install a measuring device until the reservoir is completed, at which time the Watermaster can prescribe the specific type, location, etc.

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. N/A - see 2A

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:
- Continued to clear additional reservoir area of brush, cleared access road to site to allow for dragline & other equipment to area.
- Cleared additional brush for providing location for spoils to be placed.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:
- Constructed lower reservoir area / dam. Installed outlet culvert / gate valve, etc. for water level control.

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated): Approximately 6 acre-feet of water has been stored in the existing reservoir site & used to supplement other water sources on existing cranberry bogs. (approx. 60 acres of bogs.)

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4-Cost of project to date $15,000. Estimated remaining cost to complete the project $12,000.

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 – given market conditions at the time the permit was requested, project would have been completed by this time.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. The plummeting prices in the cranberry market have reduced available financial resources so drastically that little funds are available or advisable for expansion.

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.
None

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. None

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SALEM, OREGON

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. Wholesale cranberry prices have dropped from $0.80 per pound to a current level of $0.30 over the past year. This is seen as a temporary (2-4 yr) downturn. Meanwhile, we must proceed conservatively

over the next year or two to reserve current resources to ride out this price downfall.

A) Has there been any change in this market since the permit was issued? Yes - see above.

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B) Have these changes, if any, affected the economic feasibility of your project? Yes, certainly. If, as we anticipate, prices return to normal, this project will again be feasible. If they do not, ultimate development plans will be reduced accordingly.

7-Are there other present competing demands for water in your community? Of course - but, presumably all are affected by this downturn in the market.

A) Has there been any change in these demands for water since the permit was issued? Demand was increasing rapidly due to favorable economic conditions until the recent drop in crop prices. All are now reducing development plans & therefore water demand to get through this period!

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands? No. Water users in this area must develop & combine all available water supplies in order to have sufficient water to get through the dry season. This means storage during the high flow months.

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 stated above, however, if product prices do not improve over current conditions, alternative plans will be developed.

9-If the extension request is denied, is the current level of water use economically feasible? No. As stated above, all available sources must be developed & combined to provide adequate supplies for the dry months.

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.

Steven Applegate, Agent (see attached letter)
Signature

September 24, 1999
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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SEP 24 1999
WATER RESOURCES DEPT.
SALEM, OREGON

m:\exchange\leep\extfrm98
revised: June 21, 1999

ORWD
June,23,1998

I am requesting the Department to allow Steven Applegate to act as my agent in matters before you now and in the future. He is currently requesting that you remove permit R-11461 from App-T-7515.

Sincerely,
Roy Peters
Rt2 Bx160
Bandon, Or 97411
541-347-2870
Fax: 541-347-7128

Roy Peters

RECEIVED
SEP 24 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-80798

**Final Order**

*Application History*

On December 29, 1995, Wendell R Peters submitted an application to the Department for a water use permit. Pursuant to 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60 day comment period followed.

No comments were recieved during the comment period.

The Department has not received any adverse comments related to the possible issuance of the attached permit.

Water is available for the proposed use as described in the attached permit.

The use, as described on the attached permit, will not injure any existing water rights and does not pose potential detrimental impacts to existing fishery resources.

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

**Order**

Application R-80798 therefore is approved pursuant to ORS 537.409, and Permit Number R-11956 is issued as limited by the conditions contained therein.

**DATED** August 20, 1996

for Martha O. Pagel
Director

*Appeal Rights*

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

PLACED IN U.S. MAIL
AUG 26 1996
OREGON WATER RESOURCES DEPT.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WENDELL R PETERS
RT 2 BOX 160
BANDON, OREGON 97411

(541)348-2870

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

APPLICATION FILE NUMBER: R-80798

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMERS CREEK

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-_____ FOR CRANBERRY USE.

VOLUME: 16.04 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: DECEMBER 29, 1995

The maximum height of the dam shall not exceed 9.9 feet.

DAM LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 EAST, W.M.

