

FILE#: R 74428

MELVIN E. BOAK
BOAK, RUPERT G
PO BOX 897
BANDON, OR 97411-0897

Application No. R 74428
Permit No. R11757
Certificate No. 90115
Stream Index, Page No. 17

FEES PAID		
Date	Amount	Receipt No.
8-23-94	\$40. ⁰⁰	115844
5-24-96	10. ⁰⁰	002613
FEES REFUNDED		
Date	Amount	Check No.

Volume 3
THOMAS CEDER 295 90136

Date filed _____
Priority _____
Action suspended until FPD
Return to applicant _____
Date of approval _____

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

CONSTRUCTION
Date for beginning 6-12-97
Date for completion 10-1-98
Extended to _____
Date for application of water 10-1-99
Extended to _____

REMARKS
SEE 74429
M:IT / FO / HOLD (FO DONE EXCEPT FOR INFO REQUESTED IN 5/13/96 LETTER)

PROSECUTION OF WORK
Form "A" filed _____
Form "B" filed _____
Form "C" filed _____

FINAL PROOF
Blank mailed _____
Proof received _____
Date Certificate issued 4/24/15

R11757

A97

Application No. **R 74428**
Permit No. **R11757**

MELVIN E BOAK
BOAK, RUPERT G
Name .. PO BOX 897
Address BANDON, OR 97411
Assigned ..
Address ..
Beginning construction 6-12-97
Completion of construction 10-1-98
Extended to ..
Complete application of water 10-1-99
Extended to ..

Form 111

FILE#: R 74428

MELVIN E BOAK
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BANDON, OR 97411

R
8

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-74428

Permit: R-11757

Certificate: 90115

Permit/Certificate Holder:

~~MELVIN E. AND RUPERT G. BOAK
PO-BOX 897
BANDON, OR 97411-0897~~

Copies Mailed	
by:	<u>JA</u> (STAFF)
on:	<u>4/24/15</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~~

Other persons to receive copies: (include map):

- ~~1. Thomas M. Hoshall, CWRE, Stuntzner Engineering and Forestry~~
- ~~2. Current landowner tax lot 29S15W13TL00400U1
David Boak
PO Box 897
Bandon, OR 97411-0897~~



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Date Mailed: April 24, 2015

NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MELVIN E. AND RUPERT G. BOAK
PO BOX 897
BANDON, OR 97411-0897

confirms the right to store water perfected under the terms of Permit R-11757. 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-74428

SOURCE: TWOMILE CREEK, A TRIBUTARY OF PACIFIC OCEAN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE: TO BE APPROPRIATED UNDER APPLICATION S-74429, PERMIT 52404 FOR CRANBERRY USE

MAXIMUM STORAGE VOLUME: 2.38 ACRE-FEET

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

DATE OF PRIORITY: AUGUST 23, 1994

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	15 W	WM	13	NE SW	450 FEET SOUTH AND 1506 FEET EAST FROM W1/4 CORNER, SECTION 13

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	15 W	WM	13	SE SW	1500 FEET SOUTH AND 1900 FEET EAST FROM W1/4 CORNER, SECTION 13

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
29 S	15 W	WM	13	NE SW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Measurement, recording and reporting conditions:

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

The water user shall maintain and operate diversion screening or fish passage facilities as required by the Oregon Department of Fish and Wildlife specifications.

The storage of water allowed herein is subject to the 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 downstream rights.

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.

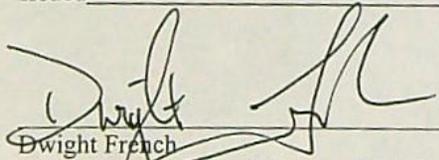
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued APR 24 2015



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

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MELVIN E. AND RUPERT G. BOAK
 PO BOX 897
 BANDON, OR 97411-0897

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PROPOSED

90115

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

Issued **PROPOSED**

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

CLAIM OF BENEFICIAL USE FINAL PROOF MAP

LOCATED IN THE SW¹/₄ NW¹/₄, SE¹/₄ NW¹/₄ & NE¹/₄ SW¹/₄
of SECTION 13, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.
COOS COUNTY, OREGON
APPLICATION # S-74429 PERMIT #52404
APPLICATION # R-74428 PERMIT # R-11757

PREPARED FOR: BOAK BOGS INC.
(MELVIN E. & RUPERT G. BOAK)
PREPARED BY: DENNIS GOUDE
SURVEYED: JULY 14, 2000

SEC. 14

S. 1500'

S. 450'

POB
W¹/₄ SEC. 13

SW¹/₄ NW¹/₄
3.32 Acres

SE¹/₄ NW¹/₄
1.91 Acres

NE¹/₄ SW¹/₄
6.5 Acres

Reservoir Permit
R-11757

Surface Area
0.25 ac.

50 HP
Pump

Staff Gage

Ditch 1'x1'x350'

4" Ø Pipe, 750'

Permit
52404
15 HP
Pump

MILE

E. 1900'

TWO

CREEK

Legend

-  Pipe
-  Stream
-  POD
-  POB
-  NBS New Bog Sites (Not included)
-  Bogs under Permits 52404 & R-11757

Scale 1" = 400 Feet

NOTE:
THE RESERVOIR PUMP IS A 50 HORSEPOWER GE AND IS LOCATED 450 FEET SOUTH AND 1506 FEET EAST FROM THE WEST CORNER ¹/₄ OF SECTION 13. THE INSTREAM PUMP IS A 15 HORSEPOWER CENTURY AND IS LOCATED 1500 FEET SOUTH AND 1900 FEET EAST FROM THE WEST ¹/₄ CORNER OF SECTION 13.



RECEIVED

EXPIRES 06/13/2001

EXAMINERS DISCLAIMER STATEMENT

The preparation of this map was for the purpose of identifying the location of the Water Right only and has no intent to provide dimensions or location of property ownership lines.

AUG 23 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Stuntzner Engineering & Forestry

705 So. 4th Street
P.O. Box 118
Coos Bay, Oregon 97420
Phone (541) 267-2872
Fax (541) 267-0588

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-74428

Permit: R-11757

Certificate: ~~*****~~ 90115

Permit/Certificate Holder:

MELVIN E. AND RUPERT G. BOAK
PO BOX 897
BANDON, OR 97411-0897

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

Other persons to receive copies: (include map):

- ✓ 1. Thomas M. Hoshall, CWRE, Stuntzner Engineering and Forestry
- ✓ 2. Current landowner tax lot 29S15W13TL00400U1
David Boak
PO Box 897
Bandon, OR 97411-0897

PROPOSED

4 Copies
5 maps

90115



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

DATE MAILED: **JAN 16 2015**

NOTICE

Reference: Application R-74428 Permit R-11757

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

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

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

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

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Administrator

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MELVIN E. AND RUPERT G. BOAK
 PO BOX 897
 BANDON, OR 97411-0897

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DATE OF PRIORITY: AUGUST 23, 1994

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

The water user shall maintain and operate diversion screening or fish passage facilities as required by the Oregon Department of Fish and Wildlife specifications.

The storage of water allowed herein is subject to the 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 downstream rights.

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.

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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-74428

Permit: R-11757

Certificate: *****

Permit/Certificate Holder:

MELVIN E. AND RUPERT G. BOAK
PO BOX 897
BANDON, OR 97411-0897

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

Other persons to receive copies: (include map):

1. Thomas M. Hoshall, CWRE, Stuntzner Engineering and Forestry
2. Current landowner tax lot 29S15W13TL00400U1
David Boak
PO Box 897
Bandon, OR 97411-0897

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

Application # <u>R 74428</u>	Permit # <u>R-11757</u>	Transfer #
WRD Reviewer <u>Corey Courchane</u>	Date <u>12-29-14</u>	
WRD Peer Reviewer <u>Machelle Bamberger</u>	Date <u>12-31-14</u>	

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 verified by phone w/ assessor 12-29-14
 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

- yes Fish Conditions
- yes Meter/measuring device
- NA Water Use Reporting
- NA Pump Test (post December 19, 1988)
- yes Other Conditions staff gage
- NA SWL
- yes C-Date letter rec'd by WRD 8-31-99
- NA Run Capacity Calculator and Print Findings (~~for pump, sprinklers, pipes, ditches, as appropriate~~)

NOTES:

- A 6-12-97 x cc to mail list: David Boak
- B 10-1-98 Some address
- C 10-1-99

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MELVIN E AND RUPERT G BOAK
PO BOX 897
BANDON, OREGON 97411-0897

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

APPLICATION FILE NUMBER: R-74428

SOURCE OF WATER: TWOMILE CREEK, A TRIBUTARY OF PACIFIC OCEAN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-74429, PERMIT 52404 FOR CRANBERRY USE

AMOUNT OF WATER: ~~2.7~~ ACRE-FEET EACH YEAR
2.38

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

DATE OF PRIORITY: AUGUST 23, 1994

~~THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 0.25 ACRE AND THE MAXIMUM DEPTH OF WATER WILL BE 11.0 FEET.~~

DAM LOCATION: NE 1/4 SW 1/4, SECTION 13, T29S, R15W, W.M.; ~~400~~ FEET SOUTH AND ~~1525~~ FEET EAST FROM THE W 1/4 CORNER OF SECTION 13
1506 450

POINT OF DIVERSION LOCATION: 1500 FEET SOUTH AND 1900 FEET EAST FROM THE WEST 1/4 CORNER SECTION 13 TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN THE NE 1/4 SW 1/4, SECTION 13, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. ~~Before water use may begin under this permit,~~ the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Application R-74428 Water Resources Department

PERMIT R-11757

Med

- 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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

STANDARD CONDITIONS

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 downstream rights.

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

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

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

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

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

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

Issued June 12, 1996

Martha O. Pagel
for Martha O. Pagel Director
Water Resources Department

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots [OR Map](#)

Off
 On

County: Coos
 Taxlot: 29615W191FL00-000U1
 Owner1: BOAK, DAVID
 Owner2:
 Owner Address: PO BOX 897 BANDON OR 97411
 Site Address: 0
 Acres: 0
 TRSQQ: WM29 00515 00W13XXX01
 Effective Date: January 1, 2014

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

Tools

Layers

Print

Bookmarks



POD POU Irrigation Districts AOI WR By Time

All Fields Search...

