FILE#: S 80645

MCKENZIE CRANBERRIES INC.
~~92619 AIRPORT RD~~ PO Box 1362
~~SIXES, OR~~ ~~97476~~ Port Orford, OR
97465

Application No. 80645
Permit No. 53011
Certificate No. _____

~~CANCELLED~~ REINSTATED

Stream Index, Page No. 17

FEES PAID

Date	Amount	Receipt No.
10-20-95	480.00	129598
2/22/02	100.00	51109
7-20-17	520.00	124006
3-15-18	670.00	126094
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
MK 3-3-97	180.00	002993

Date filed _____
Priority _____
Action suspended until C-23
Return to applicant _____
Date of approval 1-31-97

CONSTRUCTION

Date for beginning 1-31-98
Date for completion 10-1-99
Extended to 10-1-2011, 10-1-2023

Date for application of water 10-1-00
Extended to 10-1-2011, 10-1-2023

PROSECUTION OF WORK

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

FINAL PROOF

Blank mailed _____
Proof received _____
Date Certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

~~Cancelled on June 16, 2017 Vol. 105 Pg. 81~~
Reinstated on July 28, 2017 Vol. 105 pg. 375

no COBU

"C" date 10/1/2011

Mailing List for Extension FO Copies

FO Date: June 29, 2018

Application: S-80645
Permit: S-53001

Copies Mailed

By: SP
On: 6-29-18

Original mailed to Applicant:

McKenzie Cranberries, inc
P.O. Box 1362
Port Orford, OR 97465

Copies sent to:

1. WRD - App. File R-80646/ Permit R-12114

2. Marc VanCamp
   Stuntzner Engineering
   P.O. Box 1362
   Port Orford, OR 97465

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 19, Greg Wacker

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

Add record to Progress Report tracking sheet.xls Done: by SP Date 6-29-18

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for Permit S-53001, Water Right Application S-80645 in the name of McKenzie Cranberries, Incorporated	)))	FINAL ORDER

Permit Information

Application:	S-80645
Permit:	S-53001
Basin:	South Coast / Watermaster District 19
Date of Priority:	October 20, 1995
Source of Water:	an unnamed stream and seven unnamed reservoirs, to be constructed under Application R-80646; Permit R-12114, tributaries of Floras Lake
Purpose or Use:	Cranberry Operations on 100.0 Acres
Maximum Rate/Volume:	1.0 cubic foot per second (cfs) of live flow from an unnamed stream and 63.7 Acre-Feet (AF) of stored water per year from seven unnamed reservoirs

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

Appeal Rights

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

Application History

Permit S-53001 was issued by the Department on January 31, 1997. The permit specified completion of construction by October 1, 1999, and complete application of water to beneficial use by, October 1, 2000. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2011. On March 15, 2018, McKenzie Cranberries, inc submitted an Application for Extension of Time for Permit S-53001.

In accordance with OAR 690-315-0050(2), on May 1, 2018, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2011, to October 1, 2023, and the time to apply water to full beneficial use from October 1, 2011, to October 1, 2023. The protest period closed June 8, 2018, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated May 1, 2018.

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

LIMITATIONS AND CONDITIONS

1. **Checkpoint Condition**
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2022.** ***A form will be enclosed with your Final Order.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments

CONCLUSION OF LAW

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

ORDER

The extension of time for Application S-80645, Permit S-53001, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2011, to October 1, 2023. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2011, to October 1, 2023.

DATED: June 29, 2018

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

- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-986-0802.

- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Mailing List for Extension PFO Copies

PFO Date: May 1, 2018

Application: S-80645
Permit: S-53001

Copies Mailed

By: SP
On: 5-1-18

Original mailed to Applicant:

McKenzie Cranberries, inc
P.O. Box 1362
Port Orford, OR 97465

Copies sent to:

1. WRD - App. File R-80646/ Permit R-12114

2. Marc VanCamp
   Stuntzner Engineering
   P.O. Box 1362
   Port Orford, OR 97465

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 19, Greg Wacker

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for Permit S-53001, Water Right Application S-80645 in the name of McKenzie Cranberries, Incorporated	) PROPOSED) FINAL) ORDER

Permit Information

Application:	S-80645
Permit:	S-53001
Basin:	South Coast / Watermaster District 19
Date of Priority:	October 20, 1995
Source of Water:	an unnamed stream and seven unnamed reservoirs, to be constructed under Application R-80646; Permit R-12114, tributaries of Floras Lake
Purpose or Use:	Cranberry Operations on 100.0 Acres
Maximum Rate/Volume:	1.0 cubic foot per second (cfs) of live flow from an unnamed stream and 63.7 Acre-Feet (AF) of stored water per year from seven unnamed reservoirs

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

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2011, to October 1, 2023.
- Grant an extension of time to apply water to full beneficial use from October 1, 2011, to October 1, 2023.[1]
- Make the extension subject to certain conditions set forth below.

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

[1] Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE
Application – Application for Extension of Time
Department – Oregon Water Resources Department
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
FOF – Finding of Fact
cfs – cubic foot per second
AF – Acre-Feet

AUTHORITY

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

ORS 537.230(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is "good cause" to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a "good cause" determination.

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

FINDINGS OF FACT

1. On January 31, 1997, Permit S-53001 was issued by the Department. The permit authorizes the use of up to 1.0 cubic foot per second of live flow from an unnamed stream and 63.7 Acre-Feet (AF) of stored water per year from seven unnamed reservoirs, to be constructed under Application R-80646; Permit R-12114, tributaries of Floras Lake, for irrigation of 100.0 acres. The permit specified actual construction was to begin by January 31, 1998 and construction of the water system was to be completed by October 1, 1999, and complete application of water was to be made on or before October 1, 2000.

2. One prior permit extension has been granted for S-53001. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2000, to October 1, 2011.

3. On March 15, 2018, Marc VanCamp, agent for McKenzie Cranberries, Incorporated, submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to complete construction of the water system extended from, October 1, 2011, to October 1, 2023, and the time to apply water to full beneficial use under the terms and conditions of Permit S-53001 be extended from October 1, 2011, to October 1, 2023.

4. On March 27, 2017, notification of the Application for Permit S-53001 was published in the Department's Public Notice. No public comments were received.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

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

5. On March 15, 2018, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

6. Actual construction of the reservoirs, which are sources of water under this permit, began prior to the January 31, 1998, deadline specified in the permit. According to the permit holder, four reservoirs were constructed, infrastructure to divert surface water and wells were constructed.

7. According to the Application actual construction began February 1, 1997.

Based on Findings of Fact (FOF) 6 and 7, the Department has determined the permit holder began construction prior to January 31, 1998.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous

performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction [OAR 690-315-0040(3)(a)]
The amount of construction completed within the time allowed in the permit or previous extension.[2]

8. During the most recent extension period, being from October 1, 2000, to October 1, 2011, work accomplished includes:

    - completion of an additional 15 acres of cranberry bogs; and
    - regular replacement of flow meters due to fouling

9. Since October 1, 2011, the permit holder has accomplished the following:

    - installed Doppler style water meter; and
    - installed staff plates.

Based on FOF 6 through 8, the Application provides evidence of progress of physical work made towards completion of the water system, enough to qualify as the minimum necessary for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

Compliance with Conditions [OAR 690-315-0040(3)(c)]
The water right permit holder's conformance with the permit or previous extension conditions.

10. The Department has considered the permit holder's compliance with conditions, and has identified the following concern; the record does not show that a totalizing meter or other suitable measuring device has been installed by October 1, 2011.

Based on FOF 10, the Department has determined that the permit holder has not demonstrated compliance with following permit condition as required by Permit S-53001:

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[2] **"Actual Construction"** is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

- "Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device as approved by the watermaster must be installed at each diversion point."

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

The amount of beneficial use made of the water during the permit time limits or previous extension time limits.

11. A maximum rate of 1.0 cfs of water has been diverted from the an unnamed stream and 36.4 AF of stored water has been diverted from four unnamed reservoirs, constructed under Application R-80646; Permit R-12114, tributaries of Floras Lake cranberry operations on 90.0 acres.

Based on FOF 10, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2011.

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

12. An approximate total of $72,500 has been invested. The costs included items associated with planning, which are not "actual construction" under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for "actual construction" to date is approximately $71,500 which is the total cost for complete development of this project.

Based on FOF 12, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

The Market and Present Demands for Water *[OAR 690-315-0040(4)(a-f)]*

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

- *(a)The amount of water available to satisfy other affected water rights and scenic waterway flows;*

- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)
The amount of water available to satisfy other affected water rights and scenic waterway flows.

13. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53001; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.

14. Current Water Availability Analysis for the unnamed stream, (Tributary of Floras Lake) at the mouth (watershed ID 31730608) show that water is only available during the months of February and March at the 80% exceedance level.

15. Current Water Availability Analysis has determined that 63.7 AF of stored water per year is available from from seven unnamed reservoirs, constructed under R-12114.

OAR 690-315-0040(4)(b)
Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

16. The points of diversion are located on an unnamed stream tributary of Floras Lake, and are not located within a Withdrawn Area.

17. Floras Lake is not located within or above a state or federal scenic waterway.

18. The points of diversion are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)
The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

19. Floras Lake is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of

Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)
Economic interests dependent on completion of the project.

20. An approximate total of $71,500 has been invested in the project.

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

21. No other economic interests dependent on completion of the project have been identified.

OAR 690-315-0040(4)(f)
Other factors relevant to the determination of the market and present demand for water and power.

22. No other factors relevant to the determination of the market and present demand for water and power have been identified.

23. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Limitations and Conditions" section of this PFO to meet this condition.

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

24. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0042(2)(g)]

25. Delay in the development of this project that was caused by other governmental requirements have not been identified.

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

26. Unforeseen events extended the length of time needed to fully develop and perfect Permit S-53001, in that the permit holder was faced with unexpected high iron content in the water, which continuously fouled the meters soon after installation.

Denial of an Extension Would Result in Undue Hardship *[OAR 690-315-0040(2)(i)]*

27. A denial of the extension would result in undue hardship, and there are no other reasonable alternatives exist for meeting water use needs. The owner has spent many

years developing and perfecting the cranberry operation. The permitted water storage represents all the water that is available to this property.

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

28. The Application provides evidence of good faith of the appropriator under Permit S-53001.

Based on FOF 6, 7, 8, 9, 11, 12, and 20, the Department has determined that the applicant has shown good faith and reasonable diligence.

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

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

29. As of March 15, 2018, the permit holder states work is completed on the reservoirs and water system. An Extension of Time is needed so the permit holder may apply for a ground water permit to replace Permit G-13032, which was canceled on May 5, 2017, which authorized the storage of water from four wells in the reservoirs constructed under Permit R-12114, and represents a portion of the water authorized for use under Permit S-53001.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2023, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-53001 is both reasonable and necessary.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(6) requires a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

CONCLUSIONS OF LAW

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).

2. The Applicant complied with construction timeline requirements to begin actual construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

3. Based on Finding of Facts 6 through 28, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2023[3], as required by OAR 690-315-0040(1)(c).

4. The Applicant can complete the project within the time period requested for the extension on the project.

5. The Applicant has demonstrated good cause for the extension.

6. For extensions exceeding five years, the Department shall establish progress checkpoints to determine if diligence is being excised in the development and perfection of the water use permit. Intervals between progress check points will not exceed five years periods, as required by OAR 690-315-0050(6).

PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit S-53001 from October 1, 2011, to October 1, 2023.

Extend the time to apply water to beneficial use under Permit S-53001 from October 1, 2011, to October 1, 2023.

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[3]Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

Subject to the following condition:

LIMITATIONS AND CONDITIONS

1. **Checkpoint Condition**
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2022.** ***A form will be enclosed with your Final Order.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: May 1, 2018

Dwight French, Administrator
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **June 15, 2018,** being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

2. A written protest shall include:

a. The name, address and telephone number of the petitioner;
b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
e. Any citation of legal authority supporting the petitioner, if known;
f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
g. The applicant or non-applicant protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:

a. Issue a final order on the extension request; or
b. Schedule a contested case hearing if a protest has been submitted, and:
   1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
   2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil

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- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 986-0802.

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

- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.

- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: S-80645 Permit: 53001 Permit Amendment? No☐ Yes☐ T-_____ ☐pending ☐approved

Permit Holder's Name: McKenzie Cranberries, Inc

Permit Holder's Mailing Address: PO Box 1362 Port Orford, OR 97465

email rmck@gmail.com

Phone Number: 541-670-1441

Agent/CWRE Marc Van Camp (Auth. incl)

Drainage Basin: 17 South Coast County: Curry Watermaster District: 19 Watermaster: Greg Wacker

Date Permit was issued: 1-31-97 **Priority Date:** 10-2-95 Date of PN: 3-20-18

Source: an unnamed stream & seven unnamed res. to be const. under App R-80646 per R-12114, Tribs of Floras Lake

Use: Cranberry operations

"Q": 1.0 cfs live flow; 63.7 AF / yr stored 100.0 acres

Orig "A" Date: within 1 yr **Orig "B" Date:** 10-1-99 **Orig "C" Date:** 10-1-2000

Extension request received: 3-15-18 **Last Authorized Date:** 10-1-2011 **"C" Date:** 10-1-2011

Request Number (1, 2, 3…): 2 **Proposed "B" Date:** 2023 **Proposed C Date:** 2023

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
		Begin construction:
✓		Tot flow Meter
✓		New River Alt Disp. Res. Cond
	✓	AWQR
✓		Prog Report 2010 (Ext Ord)

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

Yes No

☑ ☐ Work was accomplished within the time allowed in the permit or previous extension

☐ ☑ Water right permit holder conformed with the permit or previous extension conditions

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

- Permit holder has beneficially used 1.0 cfs 36.4 AF cfs/gpm/af of the total permitted quantity of water on 90.0 acres

☑ ☐ Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: $ 71,500 Estimated Remaining Cost: $ 0

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N

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

Application ___ - _____ Permit ___ - _____ Township _____ Range _____ Section _____

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located…
Surface Water Permits: Is the POD located…

Yes No

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

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

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

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

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

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

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

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

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

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

☑ **COBU Requirement - Surface Water - post July 9, 1987**

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

☐ **COBU Requirement - Ground Water - post July 9, 1987**

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

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ **Protest Deadline Date:** _____ **FO Issuance Date:** _____

Reviewer's Name: _____ **Date:** _____

Application for Extension of Time for a Water Right Permit (NON-Municipal/NON Quasi-Municipal water Use)

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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) **Construction has begun:**

   A. **For Groundwater Permits**
   Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

   B. **For Surface Water or Reservoir Permits**
   Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

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Instructions are in Attachment A.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for <u>each</u> permit as per OAR 690-315-0020(2).

I, Robert Mckenzie
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

PO Box 1362	Port Orford	OR	97465
ADDRESS	CITY	STATE	ZIP

5416701441 PHONE

rmck@gmail.com E-MAIL ADDRESS

the permit holder of: Application Number S-80645
Permit Number S-53001
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month:10 Day: 1 Year: 1999,** be extended to October 1, 2023, *[OAR 690-315-0020(3)(i)]*

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month:10 Day: 1 Year: 2011,** be extended to October 1, 2023.
[OAR 690-315-0020(3)(i)]

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

Marc Van Camp — **Signature**
3-21-2018 — **Date**
Marc Van Camp — **Printed Name**
Agent — **Title**

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

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- This completed Application for Extension of Time.
- Statutory fee of $670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence and correct fee to:

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



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link: http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc

- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).

- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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Reference Materials Needed to Complete this Application:

- **The water right permit**. If needed, a copy of the water right permit can be downloaded from the Department's Website at http://apps.wrd.state.or.us/apps/wr/wrinfo/ (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time
Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?
☐ **Yes** ☐ **No**

Date construction began Month: Day: Year:

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

Has construction of the water system begun? ☒ **Yes** ☐ **No**

Date construction began Month:2 Day: 1 Year: 1997

Details of construction and attach documentation:

4 Reservoirs built, infrastructure to divert water from surface water source under Permit R12114 to each reservoir, and wells drilled under now cancelled permit G13032. Construction also included instillation of all necessary subgrade plumbing to deliver water from points of diversion and/or appropriation to storage facility thence +/-90 acres. Totalizing flowmeters were installed each POD when system was first constructed. However, constant fouling of the meters caused the owner to frequently replace meters. Eventually, maintaining flowmeters became uneconomical and was abandoned, this led to no flowmeters at the time of the initial Claim of beneficial use survey.

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2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☐	Installation of a meter/totalizing flow meter	☐ Yes ☐ No	
☐	Submittal of annual water usage report	☐ Yes ☐ No	
☐	Submittal of initial static water level measurement	☐ Yes ☐ No	
☐	Submittal of annual static water level measurements in the month required	☐ Yes ☐ No	
☐	Submittal of Seven consecutive static water level measurements in the month required	☐ Yes ☐ No	
☐	Special well construction standards	☐ Yes ☐ No	
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
	Surface Water or Reservoir		
☒	Installation of a totalizing flow meter (Installed at live flow POD)	☒ Yes ☐ No	1/1/2018
☒	Installation a staff gauge (Installed in all 4 developed reservoirs)	☒ Yes ☐ No	1/1/2018
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☒	Submittal of Oct. 2010 Progress report	☒ Yes ☐ No	3/21/2018
☒	Other (Specify): Maintain and submit a complete record of monthy use.	☐ Yes ☒ No	1/1/2019
☒	Other (Specify): Weirs above and below reservoirs	☐ Yes ☒ No	N/A (See Section 2b.)
☒	Other (Specify): Compliance w/ New River Alternative Dispute Resolution Team Agreement	☒ Yes ☐ No	1/1/2004

2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

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Totalizing flow meters were installed at each POD (4 reservoirs and surface water diversion) before the C-date of the permit(s). Due to the high iron content of water, meters were quickly clogged and inoperable. The owner eventually ceased trying to maintain flowmeters after every meter installed fouled and failed within a year of instillation, multiple times. This led to a Claim of Beneficial Use being filed without flowmeters installed. Without fully functional flowmeters, records of monthly use were not accurate or feasible. Both permit conditions will be remedied by 1/1/2019, by use of acoustic doppler style totalizing meter that will not be fouled by iron content or debris. A flow meter has been installed 1/1/2018 on the surface water source. Reporting will be completed in 2019 after 1 years' worth of monthly use has been recorded.

Also, weirs have not been installed above and below each reservoir as stipulated in the permit due to the nature of the reservoirs. There are no onstream reservoirs within the system, and every developed reservoir is an off-stream reservoir by digging a depression that has water delivered to it through a system of pipes, there are no channels to place weirs in.