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

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 33
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

corrected

PLACED IN U.S. MAIL
AUG 2 2005
OREGON WATER RESOURCES DEPT

Measurement, recording and reporting conditions:

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

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

**STANDARD CONDITIONS**

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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

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

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

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

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

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

Issued August 20, 1996

for Martha O. Pagel, Director
Water Resources Department

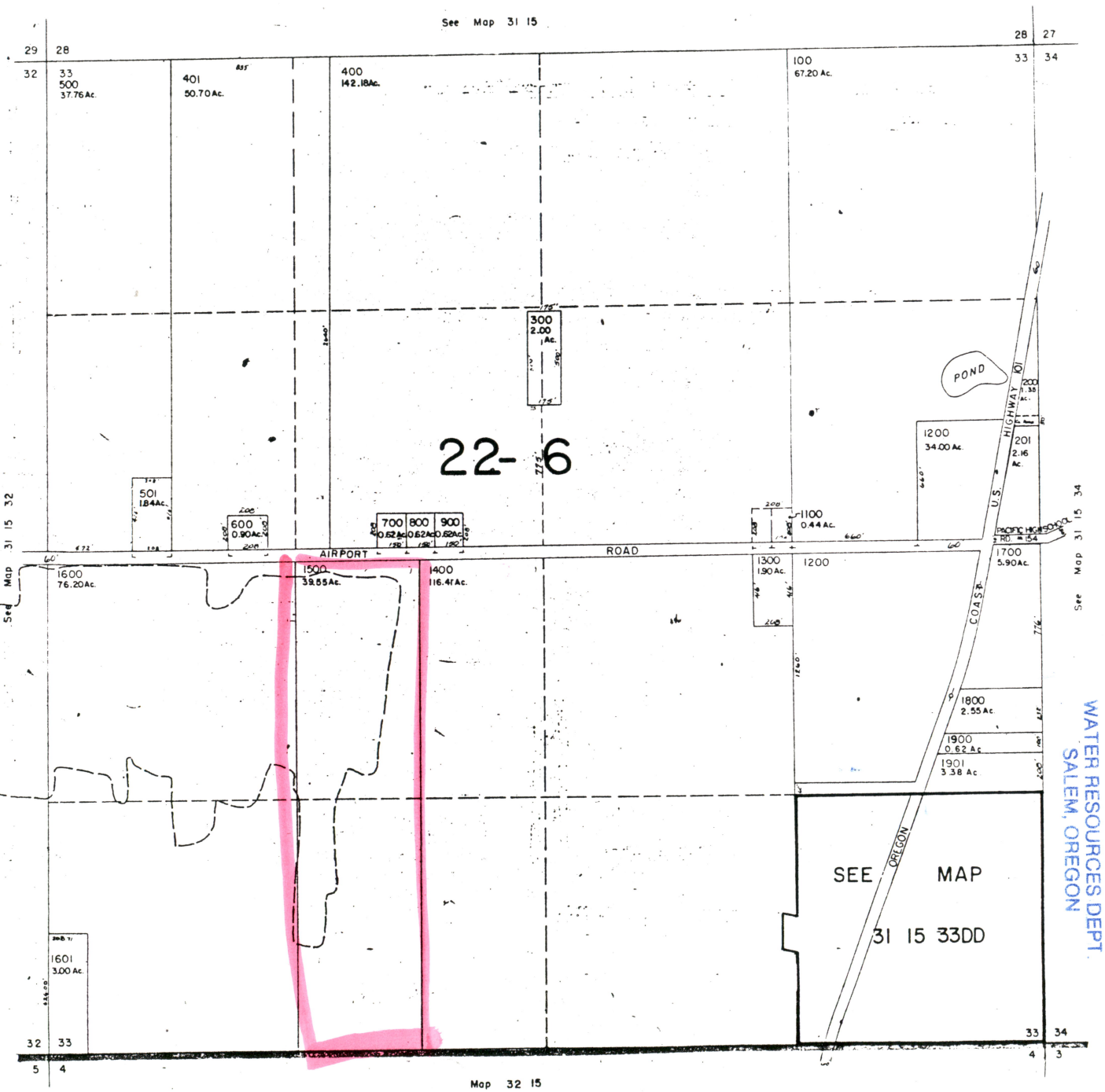
Section 33 T.31S. R.15W. W.M.
CURRY COUNTY
1" = 400'

31 15 33

Cancelled No's.
2000 THRU 3000
1401
1000

SCALE 1:9600

FEET 800 400 0 400
KILOMETER .40 .20 0




Application No. 8678
Permit No. R11956

RECEIVED
OCT 29 1991
DEPT. of REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

RECEIVED
DEC 29 1995
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WENDELL R PETERS
RT 2 BOX 160 (541)348-2870
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-80798

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMERS CREEK

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-_____ FOR CRANBERRY USE.

