

FILE#: G 12693

ASSIGNED

THOMAS C FORGATSCH
FORGATSCH, VIRGINIA R
RT 1 BOX 1557
BANDON, OR 97411

Application No. G12693
Permit No. G11552
Certificate No. _____

Stream Index, Page No. 17

17-1560-00301-0010

V3 Craft Lakeywise

FEES PAID

Date	Amount	Receipt No.
10-16-91	\$350.00	79902
6/18/92	100.00	88093
Extension 6-27-94	100.-	113698
Ext 11-2-95	100.00	12995
Ext 8-2-96	100.00	5021
Cert. Fee		

FEES REFUNDED

Date	Amount	Check No.

Date filed _____
Priority _____
Action suspended until 042/990
Return to applicant _____
Date of approval _____

CONSTRUCTION

Date for beginning AUG 5 1993
Date for completion OCT 1 1994
Extended to 10/1/95, 10-1-96, 10-1-97
10-1-92
Date for application of water OCT 1 1995
Extended to 10-1-96, 10-1-97
10-1-92

PROSECUTION OF WORK

Form "A" filed Aug 18, 1992
Form "B" filed 10/3/95
Form "C" filed _____

FINAL PROOF

Blank mailed _____
Proof received _____
Date certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
3-13-15	Bandon Black Moon Farms LLC	681 Norante Ct. Pleasanton, CA 94566		

REMARKS

118 sent 8/21/92
Ext. Ord. 2/22/95 V49 P65 B95
119 sent 10/16/95
Ext. BC V49 P391
BC Ext. 10-1-97 V51 P42 1-17-97
Fees Paid
date amount rece
Extension 10-6-97 100.00 16468
27-13-99 100.00 31218
31-13-15 85.00 115198

RECEIVED

Form B (690-9-77)

Application No. G-12693

NOTICE OF COMPLETION OF CONSTRUCTION

I, Thomas C Forgatsch, the holder of Permit No. G-11552
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the 20th day of Sep, 1995

Remarks:

N/A
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of Sep, 1995

Thomas C Forgatsch
(Signature of Applicant)

Rt #1 Box 1557 Bandon Or
(Address) 97411

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

Form A (690-9-77)

Application No. G-12693

NOTICE OF BEGINNING OF CONSTRUCTION

I, Thomas C Forgatsch, the holder of Permit No. G-11552
to appropriate the public waters of the state of Oregon, began the actual construction of the works described
therein on the 14 day of August, 1992

Remarks:

Pump house site is cleared and pump house being built. The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.
Pipe is on site.

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of August, 1992

Thomas C Forgatsch
(Signature of Applicant)

Rt #1 Box 1557 Bandon Or
(Address) 97411

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

6-12673

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Monday, February 28, 2022 1:23 PM
To: SCHIBEL Halley J * WRD
Cc: SMITH Trevor K * WRD; DOUTHIT Susan M * WRD
Subject: RE: cbu for G11552

Halley,

Thank you for the response.

No – I do not need anything from you. I will add your email to the permit file.

Have a great afternoon!

Gerry

[Gerry Clark](#)

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

From: SCHIBEL Halley J * WRD <Halley.J.SCHIBEL@water.oregon.gov>
Sent: Monday, February 28, 2022 11:44 AM
To: DOUTHIT Susan M * WRD <Susan.M.DOUTHIT@water.oregon.gov>; CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Cc: SMITH Trevor K * WRD <Trevor.K.SMITH@water.oregon.gov>
Subject: RE: cbu for G11552

Hi Gerry,

These sumps do not need a pump test as they are greater than 36" in diameter and have depths less than 30 ft. Let me know if you need a formal exemption letter and I can generate one.

Thank you,

Halley Schibel, GIT

Groundwater Data Specialist
503-437-5233

We're hiring! See the current list of jobs [here](#).

From: DOUTHIT Susan M * WRD <Susan.M.DOUTHIT@water.oregon.gov>
Sent: Friday, February 25, 2022 1:21 PM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Cc: SMITH Trevor K * WRD <Trevor.K.SMITH@water.oregon.gov>; SCHIBEL Halley J * WRD <Halley.J.SCHIBEL@water.oregon.gov>
Subject: RE: cbu for G11552

Thanks Gerry!

@Trevor - This is a cannabis related property

~S

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Friday, February 25, 2022 1:18 PM
To: DOUTHIT Susan M * WRD <Susan.M.DOUTHIT@water.oregon.gov>
Cc: SMITH Trevor K * WRD <Trevor.K.SMITH@water.oregon.gov>; SCHIBEL Halley J * WRD <Halley.J.SCHIBEL@water.oregon.gov>
Subject: RE: cbu for G11552

Susan,

I have attached a copy of the Claim for the above permit. In addition, I attached a copy of the first page of the application form as it has dimensions for the sumps.

