

Application No. 74429  
 Permit No. 52404  
 Certificate No. 90094  
 Stream Index, Page No. 17

FEES PAID		
Date	Amount	Receipt No.
8-23-94	200. <sup>00</sup>	115843
5-24-96	254. <sup>00</sup>	002695
FEES REFUNDED		
Date	Amount	Check No.

FILE#: S 74429  
 MELVIN E BOAK  
 BOAK, RUPERT G  
 PO BOX 897  
 BANDON, OR 97411-0897

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

**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 \_\_\_\_\_

**PROSECUTION OF WORK**  
 Form "A" filed \_\_\_\_\_  
 Form "B" filed \_\_\_\_\_  
 Form "C" filed \_\_\_\_\_

**FINAL PROOF**  
 Blank mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Date Certificate issued 4/24/95

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

**REMARKS**  
SEE R-74428  
M:IT/FO/HOLD (FO HAS BEEN PREPARED; MORE 1 + MORE WHEN INFO IN 5/13/96 LETTERS REC'D)

52404

Post-it telephone message pad 7660

To: *5-17494* *3.2 Aug*

Date: *48335* Time: *9.5 AM*

**WHILE YOU WERE OUT**

M \_\_\_\_\_

of \_\_\_\_\_

Phone No. \_\_\_\_\_

TELEPHONED	PLEASE CALL
WAS IN TO SEE YOU	WILL CALL BACK
WANTS TO SEE YOU	<b>URGENT</b>
RETURNED YOUR CALL	

Message: *R-74428*  
*74429*

Operator: *J.A.*

*Please set up  
for June 7, 1996*

*Thanks,  
Cory*

*(all 4 files)*

*SOUTH COAST  
BAY 17*

*S-74429* *80%* *823-1994*

*SCENIC - NO*

*TMDL - TMDL*

*USE: AG - CRAWFISH OPS -  
1.34 CFS LIVE FLOW FLOW 1 → BAY 17*

*SEASON: 2.7 AG FA. STARD WATER JAN 1 → DEC 31*

*ODEN: FISH PURSUIT*

*CURE IF AGENT:*

*WATER (A) RM. SH*

*M/R - M*

*IR SENT: AUG. 14, 1995*

*NOTICE: AUG. 29, 1995*

*MACHS: SA, 3D*

*CONDITIONS: METERS, VARIOUS UP. & DOWN STONES  
CONTROL VALVE ON HEADGATE*

FILE#: S 74429

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

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S-74429  
MELVIN E. AND RUPERT G. BOAK  
PO BOX 897  
BANDON, OR 97411-0897

S-74429  
DAVID BOAK  
PO BOX 897  
BANDON, OR 97411-0897

*FPD* *74428, 29*

R 74428  
FILE#: S 74429

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

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-74429

Permit: S-52404

Certificate: 90096

Permit/Certificate Holder:

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

Copies Mailed	
by:	<u>JH</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 29S1513-00-00400 U1~~  
David Boak  
PO Box 897  
Bandon, OR 97411-0897
3. ~~Current landowner tax lot 29S15W13TL0190300~~  
Bandon Biota LLC  
2450 Lakeview Ave  
Chicago, IL 60614

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 use the waters of TWO MILE CREEK, A TRIBUTARY OF PACIFIC OCEAN, AND AN UNNAMED RESERVOIR CONSTRUCTED UNDER APPLICATION R-74428, PERMIT R-11757, for SUPPLEMENTAL CRANBERRY USE on 11.73 ACRES.

This right was perfected under Permit S-52404. The date of priority is AUGUST 23, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.63 CUBIC FEET PER SECOND (CFS) LIVE FLOW FROM TWO MILE CREEK AND 2.38 ACRE-FEET STORED WATER FROM THE UNNAMED RESERVOIR or its equivalent in case of rotation, measured at the point of diversion.

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

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A description of the place of use is as follows:

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- 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 fish screening and fishway as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

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

The totalizing flow meter must be maintained as identified in OAR 690-507-645.

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.

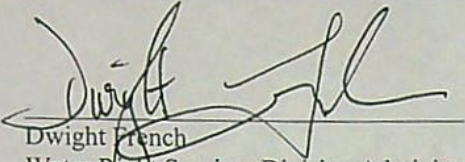
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By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 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



Mailing List for Certificate

Scheduled Mailing Date:

Application: S-74429

Permit: S-52404

Certificate: \*\*\*\*\*

Permit/Certificate Holder:

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

Copies Mailed	
by: <u>W.R. Hayes</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 29S1513-00-00400 U1  
David Boak  
PO Box 897  
Bandon, OR 97411-0897
- ✓ 3. Current landowner tax lot 29S15W13TL0190300  
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Chicago, IL 60614

**PROPOSED**

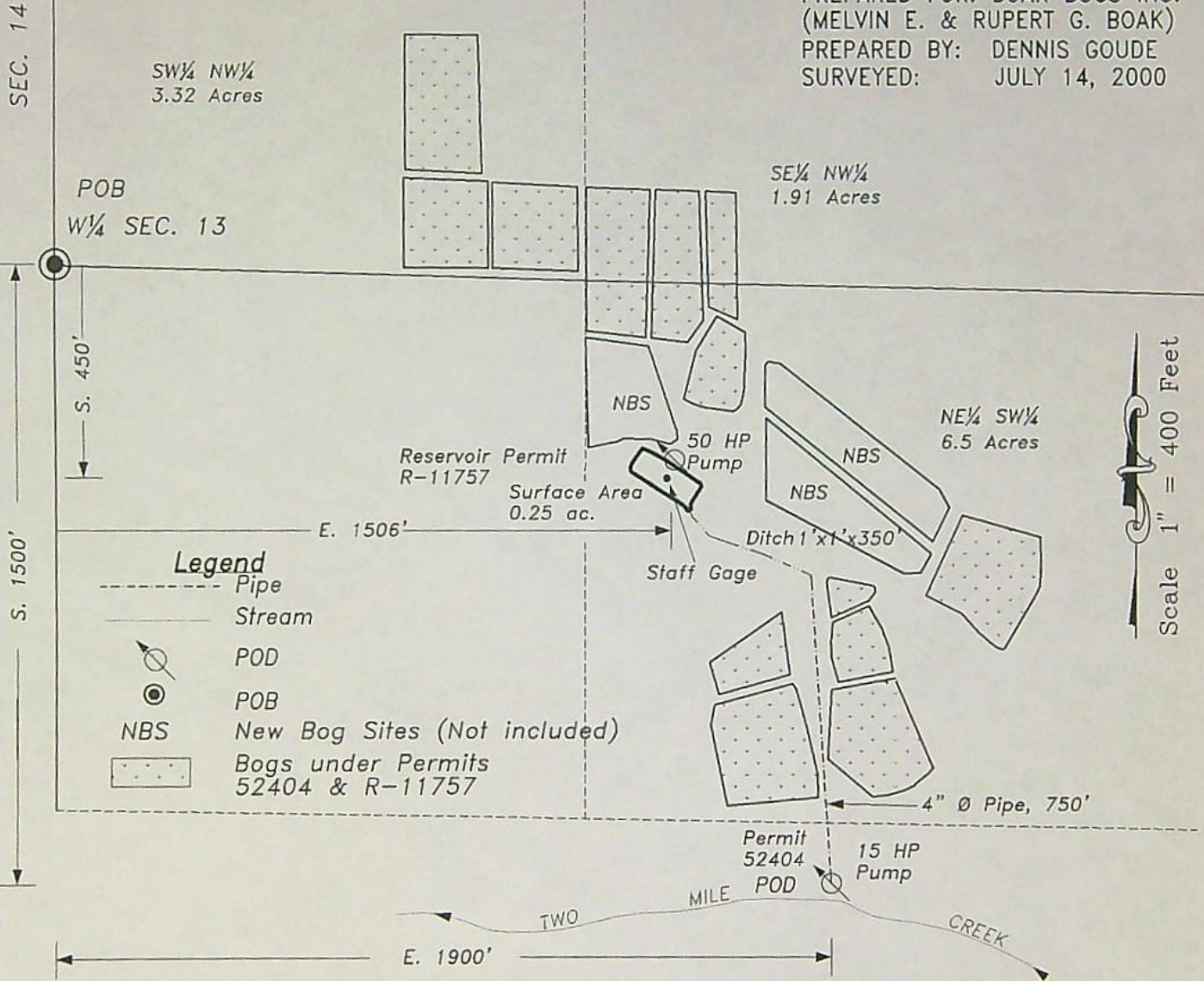
90090

5 copies  
6 maps

# CLAIM OF BENEFICIAL USE FINAL PROOF MAP

LOCATED IN THE SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> & NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
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 <sup>1</sup>/<sub>4</sub> OF SECTION 13. THE INSTREAM PUMP IS A 15 HORSEPOWER CENTURY AND IS LOCATED 1500 FEET SOUTH AND 1900 FEET EAST FROM THE WEST <sup>1</sup>/<sub>4</sub> CORNER OF SECTION 13.



EXPIRES 06/13/2001

**RECEIVED**

**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





# 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 S-74429 Permit S-52404

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  
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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 SW¼ NW¼, SE¼ NW¼ & NE¼ SW¼  
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

SW¼ NW¼  
3.32 Acres

SE¼ NW¼  
1.91 Acres

POB  
W¼ SEC. 13

S. 450'

E. 1506'

Scale 1" = 400 Feet

**Legend**

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

Reservoir Permit  
R-11757  
Surface Area  
0.25 ac.