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Per discussion with District 19 Watermaster the flow monitoring requirements of both permit R12114 and S53011 will be satisfied by installing a totalizing flow meter at the surface water point of diversion for S53011 and a staff gauge in each of the 4 reservoirs R12114. This will monitor all flow diverted to storage, and be submitted for the first annual monthly use report after one year of use has been recorded.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List any work done before the permit was issued – eg. well drilled.*	COST*
DATE	**WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER** *List work/actions done during the permitted time period.*	**COST***
1/31/1997	**Date the permit was signed** - find date above signature on last page of permit.	
9/1/1999	Completion of 4 Reservoirs, 75+/- acres of cranberry bogs, and all required plumbing for conveyance between PODs/POAs, storage facilities, and place of use	$50,000.00
10/1/1999	Purchase and install flow meters	$3,000.00
4/1/2000	Replace Flow meters	$2,500.00

10/1/2000	**Date the permit specified complete application of water to the use shall be made-** all permits contain this date.	
DATE	**WORK ACCOMPLISHED AFTER the date the permit specified complete application of water** *COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.*	**COST***
Total Cost for Chart-B		$55,500.00

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

4. If this is <u>not</u> your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. *Use chronological order.*

CHART-C

DATE	**WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD** *List all work done during the last authorized extension period.*	**COST***
10/1/2000	**"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.**	
11/1/2002	Complete development of final 15 acres of cranberry bogs	$10,000.00
1/1/2003	Replace fouled and broken Flowmeters on less than annual bases for 3 years	$4,000.00
1/1/2009	Begin discussion with watermaster (Mitch Lewis) on alternative flow monitoring plan, due to extremly difficult flow monitoring environment.	$1,000.00
10/1/2011	**"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.**	
DATE	**WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXTENSION PERIOD EXPIRED** *List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.*	**COST***
1/1/2018	Purchase and install flowmeter for surface water diversion and staff plates for 4 reservoirs	$2,000.00
Total Cost of Chart-C	**$17,000.00**	

*** If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]**

5. Cost of project to date: <u>$72,500.00</u>

(The total combined cost from CHART-B and CHART-C) **[OAR 690-315-0020(f)]**

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

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

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

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

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

Maximum rate used to date = 1.0 cfs (cubic feet per second)
Acre-feet stored to date = 36.4 AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED: Well Log Number e.g. MORR 50473	IF DRILLED: Well Tag Number e.g. # 27566 or N/A	IF DRILLED: Is the actual drilled location authorized on this permit or on a permit amendment?	IF DRILLED: Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	IF DRILLED: Is this well authorized or utilized under any OTHER water rights?	IF DRILLED: If yes, provide the Permit, Certificate, or Transfer No.
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes ☐ No ☒
If yes, identify Transfer No. T-_____

Has the Permit Amendment been approved? Yes ☐ No ☐
If yes, on what date was the Permit Amendment approved? _____
[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions
Provide the total number of acres irrigated to date under this permit.
a) Total acres irrigated to date: 90

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b) List by year, the number of acres irrigated <u>each year</u> since permit issuance.

Year	Acres	Year	Acres	Year	Acres
1995	+/-20	2003	+/-75	2011	+/-90
1996	+/-30	2004	+/-90	2012	+/-90
1997	+/-40	2005	+/-90	2013	+/-90
1998	+/-60	2006	+/-90	2014	+/-90
1999	+/-75	2007	+/-90	2015	+/-90
2000	+/-75	2008	+/-90	2016	+/-90
2001	+/-75	2009	+/-90	2017	+/-90
2002	+/-75	2010	+/-90		

c) Provide a copy of the application map identifying the acres irrigated.
Please see Attachment.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD)#<u>1</u> Acres<u>+/-30</u> **(POD) #<u>2</u> Acres<u>+/-20</u>** **(POD) #<u>4</u> Acres<u>+/-50</u>**

(POD) #<u>3</u> Acres<u>+/-50</u> **(POD) #<u>Surface Water</u> Acres<u>+/-90</u>**

<u>Note:</u> Total acreage irrigated by each reservoir surpasses the total acreage of +/- 90 irrigated land due to operational overlap of each reservoirs place of use. For example, reservoir 2 is used to irrigate some of the same bogs that reservoir 3 also irrigates.

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

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
1/1/2019	Record and submit first annual water use report	$500.00
Year: 2023	**Date intend to apply water to full beneficial use under the terms and conditions of this permit.**	
	Total Cost	**$500.00**

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

11. Estimated remaining cost to complete the project: <u>500.00</u>
(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

The first task to apply water to beneficial use will be an acoustic doppler totalizing flow meter at the surface water source. This will record all surface water diverted to storage. As mentioned in section 2b above, it is proposed that a staff gauge be installed in each reservoir. This is in lieu of the requirement requesting weirs upstream and downstream of the reservoirs and flow meters in each reservoir. Weirs bracketing the reservoirs are unfeasible for off stream reservoirs due to the lack of open channel inflow or outflow.

Next, is receiving and developing a new ground water permit to replace permit G13032 that was cancelled May of 2017. This is included in the extension of R12114 because R12114 references 4 wells as the source of water.

Once this new permit is received, it will be put to beneficial use as diligently as possible according to permit conditions. Once water is put to full beneficial use, 3 Claims of Beneficial Use (COBU) will be submit, 1 for each R12114, and S53011, and the new groundwater permit.

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

13. <u>Justify the time requested</u> to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The time requested is dictated by the need to apply and perfect a new groundwater permit to replace cancelled permit G13032. This permit, R12114 & S53011, has four wells listed as a source that were covered under G13032.

[OAR 690-315--0020(3)(l)

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

Yes, the owner has spent many years developing and perfecting this cranberry operation, without water rights it would be useless. This water permit is an essential source of water for the cranberry operation.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)*

No, the original applications for the water permits pertaining to this property represent all the available water sources.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much time did this delay the project; list dates.)*

Yes, the cancelation of G13032 has added a significant amount of time. A COBU had once been submitted for G13032, and was very close to being complete, besides the lack of flowmeter. No flowmeter was installed at the time of the original COBU Survey due to the high mineral content of the groundwater fouling and breaking flowmeters multiple times a year. The operator eventually gave up on a flowmeter not knowing the ramifications related to his water permits. The owner is now aware of other types of totalizing flowmeter that can operate in this unusually difficult flow monitoring situation and satisfy the strict requirements of record keeping and reporting. The acoustic doppler flow meters were not readily available or cost feasible at the time of original C-date.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)*

Other unforeseen delays include the lack of CWRE's and water right consultants in the south coast basin, this contributed to the owners misunderstanding of the importance of flowmeters. After the 2012 submittal of a Claim of Beneficial Use, Mr. Mckenzie was unable to find another CWRE or water rights consultant to assist him in perfecting his permits.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. *(Provide supporting information for the reason(s) that best fits your circumstances.)*

The excessive cost of flow monitoring is a significant cause for not applying water to full beneficial use. Mr. Mckenzie now understands the importance of totalizing flow meters to obtain permit compliance. Compliance will be achieved with the use of acoustic doppler flow meters that will not be fouled by debris or iron content of the water.

[OAR 690-315-0020(3)(m)(n)]

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

The cost estimates of chart B and C only reflect the investment made directly to the permit development. This is a fraction of the total time and monetary costs that have been invested into the maintenance of the cranberry bogs and cranberry operation over the last 22 years.

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[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? *(Explain in detail)* _____

Yes, cranberry operations can be profitable but a reliable water source is essential.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)*

N/A

Attach permit, and documentation to the application

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

Extension of Time
Progress Report Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: MCKENZIE CRANBERRIES INC.

Application S-80645
Permit S-53011

Report Due no later than October 1, 2010
DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit S-53011

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 1999 and October 1, 2010	FINANCIAL INVESTMENT
~~10/1/2000~~		
10/1/1999	Purchas & install 5 flow meters (4 reservoirs & 2 live flow pipes)	3,000.00#
4/1/2000	Replace flow measurements devices after failing	2,500.00#
11/1/2002	Complete development of 15 AC logs for final 90 AC	10,000.00#
1/1/2003	Three years of regularly replacing fouled flowmeters	4,000.00#
12/1/2009	Begin discussion with watermaster on alternative flowmetering after failure of many meters	1,000.00#

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

As of 10/1/2010 Mr. Mckenzie had developed all 6 cranberry bogs he planned to, +/- 90 acres. He developed them in compliance w/ all B.M.P's layed out in 690-095-1540, per New River Alternative Dispute Resolution Team agreement. Began discussion with watermaster on alternative flow metering plan, because flowmeters are continously fouling & malfunctioning.

3. Total number of acres irrigated to date= +/- 90.0 *(if applicable)*

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

Maximum rate used to date = 1.0 **cfs (cubic feet per second)**

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

Acre-feet stored to date = 36.4 **AF**

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

Signature Mara J VanCamp (Agent) 541-267-2872 **Date** 03/20/2018

For OWRD use only

Diligence Shown ☐ Yes ☐ No Date Public Noticed: _____

Reviewed by: _____ Date: _____

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STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES, INCORPORATED
92619 AIRPORT ROAD
SIXES, OREGON 97476 (541)348-2217

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

APPLICATION FILE NUMBER: S-80645

SOURCE OF WATER: AN UNNAMED STREAM AND SEVEN UNNAMED RESERVOIRS TO BE CONSTRUCTED UNDER APPLICATION R-80646, PERMIT R-12114, TRIBUTARIES OF FLORAS LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON 100.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.0 CUBIC FOOT PER SECOND OF LIVE FLOW FROM AN UNNAMED STREAM AND 63.7 ACRE-FEET OF STORED WATER PER YEAR FROM SEVEN UNNAMED RESERVOIRS

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM AN UNNAMED STREAM AND YEAR ROUND FOR STORED WATER ONLY FROM SEVEN UNNAMED RESERVOIRS

DATE OF PRIORITY: OCTOBER 20, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 29, NW 1/4 NE /14, SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 200 FEET NORTH & 3640 FEET EAST; RESERVOIR 2 - 110 FEET NORTH & 4780 FEET EAST; RESERVOIR 3 - 200 FEET SOUTH & 2900 FEET EAST; RESERVOIR 4 - 1110 FEET NORTH & 2880 FEET EAST; RESERVOIR 5 - 1540 FEET NORTH & 3980 FEET EAST; RESERVOIR 6 - 2070 FEET NORTH & 4200 FEET EAST; RESERVOIR 7 - 2550 FEET NORTH & 4270 FEET EAST; ALL FROM NORTHWEST CORNER, SECTION 32

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

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SE 1/4 10.0 ACRES
SW 1/4 SE 1/4 30.0 ACRES
SECTION 29
NE 1/4 NE 1/4 30.0 ACRES
NW 1/4 NE 1/4 30.0 ACRES
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring devicessss as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement on file with the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

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Issued January 31, 1997

Martha O. Pagel, Director
Water Resources Department

Application No. R80646
Permit No. R12114

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SALEM, OREGON

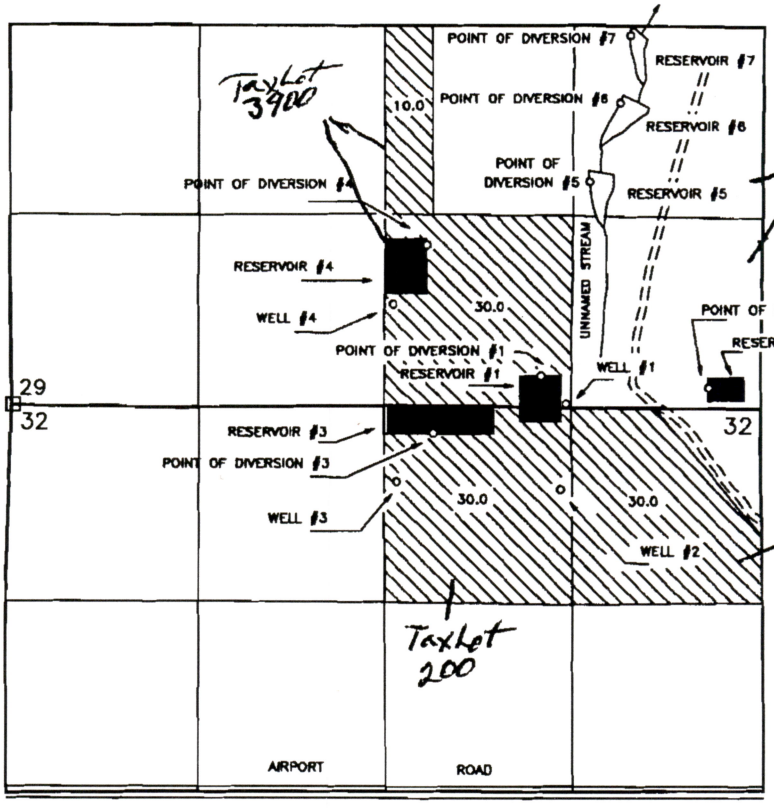
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SEP 26 1995
WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION MAP

IN THE NAME OF Mc KENZIE CRANBERRIES, INCORPORATED

SECTIONS 29 & 32, T 31 S, R 15 W, W.M.





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THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	P.O.D.	FEET N/S	FEET E/W	¼ ¼	SECTION
RESERVOIR #1	No. 1	200' NORTH	3640' EAST	SW¼SE¼	29
RESERVOIR #2	No. 2	110' NORTH	4780' EAST	SE¼SE¼	29
RESERVOIR #3	No. 3	200' SOUTH	2900' EAST	NW¼NE¼	32
RESERVOIR #4	No. 4	1110' NORTH	2880' EAST	SW¼SE¼	29
RESERVOIR #5	No. 5	1540' NORTH	3980' EAST	NE¼SE¼	29
RESERVOIR #6	No. 6	2070' NORTH	4200' EAST	NE¼SE¼	29
RESERVOIR #7	No. 7	2550' NORTH	4270' EAST	NE¼SE¼	29
WELL #1		10' NORTH	3812' EAST	SW¼SE¼	29
WELL #2		580' SOUTH	3780' EAST	NW¼NE¼	32
WELL #3		530' SOUTH	2640' EAST	NW¼NE¼	32
WELL # 4		690' NORTH	2630' EAST	SW¼SE¼	29

ALL FROM THE NORTHWEST CORNER OF SECTION 32, AND WITHIN TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

Certified Water Right Examiner
#054 WRE
James F. Gosson
Nov. 19, 1987
STATE OF OREGON

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

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Application for Extension of Time for a Water Right Permit (NON-Municipal/NON Quasi-Municipal water Use)

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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) **Construction has begun:**

   A. **For Groundwater Permits**
   Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

   B. **For Surface Water or Reservoir Permits**
   Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for <u>each</u> permit as per OAR 690-315-0020(2).

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I, Robert Mckenzie
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

PO Box 1362	Port Orford	OR	97465
ADDRESS	CITY	STATE	ZIP

5416701441 — PHONE

rmck@gmail.com — E-MAIL ADDRESS

the permit holder of: Application Number S-80645
Permit Number S-53001
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☐ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month:10 Day: 1 Year: 1999,** be extended to October 1, ____, *[OAR 690-315-0020(3)(i)]*

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month:10 Day: 1 Year: 2011,** be extended to October 1, 2023.
[OAR 690-315-0020(3)(i)]

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

Marc Van Camp — **Signature**
3-9-2018 — **Date**
Marc Van Camp — **Printed Name**
Agent — **Title**

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

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- This completed Application for Extension of Time.
- Statutory fee of $670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence and correct fee to:

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



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link: http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc

- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).

- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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Reference Materials Needed to Complete this Application:

- **The water right permit**. If needed, a copy of the water right permit can be downloaded from the Department's Website at http://apps.wrd.state.or.us/apps/wr/wrinfo/ (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time
Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?
☐ **Yes** ☐ **No**

Date construction began Month: Day: Year:

Details of construction and attach documentation:

For Surface/Reservoir Permit

Has construction of the water system begun? ☒ **Yes** ☐ **No**

Date construction began Month:2 Day: 1 Year: 1997

Details of construction and attach documentation:

4 Reservoirs built, infrastructure to divert water from surface water source under Permit R12114 to each reservoir, and wells drilled under now cancelled permit G13032. Construction also included instillation of all necessary subgrade plumbing to deliver water from points of diversion and/or appropriation to storage facility thence +/-90 acres. A totalizing flow meter was installed at the surface water point of diversion when system was first constructed. However, constant fouling of the meter caused the owner to frequently replace meters. Eventually, maintaining a flow meter became uneconomical and was abandoned, this led to no flow meter at the time of the initial Claim of beneficial use survey.

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

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☐	Installation of a meter/totalizing flow meter	☐ Yes ☐ No	
☐	Submittal of annual water usage report	☐ Yes ☐ No	
☐	Submittal of initial static water level measurement	☐ Yes ☐ No	
☐	Submittal of annual static water level measurements in the month required	☐ Yes ☐ No	
☐	Submittal of Seven consecutive static water level measurements in the month required	☐ Yes ☐ No	
☐	Special well construction standards	☐ Yes ☐ No	
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
	Surface Water or Reservoir		
☒	Installation of a meter/ totalizing flow meter/ in-line meter	☒ Yes ☐ No	1/1/2018
☐	Installation a staff gauge	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☒	Installation of an outlet gate/pipe/ conduit	☒ Yes ☐ No	9/1/1999
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☒	Other (Specify): Maintain and submit a complete record of monthy use.	☐ Yes ☒ No	1/1/2019
☒	Other (Specify): Weirs above and below reservoirs	☐ Yes ☒ No	N/A (See Section 2b.)
☐	Other (Specify):	☐ Yes ☐ No	

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2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

Totalizing flow meters were installed before the C-date of the permit(s). Due to the high iron content of water, meters were quickly clogged and inoperable. The owner eventually ceased trying to maintain a flow meter after every meter installed fouled and failed within a year of instillation, multiple times. This led to a Claim of Beneficial Use being filed without flowmeters installed. Without fully functional flowmeters, records of monthly use were not accurate or feasible. Both permit conditions will be remedied by 1/1/2019, by use of acoustic doppler style totalizing meter that will not be fouled by iron content or debris. Since flow meters were installed 1/1/2018, 2019 is used to allow for the collection of 1 year's worth of monthly use records.

Also, weirs have not been installed above and below each reservoir as stipulated in the permit due to the nature of the reservoirs. There are no onstream reservoirs within the system, and every developed reservoir is an off-stream reservoir that has water delivered to it through a system of pipes, there are no channels to place weirs in.

Per discussion with District 19 Watermaster the flow monitoring requirements of both permit R12114 and S53011 will be satisfied by installing a totalizing flow meter at the surface water point of diversion for S53011 and a staff gauge in each of the 4 reservoirs R12114. This will monitor all flow diverted to storage, and be submitted for the first annual monthly use report after one year of use has been recorded.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	**WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED** *List any work done before the permit was issued – eg. well drilled.*	COST*
DATE	**WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER** *List work/actions done during the permitted time period.*	**COST***
1/31/1997	**Date the permit was signed** - find date above signature on last page of permit.	
9/1/1999	Completion of 4 Reservoirs, 90+/- acres of cranberry bogs, and all required plumbing for conveyance between PODs/POAs, storage facilities, and place of use	$50,000.00
10/1/1999	Purchase and install flow meter	$3,000.00
4/1/2000	Replace Flow meter	$2,500.00

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10/1/2000	**Date the permit specified complete application of water to the use shall be made-** all permits contain this date.	
DATE	**WORK ACCOMPLISHED AFTER the date the permit specified complete application of water** *COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.*	**COST***
Total Cost for Chart-B		$55,500.00

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

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

CHART-C

DATE	**WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD** *List all work done during the last authorized extension period.*	**COST***
10/1/2000	**"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.**	
2/22/2002	Apply for Extension	$1,000.00
1/1/2003	Replace fouled and broken Flow meter on less than annual bases	$8,000.00
9/1/2003	Hire Stuntzner Engineering and Forestry for claim of beneficial use	$1,500.00
10/1/2011	**"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.**	
DATE	**WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED** *List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.*	**COST***
7/15/2017	Hire Stuntzner engineering and forestry as water right consultant	$2,000.00
	Total Cost of Chart-C	**$12,500.00**

*** If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]**

5. Cost of project to date: $68,000.00

(The total combined cost from CHART-B and CHART-C) **[OAR 690-315-0020(f)]**

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

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

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

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

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

Maximum rate used to date = 1.0 cfs (cubic feet per second)
Acre-feet stored to date = 63.7 AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED: Well Log Number e.g. MORR 50473	IF DRILLED: Well Tag Number e.g. # 27566 or N/A	IF DRILLED: Is the actual drilled location authorized on this permit or on a permit amendment?	IF DRILLED: Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	IF DRILLED: Is this well authorized or utilized under any OTHER water rights?	IF DRILLED: If yes, provide the Permit, Certificate, or Transfer No.
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes ☐ No ☒
If yes, identify Transfer No. T-_____

Has the Permit Amendment been approved? Yes ☐ No ☐
If yes, on what date was the Permit Amendment approved? _____

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

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 90

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
1995	+/-20	2003	+/-90	2011	+/-90
1996	+/-30	2004	+/-90	2012	+/-90
1997	+/-40	2005	+/-90	2013	+/-90
1998	+/-60	2006	+/-90	2014	+/-90
1999	+/-90	2007	+/-90	2015	+/-90
2000	+/-90	2008	+/-90	2016	+/-90
2001	+/-90	2009	+/-90	2017	+/-90
2002	+/-90	2010	+/-90		

c) Provide a copy of the application map identifying the acres irrigated.
Please see Attachment.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)#1 Acres+/-30 **(POD/POA) #2 Acres+/-20**

(POD/POA) #3 Acres+/-50 **(POD/POA) #4 Acres+/-20**

Note: Total acreage irrigated by each reservoir surpasses the total acreage of +/- 90 irrigated land due to operational overlap of each reservoirs place of use. For example, reservoir 2 is used to irrigate some of the same bogs that reservoir 3 can irrigate.

