

STEVE GANT
PO BOX 1587
BANDON, OR

97411

Permit No. 51905

Certificate No. _____

Stream Index, Page No. 11

17-2170

V3 Johnson & Co

Date filed _____

Priority _____

Action suspended until 7-9

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 5-14-97

Date for completion 10-1-98

Extended to _____

Date for application of water 10-1-99

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

ASSIGNMENTS

REMARKS

see R-72430

SMEAD 11 SP98874

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number 72131

Final Order
Extension of Time for Permit Number 51905

Application History

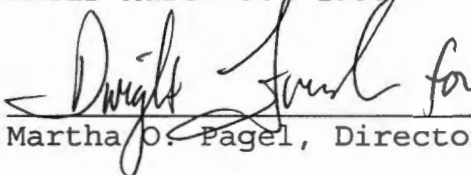
On September 2, 1998, Steve Gant submitted an application to the Department for an extension of time for permit number 51905. The Department issued Permit number 51905 on May 14, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on January 12, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2003, and the time to fully apply water to beneficial use to October 1, 2003. The protest period closed February 26, 1999. No protest was filed.

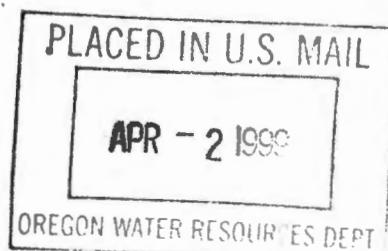
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.630 and 539.010(5).

Order

The extension of time for Application 72131, Permit Number 51905, therefore, is approved. The deadline for completing construction is extended to October 1, 2003. The deadline for applying water to full beneficial use is extended to October 1, 2003.

DATED March 30, 1999

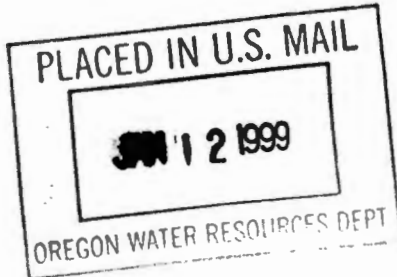

Martha O. Pagel, Director



Appeal Rights

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

**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number 51905

Application File Number 72131

Proposed Final Order

This Proposed Final Order applies only to permit number 51905.

Summary of Recommendation

The Department proposes to:

- a) grant the extension for completion of construction from October 1, 1998 to October 1, 2003; and
- b) grant the extension for complete application of water from October 1, 1999 to October 1, 2003.

Application History

Permit no. 51905 was granted by the Water Resources Department on May 14, 1996. The permit authorizes use of 9.1 acre-feet of stored water from permit R 11625 and 1.0 cfs of surface water from an unnamed stream for cranberry operations on 8.0 acres in the Johnson 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. 51905 is attached.

On September 2, 1998, the Department received an application from Steve Gant for an extension of time to complete construction and apply water to full beneficial use. The applicant has requested until October 1, 2003, to complete construction of the water development project and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

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

record in the permit application file in relation to the requirements of ORS 537.230(2) 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. Extreme wet weather has interfered with using the heavy equipment necessary for construction of the reservoir and cranberry bogs. Problems burning brush from clearing within burning permits time limits due to wet weather. Difficulty getting contractor on site within the window of opportunity for full utilization of resources. Applicants work progress was slowed down because of health problems.
5. By mutual consent, the applicant and the Water Resources Department agreed to defer processing of the permit extension request until such time as the Commission had adopted new permit extension rules.
6. 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 excavation and construction of reservoir, clearing and construction of 2 acres of cranberry bogs. Utilizing removal material from reservoir for building cranberry bogs. Storage of some water in the reservoir and used about 1 acre-foot on cranberry bogs.
 - b) The applicant has also purchased irrigation pipe, sprinklers, and other fittings.
 - c) The applicant has invested approximately \$ 4,500 of an estimated total cranberry project cost of \$28,500.
 - d) The work remaining to be completed consists of more clearing and building of bogs and installation of irrigation equipment.
7. 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 right has been delayed by wet weather, health problems and local burning regulations.
8. The Department finds that the length of time requested for completion of construction and application of water to full beneficial use should be extended to October 1, 2003 as requested by the applicant.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230.
2. The applicant has submitted an extension application form and the fee required by

ORS 536.050(1)(L).

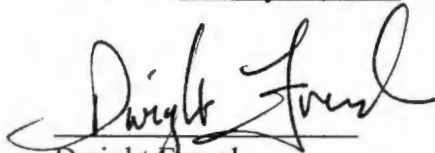
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to 537.230(2).
5. The permit extension should be approved until October 1, 2003 to complete construction of the reservoir and to make complete application of water.

Recommendation

The Department proposes to issue an order to:

- a) grant the extension for completion of construction from October 1, 1998 to October 1, 2003 and
- b) grant the extension to complete application of water from October 1, 1999 to October 1, 2003.

DATED: January 12, 1999


Dwight French
Water Rights Section Manager

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) If you are not the applicant, 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 **February 26, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

Mailing List for PFO Extension Copies

Application # R 72130

PFO Date 1/12/99

72133

R 72132

Original mailed to: R 72131

Applicant: Steve Gant

Mailed
(support staff)
on: 1/12/99
(date)

Copies sent

Regional Manager SW

Watermaster Dist 19

ODFW Reese Bender, Charleston, Or

DEQ Tom Rosetta, Portland

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

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

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEVE GANT
PO BOX 1587
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-72131

SOURCE OF WATER: AN UNNAMED STREAM AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-72130, PERMIT R-11625, TRIBUTARIES OF JOHNSON CREEK

PURPOSE OR USE: CRANBERRY OPERATIONS ON 8.0 ACRES

RATE OF USE: 1.0 CUBIC FOOT PER SECOND FROM AN UNNAMED STREAM AND 9.1 ACRE-FEET FROM STORED WATER

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH MARCH 31 FROM AN UNNAMED STREAM; STORED WATER MAY BE USED AT ANY TIME.

DATE OF PRIORITY: JANUARY 8, 1992

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 5, T29S, R14W, W.M.; 870 FEET NORTH AND 1080 FEET EAST FROM THE SW CORNER OF SECTION 5

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 8.0 ACRES
SECTION 5
TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

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

STANDARD CONDITIONS

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

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

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

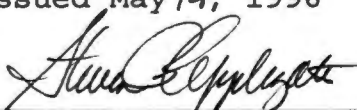
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued May 14, 1996


for Martha O. Pagel, Director
Water Resources Department

RECEIVED

APPLICATION FOR EXTENSION OF TIME NOV 30 1998

TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

I, Steve GANT
P.O. Box 1587 BANDON OREGON 97411 541-347-2874
ADDRESS CITY STATE ZIP PHONE

record owner of application No. 5-72131 permit No. 51905, do hereby request that the time in which to:

☐ complete the construction of 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, 2003, and/or the time in which to

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1998, be extended to October 1, 2003

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.