50 HP  
Pump

NBS

Staff Gage

Ditch 1'x1'x350'

NE¼ SW¼  
6.5 Acres

NBS

NBS

4" Ø Pipe, 750'

Permit  
52404

15 HP  
Pump

POD

TWO

MILE

CREEK

E. 1900'

**NOTE:**  
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EXPIRES 06/30/2001

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WATER RESOURCES DEP  
SALEM, OREGON

Stuntzner Engineering  
& Forestry

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

STATE OF OREGON

COUNTY OF COOS

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*no spray*

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

Application # <u>S 74429</u>	Permit # <u>S 52404</u>	Transfer #
WRD Reviewer <u>Corey Courchane</u>	Date <u>12-29-14</u>	
WRD Peer Reviewer <u>Madhelle Bamberg</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)
- NA Other Conditions \_\_\_\_\_
- NA SWL
- yes C-Date letter to WRD 8-31-99
- cc Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

### NOTES:

- A 6-12-97 Current owner T.I. 29S15W13TL0190300
- B 10-1-98 Bandon Biota LLC
- C 10-1-99 2450 Lakeview Ave  
Chicago, IL 60614



Determination

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

I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):  
*USE's Two mile Creek POD is limiting system. Reduced allowed rate to 0.63 cfs from 1.34.*

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

Processing

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

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

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

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

NOTES:

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STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE 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: S-74429

SOURCE OF WATER: TWO MILE CREEK, A TRIBUTARIES OF PACIFIC OCEAN, AND AN UNNAMED RESERVOIR CONSTRUCTED UNDER APPLICATION R-74428, PERMIT R-11757

PURPOSE OR USE: SUPPLEMENTAL CRANBERRY USE ON 11.73 ACRES

VOLUME/RATE OF WATER: <sup>0.63</sup>1.34 CUBIC FEET PER SECOND (CFS) LIVE FLOW FROM TWO MILE CREEK AND <sup>2.38</sup>~~2.7~~ ACRE-FEET STORED WATER FROM THE UNNAMED RESERVOIR

PERIOD OF ALLOWED USE: FEBRUARY 1 THROUGH MARCH 31 FOR LIVE FLOW AND YEAR ROUND FOR STORED WATER

DATE OF PRIORITY: AUGUST 23, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 13, T29S, R15W, W.M.; 1500 FEET SOUTH & 1900 FEET EAST FROM THE W 1/4 CORNER OF SECTION 13

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 6.5 ACRES  
SW 1/4 NW 1/4 3.32 ACRES  
SE 1/4 NW 1/4 1.91 ACRES  
SECTION 13

TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

## Measurement, recording and reporting conditions:

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

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

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

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

## STANDARD CONDITIONS

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

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

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

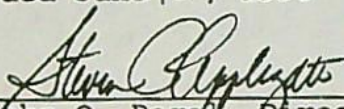
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued June 12, 1996

  
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: 29515W13T1D0400U1  
 Owner1: BOAK, DAVID  
 Owner2:  
 Owner Address: PO BOX 897 Bandon OR 97411  
 Site Address: 0  
 Acres: 0  
 TRSQ: WM29.00515.00W13T0000  
 Effective Date: January 1, 2014

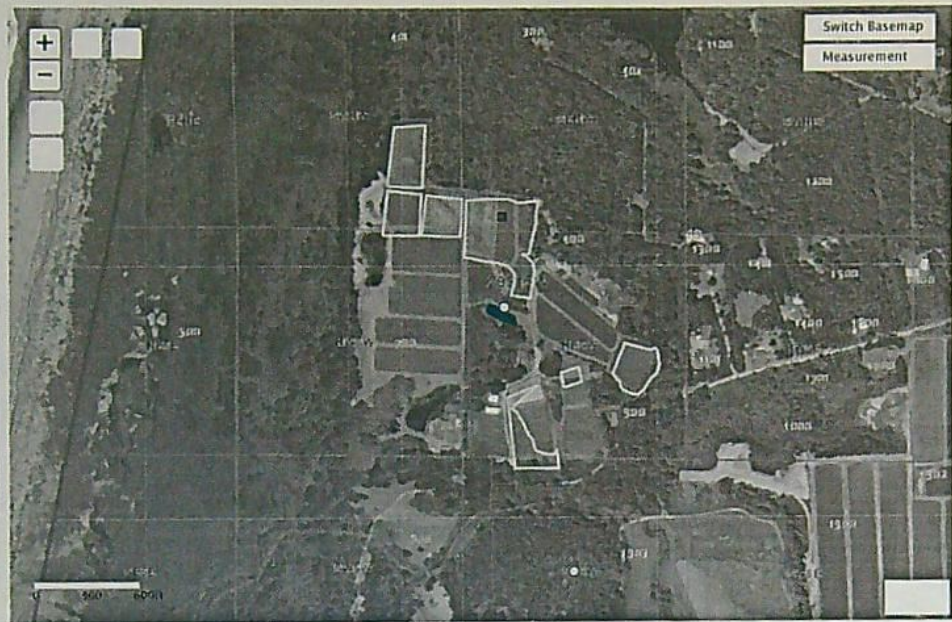
Note: Tax lot information provided here is for general inquiry purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information. It is recommended to zoom to a detailed extent before inquiry.

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	13690	<a href="#">[Details]</a>	<a href="#">Map WR</a>	Permit: S 52404 • CR	SW	MELVIN E	BOAK		CRANBERRY	08/23/1994	Yes		1.34	
2	13691	<a href="#">[Details]</a>	<a href="#">Map WR</a>	Permit: S 52404 • CR	SW	MELVIN E	BOAK		CRANBERRY	08/23/1994	Yes			

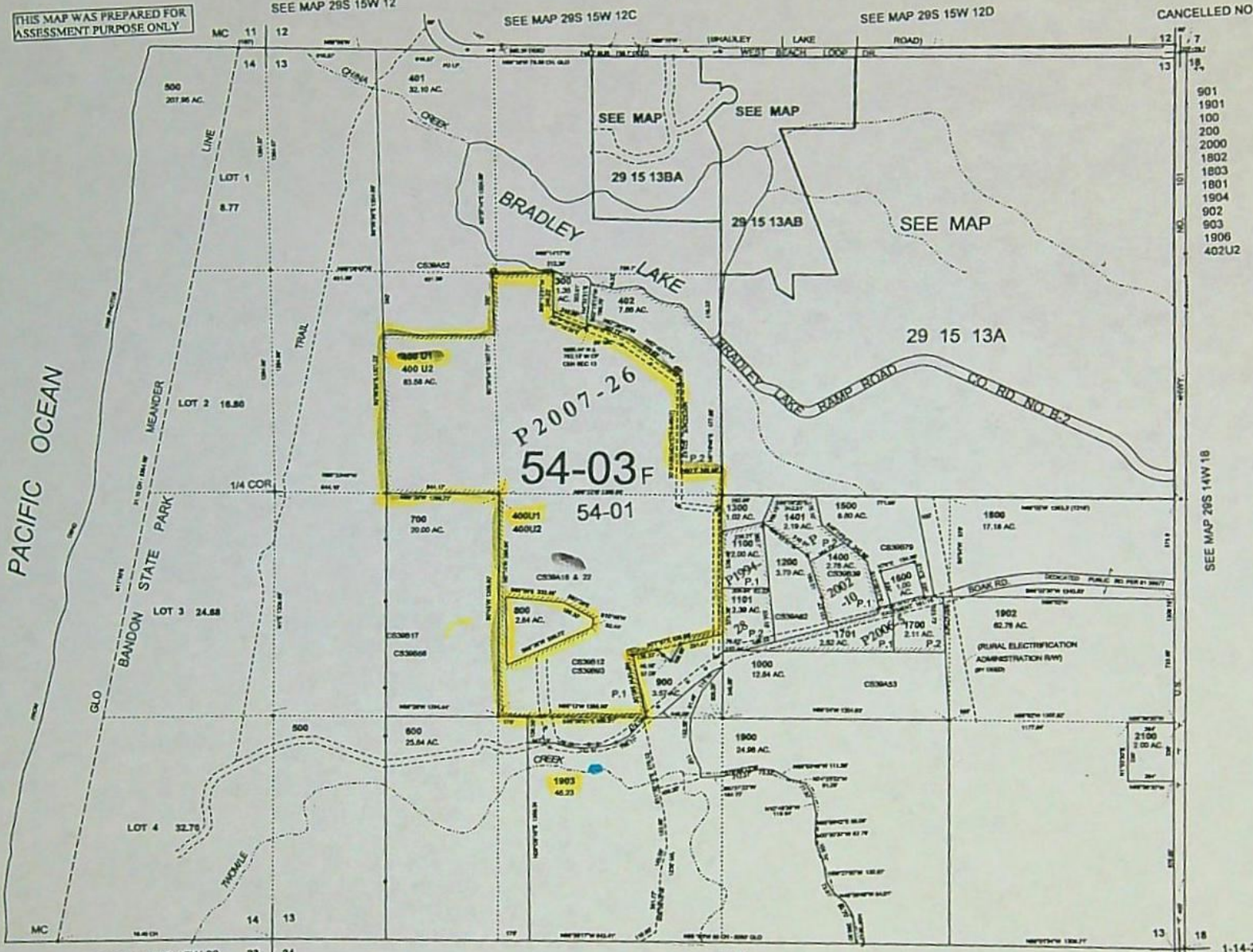
Search took 0 sec 1-2 of 2

SECTION 13 T29S R15W W.M.  
COOS COUNTY

29S 15W 13  
& INDEX

1" = 400'

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



CANCELLED NO.