#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp. Duty	Rate cfs	Rate
1	9629	[Details]	Map_WR	Permit: R 11757 * CR	ST	MELVIN E	BOAK		CRANBERRY	08/23/1994 -		0	
2	9630	[Details]	Map_WR	Permit: R 11757 * CR	ST	MELVIN E	BOAK		CRANBERRY	08/23/1994 -		0	

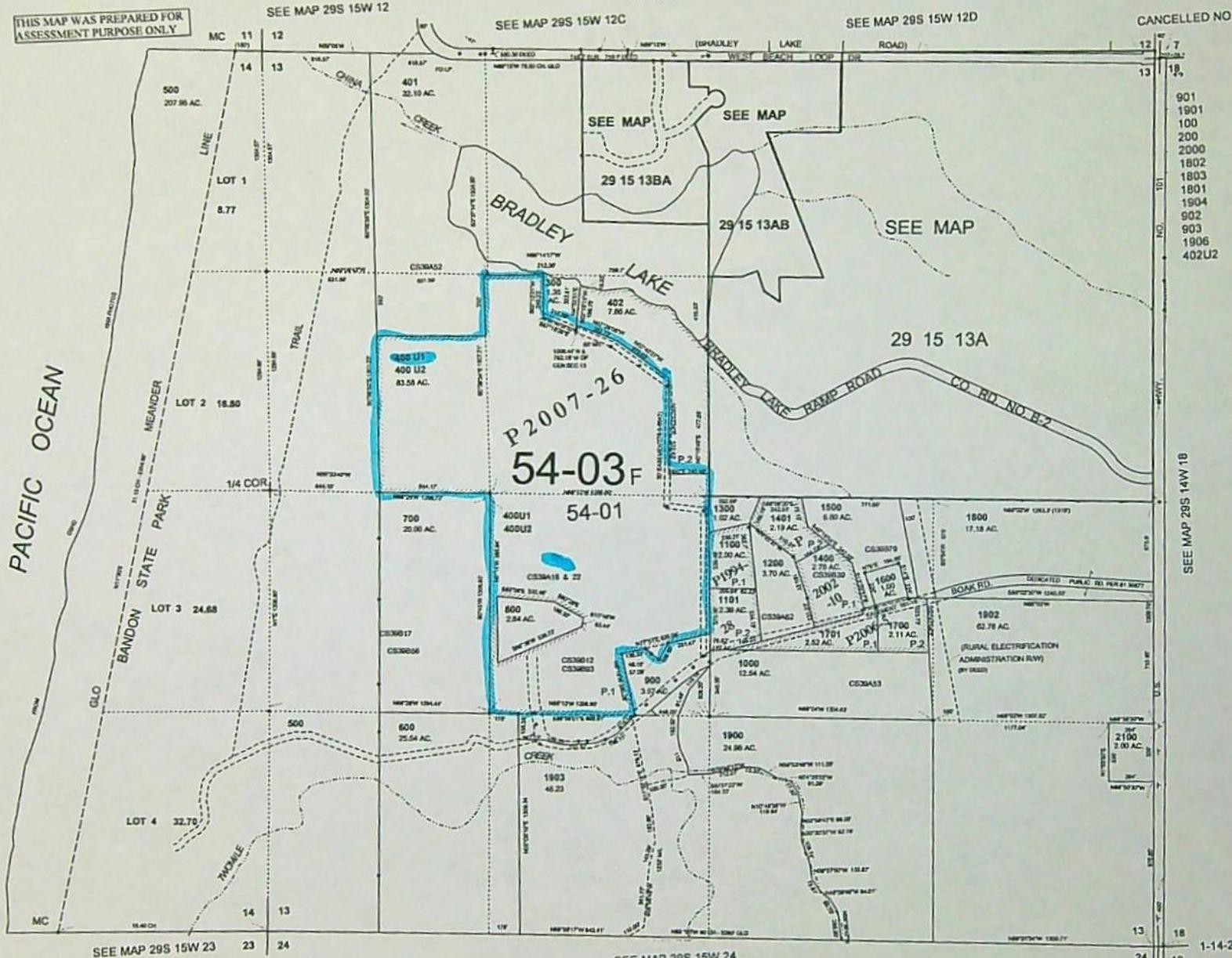
Search took 0 sec 1-2 of 2

SECTION 13 T29S R15W W.M.
COOS COUNTY

29S 15W 13
& INDEX

1" = 400'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SEE MAP 29S 14W 18

1-14-2011

29S 15W 13
& INDEX

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2015

NOT OFFICIAL VALUE

December 29, 2014 11:54:49 am

Account # 1239500
 Map # 29S1513-00-00400 U1
 Code - Tax # 5403-1239500
 Legal Descr See Record
 Mailing Name BOAK, DAVID

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Deed Reference # 2002-49564 (SOURCE ID(T):
 2001-12622)
 Sales Date/Price 10-11-2001 / \$0.00
 Appraiser

Agent
 In Care Of
 Mailing Address PO BOX 897
 BANDON, OR 97411-0897

Prop Class 572 MA SA NH Unit
 RMV Class 500 06 27 RRL 22173-1

Situs Address(s) Situs City

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
5403 Land		20,360		Land	0
Impr.		17,790		Impr.	0
Code Area Total	27,106	38,150	9,850		0
Grand Total	27,106	38,150	9,850		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5403	10	F		F/EFU	Designated Forest Land	100	A	30.51	F	006*	8,390
5403	20	F		F/EFU	Farm Use Zoned	100	A	3.35	BOGL	006*	5,080
5403	50	D		F/EFU	Farm Use Zoned	100	A	2.50	BOGL	006*	3,790
5403	30	F		F/EFU	Farm Use Zoned	100	A	2.93	DIKE	006*	3,050
5403	40	F		F/EFU	Farm Use Zoned	100	A	2.49	U8	006*	50
Grand Total								41.78			20,360

Improvement Breakdown											
Code Area	Yr	Stat	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV			
5403	1	0	304 Multi-purpose shed	100	560			17,790			
Grand Total								560	17,790		

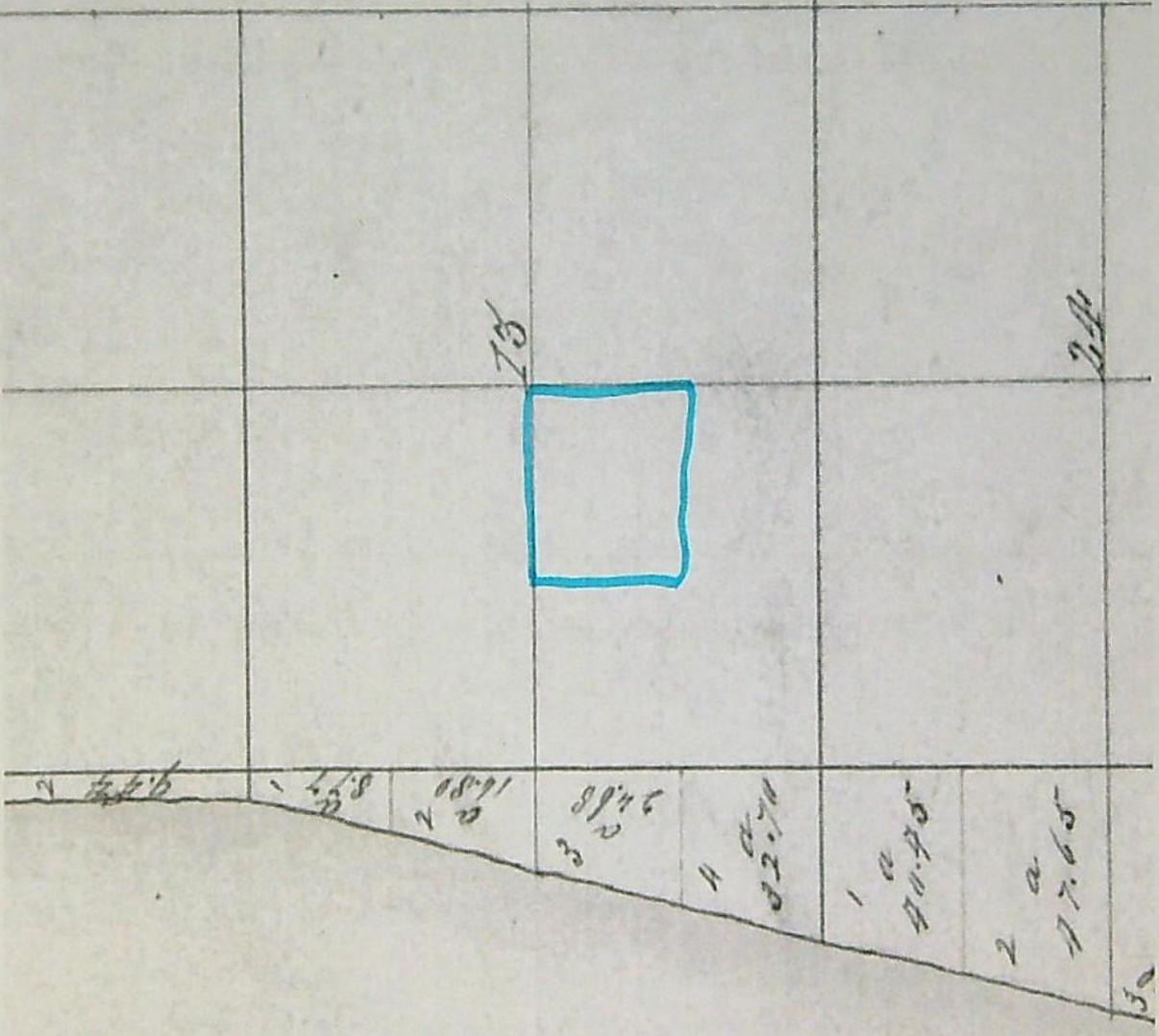
Exemptions/Special Assessments/Potential Liability											
Code Area	Type										
5403	SPECIAL ASSESSMENT: <ul style="list-style-type: none"> ■ FIRE PATROL TIMBER Amount 94.49 Acres 80.26 Year 2015 ■ FIRE PATROL SRCHG Amount 47.50 Acres 0 Year 2015 NOTATION(S): <ul style="list-style-type: none"> ■ CRANBERRY BOGS ADDED 1998 ■ CRANBERRY BOGS ADDED 1996 ■ FARM/FOREST POT'L ADD'L TAX LIABILITY FARM/FORST ■ CRANBERRY BOGS ADDED 1998 ■ FIRE PATROL ADDED 2014 AFFIDAVIT #20303 - #1239590 COMBINED INTO #1239500 RURAL FIRE/FIRE PATROL SPLIT CODE CONSOLIDATION										

Comments: UND 1/2 INT
 SPLIT CODE 12395.90
 BOAK RD
 FIRE PAT ACRES 54.43*
 CRANBERRY BOG AFF (TC ORDER) & BOE CHANGE 1990-91 THRU 1996-97
 NOW: PARTITION PLAT 2007-26
 PARCEL 1

Water Rights Platcard Report

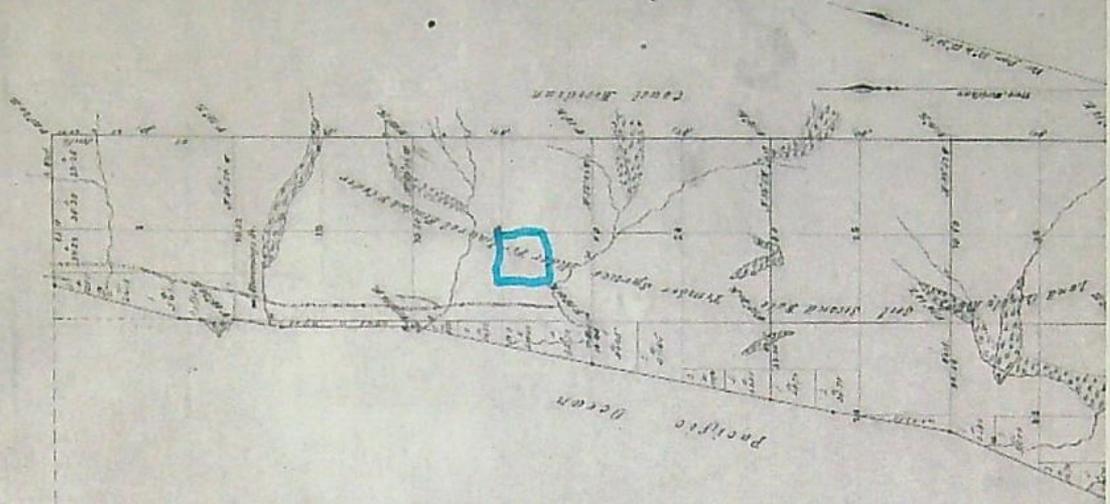
Meridian: Willamette Township: 29 South Range: 15 West Section: 13 Records per Page: 999 Search Platcards Maps! Learn about * View Map