VOLUME: 16.04 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: DECEMBER 29, 1995

The maximum height of the dam shall not exceed 9.9 feet.

DAM LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 33, TOWNSHIP 31 SOUTH, RANGE 15 EAST, W.M.

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

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 33
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

CORRECTED

Measurement, recording and reporting conditions:

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

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

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

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

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

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

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

Issued August 20, 1996

for Martha O. Pagel, Director
Water Resources Department

WM 19
BAIN 17

FILE # R-80798

# FO CHECKLIST

REVIEW DATE: 8/19/96

WEEK # 48

2376 EXPIDITED TO FO

INITIALS : KS

n preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the IR?

2. ___ If #1 = "Y", **from whom** were the comments received and **when**?

3. ___ Verify names and addresses on the IR CC list. **ALL** commentors (regardless of comment date), **affected landowners (were they notified?)**, and **those who paid the $10 fee** should be listed.

4. ___ 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

5. Y / N Is the file lacking a signed oath of accuracy for the application, Land use form or adequate map?

6. Y / N Has ODFW asked for self certification on screening condition?

7. Y / N Is water use prohibited for one or more months of the normal use period?

8. Y / N If #6 = "Y", is short season letter on file? 12-1 → 4-30 Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.

9. Y / N Is further processing possible? If not state reason: _____

10. N/A Notify applicant of additional information or fees required prior to permit issuance (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)

11. ___ Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)

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

2376 EXP. JERRY S.

Initials _____

Modify FO as needed to:

12. N/A Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. ___ Include or exclude permit conditions and management codes ODFWMAY

Once FO document is completed:

14. ___ Save WordPerfect document in M:\T\FO\WEEK48 & delete duplicates
15. ___ Print final draft of document and submit to team leader for review

16. Y / N Team leader review completed

ODFWMAY

Vol. 3 Sixes River & Misc.

Oregon

WATER
RESOURCES
DEPARTMENT

January 8, 1996

WENDELL R PETERS

RT 2 BOX 160
BANDON, OR 97411

REFERENCE: File # R-80798;

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed, unless you were previously issued one. Your application has been assigned the number listed above.

Under the expedited review process for qualifying small ponds, the department is required to issue a final order approving or denying the permit, or grant a permit with conditions within 180 days of receiving an application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water and other natural resource issues.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, please write to us at the address below or call the Water Rights Information Group at (503)378-8455, or toll free in Oregon at 1-800-624-3199.

Anita McLoud
Water Rights Specialist
Water Rights Division

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

## WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 80
Water Availability Subbasin: 2202000000000000 (and Nested Subbasins)
Time: 11:43 Date: 08/19/1996

| Item # | W.A. Subbasin | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Sto |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2200000000000000 | YES | YES | YES | YES | NO | NO | NO | NO | NO | NO | NO | YES | YES |
| 2 | 2202000000000000 | YES | YES | YES | YES | NO | NO | NO | NO | NO | NO | NO | YES | YES |

## STREAM NAMES

Basin: SOUTH COAST
Water Availability Subbasin: 2202000000000000 (and Nested Subbasins)
Time: 11:43 Date: 08/19/1996

| WAB # | Stream Name | Tributary to |
|---|---|---|
| 2200000000000000 | SIXES R | PACIFIC OCEAN |
| 2202000000000000 | SIXES R | PACIFIC OCEAN |

## LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 2202000000000000
Basin: SOUTH COAST
Exceedance Level: 80
Time: 11:43 Date: 08/19/1996

| Month | Limiting Subbasin | Stream Name | Water Available? | Net Water Available |
|---|---|---|---|---|
| 1 | 2202000000000000 | SIXES R | YES | 35.9 |
| 2 | 2202000000000000 | SIXES R | YES | 161.0 |
| 3 | 2202000000000000 | SIXES R | YES | 153.0 |
| 4 | 2202000000000000 | SIXES R | YES | 39.0 |
| 5 | 2202000000000000 | SIXES R | NO | -89.0 |
| 6 | 2202000000000000 | SIXES R | NO | -75.8 |
| 7 | 2202000000000000 | SIXES R | NO | -14.5 |
| 8 | 2200000000000000 | SIXES R | NO | -21.9 |
| 9 | 2200000000000000 | SIXES R | NO | -24.5 |
| 10 | 2202000000000000 | SIXES R | NO | -200.0 |
| 11 | 2202000000000000 | SIXES R | NO | -144.0 |
| 12 | 2202000000000000 | SIXES R | YES | 38.9 |
| Stor | 2202000000000000 | SIXES R | YES | 134000.0 |

## DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
Stream: SIXES R > PACIFIC OCEAN
Water Availability Subbasin: 2200000000000000
Exceedance Level: 80
Time: 11:43 Date: 08/19/1996

| Month | Natural Stream Flow | CU + Stor Prior to 1/1/93 | Net Min. Flow 1/1/93 | CU + Stor After 1/1/93 | Net Min. Flow Now | Instream Water Rights | Net Water Available |
|---|---|---|---|---|---|---|---|
| 1 | 288.00 | 0.00 | 288.00 | 2.97 | 285.00 | 215.00 | 70.00 |
| 2 | 431.00 | 0.00 | 431.00 | 3.22 | 428.00 | 215.00 | 213.00 |
| 3 | 393.00 | 0.00 | 393.00 | 3.21 | 390.00 | 190.00 | 200.00 |
| 4 | 261.00 | 0.00 | 261.00 | 2.89 | 258.10 | 190.00 | 68.10 |
| 5 | 115.00 | 1.00 | 114.00 | 0.29 | 113.70 | 190.00 | -76.30 |
| 6 | 51.10 | 2.20 | 48.90 | 0.29 | 48.60 | 120.00 | -71.40 |
| 7 | 30.50 | 3.40 | 27.10 | 1.43 | 25.70 | 40.00 | -14.30 |
| 8 | 21.20 | 2.80 | 18.40 | 0.29 | 18.10 | 40.00 | -21.90 |
| 9 | 17.00 | 1.20 | 15.80 | 0.29 | 15.50 | 40.00 | -24.50 |
| 10 | 17.70 | 0.20 | 17.50 | 0.29 | 17.00 | 215.00 | -198.00 |
| 11 | 83.50 | 0.20 | 83.30 | 0.34 | 83.00 | 215.00 | -132.00 |
| 12 | 292.00 | 0.00 | 292.00 | 3.02 | 289.00 | 215.00 | 74.00 |
| Stor | 263000 | 635 | 263000 | 1110 | 261000 | 113000 | 164000 |

## DETAILED REPORT OF ISWRs

Basin: SOUTH COAST
Stream: SIXES R > PACIFIC OCEAN
Water Availability Subbasin: 2200000000000000
Time: 11:43 Date: 08/19/1996

| | ISWRs | | | | | |
|---|---|---|---|---|---|---|
| APP # : | 421A | 70877A | 0 | 0 | 0 | RESULTANT |
| STATUS: | Cert. | App. | | | | |
| 1 | 215.0 | 215.0 | 0.0 | 0.0 | 0.0 | 215.0 C |
| 2 | 215.0 | 215.0 | 0.0 | 0.0 | 0.0 | 215.0 C |
| 3 | 190.0 | 190.0 | 0.0 | 0.0 | 0.0 | 190.0 C |
| 4 | 190.0 | 190.0 | 0.0 | 0.0 | 0.0 | 190.0 C |
| 5 | 190.0 | 190.0 | 0.0 | 0.0 | 0.0 | 190.0 C |
| 6 | 120.0 | 120.0 | 0.0 | 0.0 | 0.0 | 120.0 C |
| 7 | 40.0 | 40.0 | 0.0 | 0.0 | 0.0 | 40.0 C |
| 8 | 25.0 | 40.0 | 0.0 | 0.0 | 0.0 | 40.0 A |
| 9 | 25.0 | 40.0 | 0.0 | 0.0 | 0.0 | 40.0 A |
| 10 | 215.0 | 215.0 | 0.0 | 0.0 | 0.0 | 215.0 C |
| 11 | 215.0 | 215.0 | 0.0 | 0.0 | 0.0 | 215.0 C |
| 12 | 215.0 | 215.0 | 0.0 | 0.0 | 0.0 | 215.0 C |