- 901
- 1901
- 100
- 200
- 2000
- 1802
- 1803
- 1801
- 1904
- 902
- 903
- 1906
- 402U2

SEE MAP 29S 14W 18

SEE MAP 29S 15W 23

SEE MAP 29S 15W 24

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	Tax Status	ASSESSABLE
Map #	29S1513-00-00400 U1	Acct Status	ACTIVE
Code - Tax #	5403-1239500	Subtype	NORMAL

Legal Descr See Record

Mailing Name BOAK, DAVID

Deed Reference # 2002-49564 (SOURCE ID(T):  
2001-12622)

Agent

Sales Date/Price 10-11-2001 / \$0.00

In Care Of

Appraiser

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
<b>Code Area Total</b>	<b>27,106</b>	<b>38,150</b>	<b>9,850</b>		<b>0</b>
<b>Grand Total</b>	<b>27,106</b>	<b>38,150</b>	<b>9,850</b>		<b>0</b>

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
<b>Grand Total</b>								<b>41.78</b>			<b>20,360</b>

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

Exemptions/Special Assessments/Potential Liability											
Code Area	Type										
5403		<b>SPECIAL ASSESSMENT:</b>									
		■ FIRE PATROL TIMBER	Amount	94.49	Acres	80.26	Year	2015			
		■ FIRE PATROL SRCHG	Amount	47.50	Acres	0	Year	2015			
		<b>NOTATION(S):</b>									
		■ 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 999 Page: Search Platcards Maps Learn about View Map

Water Right	Change Xfers	Priority	Use	Use Status	D/LC	Qty/Lot	QQ(40)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ	
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 (Supplmt)											3.32	1.91	6.5									
Select Cert: 26397 OR * Additional Info: MELVIN E BOAK App: 52219 Permit: S17494 Cert: 26397		2/5/1947	IRRIGATION													3.2									
Select Permit: R 11767 * Additional Info: MELVIN E BOAK App: R74428 Permit: R11767		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 (Supplmt)													*									
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 CN						▲																
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													

NCR

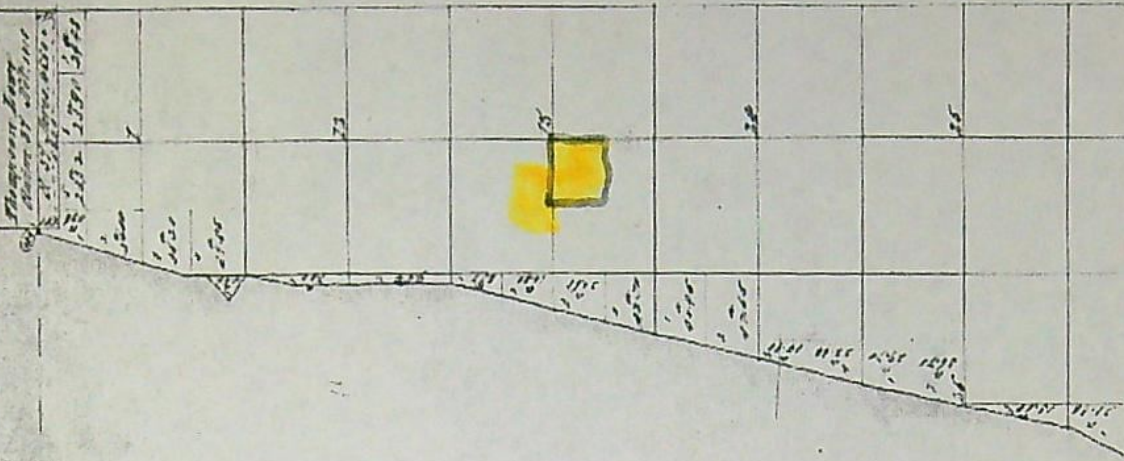


App: 569917 Permit: 550675																			
Select Permit: S 51584 CN	12/1/1993	DOMESTIC EXPANDED	CN	*															
Additional Info: GLENN D BISSELL App: 573781 Permit: 551584																			
Select Permit: S 52604 *	1/15/1993	CRANBERRY (Supplmt)													10				
Additional Info: DUANE B LINDSAY App: 573171 Permit: 552604																			
Select Permit: S 53694 *	1/21/1994	CRANBERRY												15	3	4	18		
Additional Info: JACK FUGATE App: 573857 Permit: 553694																			
Select Cert: 55656 OR *	6/23/1982	DOMESTIC INCLUDING LAWN AND GARDEN		*															
Additional Info: THOMAS/JOYCE PLYMYER App: 563703 Permit: 546883 Cert: 55656																			
Select Cert: 73636 RR *	T7552, IL107	10/22/1946	IRRIGATION														10.2		
Additional Info: BARBARA FUGATE App: 522051 Permit: 517313 Cert: 73636																			
Select Cert: 22935 OR CN	10/22/1946	IRRIGATION	CN											6			14.2		
Additional Info: CHRISTIAN F RICHERT App: 522051 Permit: 517313 Cert: 22935																			
Select Claim: SW 600 *	12/31/1887	DOMESTIC																	*
Additional Info: FLOYD INGRAM Claim: SW600																			
Select Permit: S 54539 *	5/2/2008	IRRIGATION					20												
Additional Info: APPLEGATE CHRISTIAN FELLOWSHIP; LAKE BRADLEY CHRISTIAN CAMP App: 587162 Permit: 554539																			
Select Cert: 88120 CF *	10/22/1946	IRRIGATION													12				
Additional Info: FUGATE FARMS LLC App: 522051 Permit: 517313 Cert: 88120																			

Acreage Legend: 12.25 Regular acreage     12.25 Acreage is on a canceled right     (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)     [12.25] Acreage has been suspended     \* Acreage is not specified

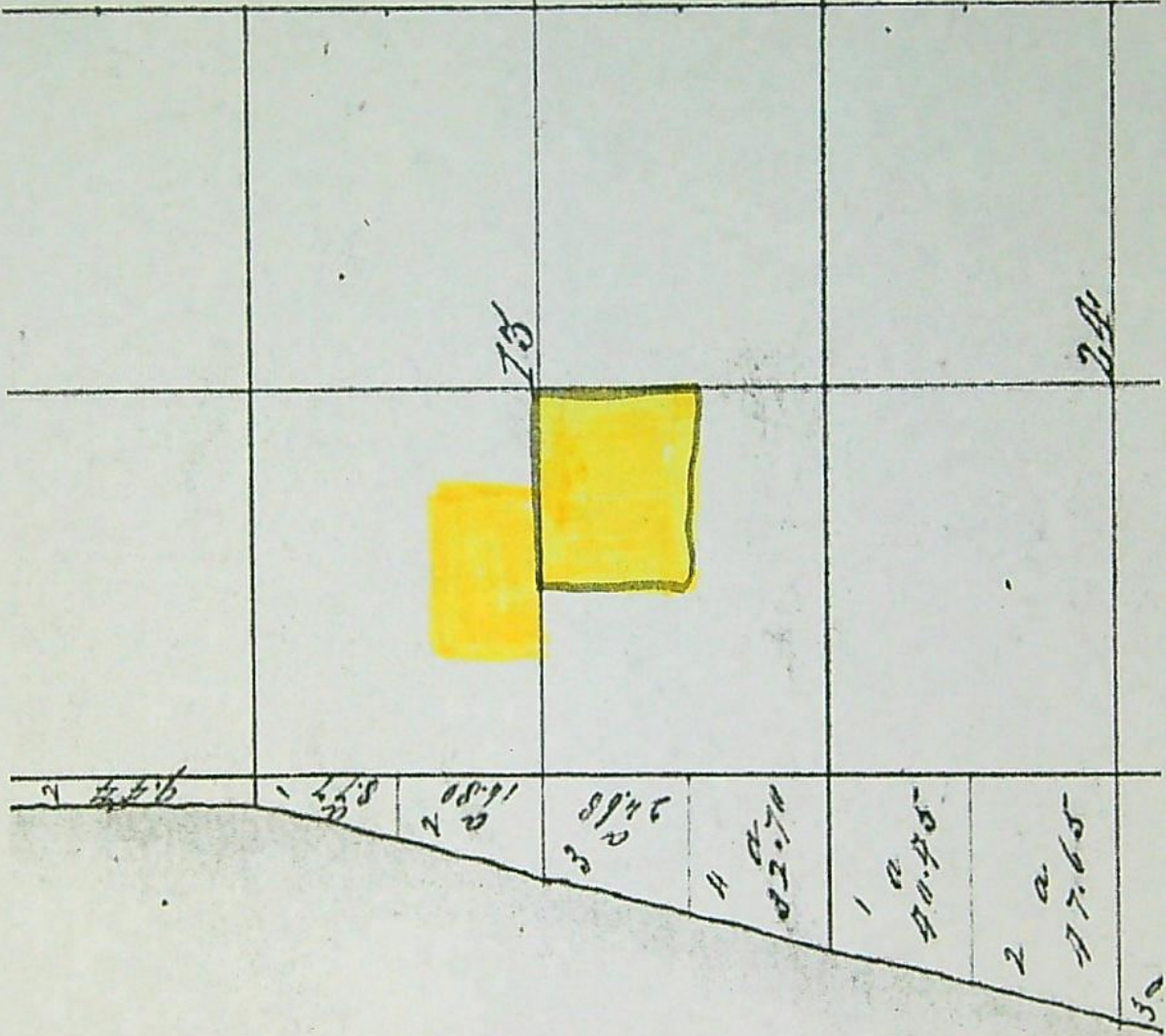
Township No 29 South Range No 15 West Williams Co. N.Y.