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

2-Have you put any water to use under this permit [yes/no]? yes
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? yes If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time. _____

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

- (a) within past year CLEARED 2 ACRES OF LAND FOR CRANBERRY
Fields, EXCAVATED MATERIAL TO INCREASE RESERVOIR SIZE TO 1.5 ACRES OF FULL SUBMERGED
PURCHASED IRRIGATION EQUIPMENT SIZE.
- (b) prior to this past year CONSTRUCTED RESERVOIR, EXCAVATED
MATERIAL (PEAT FOR BOGS, SAND FOR BOGS) FOR USE IN CRANBERRY
BOG CONSTRUCTION.

© and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) STORED AND USED

APPROXIMATELY 1 ACRE FOOT OF WATER IN PARTIALLY COMPLETED RESERVOIR.

4-Cost of project to date 4,500. Projected cost for completion of project 24,000.

5-Have there been any unforeseen events which delayed development of water system? EXTREME WET WEATHER HAS HAMPURED USING HEAVY EQUIPMENT NECESSARY FOR CONSTRUCTION, DURING DRY WEATHER WHEN ABLE TO USE HEAVY EQUIPMENT WAS DIFFICULT TO BURN (BRUSH, STUMPS ETC) FROM CONSTRUCTION.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] NO, BUT BURNING BRUSH BECAUSE OF WEATHER FACTORS AND BURNING REGULATIONS AFFECTED BURNING PERMITS.

7-What reasons was the project not completed within permit time limits? WEATHER, BURNING PERMITS, GETTING CONTRACTOR ON SITE, LIMITED WINDOW OF OPPORTUNITY FOR FULL UTILIZATION OF RESOURCES, ALSO MY HEALTH PROBLEMS HINDERED ME.

8-Has there been any change in the demand for water or power since permit was issued? (please explain) NO, ORIGINAL REQUEST IS STILL PLAN.

9-Has there been any change in the market for water or power since the permit was issued? (please explain) A INCREASE IN COMPETITION FOR WATER FOR USES SUCH AS FISH FARMS HAS CHANGED WATER MARKET.

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

YES, THE SIZE AND PRODUCTION OF FARM WILL
BE INCREASED, GIVING US A LARGER GROSS PROFIT. ALL EXPENSES
WILL BE PAID SHORTLY AFTER FIELDS MATURE.

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

NO, WE NEED TO IRRIGATE NEW CRANBERRY ACREAGE
AND FLOOD FOR HARVEST

12-Is there an alternative source of water available [yes/no please explain]? NO, ONLY SOURCE IN OUR AREA

INSTREAM RIGHTS NOT AVAILABLE

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain)

NO, STORING SURFACE WATER, RUN OFF, EXCESS FLOW
DURING WET SEASON AND MAY HELP CHARGE GROUND
WATER

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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

Signature Steve Hunt

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 29, 1998

FILE#: S

72131
~~72133~~

STEVE GANT
GANT, GARY
PO BOX 1587
BANDON, OR

97411

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

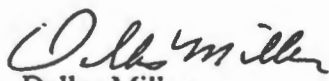
In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,


Dallas Miller
Water Rights Specialist



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 15, 1998

STEVE GANT
PO BOX 1587
BANDON, OR 97411

Reference: Files 72131, Permit 51905

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect.

If it is necessary that you have an extension of time before that, it may be possible if you can make the statement that water can be fully used within one year.

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipt 24235 for the \$100 recording fee submitted.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller
Natural Resource Specialist 2

cc: Watermaster Dist 19

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **24235**

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

INVOICE # _____

RECEIVED FROM: Gant Family
BY: _____

APPLICATION	72131
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96455 ☒ OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$ _____

PUBLICATIONS / MAPS

\$ _____

OTHER: (IDENTIFY) _____

\$ _____

OTHER: (IDENTIFY) _____

\$ _____

REDUCTION OF EXPENSE

CASH ACCT.

\$ _____

PCA AND OBJECT CLASS

VOUCHER # _____

0427 WRD OPERATING ACCT

MISCELLANEOUS

PCA # 66111

\$ _____

0407 COPY & TAPE FEES

\$ _____

0410 RESEARCH FEES

\$ _____

0408 MISC REVENUE: (IDENTIFY) _____

Extension

\$ 100.00

w) TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

isting) TC168

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ _____

0202

RECORD FEE

\$ _____

0203 GROUND WATER

\$ _____

0204

\$ _____

0205 TRANSFER

\$ _____

0206

\$ _____

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$ _____

0219

LICENSE FEE

\$ _____

LANDOWNER'S PERMIT

0220

\$ _____

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD # _____

0210 MONITORING WELLS

\$ _____

CARD # _____

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$ _____

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$ _____

0231 HYDRO LICENSE FEE (FW/WRD)

\$ _____

HRDRO APPLICATION

\$ _____

RECEIPT # **24235**

DATED: 9-2-98

BY: M. McCoy

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, Steve Gant
Name
PO Box 1587
Mailing Address
Bandon OR 97411
City State Zip

RECEIVED
 SEP 02 1998
 WATER RESOURCES DEPT.
 SALEM, OREGON

record owner of water permit No. 51905, do hereby request that the time in which to:

☒ complete the construction of 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, 19²⁰⁰³; and/or the time in which to

☐ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time, now expires on October 1, 19__, be extended to October 1, 19__.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

1) within the past year Cleared land to expand reservoir to a submerged area to 1.3 acres

2) prior to this past year Cleared 2 acres fo land for cranberry beds.

3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) 1 acre

(If additional space is required, attach separate sheet)

Steve Gant

(If signing for a corporation please identify your title)

Dated 8-28-98

MAIL COMPLETED APPLICATION AND STATUTORY FEE
 OF \$100.00 FOR EACH PERMIT TO:

WATER RESOURCES DEPARTMENT
 158 12TH STREET NW
 SALEM OR 97331

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-72131

WATERMASTER # 19

REGIONAL MANAGER: SW (COOK)

ODF&W - Coos 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

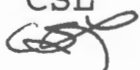
POWER BUILDER UPDATER; FRONT COUNTER

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

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

Water Watch

CASEWORKER : CSL 10/17/95



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-72131

Final Order

Application History

On January 8, 1992, STEVE GANT submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 24, 1995. The protest period closed December 8, 1995, and no protest was filed.