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

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
4/1/2018	Install new totalizing flow meters at surface water POD and begin keeping monthly diversion records, submitting at whatever interval/frequency requested by OWRD.	$5,000.00
10/1/2018	Receive new ground water permit to replace canceled permit G13032.	$6,000.00
10/1/2023	Fully develop new groundwater permit and apply water to full beneficial use. Submit 3 claims of beneficial use.	$5,000.00

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Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	$16,000.00

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

11. Estimated remaining cost to complete the project: $16,000.00
(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

The first task to apply water to beneficial use will be an acoustic doppler totalizing flow meter at the surface water source. This will record all surface water diverted to storage. As mentioned in section 2b above, it is proposed that a staff gauge be installed in each reservoir. This is in lieu of the requirement requesting weirs upstream and downstream of the reservoirs and flow meters in each reservoir. Weirs bracketing the reservoirs are unfeasible for off stream reservoirs due to the lack of open channel inflow or outflow.

Next, is receiving and developing a new ground water permit to replace permit G13032 that was cancelled May of 2017. This is included in the extension of R12114 because R12114 references 4 wells as the source of water.

Once this new permit is received, it will be put to beneficial use as diligently as possible according to permit conditions. Once water is put to full beneficial use, 3 Claims of Beneficial Use (COBU) will be submit, 1 for each R12114, and S53011, and the new groundwater permit.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The time requested is dictated by the need to apply and perfect a new groundwater permit to replace cancelled permit G13032. This permit, R12114 & S53011, has four wells listed as a source that were covered under G13032.

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[OAR 690-315--0020(3)(l)

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

Yes, the owner has spent many years developing and perfecting this cranberry operation, without water rights it would be useless. This water permit is an essential source of water for the cranberry operation.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)*

No, the original applications for the water permits pertaining to this property represent all the available water sources.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much time did this delay the project; list dates.)*

Yes, the cancelation of G13032 has added a significant amount of time. A COBU had once been submitted for G13032, and was very close to being complete, besides the lack of flowmeter. No flowmeter was installed at the time of the original COBU Survey due to the high mineral content of the groundwater fouling and breaking flowmeters multiple times a year. The operator eventually gave up on a flowmeter not knowing the ramifications related to his water permits. The owner is now aware of other types of totalizing flowmeter that can operate in this unusually difficult flow monitoring situation and satisfy the strict requirements of record keeping and reporting. The acoustic doppler flow meters were not readily available or cost feasible at the time of original C-date.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)*

Other unforeseen delays include the lack of CWRE's and water right consultants in the south coast basin, this contributed to the owners misunderstanding of the importance of flowmeters. After the 2012 submittal of a Claim of Beneficial Use, Mr. Mckenzie was unable to find another CWRE or water rights consultant to assist him in perfecting his permits.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. *(Provide supporting information for the reason(s) that best fits your circumstances.)*

The excessive cost of flow monitoring is a significant cause for not applying water to full beneficial use. Mr. Mckenzie now understands the importance of totalizing flow meters to obtain permit compliance. Compliance will be achieved with the use of acoustic doppler flow meters that will not be fouled by debris or iorn content of the water.

[OAR 690-315-0020(3)(m)(n)]

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

The cost estimates of chart B and C only reflect the investment made directly to the permit development. This is a fraction of the total time and monetary costs that have been invested into the maintenance of the cranberry bogs and cranberry operation over the last 22 years.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? *(Explain in detail)* _____

Yes, cranberry operations can be profitable but a reliable water source is essential.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)*

N/A

Attach permit, and documentation to the application

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I Robert Mckenzie, authorize Marc Van Camp of Stuntzner Engineering and Forestry to act as my agent regarding the Extension of Time for water right permits S53001 and R12114on behalf of Mckenzie Cranberries Inc.

Signature	Printed Name	Date
Robert McKenzie	Robert McKenzie	March-09-2018

Robert Mckenzie
Mckenzie Cranberries Inc.
P.O. Box 1362
Port Orford, OR 97465
(541) 670-1441

Marc Van Camp
Stuntzner Engineering and Forestry
P.O. Box 118 (705 S. 4th St.)
Coos Bay, OR 97420
(541)267-2872 Ex. 218
Fax: (541)267-0588

Application for Extension of Time for a Water Right Permit (NON-Municipal/NON Quasi-Municipal water Use)

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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) **Construction has begun:**

   A. **For Groundwater Permits**
   Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

   B. **For Surface Water or Reservoir Permits**
   Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

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Instructions are in Attachment A.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for <u>each</u> permit as per OAR 690-315-0020(2).

I, Robert Mckenzie
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

PO Box 1362	Port Orford	OR	97465
ADDRESS	CITY	STATE	ZIP

5416701441
PHONE

rmck@gmail.com
E-MAIL ADDRESS

the permit holder of: Application Number S-80645
Permit Number S-53001
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month:10 Day: 1 Year: 1999,** be extended to October 1, 2023, *[OAR 690-315-0020(3)(i)]*

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month:10 Day: 1 Year: 2011,** be extended to October 1, 2023.
[OAR 690-315-0020(3)(i)]

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

Marc Van Camp — **Signature**
3-21-2018 — **Date**
Marc Van Camp — **Printed Name**
Agent — **Title**

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

- This completed Application for Extension of Time.
- Statutory fee of $670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence and correct fee to:

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



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link: http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc

- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).

- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

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- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit**. If needed, a copy of the water right permit can be downloaded from the Department's Website at http://apps.wrd.state.or.us/apps/wr/wrinfo/ (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time
Please see the instruction sheet to help you answer these items.

1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?
☐ **Yes** ☐ **No**

Date construction began Month:__ Day:__ Year:____

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

Has construction of the water system begun? ☒ **Yes** ☐ **No**

Date construction began Month:2 Day: 1 Year: 1997

Details of construction and attach documentation:

4 Reservoirs built, infrastructure to divert water from surface water source under Permit R12114 to each reservoir, and wells drilled under now cancelled permit G13032. Construction also included instillation of all necessary subgrade plumbing to deliver water from points of diversion and/or appropriation to storage facility thence +/-90 acres. Totalizing flowmeters were installed each POD when system was first constructed. However, constant fouling of the meters caused the owner to frequently replace meters. Eventually, maintaining flowmeters became uneconomical and was abandoned, this led to no flowmeters at the time of the initial Claim of beneficial use survey.

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

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☐	Installation of a meter/totalizing flow meter	☐ Yes ☐ No	
☐	Submittal of annual water usage report	☐ Yes ☐ No	
☐	Submittal of initial static water level measurement	☐ Yes ☐ No	
☐	Submittal of annual static water level measurements in the month required	☐ Yes ☐ No	
☐	Submittal of Seven consecutive static water level measurements in the month required	☐ Yes ☐ No	
☐	Special well construction standards	☐ Yes ☐ No	
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
	Surface Water or Reservoir		
☒	Installation of a totalizing flow meter (Installed at live flow POD)	☒ Yes ☐ No	1/1/2018
☒	Installation a staff gauge (Installed in all 4 developed reservoirs)	☒ Yes ☐ No	1/1/2018
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☒	Submittal of Oct. 2010 Progress report	☒ Yes ☐ No	3/21/2018
☒	Other (Specify): Maintain and submit a complete record of monthy use.	☐ Yes ☒ No	1/1/2019
☒	Other (Specify): Weirs above and below reservoirs	☐ Yes ☒ No	N/A (See Section 2b.)
☒	Other (Specify): Compliance w/ New River Alternative Dispute Resolution Team Agreement	☒ Yes ☐ No	1/1/2004

2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

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Totalizing flow meters were installed at each POD (4 reservoirs and surface water diversion) before the C-date of the permit(s). Due to the high iron content of water, meters were quickly clogged and inoperable. The owner eventually ceased trying to maintain flowmeters after every meter installed fouled and failed within a year of instillation, multiple times. This led to a Claim of Beneficial Use being filed without flowmeters installed. Without fully functional flowmeters, records of monthly use were not accurate or feasible. Both permit conditions will be remedied by 1/1/2019, by use of acoustic doppler style totalizing meter that will not be fouled by iron content or debris. A flow meter has been installed 1/1/2018 on the surface water source. Reporting will be completed in 2019 after 1 years' worth of monthly use has been recorded.

Also, weirs have not been installed above and below each reservoir as stipulated in the permit due to the nature of the reservoirs. There are no onstream reservoirs within the system, and every developed reservoir is an off-stream reservoir by digging a depression that has water delivered to it through a system of pipes, there are no channels to place weirs in.

Per discussion with District 19 Watermaster the flow monitoring requirements of both permit R12114 and S53011 will be satisfied by installing a totalizing flow meter at the surface water point of diversion for S53011 and a staff gauge in each of the 4 reservoirs R12114. This will monitor all flow diverted to storage, and be submitted for the first annual monthly use report after one year of use has been recorded.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List any work done before the permit was issued – eg. well drilled.*	COST*
DATE	**WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER** *List work/actions done during the permitted time period.*	**COST***
1/31/1997	**Date the permit was signed** - find date above signature on last page of permit.	
9/1/1999	Completion of 4 Reservoirs, 75+/- acres of cranberry bogs, and all required plumbing for conveyance between PODs/POAs, storage facilities, and place of use	$50,000.00
10/1/1999	Purchase and install flow meters	$3,000.00
4/1/2000	Replace Flow meters	$2,500.00

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10/1/2000	**Date the permit specified complete application of water to the use shall be made-** all permits contain this date.	
DATE	**WORK ACCOMPLISHED AFTER the date the permit specified complete application of water** *COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.*	**COST***
Total Cost for Chart-B		$55,500.00

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

4. If this is <u>not</u> your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. ***Use chronological order.***

CHART-C

DATE	WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD *List all work done during the last authorized extension period.*	COST*
10/1/2000	**"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.**	
11/1/2002	Complete development of final 15 acres of cranberry bogs	$10,000.00
1/1/2003	Replace fouled and broken Flowmeters on less than annual bases for 3 years	$4,000.00
1/1/2009	Begin discussion with watermaster (Mitch Lewis) on alternative flow monitoring plan, due to extremly difficult flow monitoring environment.	~~$1,000.00~~
10/1/2011	**"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.**	
DATE	**WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXTENSION PERIOD EXPIRED** *List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.*	**COST***
1/1/2018	Purchase and install flowmeter for surface water diversion and staff plates for 4 reservoirs	$2,000.00
	Total Cost of Chart-C	~~$17,000.00~~ $16,000

*** If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]**

71,500

5. Cost of project to date: ~~$72,500.00~~

(The total combined cost from CHART-B and CHART-C) **[OAR 690-315-0020(f)]**

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

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

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

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

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

Maximum rate used to date = 1.0 cfs (cubic feet per second)
Acre-feet stored to date = 36.4 AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED: Well Log Number e.g. MORR 50473	IF DRILLED: Well Tag Number e.g. # 27566 or N/A	IF DRILLED: Is the actual drilled location authorized on this permit or on a permit amendment?	IF DRILLED: Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	IF DRILLED: Is this well authorized or utilized under any OTHER water rights?	IF DRILLED: If yes, provide the Permit, Certificate, or Transfer No.
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes ☐ No ☒
If yes, identify Transfer No. T-_____

Has the Permit Amendment been approved? Yes ☐ No ☐
If yes, on what date was the Permit Amendment approved? _____
[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 90

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b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
1995	+/-20	2003	+/-75	2011	+/-90
1996	+/-30	2004	+/-90	2012	+/-90
1997	+/-40	2005	+/-90	2013	+/-90
1998	+/-60	2006	+/-90	2014	+/-90
1999	+/-75	2007	+/-90	2015	+/-90
2000	+/-75	2008	+/-90	2016	+/-90
2001	+/-75	2009	+/-90	2017	+/-90
2002	+/-75	2010	+/-90		

c) Provide a copy of the application map identifying the acres irrigated.
Please see Attachment.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD)#1 Acres+/-30 **(POD) #2 Acres+/-20** **(POD) #4 Acres+/-50**

(POD) #3 Acres+/-50 **(POD) #Surface Water Acres+/-90**

Note: Total acreage irrigated by each reservoir surpasses the total acreage of +/- 90 irrigated land due to operational overlap of each reservoirs place of use. For example, reservoir 2 is used to irrigate some of the same bogs that reservoir 3 also irrigates.

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

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
1/1/2019	Record and submit first annual water use report	$500.00
Year: 2023	**Date intend to apply water to full beneficial use under the terms and conditions of this permit.**	
	Total Cost	**$500.00**

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

11. Estimated remaining cost to complete the project: 500.00
(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

The first task to apply water to beneficial use will be an acoustic doppler totalizing flow meter at the surface water source. This will record all surface water diverted to storage. As mentioned in section 2b above, it is proposed that a staff gauge be installed in each reservoir. This is in lieu of the requirement requesting weirs upstream and downstream of the reservoirs and flow meters in each reservoir. Weirs bracketing the reservoirs are unfeasible for off stream reservoirs due to the lack of open channel inflow or outflow.

Next, is receiving and developing a new ground water permit to replace permit G13032 that was cancelled May of 2017. This is included in the extension of R12114 because R12114 references 4 wells as the source of water.

Once this new permit is received, it will be put to beneficial use as diligently as possible according to permit conditions. Once water is put to full beneficial use, 3 Claims of Beneficial Use (COBU) will be submit, 1 for each R12114, and S53011, and the new groundwater permit.

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

13. <u>Justify the time requested</u> to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The time requested is dictated by the need to apply and perfect a new groundwater permit to replace cancelled permit G13032. This permit, R12114 & S53011, has four wells listed as a source that were covered under G13032.

[OAR 690-315--0020(3)(l)

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

Yes, the owner has spent many years developing and perfecting this cranberry operation, without water rights it would be useless. This water permit is an essential source of water for the cranberry operation.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)*

No, the original applications for the water permits pertaining to this property represent all the available water sources.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much time did this delay the project; list dates.)*

Yes, the cancelation of G13032 has added a significant amount of time. A COBU had once been submitted for G13032, and was very close to being complete, besides the lack of flowmeter. No flowmeter was installed at the time of the original COBU Survey due to the high mineral content of the groundwater fouling and breaking flowmeters multiple times a year. The operator eventually gave up on a flowmeter not knowing the ramifications related to his water permits. The owner is now aware of other types of totalizing flowmeter that can operate in this unusually difficult flow monitoring situation and satisfy the strict requirements of record keeping and reporting. The acoustic doppler flow meters were not readily available or cost feasible at the time of original C-date.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)*

Other unforeseen delays include the lack of CWRE's and water right consultants in the south coast basin, this contributed to the owners misunderstanding of the importance of flowmeters. After the 2012 submittal of a Claim of Beneficial Use, Mr. Mckenzie was unable to find another CWRE or water rights consultant to assist him in perfecting his permits.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. *(Provide supporting information for the reason(s) that best fits your circumstances.)*

The excessive cost of flow monitoring is a significant cause for not applying water to full beneficial use. Mr. Mckenzie now understands the importance of totalizing flow meters to obtain permit compliance. Compliance will be achieved with the use of acoustic doppler flow meters that will not be fouled by debris or iron content of the water.

[OAR 690-315-0020(3)(m)(n)]

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

The cost estimates of chart B and C only reflect the investment made directly to the permit development. This is a fraction of the total time and monetary costs that have been invested into the maintenance of the cranberry bogs and cranberry operation over the last 22 years.

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OWRD

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? *(Explain in detail)* _____

Yes, cranberry operations can be profitable but a reliable water source is essential.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)*

N/A

Attach permit, and documentation to the application

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Route Slip…..Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: 2010 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: March 21, 2018

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.
☐ letter mailed on: _____

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

☒**315** ☐ **320** OAR Division under which Progress Report was required

☑ Publish on Public Notice Date: __March 27, 2018____

☑ Update workflow in WRIS

- (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and
- add record for Checkpoint Public Notice ("EPR" or "EP2")

☑ **Return file to Jeffrey _.**

3. Extension Specialist: Prepare Progress Report Confirmation Letter
See progress report procedures.doc (date / mail out after 30 day comment period)

Date Confirmation Letter Needed:

☐ Update Progress Report Worksheet.xls

☐ Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: MCKENZIE CRANBERRIES INC. Attn:

Application: S-80645

Permit: S-53011

County: Curry

Source: an unnamed stream and seven unnamed reservoirs, tributaries of Floras Lake

Use: ___Cranberry Operations

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

Extension of Time
Progress Report Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: MCKENZIE CRANBERRIES INC.

Application S-80645
Permit S-53011

Report Due no later than October 1, 2010
DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit S-53011

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 1999 and October 1, 2010	FINANCIAL INVESTMENT
~~Header~~		
10/1/1999	Purchas & Install 5 flow meters (4 reservoirs & 2 line flow PVC)	3,000.00#
4/1/2000	Replace flow measurements devices after fouling	2,500.00#
11/1/2002	Complete development of 15 AC logs for final 90 AC	10,000.00#
1/1/2003	Three years of regularly replacing fouled flowmeters	4,000.00#
12/1/2004	Begin discussion with watermaster on alternative flowmetering after failure of many meters	1,000.00#

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

As of 10/1/2010 Mr. McKenzie had developed all Cranberry bogs he planned to, +/- 90 acres. He developed them in compliance w/ all B.M.P's layed out in 690-095-1540, per New River Alternative Dispute Resolution Team agreement. Began discussion with watermaster on alternative flow metering plan, because flowmeters are continously fouling & malfunctioning.

