

Assigned

FILE#: R 73022

LOSHBAUGH INC.
PO BOX 857
BANDON, 97411

Application No. R-73022

Permit No. R12106

Certificate No. _____

Coos

Stream Index, Page No. 17

See file 73023 *and 613522*
17-1565-0010
✓ 3 Fourmile Cr. area

FEES PAID		
Date	Amount	Receipt No.
12/1/92	\$0.00	94643
3/23/15	85.00	115247
3/23/15	575.00	115247
FEES REFUNDED		
Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until Cancel n c/p

Return to applicant _____

Date of approval 1-31-97

CONSTRUCTION

Date for beginning 1-31-98

Date for completion 10-1-99

Extended to 10-1-2025

Date for application of water 10-1-00

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed 5/3/00-

FINAL PROOF

CBW due 5/3/01

Blank mailed _____

Proof received FPD 3/25/2004

Date Certificate issued _____

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page
3-18-15	Earl A. Lang	86929 Loshbaugh Ln. Bandon, OR 97411		

REMARKS

R12106

Application # R-73022

Permit # R-12106

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

◆ **WRIG...**

Money Received on: 3-18-15

◆ **Extension Specialist...**

Added to tracking spreadsheet

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

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 3/31/15

Update WRIS Database

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

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

Yes or No: Return file to Extension Specialist after PN Corey

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: R-73022 Permit: R-12106 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: Earl A. Lang 86929 Loshbaugh Ln Bandon, OR 97411

Permit Holder's Mailing Address: _____ email earl_merri@hotmail.com

Phone Number: (541) 404-1038

POD Location: Township _____ Range _____ Section _____ 1/4 _____

Drainage Basin: 17 County: Cos Watermaster District: 19 Watermaster: Vacant
South Coast

Date Permit was issued: January 31, 1997 Priority Date: December 1, 1992 Date of PN: 3-31-15

Source: An unnamed stream, tributary of Fourmile Creek

Use: To be appropriated under Application S-73023, Permit 53001 for supplemental cranberry operations

"Q": 5.0 AF

Orig "A" Date: January 31, 1998 Orig "B" Date: 10/1/1999 Orig "C" Date: 10/1/2000

Extension request rec'd: 3-18-15 Last Authorized "B" Date: 10/1/ Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): 1 Proposed "B" Date: 10/1/2025 Proposed "C" Date: 10/1/2025

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Totalizing flow meter (meter installed - letter from WM rec'd 5-5-00)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Outlet pipe
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

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

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$6,000 Estimated Remaining Cost: \$10,000
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 2.2 cfs gpm af of the total permitted quantity of water on _____ acres

GW REVIEW: Y cc
 MITIGATION REVIEW: Y N

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

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

Identify the closest surface water or localized water basin.

Fourmile Creek

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

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

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

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

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

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

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

5-year Progress Report Checkpoints (Years: 2019, 2024)

Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____

Protest Deadline Date: _____

Reviewer's Name: _____

Corey C

Date: _____

3-27-15

R-73022

Completeness Checklist for Permit Extension of Time Application

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

1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____
If the permit has been cancelled, the Extension Application cannot be accepted.
3. Is the extension applicant's name and mailing address supplied? _____
If yes, is the applicant a permit holder of record (i.e., permit issued or assigned to them)? _____

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

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

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

4. Is the appropriate Extension of Time Application used? _____
If the wrong application form is used, the Extension Application cannot be accepted.
- If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."

5. Are the requested date(s) for extension identified (Page 1)? _____
- Check the permit to see if it includes a "B-Date" and/or a "C-Date."
 - "B-Date" = date by which construction of the water delivery system for the permit is to be completed.
 - "C-Date" = date by which full beneficial use of water under the permit is to be accomplished.

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

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

6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____
(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)

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

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

7. Are all questions on the application answered? _____
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

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

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

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

■ Municipal/Quasi-Municipal Permit Extension Applications:

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

8. Has the \$575 fee been paid? _____
 *If applicable, has the \$85 fee for the Assignment been paid? _____
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)

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

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

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

Reviewed by: M. Bauer Date: 3-25-15



Oregon
Kate Brown, Governor

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

March 27, 2015

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-73022 (Permit R-12106)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, Earl A Lang

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

the holder of: Application Number R-73022 Permit Number R-12106 [OAR 690-315-0020(3)(b)]

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

86929 Loshbaugh Ln
 MAILING ADDRESS

97411
 CITY, STATE, ZIP

(541) 404-1038
 PHONE

earl_merri@hotmail.com
 E-MAIL ADDRESS

X **do hereby request that** the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month 10 Day 1 Year 2000, be extended to October 30, Year 2025.

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

and

do hereby request that the time to complete construction of the water system, which now expires on Month 10 Day 1 Year 1999, be extended to October 30, Year 2025

Sign after completing the entire application, questions 1-11.

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

Earl A Lang 3-13-15
 Signature Date

Printed Name/Title Earl A Lang Owner

MAIL COMPLETED and SIGNED APPLICATION with the \$575 STATUTORY FEE TO:

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

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

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

Reference materials needed to complete this Application:

- **Water right permit.** A copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (using the link to the Water Rights Information System (WRIS)). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (copy fees will apply).
- **Documentation** which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Helpful information for completing this Application:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form.** The form *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits* is at the following link: <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the permit terms & conditions.
- The attached *Instructions for Completing an Application for Extension of Time for a Water Right Permit* will help you answer each question on the application. If, after reading the instructions, you need assistance, please call the Extensions Specialist at 503-986-0900.
- Permit extensions are evaluated under OAR Chapter 690, Division 315, which may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>. Please note that OWRD may require additional information, if necessary, to evaluate the application per OAR 315-0020(3)(n).
- OWRD will review applications received for completeness and will return incomplete or deficient applications per OAR 690-315-0040(1)(a) to the applicant.

Questions to Complete this Application for Extension of Time

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

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

1. Did the "actual construction" of the water system/well drilling begin within the time specified in the permit? Yes No N/A, if not specified in this permit

Date "actual construction" began is: January 1, 1997

Describe details of construction: A dragline was used to dig a reservoir(pond) below ground level. The dirt was used to make a small brim around pond, a twelve inch pipe was put though brim to allow extra water to escape. The pond was dug 14 feet deep, with a surface area of 0.3 acres. Total capacity of pond is 2.2 acre feet.

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

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

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

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

CHART-A

Condition Number	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	5/3/2000	See letter from John Drolet(Watermaster,District 19 dated 5/3/00
2	8/23/2000	Emergency overflow spillway- 12 inch diameter C.M.P. though brim

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

CHART-B

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
	10/1/2025	premit R-12106 had a maximum volume of 5.0 Acre feet. The pond was only dug to 2.2 acre feet.. Do to difference in operation by new owner the full capacity is needed.

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

3-A. Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the original permitted time period.

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

CHART-C

DATE	LIST & DESCRIBE WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST*
	Not known. Previous owner Loshbaugh Inc. did not forward info when property was sold and has since passed away.	
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE FOR COMPLETE APPLICATION OF WATER	COST*
	Date the permit was signed - find date above signature on last page of permit.	
1/3/1997	See Question #1	
	Guestiment	\$6,000.00
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
0	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER DATE FOR COMPLETE APPLICATION OF WATER UP TO NOW Complete if this is your first request for extension of time.	COST*
10/1/2000	Due to change of ownership, management and operation of farm have changed making it a worth-while project to compete to maximum size	\$10,000.00
	NO work has been done since 10/1/2000	
*Total Cost for Chart-C		\$16,000.00

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

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IF this is your first Application for an Extension of Time, write NA in Chart D below and proceed to question 4 at the bottom of this page.

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

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

CHART-D

DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	N/A	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXPIRED EXTENSION PERIOD UP TO NOW	COST*
	N/A	
Total Cost of Chart-D		

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

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4. [OAR 690-315-0020(3)(f)]
Cost of project to date: \$6,000.00
(The total combined cost from CHART-C and CHART-D)

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

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

TIP: Report the rate used to date in the same units of measurement as specified in the permit. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

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

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

or

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

or

Acre-feet stored to date = 2.2 AF *Eal*

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

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

CHART-E

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

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

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

Well # _____: Actual location: _____

Well # _____: Actual location: _____

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

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

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

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

Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
6/1/2015	Dig and move dirt, making pond to full capacity	\$10,000.00
	Much of this work is dependent on a upturn in the cranberry market.	
Year: 2025	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
8.	Estimated remaining total cost to complete the water development: [OAR 690-315-0020(3)(g)]	\$10,000.00

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

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

9-A) Is the project of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit? If yes, describe.

No. Original permit holder did not dig reservoir to full capacity.

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

no

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

NO

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

Yes. Change of ownership and Management methods have made it a necessity to complete the project.

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

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

Due to the time and expense to complete the project: the dirt has to be dug out and hauled away because of limited space. I have given ample time for the cranberry market to turn-around so I can put together enough money and have the time to do the work.

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

RECEIVED BY OWRD

MAR 18 2015

SALEM, OR

Thank you for submitting a complete and accurate application. Remember to sign the front page.

If you have questions or need assistance, please ask to speak with the Department's Extension Specialist by calling 503-986-0900 during business hours.

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INSTRUCTIONS FOLLOW ON NEXT PAGE

RECEIVED BY OWRD

MAR 18 2015

SALEM, OR

MAR 18 2015

SALEM, OR



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

Request for Assignment

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

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

I, Earl A Lang

(Name of Party Requesting Assignment)

86929 Loshbaugh Ln

(Mailing Address)

Bandon

(City)

OR 97411

(State) (Zip)

(503) 404-1038

(Phone #)

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

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

Application # R-73022

; Permit # R-12106

; Transfer# _____

-OR-

License # _____

GR Statement # _____

; GR Certificate of Registration # _____

Loshbaugh Inc.

(Name of Holder of Record)

William Loshbaugh (deceased)

P O Box 857

(Mailing Address)

Bandon

(City)

OR 97411

(State) (Zip)

(Phone #)

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

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

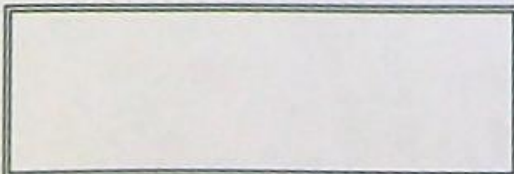
Witness my hand this 12 day of March, 2015.

Party Requesting Assignment

Earl A Lang

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX



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



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

March 26, 2015

Merri and Earl Lang
86929 Loshbaugh Ln.
Bandon, Oregon 97411

Reference: Application R-73022, Permit R-12106 – Application S-73023, Permit S-53001

The assignment by proof from Loshbaugh Inc. to Earl A. Lang has been recorded in the records of the Water Resources Department.

The Departments records will now show Earl A. Lang as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 115247 covering the recording fees is also enclosed.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 115247

cc: Watermaster 19
Loshbaugh, Inc
Data Center, OWRD (cover letter & request)
Hydrographics
File



MAR 18 2015



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

SALEM, OR

Request for Assignment

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

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

I, Earl A Lang
(Name of Party Requesting Assignment)

86929 Loshbaugh Ln Bandon OR 97411 (503) 404-1038
(Mailing Address) (City) (State) (Zip) (Phone #)

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

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

Application # R-73022 ; Permit # R-12106 ; Transfer# _____
-OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

Loshbaugh Inc. William Loshbaugh (deceased)
(Name of Holder of Record)

P O Box 857 Bandon OR 97411
(Mailing Address) (City) (State) (Zip) (Phone #)

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

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

Witness my hand this 12 day of March, 2015.

Party Requesting Assignment Earl A Lang

Party Requesting Assignment _____

ASL/LEN PROOF
JA 3/24/2015

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon. Fee receipt # 115247
For Director by Jerry Sauter, Program Analyst in Water Rights Division J. Sauter

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

Records have been redacted or withheld pursuant to the exemption for vital records specified in ORS 432.350.

MAR 18 2015

SALEM, OR

Mar. 13, 2015

Cory Courchase

Please find a check for \$1320.00 enclosed.

this check is for:

2 - Request for Assignment	\$170.00
2 - Application for Extension Time	1150.00
	<hr/>
	1320.00

These Requests for Assignments and Application for Extension of Time are for:

- Application R-73022 Permit R-12106
- Application R-73023 Permit S-53001

Also included are copies of:

- Water Supply Well Report
- Pump Test Cover sheet
- Pump Test Data sheet.

These are for Application G-13522
permit G 13027

If you have any Questions please call me
at (541) 404-1038.

Thank you for your help

Earl A. Long

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **115247**

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

INVOICE # _____

RECEIVED FROM: Merri L. Lang
BY: Earl A. Lang

APPLICATION	SEE BELOW
PERMIT	
TRANSFER	

CASH: CHECK: # 7910 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,320.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) (a) Assignment \$ 170.00
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME (a) 20 575.00 \$ 1150.00

WATER RIGHTS:

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT		0220 LICENSE FEE \$ _____
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: **115247**

DATED: 3/18/15 BY: Maurice Anderson

Oregon Water Resources Department
Water Right Services Division

PROPOSED FINAL ORDER

In the Matter of the Application for an Extension of Time for Permit R-12106, Water Right Application R-73022, in the name of Earl A Lang.

Permit Information

Application:	R-73022
Permit:	R-12106
Basin:	17 – South Coast / Watermaster District 19
Date of Priority:	December 1, 1992
Source of Water:	An unnamed stream, tributary of Fourmile Creek
Purpose of Use:	To be appropriated under Application S-73023 for Supplemental Cranberry operations
Maximum Volume:	5.0 acre-feet per year (AF)

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

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 1999 to October 30, 2025.
- Grant an extension of time to apply water to full beneficial use from October 1, 2000 to October 30, 2025.¹
- Make the extension subject to certain conditions set forth below.

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

¹ Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE

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

AUTHORITY

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

ORS 537.230(3) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

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

FINDINGS OF FACT

Background

1. Permit R-12106 was granted by the Department on January 31, 1997. The permit authorizes storage of up to 5.0 AF of water in an unnamed reservoir from an unnamed stream, tributary of Fourmile Creek, to be appropriated under Application S-73023, Permit 53001 for Supplemental Cranberry operations. The permit specified actual construction was to begin by January 31, 1998, 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. On March 26, 2015, an assignment from Loshbaugh, Inc. to Earl A. Lang was recorded in the records of the Department.
3. The permit holder, Earl A. Lang, submitted an "Application for Extension of Time" to the Department on March 18, 2015, requesting the time to complete construction of the water system extended from October 1, 1999 to October 30, 2025 and the time to apply water to full beneficial use under the terms of Permit R-12106 be extended from October 1, 2000 to October 30, 2025. This is the first permit extension requested for Permit R-12106.
4. Notification of the Application for Extension of Time for Permit R-12106 was published in the Department's Public Notice dated March 31, 2015. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³ and/or 539.010(5)⁴.