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

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

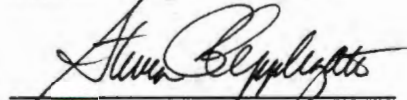
Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

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

Order

The application therefore is approved with the above modifications to the Proposed Final Order, and Permit Number 51905 is issued as limited by the conditions set forth in the permit.

DATED May 14, 1996


for Martha O. Pagel
Director

Hearing and Appeal Rights

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

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



1 INCH = 1320 FEET

APPLICATION MAP
IN THE NAME OF STEVE GANT

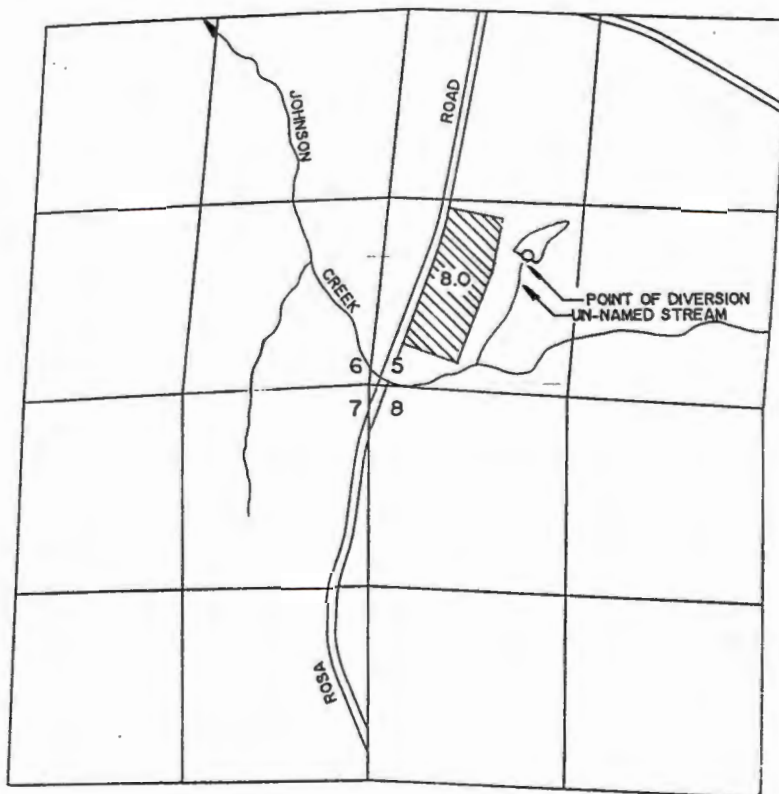
SECTION 5, T29S, R14W, W.M.

RECEIVED

JAN - 8 1992

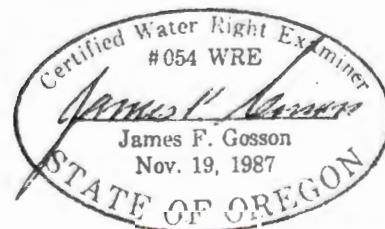
WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 72131
Permit No. 51905



THE POINT OF DIVERSION IS TO BE LOCATED 870 FEET NORTH AND 1080 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5, BEING WITHIN THE SW 1/4 OF THE SW 1/4 OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY.

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



FO CHECKLIST

PFO TO FO CONVERSION

FILE # 72131

FO - 1-96
WK 13

REVIEW DATE: 4/11/96

WEEK # _____

INITIALS: JTB

In preparing the FO, you should check the following:

1. Y / ☒ N Were comments or protests received in response to the PFO?
2. ☒ List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. ☒ Verify payment of recording fees (circle the appropriate option)
 - ☒ (1) Issue FO w/permit if fees are paid Prepare refund request for excess fees
 - ☐ (2) Issue FO w/o permit if fees are lacking
 - ☐ (3)
4. ☒ Y / N Has the applicant signed an oath of accuracy for the application?
5. ☒ Y / N Has ODFW asked for self certification on screening condition?
6. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. _____ Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

		Route to: (circle one)	
DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY	JERRY	DOUG

MOD: B54 B1C
B57

Modify FO as needed to:

INITIALS: _____

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

Once FO document is completed:

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

Fish District: Coos/Coquille

WAB #

Application #

5-72131

Applicant Name

S. Gant

Date: March 27, 1996

AREA

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

INFORMATION/CONDITIONS

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

Should the application be denied? Y N

Should the application be restricted? Y N

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

2. Are there adequate flows to protect salmon/steelhead/trout? Y ☒ NShould the application be denied? Y ☒ NShould the application be restricted? ☒ N ☒ Based on water availability

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

3. Domestic

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

4. Fish Screening and Passage

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

5. Miscellaneous

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

6. Measurement and Reporting

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

FINDINGS

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

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

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of	)	PROPOSED
Surface Water Application	)	FINAL
S-72131 submitted by	)	ORDER
STEVE GANT		

FINDINGS OF FACT

Water Use Request

1. STEVE GANT requested use of 1.0 CUBIC FOOT PER SECOND (cfs) of water from AN UNNAMED STREAM AND 9.1 ACRE-FEET (af) FROM AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-72130, PERMIT R ___, TRIBUTARIES OF JOHNSON CREEK within the South Coast Basin for CRANBERRY OPERATIONS ON 8.0 ACRES.
2. The area of proposed use is in Coos County within SECTION 5, TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M..
3. The water delivery system is described by the applicant as use of an electric motor/pump at the point of diversion with plastic pipe to the place of use.
4. The request was made in Application S-72131 which was received by the Water Resources Department on January 8, 1992.

Affected Waters

1. AN UNNAMED STREAM AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-72130, TRIBUTARIES OF JOHNSON CREEK, are not within or above a State Scenic Waterway.
2. OREGON DEPARTMENT OF FISH & WILDLIFE (ODFW) has advised that there are no fish in the immediate area of the subject appropriation. Consequently, no fish screening or passage facilities are to be required.
3. There are senior water rights on AN UNNAMED STREAM AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-72130, Permit R ___, TRIBUTARIES OF JOHNSON CREEK AND on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on December 29, 1993.