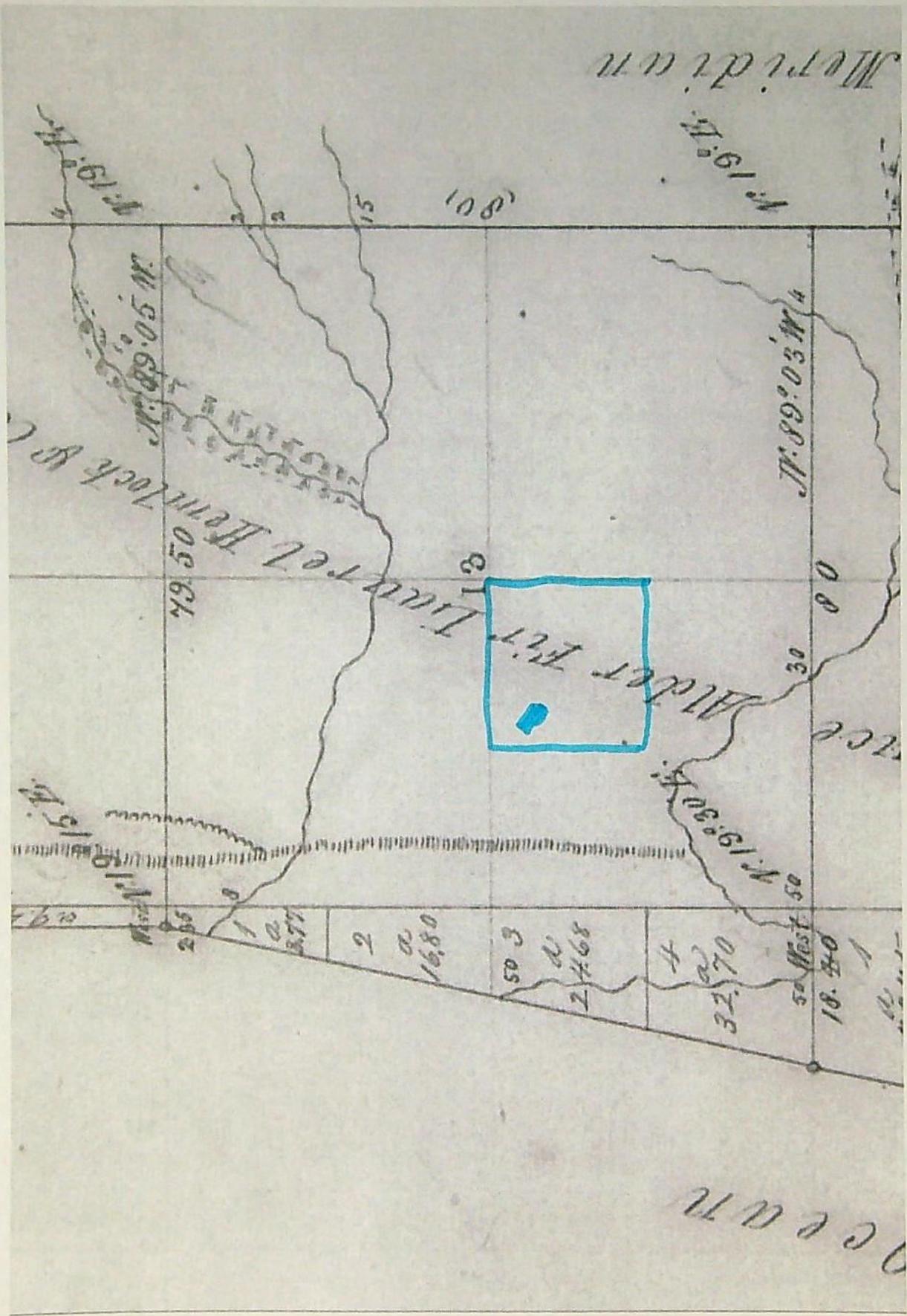
Water Right	Change in Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(100)	NE NE	NW NE	SW NE	SE NE	NW NW	SW NW	SE NW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown	
Select Permit: S 48335 * Additional Info: M E & R G BOAK App: 566897 Permit: 548335			CRANBERRY										3.6	1.7	7.4								
Select Permit: S 52404 * Additional Info: MELVIN E BOAK App: 574429 Permit: 552404		8/23/1994	CRANBERRY (Suppl'mnt)										3.32	1.91	6.5								
Select Cert: 26397 OR * Additional Info: MELVIN E BOAK App: 522219 Permit: 517494 Cert: 26397		2/5/1947	IRRIGATION												3.2								
Select Permit: R 11757 * Additional Info: MELVIN E BOAK App: R74428 Permit: R11757		8/23/1994	CRANBERRY																				
Select App: P 74374 * Additional Info: ROBERT BUSSO App: P74374		7/19/1994	LIVESTOCK																				*
Select Permit: G 12833 CN Additional Info: DUANE B LINDSAY App: G13251 Permit: G12833		1/15/1993	CRANBERRY CN																				*
Select Permit: G 13018 * Additional Info: DUANE B LINDSAY App: G13251 Permit: G13018		12/11/1996	CRANBERRY														10						
Select Permit: R 11880 * Additional Info: DUANE B LINDSAY App: R73170 Permit: R11880		1/15/1993	CRANBERRY (Suppl'mnt)																				*
Select Permit: R 12893 * Additional Info: JACK FUGATE App: R73854 Permit: R12893		1/20/1994	CRANBERRY																				*
Select Permit: R 12894 * Additional Info: JACK FUGATE App: R73855 Permit: R12894		1/20/1994	CRANBERRY																				*
Select Permit: R 12895 * Additional Info: JACK FUGATE App: R73856 Permit: R12895		1/20/1994	STORAGE																				*
Select Permit: S 43164 CN Additional Info: LETA BARNES App: 557312 Permit: 543164		4/19/1978	DOMESTIC EXPANDED																				*
Select Permit: S 45620 CN Additional Info: TARIQ M SHAMMA App: 561356 Permit: 545620		3/13/1981	DOMESTIC CN																				*
Select Permit: S 50675 * Additional Info: FRED WAUGH		5/23/1989	IRRIGATION										0.5										



Township N 29 South Range T 15 West Willamette Meridian

1734





R.E. Melvin E Boak / Rupert G. Boak
Permit # R-11757 - File # R-74428
✓ S-52404 - ✓ S-74429

AUG 31 1999

WATER RESOURCES DEPT
SALEM, OREGON

Our projects have been completed.

An $\frac{1}{8}$ " screen for the foot valve in
Two Mile Creek was purchased and
the 4" meter has been installed.

Enclosed you will find a map of
the projects which has been signed
by J. Doolet, water master. He has
also viewed the projects.

Boak Boys, Inc.

David R. Boak

Jarvis

C

FORMS

DSM

MEMO

TO: FILE R-74428

FROM: JG DATE: 8-26, 2008

RE: DETERMINATION OF PROOF

I've determined that a PROPOSED / FINAL certificate should be prepared and mailed to the permit holder consistent with:

The Permit
The COBU/FPS *See notes on PC*

As described in the permit but as clarified by the COBU/FPS

As described in the PERMIT and COBU/FPS but as further specified below:

Less storage

3-11-2010

Awaiting on survey of 66897. - P. N. Fisher

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MELVIN E & RUPERT G BOAK
PO BOX 897
BANDON OR 97411

confirms the right to store water perfected under the terms of Permit R-11757. 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-74428

SOURCE: TWOMILE CREEK, a tributary of the PACIFIC OCEAN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE or USE: APPROPRIATED UNDER PERMIT 52404 FOR CRANBERRY USE

MAXIMUM STORAGE VOLUME: ^{2.38}~~0.63~~ ACRE FEET

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

DATE OF PRIORITY: AUGUST 23, 1994

DAM LOCATION & ~~THE POINT OF DIVERSION~~ ^{*(leave in) OK*} IS LOCATED AS FOLLOWS: *X*

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
DAM	29 S	15 W	WM	13	NE SW	450 FEET SOUTH & 1506 FEET EAST FROM W1/4 CORNER, SECTION 13
CREEK	29 S	15 W	WM	13	SE SW	1500 FEET SOUTH & 1900 FEET EAST FROM W1/4 CORNER, SECTION 13

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
29 S	15 W	WM	13	NE SW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

CONDITIONS OF USE

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order.
 - B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.
1. Diversion screening or fish passage facilities shall be operated to Oregon Department of Fish and Wildlife specifications.
 2. The storage of water allowed herein is subject to the maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Director to satisfy prior downstream rights.
 3. 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.
 4. 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.
 5. 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.
 6. 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

Phillip C. Ward, Director
Water Resources Department

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-74428

Permit: R-11757

Certificate: *****

Permit/Certificate Holder:

MELVIN E & RUPERT G BOAK
PO BOX 897
BANDON OR 97411

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

Copies of Final Certificate to be sent to:

1. Watermaster District 19, Mitch E. Lewis; Coos County Courthouse Annex
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

1. Thomas M. Hoshall, CWRE



TELEPHONE (541) 267-2872
FAX (541) 267-0588
dennisgoude@stuntzner.com
705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY - BROOKINGS - FOREST GROVE - DALLAS

CLAIM OF BENEFICIAL USE AND SITE REPORT

Located in NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 13, Township 29 South, Range 15 West, W.M.

Application #S-74429, Permit #52404

Application #R-74428, Permit #R-11757

Coos County, Oregon

INFORMATION:

Permittee: Boak Bogs Inc.
(Melvin E. & Rupert G. Boak)
P.O. Box 897
Bandon, OREGON 97411
(541) 347-3715

Dave Boak, manager for Boak Bogs Inc. assisted with the site visit and survey. All systems, uses and places of use were operational and in use at the time of the survey.

SOURCE:

Two Mile Creek and storage reservoir.

TYPE OF USE:

Supplemental use on 11.73 acres of Cranberries.

DIVERSION WORKS:

The P.O.D. is an instream 15 horsepower centrifugal pump. The pump has 4-inch diameter intake and a 4-inch diameter discharge connecting to 750 feet of 4-inch diameter aluminum pipe that discharges into a one foot wide by one foot deep by 350 long ditch that discharges into the reservoir. The P.O.D. is located 1500 feet South and 1900 feet East of the West $\frac{1}{4}$ corner of Section 13.

Irrigation System:

System at Two Mile Creek:

Motor	Century electric motor
Model	SC-256 UCJ-KCA EM 1 9 306037-01
HP	15
RPM	3500
Volts	220/440
Serial #	51506
Pump:	Pump tag was unreadable
Intake	4" diameter
Discharge	4" diameter

RECEIVED

AUG 23 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Inline flowmeter.
McCrometer Flowmeter 4" diameter
Serial # 95-3221-4

System at the reservoir:

Motor	General Electric
Model	Unreadable
HP	50
RPM	1770
No tag on the pump	
Intake	8" diameter
Discharge	5" reduced to 4"

Pipe: All pipes were buried therefore lengths were estimated.

4" Ø mainline	2225' ±
1¼" laterals	5200' ±

Sprinkler Heads:

Make	Rainbird	#20
Size	5/32	
Max #	120	
Operating pressure	50 PSI	

Lift:

Two Mile creek	
Creek to pump	10'
Pump to place of use	20'

Reservoir	
Reservoir to pump	4'
Pump to place of use	10'

CALCULATIONS:

Given Data:

•Pump @ stream

15 HP centrifugal

Operating pressure = 50 psi

Suction lift = 10'

Discharge lift = 20'

•Head @ 50 PSI x head factor @ 2.31 x friction factor @ 1.1 = 127.0' of head.

•Pump 15 HP centrifugal (with assumed eff. factor of 75% = 6.61).

$$Q_{\text{pump}} = \frac{6.61 \times 15}{30 + 127.0} = 0.63 \text{ cfs}$$

RECEIVED

AUG 23 2008

- Pump @ reservoir
50 HP Centrifugal
Operating pressure = 50 psi
Suction lift = 4'
Discharge lift = 10'
- Head @ 50 PSI x head factor @ 2.31 x friction factor @ 1.1 = 127.0' of head
- Pump 50 Hp centrifugal (with assumed eff. factor of 75% = 6.61).

$$Q_{\text{pump}} = \frac{6.61 \times 50}{14 + 127.0} = 2.34 \text{ cfs}$$

Qheads - 425 heads with 5/32" nozzle opening = 5.0 GPM/head
Max sprinkler use at one time 120 heads.

$$\bullet \text{ Sprinkler calculations} = 5.0 \text{ (GPM)} \times 120 \text{ (nozzles)} = \frac{600}{449} = 1.34 \text{ cfs}$$

Aqueduct: One foot wide by one foot deep by 350 feet in length

$$Q = \frac{1.486}{n} AR^{2/3} S^{1/2}$$

$$Q = \frac{1.486}{0.02} (.5) (2)^{2/3} (0.013)^{1/2} = 6.72 \text{ cfs}$$

Reservoir has a surface area of 0.25 acres (63' x 170') and a maximum depth of 11 feet. The bottom slopes from approximately 4 feet deep to 11 feet deep for a volume of approximately 2.38 acre feet.