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

5. On March 18, 2015, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Actual construction of the water system began prior to the January 31, 1998 deadline specified in the permit. According to the permit holder, construction of the reservoir began January 1, 1997.

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

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

7. According to the permit holder as of March 18, 2015, the remaining work to be completed consists of expanding the capacity of the reservoir to meet the maximum volume authorized by Permit R-12106; completing construction of the water system; and applying water to full beneficial use, by appropriating the remaining 2.8 AF.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 30, 2025, to complete construction of the water system and to accomplish the application of water to beneficial use under the

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

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

terms and conditions of Permit R-12106 is both reasonable and necessary.

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

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

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

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

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

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Actual construction of the water system began prior to the January 31, 1998 deadline specified in the permit. According to the permit holder, construction of the reservoir began January 1, 1997. Completion for the construction of the reservoir is unknown, as construction was performed by the prior landowner.
 - b. Work was completed during the original development time frame under Permit R-12106. According to the permit holder, an emergency overflow spillway was constructed August 23, 2000.

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

10. According to the water user a maximum rate of 2.2 AF of water has been appropriated from the reservoir.

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

11. The water right permit holder's conformance with the permit conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns. The record does show the permit holder has installed a water meter and outlet pipe.

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

12. According to the permit holder as stated on the Application for Extension of Time, as of March 18, 2015 they have invested approximately \$6,000, which is about 37.5 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$10,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit R-12106.

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

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

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-12106; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The point of diversion is located on a tributary of Fourmile Creek, and is not located within a Withdrawn Area. The tributary of Fourmile Creek is not located within or above a state or federal scenic waterway, however, it is located within an area ranked "Highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of diversion is not in a location listed by the Department of Environmental Quality as a water quality limited stream.
15. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
17. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and

perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

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

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

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

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

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

20. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit R-12106, in that the original permit holder did not dig the reservoir to full capacity, and change of ownership and management methods have made it a necessity to complete the project, which restricted their ability to complete development of the project in a timely manner.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 30, 2025⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

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

6. As required by OAR 690-315-0050(6) and as described in Finding 17, above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit R-12106.

Continued on the following page

PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit R-12106 from October 1, 1999 to October 30, 2025.

Extend the time to apply water to beneficial use under Permit R-12106 from October 1, 2000 to October 30, 2025.

Subject to the following conditions:

CONDITIONS

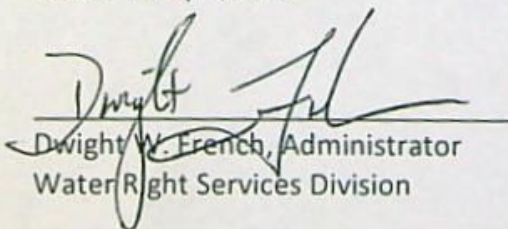
1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019 and 2024**. *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 5, 2015


Dwight W. French, Administrator
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **June 19, 2015**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

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

Mailing List for Extension PFO Copies

PFO Date: May 5, 2015

Copies Mailed

Application: R-73022

By: KF

Permit: R-12106

On: 5/5/15

Original mailed to Applicant:

Earl A Lang
86929 Loshbaugh Ln
Bandon, OR 97411

Copies sent to:

1. WRD - App. File R-73022/ Permit R-12106

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 19, Vacant

CASEWORKER: CAC

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number R-73022

FINAL ORDER

Extension of Time for Permit Number R-12106
Permit Holder: Earl A Lang

Permit Information

Application:	R-73022
Permit:	R-12106
Basin:	17 – South Coast / Watermaster District 19
Date of Priority:	December 1, 1992
Source of Water:	An unnamed stream, tributary of Fourmile Creek
Purpose of Use:	To be appropriated under Application S-73023, for Supplemental Cranberry operations
Maximum Volume:	5.0 acre-feet per year (AF)

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

Appeal Rights

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

Application History

Permit R-12106 was issued by the Department on January 31, 1997. The permit specified actual construction to begin by January 31, 1998, completion of construction by October 1, 1999, and complete application of water to beneficial use by October 1, 2000. On March 18, 2015, Earl A Lang submitted to the Department an Application for Extension of Time for Permit

R-12106. In accordance with OAR 690-315-0050(2), on May 5, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1999 to October 30, 2025 and the time to apply water to full beneficial use from October 1, 2000 to October 30, 2025. The protest period closed June 19, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated May 5, 2015.

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

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019 and 2024. A form is enclosed with this Final Order.**

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

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

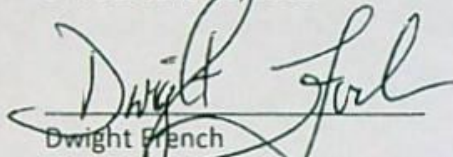
CONCLUSION OF LAW

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

ORDER

The extension of time for Application R-73022, Permit R-12106, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1999 to October 30, 2025. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2000 to October 30, 2025.

DATED: June 26, 2015



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

-
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Earl A Lang

Application R-73022

Permit R-12106

Progress Report Form for 2019

Report Due no later than October 1, 2019

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit R-12106. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between March 18, 2015 and October 1, 2019	FINANCIAL INVESTMENT

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

3. Total number of acres irrigated to date : _____ (NA if not applicable)

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

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

or

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

or

Acre Feet stored to date = _____ AF

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

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

Signature _____ Date _____

Printed Name/Title _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Mailing List for Extension FO Copies

FO Date: June 26, 2015

Copies Mailed

Application: R-73022

By: KF

Permit: R-12106

On: 6/26/15

Original mailed to permit holder

Earl A Lang
86929 Loshbaugh Ln
Bandon, OR 97411

Copies sent to:

1. WRD - App. File R-73022/ Permit R-12106

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 19, Vacant

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by _____ Date _____

CASEWORKER: CAC



Oregon

John A. Kitzhaber, MD, Governor

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

January 22, 2015

Earl A. Lang
86929 Loshbaugh Ln.
Bandon, OR 9741

RE: Application G-13522
Application S-71114
Application R-73022
Application S-73023

Dear Earl,

As we discussed, I have enclosed copies of the permits, application maps, and Claims of Beneficial Use for the above referenced files.

In addition, I have enclosed copies of other water rights that may cover lands under your ownership. I was not sure how far to the east your ownership extended, so there may be some rights that do not apply.

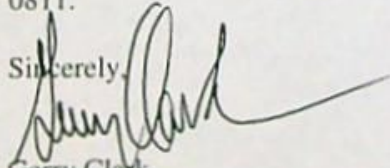
Because the Watermaster that covered your area recently retired, you may need to discuss your water rights with the Regional Office located in Medford. They can be reached at 541-774-6880.

I have included enough Assignment by proof of ownership forms for your use to assign the four applications identified above. If you have questions concerning the completion of the Assignment forms, you can call Jerry Sauter at 503-986-0817.

I have also enclosed several copies of the Permit Extension of Time form for your use. If you have any questions concerning the completion of the Assignment forms, you can contact Mabelle Bamberger at 503-986-0802.

If you have any additional questions related to the proposed certificates, please feel free to contact me at 503-986-0811.

Sincerely,



Gerry Clark
Water Rights Specialist
Certificates

cc: file

enclosures

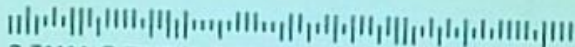


S-71114, R-73023 & S-73022

LOSHBAUGH INC.

PO BOX 857

BANDON, OR 97411



S-71114, R-73023 & S-73022

EARL A. LANG

MERRI L. LANG

86929 LOSHBAUGH LN.

BANDON, OR 97411-7295

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-73022

Permit: R-12106

Certificate: *****

Permit/Certificate Holder:

✓ LOSHBAUGH INC.
PO BOX 857
BANDON OR 97411

Copies Mailed	
by:	<u>Liz Lopez</u> (STAFF)
on:	<u>JAN 16 2015</u> (DATE)

Copies of Final Certificate to be sent to:

- ✓ 1. Watermaster District 19
- 2. ~~Data Center (include copy of map)~~
- 3. ~~Water Availability~~
- 4. ~~Vault~~
- ✓ 5. File R-73022

Other persons to receive copies: (include map):

- 1. James F. Gosson, CWRE #54 *(Not on WR Examiner Query)*

Current Landowner

- ✓ 1. Earl A. Lang
Merri L. Lang
86929 Loshbaugh Ln.
Bandon, OR 97411-7295
T.30S. R.15W. SEC. 1, Tax Lot #1900
T.30S. R.15W. SEC. 12, Tax Lot #100
T.30S. R.15W. SEC. 12, Tax Lot #500

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOSHBAUGH INC.
PO BOX 857
BANDON OR 97411

confirms the right to store water perfected under the terms of Permit R-12106. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-73022

SOURCE: AN UNNAMED STREAM, TRIBUTARY OF FOURMILE CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE or USE: TO BE APPROPRIATED UNDER APPLICATION S-73023, PERMIT 53001 FOR SUPPLEMENTAL CRANBERRY OPERATIONS

MAXIMUM STORAGE VOLUME: 2.2 ACRE FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 1, 1992

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	1	SE SW	1110 FEET NORTH & 1130 FEET WEST FROM S1/4 CORNER, SECTION 1

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
30 S	15 W	WM	1	SE SW

FINAL PROOF SURVEY MAP

IN THE NAME OF LOSHBAUGH INCORPORATED

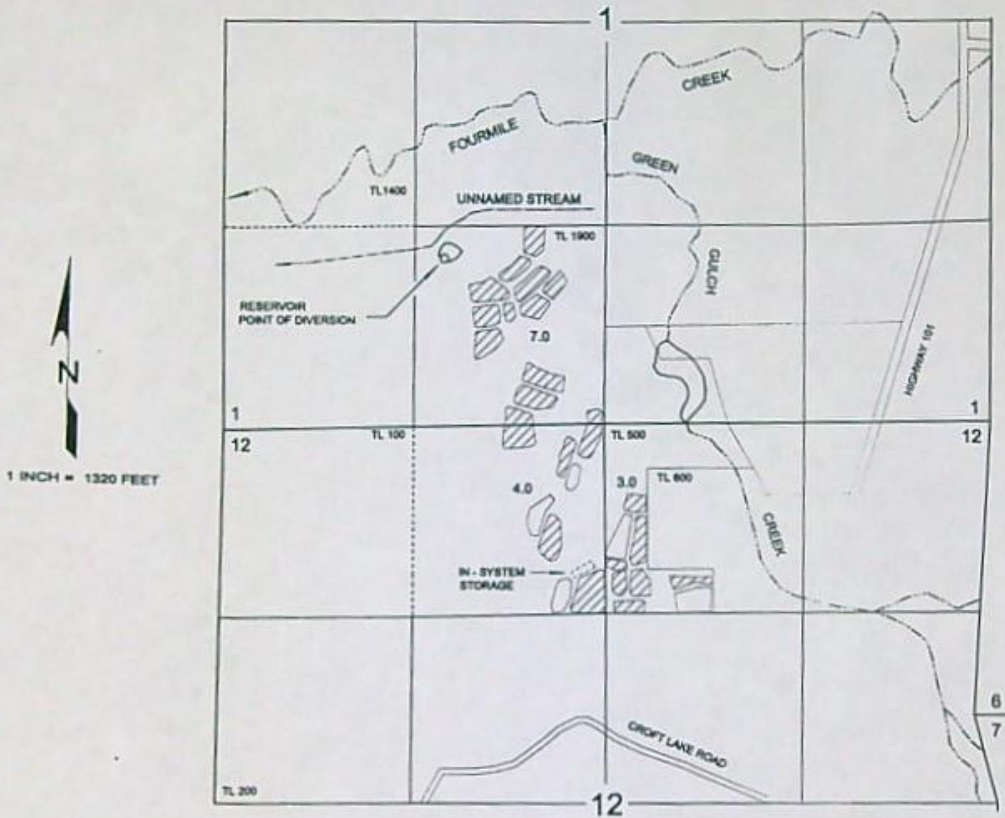
APPLICATION R-73022

PERMIT R - 12106

APPLICATION S-73023

PERMIT 53001

SECTIONS 1 & 12, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.



THE RESERVOIR POINT OF DIVERSION IS LOCATED 1110 FEET NORTH AND 1130 FEET WEST FROM THE SOUTH QUARTER CORNER OF SECTION 1; BEING WITHIN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; COOS COUNTY.

RECEIVED

MAR 25 2004

WATER RESOURCES DEPT.
SALEM, OREGON



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

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOSHBAUGH INC.
PO BOX 857
BANDON OR 97411

confirms the right to store water perfected under the terms of Permit R-12106. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-73022

SOURCE: AN UNNAMED STREAM, TRIBUTARY OF FOURMILE CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE or USE: TO BE APPROPRIATED UNDER APPLICATION S-73023, PERMIT 53001 FOR SUPPLEMENTAL CRANBERRY OPERATIONS

MAXIMUM STORAGE VOLUME: 2.2 ACRE FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 1, 1992

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	1	SE SW	1110 FEET NORTH & 1130 FEET WEST FROM S1/4 CORNER, SECTION 1

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
30 S	15 W	WM	1	SE SW

Measurement, recording and reporting conditions:

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior to downstream rights.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriating facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility authorized by this right.

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

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

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

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

Issued _____.

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

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-73022 ✓

Permit: R-12106 ✓

Certificate: *****

Permit/Certificate Holder:

LOSHBAUGH INC.
PO BOX 857
BANDON OR 97411

Copies Mailed	
by: _____	(STAFF)
on: _____	(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 19
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File R-73022

Other persons to receive copies: (include map):

1. James F. Gosson, CWRE #54

Current Landowner

1. Earl A. Lang
Merri L. Lang
86929 Loshbaugh Ln.
Bandon, OR 97411-7295
T.30S. R.15W. SEC. 1, Tax Lot #1900
T.30S. R.15W. SEC. 12, Tax Lot #100
T.30S. R.15W. SEC. 12, Tax Lot #500

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <i>R-73022</i>	Permit # <i>R-12106</i>	Transfer #
WRD Reviewer <i>Lanaya Blakely</i>	Date <i>10-23-14</i>	
WRD Peer Reviewer <i>Machelle Bamberg</i>	Date <i>12-29-14</i>	

Research

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

Reviewing Claim

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

- ~~NA~~ Fish Conditions
_____ Meter/measuring device *shall*
- ~~NA~~ Water Use Reporting *may*
- ~~NA~~ Pump Test (post December 19, 1988)
- ~~YES~~ Other Conditions *outlet pipe*
- ~~NA~~ SWL
_____ C-Date *10-1-00*

_____ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

mail out w/ S-71114, S-73023

Determination

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

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

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

Processing

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

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

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

<input type="checkbox"/> Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

CLAIM OF BENEFICIAL USE AND SITE REPORT

IN THE NAME OF LOSHBAUGH INCORPORATED

APPLICATION R-73022

PERMIT R-12106

SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 West, W.M.