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
Stream: SIXES R > PACIFIC OCEAN
Water Availability Subbasin: 2202000000000000
Exceedance Level: 80
Time: 11:43 Date: 08/19/1996

| Month | Natural Stream Flow | CU + Stor Prior to 1/1/93 | Net Min. Flow 1/1/93 | CU + Stor After 1/1/93 | Net Min. Flow Now | Instream Water Rights | Net Water Available |
|---|---|---|---|---|---|---|---|
| 1 | 251.00 | 0.00 | 251.00 | 0.09 | 250.90 | 215.00 | 35.90 |
| 2 | 376.00 | 0.00 | 376.00 | 0.10 | 376.00 | 215.00 | 161.00 |
| 3 | 343.00 | 0.00 | 343.00 | 0.09 | 343.00 | 190.00 | 153.00 |
| 4 | 229.00 | 0.00 | 229.00 | 0.04 | 229.00 | 190.00 | 39.00 |
| 5 | 101.00 | 0.00 | 101.00 | 0.01 | 101.00 | 190.00 | -89.00 |
| 6 | 44.50 | 0.30 | 44.20 | 0.01 | 44.20 | 120.00 | -75.80 |
| 7 | 25.90 | 0.40 | 25.50 | 0.01 | 25.50 | 40.00 | -14.50 |
| 8 | 17.70 | 0.30 | 17.40 | 0.01 | 17.39 | 25.00 | -7.61 |
| 9 | 14.20 | 0.20 | 14.00 | 0.01 | 14.00 | 25.00 | -11.00 |
| 10 | 15.00 | 0.00 | 15.00 | 0.01 | 15.00 | 215.00 | -200.00 |
| 11 | 71.20 | 0.00 | 71.20 | 0.03 | 71.00 | 215.00 | -144.00 |
| 12 | 254.00 | 0.00 | 254.00 | 0.09 | 253.90 | 215.00 | 38.90 |
| Stor | 229000 | 72 | 229000 | 31 | 229000 | 111000 | 134000 |

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST
Stream: SIXES R > PACIFIC OCEAN
Water Availability Subbasin: 2202000000000000
Time: 11:43 Date: 08/19/1996

| | ISWRs | | | | | |
|---|---|---|---|---|---|---|
| APP # : | 421B | 0 | 0 | 0 | 0 | RESULTANT |
| STATUS: | Cert. | | | | | |
| 1 | 215.0 | 0.0 | 0.0 | 0.0 | 0.0 | 215.0 C |
| 2 | 215.0 | 0.0 | 0.0 | 0.0 | 0.0 | 215.0 C |
| 3 | 190.0 | 0.0 | 0.0 | 0.0 | 0.0 | 190.0 C |
| 4 | 190.0 | 0.0 | 0.0 | 0.0 | 0.0 | 190.0 C |
| 5 | 190.0 | 0.0 | 0.0 | 0.0 | 0.0 | 190.0 C |
| 6 | 120.0 | 0.0 | 0.0 | 0.0 | 0.0 | 120.0 C |
| 7 | 40.0 | 0.0 | 0.0 | 0.0 | 0.0 | 40.0 C |
| 8 | 25.0 | 0.0 | 0.0 | 0.0 | 0.0 | 25.0 C |
| 9 | 25.0 | 0.0 | 0.0 | 0.0 | 0.0 | 25.0 C |
| 10 | 215.0 | 0.0 | 0.0 | 0.0 | 0.0 | 215.0 C |
| 11 | 215.0 | 0.0 | 0.0 | 0.0 | 0.0 | 215.0 C |
| 12 | 215.0 | 0.0 | 0.0 | 0.0 | 0.0 | 215.0 C |