DIVERSION POINT:

The Point of Diversion (Two Mile Creek) is located 1500 feet South and 1900 feet East and the reservoir is located 450 feet South and 1506 feet East both from West 1/4 corner of Section 13.

RATE:

The permit authorizes 1.34 CFS for cranberry use
Diversion system capacity 0.63 CFS
Delivery system capacity 2.34 CFS

CLAIM OF BENEFICIAL USE = 0.63 CFS

PLACE OF USE:

NE1/4 SW1/4	6.5 Acres
SW1/4 NW1/4	3.32 Acres
SE1/4 NW1/4	1.91 Acres

Township 29 South, Range 15 West, W.M.

CROP TYPE AND PERIOD OF USE:

Cranberries with year round usage from storage and live flow February 1 through March 31.

RECEIVED

AUG 23 2000

PERMIT CONDITIONS:

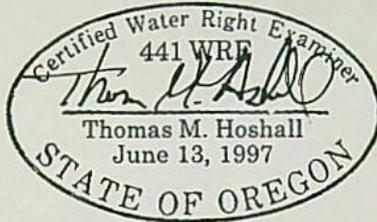
A flow meter or other suitable measuring device must be installed before water may be used. A McCrometer totalizing flowmeter is installed. The pump foot valve is screened and there are no obstructions to fish passage at the P.O.D.

POINT OF BEGINNING:

The P.O.B. is the West 1/4 corner of Section 13, Township 29 South, Range 15 West, W.M. Coos County, Oregon. The survey tie was made at the time of application with conventional survey equipment.

CONCLUSION/REMARKS:

The Final Proof Survey and Site Inspection of Permit 52404 & R-11757 were completed July 14, 2000. The facts contained in this report and accompanying map are correct to the best of my knowledge.



EXPIRES 06/30/2001

I, Dave Boak of Boak Bogs Inc agree to the findings of the CWRE and do submit this site report and map as claim of Beneficial Use of the water as provided under the terms and conditions of Permit 52404 & R-11757. I hereby request a certificate be issued per this report of Beneficial Use.

Dave Boak
Dave Boak
Rupert G. Boak
P.O.A. Alvin M. Boak

8/18/00
Date

RECEIVED

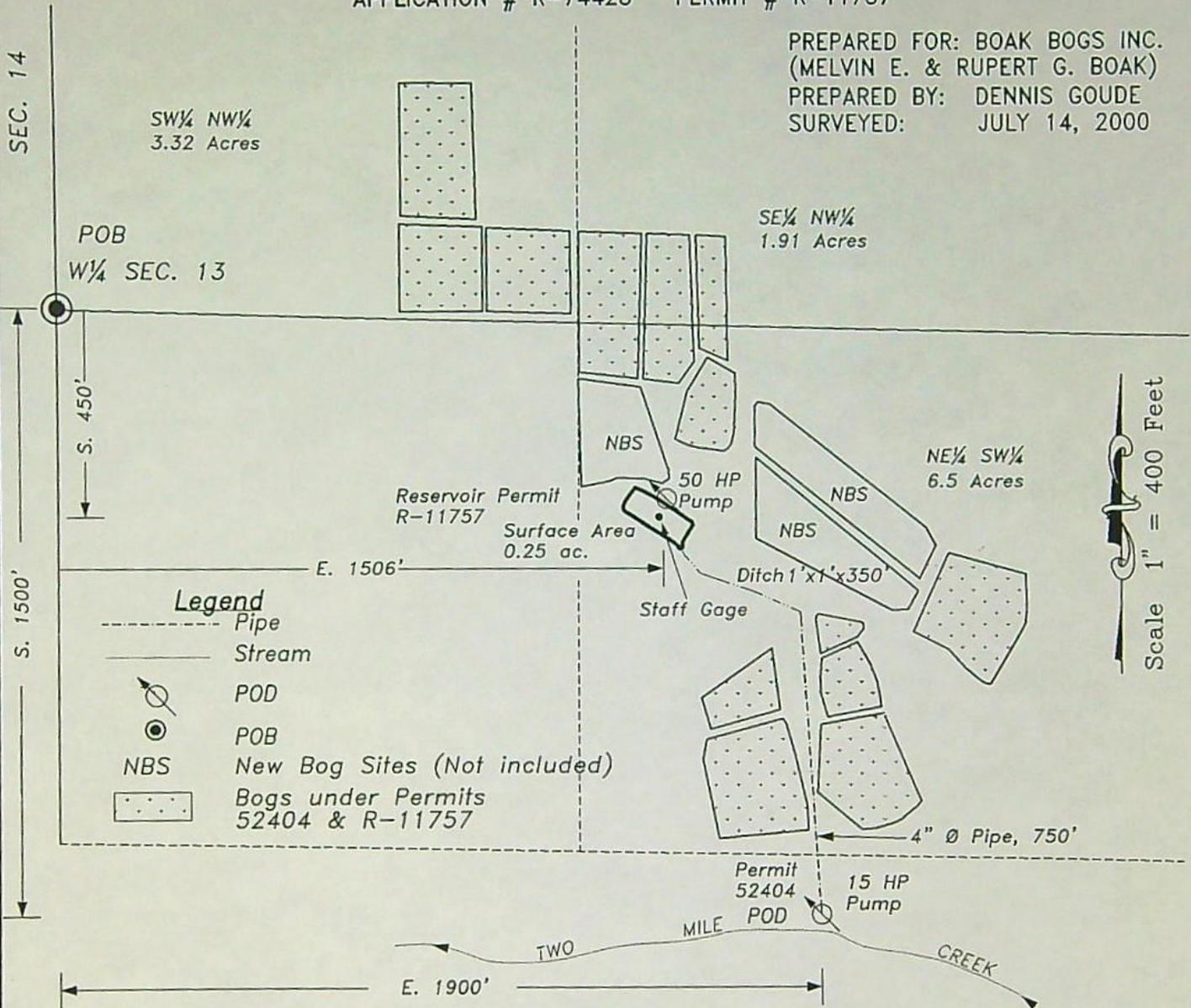
AUG 23 2000

WATER RESOURCES DEPT.
SALEM, OREGON

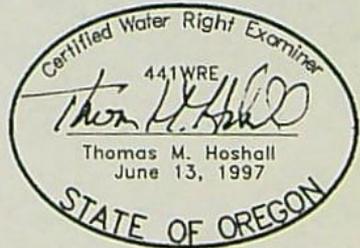
CLAIM OF BENEFICIAL USE FINAL PROOF MAP

LOCATED IN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$
of SECTION 13, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.
COOS COUNTY, OREGON
APPLICATION # S-74429 PERMIT #52404
APPLICATION # R-74428 PERMIT # R-11757

PREPARED FOR: BOAK BOGS INC.
(MELVIN E. & RUPERT G. BOAK)
PREPARED BY: DENNIS GOUDE
SURVEYED: JULY 14, 2000



NOTE:
THE RESERVOIR PUMP IS A 50 HORSEPOWER GE AND IS LOCATED 450 FEET SOUTH AND 1506 FEET EAST FROM THE WEST CORNER $\frac{1}{4}$ OF SECTION 13. THE INSTREAM PUMP IS A 15 HORSEPOWER CENTURY AND IS LOCATED 1500 FEET SOUTH AND 1900 FEET EAST FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 13.



EXPIRES 06/30/2001

RECEIVED

AUG 23 2000

Stuntzner Engineering & Forestry

705 So. 4th Street Phone (541) 267-2872
P.O. Box 118 Fax (541) 267-0588
Coos Bay, Oregon 97420

EXAMINERS DISCLAIMER STATEMENT
The preparation of this map was for the purpose of identifying the location of the Water Right only and has no intent to provide dimensions or location of property ownership lines.
WATER RESOURCES DEP
SALEM, OREGON



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

June 29, 2000

MELVIN & RUPERT BOAK
PO BOX 897
BANDON OR 97411

REFERENCE: File 74429 & R74428

This letter is in regard to your water use Permit 52404 & R11757. As we pointed out to you in a previous letter, your claim of beneficial use must be received in this office by **August 31, 2000**.

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."

Reservoir permit holders who obtained their permits after 1995 under the Alternate Ponds Program, store less than 9.2 acfe-feet and have no secondary water right that permits the diversion of water from the reservoir can prepare their own final proof survey.

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.

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.

You are hereby notified that unless your claim is received on or before **August 31, 2000** 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:jh

cc: Watermaster
CWRE

CERTIFIED - RETURN RECEIPT REQUESTED

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-74428

Final Order

Application History

On August 23, 1994, MELVIN E AND RUPERT G BOAK submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 24, 1995. The protest period closed December 8, 1995, and no protest was filed.

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

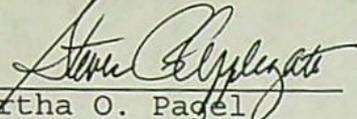
Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe measuring and reporting conditions, and to add the condition listed above.

Order

Application R-74428 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number R-11757 is issued as limited by the conditions set forth in the permit.

DATED June 12, 1996

for 
Martha O. Pagel
Director

Hearing and Appeal Rights

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

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

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MELVIN E AND RUPERT G BOAK
PO BOX 897
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-74428

SOURCE OF WATER: TWOMILE CREEK, A TRIBUTARY OF PACIFIC OCEAN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-74429, PERMIT 52404 FOR CRANBERRY USE

AMOUNT OF WATER: 2.7 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: AUGUST 23, 1994

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 0.25 ACRE AND THE MAXIMUM DEPTH OF WATER WILL BE 11.0 FEET.

DAM LOCATION: NE 1/4 SW 1/4, SECTION 13, T29S, R15W, W.M.; 400 FEET SOUTH AND 1525 FEET EAST FROM THE W 1/4 CORNER OF SECTION 13

POINT OF DIVERSION LOCATION: 1500 FEET SOUTH AND 1900 FEET EAST FROM THE WEST 1/4 CORNER SECTION 13 TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN THE NE 1/4 SW 1/4, SECTION 13, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

STANDARD CONDITIONS

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 downstream rights.

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

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

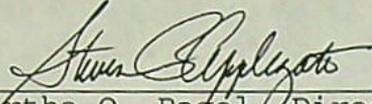
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued June 12, 1996

for 
Martha O. Pagel Director
Water Resources Department

8

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-74428

WATERMASTER # 19

REGIONAL MANAGER: SW

ODF&W - Coos County:

CWRE (if agent):

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

LANDOWNER BARBARA FUGATE;
RT. 1 BOX 965
BANDON, OREGON 97411

John P. Drolet
Watermaster

CASEWORKER : JKS

May 22, 1996

RECEIVED

MAY 24 1996

RE: Application File #R-74428
#S-74429

WATER RESOURCES DEPT.
SALEM, OREGON

Thelvin E. Boak
Rupert G. Boak
PO Box 897
Bandon, OR 97411

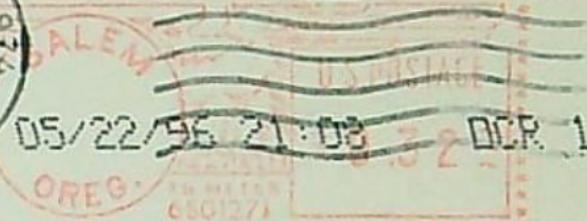
① Check \$264⁰⁰

② The location of the dam (pond)
is 400 ft. south and 1525 ft.
east from the W¹/₄ corner of Section
13, being within the NE¹/₄ SW¹/₄
of section 13, Township 29 South,
Range 15 west, W.M., Coos County.