GENERAL INFORMATION

The methods used to determine the information contained in this document are:

1. Examination of Permit R-12106,
2. Examination of Assessor Map 30-15-1,
3. Examination of U.S.G.S. Quadrangle Map,
4. On-site survey, 23 August, 2000,
5. Interview with William Loshbaugh, 23 August, 2000.

USE, AND AMOUNT OF USE

2.2 acre-feet for supplemental cranberry use.

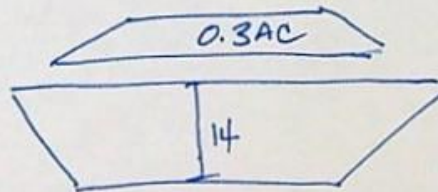
DESCRIPTION OF DAM AND RESERVOIR

An off-channel, excavated reservoir in the Fourmile Creek drainage basin having a contributing drainage area of less than five acres; the primary sources being direct precipitation, and reclaimed water from adjacent cranberry bogs.

Control Works: The reservoir being totally excavated, no control works exists.

Maximum Dam Height: (no dam),
Maximum Water Depth: 14 feet,
Emergency Overflow Spillway; 12-inch diameter C.M.P.,
Side slopes: 1:1,
Reservoir Surface Area: 0.3 acre,
Reservoir Capacity: 2.2 acre feet.

Clay Jordan
Jon. Youngquist
672-5692



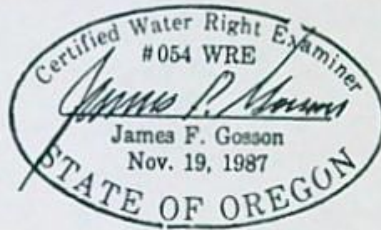
RECEIVED

MAR 25 2004

WATER RESOURCES DEPT
SALEM, OREGON

CERTIFICATION

The Final Proof Survey Map and Site Inspection Report of Permit R-12106 was completed by James F. Gosson, Certified Water Right Examiner #54, on 23 August, 2000, and the facts contained herein are correct to the best of my knowledge.



I, William Loshbaugh, of Loshbaugh Incorporated, agree with the findings of James F. Gosson, Certified Water Right Examiner #54, and submit this site report and map as the Claim of Beneficial Use of Permit R-12106.

Signature William Loshbaugh

4/25/01
Date

RECEIVED
MAR 25 2001
WATER RESOURCES DIV
SALEM, OREGON

RECEIVED

DEC - 1 1992

WATER RESOURCES DEPT
SALEM, OREGON

APPLICATION MAP

IN THE NAME OF LOSHBAUGH INCORPORATED

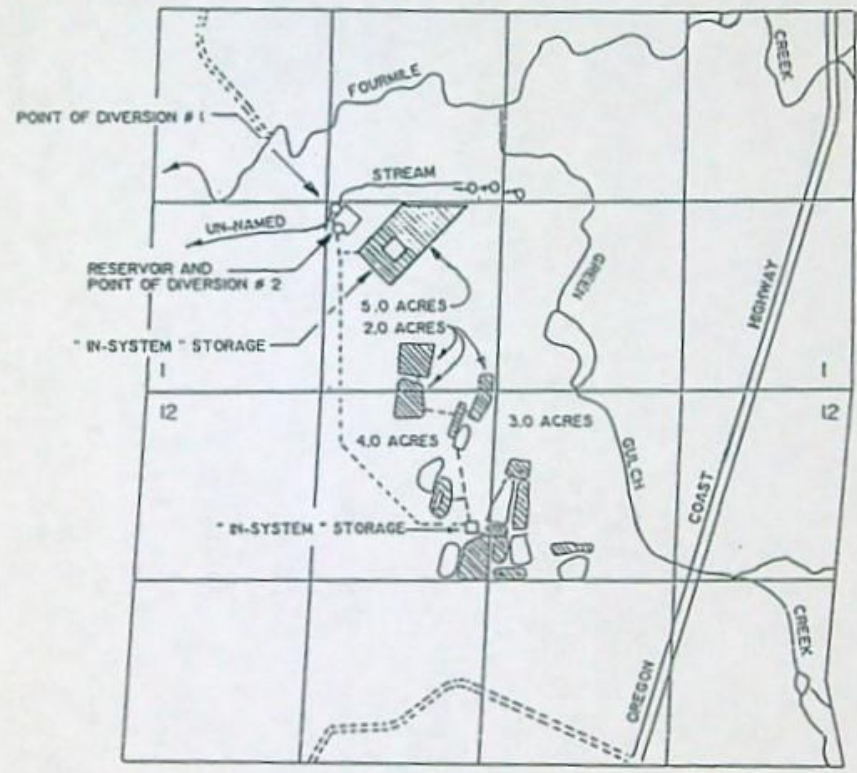


1 INCH = 1320 FEET

SECTIONS 1 & 12, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Application No. 73023

Permit No. R12106



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

POINT OF DIVERSION #1 (FROM THE UN-NAMED STREAM) IS TO BE LOCATED 1260 FEET NORTH AND 1160 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 1, POINT OF DIVERSION #2 (FROM THE RESERVOIR) IS TO BE LOCATED 1110 FEET NORTH AND 1130 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 1, BOTH POINTS OF DIVERSION BEING WITHIN THE SE 1/4 OF THE SW 1/4 OF SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY.

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

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LOSHBAUGH INCORPORATED
P.O. BOX 857
BANDON, OREGON 97411

(541)347-3726

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

APPLICATION FILE NUMBER: R-73022

SOURCE OF WATER: AN UNNAMED STREAM, TRIBUTARY OF FOURMILE CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-73023, PERMIT 53001 FOR SUPPLEMENTAL CRANBERRY OPERATIONS.

MAXIMUM VOLUME ALLOWED: 2.2 ~~5.0~~ ACRE-FEET PER YEAR

~~PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR~~

DATE OF PRIORITY: DECEMBER 1, 1992

~~The area submerged by the reservoir, when full, will be 1.0 acre and the maximum depth of water will be 10.0 feet. The reservoir will be entirely below natural ground level with a low berm around it.~~

DAM LOCATION: SE 1/4 SW 1/4, SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 1110 FEET NORTH & 1130 FEET WEST FROM S 1/4 CORNER, SEC. 1

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

SE 1/4 SW 1/4
SECTION 1
TOWNSHIP 30 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 device(s) 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

Application R-73022 Water Resources Department

PERMIT R-12136

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.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

STANDARD CONDITIONS

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.

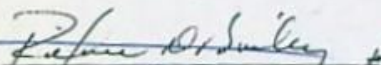
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.~~

Issued January 31, 1997


Maryha O. Pagel, Director
Water Resources Department

Application R-73022 Water Resources Department
Basin 17 Volume 3 Fourmile Creek & Misc.

PERMIT R-12106
District 19

start notes: relevant to permits 13027 and R12106 - report ID's (app 6-13522 & R-13022) 38123 and 51041

app 6-13522 and app R-13022

2005

Oregon Water Resources Department
October 2005 through September 2006
Annual Water Use - Monthly Quantities Form

USER-ID

2006



Facility # POD-ID #	The Water Rights of Lashbaugh Inc.			
October - 2005				
November - 2005	WERE TRANSFERRED TO EARL LANG IN 2005			
December - 2005				
January - 2006	Lashbaugh incorporated does not have			
February - 2006	ANY WATER RIGHTS & THE CORPORATION HAS BEEN			
March - 2006	DISSOLVED.			
April - 2006				
May - 2006				
June - 2006				
July - 2006				RECEIVED
August - 2006				NOV 16 2006
September - 2006				WATER RESOURCES DEPT SALEM, OREGON
TOTAL *				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

William Lashbaugh _____ 11/8/06
Signature Title Reporting Entity Date

William Lashbaugh
Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program,
725 Summer Street NE, Suite A, Salem, OR 97301-1266.



Oregon

Theodore R. Kulongoski, Governor

COPY

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

October 30, 2006

LOSHBAUGH INC.
PO BOX 857
BANDON, OR 97411

REFERENCE: USER_ID 28844

Dear Water User:

We appreciate your continued cooperation with the Water Use Reporting request that you report your water use online. If you need to report the reporting database, you will need to submit a hard copy form. The form is printed on the reverse.

To report monthly quantities data online, go to our web page at [www.waterreporting.com](#) under 'current topics'. Then, click 'report data' on the Water Use Reporting page. Your USER_ID and your Password to log in. To submit data for a point of diversion and click on 'Insert' to add data for that diversion. Enter diversion at a time. Be sure to be careful to choose the correct unit diverted, and then click the 'Update' button. You will then be given the data for that diversion to make sure it is correct. Please do so, submitted by clicking the 'Submit' button, you cannot edit it. Also zero if you did not use a diversion during a month. At present, the form is for the 2006 water year (October 2005 - September 2006). If you use another year, you will need to use the 'Update' button to change the year.

Finally, if you use separate quantities, you may use the following:

AF =

Thank you in advance

Yours truly,

Gary L. Ball, PE, PI
Hydrographics/Mea
Voice: 503-986-0800
Gary.L.BALL@wrc

APP 6-13577 and app
P-13002 - say "at is
request" - per DWF -
Lohnis is not "automatic"
reporting, but related to
a "request" (format) for
a specific purpose. . . removed
from web mailing.

- 11/5/06
11/30/06

OWNERS -
per 0005 10 -
Earl & Henri Lang
~~SEE 24~~
80429 Loshbaugh Lane
- eh, "at it's request"
↳ should be required
to report and DWF
per 13007 - ↳ units a
"format" request -
- change filename -
- make a note in files ✓
- change web reporting ✓



Aggs 613622 K73022

USER-ID 28844

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>	38123				
October - 2000	914,397				
November - 2000	1,219,322				
December - 2000					
January - 2001					
February - 2001					
March - 2001	310,830				
April - 2001	345,090				
May - 2001	324,120				
June - 2001	921,720				RECEIVED APR 15 2002
July - 2001	1,144,730				
August - 2001	676,700				WATER RESOURCES DEPT. SALEM, OREGON
September - 2001	1,114,930				
TOTAL * G	6,971,839				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 3.41

I certify this information is true and accurate to the best of my knowledge.

William Loshbaugh PRES. LOSHBAUGH, INC. 4/11/02
 Signature Title Reporting Entity Date

SECTION 1 T30S R15W W.M.
COOS COUNTY

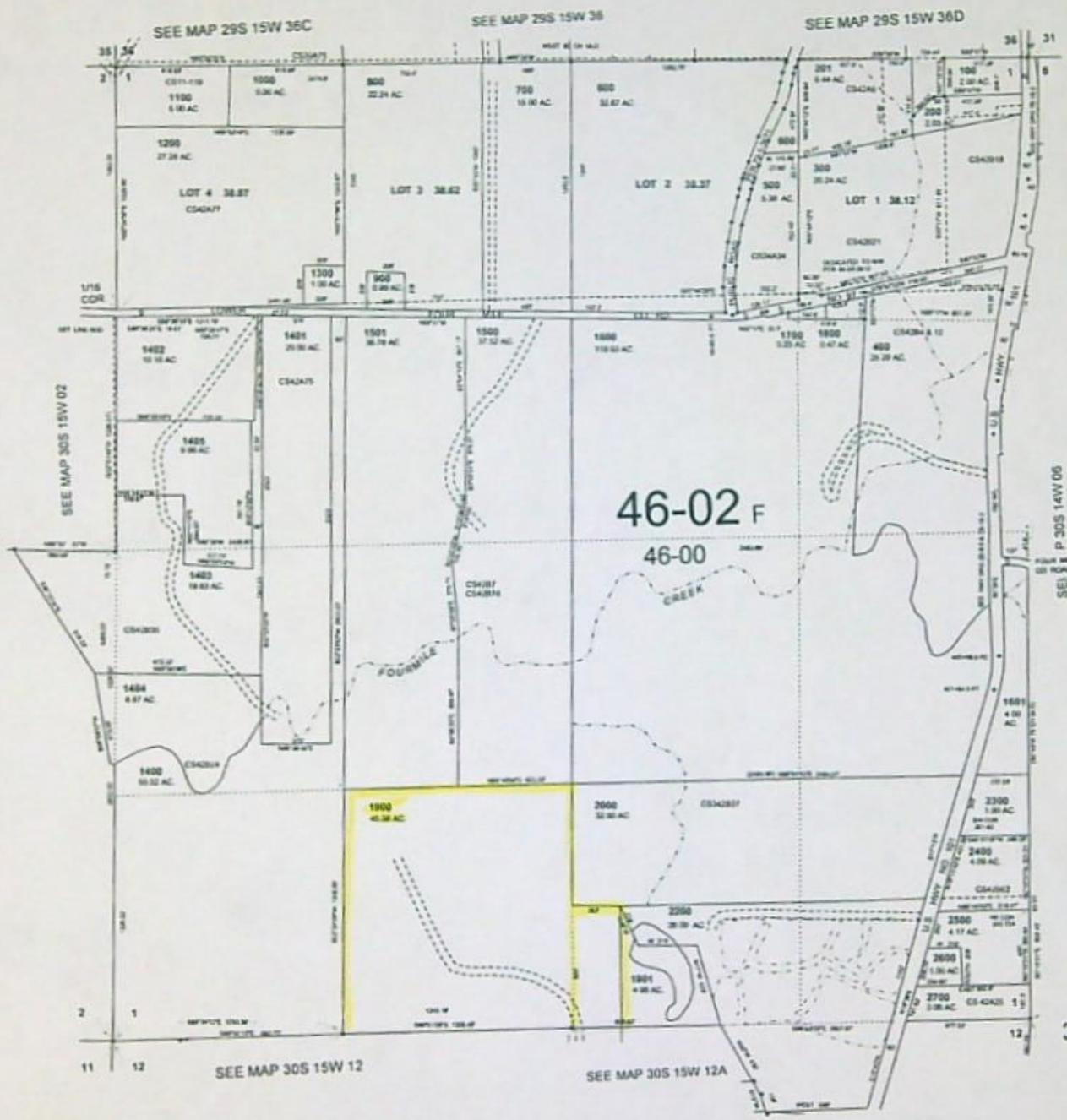
30S 15W 01

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 400'

CANCELLED NO.