1725



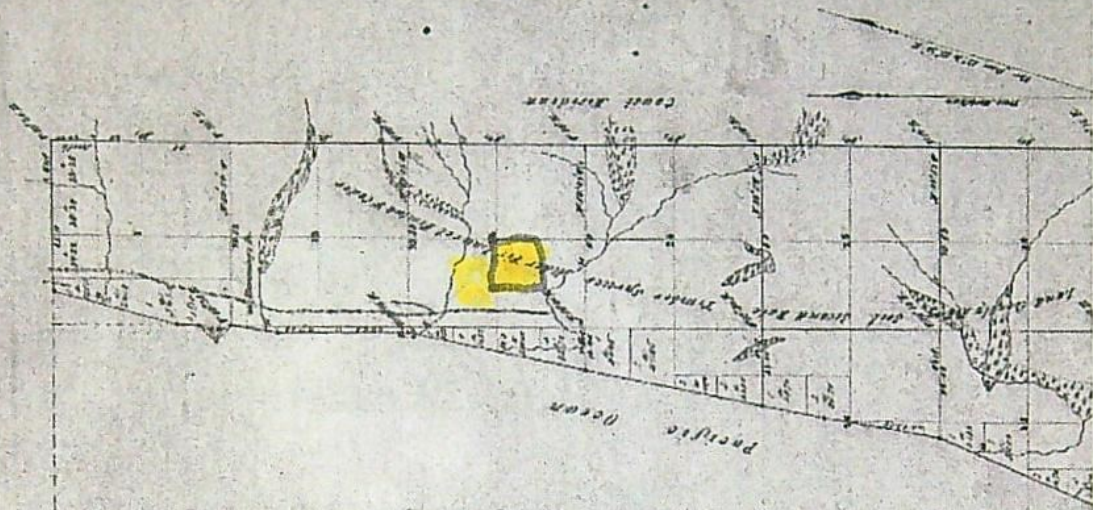
1.00
1.00
1.00
1.00
7.52

Range No 15



Township At 29 South Range At 15 West Willamette Meridian

1724





Two Mile Creek POD

### Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

#### Data Entry (fill in underlined blanks)

---

HP = 15  
Efficiency = 6.61  
Lift = 30  
PSI = 50

---

#### Results Calculated

---

(hp)(efficiency) = 99.15  
Head based on psi = 127.0  
Total dynamic head = 157.0  
(head + lift)

Pump Capacity = 0.63 feet per second

Allowed rate from live flow = 1.34 cfs  
System is limiting factor  
Doesn't make proof

## Pump Capacity Calculation Sheet

using Department designed formula:

Reservoir

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

### Data Entry (fill in underlined blanks)

---

HP = 50  
Efficiency = 6.61  
Lift = 14  
PSI = 50

### Results Calculated

---

(hp)(efficiency) = 330.5  
Head based on psi = 127.0  
Total dynamic head = 141.0  
(head + lift)

Pump Capacity = 2.34 feet per second  $\times 1.98 \times 365 = 1691.1 \text{ AF/year}$

## Sprinkler Capacity Calculator

---

### Data Entry (fill in underlined blanks)

---

Sprinkler group 1      Nozzle size = 5/32 inch      (type an apostrophe before the size)  
                                    Pressure = 50 PSI  
                                    Number of heads = 120

Sprinkler group 2      Nozzle size = 0 inch      (type an apostrophe before the size)  
(if applicable)            Pressure = 0 PSI  
                                    Number of heads = 0

Sprinkler group 3      Nozzle size = 0 inch      (type an apostrophe before the size)  
(if applicable)            Pressure = 0 PSI  
                                    Number of heads = 0

### Results calculated

---

Sprinkler group 1 capacity =                      600 gpm, or    1.34 cfs  
Sprinkler group 2 capacity =                      0 gpm, or     0 cfs  
Sprinkler group 3 capacity =                      0 gpm, or     0 cfs

**Total sprinkler capacity =**                      600 gpm, or    1.34 cfs

Note: If entered values return a result of "#N/A" gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.





TELEPHONE (541) 267-2872  
FAX (541) 267-0588  
dennisgoude@stuntzner.com  
705 SO. 4<sup>TH</sup>, 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 2000

- 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:**

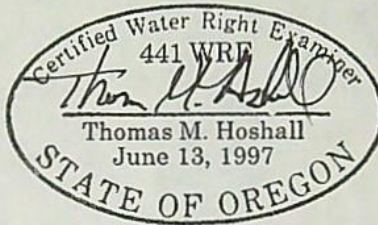
A flow meter or other suitable measuring device must be installed before water may be used. A McCrometer totalizing flowmeter is installed. The pump foot valve is screened and there are no obstructions to fish passage at the P.O.D.

**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. Alia M. Boak*

*8/18/00*  
\_\_\_\_\_  
Date

**RECEIVED**

AUG 23 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

**MEMO**

TO: FILE 74429

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 "Q" from line flow 3 reservoir.*

*3-11-2010*

*Primary  
PC's*

*Cannot go forward until Application  
66897 has received / been surveyed  
either by Dept or CWRE (at  
owners expense)*

*JG*

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 use the waters of TWOMILE CREEK, a tributary of the PACIFIC OCEAN, AN UNNAMED RESERVOIR CONSTRUCTED UNDER PERMIT R-11757 for SUPPLEMENTAL CRANBERRY ON 11.73 ACRES.

This right was perfected under Permit 52404. The date of priority is AUGUST 23, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.63 CUBIC FEET PER SECOND ~~(CFS)~~ LIVE FLOW FROM TWOMILE CREEK AND 2.7 ACRE FEET STORED WATER FROM THE UNNAMED RESERVOIR, measured at the point of diversion. *2.38*

*USE*  
*FOOT*  
*X*  
*X*

The point of diversion *are* is located as follows:

*see info from R-74425*

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

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

A description of the place of use to which this right is appurtenant is as follows:

CRANBERRY							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
29 S	15 W	WM	13	SW NW			3.32
29 S	15 W	WM	13	SE NW			1.91
29 S	15 W	WM	13	NE SW			6.50

*move to page 2*

Measurement, recording and reporting conditions:

**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.

- 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.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion. ~~The water user shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish.~~

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

The totalizing flow meter must be maintained as identified in OAR 690-507-645.

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

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

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

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.

Issued \_\_\_\_\_.

\_\_\_\_\_  
Phillip C. Ward, Director  
Water Resources Department

# Mailing List for Certificate

Scheduled Mailing Date:

**Application:** S-74429

**Permit:** 52404

**Certificate:** \*\*\*\*\*

**Permit/Certificate Holder:**

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

<b>Copies Mailed</b>	
<b>by:</b> _____	(STAFF)
<b>on:</b> _____	(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



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

RECEIVED

AUG 31 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Our projects have been completed.

An 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. Doolittle, water master. He has  
also viewed the projects.

Boak Boys, Inc.  
David R. Boak  
Janet

C

FORMS  
PSM



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

September 21, 1999

MELVIN & RUPERT BOAK  
PO BOX 897  
BANDON OR 97411

REFERENCE: File R74428 & 74429

We have received notice that complete application of water has been made under Permit R11757 & 52404.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **August 31, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

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

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

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

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

Sincerely,

DALLAS MILLER  
Natural Resource Specialist 2

DM:jh

cc: John Drolet, Watermaster



R.E. Melvin & Boak / Rupert C. 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

Jaret

C

FORMS

DSM

RECEIVED

AUG 31 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

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

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. Drolet, water master. He has  
also viewed the projects.

Boak Boys, Inc.