3. Total number of acres irrigated to date= +/- 90.0 *(if applicable)*

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

Maximum rate used to date = 1.0 **cfs (cubic feet per second)**

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

Acre-feet stored to date = 36.4 **AF**

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

Signature Mara VanCamp (Agent) 541-267-2872 **Date** 03/20/2018

For OWRD use only

Diligence Shown ☒ Yes ☐ No

Reviewed by: _____

Date Public Noticed: 3-27-18

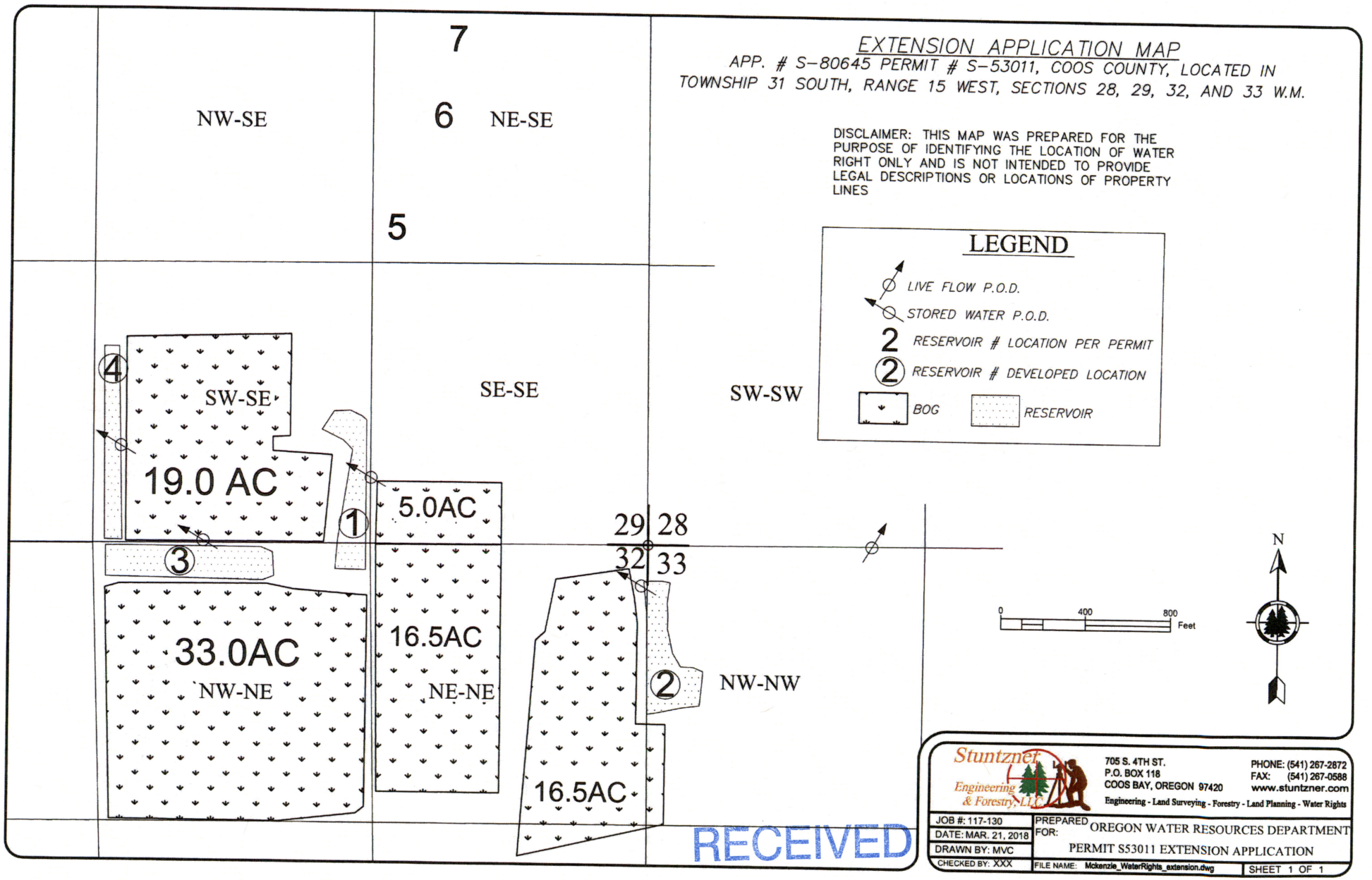
Date: _____

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EXTENSION APPLICATION MAP

APP. # S-80645 PERMIT # S-53011, COOS COUNTY, LOCATED IN TOWNSHIP 31 SOUTH, RANGE 15 WEST, SECTIONS 28, 29, 32, AND 33 W.M.

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



Stuntzner Engineering & Forestry, LLC
705 S. 4TH ST.
P.O. BOX 118
COOS BAY, OREGON 97420
PHONE: (541) 267-2872
FAX: (541) 267-0588
www.stuntzner.com
Engineering - Land Surveying - Forestry - Land Planning - Water Rights

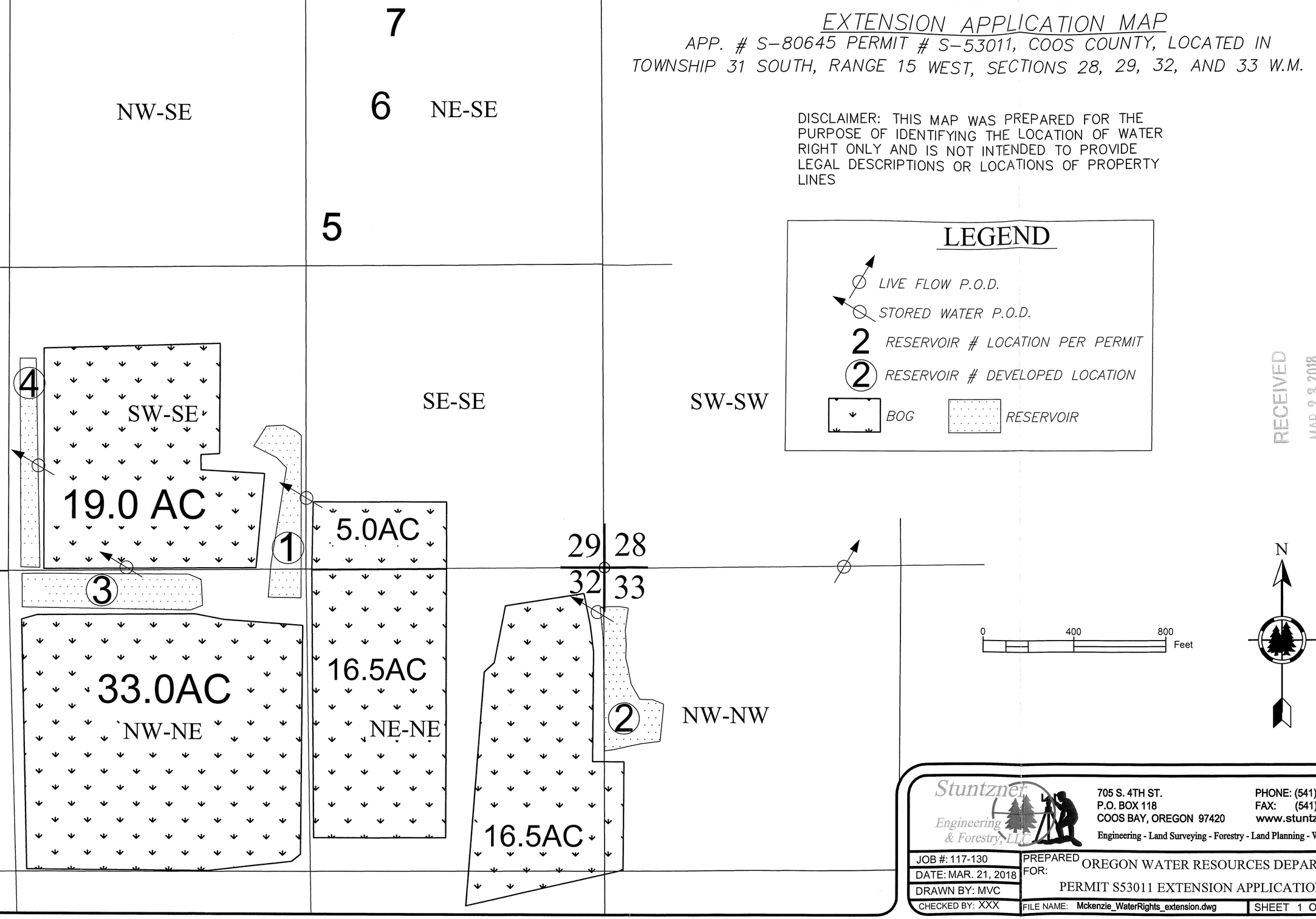
JOB #: 117-130	PREPARED FOR:	OREGON WATER RESOURCES DEPARTMENT
DATE: MAR. 21, 2018		PERMIT S53011 EXTENSION APPLICATION
DRAWN BY: MVC		
CHECKED BY: XXX	FILE NAME: Mckenzie_WaterRights_extension.dwg	SHEET 1 OF 1

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MAR 21 2018
OWRD

EXTENSION APPLICATION MAP

APP. # S-80645 PERMIT # S-53011, COOS COUNTY, LOCATED IN TOWNSHIP 31 SOUTH, RANGE 15 WEST, SECTIONS 28, 29, 32, AND 33 W.M.

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JOB #: 117-130	PREPARED FOR: OREGON WATER RESOURCES DEPARTMENT	
DATE: MAR. 21, 2018	PERMIT S53011 EXTENSION APPLICATION	
DRAWN BY: MVC		
CHECKED BY: XXX	FILE NAME: Mckenzie_WaterRights_extension.dwg	SHEET 1 OF 1

Print Report

Oregon Water Resources Department
Attribute Report

Report Date: Mar 16, 2018

General:

TRSQQ:	WM31.00S15.00W29SENE WM31.00S15.00W29NWSE WM31.00S15.00W29SWSE WM31.00S15.00W29SWNE WM31.00S15.00W29SESE WM31.00S15.00W29NESE
DLC:	-
Latitude:	42.8597101466
Longitude:	-124.4967553982
Buffer (ft):	1000
Elevation (ft):	183
Basin Name:	South Coast
Basin Plan:	1-Sixes
County:	Curry
Indian Res.:	-
WM District:	19
WM Region:	SOUTHWEST
ODFW Region, District:	Southwest Region, South Coast District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM31.00S15.00W29 Platcard for WM31.00S15.00W29 Platcard for WM31.00S15.00W29 Platcard for WM31.00S15.00W29 Platcard for WM31.00S15.00W29 Platcard for WM31.00S15.00W29
Well Logs:	Logs for WM31.00S15.00W29 Logs for WM31.00S15.00W29 Logs for WM31.00S15.00W29 Logs for WM31.00S15.00W29 Logs for WM31.00S15.00W29 Logs for WM31.00S15.00W29

Rules:

Withdrawn Authority:	-
Groundwater Restricted:	-
GW Restricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	Rules apply
Division 33 (Area, Watershed, species):	**STATEWIDE**, *New River-Frontal Pacific Ocean*, Coho Salmon, Steelhead
Irrigation Season of Use:	**(unajudicated, west side)** Adj. Status: Unadjudicated Subarea: undefined Irr. Season: Mar 1 to Oct 31 Duty: 2.5 Rate: 1/80
Water Quality Limited Pollutant 2012:	-
Fish Habitat 2014:	-

Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	17156001300030020 - Unn Str
Waterbody Name:	-
HUC 10:	1710030601
HUC Watershed:	New River-Frontal Pacific Ocean
WAB Wshed Order:	2 2
WAB Analysis:	UNN STR > FLORAS L - AT MOUTH BOULDER CR > FLORAS L - AT MOUTH
Streamflow:	OWRD Opportunities: Poor ODFW Needs: Poor Combined Priority: Not a priority OWRD Opportunities: Poor ODFW Needs: Moderate Combined Priority: Not a priority
Gaging Station Data:	-

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. ESRI World Elevation. February 2000. 1:121,000.

OWRD Administrative Basins. Oregon Water Resources Department. January 1, 1995.

Oregon Counties. Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

wrd_sde.SDE.adm_indian_reservation. Unknown. n.d.

OWRD Watermaster Districts. Oregon Water Resources Department. March 31, 2014.

OWRD Regions. Oregon Water Resources Department. January 1, 1995.

ODFW Districts and Regions. Oregon Department of Fish and Wildlife. August 28, 2012.

Water Organizations Oregon Water Resources Department. April 1, 2013. 1:24,000.

Large Dams Inventory. Oregon Water Resources Department. August 12, 2014. 1:24,000.

Rules

Withdrawn Authority Areas. Oregon Water Resources Commission. January 1, 2007.

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMAs). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

OAR Chapter 690, Division 33 - HUC 10 . Oregon Department of Fish & Wildlife. January 1, 2003.

Irrigation Season of Use. Oregon Water Resources Department, 2017.. March 24, 2017.

Oregon Water Quality Assessment 2012. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

Oregon Fish Habitat 2014. Oregon Department of Fish and Wildlife. Numerous fisheries biologists from ODFW as well as other natural resource agencies

and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. n.d. 1:24,000.
Deschutes USGS Groundwater Study Area. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.
Deschutes Zones of Impact. Oregon Water Resources Department.. October 25, 2007.
Deschutes Zones Overlay. Oregon Water Resources Department. October 25, 2007.
Oregon State Scenic Waterway areas. Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.
Hydrography
Routed OWRD Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 11, 2014.
OWRD Lake Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 7, 2015.
Watershed Boundary Dataset (WBD), 10-digit (watershed). Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.
Water Availability Basins. Oregon Water Resources Department.. n.d. 1:100,000.
Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.
Stream Gage Stations. Oregon Water Resources Department and US Geological Survey. n.d.

close

Print Report

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES, INCORPORATED
92619 AIRPORT ROAD (541)348-2217
SIXES, OREGON 97476

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

APPLICATION FILE NUMBER: S-80645

SOURCE OF WATER: AN UNNAMED STREAM AND SEVEN UNNAMED RESERVOIRS TO BE CONSTRUCTED UNDER APPLICATION R-80646, PERMIT R-12114, TRIBUTARIES OF FLORAS LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON 100.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.0 CUBIC FOOT PER SECOND OF LIVE FLOW FROM AN UNNAMED STREAM AND 63.7 ACRE-FEET OF STORED WATER PER YEAR FROM SEVEN UNNAMED RESERVOIRS

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM AN UNNAMED STREAM AND YEAR ROUND FOR STORED WATER ONLY FROM SEVEN UNNAMED RESERVOIRS

DATE OF PRIORITY: OCTOBER 20, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 29, NW 1/4 NE /14, SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 200 FEET NORTH & 3640 FEET EAST; RESERVOIR 2 - 110 FEET NORTH & 4780 FEET EAST; RESERVOIR 3 - 200 FEET SOUTH & 2900 FEET EAST; RESERVOIR 4 - 1110 FEET NORTH & 2880 FEET EAST; RESERVOIR 5 - 1540 FEET NORTH & 3980 FEET EAST; RESERVOIR 6 - 2070 FEET NORTH & 4200 FEET EAST; RESERVOIR 7 - 2550 FEET NORTH & 4270 FEET EAST; ALL FROM NORTHWEST CORNER, SECTION 32

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SE 1/4 10.0 ACRES
SW 1/4 SE 1/4 30.0 ACRES
SECTION 29
NE 1/4 NE 1/4 30.0 ACRES
NW 1/4 NE 1/4 30.0 ACRES
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring devicessss as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement on file with the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997

Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-80645

Final Order

Application History

On October 20, 1995, MCKENZIE CRANBERRIES INC submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 15, 1996. The protest period closed November 29, 1996, and no protest was filed.

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 correctly describe water use measurement and recording requirements.

Order

Application S-80645 therefore is approved as modified above, and Permit 53011 is issued as limited by the conditions listed therein.

DATED January 31 , 1997

Martha O. Pagel
Director

PLACED IN U.S. MAIL
Feb 14 1997
OREGON WATER RESOURCES DEPT.

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. 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.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES, INCORPORATED
92619 AIRPORT ROAD
SIXES, OREGON 97476

(541)348-2217

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

APPLICATION FILE NUMBER: S-80645

SOURCE OF WATER: AN UNNAMED STREAM AND SEVEN UNNAMED RESERVOIRS TO BE CONSTRUCTED UNDER APPLICATION R-80646, PERMIT R-12114, TRIBUTARIES OF FLORAS LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON 100.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.0 CUBIC FOOT PER SECOND OF LIVE FLOW FROM AN UNNAMED STREAM AND 63.7 ACRE-FEET OF STORED WATER PER YEAR FROM SEVEN UNNAMED RESERVOIRS

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DATE OF PRIORITY: OCTOBER 20, 1995

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-80645

Final Order

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Martha O. Pagel
Director

PLACED IN U.S. MAIL
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OREGON WATER RESOURCES DEPT

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COUNTY OF CURRY

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NW 1/4 SE 1/4 10.0 ACRES
SW 1/4 SE 1/4 30.0 ACRES
SECTION 29
NE 1/4 NE 1/4 30.0 ACRES
NW 1/4 NE 1/4 30.0 ACRES
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring devicessss as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement on file with the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997

Martha O. Pagel, Director
Water Resources Department

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SE 1/4 10.0 ACRES
SW 1/4 SE 1/4 30.0 ACRES
SECTION 29
NE 1/4 NE 1/4 30.0 ACRES
NW 1/4 NE 1/4 30.0 ACRES
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring devicessss as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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Issued January 31, 1997

Martha O. Pagel, Director
Water Resources Department

Application: S-80645 Permit: S-53001

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

Applicant/Permit Holder(s) McKenzie Cranberries, Inc ✓
P.O. Box 1362
Port Orford OR 97465

☑ **WRIG...Money Receipted on:** March 15-2018

☑ **Extension Specialist ...**

☑ Added to tracking spreadsheet

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

☐ **Stacy Phillips...**

☐ N/A Recent Assignment (Check WRIS for Update)

☐ Publish on Public Notice (initial 30-day comment): Date of notice 3-27-18

☐ Update WRIS Database

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

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

☑ **Yes or ☐ No: Return file to Extension Specialist after PN** Jeffrey

NOTES: Agent

Marc Van Camp
Stuntzner Engineering
P.O. Box 118
Coos Bay OR 97420

STATE OF OREGON

WATER RESOURCES DEPARTMENT

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

RECEIPT # 126094 INVOICE # _____

RECEIVED FROM: McKenzie Cranberries INC.

BY: _____

APPLICATION	S-80645
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 8542 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 670.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	$
_____	OTHER: (IDENTIFY) _____	$

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

4270 WRD OPERATING ACCT

46111

MISCELLANEOUS

0407	COPY & TAPE FEES	$
0410	RESEARCH FEES	$
0408	MISC REVENUE: (IDENTIFY) _____	$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	$
0240	EXTENSION OF TIME	$ 670.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 126094 DATED: 3-15-18 BY: _____

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

Oregon
Kate Brown, Governor

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

March 26, 2018

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #:** S-80645 **(Permit** S-53011**).** Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Oregon
John A. Kitzhaber, M.D., Governor

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

April 12, 2002

ROBERT MCKENZIE III
MCKENZIE CRANBERRIES INC
PO BOX 1362
PORT ORFORD OR 97465

Application(s): G-14187, R-80646, S-80645

Permit Number(s): G-13032, R-12114, S-53011

Re: Best Management Practices

As you know, your water right permit(s) as referenced above require(s) use of best management practices to protect water quality. The "best management practices" condition was developed as part of a negotiated settlement of challenges to yours and other water right applications in the New River area. The best management practices were to be developed by a consensus process in which participation was available to a broad range of interests, and were to include mechanisms to ensure their effectiveness.

The Oregon Agricultural Water Quality Management Act, ORS 568.900 to 568.933 (SB 1010), provides a framework for the Oregon Department of Agriculture to develop watershed-based plans to address agricultural water quality issues. The Agricultural Water Quality Management Area Plan and the associated rules for the Coos and Coquille Watersheds (SB 1010 plan; OAR Chapter 603, Division 95 sec 1500 to 1560) were adopted by the State Board of Agriculture last month and the rules filed with the Secretary of State on March 7, 2002. The plan and rules were developed by a Local Advisory Committee consisting of stakeholders residing in the Coos and Coquille watershed. A copy of the plan and rules can be found at the following website:
"http://www.oda.state.or.us/Natural_Resources/agwqmpr.htm"

The plan identifies best management practices, – measures and strategies to prevent and control water pollution resulting from agricultural activities. The rules identify mechanisms to ensure the effectiveness of the best management practices – to address prohibited conditions with respect to management of sediment, nutrients, pesticides, riparian areas, irrigation and waste (OAR 690-095-1540). The Water Resources Department (WRD) proposes to rely on the SB 1010 plan and rules for the Coos and Coquille

Watersheds to satisfy the best management practices permit condition for the New River water right permits, such that compliance with the SB 1010 plan and rules will constitute compliance with the permit condition.

The New River water right permits with the "best management practices" permit condition encompass an area that includes Coos, Coquille and Curry Counties. Within the next year the Department of Agriculture is scheduled to complete a similar plan and rules for the Curry watershed area. WRD proposes to rely on the Coos and Coquille plan for the Curry County permits as well, until the Curry County Agricultural Water Quality Management Plan and associated rule are adopted.

Thank you for your cooperation and assistance. If you have questions or concerns with this proposal, please contact Dwight French, Water Rights Manager, at 503-378-8455, ext. 268.