Since this permit does not have an approved or exempted pump test record in WRIS, the file has not been pulled for review.

Because these are sumps, they likely do not need pump tests. I am copying Halley to confirm this.

Once we no the status the pump test requirement, I can forward the file to a Caseworker for review of the Claim.

Have a great weekend!

Gerry

From: DOUTHIT Susan M * WRD <Susan.M.DOUTHIT@water.oregon.gov>
Sent: Friday, February 25, 2022 9:56 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Cc: SMITH Trevor K * WRD <Trevor.K.SMITH@water.oregon.gov>
Subject: cbu for G11552

Hi Gerry,

I'm likely going to be interacting w/the owners of the property where this wr is appurtenant
I see a cbu was submitted a while back and wondered if (1) I can get a copy of the cbu and (2) if cbu is on anyone's plate for a review of the cbu.

Lmk your thoughts and whether you can arrange to get me a copy of the cbu.
Please and thanks.

~S

Watermaster, OWRD
Serving Coos and Douglas Counties
541-440-4255 (Roseburg office)
541-580-4961 (cell)

DISCLAIMER

Water right and well log records provided by the Watermaster's office are based on information available in our files and from Oregon Water Resources Department (OWRD) databases. While we make every effort to insure our information is complete and factual, this office cannot accept any responsibility for errors, omissions, or accuracy of the data. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this information. Official records are available from the OWRD Salem office. For additional assistance, you may contact the OWRD Salem office at 503-986-0900 or on the internet at <https://www.oregon.gov/owrd/pages/index.aspx>



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

COOS BAY - BROOKINGS - FOREST GROVE - DALLAS

CLAIM OF BENEFICIAL USE AND SITE REPORT
Located in the SE¼ NW¼ & SW¼ NE¼ of Section 14,
Township 30 South, Range 15 West, W.M.
Coos County, Oregon
Application #G-12693 Permit G-11552

RECEIVED

WATER RIGHTS DIVISION
 SALEM, OREGON

INFORMATION:

Permittee: Thomas C. & Virginia R. Forgatsch
 86814 Sydnam Ln.
 Bandon, OR 97411

Mr. Forgatsch assisted in the site inspection and assisted with pump and pipe information as well as bog, blueberry and pasture dimensions.

SOURCE:

Three sump wells constructed under Permit G-11552 for cranberry operations and irrigation.

APPROPRIATION POINT:

Sump #1 is located 1070 feet North and 560 feet East with a 5 horsepower pump; Sump #2 is located 1270 feet North and 600 feet West with a 7.5 horsepower pump; Sump #3 is located 460 feet North and 1020 feet West with a 15 horsepower pump. All sumps are located from the Center ¼ of Section 14.

DISTRIBUTION SYSTEM:

MOTOR/PUMP:

Magnetek	5 HP
Serial #	G35758-11
Intake	4"
Discharge	4"
Teel (Dayton Mfg.)	7.5 HP
Serial #	C520/T05T071R179F
Intake	6"
Discharge	4"

Franklin (Submersible)	15 HP
Serial #	2366539020
Intake	6"
Discharge	6"

PIPE:

6 inch diameter	2164'
4 inch diameter	1038'
3 inch diameter	20'
2 inch diameter	2118'
1½ inch diameter	191'
1¼ inch diameter	191'
1 inch diameter	9755'

Total number of feet of pipe 15,477'

HEADS:

Rainbird type 1/8-inch diameter nozzle - 32 @ 2.9gpm/sprinkler
 Dan Red - 126 @ 3gpm/sprinkler
 Nelson Orange - 41 @ 1.36gpm/sprinkler
 Nelson Rotators - 37 @ 1.36gpm/sprinkler
 Maximum number of sprinkler heads used at one time 236.
 Flow meters are Aquamaster 900R located in each pump house.

USES:

Irrigation, Temperature Control and Flood Harvest for 4.92 acres of cranberries and irrigation on 0.83 acres of blueberries and 1.7 acres of pasture.

HEAD:

Sump #1 8 feet of lift.
 Sump #2 20 feet of lift.
 Sump #3 10 feet of lift.

SYSTEM CAPACITY

CALCULATIONS:

Given Data: •Distribution pump
 Operating Pressure = 40 PSI
 Duty of water = 1/40 CFS per acre
 Acres allowed = 4.92
 Operating Pressure = 40
 Pump 5 HP centrifugal
 Suction Lift = 8 feet
 Discharge Lift = 5 feet

PUMP CAPACITY:

•Pump - 5HP centrifugal (with assumed eff. Factor of 75% = 6.61)
 •Head @ 40 PSI x head factor @2.31 x friction factor @1.1 = 101.6' of head

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JAN 23 2004

WATER RESOURCES DEPT
 SALEM, OREGON

$$Q_{\text{pump}} = \frac{(\text{eff. } 6.61) \times (5\text{HP})}{13 + 101.6 (\text{Total head})} = \frac{33.05}{114.6} = 0.29 \text{ CFS}$$