Mr. Rupert Boak
P.O. Box 897
Bandon, OR 97411

CONSERVE WATER
FOR
OREGON'S FUTURE

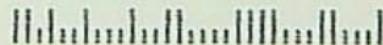
EUGENE, OR



NO POSTAGE STAMP NECESSARY
POSTAGE HAS BEEN PREPAID BY

ATTN: CORY

WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12th STREET NE
SALEM, OR 97310



RECEIVED

Oregon

MAY 24 1996

WATER RESOURCES DEPT.
SALEM, OREGON

WATER
RESOURCES
DEPARTMENT

May 13, 1996

MELVIN E BOAK
BOAK, RUPERT G
PO BOX 897
BANDON OREGON 97411

RE: Application File # R-74428 & S-74429

Dear MELVIN E & RUPERT G BOAK,

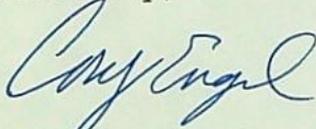
The Water Resources Department is preparing a Final Order and permit approving your application for water use. Before we may proceed, the following information must be submitted:

- ▶ Permit recording fees in the amount of \$264.00.
- ▶ The location of the dam referenced by bearing and distance or coordinates relative to an established survey corner. For example, "XX feet south and YY feet west from the northeast corner of Section 5, Township 4 South, Range 2 West."

In order to expedite the processing of your application, we request that you submit these items by **June 1, 1996**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me at 503-378-8455 extension 306.

Sincerely,



Mr. Cory Engel
Final Order Team

Enclosures



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

May 13, 1996

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BOAK, RUPERT G
PO BOX 897
BANDON OREGON 97411

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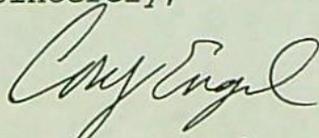
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FO CHECKLIST

PFO TO FO CONVERSION

FILE # R-74428

PFO - Oct, 24, 1995

REVIEW DATE: 4/24/96

WEEK # _____

INITIALS: JTG

In preparing the FO, you should check the following:

watermaster 11/2 + 11/8

1. Y / N Were comments or protests received in response to the PFO?
2. List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. A10 Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid Prepare refund request for excess fees \$40 App. Fee
 - (2) Issue FO w/o permit if fees are lacking
 - (3)
4. Y / N Has the applicant signed an oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. _____ Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

A10 Storage
\$40 App. Fee
650

USE conditions per TRIAGE WORKSHEET
Use more restrictive conditions FROM ITEMS 1-4 in watermaster 11/2/95 memo &

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	<u>CORY</u>	JERRY	<u>DOUG</u> <u>DB</u>

mt R MED

Modify FO as needed to:

INITIALS: CB

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

Once FO document is completed:

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

[Handwritten signature]

Fish District: Coos/Coquille

WAB #

Application # R-74428

Applicant Name M. Boak

Date: March 27, 1996

AREA

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

INFORMATION/CONDITIONS

1. Are there water quality concerns related to salmon/steelhead/trout? Y N
 Should the application be denied? Y N
 Should the application be restricted? Y N

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

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

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

3. Domestic
 Should domestic use be conditioned to human consumption? Y N Based on water availability

4. Fish Screening and Passage
- A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).
 - B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).
 - C. No dam or obstruction without a fishway.

5. Miscellaneous
- A. Reservoir Filling _____
 - B. Water Quality Permits _____
 - C. Return Flow _____
 - D. Time Limited Water Right _____
 - E. Other Reservoir Special

6. Measurement and Reporting
- A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)
 - B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)
 - C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)

FINDINGS

- Permit is proposed for denial prior to interagency team review for fishery concerns.
- Deny permit due to fishery concerns, except for
 - A. Domestic (which may be limited to human consumption, see above)
 - B. Livestock
 - C. Unless water is from storage
- Do not condition further due to fishery concerns.
- Condition permit due to fishery concerns listed above.





STATE OF OREGON

INTEROFFICE MEMO

TO: File # R-74428, S-74429
Melvin & Rupert Boak Application

DATE: 11-08-95

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

RECEIVED

SUBJECT: Modified Comments Re: these Pending Applications

NOV 13 1995

REF: my 11-02-95 ltr to AJC,
"New Applications--Inadequate Water"

WATER RESOURCES DEPT.
SALEM, OREGON

This morning, I had occasion to speak with David Boak and Mrs. Rupert Boak regarding the above referenced applications; and as a result of that conversation I find it necessary to revise the comments made in the above referenced memo.

Although it is nowhere alluded to in the applications, the use of water is for supplemental cranberry water use, not primary use. I therefore withdraw my comments stating my opinion that there appears to be inadequate water for the intended uses.

JPD/dt



TO: Steve P. Applegate
Manager, Water Rights Div.

DATE: 11-02-95

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

SUBJECT: Recommendations for Permit Conditions

RECEIVED
NOV - 3 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Steve, reference is made to an earlier conversation during which we discussed the appropriateness of field recommendations for permit conditions. Permit condition recommendations are listed below for the following pending applications:

- I. Permit Conditions (if reservoir is in channel):
- A. Require weir or other suitable measuring device upstream and downstream from the reservoir,
 - B. Require a controllable and lockable headgate or gate valve located at natural stream elevation,
 - C. Require all pumping from the reservoir to be metered,
 - D. Require watermaster approved staff gauge with a range that extends from dead pool storage to maximum reservoir elevation.

application #'s R-71744, R-71720, R-72911, R-73461, R-73943, R-73854, R-73855, R-73856, and R-74428.

- II. If the above reservoirs are not in channel:
- A. Require all pumping into and out of the reservoir to be metered, and
 - B. Require watermaster approved staff gauge with a range that extends from dead pool storage to maximum reservoir elevation.

Steve, if these recommended permit conditions should more appropriately be directed to another member of you staff, please let me know who that might be.

Also, please let me know if you think that the above recommendations can not be incorporated into the permits as conditions.

JPD/dt

CF: AJC



STATE OF OREGON

INTEROFFICE MEMO

TO: Alan J. Cook
SW Regional Manager

DATE: 11-02-95

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

SUBJECT: New Applications--Inadequate Water

REF: file #'s R-71744, R-71720, R-72911, R-73461,
R-73854, R-73855, R-73856, and R-74428

RECEIVED
NOV - 3 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Al, one of the trends in permit issuance is to condition water use permits to allow water use for only those months when water availability reports indicate adequate flow.

Certain types of agricultural water uses are more suited to these restrictions than other uses. Most pastures can go without water during late summer with no long term permanent damage; the grasses go into dormancy, production falls, stock have to be moved; but the pasture should recover with seasonal rains and the reapplication of water during the next irrigation season.

Most of the proposed final orders crossing my desk for cranberry production also have monthly prohibitions for surface water use but additionally allow water use from storage. My level of anxiety is elevated when the period of allowed water use from a surface water source is so restrictive as only to allow water use during the winter months. The applicant must then rely on storage for the remainder of the year for all uses (irrigation, heat control, frost protection, and flood harvest).

With most of the pending applications, the quantity of stored water appears to be inadequate for the uses and the acreage applied for. Please see attachment for examples.

Cranberries are a high value crop. By allowing permits to be issued with inadequate water supplies, are we in some way encouraging future water theft with the resultant distribution problems? If we can not withhold issuance of the permit on common sense grounds, can we at least have some statement written into a cover letter or into the text of the permit that says something to the effect that we believe that the allowed water use may periodically be inadequate and the permit holder should be aware that the use may be subject to periodic regulation?

My preference would be to withhold permit issuance unless the applicants can demonstrate, when our concerns are brought to their attention, that they do have adequate stored water to meet use demands.

Your thoughts???

JPD/dt

CF: Dwight French (for files)

<u>file #</u>	<u>Applicant</u>	<u>Acreage</u>	<u>Storage</u>	<u>Period Sfc H2O Use</u>
R-71744	Aten	10 ac	8 af	<u>Not Allowed</u> July-November
R-72130	Gant	8 ac	9 af	April-December
R-72911	Litterell	25 ac	18 af	August-December
R-73461	Peck	14 ac	27 af	May-December
R-73854	Fugate	70 ac	108 af	April-December
R-73855	" "			
R-73856	" "			
R-74428*	Boak	12 ac	3 af	April-February

* (The Boak application is a good example. How can we in good conscience issue a surface water permit for 12 acres of cranberry use, tell the grower that he can only use surface water in February and March and expect him to get through irrigation and flood harvest of 12 acres with 3 af of stored water? I do not think that we are doing the applicant or the Department a service by glossing over these issues.)

RECEIVED

NOV - 3 1995

**WATER RESOURCES DEPT.
SALEM, OREGON**

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of)	PROPOSED
Reservoir Application)	FINAL
R-74428 submitted by)	ORDER
MELVIN E AND RUPERT G BOAK		

FINDINGS OF FACT

Water Use Request

1. Melvin E and Rupert G Boak requested to construct an off-channel unnamed reservoir and to store the waters of Two Mile Creek, a tributary of Pacific Ocean to be appropriated under Application 74429 for Cranberry use within the South Coast Basin.
2. The amount of water to be stored each year is not more than 2.7 acre-feet.
3. The area to be submerged by the reservoir is located in Coos County within Section 13 Township 29 South, Range 15 West, W.M.
4. The total area proposed to be submerged by the reservoir, when full, is .25 acre; the proposed maximum depth of water is 11.0 feet. The reservoir will be in-ground excavation.
5. The request was made in Application R-74428 which was received by the Water Resources Department on August 23, 1994.

Affected Waters

1. Two Mile Creek, a tributary of Pacific Ocean is not within or above a State Scenic Waterway.
2. ODFW has advised that one or more species of game fish are present at the described dam location and/or point of diversion and requires applicant to provide fish screening pursuant to ORS 498.248.
3. There are are no senior water rights on Two Mile Creek, a tributary of Pacific Ocean but there are on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.

2. A Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on August 14, 1995.
3. The Initial Review determined:
 - a. Storage is allowed under the South Coast Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water is available for storage and further appropriation (at a 50 percent exceedance probability) for the period December 1 through the last day of February (storage season).
 - d. The use would not injure existing water rights.
4. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.
5. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
6. The Department proceeded with processing the application and on August 29, 1995 published notice of the application in its weekly Public Notice of Water Rights.
7. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had received comments on the application.

Assessment

1. In proceeding with evaluation of Application R-74428, the following criteria were found to be relevant by the Department.
 - a. The South Coast Basin Program (OAR Chapter 690, Division 517)
 - b. The Coos County Comprehensive Plan and Zoning Ordinance
 - c. Dam Construction Standards (OAR Chapter 690, Division 20)
The amount of water available in Two Mile Creek, a tributary of Pacific Ocean
 - d. Pending, senior applications and existing water rights of record
 - e. Comments received

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Initial Review require modification as follows: modification of storage season to match water availability.

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STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

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R-74428 submitted by)	ORDER
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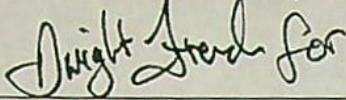
1. Based upon continued evaluation, the Department finds the determinations of the Initial Review require modification as follows: modification of storage season to match water availability.

2. Based on comments and data received, the Department has determined that the propose use can be allowed as conditioned. The Department has further determined that, to protect the resource, additional conditions on the proposed water use are necessary. The conditions, as further described on the attached draft permit, would require fish screening, and regulating devices.
3. The period of allowed use to store water, is December 1 through April 30.
4. The Department finds that no more than 2.7 acre-feet would be necessary for Storage. The amount of water requested, 2.7 acre-feet, is allowable for the proposed use.
5. Coos County Planning Department staff acknowledged receipt of the Department's Land Use Information Form. Since land use information was not postmarked or received within the 30 day comment period initiated pursuant to OAR 690-11-155, the Department has presumed that the land use served by the proposed water use is compatible with the comprehensive plans and land use regulations of affected local governments.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and proposed conditions, would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application R-74428 in the name of Melvin E and Rupert G Boak be approved for Storage as provided in the attached draft permit.