Sincerely,

Paul R. Cleary
Director

cc: Brad Howe, Croft Lake Association
Doug Richert
Eric Aasen
Lonnie Hull
Wayner Scherer, Bandon Cranberry Water Control District
Carol Russell, Oregon Cranberry Farmers Alliance
Karen Russell, WaterWatch of Oregon
Al Cook, WRD
Lloyd Vangordon, WRD
Ray Jaindl, Department of Agriculture
Pam Blake, Department of Environmental Quality
Todd Confer, ODFW
Jill Zarnowitz, ODFW
John Youngquist
Dan Carpenter, Bureau of Land Management

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT S-53011) ORDER

Findings of Fact

1. On June 16, 2017, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The Permittee requested reconsideration of the June 16, 2017, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and necessary re-instatement fees required under ORS 536.050 were received.

PERMITS TO USE SURFACE WATER:

NAME	BASIN #	WM #	FILE #	PERMIT #
McKenzie Cranberries, Inc.	17	19	S-80645	S-53011

Conclusions of Law

1. Permit(s) may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permits listed above are reinstated.
2. The Department will take no action to cancel this permit until December 4, 2017, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on July 28 2017.

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Tom Byler, Director

JUL 29 2017
PLACED IN U.S. MAIL
BY OREGON WATER RESOURCES DEPARTMENT

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

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 124006

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

INVOICE # _____

RECEIVED FROM: McKenzie Cranberries, Inc

BY: _____

APPLICATION	S-80645
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 8316 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 520.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		$
_____	OTHER:	(IDENTIFY) _____	$

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

4270 WRD OPERATING ACCT

46111

MISCELLANEOUS

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	Reinstate Permit	$ 520.00
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME		$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) July 28

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 124006 DATED: 7-20-17 BY: _____

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

MCKENZIE CRANBERRIES, INC.
P.O. BOX 1362 541-332-7010
PORT ORFORD, OR 97465

831

96-505/1232
11022

DATE 7-18-2017

PAY TO THE ORDER OF Oregon Water Resources Dept. $ 520.00

Fivehundred-twenty DOLLARS

UMPQUA BANK 1-866-4UMPQUA (1-866-486-7782)

FOR Please Reinstate Permit #S-53011 Application # S-80645

Gloria McKenzie

⑈ 3311150 ⑈

Please Reinstate Permit #S-53011 Application # S-80645

VOL. 105 PG 375

REINSTATE 7/21/2017

RECEIVED BY OWRD

JUL 20 2017

SALEM, OR

McKenzie Cranberries
Grown on the Oregon Coast

PO Box 1362
Port Orford, Oregon 97465

EUGENE OR 974
18 JUL 2017 PM 1 L



Water Resources Department
725 Summer Street N.E. Suite A
Salem, Oregon 97301

97301$1266

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
MCKENZIE CRANBERRIES INC.	17	19	S-80645	S-53011

Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on JUNE 16, 2017.

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas Byler, Director

PLACED IN U.S. MAIL JUN 16 2017
BY OREGON WATER RESOURCES DEPARTMENT

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

Special Order Volume 105 Page 81

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

MCKENZIE CRANBERRIES INC. S-80645
PO BOX 1362
PORT ORFORD, OR 97465

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Gloria McKenzie ☐ Agent ☑ Addressee

B. Received by *(Printed Name)* Gloria McKenzie C. Date of Delivery 6/10

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

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

9590 9402 1280 5246 7531 84

2. Article Number *(Transfer from service label)*

1016 0340 0000 2325 9794

PS Form 3811, July 2015 PSN 7530-02-000-9053 WR/SD Domestic Return Receip

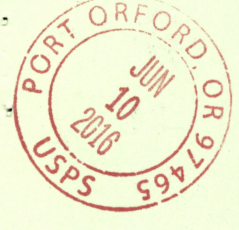
USPS TRACKING #



9590 9402 1280 5246 7531 84

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

United States Postal Service



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

Oregon Water Resources Department
725 Summer St NE, STE A
Salem, OR 97301

Oregon
Kate Brown, Governor

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

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

June 7, 2016

Certified mail number 7016 0340 0000 2325 9794
Return receipt requested

MCKENZIE CRANBERRIES INC.
PO BOX 1362
PORT ORFORD, OR 97465

CANCEL FTHD
JKS 2/17/2017

Reference: Application S-80645, Permit S-53011

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2011.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2011. The fee for submitting a claim of beneficial use is $175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (August 5, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a $450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)
cc: File S-80645
OWRD Watermaster District 19

PERMIT STATUS REVIEW BY ___**Corey Courchane**_____ ***DATE*** 9-24-15 ***FILE #*** S-80645

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

no Extension pending _____ _____

no Assignment is pending _____

no Cancellation has been requested ____ _____

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

no Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received_____ _____

2. IF **NONE** OF THE ABOVE APPLY
✓ Send **certified** "C" date notice packet to permit holder.
"C" DATE 10-1-11 **BASIN NUMBER** 17 **WM #** 19

CWRE or AGENT none

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

Send letter
9-24-15
cc

MEMO

TO: File R-80646
FROM: Mary Bjork
DATE: August 12, 2015
SUBJECT: Conference Call (App R-80646 Permit R-12114)

On August 12, 2015, Gerry Clark and I had a conference call with CWRE, Chris Hood, concerning the Final Order to Cancel Permit R-12114, in the name of MCKENZIE CRANBERRIES INC.

After discussing the following points (4-7), we suggested a Reconsideration Request from the Permit Holder and an Extension.

It should be noted that related files App S-80645 Permit S-53011 and App G-14187 Permit G-13032, were briefly discussed as no Claim has been received and Extension dates have passed.

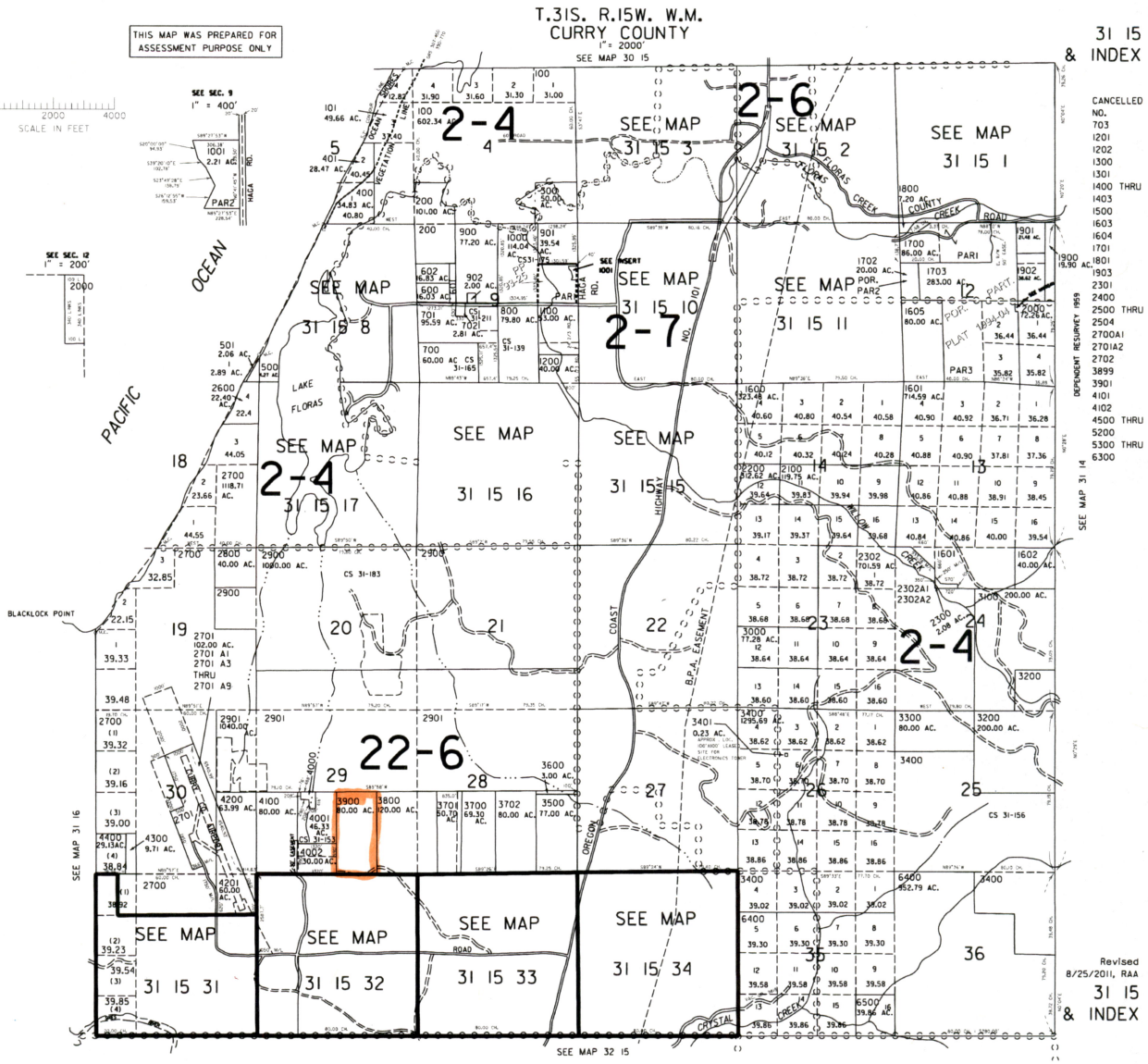
4. The permit contained the conditions that a totalizing flow meter be installed at each diversion point and that the permittee shall submit annual water use reports.

5. In the claim it states during the time of the survey a totalizing flow meter had not been installed. Also, in the review of the Department's records there is no evidence that any water use reporting has been made.

6. The permit contained a condition that the water user install and maintain weirs to the Watermasters' specifications above and below the reservoirs.

7. The claim noted because there were no obvious stream channel with flow near the point of diversion that the area appears to be marsh and none were installed.

S-80645

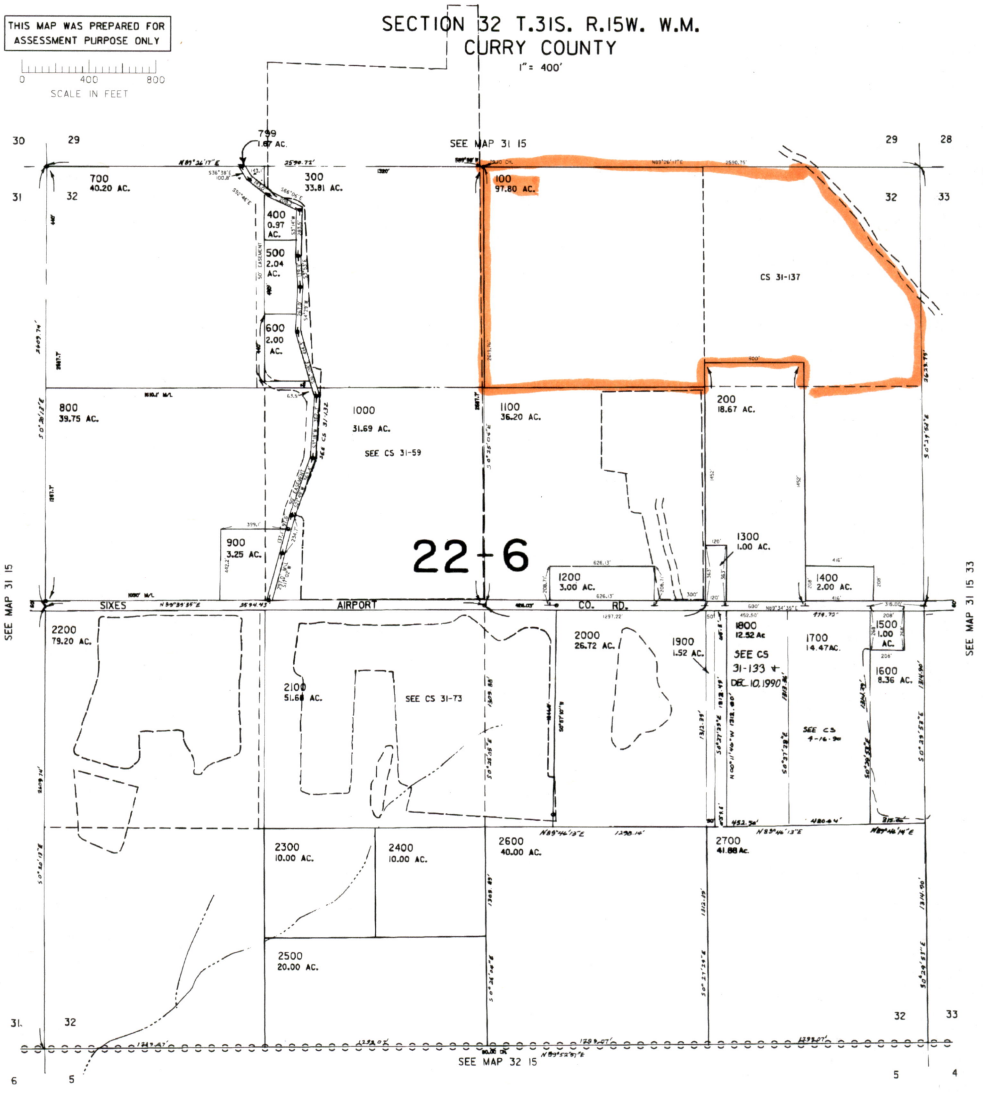


Robert G McKenzie III + Gloria

PO Box 1362

Port Orford

97465


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY
0 400 800
SCALE IN FEET
SECTION 32 T.31S. R.15W. W.M.
CURRY COUNTY
1" = 400'
31 15 32
SEE MAP 31 15
SEE MAP 31 15 33
SEE MAP 32 15
CANCELLED NO. 1801
22-6
SIXES AIRPORT CO. RD.
700 40.20 AC.
799 1.67 AC.
300 33.81 AC.
400 0.97 AC.
500 2.04 AC.
600 2.00 AC.
100 97.80 AC.
CS 31-137
800 39.75 AC.
1000 31.69 AC.
SEE CS 31-59
1100 36.20 AC.
200 18.67 AC.
900 3.25 AC.
1300 1.00 AC.
1200 3.00 AC.
1400 2.00 AC.
2200 79.20 AC.
2100 51.68 AC.
SEE CS 31-73
2000 26.72 AC.
1900 1.52 AC.
1800 12.52 Ac
SEE CS 31-133 + DEC. 10, 1990
1700 14.47 AC.
1500 1.00 AC.
1600 8.36 AC.
2300 10.00 AC.
2400 10.00 AC.
2500 20.00 AC.
2600 40.00 AC.
2700 41.88 Ac.
Revised 5/2/07, RAA
31 15 32

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-80645

Final Order
Extension of Time for Permit Number S-53011

Appeal Rights

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

Application History

On February 22, 2002, McKenzie Cranberries, Inc. submitted an application to the Department for an extension of time for permit number S-53011. The Department issued permit number S-53011 on January 31, 1997. The permit called for completion of construction by October 1, 1999, and complete application of water to beneficial use by October 1, 2000. In accordance with OAR 690-315-0050(2), on April 19, 2005, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 1, 2011, and the time to fully apply water to beneficial use to October 1, 2011. The protest period closed June 3, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

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

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2010.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
   a) The amount of construction completed;
   b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
   c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
   d) Financial investments made toward developing the beneficial water use.

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

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

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

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

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

a) request the permittee to submit additional information with which to evaluate diligence; or

b) apply additional conditions and performance criteria for perfection of the right; or

c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

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

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

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

Order

The extension of time for Application Number S-80645, Permit Number S-53011, therefore, is approved. The deadline for completing construction is extended to October 1, 2011. The deadline for applying water to full beneficial use is extended to October 1, 2011.

DATED: June 8, 2004

Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

Oregon
John A. Kitzhaber, MD, Governor

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

June 22, 2011

MCKENZIE CRANBERRIES INC.
PO BOX 1362
PORT ORFORD, OR 97465

REFERENCE: Application S-80645 / Permit S-53011

Dear Permit Holder:

On June 8, 2005, the Department issued a Final Order approving an Extension of Time for Permit S-53011. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2010.

This letter is being sent to you because the Department has not yet received the progress report that was due on October 1, 2010.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2011. ***Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2000. Furthermore, future extensions are evaluated on past due diligence, and consequently may not be granted.***

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece
Extensions
Water Rights Services Division

Enclosure

cc: Application S-80645
Watermaster District 19 – Mitch Lewis

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

Extension of Time
Progress Report Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: MCKENZIE CRANBERRIES INC.

Application S-80645
Permit S-53011

Report Due no later than October 1, 2010
DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit S-53011

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 1999 and October 1, 2010	FINANCIAL INVESTMENT

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

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

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

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

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

Acre-feet stored to date = _____**AF**

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

Signature_____ **Date**_____

For OWRD use only

Diligence Shown ☐ Yes ☐ No Date Public Noticed: _____

Reviewed by: _____ Date:_____

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

Mailing List for Extension FO Copies

Application #S-80645 FO Date: June 8, 2005
Permit #S-53011

Original mailed to:

McKenzie Cranberries, Inc.
PO Box 1362
Port Orford, OR 97465

Copies Mailed
By: JLS (SUPPORT STAFF)
on: 6/13/05 (DATE)

For Extension FO's - Copies sent to:

2. WRD - Appl. File #S-80645 / Permit #S-53011
3. WRD - Watermaster District: #19 - Mitch Lewis
4. WRD - Southwest Regional Manager: Grants Pass
5. ODFW - Biologist District: #0 - Todd Confer, Gold Beach
6. DEQ - Western Regional Office: John Blanchard, Medford
7. WRD - Support Staff, Salem...*Permit record update*

Other interested parties:

None

CASEWORKER: **LJJ**/JJU

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Extension "Final Order" Checklist

Application # S-80645 **/ Permit #** S-53011

Permit Holder's Name McKenzie Cranberries, Inc.

This Final Order is processed under: ☒ **Div. 315 Rules** -or- ☐ **Div. 320 Rules**

✓ 1. Date Extension Request submitted: 2/22/2002

✓ 2. Date permit was issued: 1/31/1997

✓ 3. Original "B" Date from permit: 10/1/1999
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10/1/2000
(Date for complete application of water)

✓ 5. Extension PFO Date: 4/19/2005

✓ 6. WRD recommends extending "B" Date to: ~~10/1/2010~~ 10/1/2011

and extending the "C" Date to: 10/1/2011

✓ 7. Any conditions from PFO: 5-year Progress Report Checkpt. (10/1/2010)

✓ 8. Protest Deadline Date from PFO: 6/3/2005

___ 9. Any written Protests or written Comments received within the Protest period?
Yes / No

Reviewer's Name: Frank R Grant I **Date:** _____

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Mailing List for Extension PFO Copies

Application #S-80645 PFO Date: April 19, 2005
Permit #S-53011

Original mailed to:

Applicant: **McKenzie Cranberries, Inc.**
PO Box 1362
Port Orford, OR 97465

Copies Mailed
By: _____
(SUPPORT STAFF)
on: 4/19/05
(DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #S-80645 / Permit #S-53011
2. WRD - Watermaster District: #19 - Mitch Lewis
3. DEQ - Western Region - John Blanchard, Medford
4. ODFW - District #0 - Todd Confer, Gold Beach

Other interested parties:

NONE

CASEWORKER: **LJJ**; TRB
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Oregon Water Resources Department
Water Rights Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for Permit #S-53011, Water Right Application #S-80645 (McKenzie Cranberries, Inc.)	)))))	PROPOSED FINAL ORDER

Permit Information

Application File #S-80645 / Permit #S-53011
Basin: #17 - South Coast / Watermaster District: #19
Date of Priority: October 20, 1995

Authorized Use of Water

Source of Water:	An unnamed stream and seven Unnamed Reservoirs to be constructed under Permit #R-12114, tributaries of Floras Lake
Purpose or Use:	Cranberry Operations on 100.0 acres
Maximum Rate:	1.0 cubic foot per second (cfs) of live flow from an unnamed stream and 63.7 acre-feet (af) of stored water per year from seven Unnamed Reservoirs

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

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

This Proposed Final Order applies only to Permit #S-53011, water right Application #S-80645. A copy of Permit #S-53011 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1999, to October 1, 2011; and
- grant the extension for complete application of water from October 1, 2000, to October 1, 2011; and
- make the extension subject to certain conditions set forth below.