Operating Pressure = 40
 Pump 7.5 HP centrifugal
 Suction Lift = 20 feet
 Discharge Lift = 5 feet

- Pump – 7.5HP centrifugal (with assumed eff. Factor of 75% = 6.61)
- Head @ 40 PSI x head factor @2.31 x friction factor @1.1 = 101.6' of head

$$Q_{\text{pump}} = \frac{(\text{eff. } 6.61) \times (7.5\text{HP})}{25 + 101.6 (\text{Total head})} = \frac{49.58}{126.6} = 0.39 \text{ CFS}$$

Operating Pressure = 40
 Pump 15 HP Submersible
 Suction Lift = 10 feet
 Discharge Lift = 5 feet

- Pump – 15HP centrifugal (with assumed eff. Factor of 80% = 7.04)
- Head @ 40 PSI x head factor @2.31 x friction factor @1.1 = 101.6' of head

$$Q_{\text{pump}} = \frac{(\text{eff. } 7.04) \times (15\text{HP})}{15 + 101.6 (\text{Total head})} = \frac{105.6}{116.6} = 0.91 \text{ CFS}$$

Total pump capacity = 1.59 CFS

SPRINKLER CAPACITY:

$$Q_{\text{sprinklers}} = \frac{(32 \text{ heads}) (2.9 \text{ GPM})}{449 (\text{GPM/CFS})} = \frac{92.8}{449} = 0.21 \text{ CFS}$$

$$Q_{\text{sprinklers}} = \frac{(78 \text{ heads}) (1.36 \text{ GPM})}{449 (\text{GPM/CFS})} = \frac{106}{449} = 0.24 \text{ CFS}$$

$$Q_{\text{sprinklers}} = \frac{(126 \text{ heads}) (3 \text{ GPM})}{449 (\text{GPM/CFS})} = \frac{378}{449} = 0.84 \text{ CFS}$$

$$\text{Total sprinkler capacity} = 1.29 \text{ CFS}$$

PERMIT AUTHORIZED CAPACITY:

Q acres Surveyed 4.92 acres – permit authorized .15 CFS/acre and 3 ac-ft/acre.
 $0.15 \text{ cfs} \times 4.92 \text{ acres} = 0.74 \text{ CFS}$

Q acres Surveyed 2.53 acres – permit authorized 1/80 CFS/acre and 2.5 ac-ft/acre.
 $\frac{7.48}{80} \times 2.53 \text{ acres} = 0.24 \text{ CFS}$

$$\text{Total} = 0.98 \text{ CFS}$$

RATE:

The permit authorizes 0.15 CFS for temperature control per acre; 0.05 flood harvesting or pest control;
 Survey found 4.92 acres of cranberries have been developed and 2.53 acres for other irrigation been developed
 therefore the claim is: Based on the permit the Claim of Beneficial Use is 0.98 CFS

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JAN 23 2024

WATER RESOURCES DEPT
 SALEM, OREGON

PLACES OF USE:

SW¼ NE¼ & SE¼ NW¼ of Section 14

PERIOD OF USE:

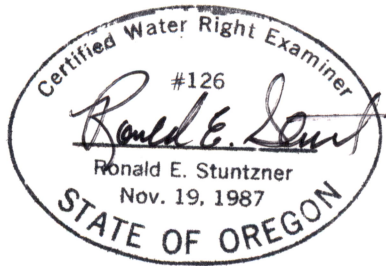
Year round for cranberry operations and during the legal irrigation season for the pasture and blueberries.

POINT OF BEGINNING:

The Point of Beginning is the center ¼ corner of Section 14, Township 30 South, Range 15 West, W.M. Coos County, Oregon. The survey ties were made by CWRE #054 at the time of application using conventional survey equipment.

CONCLUSION/REMARKS:

The Final Proof Survey and Site Inspection of Permit # G-11552 was completed December 16, 2003. The facts contained in this report and accompanying map are correct to the best of my knowledge.



EXPIRES 06/30/2004

We, Thomas C. and Virginia R. Forgatsch, 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 our Permit G-11552. We hereby request a certificate be issued per this report.