- 400A1
- 2100
- 1406
- 1407
- 1408
- 202
- 399
- 1502
- 1503
- 1602



SEE P-30S 14W 06

3-24-2010
30S 15W 01

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2014

October 23, 2014 2:27:53 pm

Account # 1361700
 Map # 30S1501-00-01900
 Code - Tax # 4602-1361700

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name LANG, EARL A. & MERRI L.

Deed Reference # 2004-36714 (SOURCE ID(T):
 2003-20124)

Agent

Sales Date/Price 12-23-2003 / \$700,000.00

In Care Of

Appraiser

Mailing Address 86929 LOSHBAUGH LN

BANDON, OR 97411-7295

Prop Class 572 MA SA NH Unit
 RMV Class 500 06 27 RRL 23418-1

Situs Address(s)		Situs City
ID# 10	86929 LOSHBAUGH LN	BANDON
ID#	87105 LOSHBAUGH LN	BANDON

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
4602 Land		56,852		Land	0
Impr.		346,190		Impr.	0
Code Area Total	281,618	403,042	257,930		0
Grand Total	281,618	403,042	257,930		0

Code Area	ID#	RFD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	LUC	Trended RMV
						TD%	LS	Size			
4602	60	D		F/EFU	Farm Site	100	A	1.00	AV	006*	4,660
4602	70	D		F/EFU	Farm Use Zoned	100	A	3.00	BOGL	006*	4,550
4602	20	F		F/EFU	Farm Use Zoned	100	A	5.30	BOGL	006*	8,040
4602	30	F		F/EFU	Farm Use Zoned	100	A	4.15	DIKE	006*	4,320
4602	80	D		F/EFU	Rural Site	100	A	1.00	HS	*	29,580
4602					SITE AMENTIES	100					4,000
4602	10	F		F/EFU	Small Tract Forest Land	100	A	30.93	STF-F	006*	1,700
Grand Total								45.38			56,850

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
4602	1	1996	141	One story-Class 4	100		1,852		233,550	
4602	2	1960	131	One story-Class 3	100		1,736		112,640	
Grand Total							3,588		346,190	

Code Area	Type	Exemptions/Special Assessments/Potential Liability				
4602		SPECIAL ASSESSMENT:				
		■ FIRE PATROL TIMBER	Amount	52.24	Acres	44.38 Year 2014
		■ FIRE PATROL SRCHG	Amount	47.50	Acres	0 Year 2014
		NOTATION(S):				
		■ FARM/FOREST POT'L ADD'L TAX LIABILITY	FARM/FORST			
		■ FIRE PATROL ADDED 2014	AFFIDAVIT #20303 - #1361790 COMBINED INTO #1361700 RURAL FIRE/FIRE PATROL SPLIT CODE CONSOLIDATION			

Comments: SE1/4SW1/4
 HY 101 S/LOWER 4 MILE RD

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

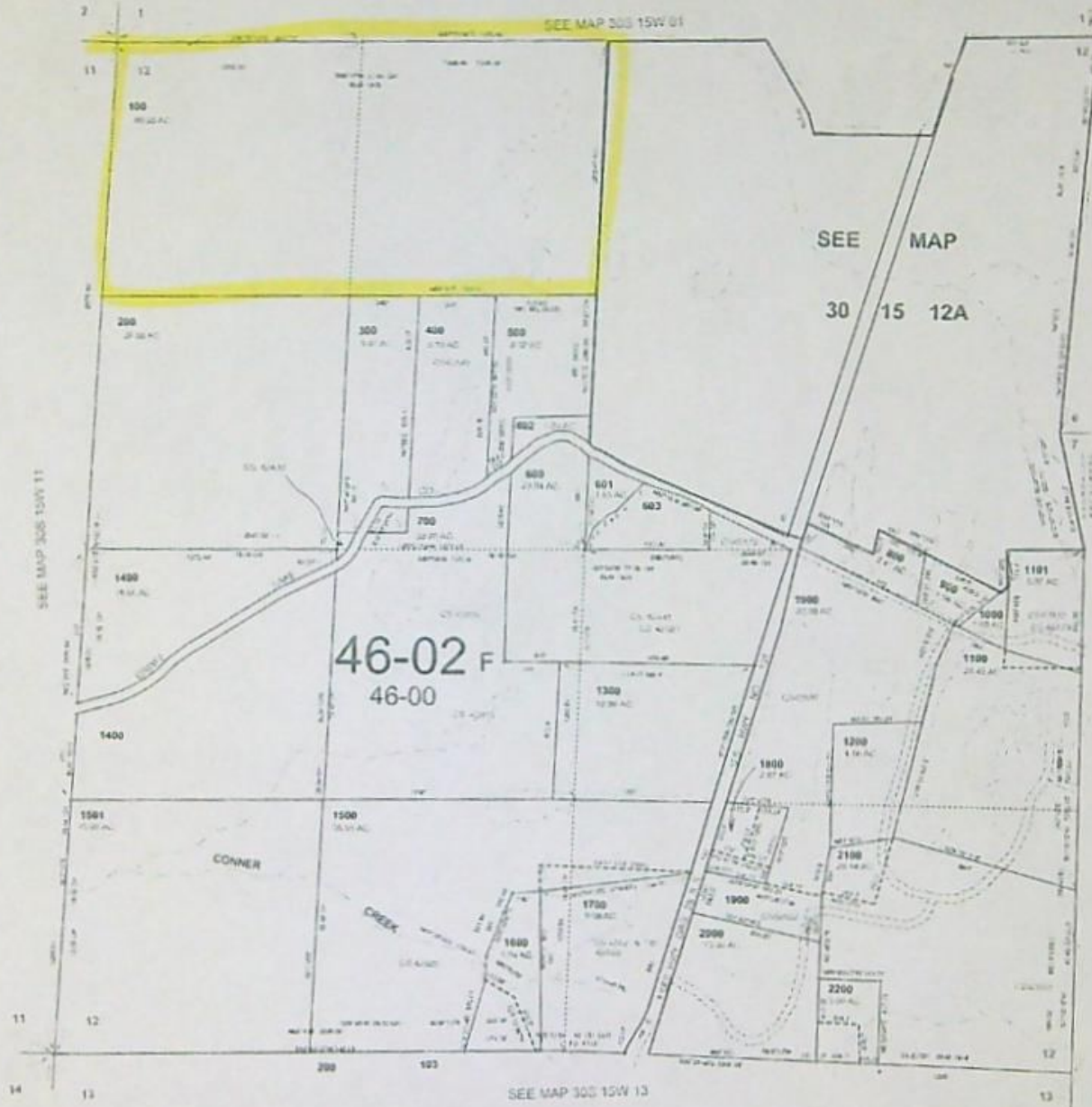
SECTION 12 T30S R15W W.M.
COOS COUNTY

1" = 400'

30S 15W 12
& INDEX

CANCELLED NO

- 1102
- 1103
- 604
- 1201
- 2101



8-25-2014
30S 15W 12
& INDEX

NE1/4 SEC.12 T30S R12W W.M.
COOS COUNTY

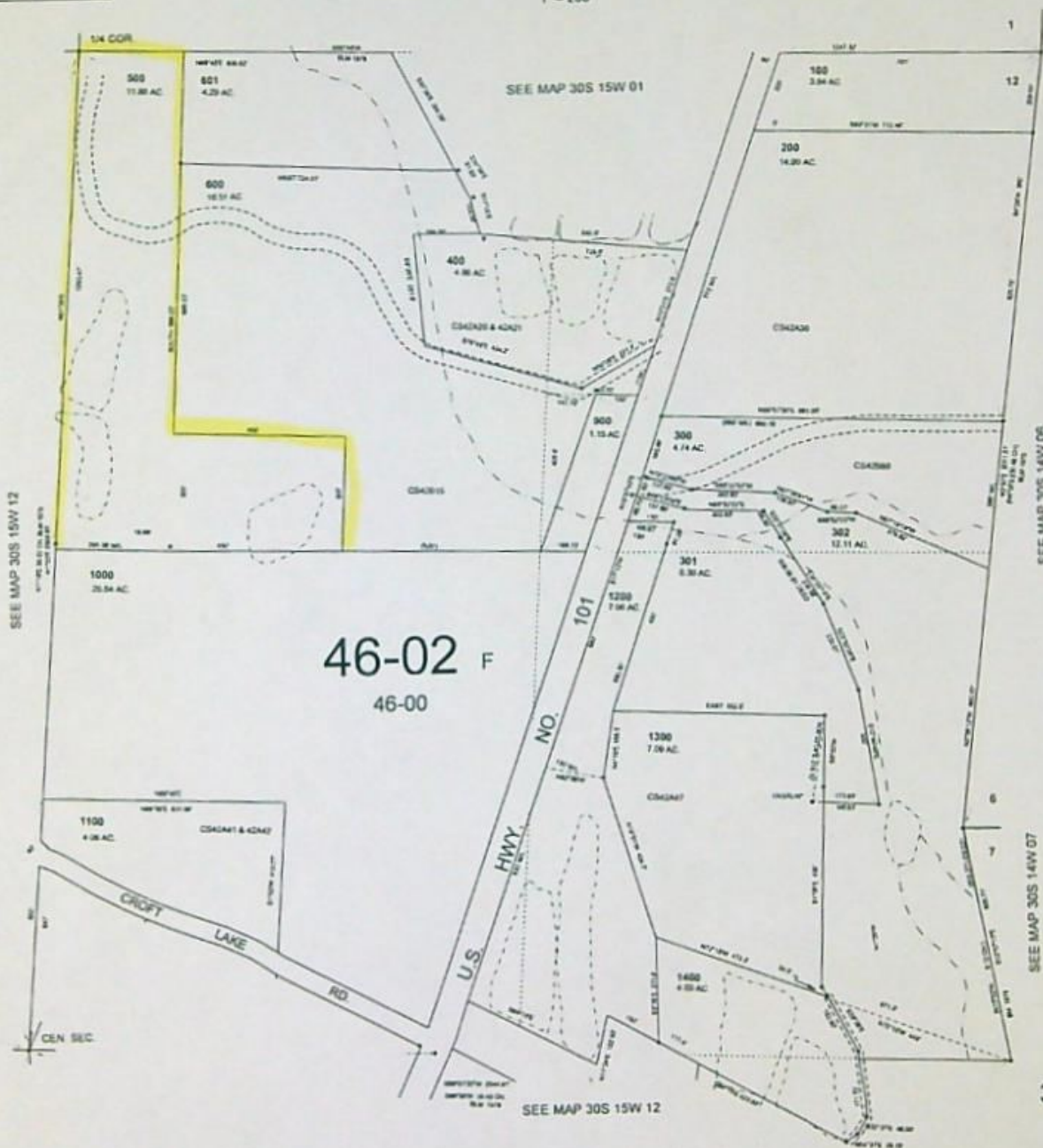
30S 15W 12A

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 200'

CANCELLED NO

700
800
501
602



COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2014

October 23, 2014 3:00:04 pm

Account # 1364804
 Map # 30S1512-00-00100
 Code - Tax # 4602-1364804

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name LANG, EARL A. & MERRI L.

Deed Reference # 2004-36714 (SOURCE ID(T):
 2003-20124)

Agent

Sales Date/Price 12-23-2003 / \$700,000.00

In Care Of

Appraiser

Mailing Address 86929 LOSHBAUGH LN
 BANDON, OR 97411-7295

Prop Class 573 MA SA NH Unit
 RMV Class 500 06 27 RRL 23535-1

Situs Address(s) Situs City

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
4602 Land		24,416		Land	0
Impr.		30,500		Impr.	0
Code Area Total	49,685	54,916	26,670		0
Grand Total	49,685	54,916	26,670		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
4602	40	F		F	Farm Use Unzoned	100	A	0.80	B4	006*	280
4602	50	D		F	Farm Use Unzoned	100	A	3.95	BOGL	006*	5,990
4602	20	F		F	Farm Use Unzoned	100	A	6.17	BOGL	006*	9,360
4602	30	F		F	Farm Use Unzoned	100	A	4.01	DIKE	006*	4,170
4602	60	D		F	Farm Use Unzoned	100	A	1.05	DIKE	006*	1,090
4602	10	F		F	Small Tract Forest Land	100	A	64.02	STF-F	006*	3,520
Grand Total								80.00			24,410

Improvement Breakdown											
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV			
4602	1	0	303	General Purpose Building	100	1,600		30,500			
Grand Total							1,600	30,500			

Exemptions/Special Assessments/Potential Liability											
Code Area	Type										
4602	<p>SPECIAL ASSESSMENT:</p> <ul style="list-style-type: none"> ■ FIRE PATROL TIMBER Amount 93.00 Acres 79 Year 2014 ■ FIRE PATROL SRCHG Amount 47.50 Acres 0 Year 2014 <p>NOTATION(S):</p> <ul style="list-style-type: none"> ■ FARM/FOREST POT'L ADD'L TAX LIABILITY FARM/FORST ■ FIRE PATROL ADDED 2014 AFFIDAVIT #20303 - #1364894 COMBINED INTO #1364804 RURAL FIRE/FIRE PATROL SPLIT CODE CONSOLIDATION 										

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2014

October 23, 2014 2:30:04 pm

Account # 1364802
 Map # 30S1512-A0-00500
 Code - Tax # 4600-1364802

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name LANG, EARL A. & MERRI L.