DATED October 24, 1995



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

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

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

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

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

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

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

DRAFT
STATE OF OREGON
COUNTY OF COOS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MELVIN E AND RUPERT G BOAK
PO BOX 897
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-74428

SOURCE OF WATER: TWO MILE CREEK, A TRIBUTARY OF PACIFIC OCEAN IN AN UNNAMED RESERVOIR, TO BE APPROPRIATED UNDER APPLICATION 74429 WITHIN THE SOUTH COAST BASIN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-74429 FOR CRANBERRY USE.

AMOUNT OF WATER: 2.7 ACRE-FEET EACH YEAR

THE PERIOD OF ALLOWED USE IS DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: AUGUST 23, 1994

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 0.25 ACRE AND THE MAXIMUM DEPTH OF WATER WILL BE 11.0 FEET. THE RESERVOIR WILL BE IN-GROUND EXCAVATION

DAM LOCATION: NE 1/4 SW 1/4, SECTION 13, T29S, R15W, W.M.

POINT OF DIVERSION LOCATION: 1500 FEET SOUTH AND 1900 FEET WEST FROM THE WEST 1/4 CORNER SECTION 13 TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

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

NE 1/4 SW 1/4
SECTION 13
TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee 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 permittee 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 permittee to submit alternative measuring procedures for review and approval.

- B. 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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

STANDARD CONDITIONS

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 downstream rights.

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

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

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

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

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

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

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application R-74428
Basin 17
JKS

Water Resources Department
Volume 3
Twomile Creek 29 S & Misc.

PERMIT DRAFT
District 19

PFO CHECKLIST

Application #: R-74428

Basin: 17

WAB: _____

Township 29S Range 15W Section 15 1/4 1/4 _____

- 1. Is the file complete by the Completeness Checklist?
- 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- 3. 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, in or within a mile of a scenic waterway)
- 4. Is the Proposed Use located in or above a Scenic Waterway?
- 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- 6. Is the use allowed or limited by the Basin Program?
- 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- 8. Basin Maps (metal cabinet) have been checked and River Mile (_____) has been identified
- 9. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 10. Rate _____ Duty _____ Irrigation Season _____
- 11. Period of Allowed Use _____
- 12. Is use from a B.O.R. project and if so, is a signed contract in the file?
- 13. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 18, 1994 or June 3, 1994)
- 14. Have conflicts been identified, verified and/or addressed?
- 15. Is the use Small ($\leq 0.1\text{cfs}$, $\leq 9.2\text{AF}$), Medium (> 0.1 or $< 1.5\text{cfs}$, > 9.2 or $< 100\text{AF}$) or Large ($\geq 1.5\text{cfs}$, $\geq 100\text{AF}$)? _____
- 16. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- 17. Check accuracy of information merged into _____ of allowed use, POD's, POU's, rates)
- 18. Spell Check
- 19. Watermaster District #: 19
- 20. Regional Office (NWR, NCR, ER, SCR, or _____)
- 21. Documents used in determination are attached
- 22. Fill out PFO CC List (a.k.a. the Check-Off)
- 23. PFO has been saved and moved to m:\t\pfo _____ ion #

R-74428
WATER IR
STORAGE Season
Dec → APRIL 5

FISH SA - FISH Present
WATER UP Stream & Down Stream
GATE VALVE

Name: _____ Date: _____

INITIAL REVIEW CHECKLIST

APPLICATION # R 74428
WAB # 1900

ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
 BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

BASIN PLAN
 LEGISLATIVE WITHDRAWAL (ORS 538)
 RULES
 SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
 OTHER _____

WATER AVAILABILITY HAS BEEN CHECKED
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE
AFTER JULY 17, 1992

INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER
AVAILABILITY SHEETS

USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN
THE FILE

DIVISION 33 HAS BEEN ADDRESSED...

SEASON FOR DIRECT FLOW
 WATER QUALITY PARAGRAPH
 EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)

PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP SHOWING
THE CONFLICT HAS BEEN ATTACHED

ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER

SPELL CHECK HAS BEEN COMPLETED

WATERMASTER # 19

REGIONAL MANAGER (NW, SW, NC, SC, E)

LETTER WAS SAVED FROM M:\T\IRWORK95 TO M:\T\IRSENT95

NAME M.A.
DATE 8-10-95

*Modify Storage Season
TO Dec 1 THROUGH April 30
Per WA. M. Carter
10-13-1995*

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

Classifications

690-517-001

(1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.

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

- (a) Bradley Lake 4900
- ✓(b) Eel Lake 01010
- ✓(c) Garrison Lake 00

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

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

- ✓(a) Glenn Creek (tributary to the East Fork Millicoma River) 070142
- ✓(b) Brush Creek 2500

✓(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8). 16123440

✓(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. 0701310 to 0701312

WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 50
 Water Availability Subbasin: 1900000000000000 (and Nested Subbasins)
 Time: 14:36 Date: 08/10/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	1900000000000000	YES	YES	YES	YES	NO	YES	YES						

STREAM NAMES

Basin: SOUTH COAST
 Water Availability Subbasin: 1900000000000000 (and Nested Subbasins)
 Time: 14:36 Date: 08/10/1995

WAB #	Stream Name	Tributary to
1900000000000000	TWOMILE CR	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 1900000000000000
 Basin: SOUTH COAST
 Exceedance Level: 50
 Time: 14:36 Date: 08/10/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	1900000000000000	TWOMILE CR	YES	34.0
2	1900000000000000	TWOMILE CR	YES	44.3
3	1900000000000000	TWOMILE CR	YES	34.2
4	1900000000000000	TWOMILE CR	YES	6.4
5	1900000000000000	TWOMILE CR	NO	-14.1
6	1900000000000000	TWOMILE CR	NO	-7.7
7	1900000000000000	TWOMILE CR	NO	-7.5
8	1900000000000000	TWOMILE CR	NO	-9.1
9	1900000000000000	TWOMILE CR	NO	-9.6
10	1900000000000000	TWOMILE CR	NO	-8.5
11	1900000000000000	TWOMILE CR	NO	-1.9
12	1900000000000000	TWOMILE CR	YES	33.9
Stor	1900000000000000	TWOMILE CR	YES	9150.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
 Stream: TWOMILE CR > PACIFIC OCEAN
 Water Availability Subbasin: 1900000000000000
 Exceedance Level: 50
 Time: 14:36 Date: 08/10/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	57.00	0.10	56.90	4.95	52.00	18.00	34.00
2	67.60	0.10	67.50	5.18	62.30	18.00	44.30
3	57.10	0.00	57.10	4.95	52.20	18.00	34.20
4	28.90	0.10	28.80	4.40	24.40	18.00	6.40
5	8.65	0.47	8.18	4.31	3.90	18.00	-14.10
6	9.16	1.39	7.77	4.51	3.26	11.00	-7.74
7	6.35	2.16	4.19	4.68	-0.49	7.00	-7.49
8	4.26	1.75	2.51	4.59	-2.08	7.00	-9.08
9	2.51	0.74	1.77	4.37	-2.60	7.00	-9.60
10	2.86	0.09	2.77	4.23	-1.46	7.00	-8.46
11	20.30	0.00	20.30	4.22	16.08	18.00	-1.92
12	56.40	0.10	56.30	4.40	51.90	18.00	33.90
Stor	19200	419	18800	3280	15900	9880	9150

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST
 Stream: TWOMILE CR > PACIFIC OCEAN
 Water Availability Subbasin: 1900000000000000
 Time: 14:36 Date: 08/10/1995

APP #	STATUS	ISWRs	RESULTANT
72803A	App.	0 0 0 0	
1	18.0	0.0	18.0 A
2	18.0	0.0	18.0 A
3	18.0	0.0	18.0 A
4	18.0	0.0	18.0 A
5	18.0	0.0	18.0 A
6	11.0	0.0	11.0 A
7	7.0	0.0	7.0 A
8	7.0	0.0	7.0 A
9	7.0	0.0	7.0 A
10	7.0	0.0	7.0 A
11	18.0	0.0	18.0 A
12	18.0	0.0	18.0 A

72803-Exempt human consump. & Livestock consump.

TOWNSHIP 29S RANGE 15W W.M. CARD #1 SECTION 13

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																					
																	6 ⁰ 478	✓ 162 445183	22051	17313	22935
																			22219	17494	26397
																			57312	43645	CANCELED
																			61356	45638	CANCELED
																			63703	46883	55656
																			63834		REJECT
																			66897	48335	
																			66897	48335	
																			69917	50675	
																			8-73176		
																			73171		
																			613251		

TC = Temperature Control (SEE BACK OF CARD FOR PLAT OF SECTION) F.H. = Flood Harvesting

TOWNSHIP 29S RANGE 15W W.M. CARD #2 SECTION 13

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																					
																			73781		
																			RES 73854		
																			RES 73856		
																			CU 15 ⁰ CU 30 ⁰ CU 40 ⁰ CU 18 ⁰		
																			RES 73857		
																			RES 73855		
																			5 ¹		
																			RES 73938		
																			RES 74428		
																			CRANBERRY X X X		
																			74429		

August 14, 1995

Melvin E. & Rupert G. Boak
P. O. Box 897
Bandon, Oregon 97411

Reference: File R74428

Dear Applicant:

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for storage is allowed under OAR 517, the South Coast Basin Program.
4. Water is available for the storage of 2.7 acre-feet to be used under application R-74428 from Two Mile Creek for Agricultural use from December 1 through April 30.
5. Storage is not allowed during the irrigation season from March 1 through October 31.

Summary of Allowable Water Use

Storage	2.7 acre-feet	December 1 through the last day of February
---------	---------------	---

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 & #5 above your application will likely be limited as summarized above.

At this time, you must decide whether to proceed or to withdraw your application as described below.



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

R74428
August 14, 1995
Page 2

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by August 28, 1995. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

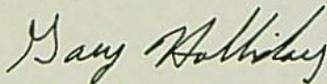
If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday, Water Rights

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

Water Watch



RIVERS NEED WATER

Delivered via FAX and Regular Mail

September 29, 1995

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Comments on Applications R74428, 74429, Boak, Agriculture, Twomile Creek,
South Coast Basin

According to the public notice, this applicant proposes to divert 1.34 cfs and 2.7 af from Twomile Creek in the South Coast basin for cranberry use.¹ WaterWatch submits the following comments to this request pursuant to ORS 537.150.

The Resource

The South Coast Basin supports a number of fish and wildlife species, including the federally petitioned coho salmon. Moreover, the system as a whole provides recreational opportunities for both residents and tourists.

There are two instream water rights on Twomile Creek (72803, 72804) which protect flows needed for coho, steelhead, and cutthroat trout. There are a number of pending water rights on this creek, though priority status is impossible to ascertain as neither the public notice nor the IR list the priority of these applications.

The Water Rights Application Process

1. The criteria under which the public interest presumption applies under ORS 537.150 have not been met.

In order for the public interest presumption to apply, four criteria must be met: the use must be allowed under the applicable basin program, water must be available, the proposed use must not injure other water rights, and the use must comply with the rules of the Water Resources Commission.

a. water is not available for this use

¹ The public notice lists the use as cranberry, the IR lists the use as agricultural

While the South Coast basin in general is overappropriated much of the year, Twomile Creek, specifically, is overappropriated 10 months of the year (April through January). The IR for 74429 states that water is available for appropriation from the stream from February 1 through March 31. The IR recognizes the state the resource by limiting the months of use, however, the limitations are unrealistic given the proposed use. There is not water available for the proposed use, thus, this application should not have moved forward in the process.