Thomas C. Forgatsch
Virginia R. Forgatsch

Thomas C. & Virginia R. Forgatsch

1-23-04
1-23-04

Date

RECEIVED

JAN 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

CLAIM OF BENEFICIAL USE FINAL PROOF MAP
 Located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14,
 Township 30 South, Range 15 West, W.M.
 Coos County, Oregon
 Application G-12693 Permit G-11552

Prepared For: Thomas C. & Virginia R. Forgatsch
 Prepared By: Dennis Goude
 Date Prepared: December 16, 2003

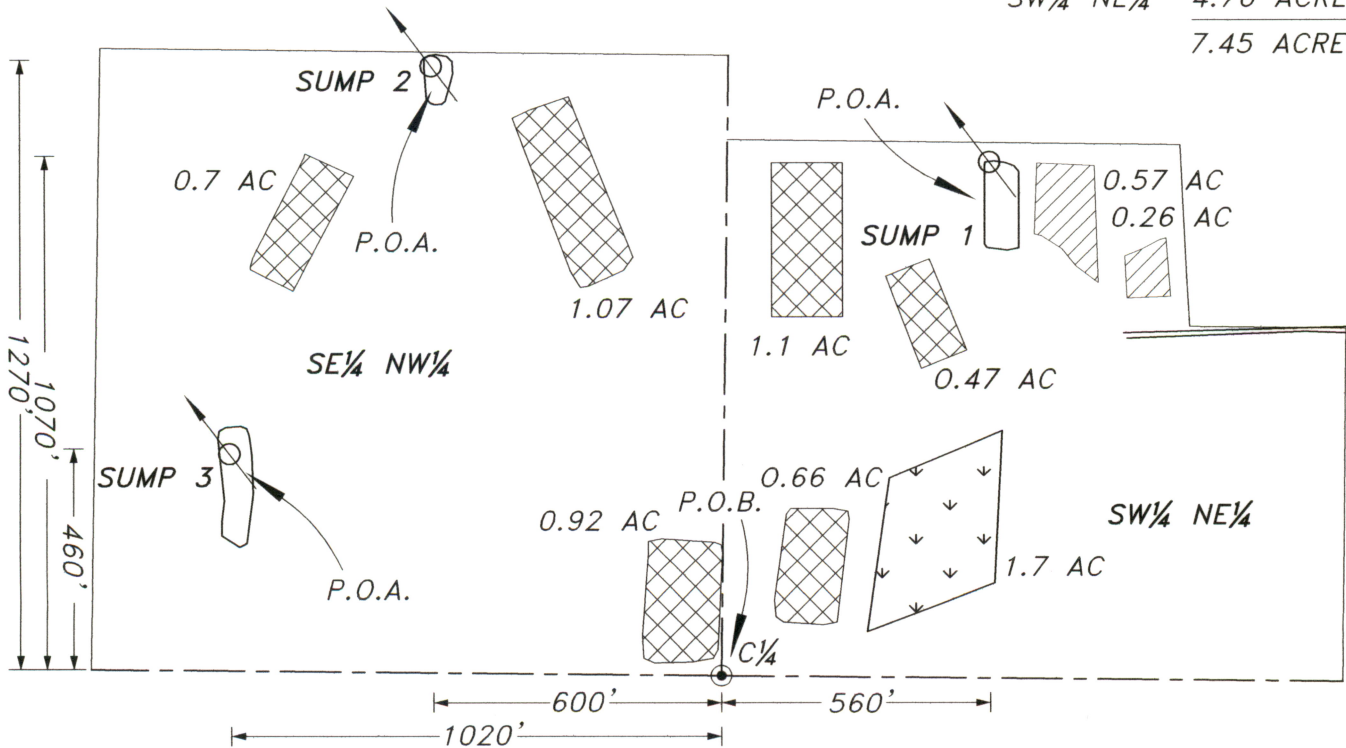


EXPIRES 06/30/2004

Scale 1"=400'

NOTE:
 THE POINTS OF APPROPRIATION ARE LOCATED
 FROM THE C $\frac{1}{4}$ OF SECTION 14. SUMP #1 IS
 560 FEET EAST AND 1070 FEET NORTH.
 SUMP #2 IS 600 FEET WEST AND 1270 NORTH.
 SUMP #3 IS 1020 FEET WEST AND 460 FEET
 NORTH.

NOTE:
 IRRIGATED ACREAGE:
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.69 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.76 ACRES
 7.45 ACRES



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.

**Stuntzner Engineering
 & Forestry, L.L.C.**

ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS

705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420
 Phone: (541) 267-2872
 Fax: (541) 267-0588

RECEIVED

JAN 25 2004

WATER RESOURCES DEPT
 SALEM OREGON

LEGEND

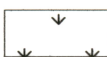
P.O.B.

P.O.A.

CRANBERRY
 BOGS

BLUEBERRIES

PASTURE



4.92 ACRES

0.83 ACRES

1.7 ACRES



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

March 22, 2018

Bandon Black Moon Farms, LLC
681 Norante Court
Pleasanton, California 94566

Reference: Application G-12693, Permit G-11552 – Application R-80662, Permit R-12099

This correcting assignment is issued to correct the name of Black Moon Ranches, LLC to Black Moon Farms, LLC.

The assignment by proof from Thomas C. and Virginia R. Forgatsch to Bandon Black Moon Farms, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Bandon Black Moon Farms, LLC as the permit holder of record.