3. The technical review determined:

- a. CRANBERRY OPERATIONS ON 8.0 ACRES is allowed under the South Coast Basin Program.
- b. The use is not prohibited by Statute.
- c. Water is available for further appropriation (at a 50 percent exceedance probability) from live flow between December 1 through March 31; water legally stored may be used at any time.
- d. The use would not injure existing water rights.

4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application S-72131, the following criteria were found to be relevant by the Department.

- a. The South Coast Basin Program (OAR Chapter 690, Division 517)
- b. The Coos County Comprehensive Plan and Zoning Ordinance
- c. The amount of water available in AN UNNAMED STREAM AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-72130, PERMIT #R __, TRIBUTARIES OF JOHNSON CREEK
- d. The established rate and duty for the proposed use
- e. Pending, senior applications and existing water rights of record
- f. Comments received

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the technical review remain valid.

2. Period of allowed use: Live flow can be used from December 1 through March 31; stored water may be used at any time.

3. The Department finds that no more than 1.0 cfs and 9.1 acre-feet would be necessary for the proposed use. The amount of water requested, 1.0 CUBIC FOOT PER SECOND AND 9.1 ACRE-FEET STORED WATER, is allowable.

4. Coos County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use

5. Coos County Planning Department staff acknowledged receipt of the Department's Land Use Information Form. Since land use information was not postmarked or received within the 30 day comment period initiated pursuant to OAR 690-11-155, the Department

has presumed that the land use served by the proposed water use is compatible with the comprehensive plans and land use regulations of affected local governments.

6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.

7. The proposed use complies with all other rules of the Commission.

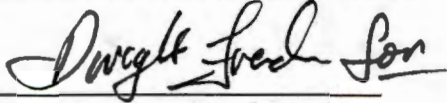
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.

9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application S-72131 in the name of STEVE GANT be approved for CRANBERRY OPERATIONS ON 8.0 ACRES as provided in the attached draft permit.

DATED October 24, 1995



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

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

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

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

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

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 8, 1995.

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

DRAFT
STATE OF OREGON

COUNTY OF Coos

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

STEVE GANT
PO BOX 1587
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-72131

SOURCE OF WATER: AN UNNAMED STREAM AND AN UNNAMED RESERVOIR,
CONSTRUCTED UNDER APPLICATION R-72130, TRIBUTARIES OF JOHNSON CREEK

PURPOSE OR USE: CRANBERRY OPERATIONS ON 8.0 ACRES

Rate of use: 1.0 cfs and 9.1 acre-feet stored water

Period of allowed use: Live flow may be used from December 1 through March 31; stored water may be used at any time.

DATE OF PRIORITY: January 8, 1992

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 5, T 29 S, R 14 W,
W.M.; 870 FEET NORTH & 1080 FEET EAST FROM SW CORNER, SECTION 5

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 8.0 ACRES
SECTION 5
TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application S-72131 Water Resources Department
Basin 17 Johnson Creek & Misc.
CSL Volume 3

PERMIT DRAFT
District 19

RECEIVED

JAN - 8 1992

Application No. 72131

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Surface Water

Applicant(s) STEVE GANT

(Please print or type - use dark ink)

Mailing Address: P. O. BOX 1587
Bandon Oregon 97411 503 347-3029
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: an un-named reservoir and an un-named stream,
a tributary of Johnson Creek

9.1 AF

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.00 cubic feet per second, OR 448.9 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: being 1.00 cfs for temperature control, 0.20 cfs for irrigation, 0.40 cfs for pest control and flood harvesting

3. **INTENDED USE(s) OF WATER:** cranberry use

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

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

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.) _____

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation _____

Other (describe) cranberry use 8.0

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

an electric motor/pump at the point of diversion with plastic pipe to the place of use.

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

Proposed date construction work will begin June 1, 1992

Proposed date construction work will be completed October 1, 1993

Proposed date water use will be completed October 1, 1997

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: _____

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Steve Kant
Signature of Applicant

1/7/92
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: 72131

PERMIT NO: _____

N' 12132 & S-72133

I/We certify that the information I have provided in application # R72132 + S-72133 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge. S-72133

<u>Steve P. Hunt</u>	<u>owner</u>	<u>10/6/95</u>
Name	Title	Date

<u>Gay J. Hunt</u>	<u>owner</u>	<u>10-6-95</u>
Name	Title	Date

_____	_____	_____
Name	Title	Date

_____	_____	_____
Name	Title	Date

RECEIVED

OCT - 9 1995

WATER RESOURCES DEPT
SALEM, OREGON

R-72130 + S-72131

I/We certify that the information I have provided in application # R72130 - S72131 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

<u>Steve P. Hunt</u>	<u>owner</u>	<u>10/6/95</u>
Name	Title	Date

<u>Gay J. Hunt</u>	<u>owner</u>	<u>10-6-95</u>
Name	Title	Date

_____	_____	_____
Name	Title	Date

_____	_____	_____
Name	Title	Date

RECEIVED

OCT - 9 1995

WATER RESOURCES DEPT
SALEM, OREGON

December 29, 1993

WATER
RESOURCES
DEPARTMENT

STEVE GANT
PO BOX 1587
BANDON, OR 97411

Reference: File S 72131

Hello:

Under separate cover I have enclosed our report of technical review. This process is fairly new to staff and has taken more time to complete than anticipated; however, we believe that the process is more fair and will allow staff to deal with issues in a more timely manner. I truly apologize for the delay.

Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

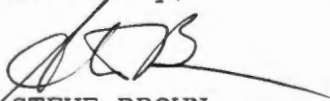
Please send the following:

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

cc: James F. Gosson, CWRE



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

December 29, 1993

STEVE GANT
PO BOX 1587
BANDON, OR 97411

Reference: File S 72131

Hello:

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

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

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

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

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

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

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



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

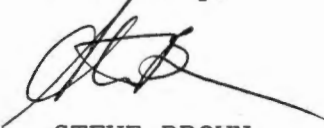
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before March 11, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

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

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

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

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: December 29, 1993

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: March 11, 1994

1. APPLICATION FILE NUMBER - S 72131

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

STEVE GANT
PO BOX 1587
BANDON, OR 97411
COOS Co. 503-347-3029

Date application received for filing and/or tentative date
of priority: 1/ 8/1992

SOURCE: UNN STR

TRIBUTARY TO: JOHNSON CR

Purpose and/or use: CRANBERRY USES.

Flow: 1.0 cfs

Point of Diversion Location:

SWSW, SEC 5, T 29 S, R 14 W; W.M.

Place of use:

SWSW 8.0 Acres
Section 5
T 29 S, R 14 W, W.M.