AUTHORITY

ORS 537.230(2) provides in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

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

FINDINGS OF FACT

Background

1. Permit #S-53011 was granted by the Water Resources Department on January 31, 1997. The permit authorizes 1.0 cfs of live flow from an unnamed stream and the appropriation of up to 63.7 af of stored water only from seven unnamed reservoirs, to be constructed under Permit #R-12114, for cranberry operations on 100.0 acres. The permit specified that construction of the water development project was to be completed by October 1, 1999, and that complete application of water was to be made on or before October 1, 2000.

2. The permit holder submitted an "Application for Extension of Time" to the Department on February 22, 2002, requesting the time in which to complete construction of the water system be extended from October 1, 1999, to October 1, 2011, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #S-53011 be extended from October 1, 2000, to October 1, 2011.

3. Notification of the permit holder's extension of time request for Permit #S-53011 was published on the Department's Public Notice dated March 5, 2002. No public comment on the extension application was received.

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

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction and/or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230[1], 537.248[2], and/or 539.010(5)[3].

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

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

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1 ORS 537.230 applies to surface water permits only.

2 ORS 537.248 applies to reservoir permits only.

3 ORS 539.010(5) applies to surface water permits only.

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

5. Construction of the water system began within the time specified in the permit, being January 31, 1998.

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

6. As of February 22, 2002, the permit holder had invested a total of $1,500,000 into the project, consisting of the following: partial construction of the reservoirs; the plumbing, planting and appropriation of water on 68.0 acres of cranberries; and the plumbing of 16.0 acres of bogs. An additional $500,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator *[OAR 690-315-0040(3)]*

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

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction

7. The following construction was completed within the time allowed in the permit or previous extension:

   a. Construction of the water system began within the time specified in the permit, being January 31, 1998.

Beneficial Use of Water

8. The following beneficial use was made of the water during the permit or previous extension time limits:

   a. Since the issuance of Permit #S-53011 on January 31, 1997, 1.0 cfs of water from live flow has been put to beneficial use on approximately 68.0 acres. No stored water has been appropriated from the seven reservoirs constructed under permit #R-12114.

   b. Delay of full beneficial use of water under Permit #S-53011 was due to limited financial resources caused by the collapse of the cranberry market.

Compliance with Conditions

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

    a. The record does raise concerns about the permit holder's compliance with conditions. Specifically, there is no evidence in the record to indicate whether or not a meter has been installed. Additionally, it appears that the permit holder has failed to annually report the amount of water used under this permit.

Financial Investments

10. Financial investments made toward developing the beneficial water use.

    a. As of February 22, 2002, the permit holder had invested a total of $1,500,000 into the project, consisting of the following: partial construction of the reservoirs; the plumbing, planting and appropriation of water on 68.0 acres of cranberries; and the plumbing of 16.0 acres of bogs. An additional $500,000 investment is anticipated for the completion of this project.

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

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

11. The amount of water available to satisfy other affected water rights and state scenic waterway flows.

    a. The permitted points of diversion, authorized under Permit #S-53011, are not located within or above the designated boundaries of a state scenic waterway.

12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

    a. The permitted points of diversion, authorized under Permit #S-53011, are located within a stream segment that has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish.

b. The permitted points of diversion are located within the South Coast Basin. The unnamed stream, tributary to Floras Lake, from which water is being used has not been designated by the Oregon Department of Environmental Quality as a water quality limited stream.

c. The permitted points of diversion, authorized under Permit #S-53011, are not located within a segment of a designated federal wild and scenic river.

13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

a. The permitted points of diversion are located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.

14. Economic investment in the project to date.

a. As of February 22, 2002, the permit holder had invested approximately 75 percent of the total projected cost for complete development of this project. A total of $1,500,000 has been invested into the project, consisting of the following: partial construction of the reservoirs; the plumbing, planting and appropriation of water on 68.0 acres of cranberries; and the plumbing of 16.0 acres of bogs. An additional $500,000 investment is anticipated for the completion of this project.

15. Other economic interests dependent on completion of the project.

a. None have been identified.

16. Other factors relevant to the determination of the market and present demand for water and power.

a. None have been identified.

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

17. The income and use of water from the permitted water development will result in reasonable returns against the investment made in the project to date.

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

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

18. As of February 22, 2002, the remaining work to be completed consists of completion of the water system and complete application of water to beneficial use.

19. Delay of full beneficial use of water under Permit #S-53011 was due to limited financial resources caused by the collapse of the cranberry market.

20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2011, to complete construction of the water system and complete the application of water to beneficial use under the terms of Permit #S-53011 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230.

2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1), as required by OAR 690-315-0040(1)(a).

3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).

4. Completion of construction and full application of water to beneficial use can be completed by October 1, 2011[4], as required by OAR 690-315-0040(1)(c).

5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good

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[4] Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

cause exists for an extension to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

6. In order to ensure future diligence is exercised in the development and perfection of Permit #S-53011, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

Proposed Order

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

Extend the time for complete construction of the water system under Permit #S-53011 from October 1, 1999, to October 1, 2011; and

Extend the time for complete application of water to beneficial use under Permit #S-53011 from October 1, 2000, to October 1, 2011.

Subject to the following conditions:

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2010.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
   a) The amount of construction completed;
   b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
   c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
   d) Financial investments made toward developing the beneficial water use.

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

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

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

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

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

a) request the permittee to submit additional information with which to evaluate diligence; or

b) apply additional conditions and performance criteria for perfection of the right; or

c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

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

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

DATED: April 19, 2005

Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, June 3, 2005,*** being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

2. A written request for contested case hearing shall include:
   a. The name, address and telephone number of the petitioner;
   b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
   c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
   d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
   e. Any citation of legal authority supporting the petitioner, if known;
   f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
   g. The protest fee required under ORS 536.050.

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

If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.

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

If you have other questions about the Department, or any of its programs, please contact our Water Resources Customer Service Group at (503)986-0801.

Address any correspondence to:

Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901

Application # S-80645 **/ Permit #** S-53011

Route Slip ... Extension of Time

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

- **WRIG...**
  Money Receipted: $100.00 on 2-22-02

- **Lisa Juul...**
  Extension Completeness: 2-26-02
  (If NOT complete, send certified letter requesting add'l information.)

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

- **Jonnine Fuss...**
  Initial 30-day Public Notice: 3/5/02 JF
  Update Extension Database: 3/12/02 JF
  Files back to filing cabinets: 3/12/02 JF

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

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

Once Extension PFO signed by Dwight French...

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

Within 60 days after the close of the 45-day PFO Protest Period...

(PFO Protest Period ends 45 days from PFO sign date)...

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

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Refer to Updated Extension Review Checklist for PFO

Updated

EXTENSION REVIEW CHECKLIST for PFO... *Div. 315 - Regular*

Application #: S - 80645 / **Permit #:** S - 53011

Permittee's Name: Robert McKenzie (McKenzie Cranberries, Inc.)

Permittee's Mailing Address: PO Box 1362 Port Orford, OR 97465

POD Location: Township 31S Range 15W Section 32 → ¼¼ NWNE (29 → NESE, SWSE, SESE)

Drainage Basin: South Coast **County:** Curry **Watermaster District #:** 19

✓ 1. Has the applicant submitted the appropriate fee? **Yes** / No
***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
****(NOTE:** *Any missing Extension information that is needed before an Extension PFO can be completed???)*

✓ 2. Has the applicant completely filled out the Extension Application form? **Yes** / No
***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
(see memo dated 2/26/2002 in file)

✓ 3. **Date Permit was issued:** 1/31/1997 **Priority Date:** October 20, 1995

✓ 4. **Source:** An unnamed stream and seven unnamed reservoirs to be constructed under application R-80646, Permit R-12114, tributaries of Floras Lake.

✓ 5. **Use:** Cranberry operations on 100.00 acres

✓ 6. **"Q":** 1.0 cfs of live flow from an unnamed stream and 63.7 af of stored water only from seven unnamed reservoirs

✓ 7. **Orig "A" Date:** 1/31/1998 **Orig "B" Date:** 10/1/1999 **Orig "C" Date:** 10/1/2000

✓ 8. **Conditions of Permit:**
- Before Water Use Begins:
  → shall install a totalizing flow meter or other suitable measuring device & shall maintain a monthly water use record & submit annually to WRD.
- Diversion & use of water must comply with Clean Water Act & utilize best mgmnt. practices as identified in the New River Alternative Dispute Resolution Team Agreement

✓ 9. **Extension request received:** 2/22/2002 **Request Number (...1st 2nd, 3rd):** 1st

✓ 10. **Last Authorized "B" Date:** 10/1/1999 **Last Authorized "C" Date:** 10/1/2000

✓ 11. **Proposed "B" Date:** 10/1/2011 **Proposed C Date:** 10/1/2011

✓ 12. **Amount Invested to date:** $1,500,000.00 **Estimated Total Cost:** $2,000,000.00
(***Estimated Remaining Cost:** $500,000.00)

"A" date met → Constr. began in 1997

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

Construction began on time. Water has not yet been put to total beneficial use.

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

68.0 acres of cranberries are plumbed, planted and are beneficially using water; 16 acres of bogs are plumbed. use of 1.0 cfs has been accomplished

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

~~Dep~~ · complete construction of water system
· accomplishment of full beneficial use of water

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

The cranberry market has fallen, causing limited cash flow

✓ 17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? (Yes) / No

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

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

- Permit holder has completed approximately 70 %of the construction.
- Permit holder has beneficially used 50 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? (Yes) / No • possible concern over meter installation • No Water Use Reports
  —*If* ***No****, reasons why not?* _____
- Permit holder has invested approximately 75 % of the total estimated cost to complete the project.
- Other: _____

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

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

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

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? N/A
- within or above a state scenic waterway? No
- within a ground water limited/critical area? N/A
- within a segment that has been identified as a federal wild and scenic river? No
- within an area that ODFW has identified as an ST&E Area? Yes
- within an area that ODFW has identified as a "Low" Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? Has not been identified by DEQ
- Other: _____

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

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

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

✓ 20. Conditions to be included in Extension PFO (if applicable)? **Yes / No**
*(**NOTE:** Check the file record for documentation to add a condition(s) at the extension stage.)*

☒ 5-year Progress Report Checkpoints October 1, 2010
☐ Other: _____

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

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

☒ **COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

☐ **COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

xtension "PFO" Dates *Checklist Last Revised: 3/4/ 2004*

Mailing / Issuance Date:_____ CASEWORKER ~~**WRD Project Manager:**~~ _____

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

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

Application #: S - 80645 / **Permit #:** S - 53011

Permittee's Name: Robert McKenzie

Permittee's Mailing Address: PO Box 1362, Port Orford, OR 97465

See Permit

POD Location: Township _____ Range _____ Section _____ ¼ ¼ _____

Stream Basin: _____ **County:** Curry

✓ 1. Has the applicant completely filled out the *updated* Extension Application form? **Yes** / **No** $100.00 - Yes

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

See Updated Checklist

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

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

"C" ~~Date Ext Date?~~ OK - See 2-26-02 Memo.

~~Water Used or Not? See Ques. 2-A & 3-C.~~ OK - Yes.... using 1.0 cfs.

✓ 3. **Date Permit was issued:** 1-31-97

✓ 4. **Source:** An Unn. Stream & 7 Unn. Res. (to be constr. under Permit R-12114), tribs to Floras Lake

✓ 5. **Use:** Cranberry Operations on 100.0 Ac

✓ 6. **"Q":** 1.0 cfs from live flow & 63.7 AF of stored water. / **Orig. "A" Date:** 1-31-98

✓ 7. **Original "B" Date:** 10-1-99 **Original "C" Date:** 10-1-2000

✓ 8. **Conditions of Permit:**

Before Water Use Begins → shall install a totalizing flow meter (or other suitable meas. device.)

Diversion & Use of water must comply with Clean Water Act & utilize best mgmt practices as identified in the New River ADR Agreement.

✓ 9. **Extension request received:** 2-22-2002 **Request Number (...1st 2nd, 3rd):** 1st

✓ 10. **Last Authorized "B" Date:** 10-1-99 **Last Authorized "C" Date:** 10-1-2000

11. **Proposed "B" Date:** _____ **Proposed C Date:** _____

✓ 12. **Amount Invested to date:** $1,500,000.00 **Estimated Total Cost:** $2,000,000.00

(***Estimated Remaining Cost:** $500,000.00)

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

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

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

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

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

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

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

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

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

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

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

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

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

___20. Conditions to be included on Extension PFO: _____

Extension "PFO" Dates

Checklist Last Revised: 9 / 12 / 2001

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

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

Water Use Report

ROBERT MCKENZIE
MCKENZIE CRANBERRIES INC.
PO BOX 1362
PORT ORFORD OR 97465

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
38127			G 13032	G 14187		10/20/1995	31.0S	15.0W	29	CR	0.267		WELL 1	FLORAS L

NO Water Use Records for POD ID: 38127

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
38128			G 13032	G 14187		10/20/1995	31.0S	15.0W	32	CR	0.267		WELL 2	FLORAS L

NO Water Use Records for POD ID: 38128

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
38129			G 13032	G 14187		10/20/1995	31.0S	15.0W	32	CR	0.267		WELL 3	FLORAS L

NO Water Use Records for POD ID: 38129

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
38130			G 13032	G 14187		10/20/1995	31.0S	15.0W	29	CR	0.267		WELL 4	FLORAS L

NO Water Use Records for POD ID: 38130

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
49489			R 12114	R 80646		10/20/1995	31.0S	15.0W	29	CR	0.0	9.1	WELL 1/RES 1	FLORAS L

NO Water Use Records for POD ID: 49489

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
49490			R 12114	R 80646		10/20/1995	31.0S	15.0W	29	CR	0.0	9.1	WELL 2/RES 2	FLORAS L

NO Water Use Records for POD ID: 49490

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
49491			R 12114	R 80646		10/20/1995	31.0S	15.0W	32	CR	0.0	9.1	WELL 3/RES 3	FLORAS L

NO Water Use Records for POD ID: 49491

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
49492			R 12114	R 80646		10/20/1995	31.0S	15.0W	29	CR	0.0	9.1	WELL 4/RES 4	FLORAS L

NO Water Use Records for POD ID: 49492

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
51049			R 12114	R 80646		10/20/1995	31.0S	15.0W	29	CR	0.0	9.1	UNN STR/RES 5	FLORAS L

NO Water Use Records for POD ID: 51049

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
51050			R 12114	R 80646		10/20/1995	31.0S	15.0W	29	CR	0.0	9.1	UNN STR/RES 6	FLORAS L

NO Water Use Records for POD ID: 51050

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
51051			R 12114	R 80646		10/20/1995	31.0S	15.0W	29	CR	0.0	9.1	UNN STR/RES 7	FLORAS L

NO Water Use Records for POD ID: 51051

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 51109

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

INVOICE #_____

RECEIVED FROM: McKenzie Cranberries

BY: _____

APPLICATION	S80645
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-252 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 400.00

0417 WRD MISC CASH ACCT

Reg 4's
S1107
S1110
S1111

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

REDUCTION OF EXPENSE

_____ PCA AND OBJECT CLASS _____ CASH ACCT. _____ VOUCHER # $ _____

0427 WRD OPERATING ACCT

66111

	MISCELLANEOUS				
0407	COPY & TAPE FEES				$
0410	RESEARCH FEES				$
0408	MISC REVENUE: (IDENTIFY)	_____			$
(New) TC162	DEPOSIT LIAB. (IDENTIFY)	_____			$
	WATER RIGHTS:	**EXAM FEE**			**RECORD FEE**
0201	SURFACE WATER	$	0202		$
0203	GROUND WATER	$	0204		$
0205	TRANSFER	$	0206		$
	WELL CONSTRUCTION	**EXAM FEE**			**LICENSE FEE**
0218	WELL DRILL CONSTRUCTOR	$	0219		$
	LANDOWNER'S PERMIT		0220		$
240	OTHER (IDENTIFY)	Ext. of time			100.00

0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	$

0467 HYDRO ACTIVITY

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

RECEIPT # 51109 DATED: 2/22/02 BY: C. Vance

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

Stuntzner Engineering & Forestry, LLC

TELEPHONE (541) 267-2872
FAX (541) 267-0588
dennisgoude@stuntzner.com

705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY - BROOKINGS - WILSONVILLE

February 20, 2002

Lisa Juul
Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

Re: Application for extension of time.

Lisa:

Attached are four applications for extension of time for Robert McKenzie. If you have any questions please call me at (541) 267-2872. Please send copies of all correspondence to:

Stuntzner Engineering & Forestry, LLC
P.O. Box 118
Coos Bay, OR 97420
Attn: Dennis Goude

Sincerely,
Stuntzner Engineering & Forestry, LLC

Dennis Goude

RECEIVED
FEB 2 2 2002
WATER RESOURCES DEPT.
SALEM, OREGON

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

I, ROBERT McKENZIE
NAME

P.O.BOX 1362	PORT ORFORD	OR	97465	(541) 348-2808
ADDRESS	CITY	STATE	ZIP	PHONE

owner of record, or duly authorized agent, of Application No. S-80645, Permit No. 53011, do hereby request that the time in which to:

☑ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2001, be extended to October 1, 2011,

and/or the time in which to:

☐ accomplish beneficial use of water to the full extent under the terms of the … expires on October 1, _____, be extended to October 1, _____.

B & C Dates extension to 10-1-2011. See 2-26-02 Memo

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

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

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

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

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit?
   ☐ Yes ☑ No

Jo 3/1/02

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SALEM, OREGON

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

Construction was started in 1997. Water has not been put to total beneficaial use.

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

3. I have accomplished the following described v
necessary to the use of water under said permi

Currently using 1.0 cfs ....
see 2-26-02 memo.

A Within the past year or, if a prior extensio on
period:

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

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

~~Sixty-eight acres of cranberries are plumbed, planted and are benefically using water; 16 acres of bogs ar plumbed. 1cfs~~

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WATER RESOURCES DEPT.
SALEM, OREGON

4. Cost of project to date $1,500,000. Estimated remaining cost to complete the project $500,000.

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

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

   B Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized time frames.

   Due to the current state of the cranberry market, completion of construction and planting of the remaining thirty-two acres of bogs has been delayed.

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

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

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

   There have been price changes - the current price is down for cranberries but small increases in price could be in the future.

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SALEM, OREGON

A Has there been any change in this market since the permit was issued?
The price of cranberries is down.

B Have these changes, if any, affected the economic feasibility of your project?
The changes have not affected the economic feasibility of this project. There are still markets for cranberries.

7. Are there other present competing demands for water in your community?
Farming and ranching in this area.

A Has there been any change in these demands for water since the permit was issued?
No.

B Are you aware of alternative sources of water that may be able to satisfy the competing demands?
No.

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

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WATER RESOURCES DEPT.
SALEM, OREGON

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

Yes, it will provide a reasonable return when the cranberry market improves.

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

No, the cranberry vines that are planted and in production and scheduled plantings will die without water. NO alternative source is available.

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.

Dennis Goude agent for Robert McKenzie — Signature

Feb 20, 2002 — Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF $ 100 TO:

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

RECEIVED
FEB 2 2 2002
WATER RESOURCES DEPT.
SALEM, OREGON

File #S-80645
(Permit #S-53011)

MEMORANDUM

Date: February 26, 2002

To: File #S-80645 (Permit #S-53011)

From: Lisa Juul, Permit Extension

Subject: Clarification of the Extent of Beneficial Use and the Requested Dates for Extension

---

Today, I spoke with Dennis Goude (representative for Robert McKenzie) to clarify a couple of items on the request for extension of time for Permit #S-53011. Those clarifications are as follows:

1. The extension request indicates that the permittee wants to extend the period in which to complete construction of the water system to October 1, 2011. Is it correct to assume that he also wishes to extend the period in which to complete full application of water to October 1, 2011, as well?