Our records have been changed accordingly

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure:

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





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

March 18, 2015

Bandon Black Moon Farms, LLC
681 Norante Court
Pleasanton, California 94566

Reference: Application G-12693, Permit G-11552 – Application R-80662, Permit R-12099

The assignment by proof from Thomas C. and Virginia R. Forgatsch to Bandon Black Moon Ranches, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Bandon Black Moon Farms, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 115198 covering the recording fee is also enclosed.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 115198

cc: Watermaster 19

Thomas C. and Virginia R. Forgatsch
Data Center, OWRD (cover letter & request)
Hydrographics
File





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

Request for Assignment

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

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

1, BANDON BLACK MOUNTAIN FARMS, LLC

(Name of Party Requesting Assignment)

681 NORMAN CT

(Mailing Address)

PLEASANTON CA 94566

(City) (State) (Zip)

(Phone #)

(925)

577-0293

☒ hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;

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

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

Application # R80662; Permit # R12099; Transfer# _____

-OR-

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

THOMAS C. + VIRGINIA R. FORGATSCH

(Name of Holder of Record)

PO BOX 1880

(Mailing Address)

HONOLUA HAWAII 96727

(City) (State) (Zip)

(Phone #)

(808)

557-5640

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

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

Witness my hand this 7 day of MARCH, 20 15

Party Requesting Assignment MICHAEL LOVAS

PRESIDENT

Party Requesting Assignment _____

ASSIGNED PERMITS
JUL 3/16/2015

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.

- Fee receipt # 115190

- For Director by Jerry Sauter, Program Analyst in Water Rights Division

Last updated: July 19, 2013

Request for Assignment if Permit Holder not available

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

RECEIVED BY OWRD

MAR 13 2015

SALEM, OR

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **115198**

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

INVOICE # _____

RECEIVED FROM: Bardon Black Moon Farms LLC
BY: _____

APPLICATION	<u>See Below</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 1009 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 170.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS <u>46111</u>	
0407 COPY & TAPE FEES	\$ <u>6-12693 -85.00</u>
0410 RESEARCH FEES	\$ <u>R-80662 -85.00</u>
0408 MISC REVENUE: (IDENTIFY)	\$ <u>Assignment 85.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE \$
0203 GROUND WATER	EXAM FEE \$
0205 TRANSFER	EXAM FEE \$

WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	
OTHER (IDENTIFY)	

RECORD FEE	
0202	\$
0204	\$

LICENSE FEE	
0219	\$
0220	\$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **115198**

DATED: 3/13/15 BY: Marion Anderson

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

Black Moon Farms



BANDON, OREGON

86814 Sydham Lane - 97411 - 541.347.6477

www.bandonblackmoonfarms.com

Mike Lovas

President

C: 925.577.0293

RECEIVED BY OWRD

DEC 19 2014

SALEM, OR

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS C. OR VIRGINIA R. FORGATSCH
ROUTE 1 BOX 1557
BANDON, OREGON 97411

503-347-9071

to use the waters of THREE SUMP WELLS in the CROFT LAKE BASIN for CRANBERRY OPERATIONS ON 7.5 ACRES AND IRRIGATION OF 1.0 ACRE.

This permit is issued approving Application G-12693. The date of priority is OCTOBER 15, 1991. The use is limited to not more than 1.14 CUBIC FEET PER SECOND (CFS), BEING 1.13 CFS FOR CRANBERRY OPERATIONS AND 0.01 CFS FOR IRRIGATION, or its equivalent in case of rotation, measured at the sumps.

The sumps are located as follows:

SW 1/4 NE 1/4, SE 1/4 NW 1/4, SECTION 14, T 30 S, R 15 W, W.M.; SUMP 1 - 1070 FEET NORTH AND 560 FEET EAST, SUMP 2 - 1270 FEET NORTH AND 600 FEET WEST, SUMP 3 - 460 FEET NORTH AND 1020 FEET WEST, ALL FROM C 1/4 CORNER, SECTION 14.

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

A description of the proposed place of use under this permit is as follows:

	CRANBERRY OPERATIONS	IRRIGATION
SW 1/4 NE 1/4	1.0 ACRE	1.0 ACRE
SE 1/4 NW 1/4	6.5 ACRES	
SECTION 14		
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.		

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Application G-12693

Water Resources Department

PERMIT G-11552

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Actual construction work shall begin on or before August 5, 1993, and shall be completed on or before October 1, 1994. Complete application of the water shall be made on or before October 1, 1995.

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

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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 shall be limited when it interferes with any prior surface or ground water rights.

Issued this date, AUGUST 5, 1992.