W. M. SECTION 33

| N E | | | | N W | | | | S W | | | | S E | | | | Application Number | Permit Number | Certificate Number |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| | | | | | | | | | 1⁴ | 0⁶ | | | | | | 17250 | 12957 | 14619 |
| | | | | | | | | | ~~Harv.~~ 5⁶ | | | SP. or. vol. 16, p. 149 | | | | 34807 | Superceed. by 34099 27468 | ~~32063~~ |
| | | | | | | | | 0¹ | | | 2⁸ | | | | | ~~41964~~ | ~~Superceded.~~ 31595 | ~~36632~~ |
| | | | | | | | | | Harv. Temp C. 3² | | | | | | | 43592 | 32671 | 37550 |
| | | | | | | | | Harv. F.C. 0¹ | | | Harv. F.C. 2³ | 2° | | | | ~~43358~~ | 32746 | 42395 |
| | | | | | | | | | | | | | | | | 41964 | 31595 | 37479 |
| | | | | | | | | 13²⁵ Temp Flood | 3³³ Temp Flood | | | | | | | 67992 | 48310 | 2 |
| | | | | | | | | | | | | | | | | 67992 | 48310 | 2 |
| | | | | | | | | | | | | | ROS | | | R-69982 | R-11243 | |
| | | | | | | | | | | | | | 10⁵ CRAN | 3⁰ CRAN | | 69983 | 51053 | |
| | | | | | | | | Res | | Res | Res | | | | | R-70917 | R-11461 | |
| | | | | | | | | | 18⁰ | | | | | | | 70918 | 51474 | |
| | | | | | | | | | | | | | | | | 6-12290 | 6-11295 | |

TOWNSHIP 31S RANGE 15W W. M. Card # 2 SECTION 33

| N E | | | | N W | | | | S W | | | | S E | | | | Application Number | Permit Number | Certificate Number |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | Res | | | | | R-72031 | R-11471 | |
| | | | | | | | | X | X | X | | | | | | 72032 Suppl | 51475 | |
| | 20 | | | | | | 20 | | | | | | | | | 6-12289 | | |
| | | | | | | | | 10⁸⁴ T.C. | | 5⁶⁷ T.C. | | | | | | 67992 | 48310 | 67359 |
| | | | | | | | | RES CRAN 4⁰ | | | | | RES 2⁰ CRAN | 8⁵ 3⁰ | | R-73610 | ~~R~~-11511 | |
| | | | | | | | | | | | | | | | | 73611 | 51557 | |
| | | | | | | | | | | | | | | | | 73611 -suppl- | 51537 | |

SP*35621-690

Oregon

WATER
RESOURCES
DEPARTMENT

January 8, 1996

WENDELL R PETERS

RT 2 BOX 160
BANDON, OR 97411

REFERENCE: File # R-80798;

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed, unless you were previously issued one. Your application has been assigned the number listed above.

Under the expedited review process for qualifying small ponds, the department is required to issue a final order approving or denying the permit, or grant a permit with conditions within 180 days of receiving an application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water and other natural resource issues.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, please write to us at the address below or call the Water Rights Information Group at (503)378-8455, or toll free in Oregon at 1-800-624-3199.

Anita McLoud
Water Rights Specialist
Water Rights Division

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

# PRE-TR APPLICATION PROCESSING OUTLINE

Application File # R-80798

HB2376

DATE STAMP

## MINIMUM REQUIREMENTS TO FILE
OAR 690-11-020

| DATE | INITIAL | |
|---|---|---|
| 12-29-95 | | Name and mailing address of applicant |
| | | Source of water |
| | | Quantity of water |
| | | Map showing location of POD & POU |
| | | Use of water |
| | | Names and addresses of legal owners |
| | | Signature of applicant |
| | | HB 2153/HB 2107 APPLICATION -- SEE REVERSE |
| | | Oath |
| | | Application date stamped per money receipt date |
| | | Land use approved _____ pending _____ |
| | | If reservoir < ~~5~~ AF $ 100.00, if ~~> 5 AF $~~ _____ |
| | | Route to Data Center (Unless 2153/2107) |

## DATA CENTER

| | | |
|---|---|---|
| | | Stream Code _____ |
| | | Entered into WRIS |

## SUPPORT SERVICES

| | | |
|---|---|---|
| 1/11/96 | | Stamp contents with application number |
| | | Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file |
| | | Place label on file and calender card |

## APPLICATION SECTION

| | | |
|---|---|---|
| | | Stream Indexed Basin #_____ |
| | | Plat Carded and copy made YES NO |
| | | If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section |

## TR CASEWORKER

| | | |
|---|---|---|
| | | TR Checklist complete YES NO |
| | | Within Irrigation District_____ |
| | | District Notified ___ ___ |
| | | District excerpt received ___ ___ |
| | | TR Mailed DATE_____ |
| | | Public Interest Checklist complete ___ ___ |
| | | Management Codes _____ |