Answer: **Yes, the extension request for Permit #S-53011 should be asking for additional time in which to complete construction of the water system *and* to complete full application of water through October 1, 2011.**

2. The extension request indicates under Item #2-A that "water has not been put to beneficial use." Under Item #3-C of the extension request, however, it indicates that 1.0 cfs of water has beneficially used under Permit #S-53011. Has beneficial use of water under this permit occurred or not?

Answer: **Beneficial use of 1.0 cfs of water has been accomplished under Permit #S-53011.**

X-Sender: harristg@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Mon, 11 Dec 2000 09:35:27 -0800
To: salem@wrd.state.or.us
From: Treasure Harris <Treasure.G.HARRIS@wrd.state.or.us>
Subject: New Address

I received a call at the front desk from a gentleman who is on some of our mailing lists. His address has changed and he has not been receiving any mail from us. Please update his address on all mailing lists and files. From what he said it sounded like most of his dealings are with Water Rights and Enforcement.

NEW ADDRESS

Robert Mckenzie Cranberries
P.O. Box 1362
Port Orford, OR 97465

OLD ADDRESS

92619 Airport
Sixes, OR 97476

MCKENZIE CRANBERRIES INC. County: CURR Cert#: 0
Permit#: G 13032 App#: G 14187 Status: V WELL 1

MCKENZIE CRANBERRIES INC. County: CURR Cert#: 0
Permit#: R 12114 App#: R 80646 Status: V WELL 1/RES 1

MCKENZIE CRANBERRIES INC. County: CURR Cert#: 0
Permit#: S 53011 App#: S 80645 Status: V UNN STR

File

Oregon

WATER
RESOURCES
DEPARTMENT

March 7, 1997

MCKENZIE CRANBERRIES INC
92619 AIRPORT RD
SIXES, OR 97476

REFERENCE: REFUND, APPLICATION FILES G14187 & 80645

Enclosed is a check, no. 4402027, in the amount of $310, being $130 for Application G14187 and $180 for Application 80645. This is a refund of excess recording fees paid for the above referenced application files. Your permits are not affected by this refund of excess fees.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503) 378-3739.

Sincerely,

Douglas Baer
Senior Water Rights Technician

enclosure

CC: Watermaster # 19

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

TO: MARIE LICARI, FISCAL
CC: FILE
FROM: Douglas Baer

SUBJECT: REQUEST FOR REFUND CHECK

McKenzie Crankcase Inc
92619 Airport Rd
Lyons 97476

PLEASE REFUND $ 180.00 TO Applicant

FILE # 80645, RECEIPT # 124588. THESE FUNDS ARE REFUNDED DUE TO :

_____ APPLICATION REJECTED
_____ APPLICATION WITHDRAWN
__X__ EXCESS FEES COLLECTED FOR APPLICATION
_____ FILE CLOSED
_____ PROTEST FILING FEE
_____ OTHER: _____

0201

PLEASE INCLUDE THE FOLLOWING MAILING ADDRESS ON THE CHECK:

OK Dwight Ford

WaterWatch

RIVERS NEED WATER

RECEIVED
NOV 22 1996
WATER RESOURCES DEPT.
SALEM, OREGON

November 20, 1996

Dwight French
Water Resources Department
158 12th St. NE
Salem, OR 97310

Re: PFO for Application No. S-80645, Unnamed Stream and Seven Reserviors, McKenzie Cranberries, Inc.

Dear Mr. French,

We reviewed this Proposed Final Order (PFO) to ensure that was consistent with the agreements reached by all the parties, including the Water Resources Department, in the New River Alternate Dispute Resolution process (ADR). Our comments below outline where the PFO does not reflect the agreements reached in the ADR. We are not protesting or filing a standing statement on this application because we have been assured that this and other PFO's for applications in the New River Basin will be processed consistent with the New River ADR and that the applicant has agreed to these conditions.

We can support this applicants use as proposed in the PFO with the following specific changes which are consistent with the ADR:

- The measurement and reporting condition in the PFO must be modified to be consistent with the language agreed to in earlier ADR meetings and as specified in the November 6th meeting. The condition should be as follows:

> Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

WaterWatch of Oregon • 213 Southwest Ash, Suite 208 • Portland, OR 97204
Phone: (503) 295-4039 Fax: (503) 295-2791 Email: watrwtch@teleport.com

- As agreed in the ADR, the applicant, McKenzie Cranberries Inc., has signed the New River Alternative Dispute Resolution Team Agreement (which was faxed to our offices today), prior to the issuance of any final order issuing a permit.

Thanks in advance for your attention to this letter. Please call if you have any questions.

Sincerely,

Karen Russell
Assistant Director

c. McKenzie Cranberries Inc.
Al Cook, WRD
Todd Confer, ODFW

Application S-80645

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-80645

WATERMASTER # 19: John Drolet

REGIONAL MANAGER: Al Cook

ODF&W - Curry County: YES

CWRE (if agent): N/A

DEQ: YES

OTHER STATE AGENCY IF NECESSARY: N/A

DIVISION 33 LIST: N/A 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; KEN STAHR

OTHER ADDRESSES OF PEOPLE WHO PAID THE $10 FEE:

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

CASEWORKER : BW WW - FO

FILE # 80645

WEEK # 64

FO CHECKLIST

PFO TO FO CONVERSION

REVIEW DATE: 11/27/96

INITIALS: DB

In preparing the FO, you should check the following:

1. (Y) / N Were comments or protests received? If so, **from whom** and **when**? WATERWATCH 11/22/96
2. ✓ On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and **those who paid the $10 fee.**
3. (Y) / N Have affected landowners been notified?
4. Y / (N) Is the file lacking a signed oath of accuracy for the application?
5. Y / (N) Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y / (N) Is water use prohibited for one or more months of the normal use period?
7. Y / N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. 1900 Verify payment of recording fees (*circle the appropriate option*)
   (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO** App=CR 1CFS 1600 300 1900
   (2) Issue FO w/o permit if fees are lacking
9. (Y) / N Is further processing possible? If not state reason: _____
10. NA Notify applicant of additional information or fees required prior to permit issuance. (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible) PFO Requested map - map from 80465 is used.
11. ✓ Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)
DENIAL FO w/o PERMIT (FO & PERMIT)

Respond to Requested changes
COMMENTS Incorporated into FO/Permit wording

Initials DB

Modify FO as needed to:

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

Once FO document is completed:

15. ✓ Save WordPerfect document in M:\T\FO\WEEK 64 & delete duplicates
16. ✓ Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed

これは どこですか?

m:\t\fo\tools\chklst.mst

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-80645

Proposed Final Order

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

Additional Information Required: Prior to the issuance of a permit, the applicant must submit a new map showing the correct location of the wells and the Unnamed Stream.

Application History

On October 20, 1995, MCKENZIE CRANBERRIES, INCORPORATED submitted an application to the Department for the following water use permit:

- Amount of Water: 2.60 CUBIC FEET PER SECOND (CFS) OF LIVE FLOW AND 63.7 ACRE-FEET (AF) OF STORED WATER ONLY
- Use of Water: CRANBERRY OPERATIONS ON 100.0 ACRES
- Source of Water: AN UNNAMED STREAM AND SEVEN UNNAMED RESERVOIRS TO BE CONSTRUCTED UNDER APPLICATION R-80646, TRIBUTARIES OF FLORAS LAKE
- Area of Proposed Use: Curry County within SECTIONS 29 AND 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: The applicant proposes to divert water using electric motors with pumps located at each point of diversion. The delivery system will consist of plastic pipelines to the place of use and designed such that water from any of the sources may be delivered to and placed on any of the acreage.

The New River Alternate Dispute Resolution group reviewed this proposed use for potential adverse impacts on declining fish populations. This group consisted of representatives from the Oregon Department of Water Resources, Oregon Department of Fish and Wildlife, U.S. Bureau of Land Management, Cranberry Association, WaterWatch, Croft Lake Association, and the Audubon Society. No objections have been received.

In reviewing applications, the Department may consider any relevant sources of information, including the following:
- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance

- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The South Coast Basin Program allows the following uses: CRANBERRY OPERATIONS

Senior water rights exist on AN UNNAMED STREAM AND SEVEN UNNAMED RESERVOIRS, TRIBUTARIES OF FLORAS LAKE or on downstream waters.

AN UNNAMED STREAM AND SEVEN UNNAMED RESERVOIRS, TRIBUTARIES OF FLORAS LAKE are not within or above a State Scenic Waterway.

Water is **not** available for further appropriation (at an 80 percent exceedance probability) for the period YEAR ROUND.

The Department finds that no more than 1.0 CFS OF LIVE FLOW AND 63.7 AF OF STORED WATER would be necessary for the proposed use. The amount of water requested, 2.60 CFS OF LIVE FLOW AND 63.7 AF OF STORED WATER, shall be restricted to 1.0 CFS OF LIVE FLOW AND 63.7 AF OF STORED WATER.

There is no evidence in the record of the presence of game fish at the described point of diversion.

The New River Alternate Dispute Resolution team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Department of Water Resources, Oregon Department of Fish and Wildlife, U.S. Bureau of Land Management, Oregon Cranberry Association, WaterWatch of Oregon, Croft Lake Association, the Audubon Society, and the Bandon Water Control District. In addition, individual applicants participated in the ADR process when issues relevant to their applications were addressed. The ADR team recommended that the following limitations or conditions of use be imposed on this application:

> The period of allowed use for live flow from an Unnamed Stream is NOVEMBER 1 THROUGH MAY 31. The period of allowed use of stored water from seven Unnamed Reservoirs is YEAR ROUND.
>
> The total amount of water to be appropriated for live flow from an Unnamed Stream shall be restricted to 1.0 cfs.
>
> Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement date (blank), 1996 on file with the Department.

Conclusions of Law

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

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:

  (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and

  (B) Specifically how the identified public interest would be impaired or detrimentally affected.

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

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

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

DATED October 15, 1996

Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the $200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **November 29, 1996.**

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

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

BW

DRAFT This is not a permit!!! DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES, INCORPORATED
92619 AIRPORT ROAD (541)348-2217
SIXES, OREGON 97476

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

APPLICATION FILE NUMBER: S-80645

SOURCE OF WATER: AN UNNAMED STREAM AND SEVEN UNNAMED RESERVOIRS TO BE CONSTRUCTED UNDER APPLICATION R-80646

TRIBUTARIES OF: FLORAS LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON 100.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.0 CUBIC FOOT PER SECOND OF LIVE FLOW FROM AN UNNAMED STREAM AND 63.7 ACRE-FEET OF STORED WATER FROM SEVEN UNNAMED RESERVOIRS

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM AN UNNAMED STREAM AND YEAR ROUND FOR STORED WATER ONLY FROM SEVEN UNNAMED RESERVOIRS

DATE OF PRIORITY: OCTOBER 20, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 29, NW 1/4 NE /14, SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 200 FEET NORTH & 3640 FEET EAST; RESERVOIR 2 - 110 FEET NORTH & 4780 FEET EAST; RESERVOIR 3 - 200 FEET SOUTH & 2900 FEET EAST; RESERVOIR 4 - 1110 FEET NORTH & 2880 FEET EAST; RESERVOIR 5 - 1540 FEET NORTH & 3980 FEET EAST; RESERVOIR 6 - 2070 FEET NORTH & 4200 FEET EAST; RESERVOIR 7 - 2550 FEET NORTH & 4270 FEET EAST; ALL FROM NORTHWEST CORNER, SECTION 32

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SE 1/4 10.0 ACRES
SW 1/4 SE 1/4 30.0 ACRES
SECTION 29
NE 1/4 NE 1/4 30.0 ACRES
NW 1/4 NE 1/4 30.0 ACRES
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement date (blank), 1996 on file with the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT - THIS IS **NOT** A PERMIT

_____
Water Resources Department
Director

Application No. 80 [redacted]

Permit No. 53011

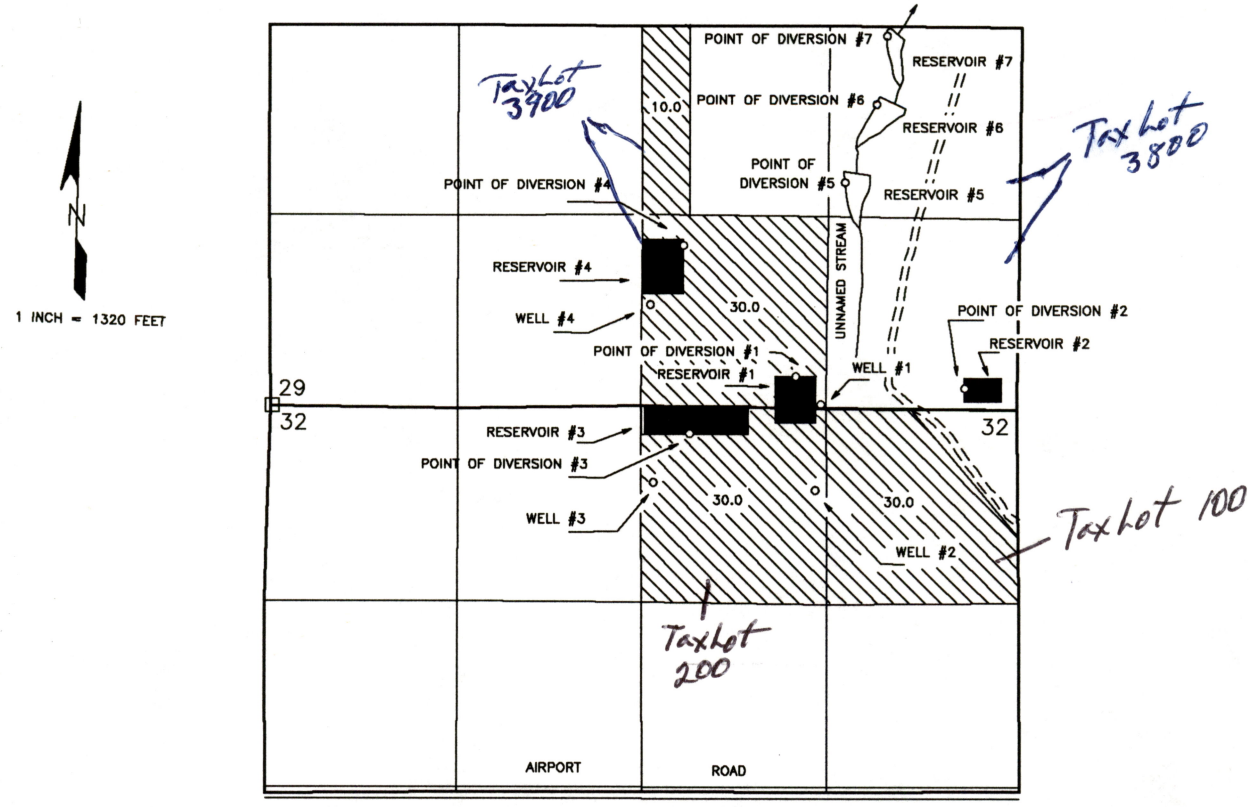
RECEIVED
OCT 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
SEP 26 1995
WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION MAP

IN THE NAME OF Mc KENZIE CRANBERRIES, INCORPORATED

SECTIONS 29 & 32, T 31 S, R 15 W, W.M.



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	P.O.D.	FEET N/S	FEET E/W	¼ ¼	SECTION
RESERVOIR #1	No. 1	200' NORTH	3640' EAST	SW¼SE¼	29
RESERVOIR #2	No. 2	110' NORTH	4780' EAST	SE¼SE¼	29
RESERVOIR #3	No. 3	200' SOUTH	2900' EAST	NW¼NE¼	32
RESERVOIR #4	No. 4	1110' NORTH	2880' EAST	SW¼SE¼	29
RESERVOIR #5	No. 5	1540' NORTH	3980' EAST	NE¼SE¼	29
RESERVOIR #6	No. 6	2070' NORTH	4200' EAST	NE¼SE¼	29
RESERVOIR #7	No. 7	2550' NORTH	4270' EAST	NE¼SE¼	29
WELL #1		10' NORTH	3812' EAST	SW¼SE¼	29
WELL #2		580' SOUTH	3780' EAST	NW¼NE¼	32
WELL #3		530' SOUTH	2640' EAST	NW¼NE¼	32
WELL # 4		690' NORTH	2630' EAST	SW¼SE¼	29

ALL FROM THE NORTHWEST CORNER OF SECTION 32, AND WITHIN TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

Certified Water Right Examiner
#054 WRE
James F. Gosson
Nov. 19, 1987
STATE OF OREGON

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

Application No. 80645

RECEIVED
OCT 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) MC KENZIE CRANBERRIES, INCORPORATED
(Please print or type - use dark ink)

Mailing Address: 92619 Airport Road

Sixes	Oregon	97476	503/348-2217
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 stream & 7 reservoirs ,
a tributary of Floras Lake .

2. ***TOTAL AMOUNT OF WATER*** *to be applied to beneficial use:* 2.60 *cubic feet per second,* ***OR*** _____ *gallons per minute. If water is to be used from more than one source, give the quantity of water from each:* 2.60 cfs from an un-named stream and 9.1 a.f. from each of 7 reservoirs, for 63.7 a.f.

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: 100.0

RECEIVED
SEP 26 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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).*

Electric motors with pumps will be located at each point of diversion. The delivery system will consist of plastic pipelines to the place of use and designed such that water from any of the sources may be delivered to, and placed on any of the acreage shown.

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

Proposed date construction work will begin construction started

Proposed date construction work will be completed October 1, 1995

Proposed date water use will be completed October 1, 1998

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: The water to be stored in the seven reservoirs will be for supplemental cranberry use.

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.

Robert Mc Lagin III
Signature of Applicant

Sept. 25 1995
Date

Signature of Co-Applicant, if any

Date

RECEIVED
SEP 26 1995
WATER RESOURCES
SALEM, OREGON

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 Salem, Oregon, on the 20th day of October, 1995, at 8 o'clock, A M.