/s/ MARTHA O. PAGEL
Water Resources Department
Martha O. Pagel
Director

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Q Ext. to 10-1-95, 10-1-96, ext. BC97, BC92

Application G-12693 Water Resources Department
Basin 17 Volume 3 Croft Lake & Misc.
G-12693.TES

PERMIT G-11552
District 19

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SALEM, OR

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS C. AND VIRGINIA R. FORGATSCH
ROUTE 1, BOX 1557
BANDON, OREGON 97411

(541)347-9071

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

APPLICATION FILE NUMBER: R-80662

SOURCE OF WATER: RUN-OFF, TRIBUTARY OF DAVIS CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK, FISH AND WILDLIFE

MAXIMUM VOLUME ALLOWED: 7.4 ACRE-FEET PER YEAR

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING
THE PERIOD NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: NOVEMBER 7, 1995

The area submerged by the reservoir, when full, will be 0.37 acre and
the maximum depth of water will be 20.0 feet. There will be no dam
because the pond is excavated.

DAM LOCATION: SW 1/4 NE 1/4, SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15
WEST, W.M.

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

SE 1/4 NW 1/4
SECTION 14
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

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

Application R-80662 Water Resources Department

PERMIT R-12099

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Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall install and maintain fish screening on the outlet to prevent fish from escaping from the proposed reservoir. The required screens are to be in place, functional, and approved by the Oregon Department of Fish and Wildlife before diversion of any water.

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

STANDARD CONDITIONS

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

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

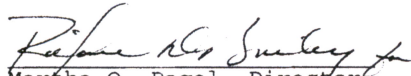
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued January 31, 1997



Martha O. Pagel, Director
Water Resources Department

Application R-80662 Water Resources Department
Basin 17

PERMIT R-12059
District 19

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SALEM, OR

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MAR 13 2015

SALEM, OR



After recording return to:
Bandon Black Moon Farms, LLC
681 Norante Court
Pleasanton, CA 94566

Until a change is requested all tax
statements shall be sent to the
following address:
Bandon Black Moon Farms, LLC
681 Norante Court
Pleasanton, CA 94566

File No.: 7132-2325225 (kad)
Date: October 01, 2014

THIS SPACE RESERVED FOR RECORDER'S USE

COOS COUNTY, OREGON

2014-08524

\$56.00

10/24/2014 03:12:36 PM

Pgs=3



00015203201400085240030032

Terri L. Turi, Coos County Clerk

STATUTORY WARRANTY DEED

Thomas C. Forgatsch and Virginia R. Forgatsch, as Trustees of the Forgatsch Family Revocable Living Trust, dated October 1, 2008, Grantor, conveys and warrants to **Bandon Black Moon Farms, LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$530,000.00**. (Here comply with requirements of ORS 93.030)

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MAR 13 2015

SALEM, OR

APN: 1367200

Statutory Warranty Deed
- continued

File No.: 7132-2325225 (kad)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 21 day of Oct, 2014.

Forgatsch Family Living Trust

Thomas C Forgatsch

Thomas C. Forgatsch, Trustee

Virginia R. Forgatsch

Virginia R. Forgatsch, Trustee

NOTARY PUBLIC CERTIFICATION
Loida Torrano Third Judicial Circuit
Doc. Description: Statutory Warranty
Deed
No. of Pages: 3 Date of Doc. 10.01.2014
Loida Torrano 10.21.2014
Notary Signature Date

STATE OF Hawaii)
County of Hawaii)ss.

This instrument was acknowledged before me on this 21st day of October, 2014 by Thomas C. Forgatsch and Virginia R. Forgatsch as Trustess of Forgatsch Family Living Trust, on behalf of the Trust.

Loida Torrano
LOIDA TORRANO
Notary Public for Hawaii
My commission expires: 8.26.2016

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EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Coos, State of Oregon, described as follows:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15, WEST OF THE WILLAMETTE MERIDIAN IN COOS COUNTY, OREGON.

ALSO, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15, WEST OF THE WILLAMETTE MERIDIAN IN COOS COUNTY, OREGON, EXCEPTING THEREFROM THE FOLLOWING:

ALSO: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 33 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON; THENCE SOUTH 0° 39' 33" WEST ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, 553.00 FEET TO A 3/4 INCH IRON ROD AS SHOWN ON SURVEY 42 A 54, SAID IRON ROD ALSO BEING NORTH 0° 39' 33" EAST, 755.27 FEET, MORE OR LESS, FROM THE TRUE POINT OF BEGINNING OF A BOUNDARY LINE AGREEMENT AND QUITCLAIM DEED RECORDED ON MICROFILM REEL NO. 82-5-4200, COOS COUNTY, OREGON RECORDS; THENCE ALONG SAID BOUNDARY LINE AGREEMENT NORTH 89° 18' 32" WEST, 326 FEET TO A 3/4 INCH IRON ROD; THENCE NORTH 2° 52' 38" WEST, 336.73 FEET, MORE OR LESS, TO A 3/4 INCH IRON ROD; THENCE NORTH 89° 18' 32" WEST, 943.28 FEET, MORE OR LESS, TO A 3/4 INCH IRON ROD ON THE NORTH-SOUTH CENTER LINE OF SAID SECTION 14; THENCE NORTH 0° 45' 09" EAST, 241 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14; AND THE TERMINUS OF THE COMMON BOUNDARY; THENCE SOUTH 89° 18' 32" EAST, 1292.71 FEET TO THE POINT OF BEGINNING.