Deed Reference # 2004-36714 (SOURCE ID(T):
 2003-20124)

Agent
 In Care Of
 Mailing Address 86929 LOSHBAUGH LN
 BANDON, OR 97411-7295

Sales Date/Price 12-23-2003 / \$700,000.00
 Appraiser

Prop Class 572 MA SA NH Unit
 RMV Class 500 06 27 RRL 23534-1

Situs Address(s) Situs City

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
4600 Land		12,680		Land	0
Impr.		0		Impr.	0
Code Area Total	12,623	12,680	0		0
Grand Total	12,623	12,680	0		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
4600	20	R		EFU	Farm Use Zoned	100	A	6.15	BOGL	006*	9,330
4600	30	R		EFU	Farm Use Zoned	100	A	3.08	DIKE	006*	3,210
4600	10	R		EFU	Small Tract Forest Land	100	A	2.65	STF-F	006*	140
Grand Total									11.88		12,680

Improvement Breakdown										
Code Area	Yr ID#	Stat	Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
Grand Total										0

Exemptions/Special Assessments/Potential Liability										
Code Area	Type									
4600	SPECIAL ASSESSMENT:									
	■ FIRE PATROL TIMBER	Amount	18.75	Acres	11.88	Year	2014			
	NOTATION(S):									
	■ FARM/FOREST POT'L ADD'L TAX LIABILITY									
	FARM/FORST									

Water Rights Platcard Report

Meridian: Willamette Township: 30 South Range: 15 West Section: 1 Records per 999 Page: Search Platcards Maps! Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	D/LC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Select Permit: G 13027 *		10/4/1993	IRRIGATION																					8
Additional Info: LOSHBAUGH INC. App: G13522 Permit: G13027																								
Select Permit: G 13027 *		10/4/1993	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																					7
Additional Info: LOSHBAUGH INC. App: G13522 Permit: G13027			<i>Cranberry</i>																					
Select Permit: S 51445 *		1/7/1991	CRANBERRY																					7
Additional Info: LOSHBAUGH INC. App: S71114 Permit: S51445			<i>Primary to S-53001 + permitted</i>																					
Select Permit: S 53001 *		12/1/1992	CRANBERRY (Suppl'mtl)																					7
Additional Info: LOSHBAUGH INC. App: S73023 Permit: S53001			<i>file of interest (surface)</i>																					
Select Permit: R 12106 *		12/1/1992	CRANBERRY (Suppl'mtl)																					.
Additional Info: LOSHBAUGH INC. App: R73022 Permit: R12106			<i>file of interest (storage)</i>																					
Select App: G 14558 WD		6/30/1997	CRANBERRY																					7-4 2-6
Additional Info: GAYLE THOMPSON App: G14558																								
Select App: P 78337 *		12/21/1994	LIVESTOCK																					.
Additional Info: J L TAYLOR App: P78337																								
Select Permit: G 10236 CN		9/19/1983	CRANBERRY																					45
Additional Info: JOHN K LEWIS App: G11088 Permit: G10236																								
Select Permit: R 12476 CN		2/15/1996	CRANBERRY																					.
Additional Info: J TAYLOR App: R81768 Permit: R12476																								

Handwritten notes:
top

Handwritten notes:
nick

Water Rights Platcard Report

Meridian: Willamette

Township: 30

South Range: 15

West Section: 12

Records per 999
Page:

Search

Platcards Maps!
Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkwn QQ
Select Permit: S 51445 *		1/7/1991	CRANBERRY						4.5			5.5												
Additional Info: LOSHBAUGH INC. App: S71114 Permit: S51445																								
Select Permit: G 13027 *		10/4/1993	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						3			8.6												
Additional Info: LOSHBAUGH INC. App: G13522 Permit: G13027																								
Select Permit: S 53001 *		12/1/1992	CRANBERRY (Suppl'mtl)						3			4												
Additional Info: LOSHBAUGH INC. App: S73023 Permit: S53001																								
Select Cert: 28411 OR *	T6731	11/20/1947	IRRIGATION						3			1.4												
Additional Info: ENNIS/VIOLA J LOSHBAUGH App: S22919 Permit: S18068 Cert: 28411																								
Select Cert: 36969 OR *		12/2/1965	AGRICULTURE USES					4.6	1.8															
Additional Info: PANTER RANCH App: S41670 Permit: S31096 Cert: 36969																								
Select Cert: 36969 OR *		12/2/1965	TEMPERATURE CONTROL					4.6	1.8															
Additional Info: PANTER RANCH App: S41670 Permit: S31096 Cert: 36969																								
Select Cert: 64857 CR *	T6731	10/18/1974	TEMPERATURE CONTROL						1.4			1.4												
Additional Info: WILLIAM LOSHBAUGH App: S52521 Permit: S41306 Cert: 64857																								
Select Cert: 36968 OR *		3/29/1960	IRRIGATION					0.9	0.8															
Additional Info: CHARLES W PANTER App: S33829 Permit: S27133																								

WCR

WCR

WCR

Primary to

file of interest

Water Right Platcard Report

Cert: 36968																				
Select	Cert: 64857 CR *	T6731	10/18/1974	CRANBERRY	0.53	0.28														
	<i>NCR</i> Additional Info: WILLIAM LOSHBAUGH App: S52521 Permit: S41306 Cert: 64857																			
Select	Cert: 53998 OR CN		10/18/1974	IRRIGATION OF CRANBERRIES	0.31	0.5														
	<i>NCR</i> Additional Info: WILLIAM S LOSHBAUGH App: S52521 Permit: S41306 Cert: 53998																			
Select	Cert: 51241 OR *		4/5/1977	IRRIGATION OF CRANBERRIES	0.2															
	<i>NCR</i> Additional Info: GALE E STEVENSON App: S55619 Permit: S41670 Cert: 51241																			
Select	Cert: 51241 OR *		4/5/1977	CRANBERRY	1.8	0.2														
	<i>NCR</i> Additional Info: GALE E STEVENSON App: S55619 Permit: S41670 Cert: 51241																			
Select	Cert: 53998 OR CN		10/18/1974	HARVESTING OF CRANBERRIES	*	*														
	<i>NCR</i> Additional Info: WILLIAM S LOSHBAUGH App: S52521 Permit: S41306 Cert: 53998																			
Select	Cert: 53998 OR CN		10/18/1974	FROST PROTECTION	*	*														
	<i>NCR</i> Additional Info: WILLIAM S LOSHBAUGH App: S52521 Permit: S41306 Cert: 53998																			
Select	App: G 13731 DN		7/1/1994	CRANBERRY						*										
	<i>NCR</i> Additional Info: WAYNE FOSTER App: G13731																			
Select	App: G 13731 DN		7/1/1994	IRRIGATION							24.1									
	<i>NCR</i> Additional Info: WAYNE FOSTER App: G13731																			
Select	App: G 13732 *		7/1/1994	CRANBERRY						*										
	Additional Info: WAYNE FOSTER App: G13732																			
Select	App: G 13732 *		7/1/1994	IRRIGATION							23.4									
	Additional Info: WAYNE FOSTER App: G13732																			

Water Right Platcard Report

Select	Permit: R 12534 CN	1/5/1994	CRANBERRY	CN	*																
Additional Info: PANTER BOGS INC. App: R73838 Permit: R12534																					
Select	Permit: S 45778 *	9/29/1980	CRANBERRY															7	11	6	
Additional Info: DONALD O FRASER App: S60820 Permit: S45778																					
Select	Permit: S 52842 *	1/28/1992	CRANBERRY															0.5		5.5	
Additional Info: DELMAR C ROBISON App: S72158 Permit: S52842																					
Select	Permit: S 52990 CN	7/15/1992	CRANBERRY	CN														13			
Additional Info: RICHARD ROBERTS App: S72561 Permit: S52990																					
Select	Permit: S 52997 *	9/16/1991	CRANBERRY	(Suppl'mtl)																10	
Additional Info: RUSSELL S FRASER App: S71842 Permit: S52997																					
Select	Permit: S 52998 *	6/3/1992	CRANBERRY															6.4		0.7	
Additional Info: WALTER BELDEN App: S72431 Permit: S52998																					
Select	Permit: S 52998 *	6/3/1992	IRRIGATION															1.2			
Additional Info: WALTER BELDEN App: S72431 Permit: S52998																					
Select	Permit: S 53006 CN	1/5/1994	CRANBERRY	CN	8																
Additional Info: PANTER BOGS INC. App: S73839 Permit: S53006																					
Select	Cert:28647 OR CN	3/6/1943	IRRIGATION	CN		0.2	3-4											6.9	7-4	0-4	0-2
Additional Info: MARVIN/VIVIAN KRANICK App: S19862 Permit: S15439 Cert: 28647																					
Select	Cert:36969 OR *	12/2/1965	IRRIGATION		3.7																
Additional Info: PANTER RANCH App: S41670 Permit: S31096 Cert: 36969																					

reset

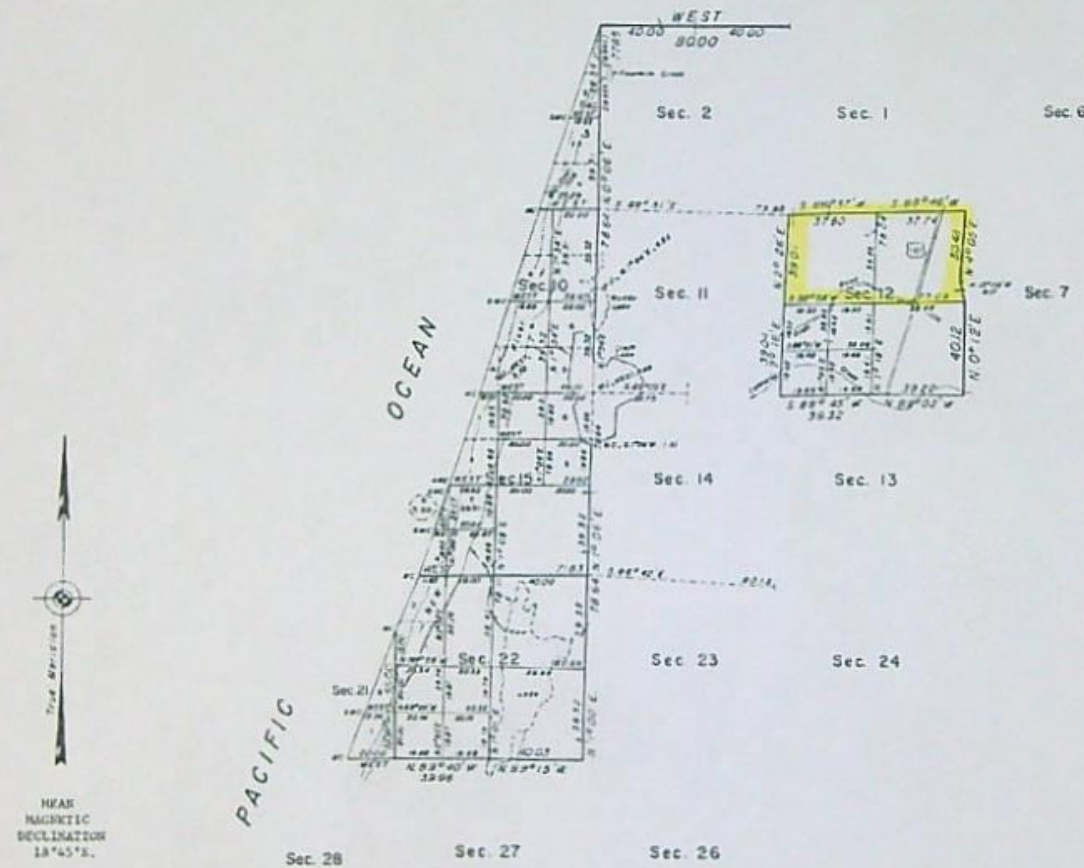
pan

blowup

reduc

5690

TOWNSHIP 30 SOUTH, RANGE 15 WEST, OF THE WILLAMETTE MERIDIAN, OREGON.
DEPENDENT RESURVEY AND SUBDIVISION



True Meridian
MAGNETIC DECLINATION
18°45' E.

This plat represents a dependent resurvey of a part of the north, south, and east boundaries, a portion the subdivisional lines, and adjusted meanders of Pacific Ocean, T. 30 S., R. 15 W., Willamette Merid Oregon, designed to restore the corners to their original location according to the best available evidence, and the subdivision of sections 3, 10, 12, 15, 22, and 33.

Except as shown hereon, the lottings and areas are shown on the plats approved December 7, 1857; June 1880; and April 26, 1892.

The north, east, and south boundaries of the township a portion of the subdivisional lines and a portion the meander lines along the Pacific Ocean were surveyed by Daniel and Mathew O.C. Murphy, in 1857.

A portion of the subdivisional lines was surveyed John Fitzhugh, in 1879.

A portion of the east and north boundaries was resurveyed a portion of the subdivisional lines was surveyed, the survey of the meander lines of the Pacific Ocean completed by William F. Wright, in 1879.

The survey of the subdivisional lines was completed George Fitzhugh, in 1891.

A portion of the east boundary was retraced by Simon Cathcart, in 1897.

This survey was executed by James E. Jelley, Cadastral Surveyor, from September 12, 1973, to June 26, 1974, on Special Instructions dated August 30, 1973, which provide for the surveys included under Group No. 806, Oregon.

Completion Checklist for CWRE Claims of Beneficial Use

Application # R73022
Permit # R12106
Transfer # _____
Date _____
Reviewer _____



Date Received 3/25/2004
CWRE Name James Bossen
Claim Logged
File Marked
Oversized Map # _____
Read and attach copy of permit or transfer

Map Review:

- Map on polyester film
- Application & permit #; or transfer #
- Disclaimer
- North arrow
- CWRE stamp and signature
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- Township, range, section, and tax lot numbers
- Source illustrated if surface water
- Point(s) of diversion or appropriation (illustrated)
- Point(s) of diversion or appropriation (coordinates)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)
- Checked to legal description

Report Review:

- On form or format provided by the Department
- Application & permit #; or transfer #
- County
- Tax lot information
- Date of survey
- Person interviewed
- Ownership information
- Source(s) of water
- Point of diversion/appropriation location
- Use, period of use, and rate for use
- Place of use location
- Type of use
- Extent of use
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
 - Calculated capacity of system (required)
 - Measured amount of use (optional)
- Permit conditions
 - Time limits
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting
 - Meter/measuring device
 - Water use reporting
 - Fish screening and/or by-pass
 - Pump test (ground water)
 - Other conditions
- _____
- _____
- CWRE stamp and signature
- Signature(s) of permittee of transfer holder

Certificate Issuance Processing Checklist

- Map and COBU reviewed
 - Conflict check (include copy of plat card printout)
 - Check current ownership
- Any Conflicts? _____

Staff Recommendations:

- _____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
 - _____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

 - _____ Proof to the Satisfaction has not been established for the following reasons: _____

- Proposed Actions:**
Send letter requesting the following items/information: _____

- Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

CLAIM OF BENEFICIAL USE AND SITE REPORT

IN THE NAME OF LOSHBAUGH INCORPORATED

APPLICATION R-73022 PERMIT R-12106

SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 West, W.M.

GENERAL INFORMATION

The methods used to determine the information contained in this document are:

1. Examination of Permit R-12106,
2. Examination of Assessor Map 30-15-1,
3. Examination of U.S.G.S. Quadrangle Map,
4. On-site survey, 23 August, 2000,
5. Interview with William Loshbaugh, 23 August, 2000.