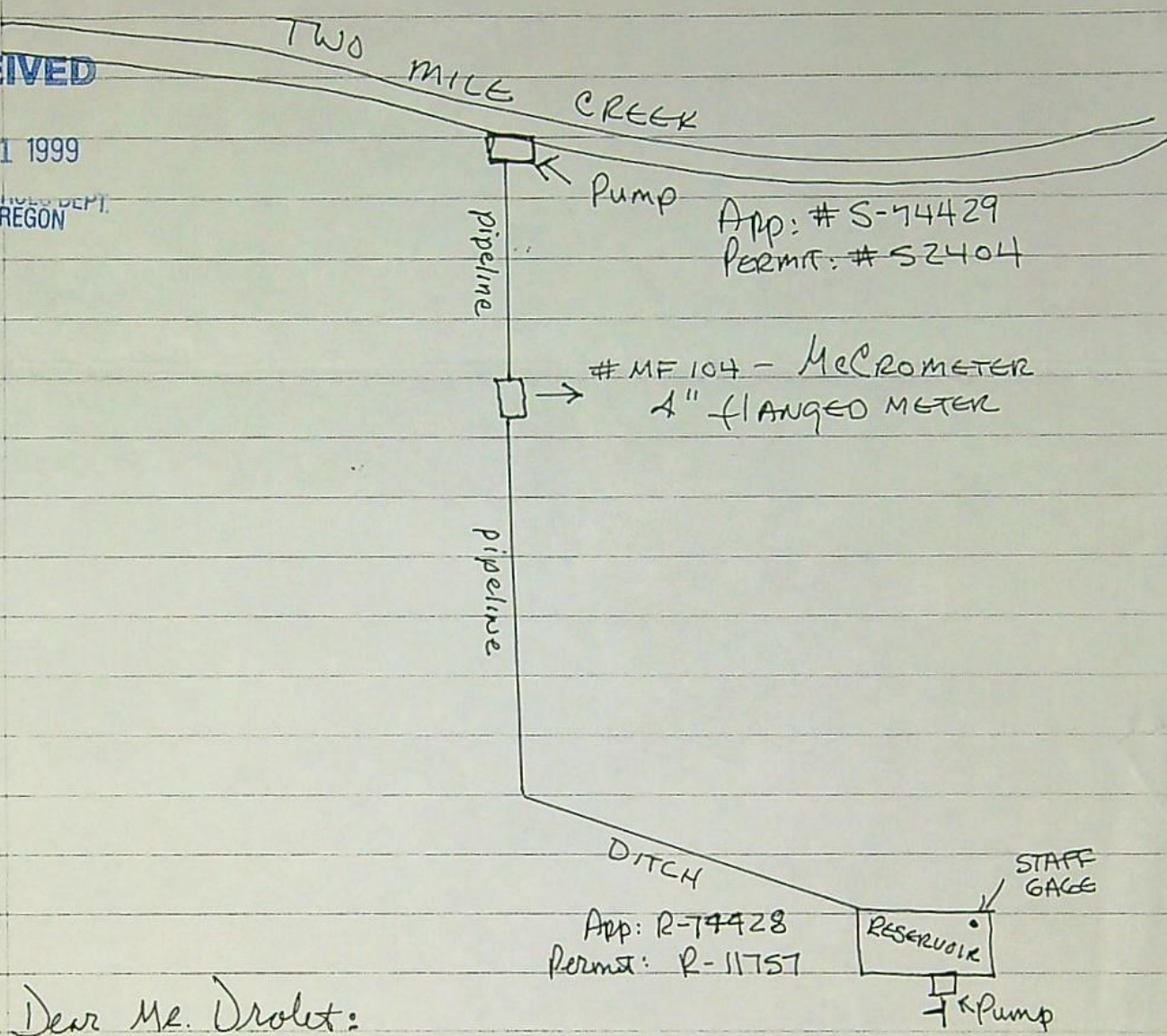
David R. Boak  
at

PAGE NUMBER	DATE	SUBJECT
	12/1/98	RE: BOAK BOGS INC.
		P.O. Box 897 BANDON, OR 97411 (Melvin E. Boak / Rupert S. Boak)

RECEIVED

AUG 31 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



Dear Mr. Drolet:

On the above date, I met with John Youngquist, Water Resources Consultant, discussed the following one line drawing that shows the location of Mcrometer 4" water meter & staff gage (reservoir).

Ref: Your above plot-plan AND ACCOMPANYING NARRATIVE.

1. A copy of this document has been entered in District 19 abstracts as a record of your compliance w/permit measurement requirements.

Sincerely,  
 David R. Braak, Mgr.  
 Boak Bogs Inc.

2. Please retain this ORIGINAL for your records.

J.P. Drolet  
 WATERMASTER, Dist 19

CF:HTJ

M7

Application No. ....

744 29

Permit No. ....

52404

MELVIN E BOAK  
BOAK, RUPERT G  
PO BOX 897

Name .....

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 .....

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MELVIN & RUPERT BOAK  
PO BOX 897  
BANDON OR 97411

74429 WR'S

2. Article Number (Copy from service label)

P-56352

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

7-06-90

C. Signature DAVID R BOAK

X

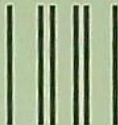
 Agent  
 Addressee
D. Is delivery address different from item 1?  YesIf YES, enter delivery address below:  No

3. Service Type

- Certified Mail     Express Mail  
 Registered     Return Receipt for Merchandise  
 Insured Mail     C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

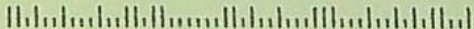
UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPT  
WATER RIGHTS DIVISION  
158 12TH ST NE  
SALEM OR 97301-4172







# 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 acre-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

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

September 21, 1999

MELVIN & RUPERT BOAK  
PO BOX 897  
BANDON OR 97411

REFERENCE: File R74428 & 74429

We have received notice that complete application of water has been made under Permit R11757 & 52404.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **August 31, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

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

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

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

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

Sincerely,

DALLAS MILLER  
Natural Resource Specialist 2

DM:jh

cc: John Drolet, Watermaster



# Route Slip

Date 12-14-98

TO:	Name	Division/Section	Initial	Date
1.	Dwight French			
2.				
3.				
4.				
5.				

<input type="checkbox"/>	as requested	<input type="checkbox"/>	investigate	<input type="checkbox"/>	per conversation
<input type="checkbox"/>	approval	<input type="checkbox"/>	justify	<input type="checkbox"/>	prepare reply
<input type="checkbox"/>	comment	<input checked="" type="checkbox"/>	necessary action	<input type="checkbox"/>	return with more detail
<input type="checkbox"/>	confer	<input type="checkbox"/>	initial and return	<input type="checkbox"/>	review and circulate
<input type="checkbox"/>	for your information	<input type="checkbox"/>	note and file	<input type="checkbox"/>	signature

Please place in  
file # 5-74429

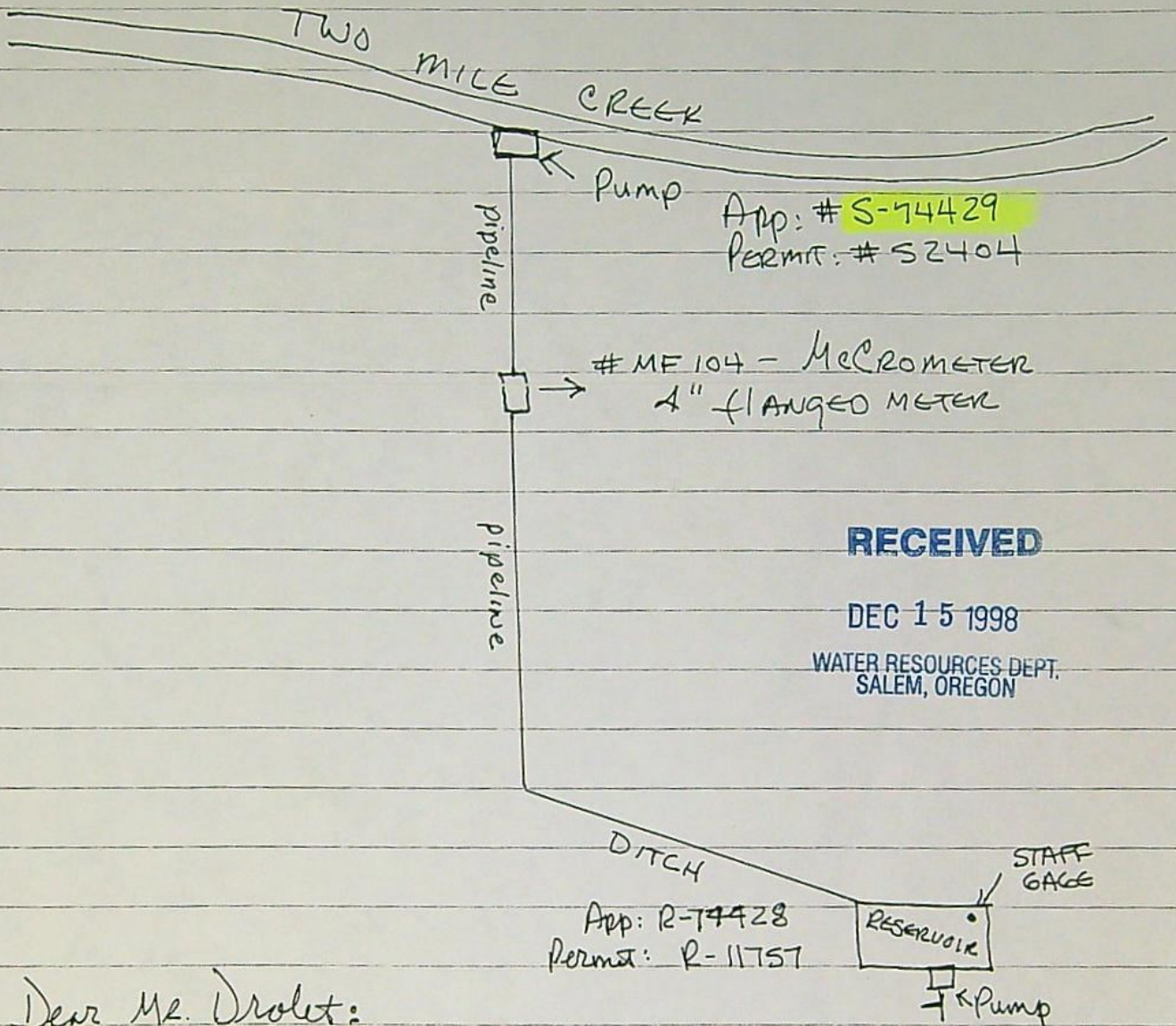
Thank you,

FROM:	Jesse Dist #19	Phone No.	396-3121
25-097677	<input type="checkbox"/> See Other Side		X 254

12 1 98

RE: BOAK BOGS INC.

P.O. Box 897, BANDON, OR 97411  
(Melvin E. BOAK / Rupert G. BOAK)



RECEIVED

DEC 15 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

Dear Mr. Drolet:

On the above date, I met with John Youngquist, Water Resources Consultant, discussed the following one line drawing that shows the location of McCrometer 4" water meter & staff gage (reservoir).

Ref: Your above plot-plan AND accompanying narrative.

1. A copy of this document has been entered in District 19 abstracts as a record of your compliance w/permit measurement requirements.