REMARKS: _____

5/94

MINIMUM APPLICATION REQUIREMENTS TO FILE:

## HB 2153 - existing, small, EXEMPT ponds

_____ NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).
(date & initials)

_____ Appropriate map (see item 1 on form).

_____ Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

_____ Items 2, 3, 4, 5, and 6 are completed.

_____ Signature (and title, if applicable)

## HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

_____ Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

## HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

_____ Name/address of adjacent property owner within 1/4 mile
_____ Map with scale not less than 2 in.=1 mi.
_____ CWRE map if > 10 feet dam or > 9.2 AF
_____ Description of proposed use
_____ Condition addressed
_____ Resulting benefits

_____ Public notices (circle) #1 #2

Oregon

WATER
RESOURCES
DEPARTMENT

January 8, 1996

WENDELL R PETERS

RT 2 BOX 160
BANDON, OR 97411

REFERENCE: File # R-80798;

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed, unless you were previously issued one. Your application has been assigned the number listed above.

Under the expedited review process for qualifying small ponds, the department is required to issue a final order approving or denying the permit, or grant a permit with conditions within 180 days of receiving an application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water and other natural resource issues.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, please write to us at the address below or call the Water Rights Information Group at (503)378-8455, or toll free in Oregon at 1-800-624-3199.

Anita McLoud
Water Rights Specialist
Water Rights Division

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

STATE OF OREGON
**WATER RESOURCES DEPARTMENT**

RECEIPT # 131225

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

INVOICE #_____

RECEIVED FROM: Mr or Mrs W R Peters

BY:

| | |
|---|---|
| APPLICATION | R 80798 |
| PERMIT | |
| TRANSFER | |

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

TOTAL REC'D $ 2129.00

**01-00-0 WRD MISC CASH ACCT**

| | | |
|---|---|---|
| 842.010 | ADJUDICATIONS | $ |
| 831.087 | PUBLICATIONS / MAPS | $ |
| 830.650 | PARKING FEES Name / month | $ |
| _____ | OTHER: (IDENTIFY) | $ |

**REDUCTION OF EXPENSE** CASH ACCT. $ fees

COST CENTER AND OBJECT CLASS VOUCHER #

**03-00-0 WRD OPERATING ACCT**

Balance on 13226

**MISCELLANEOUS**

| | | |
|---|---|---|
| 840.001 | COPY FEES | $ |
| 850.200 | RESEARCH FEES | $ |
| 880.109 | MISC REVENUE: (IDENTIFY) | $ |
| 520.000 | OTHER (P-6) (IDENTIFY) | $ |

**WATER RIGHTS:**

| | | EXAM FEE | | RECORD FEE |
|---|---|---|---|---|
| 842.001 | SURFACE WATER | $ 100.00 | 842.002 | $ 0 |
| 842.003 | GROUND WATER | $ | 842.004 | $ |
| 842.005 | TRANSFER | $ | 842-006 | $ |

**WELL CONSTRUCTION**

| | | EXAM FEE | | LICENSE FEE |
|---|---|---|---|---|
| 842.022 | WELL DRILL CONSTRUCTOR | $ | 842.023 | $ |
| | LANDOWNER'S PERMIT | | 842.024 | $ |

_____ OTHER (IDENTIFY) _____

**06-00-0 WELL CONST. START FEE**

| | | | | |
|---|---|---|---|---|
| 842.013 | WELL CONST START FEE | $ | CARD # | |
| _____ | MONITORING WELLS | $ | CARD # | |

_____ OTHER (IDENTIFY) _____

**45-00-0 LOTTERY PROCEEDS**

| | | |
|---|---|---|
| 864.000 | LOTTERY PROCEEDS | $ |

**07-00-0 HYDRO ACTIVITY**

| | | LIC NUMBER | |
|---|---|---|---|
| 842.011 | POWER LICENSE FEE (FW/WRD) | | $ |
| 842.115 | HYDRO LICENSE FEE (FW/WRD) | | $ |
| _____ | HYDRO APPLICATION | | $ |

RECEIPT # 131225 DATED: 12-29-95 BY: J Lissner

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