USE, AND AMOUNT OF USE

2.2 acre-feet for supplemental cranberry use.

DESCRIPTION OF DAM AND RESERVOIR

An off-channel, excavated reservoir in the Fourmile Creek drainage basin having a contributing drainage area of less than five acres; the primary sources being direct precipitation, and reclaimed water from adjacent cranberry bogs.

Control Works: The reservoir being totally excavated, no control works exists.

Maximum Dam Height: (no dam),
Maximum Water Depth: 14 feet,
Emergency Overflow Spillway; 12-inch diameter C.M.P.,
Side slopes: 1:1,
Reservoir Surface Area: 0.3 acre,
Reservoir Capacity: 2.2 acre feet.

Clay Jordan
Jon. Youngquist
672-5692

RECEIVED

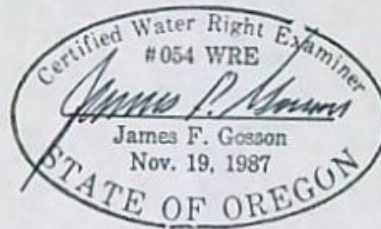
MAR 25 2004

WATER RESOURCES DEPT
SALEM, OREGON

CLAIM OF BENEFICIAL USE - LOSHBAUGH INCORPORATED - PERMIT R-12106

CERTIFICATION

The Final Proof Survey Map and Site Inspection Report of Permit R-12106 was completed by James F. Gosson, Certified Water Right Examiner #54, on 23 August, 2000, and the facts contained herein are correct to the best of my knowledge.



I, William Loshbaugh, of Loshbaugh Incorporated, agree with the findings of James F. Gosson, Certified Water Right Examiner #54, and submit this site report and map as the Claim of Beneficial Use of Permit R-12106.

William Loshbaugh
Signature

4/25/01
Date

RECEIVED
MAR 25 2001
WATER RESOURCES DIV
SALEM, OREGON



M. JOHN YOUNGQUIST
WATER RESOURCES CONSULTANT
827 SE MOSHER
ROSEBURG, OREGON 97470
PHONE/FAX: (541) 672-5692
Email: mjywater@wizzards.net



March 24, 2004

Oregon Water Resources Department
725 Summer Street, NE - Suite "A"
Salem, Oregon 97301-1271

Attention: Jerry Sauter

RE: Applications R-73022, S-73023 & G-13027

Dear Mr. Sauter:

Enclosed find the Claims of Beneficial Use and Final Proof Maps for the above referenced Applications. They are stamped by James Gosson and signed by William Loshbaugh.

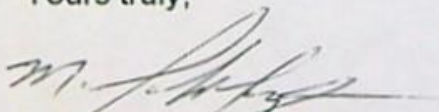
The Claims of Beneficial Use I originally had were copies. Mr. Lang found these and sent them over. Mr. Loshbaugh signed the Claims of Beneficial Use in 2001. James Gosson did the work and sent them to him in August of 2000.

Mr. Loshbaugh evidently signed the Claims of Beneficial Use and filed them thinking that would complete the process. Please advise if there needs to be any other action on these three rights.

For the files, the current owner of the lands is Earl A. Lang of 45905 Hwy 101, Langlois, Oregon 97450 - Phone: (541) 348 - 2360.

Thank you for your assistance in this matter.

Yours truly,



M. John Youngquist

RECEIVED

MAR 25 2004

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, 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

March 10, 2004

M. John Youngquist
827 SE Mosher
Roseburg, Oregon 97470

Reference: App. G-13171 Allan Cram,
Apps. G-13522, R-73022, S-73023 Loshbaugh/Lang

Dear John:

I am in receipt of your letters concerning the above referenced water rights. I appreciate your taking the time to update me. I will place the letters in the appropriate files and update my records as to your timelines. The timelines you have submitted are reasonable and acceptable. If for any reason they should change, please let me know so that I can update the files.

I sincerely hope that all is well with you and that the healing process is progressing nicely. If I may be of any assistance with your work, please do not hesitate to contact me. I may be reached at the address above or by telephone at 503-986-0817. I have enclosed my card for your convenience.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

cc: files



M. JOHN YOUNGQUIST
 WATER RESOURCES CONSULTANT
 827 SE MOSHER
 ROSEBURG, OREGON 97470
 PHONE/FAX: (541) 672-5692
 Email: mjoywater@wizzards.net



March 8, 2004

Jerry Sauter
 Oregon Water Resources Department
 725 Summer Street, NE, Suite "A"
 Salem, Oregon 97301-1271

Reference: Application G-13522, S-73023 & R-73022

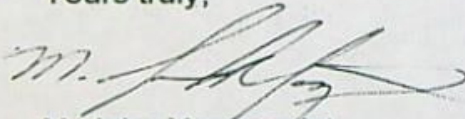
Dear Mr. Sauter:

The Loshbaugh property has recently been sold to Earl Lang. Mr Lang is unfamiliar with the above referenced applications. I believe Mr. James Gosson completed the final proof surveys and claims of beneficial use on the above mentioned applications.

I have had some health problems recently and am unable to drive until April 1st. I will contact Mr. Lang and see if he has copies of the final proof surveys and claims of beneficial use. If they were not submitted by Mr. Loshbaugh, Mr. Lang will need an assignment and new final proof surveys on all the permits. Mr. Gosson has retired his license.

I will check this out as soon as I can drive. Thank you for your patience in this matter. Please advise if this plan will be satisfactory.

Yours truly,


 M. John Youngquist

RECEIVED
 MAR 09 2004
 WATER RESOURCES DEPT
 SALEM, OREGON

[Faint, illegible text, likely bleed-through from the reverse side of the page]



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

January 15, 2004

Certified mail number 3144 9761
Return receipt requested

LOSHBAUGH INC.
PO BOX 857
BANDON OR 97411

Reference: Application G13522, S73023 & R73022; Permit G13027, S53001 & R12106

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, 2000.

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, 2000. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. An extension form is also enclosed with this letter.

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. A cancellation form is enclosed, 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 of your permit within 60 days of the date of this letter (March 15, 2004) the Department may cancel your permit without further notice.

Please phone me at 503-986-0817 if you have questions.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (3)

cc: OWRD Watermaster District 19
J F GOSSON, 580 S STATE STREET, SUTHERLIN OR 97479
Files: Application G13522, S73023 & R73022



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

LOSHBAUGH INC
PO BOX 857
BANDON OR 97411

Application(s): G-13522, R-73022

Permit Number(s): G-13027, R-12106

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

April 12, 2002

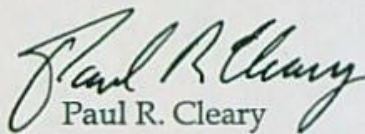
Page 2

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 Jaendl, Department of Agriculture
Pam Blake, Department of Environmental Quality
Todd Confer, ODFW
Jill Zarnowitz, ODFW
John Youngquist
Dan Carpenter, Bureau of Land Management



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

February 2, 2001

Loshbaugh Inc
PO Box 857
Bandon, OR 97411

REFERENCE: File 73023, R-73022, & G-13522

This letter is in regard to your water use Permit 53001, R-12106, & G-13027. As we pointed out to you in our letter of May 9, 2000, your claim of beneficial use must be received in this office by **May 3, 2001**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right. Reservoir permit holders who obtained their permits after 1995 under the Alternate Ponds Program, store less than 9.2 acre-feet and have no secondary water right that permits the diversion of water from the reservoir can prepare their own final proof survey.

You are hereby notified that unless your claim is received on or before **May 3, 2001**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM: jf

cc: Watermaster # 19
James Gosson, CWRE



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

May 9, 2000

LOSHBAUGH INC
PO BOX 857
BANDON OR 97411

REFERENCE: Files 73023, R-73022, & G-13522

We have received your notice that complete application of water has been made under Permits 53001, R-12106, and G-13027.

In order to maintain your water right you are now required to submit a final proof survey of the completed use. Most permit holders must hire a Certified Water Right Examiner (CWRE) to conduct this survey. Reservoir permit holders who obtained their permits after 1995 under the Alternate Ponds Program, store less than 9.2 acre-feet and have no secondary water right that permits the diversion of water from the reservoir you can prepare your own final proof survey. Whether you hire a CWRE or perform your own, the survey must be received within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **May 3, 2001**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

In addition, if your water right is a groundwater permit applied for on or after December 20, 1988, you are required to submit a well pump test before the Water Right Certificate is issued. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

cc: Watermaster #19
James Gosson, CWRE

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. R-73022

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Lothbaugh, F.N.C., the holder of Permit No. R-12106

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 15th day of April, 192000

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of April, 192000

William Lothbaugh
(Signature of Applicant)

P.O. Box 857 Bandon, OR 97411
(Address)

RECEIVED

MAY 04 2000

WATER RESOURCES DEPT.
SALEM, OREGON

R 73022 ADD
S 73023 ADD

PERMIT STATUS REVIEW BY jd DATE 12/19/03 FILE # _____

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

nd Permit is for municipal or quasi-municipal use (per DF, when in doubt about MU/QM, change database code) or in Bonanza study area or New River _____

nd Extension pending _____

nd Assignment is pending _____

nd Cancellation has been requested _____

nd Dept. has already sent a certified "Form 100" letter (date _____, # _____)

Was 60 days notice allowed? _____

Was mail deliverable as addressed? _____ date _____

Send cancellation letter _____

nd Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF NONE OF THE ABOVE APPLY

yes Send certified "C" date notice packet to permit holder.

"C" DATE 10/11/2000

CWRE or AGENT James F. Hosson



STATE OF OREGON

RECEIVED

MAY 05 2000

INTEROFFICE MEMO

TO: Certificate Section WATER RESOURCES DEPT.
Water Rights Division SALEM, OREGON DATE: 05-03-00

FROM: John P. Drolet *JPD* File # R-73022
Watermaster, District 19 Pmt # R-12106

SUBJECT: Permit Condition Modification

William Loshbaugh contacted me yesterday with concerns regarding conditions for the above referenced permit. The permit condition that we discussed was that of metering the flow out of his reservoir. From a field regulatory and management perspective, I would support his contention that metering would serve little or no purpose for the following reasons:

The reservoir is directly adjacent to its source, and unnamed stream and separated from that source only by a slight earthen berm. Aside from serving the function of a small reservoir, the structure also serves as a recovery pond for runoff resulting from water diverted from several other permitted sources including both surface water and groundwater. There is no practical method of separating out and metering only the unnamed stream source water from the other return flow water.

Also, the use allowed under the terms of this permit is supplemental in nature.

Finally, although the allowed period of use of the stored water is year round, the allowed fill period is severely limited; December 1 through March 31. Both in respect to the fishery resource and regulatory concerns, there is little to be gained by metering.

JPD/dt

Atch: Loshbaugh ltr

CF: James F. Gosson, CWRE
Dwight French (for files)

RECEIVED

MAY 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Loshbaugh, Inc.
P.O. Box 857
Bandon, Or. 97411

Water Resources Dept.
Coquille, Oregon

Ap # R-73032
Re: Permits R-12106
53001

Mr. John Drolet:

The reservoir referred to in these permits has sources of water other than the unnamed stream noted in the permits

The reservoir would be filled by the unnamed stream during the permit storage period. Thereafter, when water use is begun in the spring of the year, water is returned to the reservoir by rain runoff, drainage of excess water from the cranberry bogs and water from the well noted in permit # G-13027

As there is continuous water circulation through the reservoir, I believe metering of the water associated with this reservoir would be meaningless.

Thank you

William Loshbaugh

Rec'd Coquille 05-03-00



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

MAY 05 2000

TO: Certificate Section
Water Rights Division

DATE: 05-03-00

FROM: John P. Drolet *JPD*
Watermaster, District 19

File # R-73022
Pmt # R-12106

SUBJECT:

WATER RESOURCES DEPT.
SALEM, OREGON

Permit Condition Modification

William Loshbaugh contacted me yesterday with concerns regarding conditions for the above referenced permit. The permit condition that we discussed was that of metering the flow out of his reservoir. From a field regulatory and management perspective, I would support his contention that metering would serve little or no purpose for the following reasons:

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Also, the use allowed under the terms of this permit is supplemental in nature.

Finally, although the allowed period of use of the stored water is year round, the allowed fill period is severely limited; December 1 through March 31. Both in respect to the fishery resource and regulatory concerns, there is little to be gained by metering.

JPD/dt

Atch: Loshbaugh ltr

CF: James F. Gosson, CWRE
Dwight French (for files)

Loshbaugh, Inc.
P.O. Box 857
Bandon, Or. 97411

Water Resources Dept.
Coquille, Oregon

AP # R-73022
Re: Permits R-12106
53001

Mr. John Drolet:

The reservoir referred to in these permits has sources of water other than the unnamed stream noted in the permits

The reservoir would be filled by the unnamed stream during the permit storage period. Thereafter, when water use is begun in the spring of the year, water is returned to the reservoir by rain runoff, drainage of excess water from the cranberry bogs and water from the well noted in permit # G-13027

As there is continuous water circulation through the reservoir, I believe metering of the water associated with this reservoir would be meaningless.

Thank you

William Loshbaugh

RECEIVED

MAY 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Rec'd Coquille 05-03-006

November 17, 1997

LOSHBAUGH, INC.
PO BOX 857
BANDON, OR 97411

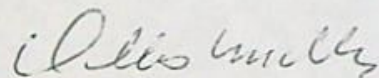
REFERENCE: File 73023, R 73022

Dear William Loshbaugh:

We received your Notice of Beginning Construction under permit 53001. This permit is for using the water from the reservoir for cranberry operations. Has the construction of the water system for applying this water begun yet? You described on the form 'A' that the reservoir was half built. That should be reported on your reservoir permit R 12106.

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

Sincerely,



Dallas Miller
Water Rights Specialist

cc: Watermaster, District 19



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

RECEIVED

NOV 14 1997

Form A (690-9-77)

Application No. 573023

NOTICE OF BEGINNING OF CONSTRUCTION

Loshbaugh, INC.

the holder of Permit No. 53001

73022
25022

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 2nd day of November, 1997.

Remarks: Construction of the Reservoir is about half completed

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment

acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as

authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of November, 1997.

William Loshbaugh, Pres.
(Signature of Applicant)

P.O. Box 857 Bandon, OR 97411
(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

OK
DSM

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-73022

Final Order

Application History

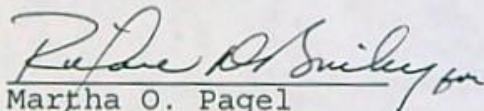
On December 1, 1992, LOSHBAUGH INC submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 15, 1996. The protest period closed November 29, 1996, and no protest was filed.