Sincerely,  
Dane R. Braak, Mgr.  
Boak Bogs Inc.

2. Please retain this ORIGINAL for your records.

J.P. Drolet  
WATERMASTER, Dist 19

CF:MTJ

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-74429

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:

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

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


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

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

Order

Application S-74429 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number 52404 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 APPROPRIATE 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: S-74429

SOURCE OF WATER: TWO MILE CREEK, A TRIBUTARIES OF PACIFIC OCEAN, AND AN UNNAMED RESERVOIR CONSTRUCTED UNDER APPLICATION R-74428, PERMIT R-11757

PURPOSE OR USE: SUPPLEMENTAL CRANBERRY USE ON 11.73 ACRES

VOLUME/RATE OF WATER: 1.34 CUBIC FEET PER SECOND (CFS) LIVE FLOW FROM TWO MILE CREEK AND 2.7 ACRE-FEET STORED WATER FROM THE UNNAMED RESERVOIR

PERIOD OF ALLOWED USE: FEBRUARY 1 THROUGH MARCH 31 FOR LIVE FLOW AND YEAR ROUND FOR STORED WATER

DATE OF PRIORITY: AUGUST 23, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 13, T29S, R15W, W.M.; 1500 FEET SOUTH & 1900 FEET EAST FROM THE W 1/4 CORNER OF SECTION 13

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 6.5 ACRES  
SW 1/4 NW 1/4 3.32 ACRES  
SE 1/4 NW 1/4 1.91 ACRES  
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.

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

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

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

**STANDARD CONDITIONS**

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

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



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

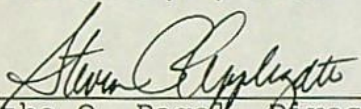
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued June 12, 1996

  
for Martha O. Pagel, Director  
Water Resources Department

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

8

CC: FILE # S-74429

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):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASEWORKER : JKS

# FO CHECKLIST

## PFO TO FO CONVERSION

FILE # 744/29

*PFO - Oct, 24, 1995*

REVIEW DATE: 4/24/96

WEEK # \_\_\_\_\_

INITIALS : JTG

In preparing the FO, you should check the following:

- Y /  N *water master* Were comments or protests received in response to the PFO?
- List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
- Verify payment of recording fees (circle the appropriate option)  
(1) Issue FO w/permit if fees are paid Prepare refund request for excess fees  
(2) Issue FO w/o permit if fees are lacking  
(3)  
*\$254.00 Paid*
- Y /  N Has the applicant signed an oath of accuracy for the application?
- Y /  N Has ODFW asked for self certification on screening condition?
- Y /  N Is water use prohibited for one or more months of the normal use period?
- Y /  N If #6 = "Y", is short season letter on file?
- Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

*\$160 1st 1000  
4 2AC  
150 2cFS  
200 APP  
\$154  
-200 - Paid  
254*

*Note: USE IS supplemental.  
condition per water memo  
at 8/21/95*

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

Modify FO as needed to:

INITIALS : CG

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

Once FO document is completed:

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

*[Handwritten signature]*

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,

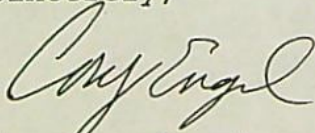
The Water Resources Department is preparing a Final Order and permit approving your application for water use. Before we may proceed, the following information must be submitted:

- ▶ 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

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT #

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

INVOICE # **002695**

RECEIVED FROM: M & Boak  
BY: \_\_\_\_\_

APPLICATION	74429
PERMIT	
TRANSFER	

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

TOTAL REC'D \$ 264.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

PCA AND OBJECT CLASS	CASH ACCT	\$
	VOUCHER #	

**0427 WRD OPERATING ACCT**

0407	MISCELLANEOUS		\$
	COPY FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC165	DEPOSIT LIAB. (IDENTIFY)		\$
0201	WATER RIGHTS:	EXAM FEE	RECORD FEE
	SURFACE WATER	\$ 0	\$ 254.00
0203	GROUND WATER	\$	\$
0205	TRANSFER	\$	\$
0218	WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
	WELL DRILL CONSTRUCTOR	\$	\$
	LANDOWNER'S PERMIT	\$	\$
	OTHER (IDENTIFY)		\$

*Balance 002613*  
*PCA 66111*

**0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

**0539 LOTTERY PROCEEDS**

1302	LOTTERY PROCEEDS	\$
------	------------------	----

**0467 HYDRO ACTIVITY**

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

RECEIPT # **002695** DATED: 5-24-96 BY: Flo L

Fish District: Coos/Coquille

WAB #

Application #

S-74429

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 \_\_\_\_\_

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

FINDINGS

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



STATE OF OREGON

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of ) PROPOSED  
Surface Water Application ) FINAL  
S-74429 submitted by ) ORDER  
MELVIN E AND RUPERT G BOAK

PFO should  
say  
Supplemental CO  
js  
11/9/95

FINDINGS OF FACT

*Water Use Request*

1. Melvin E and Rupert G Boak requested use of 1.34 cubic feet per second of water from Two Mile Creek, and 2.7 acre-feet stored water from an unnamed reservoir constructed under Application R-74428 for Cranberry use on 11.73 acres, both tributaries of Pacific Ocean, within the South Coast Basin.
2. The area of proposed use is in Coos County within Section 13, Township 29 South, Range 15 West, W.M.
3. The water delivery system is described by the applicant as follows: Water is diverted from Two Mile Creek by way of a pump to the reservoir where water is pumped into a pipeline system that delivers water to sprinkler systems.
4. The request was made in Application S-74429 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 point of diversion.
3. There are senior water rights on Two Mile Creek, a tributary of Pacific Ocean and 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. Cranberry use on 11.73 Acres is allowed under the South Coast Basin Program.
  - b. The use is not prohibited by Statute.
  - c. Water is available for further appropriation (at an 80 percent exceedance probability) for the period February 1 through March 31 for live flow and year round for stored water.
  - 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 S-74429, the following criteria were found to be relevant by the Department.
  - a. The South Coast Basin Program (OAR Chapter 690, Division 517)
  - b. The Coos County Comprehensive Plan and Zoning Ordinance
  - c. The amount of water available in Two Mile Creek, a tributary of Pacific Ocean
  - d. The established rate and duty for the proposed use
  - e. Pending, senior applications and existing water rights of record
  - f. Comments received

#### **CONCLUSIONS OF LAW**

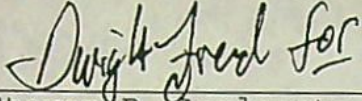
1. Based upon continued evaluation, the Department finds the determinations of the Initial Review remain valid.

2. Based on comments and data received, the Department has determined that the proposed use can be allowed as conditioned. The Department has further determined that, to protect the resource, an additional condition on the proposed water use is necessary. The condition, as further described on the attached draft permit, would require fish screening.
3. The period of allowed use is February 1 through March 31 for live flow from Two Mile Creek and Year Round for stored water.
4. The Department finds that no more than 1.34 cfs live flow from Two Mile Creek and 2.7 acre-feet stored water would be necessary for the proposed use. The amount of water requested, 1.34 cfs live flow and 2.7 acre-feet stored water is allowable.
5. Coos County Planning Department staff acknowledged receipt of the Department's Land Use Information Form. Since land use information was not postmarked or received within the 30 day comment period initiated pursuant to OAR 690-11-155, the Department has presumed that the land use served by the proposed water use is compatible with the comprehensive plans and land use regulations of affected local governments.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application S-74429 in the name of Melvin E and Rupert G Boak be approved for Cranberry use on 11.73 Acres as provided in the attached draft permit.

DATED October 24, 1995

  
Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

**NOTICE:**

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

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

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

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

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

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

**DRAFT**  
STATE OF OREGON

COUNTY OF COOS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

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: S-74429

SOURCE OF WATER: TWO MILE CREEK, AND AN UNNAMED RESERVOIR  
CONSTRUCTED UNDER APPLICATION R-74428, BOTH TRIBUTARIES OF PACIFIC  
OCEAN

PURPOSE OR USE: CRANBERRY USE ON 11.73 ACRES

*Supplemental*

AMOUNT OF WATER ALLOWED: 1.34 CFS LIVE FLOW FROM TWO MILE CREEK AND  
2.7 ACRE-FEET STORED WATER FROM THE UNNAMED RESERVOIR

THE PERIOD OF ALLOWED USE IS FEBRUARY 1 THROUGH MARCH 31 FOR LIVE  
FLOW AND YEAR ROUND FOR STORED WATER

DATE OF PRIORITY: AUGUST 23, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 13, T29S, R15W,  
W.M.; 1500 FEET SOUTH & 1900 FEET EAST FROM W1/4 CORNER, SECTION 13

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 6.5 ACRES  
SW 1/4 NW 1/4 3.32 ACRES  
SE 1/4 NW 1/4 1.9 ACRES  
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.

**STANDARD CONDITIONS**

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

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

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

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

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

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

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

Issued \_\_\_\_\_, 199\_

**DRAFT**

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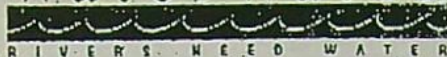
Water Resources Department  
Martha O. Pagel  
Director

Application S-74429  
Basin 17  
JKS

Water Resources Department  
Volume 3  
Two Mile Creek 29S & Misc.

PERMIT DRAFT  
District 19

# Water Watch



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.<sup>1</sup> 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

<sup>1</sup> 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 of 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

R74428, 74429 p.3

condition which clearly states these requirements.