Cranberry operations use water year-round. Irrigation takes place approximately June through October, the flood harvest is approximately late September to late October, and temperature control (frost and heat) is year round. There is not enough water in the system to support this use. Moreover, the conditions placed upon the proposed permit invite illegal use. Unless the Department is prepared to enforce these conditions, this water right application should be denied outright.

b. This use will injure other water rights

As noted, there are many pending applications on Twomile Creek some of which may be senior (see note above). There are also many existing rights on this stream, including instream water rights. To issue another right given the overappropriated state of the resource will most certainly injure both the instream and out-of-stream water right holders.

2. The proposed use will impair or be detrimental to the public interest

a. This use will decrease streamflows flows needed for endangered salmon

This proposed use would decrease flows needed for federally petitioned coho. While they are not listed yet, to issue new water rights in this already seriously overappropriated system is to invite conflict later on.

The state and federal Endangered Species Acts place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival or recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above referenced Palilia case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to

R74428, 74429

P.2

destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

b. Cumulative effects

Moreover, the cumulative effects of this proposed use could have disastrous effects on the basin as a whole.

The Department and the Commission have a duty as the managers of the public's water to look at the cumulative effects of this proposed use with other existing and proposed uses to ensure that the public's interest in protecting the public values of the New River system are not further impaired. See OAR 690-11-195(3) and ORS 537.170(a) (The Commission is required to conserve the water resource for the highest use of water including beneficial uses to which the water may be applied), 537.170(b), (c), (f) and (g). Issuing this permit, without analysis of the cumulative effects of this and other uses on the public's resource perpetuates the degradation of the resource.

c. measurement and reporting

The IR states that if a permit is issued it will likely include the condition that "you may be required to measure the amount of water used and report that use annually."

Such a vague standard is not in the public interest, especially given the extreme resource concerns in the basin. Given the state of this resource, measurement and reporting of both rate and duty must be mandatory.

As noted, the IR proposes to limit the amount and months of use to which water can be used by each of this applicant. The Department's enforcement staff is already stretched to the limit. This proposed use adds yet another enforcement responsibility on top of an already unmanageable load. Under these circumstances, it is difficult if not impossible for the state to ensure that this applicant will, **at all times**, use water in compliance with the permit conditions. Given the critical state of the water resource in this river basin and the Department's inability to control this and other uses, even with measurement and reporting, this use is not in the public interest.

d. fish screening and passage

The IR states that if a permit is issued it will likely include the conditions that "you may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life." This is too vague.

Given the critical status of fish populations in this river system and the adverse effects this diversion will fish habitat, screening and passage must be mandatory and clearly be required to be in place before any storage or diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a

condition which clearly states these requirements.

3. The IR's are defective

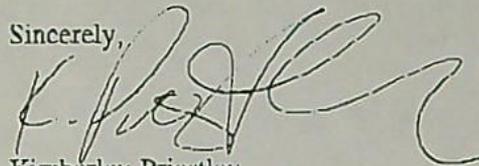
a. The IR's on these two applications conflict

The IR for 74429 states that water is available for appropriation from the stream from February 1 through March 31. It further states that water is available for use from storage yearround. However, the IR for the storage (R74428) states that water is available December 1 through the last day of February. To be consistent with both the IR for 74429, and the water availability analysis, the time limitation should be from February 1 through March 31, if allowed at all.

b. There is no priority date on the IR

In order for the public to adequately assess the impact of this proposed use on existing and pending instream and out-of-stream water rights, the priority date of this application needs to be stated somewhere on the IR or public notice. To omit this information inhibits the public's ability to participate in the process governing water allocation.

Sincerely,



Kimberley Priestley
Legal/Policy Analyst

R74428, 74429 p. 4

September 25, 1995

Water Rights Section
Water Resources Department
158 - 12th Street, NE
Salem, OR 97310

RECEIVED
SEP 27 1995
WATER RESOURCES DEPT
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

CHARLESTON
DISTRICT OFFICE

RE: Water Rights Applications #R -74428, S -74429

From the limited information provided in your Public Notice of Water Right Application Processing dated 8/29/95, there are one or more species of game fish present at the described POD. The Department of Fish & Wildlife (ODFW) requests that the amount of flow requested in the Instream Water Right application (#072803) for Twomile Creek be satisfied before any junior water rights are certified.

Because one or more species of game fish 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 & Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

ODFW requests the following condition relating to in-channel obstructions also be included as a permit condition:

The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Reese E. Bender".

Reese E. Bender
Assistant District Fishery Biologist

Enclosure
c: ODFW--HCD



4475 Boat Basin Drive
PO Box 5430
Charleston, OR 97420
(503) 888-5515
FAX (503) 888-6860



RECEIVED

TO:

Steve P. Applegate
Manager, Water Rights Div.

DATE:

08-21-95 AUG 23 1995

FROM:

John P. Drolet *JPD*
Watermaster, District XIX

WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT:

Recommendations for Permit Conditions

Steve, reference is made to our conversation last week during which we discussed the appropriateness of field recommendations for permit conditions. Permit condition recommendations are listed below:

I. Permit Condition--require that meters be installed
application #'s 74012, 74153, 74265, 74429, 74685, 74731
G-13664, G-13697, G-13769, G-13770, and G-13851

II. Permit Conditions (if reservoir is in channel):

- A. Require weir or other suitable measuring device upstream and downstream from the reservoir,
- B. Require a controllable and lockable headgate or gate valve located at the base of the reservoir, and
- C. Require all pumping from the reservoir to be metered.

application #'s R-74011, R-74428, R-74440, R-74441, R-74442,
and R-79634.

Steve, if these recommended permit conditions should more appropriately be directed to another member of your staff, please let me know who that might be.

Also, please let me know if you think that the above recommendations can not be incorporated into the permits as conditions.

JPD/dt

CF: AJC

STATE OF OREGON
 WATER RESOURCES DEPARTMENT

RECEIPT #

158 12TH ST. N.E.

INVOICE # **002613**

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIVED FROM: M.E. Boak
 BY: _____

APPLICATION	<u>P74428</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 96-455 OTHER: (IDENTIFY)

TOTAL REC'D \$ 2649

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY FEES

0410

RESEARCH FEES

0408

MISC REVENUE: (IDENTIFY) _____

TC165

DEPOSIT LIAB. (IDENTIFY) _____

WATER RIGHTS:

0201

SURFACE WATER

0203

GROUND WATER

0205

TRANSFER

WELL CONSTRUCTION

0218

WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER

(IDENTIFY) _____

EXAM FEE

\$ 0

\$

\$

EXAM FEE

\$

0202

0204

0206

0219

0220

RECORD FEE

\$ 10.00

\$

\$

LICENSE FEE

\$

\$

0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

0210

MONITORING WELLS

\$

OTHER

(IDENTIFY) _____

CARD #

CARD #

0539 LOTTERY PROCEEDS

1302

LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT #

002613

DATED: 5-24-96

BY: Flo L

MANUEL C. HERNANDEZ & ASSOCIATES, P. C.

ATTORNEYS AT LAW
1212 Alabama Suite 25A
Post Office Box 979
Bandon, Oregon 97411

(503) 347-2911

(503) 347-9251

WATER RESOURCES DEPARTMENT FAX (503) 347-3656
SALEM, OREGON

Manuel C. Hernandez
Elizabeth McCorkle

August 1, 1995

Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Application No.: R-74428NS-74429
Applicants: Melvin and Rupert Boak

ATTN: Michael Munks, Completeness Team

Dear Mr. Munks

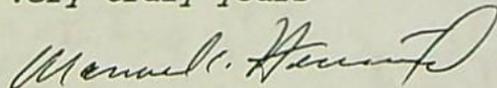
In reply to your letter of July 24, 1995 addressed to Melvin E. Boak and Rupert G. Boak, POB 897, Bandon, Oregon 97411 (See letter attached):

Submitted herewith you will find Easement recorded in the Official records of Coos County Clerks Office, Volume 181 Page 19, on April 30, 1948. The easement gives Boak's the right to construct and maintain a pipe line and pumping system from the point of diversion. Please regard this letter and copy of the easement as the statement requested for authority to divert water as as per the application requirements.

Submitted herewith is a map which shows the number of acreage per quarter-quarter which will be irrigated. The Northeast quarter - Southwest quarter is 6.5 acres; the Southeast quarter - Northwest quarter is 1.9 acres; and the Southwest quarter - Northwest quarter is 3.32 acres. Total acreage is 11.73.

Thank you for your attention to this matter. Please call or write if you have any questions or need additional information.

Very truly yours



MANUEL C. HERNANDEZ
Attorney at Law

enclosures

cc: Melvin E. Boak
Rupert G. Boak

July 24, 1995

WATER
RESOURCES
DEPARTMENT

Melvin E. and Rupert G. Boak
PO Box 897
Bandon, OR 97411

RE: Application # R-74428 and S-74429

Dear Melvin and Rupert Boak,

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

- ▶ A signed statement that you have written authorization or easement permitting access to lands involved in the proposed use, but owned by others.
- ▶ A map showing the place where water is to be used and the point where water will be diverted. The map must identify the township, range, section, and nearest quarter-quarters where the water will be diverted and used. If the proposed use is irrigation, the map must also indicate the number of acres irrigated in each quarter-quarter.

In order to expedite the processing of your application, we request that you submit these items by August 14, 1995. We have enclosed a stamped envelope for your use.

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

Sincerely,

Michael Munks
Completeness Team

enclosure

cc: general correspondence

Copy of

Map returned



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

COMPLETENESS DETERMINATION CHECKLIST

Complete
8/3/95

Application #	Review Date	Reviewer Initials
R - 74428	7/24/95	mwm

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

- _____ 1. ✓ Examination fees. *Recording fee needed \$10*
- _____ 2. ✓ Name and address of the applicant, and title if applicable. ✓
- _____ 3. ✓ Source of water.
- _____ 4. ✓ Use of water.
- _____ 5. ✓ Amount of water.
- _____ 6. ✓ Location & description of delivery system.
- _____ 7. ✓ Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 8/3 use _____ 8. A statement declaring the existence of written authorization or easement permitting access to 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**:
 - _____ ✓ The height of the dam and the storage capacity.
 - _____ ✓ The area submerged and the maximum depth.
 - _____ ✓ The construction method (earthfill, concrete, flashboard, etc.).
 - _____ ✓ A description of the outlet conduit and 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**:
 - _____ Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - _____ 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.
 - _____ 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 signed by appropriate planning official.

RECEIVED

SEP - 7 1994

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 evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s R-74428, 74429

Send to: Ron Yochum
P.O. Box 218
Roseburg, OR 97470

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

Return to:
Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the AUG/31/1994 Public Notice.

August 30, 1994

MELVIN E BOAK
BOAK, RUPERT G
PO BOX 897
BANDON, OR 97411

REFERENCE: File(s) R-74428,S-74429

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, the Department works through Oregon's 18 river basins on a rotating schedule, processing applications in the order in which they have been received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

Technical Reviews are processed in accordance with Oregon Administrative Rules. The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



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

REFERENCE: File(s) - R-74428,S-74429

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

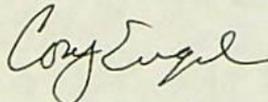
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **115844**

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

INVOICE # _____

RECEIVED FROM: Boak Boggs, INC.