ALSO, GRANTING UNTO THE BUYERS THE RIGHT TO USE A PERMANENT RIGHT OF WAY AND EASEMENT FOR POWER LINE PURPOSES AS RESERVED IN MEMORANDUM OF LAND SALE CONTRACT DATED MAY 1, 1978, BETWEEN GLADE M. KREWSON AS SELLER AND NATHAN D. HOLT AND CAROLINE D. HOLT, HUSBAND AND WIFE, RECORDED MAY 3, 1978 AS MICROFILM NO. 78-4-4707, AS BUYERS, AS RECORDED IN RECORDS OF COOS COUNTY, OREGON.

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DEC 19 2014

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MAR 13 2015

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MEMORANDUM

Feb 6, 1992

To: Application File G-12693

From: Doug Woodcock
Hydrogeologist, Ground Water Section

Subject: Division 9 Review

Application G-12693 has been reviewed for surface water/ground water connection and ground water availability. This application is for 1.14 cfs from 3 sumps for cranberry operations in Croft Lake Basin.

The sumps are 850 to 2400 feet from Davis Cr. and are developed in an unconfined ground water system. There is little potential for significant interference with this application. This is due to the distance to the nearest surface water source and the fact that water application will be made adjacent to the sumps (there are relatively high losses from the sumps back into the ground water system and the application will be made within the same drainage the water was appropriated from.

G 12693



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

January 31, 2002

Thomas C. and Virginia R. Forgatsch
86814 Sydnam Lane
Bandon, OR 97411

Reference: Application G-12693, Permit G-11552

Dear Mr. and Mrs. Forgatsch:

I am writing to respond to your request to use water for three acres of irrigation of blueberries in lieu of 2.5 acres of cranberries.

Permit G-11552, allows for the use of water for cranberry operations on 7.5 acres and irrigation of 1.0 acre. A claim of beneficial use, site report (Report) and map, prepared by a certified water rights examiner are due in this office on or before October 1, 2003. The Report and map should reflect, to the extent the use of water made within the terms of the permit. It is the Departments Policy not to allow any enlargement of the use of water at the time of certificate issuance. This includes the number of acres served as authorized by the permit.

If you wish to use some of the cranberry operations for irrigation only, you may reduce the number of acres of cranberry operations and in it's place irrigate a like number of acres, however you may not use your one acre of irrigation for any other purpose.

I am sorry we may not approve your request. Please feel free to contact me if you have any questions and I will be happy to address any concern you may have.

Sincerely,

Steve Brown
Certificates

Thomas C. and Virginia R. Forgatsch

86814 Sydnham Lane
Bandon, Oregon 97411
Home Phone (541) 347-9071

Tuesday, November 6, 2001

State of Oregon
Water Resources Department
158 12 Street, NE
Salem, Oregon 97310

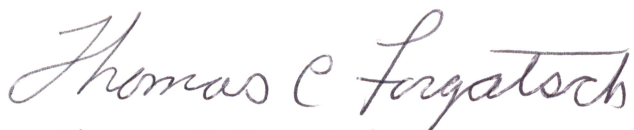
Application Number: G-12693
Permit: G-11552

Dear Person,

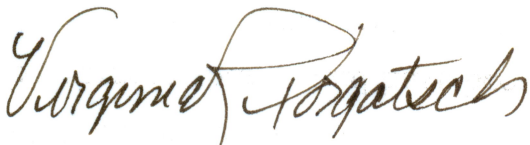
Due to the depressed cranberry market we wish to exchange 2.5 acres of cranberry operations to 3 acres of blueberry operations. The reason for 3 acres instead of 2.5 acres is that cranberries use more water than blueberries do. With this exchange we would be using less water on the three acres of blueberries than would have been used on the 2.5 acres of cranberries. Due to the market conditions we have to be flexible in order to remain a viable farming operation. The blueberries will be watered using a modified drip system as such less water will be used and will be use more effectively.

If there is a problem with this exchange would you please let us know what further information is needed.

Sincerely,



Thomas C. Forgatsch



Virginia R. Forgatsch

RECEIVED
NOV 09 2001
WATER RESOURCES DEPT.
SALEM, OREGON

FORGATSCH 86814 Sydnam Lane
Bandon, Oregon
97411

RETURN RECEIPT
REQUESTED

CERTIFIED MAIL



7001 0320 0000 9843 9880



UNITED STATES
POSTAL SERVICE

0000



97310

U.S. POSTAGE
PAID
PORT ORFORD, OR
97465
NOV 08, 01
AMOUNT

\$3.94

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Water Resources Dept.
158 12 street, NE
Salem, Oregon 97310

97301/4172



12693

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS C. OR VIRGINIA R. FORGATSCH
ROUTE 1 BOX 1557
BANDON, OREGON 97411

503-347-9071

to use the waters of THREE SUMP WELLS in the CROFT LAKE BASIN for CRANBERRY OPERATIONS ON 7.5 ACRES AND IRRIGATION OF 1.0 ACRE.