SURFACE WATER AVAILABILITY

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

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

CONFLICTS WITH OTHER WATER RIGHTS:

There **are** existing rights from this point of diversion.
See proposed permit conditions.

There **are** existing water rights appurtenant to the
lands described in the application. See proposed
permit conditions.

REPORT CONCLUSIONS:

Water in the amount of 1.0 CFS is likely available for 4 months
of the 12 months normal period of use FOR CRANBERRY USES.
Therefore, the Director finds that water is available in
sufficient amount and during periods which will reasonably
support the proposed use.

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

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

PROPOSED PERMIT CONDITIONS

Application: 72131

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: Live flow can be used between December 1 through March 31 and water legally stored can be used at any time.
3. Rate of use: 1.0 cfs
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

RECEIVED

MAR 11 1994

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

March 8, 1994

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

RE: Water Right Application #R-72130 and 72131; Reports of
Technical Review

Because there are no fish in the immediate area of the
subject appropriation, no fish screening or passage
facilities are to be required.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Mirati Jr.", written over the typed name.

Albert H. Mirati, Jr.
Water Right Review Coordinator

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

FILE: R-72130.TEC



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

WaterWatch

O F O R E G O N

Hand Delivered

March 11, 1994

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

RECEIVED

MAR 11 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Re: Objection to Technical Report for:
R 73752, 73753, Williams, Cranberry, North Fork Johnson Crk
72131, 72133, R 72132, R 72130, Gant, Unnamed Johnson Crk
R 72423, 72424, Davis, Irrigation, Johnson Crk
72999, Smith, Domestic, Johnson Crk
Coos Co., South Coast

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

◆ **The Technical Reports are Defective**

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

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

The analyses are defective for the following reasons:

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.
- The analyses fail to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.
- The analyses fail to take into account the requested flows in the senior pending instream water right application # 70228.

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

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

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

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

Currently there is pending instream water right application for the Creek. This pending application requests flows needed for fish life in the creek system. The technical reports for the reservoir applications proposes to allow enlarge an existing storage project and add an additional storage project and allow storage of water from December through March. The dams used to stored water will create passage problems. Both the storage and diversion of stored water change the hydrology of the stream system - eliminating flood events needed for habitat maintenance, blocking passage, and storing water during times of low flows. In addition, the use of water to irrigate cranberry bogs will result in additions of pesticides and fertilizers to the river system which will, unless regulated, will degrade stream quality. Thus, the proposed uses are not in the public interest because they will preclude flows needed for the pending instream water right application.

The public use reflected in the instream water right application (protection and conservation of fish life) has a "reasonable expectation of being developed" as evidenced by the pending instream water right application. This instream use provides greater benefit to the public at large than the proposed use. These fish populations have statewide and even national significance and streamflows are essential for maintenance of these fish. These proposed uses will divert water needed for these streamflows and will create passage problems they should be denied.

2. Measurement and reporting.

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

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

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

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

Given the critical status of fish populations in the creek and the adverse effects diversions and storage projects have on fish habitat, screening and passage should clearly be required to be in place **before** any diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition in any permit issued which **clearly** states these requirements.

4. The proposed uses are contrary to Oregon policy.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

If hypothetically, these proposed uses were allowed they will be junior to the existing instream water right applications and should be conditioned to protect the senior instream flows. Critical to the protection of instream flows is knowing and controlling water use in the basin. These and other potential water users in the basin should be required to contribute to activities that enable the state to better manage and control the resource - such as measuring and reporting streamflows or contributing funds for installation and maintenance of gauging stations in key locations.

The recent petition for listing of coho and steelhead populations coast wide makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

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

Domestic Use

Allowing the proposed domestic use is contrary to the Commission's Water Allocation Policy. The policy allows additional uses on overappropriated streams **only** "where public interest in those uses is high **and** uses are conditioned to protect instream values." OAR 690-410-070(1)(a) (emphasis added). While the exceptions contained in the existing instream water rights in the South Coast basin seem to indicate high public interest in the proposed uses of human consumption, livestock and irrigation of non-commercial gardens, they are not included in the pending senior instream water right applications.¹

In addition, the mere fact that the proposed use of human consumption seem to fall within the exception in the existing instream water rights does not relieve the Department from its duty to consider and protect the public interest, including the public value of instream flows and the needs of anadromous fish. Furthermore, the proposed uses fails to fit within the exception because it is impossible to condition these uses in a way that will protect instream values. *See above.*

¹ An exception for human consumption has been proposed in the technical reports for the instream water right applications - however, this does not necessarily mean that the instream water right when issued will include this unlimited exception.

The exceptions in the instream water right certificates are narrowly worded and should not be applied unless there is absolutely no other alternative sources of water. It is bad public policy to automatically apply this exemption without looking for other possible sources that can accommodate this water use. Human beings can go elsewhere for water, fish can not.

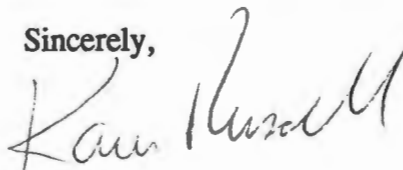
Failure of the State to look for or provide other sources of water, in the face of potential listing of the coastal coho creates expectations for water that may not be fulfilled if/when the species are listed. Instream flows in the creek provide critical habitat for fish - without water instream there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

There are many small domestic uses in the basin consuming both ground and surface waters, all vital sources for instream flow. Individually, the quantity of water consumed may not be large, but cumulatively these uses adversely effect instream flows and water quality. Ignoring this problem is bad public policy. The state should be looking for alternate sources for these uses and ways to provide regional water supplies for these uses in a way that will result in the least amount of impact for the resource.

Conservation

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Karen Russell", written over a horizontal line.