3. The IR's are defective

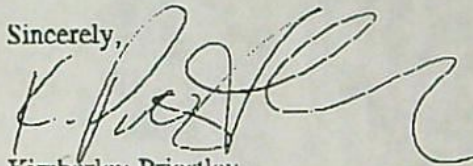
a. The IR's on these two applications conflict

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 blue ink 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

AUG 23 1995

TO:

Steve P. Applegate  
Manager, Water Rights Div.

DATE:

08-21-95

WATER RESOURCES DEPT.  
SALEM, OREGON

FROM:

John P. Drolet *JPD*  
Watermaster, District XIX

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

August 14, 1995

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

Reference: File S74429

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 Supplemental Agricultural use is allowed under OAR 517, the South Coast Basin Program.
4. The use of 1.34 cubic foot per second from Two Mile Creek is available from February 1 through March 31.

The use of stored water under application R-74428 is available for Agricultural use from January 1 through December 31.

5. The irrigation season is from March 1 through October 31.

Summary of Allowable Water Use

Agricultural Use	1.34 cfs	February 1 through March 31
	2.7 acre-feet	January 1 through December 31

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.



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

S74429  
August 14, 1995  
Page 2

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

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.

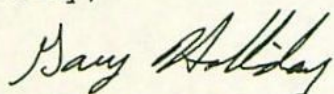
If A Permit Is Issued It Will Likely Include The Following Conditions:

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

INITIAL REVIEW CHECKLIST

APPLICATION # 5 74429  
WAB # 1900  
POU-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 J. A.  
DATE 8-10-95

*MODIFY USE SEASON  
STOWS WATER USE  
YEAR PERIODS  
INSTEAD OF JAN / THRU - Dec 31*

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). 161123440

✓(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 07013123



✓ 3400

✓  
1601

(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.

(8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

(9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.

(10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

X

### Reservations

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- ✓(1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- ✓(2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

### Minimum Perennial Streamflows

690-517-003

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:

- (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.



Frost Protection

$$.15 \cdot 12.2 = 1.83$$

Harvesting

$$.005 \cdot 12.2 = 0.06$$

Irrig

$$\left[ \underset{\substack{D \\ 4y}}{3} \cdot \underset{\substack{R \\ 5c}}{.025} \cdot \underset{\text{acres}}{12.2} \right] - \underset{\substack{\uparrow \\ \text{previous right}}}{.2375} \text{ cfs} = .6775$$

S-66897 is his primary right for the lands



WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 80  
 Water Availability Subbasin: 1900000000000000 (and Nested Subbasins)  
 Time: 07:42 Date: 08/11/1995

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

STREAM NAMES

Basin: SOUTH COAST  
 Water Availability Subbasin: 1900000000000000 (and Nested Subbasins)  
 Time: 07:42 Date: 08/11/1995

WAB #	Stream Name	Tributary to
1900000000000000	TWOMILE CR	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 1900000000000000  
 Basin: SOUTH COAST  
 Exceedance Level: 80  
 Time: 07:42 Date: 08/11/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	1900000000000000	TWOMILE CR	NO	-2.3
2	1900000000000000	TWOMILE CR	YES	8.5
3	1900000000000000	TWOMILE CR	YES	4.9
4	1900000000000000	TWOMILE CR	NO	-5.6
5	1900000000000000	TWOMILE CR	NO	-15.7
6	1900000000000000	TWOMILE CR	NO	-13.3
7	1900000000000000	TWOMILE CR	NO	-10.8
8	1900000000000000	TWOMILE CR	NO	-10.7
9	1900000000000000	TWOMILE CR	NO	-10.0
10	1900000000000000	TWOMILE CR	NO	-9.7
11	1900000000000000	TWOMILE CR	NO	-16.7
12	1900000000000000	TWOMILE CR	NO	-4.6
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: 80

Time: 07:42 Date: 08/11/1995

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	20.80	0.10	20.70	4.95	15.75	18.00	-2.25
2	31.80	0.10	31.70	5.18	26.52	18.00	8.52
3	27.90	0.00	27.90	4.95	22.95	18.00	4.95
4	16.90	0.10	16.80	4.40	12.40	18.00	-5.60
5	7.09	0.47	6.62	4.31	2.30	18.00	-15.70
6	3.63	1.39	2.24	4.51	-2.30	11.00	-13.30
7	3.04	2.16	0.88	4.68	-3.80	7.00	-10.80
8	2.68	1.75	0.93	4.59	-3.70	7.00	-10.70
9	2.13	0.74	1.39	4.37	-2.98	7.00	-9.98
10	1.66	0.09	1.57	4.23	-2.66	7.00	-9.66
11	5.51	0.03	5.48	4.22	1.30	18.00	-16.70
12	17.90	0.10	17.80	4.40	13.40	18.00	-4.60
Stor	19200	419	18800	3280	15900	9880	9150

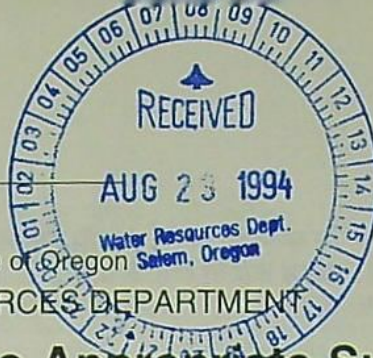
DETAILED REPORT OF ISWRs

Basin: SOUTH COAST  
 Stream: TWOMILE CR > PACIFIC OCEAN  
 Water Availability Subbasin: 1900000000000000  
 Time: 07:42 Date: 08/11/1995

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

72803- Exempt human consumption, livestock consumption, irrig. of ~5 acre non-commercial garden

Application No. 74429



State of Oregon  
Water Resources Dept.  
Salem, Oregon

WATER RESOURCES DEPARTMENT

# Application for a Permit to Appropriate Surface Water

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 appropriate 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.

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.34 cubic feet per second, OR 600 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: \_\_\_\_\_

3. **INTENDED USE(S) OF WATER:** Cranberry use -- consists of all the customary uses for cranberry production: such as irrigation, temperature control (frost and heat), flood harvest, etc.

If for more than one use, give the quantity of water from each source for each use: \_\_\_\_\_

If for **DOMESTIC** use, state the number of households to be supplied; none

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

N/A

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

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

Irrigation \_\_\_\_\_

Other (describe) 12.2 ac for cranberry use

\_\_\_\_\_  
\_\_\_\_\_

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

Two Mile pump- 220- 3500 rpm- Meyers - Intake 4" pipe- Outlet

4" increases to 5" - pumps 600 gpm- 30 IM.

Pond pump- 220- 1770 rps- Meyers - Intake 6" pipe- Outlet 6" increases to 8" sections- pumps 1200 gpm- 50 HP.

Sprinklers - 359 @ 3.5 gpm per sprinkler. Underground pipes vary- 1" to 2".

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

Proposed date construction work will begin Complete

Proposed date construction work will be completed Complete

Proposed date water use will be completed In use

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

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

Applicant       CWRE       Other (Identify in REMARKS section)

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

Applicant       CWRE       Other (Identify in REMARKS section)

7. *Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? 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 of Applicant

8/9/94  
Date

Rupert S Boak  
Signature of Co-Applicant, if any

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: 74429

PERMIT NO: \_\_\_\_\_

MANUEL C. HERNANDEZ & ASSOCIATES, P. C.

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

RECEIVED

AUG - 3 1995

(503) 347-2911

(503) 347-9251

WATER RESOURCES DEPT 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

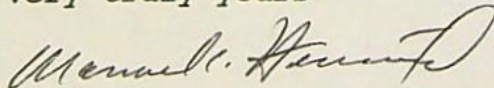
In reply to your letter of July 24, 1995 addressed to Melvin E. Boak and Rupert G. Boak, POB 897, Bandon, Oregon 97411 (See letter attached):

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

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*  
8/13/95

Application #	Review Date	Reviewer Initials
5 - 74429	7/24/95	MWM

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

- \_\_\_\_\_ 1. ✓ Examination fees. *12.2 ac + 1.34 cfs*  
*\$106 + \$150 = \$256 Recording fee needed*
- \_\_\_\_\_ 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.
- 8/13 *sk* \_\_\_\_\_ 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).
- 8/13 *sk* \_\_\_\_\_ 17. A satisfactory map of the proposed POD & POU.
- \_\_\_\_\_ 18. ✓ A Land Use Information Form or receipt signed by appropriate planning official.

Application No.   
Permit No.

RECEIVED

SEP 12 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 74423, 74429, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Send to: Shannon RELAFORD  
775 Summer St. NE  
Salem, OR 97310

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.



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.

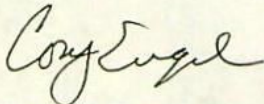
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application.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



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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.

**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<sup>ast</sup>  $\frac{1}{4}$  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.  
Permit No.

74429

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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 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.

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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

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.

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 for local government use 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 Kew Planning Tech Phone: 396-3121
Signature: Theda J Kew Date of Information Request: 8/9/94

Application No 74429
Permit No.

Description of Water Use

AUG 23 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. Boak + Rupert G. Boak  
 Address: P.O. Box 897  
BANDON OR 97411  
 Phone: 503-347-3597

**RECEIVED**

AUG 11 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	

Application No 74429  
 Permit No.

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° 30' 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

AUG - 3 1995

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)

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.

*[Signature]*  
Notary Public for Oregon  
My Commission Expires *June 17, 1950*

Recorded  
APR 30 1948  
County Clerk 1 AM

WATER RESOURCES DEPT

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

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AUG - 3 1995

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

permit #  
52404

WATER RESOURCES DEPT.  
SALEM, OREGON

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AUG 11 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

AUG 23 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

3.32  
acres

1.41  
acres

6.5

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

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

1500'

1900'

Two Mile Cr.