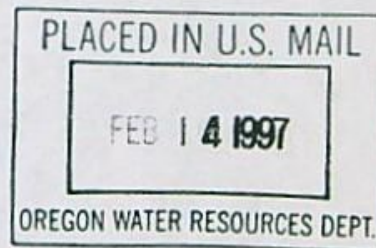
The proposed use would not impair or be detrimental to the public interest.

Order

Application R-73022 therefore is approved as proposed by the Proposed Final Order, and Permit R-12106 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED January 31, 1997


Marpha O. Pagel
Director



Appeal Rights

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

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LOSHBAUGH INCORPORATED
P.O. BOX 857
BANDON, OREGON 97411

(541) 347-3726

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

APPLICATION FILE NUMBER: R-73022

SOURCE OF WATER: AN UNNAMED STREAM, TRIBUTARY OF FOURMILE CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-73023, PERMIT 53001 FOR SUPPLEMENTAL CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 5.0 ACRE-FEET PER YEAR

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 1, 1992

The area submerged by the reservoir, when full, will be 1.0 acre and the maximum depth of water will be 10.0 feet. The reservoir will be entirely below natural ground level with a low berm around it.

DAM LOCATION: SE 1/4 SW 1/4, SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 1110 FEET NORTH & 1130 FEET WEST FROM S 1/4 CORNER, SEC. 1

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

SE 1/4 SW 1/4
SECTION 1
TOWNSHIP 30 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 device(s) 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

Application R-73022 Water Resources Department

PERMIT R-12106

FO CHECKLIST

FILE # R73022

REVIEW DATE: 11, 27, 96

WEEK # 64

PFO TO FO CONVERSION

INITIALS: DB

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received? If so, from whom and when?
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. Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 - (2) Issue FO w/o permit if fees are lacking
9. 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)
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 <u>Incorporated into fo/permit wording</u>
--

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)

Initials DB

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

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. R-73022, Unnamed Stream/Fourmile
Creek, Loshbaugh Inc.

Dear Mr. French,

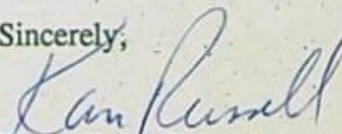
We reviewed this Proposed Final Order (PFO) to ensure that was consistent with the agreements reached by all the parties, including the Water Resources Department, in the New River Alternate Dispute Resolution process (ADR). Our comments below outline where the PFO does not reflect the agreements reached 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 which is consistent with the ADR:

- As agreed in the ADR, the applicant, Loshbaugh 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. Loshbaugh, Inc.
Al Cook, WRD
Todd Confer, ODFW

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-73022

Proposed Final Order

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

Application History

On December 1, 1992, LOSHBAUGH INCORPORATED submitted an application to the Department for the following water use permit:

- Amount of Water: 5.0 ACRE-FEET (AF)
- Use of Water: SUPPLEMENTAL CRANBERRY OPERATIONS
- Source of Water: AN UNNAMED STREAM, A TRIBUTARY OF FOURMILE CREEK, TO BE APPROPRIATED UNDER APPLICATION S-73023
- Area of Proposed Use: Coos County within SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The Department mailed the applicant notice of its Technical Review March 8, 1994, determining that THE STORAGE OF 5.0 AF OF WATER FROM AN UNNAMED STREAM FOR SUPPLEMENTAL CRANBERRY OPERATIONS IS ALLOWED DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR. The 60-day objection period closed May 15, 1994.

Within the 60-day period, objections were received from the Oregon Department of Fish and Wildlife (5/12/94).

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

Based on continued evaluation, the Department finds the determinations of the Technical Review require modification to incorporate additional conditions as set by the New River Alternate Dispute Resolution team.

The South Coast Basin Program allows the following uses: CRANBERRY OPERATIONS

Senior water rights exist on AN UNNAMED STREAM, A TRIBUTARY OF FOURMILE CREEK, or on downstream waters.

AN UNNAMED STREAM, A TRIBUTARY OF FOURMILE CREEK, is not within or above a State Scenic Waterway.

Water is available for further appropriation (at a 50 percent exceedance probability) for the period .

The Department finds that no more than 5.0 AF would be necessary for the proposed use. The amount of water requested, 5.0 AF, is allowable.

The Oregon Department of Fish and Wildlife has advised that one or more species of game fish are present 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:

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument and be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

No diversion screening or fish passage facilities are required.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF COOS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LOSHBAUGH INCORPORATED
P.O. BOX 857
BANDON, OREGON 97411

(541)347-3726

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

APPLICATION FILE NUMBER: R-73022

SOURCE OF WATER: AN UNNAMED STREAM

TRIBUTARY OF: FOURMILE CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-73023 FOR SUPPLEMENTAL CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 5.0 ACRE-FEET

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 1, 1992

The area submerged by the reservoir, when full, will be 1.0 acre and the maximum depth of water will be 10.0 feet. The reservoir will be entirely below natural ground level with a low berm around it.

DAM LOCATION: SE 1/4 SW 1/4, SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 1110 FEET NORTH & 1130 FEET WEST FROM SOUTH 1/4 CORNER, SECTION 1

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

SE 1/4 SW 1/4
SECTION 1
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument and be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. The permittee shall take a reading from the gage once a month and keep a record of these measurements and shall be responsible for maintaining the gage. 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 measure water use more frequently or report annually or more frequently as may be required by the Director. Further, the Director may be require the permittee to report general water use information, including the place and nature of use of water under the permit.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

STANDARD CONDITIONS

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.

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.

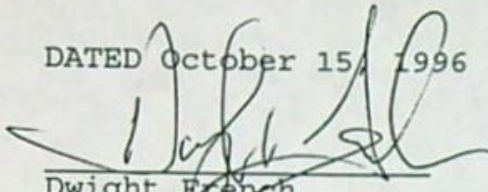
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount of water 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

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

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)
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?
5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
6. Is the Proposed Use located in or above a Scenic Waterway?
7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
8. Is the use allowed or limited by the Basin Program?
9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
New River ADR
11. Rate _____ Duty _____ Irrigation Season _____
12. Period of Allowed Use *Storage* _____ *12/1 ~ 3/31*
13. Is use from a B.O.R. project and if so, is a signed contract in the file?
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 (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? _____
17. 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.
- 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: Buradette Date: 10/9/96 BW

Application R-73022

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-73022

WATERMASTER # 19: John Drolet

REGIONAL MANAGER: Al Cook

ODF&W - Coos 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

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

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

Ron Yockim
P.O. Box 218
Roseburg, OR 97470

ww(Fo)

CASEWORKER : BW

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
R-73022	10/3/95	GERRY

40 Exam
10 R SMT

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

50 Total
50 Received
& Fees OK

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt. *see File S-73023*
- 19. A legal description of the property where water will be used.

RECEIVED

MAY 16 1994

WATER RESOURCES DEPARTMENT
SALEM, OREGON



Oregon

DEPARTMENT OF
FISH AND
WILDLIFE

HABITAT
CONSERVATION
DIVISION

May 12, 1994

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

RE: Water Right Application #R-73022 and 73023; Reports of
Technical Review

Because cutthroat trout are present at the described POD,
ODFW will require the applicant to provide fish screening
pursuant to ORS 498.248. Therefore, ODFW requests WRD add
the following condition to those already proposed:

*The permittee shall install and maintain a fish
screening device as required by the Oregon Department
of Fish and Wildlife to prevent fish from entering the
proposed diversion.*

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati, Jr.", written in dark ink.

Albert H. Mirati, Jr.
Water Right Review Coordinator

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

FILE: R-73022.TEC



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

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # R-73022

WATERWATCH

ODF&W

WATERMASTER # 19

REGIONAL MANAGER - SW

CWRE - James Gosson

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES: Ron Joachim, PO Bx 218 Roseburg 97470

CASEWORKER Dallas

ORIGINAL TO APPLICANT 2/03/94

RECEIVED

MAR 23 1994

WATER RESOURCES DEPT.
SALEM, OREGON

LOSHBAUGH, INC.


Box 857 Bandon, OR 97411

March 20, 1994

Oregon Water Resources Dept.
Re: File # S73022 & 73023
Attn: Dallas Miller

Enclosed please find a copy of our property description and information oaths for the above applications as requested in your letter of March 8, 1994.

Sincerely,


William Loshbaugh, President

LOSHBAUGH, INC.

Box 857 Bandon, OR 97411

RECEIVED

MAR 23 1994

WATER RESOURCES DEPT.
SALEM, OREGON

I certify that the information provided in application S 73022 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

William Loshbaugh
William Loshbaugh, President

I certify that the information provided in application S 73023 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

William Loshbaugh
William Loshbaugh, President

MAR 23 1994

WATER RESOURCES DEPT.
SALEM, OREGON**LOSHBAUGH, INC.**

Box 857 Bandon, OR 97411

PARCEL I:

The Southeast quarter of the Southwest quarter of Section 1, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

PARCEL II:

A parcel of land located in the Northwest quarter of the Northeast quarter of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at a point 295.36 feet, more or less, East of the quarter section line running North and South through the center of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, on the 1\16 line running East and West through the center of the Northeast quarter of said Section 12, Township 30 South, Range 15 West of the Willamette Meridian..... Go 300 feet North; thence 450 feet East; thence 300 feet South to the 1\16 line running East and West through the center of the Northeast quarter of Section 12, Township 30 South, Range 15 West of the Willamette Meridian; thence Westward along the 1\16 line to the point of beginning.

PARCEL III:

The North half of the Northwest quarter of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

Also a parcel of land located in the South half of the Southwest quarter of the Southeast quarter of Section 1, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at the 5\8 inch rod marking the existing quarter section corner between Sections 1 and 12, said Township 30, Range 15 West of the Willamette Meridian---go along the Section line between Section 1 and 12 North 88 degrees 45 minutes East, 809.62 feet, more or less, to the fence line marking the West boundary of the Panter tract as described in a deed to Panter, et al, in 1946 and recorded in Volume 175, Page 415 of the Coos County Deed Records; thence follow the description as described in said Panter's deed on the following bearings and distances: North 17 degrees West 433 feet, more or less; West 315 feet, more or less; North 26 degrees West, 238 feet, more or less, ----to the North line of the South half of the Southwest quarter of the Southeast quarter of said Section 1; thence Westward along said North line of the South half of the Southwest quarter of the

LOSHBAUGH, INC.

Box 857 Bandon, OR 97411

Southeast quarter of Section 1, 263 feet, more or less, to the West line of said South half of the Southwest quarter of the Southeast quarter of Section 1; thence Southerly along said West line of the South half of the Southwest quarter of the Southeast quarter of Section 1, 645 feet, more or less, to the point of beginning.

Also a parcel of land located in the Northwest quarter of the Northeast quarter of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at the 5/8 inch rod marking the existing quarter corner between Section 1 and 12, said Township 30 South, Range 15 West of the Willamette Meridian---go along the section line between said Sections 1 and 12, North 88 degrees 45 minutes East, 809.62 feet, more or less, to the fence line marking the West boundary of the Panter tract as described in a deed to Panter, et al, in 1946, and recorded in Volume 175, Page 415, of the Coos County Deed Records; thence South 30 degrees 38 minutes East, 354.09 feet, more or less, along said fence line on the West side of said Panter's tract, to a 1/2 inch rod; thence West 724.01 feet to a 1/2 inch rod; thence South, 986.22 feet to a 1/2 inch rod; thence continue South, 18.89 feet, more or less, to the 1/16 line running East and West through the center of the Northeast quarter of said Section 12, Township 30 South, Range 15 West of the Willamette Meridian; thence Westward along said 1/16 line 295.36 feet, more or less, to the quarter Section line running North and South through the center of Section 12, Township 30 South, Range 15 West of the Willamette Meridian; thence North 01 degrees 20 minutes East, 1293.47 feet, more or less, along said quarter section line to the point of beginning.

MARCH 8, 1994

LOSHBAUGH INCORPORATED
PO BOX 857
BANDON, OREGON 97411

WATER
RESOURCES
DEPARTMENT

Reference: File R 73022

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

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

Before we can process your application further, you will need to submit an oath:

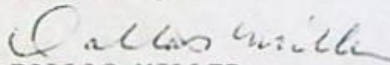
"I certify that the information provided in application S 73022 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge".

This requirement was created by an amendment of our administrative rules and applies to all applications filed after June 5, 1992.

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

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

Sincerely,



DALLAS MILLER
Water Rights Division

cc: JAMES GOSSON, CWRE



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

MARCH 8, 1994

LOSHBAUGH INCORPORATED
PO BOX 857
BANDON, OREGON 97411

WATER
RESOURCES
DEPARTMENT

Reference: File R 73022

Hello:

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

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

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

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

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

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

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



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

Report Date: MARCH 8, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: MAY 15, 1994

1. APPLICATION FILE NUMBER - R 73022

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

LOSHBAUGH INCORPORATED
PO BOX 857
BANDON, OREGON 97411
COOS CO PH 503-347-3726

Date application received for filing and/or tentative date of priority: 12/1/92

SOURCE: AN UNNAMED STREAM TRIBUTARY TO: FOURMILE CREEK

Purpose and/or use: CONSTRUCT RESERVOIR AND STORAGE OF WATER APPROPRIATED FROM UNNAMED STEAM FOR SUPPLEMENTAL CRANBERRY OPERATIONS

Flow: 5.0 ACRE-FEET

Point of Diversion Location:

SESW SEC 1, T 30 S, R 15 W, WM; 1110'N 1130'W, FROM S 1/4 COR SEC 1

Place of use:

SE SW 5.0 ACRE-FEET
SEC 1
T 30 S, R 15 W

SURFACE WATER AVAILABILITY

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

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

CONFLICTS WITH OTHER WATER RIGHTS:

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

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

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water for storage in the amount of 5.0 acre-feet is likely available for supplemental cranberry uses. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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

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

PROPOSED PERMIT CONDITIONS

Application: R 73022

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: WATER STORED FROM UNNAMED STREAM DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR FOR CRANBERRY USES.
3. Volume of use: 5.0 ACRE-FEET OF STORED WATER ONLY FOR SUPPLEMENTAL CRANBERRY USES, STORED WATER APPROPRIATED UNDER APPLICATION S 73023
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting

procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The total area proposed to be submerged by the reservoir, when full is 1 acre; the proposed maximum depth of water in feet is 10; the maximum height of the dam is 3 feet.
10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

JAN 06 1993

WATER RESOURCES DEPT
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s 6-13308, R-73022, R73021, 73023
SWR 113

Send to: Ron Yochim
P.O. Box 215
Roseburg, OR 97470

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the DEC/16/1992 Public Notice.