Karen A. Russell
Assistant Director

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: JOHNSON CR

> PACIFIC OCEAN

Water Availability Subbasin: 1700000000000000

Exceedance Level: 50

Time: 13:53

Date: 10/10/1995

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	14.50	0.10	14.40	1.59	12.81	10.00	2.81
2	17.30	0.20	17.10	1.89	15.21	10.00	5.21
3	14.30	0.00	14.30	1.99	12.31	10.00	2.31
4	6.92	0.05	6.87	0.00	6.87	10.00	-3.13
5	1.97	0.24	1.73	0.01	1.72	4.00	-2.28
6	2.04	0.69	1.35	0.05	1.30	4.00	-2.70
7	1.42	1.08	0.34	0.07	0.27	1.00	-0.73
8	0.93	0.87	0.06	0.06	0.00	1.00	-1.00
9	0.55	0.37	0.18	0.02	0.16	1.00	-0.84
10	0.59	0.05	0.54	0.00	0.54	1.00	-0.46
11	4.27	0.05	4.22	0.00	4.22	8.00	-3.78
12	13.90	0.10	13.80	1.57	12.23	10.00	2.23
Stor	4710	228	4480	435	4050	4190	752

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: JOHNSON CR

> PACIFIC OCEAN

Water Availability Subbasin: 1700000000000000

Time: 13:53

Date: 10/10/1995

-----ISWRs-----							
APP # :	70228A	0	0	0	0	RESULTANT	
STATUS:	App.						
1	10.0	0.0	0.0	0.0	0.0	0.0	10.0 A
2	10.0	0.0	0.0	0.0	0.0	0.0	10.0 A
3	10.0	0.0	0.0	0.0	0.0	0.0	10.0 A
4	10.0	0.0	0.0	0.0	0.0	0.0	10.0 A
5	4.0	0.0	0.0	0.0	0.0	0.0	4.0 A
6	4.0	0.0	0.0	0.0	0.0	0.0	4.0 A
7	1.0	0.0	0.0	0.0	0.0	0.0	1.0 A
8	1.0	0.0	0.0	0.0	0.0	0.0	1.0 A
9	1.0	0.0	0.0	0.0	0.0	0.0	1.0 A
10	1.0	0.0	0.0	0.0	0.0	0.0	1.0 A
11	8.0	0.0	0.0	0.0	0.0	0.0	8.0 A
12	10.0	0.0	0.0	0.0	0.0	0.0	10.0 A

WATER AVAILABILITY TABLE

Basin: SOUTH COAST

Exceedance Level: 50

Water Availability Subbasin: 1700000000000000 (and Nested Subbasins)

Time: 13:53

Date: 10/10/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	1700000000000000	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES

Basin: SOUTH COAST

Water Availability Subbasin: 1700000000000000 (and Nested Subbasins)

Time: 13:53

Date: 10/10/1995

WAB #	Stream Name	Tributary to
1700000000000000	JOHNSON CR	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 1700000000000000

Basin: SOUTH COAST

Exceedance Level: 50

Time: 13:53

Date: 10/10/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	1700000000000000	JOHNSON CR	YES	2.8
2	1700000000000000	JOHNSON CR	YES	5.2
3	1700000000000000	JOHNSON CR	YES	2.3
4	1700000000000000	JOHNSON CR	NO	-3.1
5	1700000000000000	JOHNSON CR	NO	-2.3
6	1700000000000000	JOHNSON CR	NO	-2.7
7	1700000000000000	JOHNSON CR	NO	-0.7
8	1700000000000000	JOHNSON CR	NO	-1.0
9	1700000000000000	JOHNSON CR	NO	-0.8
10	1700000000000000	JOHNSON CR	NO	-0.5
11	1700000000000000	JOHNSON CR	NO	-3.8
12	1700000000000000	JOHNSON CR	YES	2.2
Stor	1700000000000000	JOHNSON CR	YES	752.0

RECEIVED

JAN - 8 1992

WATER RESOURCES DEPT.
SALEM, OREGON

JANUARY 7, 1992

To whom it may concern:

I hereby give Steve Gant authorization to apply for water rights on my property located in Coos County Oregon.

SECTION 5, T29S, R14 W.W.M.
TAX LOT 2000

Thomas C Gant, Trustee
Marion D Gant, Trustee

RECEIVED

JAN 8 1992

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
County of Coos) ss.

On this 7 day of January, 1992, personally appeared the above named
Thomas C. Gant and Marion D. Gant
foregoing instrument to be their voluntary act and deed.

(Official Seal)

My Commission expires: 3-2



Before me:

Marcy Patridge
Notary Public for Oregon

September 1, 1992

Albert H. Mirati, Jr.
Oregon Department of Fish and Wildlife
2501 SW First Avenue
Portland, OR 97207

RE: Past due comments on water right applications

Dear Al:

I am writing in response to your letter of July 17, 1992, requesting the status of applications for permit.

Applications 71640 and 71895 have been withdrawn.

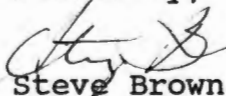
Permits have been issued in approval of Applications 71608, 71743, 71771, 71757 and 71887. It is too late to address any comments in regards to these files. Copies of the permits are enclosed for your information.

The remaining applications:

71636	71649	71701	71713	71704	71739	71740
71755	71756	71768	71781	71788	71808	71895
71912	71913	71914	71977	71991	72000	72031
72032	72112	72118	72119	72130	72131	72132
72133	72257	72266	72269	72285	72294	72295
72309	72310	72314	72323	72328		

are pending. We have taken your letter of July 17th and are treating it as a comment and will be sending you a copy of our technical review.

Sincerely,



Steve Brown
Senior Water Rights Specialist
Field Operations Division

0848





OREGON DEPARTMENT OF FISH AND WILDLIFE
Comments on Water Right Application(s)
R-72130 & 72131

August 3, 1992

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

AUG - 7 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Steve;

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the subject water right application(s) and recommends WRD include the following condition(s) in the permit(s):

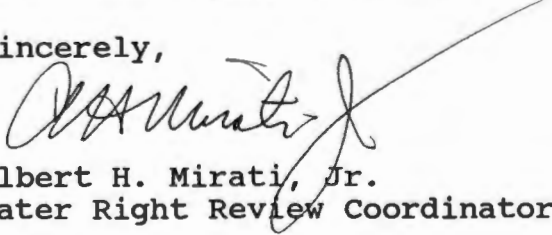
The permittee shall not construct, operate or maintain any dam or artificial obstruction in the channel of Johnson Creek. Construction in a tributary of Johnson Creek is acceptable.

This water right permit should not be issued until a water availability assessment by WRD indicates that adequate water is first available to meet established or pending (applied for) instream water rights on Johnson Creek to which this stream is tributary. The subject water right permit should be conditioned to prohibit withdrawal during periods (months) the water availability analysis indicates the downstream instream water right will not be met at least an average of eight years out of ten.

If the applicant disagrees with this analysis or is unwilling to agree to the recommended condition(s), ODFW recommends referral of the application(s) to the Water Resources Commission for determination of the public interest.

ODFW hereby requests a copy of the report(s) of technical review when such is/are available.