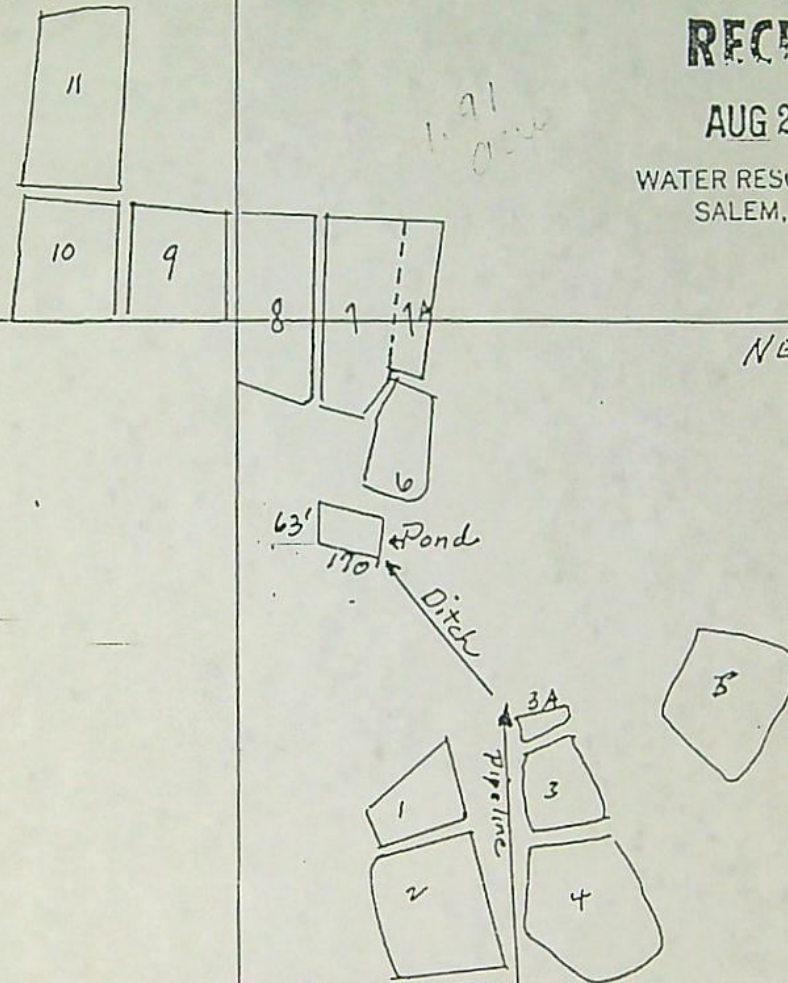
Div. Pt.

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



Scale: 1" = 400'

APP# 74429.  
See map  
received Aug 3  
1995  
for acreage by  $\frac{1}{4}$   $\frac{1}{4}$





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

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AUG - 3 1995

SW 1/4 NW 1/4

permit #  
52404

WATER RESOURCES DEPT.  
SALEM, OREGON

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AUG 1 1 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

AUG 2 3 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

3.32  
acres

1.41  
acres

6.5

W 1/4 cor. Sec. 13

NE 1/4 SW 1/4

1500'

63' Pond  
110' Ditch

pipeline

Two Mile Cr.

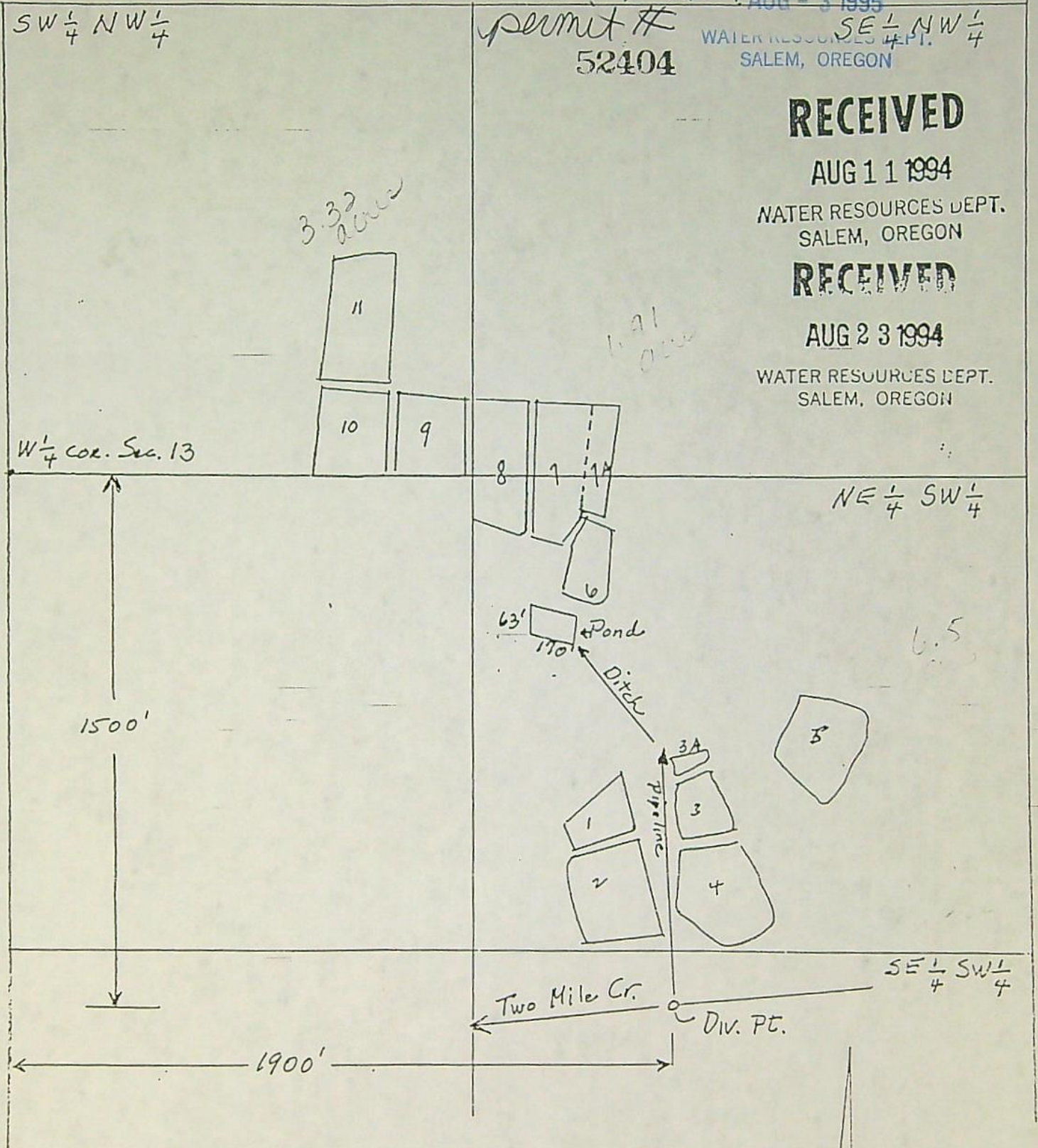
Div. Pt.

SE 1/4 SW 1/4

1900'



Scale: 1" = 400'



FP	993	a-f	12.7
T.C.	.1850	a-f	7.4
	.0425	a-f	1.7
	.09	a-f	3.6

Max  
 Irr. .7125  
 Harv. Temp. .635  
 T.C. F.P. 1.905

9.5 irrig.  
 12.7 T.C. + FP  
 crop

hrs  
 irr. .2375 cfs  
 Temp. 1.9 cfs  
 Harv. .635

can have .475 for irrig.  
~~.005 for FP~~

RECEIVED

Oregon

AUG 23 1994

August 15, 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

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.

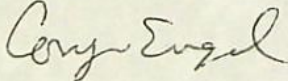
Please provide the following:

- ✓ 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. 74429  
Permit No.



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

# PRE-TR APPLICATION PROCESSING OUTLINE

Application File #

74429

## MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE	INITIAL
8/23/94	cs

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 \$\_\_\_\_\_, 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
9/8/94	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

9/1/94	DD

Stream Indexed Basin # ~~17~~ 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	<u>YES</u>	<u>NO</u>
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

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **115843**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Book Bogs INC.

APPLICATION	74429
PERMIT	
TRANSFER	

BY: \_\_\_\_\_

CASH:  CHECK: #  96455 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**

<b>MISCELLANEOUS</b>			
840.001	COPY FEES	\$	
850.200	RESEARCH FEES	\$	
880.109	MISC REVENUE: (IDENTIFY)	\$	
520.000	OTHER (P-6) (IDENTIFY)	\$	
<b>WATER RIGHTS:</b>			
842.001	SURFACE WATER	EXAM FEE \$ 200.	842.002 RECORD FEE \$
842.003	GROUND WATER	\$	842.004 \$
842.005	TRANSFER	\$	842.006 \$
<b>WELL CONSTRUCTION</b>			
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$	842.023 LICENSE FEE \$
	LANDOWNER'S PERMIT		842.024 \$
_____	OTHER (IDENTIFY)		

**06-00-0 WELL CONST. START FEE**

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

**45-00-0 LOTTERY PROCEEDS**

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

**07-00-0 HYDRO ACTIVITY**

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

RECEIPT # **115843**

DATED: 7-23-14

BY: D. J. [Signature]