APPLICATION NO: 80665 PERMIT NO: _____

A:APPFORM 9/89

WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 80
Water Availability Subbasin: 5006000000000000 (and Nested Subbasins)
Time: 11:03 Date: 07/25/1996

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	5000000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	5006000000000000	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Basin: SOUTH COAST
Water Availability Subbasin: 5006000000000000 (and Nested Subbasins)
Time: 11:03 Date: 07/25/1996

WAB #	Stream Name	Tributary to
5000000000000000	NEW R	PACIFIC OCEAN
5006000000000000	UNN STR 17-1560-0130-0010	FLORAS L

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 5006000000000000
Basin: SOUTH COAST
Exceedance Level: 80
Time: 11:03 Date: 07/25/1996

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.3
2	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.3
3	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.1
4	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.7
5	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.7
6	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.1
7	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.3
8	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.3
9	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.1
10	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.0
11	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.8
12	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.4
Stor	5006000000000000	UNN STR 17-1560-0130-0010	YES	355.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
Stream: NEW R > PACIFIC OCEAN
Water Availability Subbasin: 5000000000000000
Exceedance Level: 80
Time: 11:03 Date: 07/25/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	238.00	1.00	237.00	10.20	227.00	0.00	227.00
2	355.00	2.00	353.00	12.00	341.00	0.00	341.00
3	322.00	0.00	322.00	10.30	312.00	0.00	312.00
4	211.00	1.00	210.00	5.50	204.00	0.00	204.00
5	91.40	3.20	88.20	4.39	83.80	0.00	83.80
6	42.90	8.90	34.00	4.95	29.00	0.00	29.00
7	28.00	13.70	14.30	5.36	8.94	0.00	8.94
8	20.30	11.20	9.13	4.22	4.91	0.00	4.91
9	16.40	4.80	11.60	4.42	7.18	0.00	7.18
10	16.60	0.70	15.90	3.16	12.70	0.00	12.70
11	77.10	0.60	76.50	4.14	72.40	0.00	72.40
12	244.00	1.00	243.00	9.96	233.00	0.00	233.00
Stor	220000	2890	217000	4710	213000	0	213000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST
Stream: NEW R > PACIFIC OCEAN
Water Availability Subbasin: 5000000000000000
Time: 11:03 Date: 07/25/1996

	ISWRs					
APP # :	0	0	0	0	0	RESULTANT
STATUS:						
1	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.0	0.0	0.0	0.0
3	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
Stream: UNN STR 17-1560-0130-0010 > FLORAS L
Water Availability Subbasin: 5006000000000000
Exceedance Level: 80
Time: 11:03 Date: 07/25/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	1.38	0.06	1.32	2.64	-1.32	0.00	-1.32
2	2.23	0.10	2.13	3.46	-1.33	0.00	-1.33
3	1.89	0.00	1.89	2.98	-1.08	0.00	-1.08
4	1.02	0.01	1.01	1.72	-0.71	0.00	-0.71
5	0.36	0.09	0.27	1.00	-0.73	0.00	-0.73
6	0.16	0.26	-0.10	1.00	-1.10	0.00	-1.10
7	0.09	0.41	-0.32	0.00	-0.32	0.00	-0.32
8	0.06	0.33	-0.27	0.00	-0.27	0.00	-0.27
9	0.05	0.14	-0.09	1.00	-1.09	0.00	-1.09
10	0.04	0.01	0.03	1.00	-0.97	0.00	-0.97
11	0.23	0.01	0.22	1.00	-0.78	0.00	-0.78
12	1.18	0.05	1.13	2.50	-1.37	0.00	-1.37
Stor	1320	88	1250	1100	355	0	355

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST
Stream: UNN STR 17-1560-0130-0010 > FLORAS L
Water Availability Subbasin: 5006000000000000
Time: 11:03 Date: 07/25/1996

	ISWRs					
APP # :	0	0	0	0	0	RESULTANT
STATUS:						
1	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.0	0.0	0.0	0.0
3	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # 80645

MINIMUM REQUIREMENTS TO FILE
OAR 690-11-020

DATE STAMP

DATE	INITIAL	
10-20-95		Name and mailing address of applicant
	DM	Source of water
		Quantity of water
		Map showing location of POD & POU
		Use of water
		Names and addresses of legal owners
		Signature of applicant
		HB 2153/HB 2107 APPLICATION -- SEE REVERSE
		Oath
		Application date stamped per money receipt date
		Land use approved _____ pending _____
		If reservoir < 5 AF $_____, if > 5 AF $_____
		Route to Data Center (Unless 2153/2107)

DATA CENTER

		Stream Code _____
		Entered into WRIS

SUPPORT SERVICES

10/31/95		Stamp contents with application number
		Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
		Place label on file and calender card

APPLICATION SECTION

		Stream Indexed Basin #_____
		Plat Carded and copy made YES NO
		If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

		TR Checklist complete YES NO
		Within Irrigation District_____
		District Notified ___ ___
		District excerpt received ___ ___
		TR Mailed DATE_____
		Public Interest Checklist complete ___ ___
		Management Codes _____

REMARKS: _____

5/94

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

_____ NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).
(date & initials)

_____ Appropriate map (see item 1 on form).

_____ Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

_____ Items 2, 3, 4, 5, and 6 are completed.

_____ Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

_____ Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

_____ Name/address of adjacent property owner within 1/4 mile
_____ Map with scale not less than 2 in.=1 mi.
_____ CWRE map if > 10 feet dam or > 9.2 AF
_____ Description of proposed use
_____ Condition addressed
_____ Resulting benefits

_____ Public notices (circle) #1 #2

(21072153\cklist.S19)

Application No. 80645
Permit No.

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OCT 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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

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

Applicant's Name: MC KENZIE CRANBERRIES INCORPORATED
Address: 92619 Airport Road
City: Sixes *State:* OR *Zip:* 97476 *Day Phone:* 503/348-2217

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
T31S,R15W,S29	TL 3800 (AFD) AGRICULTURAL	X	X	
T31S,R15W,S29	TL 3900 (AFD)	X	X	X
T31S,R15W,S32	TL 100 (AFD)		X	X
T31S,R15W,S32	TL 200 (AFD)	X	X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry County
The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

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

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

☑ *Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):* Sec. 3.061 *. Go to section b) on reverse side.*

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

Version: 8/27/90

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SALEM, OREGON

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOW
Title: PLANNER
Signature: Dianne L. Snow

Date: 10/19/92
Phone: 247-7011

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

Additional Comments:

- IRRIGATION FOR CRANBERRIES
- AN OUTRIGHT USE IN AED ZONE

Oregon

WATER
RESOURCES
DEPARTMENT

October 27, 1995

MCKENZIE CRANBERRIES INC.
92619 AIRPORT RD
SIXES, OR 97476

REFERENCE: File(s) G-14187,R-80646,S-80645

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group--Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,

Ms. Anita McLoud
Water Rights Specialist
Water Rights Division

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

COMPLETENESS DETERMINATION CHECKLIST

COMPLETED

Application #	Review Date	Reviewer
- 86645	10/20/95	

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. 80645
Permit No.

Planning Official Initials:

Description of Water Use

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

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

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WATER RESOURCES DEPT.
SALEM, OREGON

Applicant Name: MC KENZIE CRANBERRIES INCORPORATED
Address: 92619 Airport Road
Sixes, Oregon 97476

Phone: 503/348-2217

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

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

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
[X] Surface Water Name sources: un-named stream	4.38 Cubic feet per second. 1966 Gallons per minute. 63.7 Acre-Feet
[X] Reservoir or pond	
[X] Ground Water	

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SALEM, OREGON

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

Version: 8/30/90

Application No. 80645
Permit No.

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SALEM, OREGON

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

Name	Title	Date
Robert McKenzie III	Pres	oct. 15 1995

Name Title Date

Name Title Date

Name Title Date

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OCT 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

September 29, 1995

McKenzie Cranberries, Inc.
92619 Airport Road
Sixes, OR 97476

We received applications to use and store water. We need additional information so we can accept, review and decide if the applications may be approved.

Please provide the following:

☐ A map showing the place where water is to be used and the place where the water will be diverted (spring, stream, well, etc.). The map must show the **Tax Lot** Township, Range, Sections and Quarter-Quarter section of the property applied for.

☐ The following statement must be signed, dated and included with each application: "I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge." Copies of this statement are enclosed.

The applications, supporting data and check no. 3099 in the amount of $1263.50 are being returned. We will complete our analysis when the applications and information noted above is received.

Please contact the Application/Permits Section at (503) 378-8455 if you have any questions.

Sincerely,

Anita McLoud
Water Rights Specialist

cc: FISCAL
GEN COR

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

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WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 80645
Permit No.

OTE 91-0547

EXHIBIT "A"

PARCEL 1:

The West half of the Southeast quarter, Section 29, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

PARCEL 2:

Northwest quarter of the Northeast quarter , Section 32, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon. ALSO: A parcel of land beginning at the Southwest corner of the Southeast quarter of the Northeast quarter of Section 32, Township 31 South, Range 15 West, Willamette Meridian; thence North 1452.0 feet; thence East 600.0 feet; thence South 1452.0 feet to the Airport Road; thence West 600.0 feet to the Point of Beginning.

EXCEPTING THEREFROM that parcel sold to Robert J. Crossman, et ux, by Deed recorded January 9, 1961 in Volume 60, Page 429, Curry County Deed Records.

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SALEM, OREGON

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SALEM, OREGON

PARCEL II:

The West half of the West half of the Southwest quarter of Section 28; and the East half of the Southeast quarter of Section 29, all in Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

2-4 31-15 TL 3800 UID 56559

PARCEL III:

The East half of the Northeast quarter of Section 32, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon. EXCEPT that portion conveyed by Deeds recorded in Volume 49, Pages 35 and 513, Curry County Deed Records.

2-4 31-15-32 TL 100 UID 170035

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SALEM, OREGON

PFO CHECKLIST

Application #: ___ _____

Basin: _____ WAB: _____

Township _____ Range _____ Section _____ 1/4 1/4 _____

✓ A1. Public Interest Screen Criteria

✓ 1. Is the file complete by the Completeness Checklist?

✓ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)

✓ 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)

N/A 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
___a. Is second groundwater review necessary? (objection)
___b. Is HB 1033 review complete?

N 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.

N 6. Is the Proposed Use located in or above a Scenic Waterway?

N 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)

Y 8. Is the use allowed or limited by the Basin Program?

N/A 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)

New River AOR

NA 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)

✓ 11. Rate See permit for cranberry specs Duty — Irrigation Season —

✓ 12. Period of Allowed Use Nov 1 ~ May 3 — live flow year round — stored water

N 13. Is use from a B.O.R. project and if so, is a signed contract in the file?

N/A 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)

✓ 15. Have conflicts been identified, verified and/or addressed?

✓ 16. Is the use Small (≤0.1cfs, ≤9.2AF), Medium (>0.1 or <1.5cfs, >9.2 or <100AF) or Large (≥1.5 cfs, ≥100 AF)? _____

✓ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO

✓ 18. Fill out Accuracy Checklist

✓ 19. Spell Check

✓ 20. Documents used in determination are attached and highlighted

✓ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
Y a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)

✓ 22. Final PFO report hard copy check (format, margins, etc.)

✓ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Bernadette Date: 10/10/96 BW

Application No. 80645

live flow No4 - may31 no fish screen

RECEIVED
OCT 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

no fish screen measurement

Applicant(s) MC KENZIE CRANBERRIES, INCORPORATED
(Please print or type - use dark ink)

Mailing Address: 92619 Airport Road

Sixes	Oregon	97476	503/348-2217
City	State	Zip	Daytime Phone No.

WM will meet

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 stream & 7 reservoirs
a tributary of Floras Lake.

1.0 cfs by junction

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: ~~2.60~~ cubic feet per second, **OR** _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: 2.60 cfs from an un-named stream and 9.1 a.f. from each of 7 reservoirs, for 63.7 a.f.

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: 100.0

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SEP 26 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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).*

Electric motors with pumps will be located at each point of diversion. The delivery system will consist of plastic pipelines to the place of use and designed such that water from any of the sources may be delivered to, and placed on any of the acreage shown.

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

Proposed date construction work will begin construction started

Proposed date construction work will be completed October 1, 1995

Proposed date water use will be completed October 1, 1998

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: The water to be stored in the seven reservoirs will be for supplemental cranberry use.

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.

Robert Mackey III
Signature of Applicant

Sept. 25 1995
Date

Signature of Co-Applicant, if any

Date

RECEIVED
SEP 26 1995
WATER RESOURCES
SALEM, OREGON

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 Salem, Oregon, on the 20th day of October, 1995, at 8 o'clock, A M.

APPLICATION NO: 80665 PERMIT NO: _____

A:APPFORM 9/89

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **129598**

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

INVOICE #_____

RECEIVED FROM: McKenzie Cranberries

BY:

APPLICATION	80645
PERMIT	
TRANSFER	

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

TOTAL REC'D $ 1263.50

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS		$
831.087	PUBLICATIONS / MAPS		$
830.650	PARKING FEES Name / month		$
_____	OTHER: (IDENTIFY)		$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS VOUCHER # $

03-00-0 WRD OPERATING ACCT

Balance of fees on receipt 129602, 129603

MISCELLANEOUS

840.001	COPY FEES		$
850.200	RESEARCH FEES		$
880.109	MISC REVENUE: (IDENTIFY)		$
520.000	OTHER (P-6) (IDENTIFY)		$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
842.001	SURFACE WATER	$ 200	842.002	$ 280
842.003	GROUND WATER	$	842.004	$
842.005	TRANSFER	$	842-006	$

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	$	842.023	$
	LANDOWNER'S PERMIT		842.024	$

_____ OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	$	CARD #	
_____	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	$

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		$
842.115	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

RECEIPT # **129598** DATED: 10-20-95 BY: Flo Fissner

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

Application File # 80645

MINIMUM REQUIREMENTS TO FILE
OAR 690-11-020

DATE STAMP

DATE	INITIAL	
10-20-95		Name and mailing address of applicant
	(DM)	Source of water
		Quantity of water
		Map showing location of POD & POU
		Use of water
		Names and addresses of legal owners
		Signature of applicant
		HB 2153/HB 2107 APPLICATION -- SEE REVERSE
		Oath
		Application date stamped per money receipt date
		Land use approved _____ pending _____
		If reservoir < 5 AF $_____, if > 5 AF $_____
		Route to Data Center (Unless 2153/2107)

DATA CENTER

		Stream Code _____
		Entered into WRIS

SUPPORT SERVICES

10/31/95		Stamp contents with application number
		Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
		Place label on file and calender card

APPLICATION SECTION

		Stream Indexed Basin #_____
		Plat Carded and copy made YES NO
		If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

		TR Checklist complete YES NO
		Within Irrigation District_____
		District Notified ___ ___
		District excerpt received ___ ___
		TR Mailed DATE_____
		Public Interest Checklist complete ___ ___
		Management Codes _____

REMARKS: _____

5/94

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

_____ NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).
(date & initials)

_____ Appropriate map (see item 1 on form).

_____ Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

_____ Items 2, 3, 4, 5, and 6 are completed.

_____ Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

_____ Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

_____ Name/address of adjacent property owner within 1/4 mile
_____ Map with scale not less than 2 in.=1 mi.
_____ CWRE map if > 10 feet dam or > 9.2 AF
_____ Description of proposed use
_____ Condition addressed
_____ Resulting benefits

_____ Public notices (circle) #1 #2

Application No. 80645
Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON

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

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

Applicant's Name: MC KENZIE CRANBERRIES INCORPORATED
Address: 92619 Airport Road
City: Sixes *State:* OR *Zip:* 97476 *Day Phone:* 503/348-2217

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
T31S,R15W,S29	TL 3800 (AFD) AGRICULTURAL	X	X	
T31S,R15W,S29	TL 3900 (AFD)	X	X	X
T31S,R15W,S32	TL 100 (AFD)		X	X
T31S,R15W,S32	TL 200 (AFD)	X	X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry County
The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

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

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

Version: 8/27/90

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WATER RESOURCES DEPT.
SALEM, OREGON

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOW

Title: PLANNER

Date: 10/19/92

Phone: 247-7011

Signature: Dianne L. Snow

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

Additional Comments:

- IRRIGATION FOR CRANBERRIES
- AN OUTRIGHT USE IN AFD ZONE

Oregon

WATER
RESOURCES
DEPARTMENT

October 27, 1995

MCKENZIE CRANBERRIES INC.
92619 AIRPORT RD
SIXES, OR 97476

REFERENCE: File(s) G-14187,R-80646,S-80645

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group--Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,

Ms. Anita McLoud
Water Rights Specialist
Water Rights Division

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

COMPLETENESS DETERMINATION CHECKLIST

COMPLETED

Application #	Review Date	Reviewer
-86045	10/20/95	

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. 80645

Permit No.

Local Initials:

Description of Water Use

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

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

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Applicant Name: MC KENZIE CRANBERRIES INCORPORATED
Address: 92619 Airport Road
Sixes, Oregon 97476
Phone: 503/348-2217

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

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

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
[X] Surface Water Name sources: un-named stream	4.38 Cubic feet per second. 1966 Gallons per minute. 63.7 Acre-Feet
[X] Reservoir or pond	
[X] Ground Water	

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

Version: 8/30/90

Application No. 80645
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SALEM, OREGON

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

Name	Title	Date
Robert McKenzie III	Pres	oct. 15 1995

Name Title Date

Name Title Date

Name Title Date

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SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

September 29, 1995

McKenzie Cranberries, Inc.
92619 Airport Road
Sixes, OR 97476

We received applications to use and store water. We need additional information so we can accept, review and decide if the applications may be approved.

Please provide the following:

☐ A map showing the place where water is to be used and the place where the water will be diverted (spring, stream, well, etc.). The map must show the **Tax Lot** Township, Range, Sections and Quarter-Quarter section of the property applied for.

☐ The following statement must be signed, dated and included with each application: "I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge." Copies of this statement are enclosed.

The applications, supporting data and check no. 3099 in the amount of $1263.50 are being returned. We will complete our analysis when the applications and information noted above is received.

Please contact the Application/Permits Section at (503) 378-8455 if you have any questions.

Sincerely,

Anita McLoud
Water Rights Specialist

cc: FISCAL
GEN COR

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

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Application No. 80645
Permit No.

OTE 91-0547

EXHIBIT "A"

PARCEL 1:

The West half of the Southeast quarter, Section 29, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

PARCEL 2:

Northwest quarter of the Northeast quarter , Section 32, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon. ALSO: A parcel of land beginning at the Southwest corner of the Southeast quarter of the Northeast quarter of Section 32, Township 31 South, Range 15 West, Willamette Meridian; thence North 1452.0 feet; thence East 600.0 feet; thence South 1452.0 feet to the Airport Road; thence West 600.0 feet to the Point of Beginning.

EXCEPTING THEREFROM that parcel sold to Robert J. Crossman, et ux, by Deed recorded January 9, 1961 in Volume 60, Page 429, Curry County Deed Records.

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PARCEL II:

The West half of the West half of the Southwest quarter of Section 28; and the East half of the Southeast quarter of Section 29, all in Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

2-4 31-15 TL 3800 UID 56559

PARCEL III:

The East half of the Northeast quarter of Section 32, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon. EXCEPT that portion conveyed by Deeds recorded in Volume 49, Pages 35 and 513, Curry County Deed Records.

2-4 31-15-32 TL 100 UID 170035

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WATER RESOURCES DEPT.
SALEM, OREGON

A98

Application No. S-80645
53011

Name MCKENZIE CRANBERRIES INC.

Address ~~92619 AIRPORT RD~~
~~SIXES, OR 97476~~

Assigned

Address

Beginning construction 1-31-98

Completion of construction 10-1-99

Extended to

Complete application of water 10-1-00

Extended to

Form 111

USPS TRACKING #



9590 9402 2005 6123 9204 51

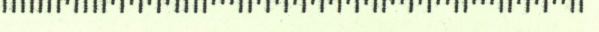


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

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

Oregon Water Resources Department
725 Summer St NE, STE A
Salem, OR 97301



SENDER: *COMPLETE THIS SECTION*

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

McKenzie Cranberries Inc.
PO Box 1362
Port Orford, OR 97465 S-80645

9590 9402 2005 6123 9204 51

2. Article Number *(Transfer from service label)*
7016 0340 0000 0163 6968

PS Form 3811, July 2015 PSN 7530-02-000-9053 WR's JKS

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☒ Addressee

B. Received by *(Printed Name)* Robert McKenzie C. Date of Delivery 06/19/17

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

RECEIVED
JUN 22 2017
OWRD

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 129598

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

INVOICE #_____

RECEIVED FROM: McKenzie Cranberries
BY: _____

APPLICATION	80645
PERMIT	
TRANSFER	

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

TOTAL REC'D $ 126.35

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS		$
831.087	PUBLICATIONS / MAPS		$
830.650	PARKING FEES Name / month		$
_____	OTHER: (IDENTIFY)		$

REDUCTION OF EXPENSE

CASH ACCT. _____

COST CENTER AND OBJECT CLASS _____ VOUCHER # _____ $ _____

03-00-0 WRD OPERATING ACCT

Balance of fees on receipt 129598, 129602

MISCELLANEOUS

840.001	COPY FEES		$
850.200	RESEARCH FEES		$
880.109	MISC REVENUE: (IDENTIFY)		$
520.000	OTHER (P-6) (IDENTIFY)		$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
842.001	SURFACE WATER	$ 200	842.002	$ 280
842.003	GROUND WATER	$	842.004	$
842.005	TRANSFER	$	842-006	$

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	$	842.023	$
	LANDOWNER'S PERMIT		842.024	$

_____ OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	$	CARD #	
_____	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	$

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		$
842.115	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION	_____	$

RECEIPT # 129598 DATED: 10-20-95 BY: Flo Lissne

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