Sincerely,


Albert H. Mirati, Jr.
Water Right Review Coordinator

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

File: WRD/WR

WaterWatch

O F O R E G O N

RECEIVED

JAN 21 1992

WATER RESOURCES DEPT.
SALEM, OREGON

January 18, 1992

Stephen C. Brown
Senior Water Rights Specialist
Applications and Permits Section
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

Re: Application for Permit #72131, 72133, R72130, R72132
Steve Gant, Johnson Creek Basin, Coos Co.
1.0 cfs, 1.0 cfs, 9.1 ac ft, 9.1 ac ft Cranberry
Operations

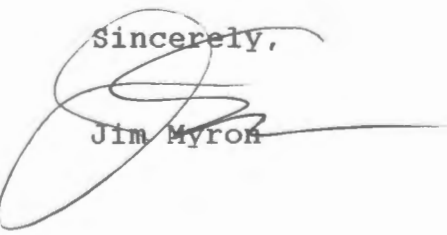
The Johnson Creek system provides critical habitat for resident and anadromous salmonids. Existing water withdrawals from the Johnson Creek system may already be adversely impacting these fish resources.

Based upon the limited amount of information contained in the public notice of these water right applications, and assuming that the Water Resources Department can make a determination that additional unappropriated water is available for these proposed uses at least 80% of the time without any adverse effect upon existing water rights and the public interest, WaterWatch of Oregon recommends that the following permit conditions be included in any permit issued in order to protect the public interest:

The applicant shall install and maintain all fish screening and bypass devices required by the Oregon Department of Fish and Wildlife prior to diverting or storing any water.

The applicant shall divert and store water only during times of the year when such use or storage will not adversely impact critical fish habitat as determined by the Oregon Department of Fish and Wildlife.

Sincerely,



Jim Myron

JAN 27 1992
WATER RESOURCES DEPT.

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To:  Carol S. Lewis
~~John Drolet~~

January 13, 1992

Rec'd 01-21-92

Subject: Application 72131 + R-72130.

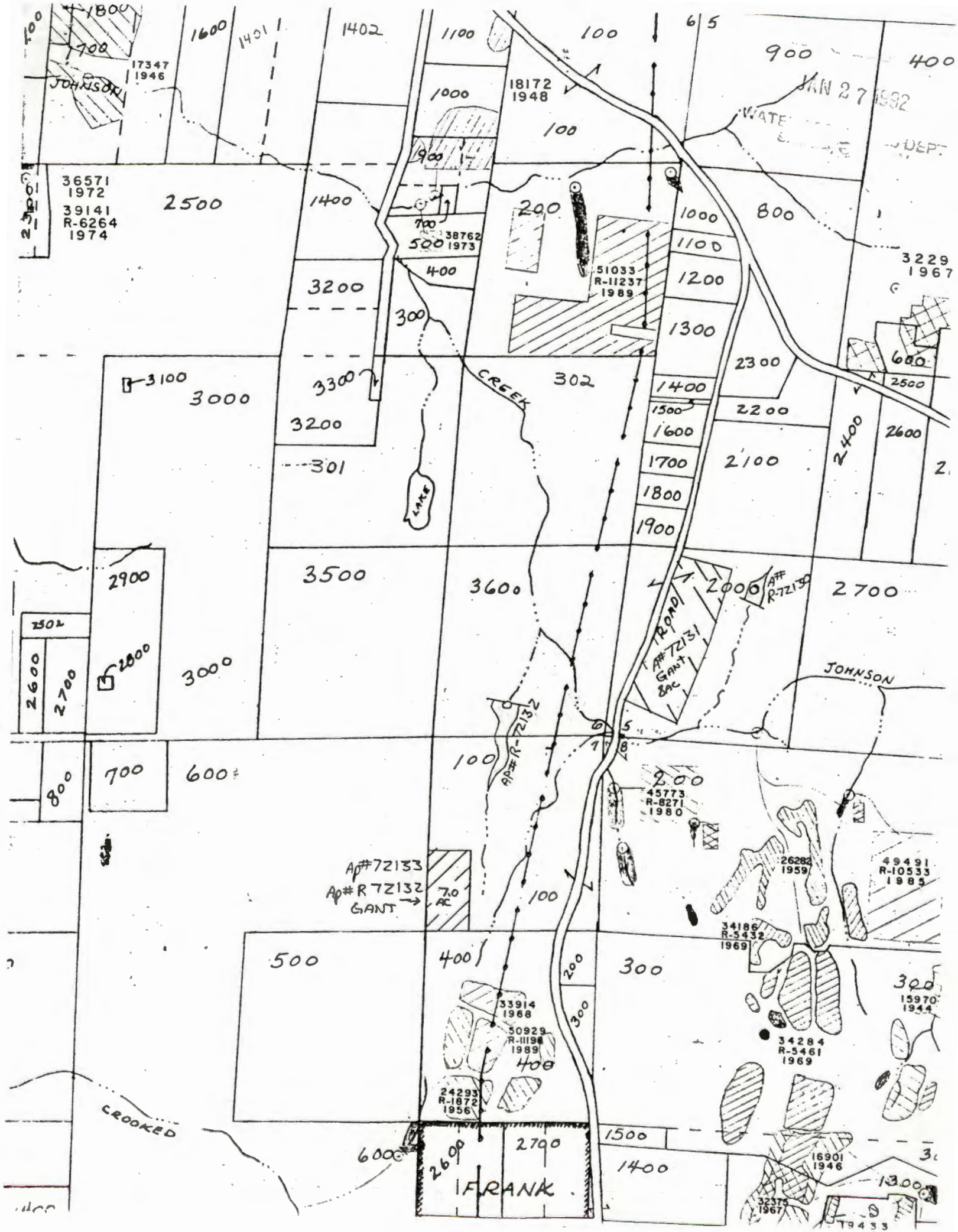
72133 + R-72132

Please send us water availability as soon as possible.

There are 3 downstream rights on Johnson Cr. (P# 17347, P# 27522, and P# 33336). ODF&W has an 03-08-90 pending IWR for a 6cfs summer flow and a 17cfs winter flow.

This office has never measured Johnson Cr. flows or regulated any Johnson Cr. water users.

Should the Department issue these permits I would request that the permits be conditioned to require measuring devices above and below the reservoirs. ~~And to~~ Additionally, a gated outlet placed at the bottom of the reservoirs would be required to pass natural flow to d.s. users.