WaterWatch

O F O R E G O N

December 18, 1992

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

RE: Application for Permit #R73022, 73023, Loshbaugh, Inc.
Fourmile Cr., Basin, Coos Co., Cranberry Op.

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

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 80% exceedence level?

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

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

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

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

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

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

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

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

Sincerely,

Jim Myron

bc: WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039

December 14, 1992

LOSHBAUGH INC.
PO BOX 857
BANDON, 97411

REFERENCE: File(s) R-73022, S-73023

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

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

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

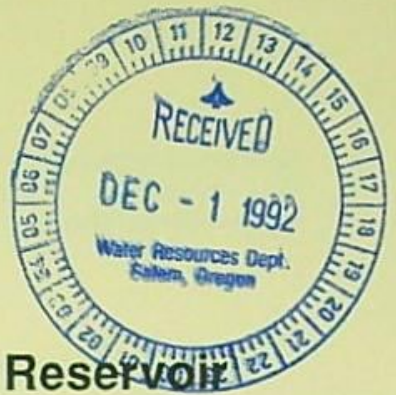
If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

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

cc: CWRE



Application No. R-73022



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) LOSHBAUGH INCORPORATED
(Please print or type - use dark ink)

Mailing Address: P. O. BOX 857
Bandon Oregon 97411 503/347-3726
City State Zip Daytime Phone No.

I (We) make application for a permit to construct an un-named reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: an un-named stream,
a tributary of Fourmile Creek.
If not in channel of a stream, state how it is to be filled: by gravity flow through a 6" diameter intake pipe.

2. THE DAM: The maximum height of the structure will be 3 feet [redacted].
The dam will be (check one) earthfill, concrete, flashboard, X other.
If "other" give description: An off-channel reservoir excavated adjacent to the stream.
The reservoir will be entirely below natural ground level, with a low berm around it.

Give the location, description, and dimensions of the outlet conduit: No outlet conduit is planned as conditions for filling the reservoir will be controlled.

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: supplemental cranberry use

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

REMARKS: _____

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

William Laubach, Pres.
Signature of Applicant

Nov. 30, 1992
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 1st day of December, 1992, at 8:00 o'clock, A M.

APPLICATION NO: R-73022

Application No. R-73022



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) LOSHBAUGH INCORPORATED
(Please print or type - use dark ink)

Mailing Address: P. O. BOX 857
Bandon Oregon 97411 503/347-3726
City State Zip Daytime Phone No.

I (We) make application for a permit to construct an un-named reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: an un-named stream,
a tributary of Fourmile Creek.
If not in channel of a stream, state how it is to be filled: by gravity flow through a 6" diameter intake pipe.

2. THE DAM: The maximum height of the structure will be 3 feet

The dam will be (check one) earthfill, concrete, flashboard, X other.
If "other" give description: An off-channel reservoir excavated adjacent to the stream.
The reservoir will be entirely below natural ground level, with a low berm around it.

Give the location, description, and dimensions of the outlet conduit: No outlet conduit is planned as conditions for filling the reservoir will be controlled.

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: supplemental cranberry use

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

REMARKS: _____

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

William Laflang, Pres.
Signature of Applicant

Nov 30, 1997
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 1st day of December, 1992, at 8:00 o'clock, A M.

APPLICATION NO: R-73022

MARCH 8, 1994

LOSHBAUGH INCORPORATED
PO BOX 857
BANDON, OREGON 97411

WATER
RESOURCES
DEPARTMENT

Reference: File R 73022

Hello:

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

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

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

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

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

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

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



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

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

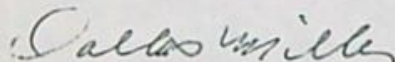
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before MAY 15, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

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

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

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

Sincerely,



DALLAS MILLER
Water Rights Division

Enclosures

Report Date: MARCH 8, 1994

OREGON WATER RESOURCES DEPARTMENT

**SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: MAY 15, 1994

1. APPLICATION FILE NUMBER - R 73022

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

LOSHBAUGH INCORPORATED
PO BOX 857
BANDON, OREGON 97411
COOS CO PH 503-347-3726

Date application received for filing and/or tentative date of priority: 12/1/92

SOURCE: AN UNNAMED STREAM TRIBUTARY TO: FOURMILE CREEK

Purpose and/or use: CONSTRUCT RESERVOIR AND STORAGE OF WATER APPROPRIATED FROM UNNAMED STREAM FOR SUPPLEMENTAL CRANBERRY OPERATIONS

Flow: 5.0 ACRE-FEET

Point of Diversion Location:

SESW SEC 1, T 30 S, R 15 W, WM; 1110'N 1130'W, FROM S 1/4 COR SEC 1

Place of use:

SE SW 5.0 ACRE-FEET
SEC 1
T 30 S, R 15 W

SURFACE WATER AVAILABILITY

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

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

CONFLICTS WITH OTHER WATER RIGHTS:

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

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

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water for storage in the amount of 5.0 acre-feet is likely available for supplemental cranberry uses. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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

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

PROPOSED PERMIT CONDITIONS

Application: R 73022

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: WATER STORED FROM UNNAMED STREAM DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR FOR CRANBERRY USES.
3. Volume of use: 5.0 ACRE-FEET OF STORED WATER ONLY FOR SUPPLEMENTAL CRANBERRY USES, STORED WATER APPROPRIATED UNDER APPLICATION S 73023
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting

STAFF

procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The total area proposed to be submerged by the reservoir, when full is 1 acre; the proposed maximum depth of water in feet is 10; the maximum height of the dam is 3 feet.
10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

EWAC

no fish swimming

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: _____

(2) Review Date: _____

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

SUMMARY	
_____	Completeness
_____	Land Use
_____	GW Interference (if potential interference with surface water, see results of water availability analysis)
_____	Conflicts
_____	Water Availability

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

(4) _____ No oath is required because application was filed before June 5, 1992.

(5) _____ Application fees:

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

(6) _____ Proposed dates of beginning and completion of construction, and complete application of water.

(7) _____ MAP: _____ Prepared by a CWRE
 _____ Exempt under OAR 690-14-150(3)
 _____ A map or drawing included (non-CWRE)
 _____ No map or drawing in file

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

Land Use Compatibility:

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

For ground water applications:

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

For reservoir applications:

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

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

LOSHBAUGH INCORPORATED
P.O. BOX 857
BANDON, OREGON 97411

503-347-3726

to construct AN UNNAMED RESERVOIR and to store the waters of AN UNNAMED STREAM, a tributary of FOURMILE CREEK, to be appropriated under Application 73023, Permit , for SUPPLEMENTAL CRANBERRY OPERATIONS.

This permit is issued approving Reservoir Application R-73022. The date of priority is DECEMBER 1, 1992. The amount of water entitled to be stored each year is not more than 5.0 ACRE-FEET.

The dam will be located as follows:

SE 1/4 SW 1/4, SECTION 1, T 30 S, R 15 W, W.M.

The total area proposed to be submerged by the reservoir, when full, is 1.0 acre; the proposed maximum depth of water is 10.0 feet. The maximum height of the dam shall not exceed 10.0 feet.

The area to be submerged by the reservoir is located within:

SE 1/4 SW 1/4
SECTION 1
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provisions of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1994. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1995.

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.

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

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 storage 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.

Issued this date, .

Water Resources Department
Martha O. Pagel
Director

Application R-73022 Water Resources Department
Basin 17 Volume 3 Fourmile Creek & Misc.
R-73022.dlm

PERMIT R-
District 19

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
R-73022	10/31/95	GERRY

40 Exam
10 R 5 MFT

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

50 Total
50 Received
2 Fees OK

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt. *see File S-73023*
- 19. A legal description of the property where water will be used.

RECEIVED

MAY 16 1994

WATER RESOURCES DEPT



DEPARTMENT OF
FISH AND
WILDLIFE

HABITAT
CONSERVATION
DIVISION

May 12, 1994

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

RE: Water Right Application #R-73022 and 73023; Reports of
Technical Review

Because cutthroat trout are present at the described POD,
ODFW will require the applicant to provide fish screening
pursuant to ORS 498.248. Therefore, ODFW requests WRD add
the following condition to those already proposed:

*The permittee shall install and maintain a fish
screening device as required by the Oregon Department
of Fish and Wildlife to prevent fish from entering the
proposed diversion.*

Thank you for the opportunity to comment.

Sincerely,

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

Albert H. Mirati, Jr.
Water Right Review Coordinator

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

FILE: R-73022.TEC



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

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # R-73022

WATERWATCH

ODF&W

WATERMASTER # 19

REGIONAL MANAGER - SW

CWRE - James Gosson

DEO

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES:

Ron Yochim, PO Bx 218 Roseburg 97470

CASEWORKER

Dallas

ORIGINAL TO APPLICANT 2/03/94

RECEIVED

MAR 23 1994

WATER RESOURCES DEPT.
SALEM, OREGON

LOSHBAUGH, INC.


Box 857 Bandon, OR 97411

March 20, 1994

Oregon Water Resources Dept.
Re: File # S73022 & 73023
Attn: Dallas Miller

Enclosed please find a copy of our property description and information oaths for the above applications as requested in your letter of March 8, 1994.

Sincerely,


William Loshbaugh, President

LOSHBAUGH, INC.

Box 857 Bandon, OR 97411

RECEIVED

MAR 23 1994

WATER RESOURCES DEPT.
SALEM, OREGON

I certify that the information provided in application S 73022 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

William Loshbaugh
William Loshbaugh, President

I certify that the information provided in application S 73023 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

William Loshbaugh
William Loshbaugh, President

MAR 23 1994

WATER RESOURCES DEPT.
SALEM, OREGON

LOSHBAUGH, INC.

Box 857 Bandon, OR 97411

PARCEL I:

The Southeast quarter of the Southwest quarter of Section 1, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

PARCEL II:

A parcel of land located in the Northwest quarter of the Northeast quarter of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at a point 295.36 feet, more or less, East of the quarter section line running North and South through the center of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, on the 1\16 line running East and West through the center of the Northeast quarter of said Section 12, Township 30 South, Range 15 West of the Willamette Meridian..... Go 300 feet North; thence 450 feet East; thence 300 feet South to the 1\16 line running East and West through the center of the Northeast quarter of Section 12, Township 30 South, Range 15 West of the Willamette Meridian; thence Westward along the 1\16 line to the point of beginning.

PARCEL III:

The North half of the Northwest quarter of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

Also a parcel of land located in the South half of the Southwest quarter of the Southeast quarter of Section 1, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at the 5\8 inch rod marking the existing quarter section corner between Sections 1 and 12, said Township 30, Range 15 West of the Willamette Meridian---go along the Section line between Section 1 and 12 North 88 degrees 45 minutes East, 809.62 feet, more or less, to the fence line marking the West boundary of the Panter tract as described in a deed to Panter, et al, in 1946 and recorded in Volume 175, Page 415 of the Coos County Deed Records; thence follow the description as described in said Panter's deed on the following bearings and distances: North 17 degrees West 433 feet, more or less; West 315 feet, more or less; North 26 degrees West, 238 feet, more or less, ----to the North line of the South half of the Southwest quarter of the Southeast quarter of said Section 1; thence Westward along said North line of the South half of the Southwest quarter of the

LOSHBAUGH, INC.

Box 857 Bandon, OR 97411

Southeast quarter of Section 1, 263 feet, more or less, to the West line of said South half of the Southwest quarter of the Southeast quarter of Section 1; thence Southerly along said West line of the South half of the Southwest quarter of the Southeast quarter of Section 1, 645 feet, more or less, to the point of beginning.

Also a parcel of land located in the Northwest quarter of the Northeast quarter of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at the 5\8 inch rod marking the existing quarter corner between Section 1 and 12, said Township 30 South, Range 15 West of the Willamette Meridian---go along the section line between said Sections 1 and 12, North 88 degrees 45 minutes East, 809.62 feet, more or less, to the fence line marking the West boundary of the Panter tract as described in a deed to Panter, et al, in 1946, and recorded in Volume 175, Page 415, of the Coos County Deed Records; thence South 30 degrees 38 minutes East, 354.09 feet, more or less, along said fence line on the West side of said Panter's tract, to a 1\2 inch rod; thence West 724.01 feet to a 1\2 inch rod; thence South, 986.22 feet to a 1\2 inch rod; thence continue South, 18.89 feet, more or less, to the 1\16 line running East and West through the center of the Northeast quarter of said Section 12, Township 30 South, Range 15 West of the Willamette Meridian; thence Westward along said 1\16 line 295.36 feet, more or less, to the quarter Section line running North and South through the center of Section 12, Township 30 South, Range 15 West of the Willamette Meridian; thence North 01 degrees 20 minutes East, 1293.47 feet, more or less, along said quarter section line to the point of beginning.

MARCH 8, 1994

LOSHBAUGH INCORPORATED
PO BOX 857
BANDON, OREGON 97411

WATER
RESOURCES
DEPARTMENT

Reference: File R 73022

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

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

Before we can process your application further, you will need to submit an oath:

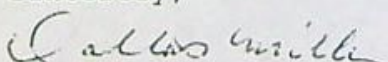
"I certify that the information provided in application S 73022 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge".

This requirement was created by an amendment of our administrative rules and applies to all applications filed after June 5, 1992.

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

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

Sincerely,


DALLAS MILLER
Water Rights Division

cc: JAMES GOSSON, CWRE



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

JAN 06 1993

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s 6-13308, R 73022, R 73021, 73023
SWR 113

Send to: Don Yochim
P.O. Box 215
Roseburg, OR 97470

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the DEC/16/1992 Public Notice.

WaterWatch

O F O R E G O N

December 18, 1992

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

RE: Application for Permit #R73022, 73023, Loshbaugh, Inc.
Fourmile Cr., Basin, Coos Co., Cranberry Op.

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

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 80% exceedence level?

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

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

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

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

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

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

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

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

Sincerely,

Jim Myron

bc: WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039

December 14, 1992

LOSHBAUGH INC.
PO BOX 857
BANDON, 97411

REFERENCE: File(s) R-73022, S-73023

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

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

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

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

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

cc: CWRE



Earl Lang

R-73022 S-73023

86929 Loshbaugh Lane
Bandon, OR 97411

Earl A. and Merri Lang

R-73022

86929 Loshbaugh Ln.
Bandon, OR 97411