APPLICATION	74428
PERMIT	
TRANSFER	

CASH: CHECK: # 96-455 OTHER: (IDENTIFY)

TOTAL REC'D \$ 240.-

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS			
840.001	COPY FEES	\$	
850.200	RESEARCH FEES	\$	
880.109	MISC REVENUE: (IDENTIFY)	\$	
520.000	OTHER (P-6) (IDENTIFY)	\$	
WATER RIGHTS:			
842.001	SURFACE WATER	\$	842.002
842.003	GROUND WATER	\$	842.004
842.005	TRANSFER	\$	842.006
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR	\$	842.023
	LANDOWNER'S PERMIT	\$	842.024
	OTHER (IDENTIFY)		

EXAM FEE
\$ <u>40.-</u>
\$
\$
EXAM FEE
\$

RECORD FEE
\$
\$
\$
LICENSE FEE
\$
\$

06-00-0 WELL CONST. START FEE

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

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **115844**

DATED: 8-23-94 BY: G. Bushnell

R74428

RECEIVED

AUG 23 1994

WATER RESOURCES DIVISION
SALEM, OREGON

MEVLVIN E. BOAK & RUPERT G. BOAK
Boak Bogs, Inc.
PO Box 897
Bandon, Oregon 97411

Re: Legal description of property where water will be used.

The west $\frac{1}{4}$ of the northwest $\frac{1}{4}$ ($W\frac{1}{4} NW\frac{1}{4}$), the southe ast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ ($SE\frac{1}{4} NW\frac{1}{4}$), and the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ ($NE\frac{1}{4} SW\frac{1}{4}$) of Section 13, Township 29 south, Range 15 west of the Willamette Meridian in Coos County, Oregon.

Application No. R74428
Permit No.

Sec. 13 - T. 29 S. R. 15 W. W.M.

SW $\frac{1}{4}$ NW $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

RECEIVED

AUG 1 1 1994

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

AUG 2 3 1994

WATER RESOURCES DEPT.
SALEM, OREGON

W $\frac{1}{4}$ cor. Sec. 13

NE $\frac{1}{4}$ SW $\frac{1}{4}$

1500'

63' Pond
170' Ditch

pipeline

Two Mile Cr.

Div. Pt.

SE $\frac{1}{4}$ SW $\frac{1}{4}$

1900'

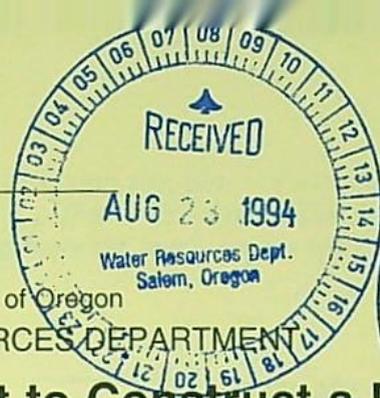


Scale: 1" = 400'

permit # R11757

M.E. + R.G. Boak

Application No. R-74428



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Melvin E. Boak & Rupert G. Boak
(Please print or type - use dark ink)

Mailing Address: P. O. Box 897
Bandon Oregon 97411 503-347-3597
City State Zip Daytime Phone No.

I (We) make application for a permit to construct 1 reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Two Mile Creek, a tributary of Pacific Ocean.
If not in channel of a stream, state how it is to be filled: By pump from Two Mile Creek

2. **THE DAM:** The maximum height of the structure will be None feet above stream bed or ground surface at the centerline.
The dam will be (check one) earthfill, concrete, flashboard, other.
If "other" give description: Dug out pond with water generally level or below ground level.

Give the location, description, and dimensions of the outlet conduit: None necessary.
No natural inflow. All water pumped in.

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: For Cranberry use.
Cranberry use consists of all uses customary to cranberry production: such as irrigation, temperature control (frost and heat), flood harvest, etc.

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. 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: Barbara Fugate, Rt. 1, Box 965, Bandon, Or 97411 is the
contract buyer from the Charles J. & Thelma J. Redmon Trust.
Mrs. Fugate also has the address of P.O. Box 5152, Roseburg, Or
97470. The diversion point from Two Mile Creek, where the pump
is located, is in Tax lot 1900, Coos Co., being purchased by the
above.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Melvin E. Boak
Signature
Rupert S Boak
Signature

8/9/94
Date
8/9/94
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 23rd day of August, 1994, at 8:00 o'clock, A M.

APPLICATION NO: R-74428

EASEMENT

THIS INDENTURE, Made this 17th day of March, 1947, by and between C. F. RICHERT, a single man, of Bandon, Coos County, Oregon, party of the first part, and MELVIN E. BOAK and MARGARET C. BOAK, husband and wife, and H. E. BOAK and CATHERINE BOAK, husband and wife, all of Bandon, Coos County, Oregon, parties of the second part;

WITNESSETH: That the first party, for and in consideration of the sum of Ten Dollars to him in hand paid by the second parties, the receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey and confirm unto the second parties an easement to construct and maintain a pipe line and pumping system over and on a strip of land thirty (30) feet wide, being fifteen (15) feet on each side of the following described center line across the Southeast Quarter of the Southwest Quarter of Section 13 in Township 29, South of Range 15, West of the Willamette Meridian in Coos County, Oregon, to-wit:

Beginning at a point which is 200 feet South and 736 feet West of the Northeast corner of the said Southeast Quarter of the Southwest Quarter; thence North 7° 50' West 202 feet to the north boundary of the said Southeast Quarter of the Southwest Quarter;

also an easement in the Southeast Quarter of the Southwest Quarter of Section 13 in Township 29, South of Range 15, West of the Willamette Meridian in Coos County, Oregon, for a roadway thirty (30) feet wide, being fifteen (15) feet on each side of the following described center line, to-wit:

Beginning at a point on the north boundary of the Southeast Quarter of the Southwest Quarter of said Section 13 which is 463.0

feet West of the Northeast corner of the said Southeast Quarter of the Southwest Quarter; thence South 49° 45' West 201.8 feet; thence South 86° 50' West 112.5 feet; thence South 89° 00' West 259.0 feet; thence North 13° 00' West 141.0 feet to the North boundary of the said Southeast Quarter of the Southwest Quarter;

also an easement for a roadway thirty (30) feet wide across the North Half of the Southeast Quarter of Section 13 in Township 29, South of Range 15, West of the Willamette Meridian in Coos County, Oregon, being fifteen (15) feet on each side of the following described center line, to-wit:

Beginning at a point which is 942.0 feet South of the Northwest corner of the Southeast Quarter of said Section 13; thence North 89° 20' East 412.8 feet; thence North 77° 30' East 574.0 feet; thence North 75° 30' East 819.0 feet; thence South 87° 15' East 838.0 feet to the West boundary of the Coast Highway and from which intersection a 1/2 inch pipe post bears North 15.0 feet and a one-half inch pipe post bears South 15.0 feet.

To Have and To Hold the above mentioned and described rights for the purposes hereinabove described unto the said second parties, their heirs and assigns forever, it being agreed, however, that the first party shall have the free use of the roadway rights of way in common with the second parties.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first herein written.

Christian F. Richert (SEAL)

AUG - 3 1995

STATE OF OREGON,)
County of Coos,) ss.

BE IT REMEMBERED, That on this 17th day of March, 1947, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named C. F. Richert, a single man, who is known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.

[Handwritten Signature]

Notary Public for Oregon

My Commission Expires *June 17, 1950*

Recorded
APR 30 1948
County Clerk

AUG - 3 1995

WATER RESOURCES DEPT

Note to
Local Governments:

Oregon

WATER
RESOURCES
DEPARTMENT

The person presenting the attached request for land use information is applying for a water right.

The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use information form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities.

If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



June 1992

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

RECEIVED

Description of Water Use

AUG 2 3 1994

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. **With help local planning offices complete your land use information form quickly.**

SALEM, OREGON

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Melvin E. Boale & Rupert G. Boak
 Address: P.O. Box 897
Bandon OR 97411
 Phone: 503-347-3597

RECEIVED

AUG 1 1 1994

WATER RESOURCES DEPT.
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): Irrigation of Cranberry Bogs - temperature control, flooding for harvest, etc.
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Two Mile Creek</u>	<u>1.34</u> Cubic feet per second. <u>600</u> Gallons per minute. <u>2.7</u> Acre-Feet pond
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

RECEIVED

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses In
Addition to Classified Uses

AUG 11 1994

WATER RESOURCES DEPT.

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: Melvin E. Boak + Rupert G. Boak
Address: P.O. Box 897
City: BANDON State: OR Zip: 97411 Day Phone: 503-347-3597

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
T-29-15-13-400	EFU 10 / EFU	✓		Cranberry Use
900	EFU 10		✓	
1900	EFU 10 / MES / F		✓	

RECEIVED

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. COAS-

AUG 23 1994

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve

Application No. R 74428
Permit No.

RECEIVED

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses In Addition to Classified Uses

AUG 11 1994

WATER RESOURCES DEPT. SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: Melvin E. Boak & Rupert G. Boak
Address: P.O. Box 897
City: Bandon State: OR Zip: 97411 Day Phone: 503-347-3597

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Table with columns: Tax Lot or Local I.D.#, Plan Designation/Zoning, and Check All That Apply (Water Diverted, Water Conveyed, Water Use). Rows include tax lots 400, 900, and 1900 with zoning designations like EFU 10 and EFU 10/MES/F.

T-29-15-13

RECEIVED

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Coos -

AUG 23 1994

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

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a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Table with columns: Type of Land Use Approvals Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and Please check the box that applies (Already Obtained, Already Denied, Being Pursued Satisfactorily).

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: Melvin E Boak & Margaret C. Boak Trustees TL 400 / TL 900 Rupert G Boak & Melvin E Boak

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: Coos County
Staff Contact: Theda J Keene Planning Tech Phone: 396-3121
Signature: Theda J Keene Date of Information Request: 8/9/94

RECEIVED

AUG 23 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

August 15, 1994

WATER
RESOURCES
DEPARTMENT

MELVIN & RUPERT BOAK
BOAK BOGS, INC.
PO BOX 897
BANDON OR 97411

Dear Melvin & Rupert Boak,

The Department has received your application to use water. However, we need more information before we can accept, file, and review your application.

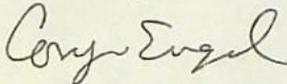
Please provide the following:

- ✓ • A legal description of the property where you plan to use water. You can copy this from your deed, title insurance policy or sales contract.
- ✓ • Examination fee in the amount of \$200.00 for the Application for a Permit to Appropriate Surface Water, and \$40.00 for the Application for a Permit to Construct a Reservoir.

The application, supporting data and check no. 4894 in the amount of \$80.00 are being returned.

We will begin our analysis after the application and information noted above is received. Please feel free to contact the Water Rights Information Group at 378-3739 if you have any questions.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant

enclosures

cc: General Correspondence
Fiscal

Application No.
Permit No.

R74428



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

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # R 74428

MINIMUM REQUIREMENTS TO FILE

OAD 690-11-020

DATE STAMP

DATE INITIAL

8/13/94

Name and mailing address of applicant
Source of water
Quantity of water
Map showing location of POD & POU
Use of water
Names and addresses of legal owners
Signature of applicant
Oath
Application date stamped per money receipt date
Land use approved _____ pending _____ ?

If reservoir < 5 AF \$ 40-, if > 5 AF \$ _____

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

_____ Stream Code _____
Entered into WRIS

SUPPORT SERVICES

12/28/94 jh
9/3/94 jh
12/28/94 jh
Stamp contents with application number
Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
Place label on file and calender card

APPLICATION SECTION

9/1 DB
9/1 DB
 NA
Stream Indexed Basin # 17
Plat Carded and copy made YES NO
If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

_____ TR Checklist complete YES NO
_____ Within Irrigation District _____
_____ District Notified _____
_____ District excerpt received _____

_____ TR Mailed DATE _____

_____ Public Interest Checklist complete _____

_____ Management Codes _____

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

_____ Appropriate map (see item 1 on form).

_____ Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

_____ Items 2, 3, 4, 5, and 6 are completed.

_____ Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

_____ Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

_____ Name/address of adjacent property owner within 1/4 mile

_____ Map with scale not less than 2 in.=1 mi.

_____ CWRE map if > 10 feet dam or > 9.2 AF

_____ Description of proposed use

_____ Condition addressed

_____ Resulting benefits

_____ Public notices (circle) #1 #2