RECEIVED

FEB 16 1994

**WATER RESOURCES DEP.
SALEM, OREGON**

February 15, 1994

Steve Brown
Water Resources Dept.
3850 Portland Road NE
Salem, Oregon 97310

Reference: File S 72131

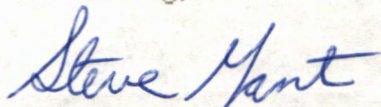
Steve,

The legal description of the property where I plan to use water is:

NW1/4,SW 1/4,SW 1/4, Section 5, T29s,R14W,W.M.

Thank you for your help and assistance I appreciate it very much.
Let me know if I can be of help.

Sincerely,

A handwritten signature in blue ink that reads "Steve Gant". The signature is written in a cursive style with a large, stylized "S" and "G".

Steve Gant

TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: 72131 *see R72130*
- (2) Review Date: 11/17/93

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

SUMMARY

U Completeness *Legal*

S Land Use

S GW Interference (if potential interference with surface water, see results of water availability analysis)

S Conflicts

S Water Availability

- (3) NA The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.
- (4) S No oath is required because application was filed before June 5, 1992.
- (5) S Application fees:
- | | |
|--|----------------|
| Examination fee: | \$ <u>200</u> |
| Recording fee: | \$ <u>100</u> |
| TOTAL REQUIRED | \$ <u>300</u> |
| TOTAL SUBMITTED | \$ <u>300</u> |
| AMOUNT DUE prior to issuance of permit | \$ <u>0</u> |
| AMOUNT OVERPAID | \$ <u> </u> |
| refund due applicant | \$ <u> </u> |
- (6) S Proposed dates of beginning and completion of construction, and complete application of water.
- (7) S MAP: ☒ Prepared by a CWRE
☐ Exempt under OAR 690-11-150(3)
☐ A map or drawing included (non-CWRE)
☐ No map or drawing in file

- (8) NA A CWRE map is not required for applications filed before November 9, 1987.
- (9) U A written copy of the legal description of the property on which the water is to be used.
- (10) S A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S Chamberlayne - Ag-Tier use(s) is/are classified uses(s) under the South Coast Basin Program, OAR 690 - 517400.1(8)
- (14) _____ The application, map and supporting data are complete and free of defects Legal,

Land Use Compatibility:

- (15) As expressed by the Planning Department of Coos
- (16) NA The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
- (17) NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application. signed but not filled out

For ground water applications:

- (20) NA A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) NA The report from groundwater section has been received.

For reservoir applications:

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

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

January 13, 1992

To: John Drolet

Subject: Application 72131

Please send us water availability as soon as possible.

January 10, 1992

STEVE GANT
PO BOX 1587
BANDON, OR 97411

REFERENCE: File(s) R-72130, S-72131

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

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

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

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

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

cc: CWRE



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

February 10, 1992

MEMO

To: Tom Shook

From: Barry Norris

Re: Water Availability Analysis
#71132 Simpson Cr, Trib to Coquille R

T28S R14W #
T29S R14W

Following is the analysis performed for the Pullen water right application. Miscellaneous measurements made on Ferry Creek were extended by correlating to gage data from the SF Coquille at Powers. The estimated 50% ex. values were then transferred to Simpson Creek using a basin ration. The Ferry Creek measurements and the gage data from SF Coquille at Powers did not correlate well. Another attempt was made at correlation using gage data from NF Coquille nr Fairview. The correlation was worse. I discussed the computed flows with John Drolet. He confirmed that they are consistent with what he has observed in the creek.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
50%	2.0	2.1	1.9	1.5	1.2	0.9	0.7	0.6	0.6	0.9	1.7	2.2

Data from WRIS indicates there are 311.25 total acres of primary irrigation on Simpson Creek and its tributaries. These diversions total 26.04 CFS (.01 is domestic, the rest is agriculture).

February 14, 1992

MEMO

To: Steve Brown

From: Barry Norris

Re: Application R-70196 & 70197 - Ronny O. Haga
Water Availability

attached

A basin ratio was made with data calculated for the Pullen application (71132). Please see memo dated February 10 to Tom Shook for more detail on methods.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
50%	12.7	13.0	11.9	9.8	7.8	5.5	4.1	3.7	3.9	5.7	10.8	13.6

Data from WRIS indicates there are 237.31 total acres of primary irrigation on **Johnson Creek** and its tributaries. These diversions total 32.63 cfs (0.06 domestic, 2.38 miscellaneous, 30.19 agriculture).

~~SE 1/4 SW 1/4~~

~~Sect 31~~

~~T 28 S R 14 W~~

GANT 572131

Application No. 72131

Permit No.

TOWNSHIP <u>29S</u> , RANGE <u>14N</u> , W. M.																SECTION <u>5</u>		
NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Lot 1 Lot 2				Lot 3 Lot 4														
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
3842 3825				3807 3790														
												3 [✓]				18237	13898	13795
												2				20090	15653	20028
0 ⁴ 0 ¹ 2 ² 3 ⁶																20179	15722	26279
540 510 220 700																20789	16283	CANCELLED
3 ¹ 3 ¹⁰ 2 ² 4 ⁵⁵				First Creekway 5 ¹				First Creekway 3 ²								43000	32095	48119
T.C. P.H. 1 ²				T.C. P.H. 1 ²												69654		
T.C. P.H. 1 ²				T.C. P.H. 1 ²												69654		
																8-72130		
																72131		

(SEE BACK OF CARD FOR PLAT OF SECTION)

0639W/10-10-91

8

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 72131 ✓

WATERWATCH ✓ ✓

ODF&W ✓ ✓

WATERMASTER # 19 ✓

REGIONAL MANAGER - Cook ✓

CWRE - Gosson ✓

DEO ✓ ✓ ✓

KEN STAHR ✓

OTHER ADDRESSES:

CASEWORKER jake

ORIGINAL TO APPLICANT 11/15/93

COMPLETED

October 2, 1995

STEVE GANT
PO BOX 1587
BANDON OREGON 97411

RE: Application File # R-72130 S-72131

Dear Steve,

The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ An oath that the information in the application is true and accurate. Please sign and return the enclosed oath.

In order to expedite the processing of your application, we request that you submit these items by **October 17, 1995**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 261.

Sincerely,



Gerry Clark
Completeness Team

Enclosures



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

COMPLETENESS DETERMINATION CHECKLIST

COMPLETED

Application #	Review Date	Reviewer
S - 72131	10/2/95	GERRY

200 Exam
100 BAC CR

300 Total

300 Received

✓ Fees OK

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

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

Application No. **72131**
Permit No. **51905**

STEVE GANT
PO BOX 1587
BANDON, OR

97411

Assigned

Address

Beginning construction

Completion of construction

Extended to

Complete application of water

Extended to