This permit is issued approving Application G-12693. The date of priority is OCTOBER 15, 1991. The use is limited to not more than 1.14 CUBIC FEET PER SECOND (CFS), BEING 1.13 CFS FOR CRANBERRY OPERATIONS AND 0.01 CFS FOR IRRIGATION, or its equivalent in case of rotation, measured at the sumps.

The sumps are located as follows:

SW 1/4 NE 1/4, SE 1/4 NW 1/4, SECTION 14, T 30 S, R 15 W, W.M.; SUMP 1 - 1070 FEET NORTH AND 560 FEET EAST, SUMP 2 - 1270 FEET NORTH AND 600 FEET WEST, SUMP 3 - 460 FEET NORTH AND 1020 FEET WEST, ALL FROM C 1/4 CORNER, SECTION 14.

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

A description of the proposed place of use under this permit is as follows:

	CRANBERRY OPERATIONS	IRRIGATION
SW 1/4 NE 1/4	1.0 ACRE	1.0 ACRE
SE 1/4 NW 1/4	6.5 ACRES	.
SECTION 14		
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.		

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Application G-12693

Water Resources Department

PERMIT G-11552

Actual construction work shall begin on or before August 5, 1993, and shall be completed on or before October 1, 1994. Complete application of the water shall be made on or before October 1, 1995.

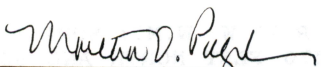
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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 shall be limited when it interferes with any prior surface or ground water rights.

Issued this date, AUGUST 5, 1992.



Water Resources Department
Martha O. Pagel
Director

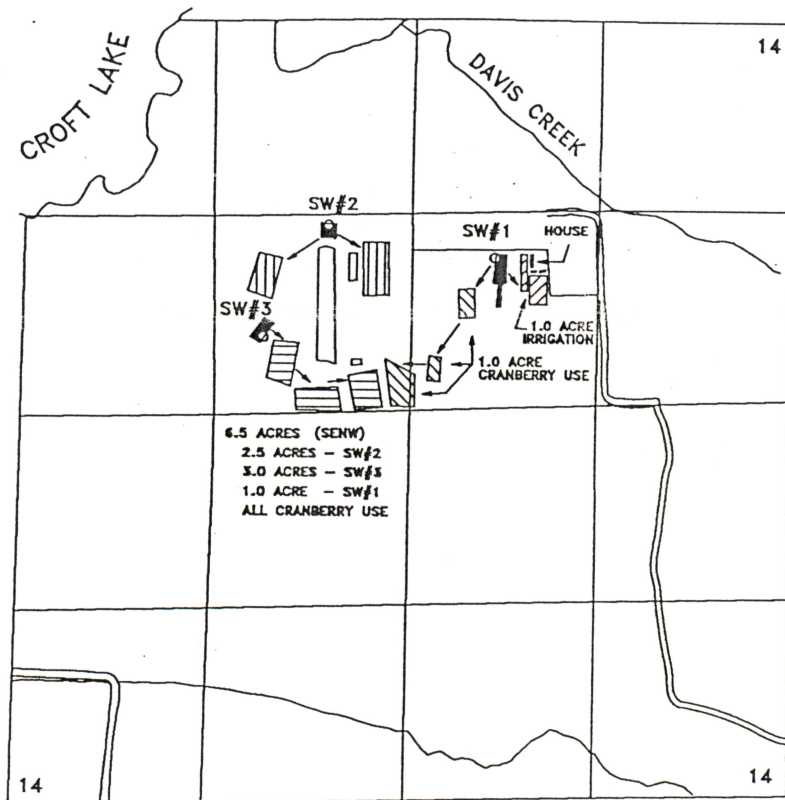
Application No. 6-12693

Permit No. G11552

APPLICATION MAP

IN THE NAME OF THOMAS C. OR VIRGINIA R. FORGATSCH

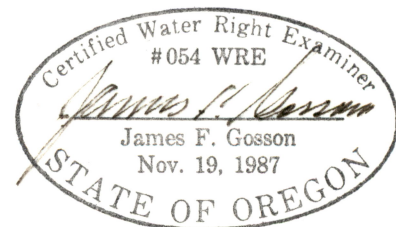
SECTION 14, T30S, R15W, W.M.



POINTS OF DIVERSION LOCATIONS:

- SUMP WELL #1: 1070 FEET NORTH AND 560 FEET EAST (WITHIN THE SW 1/4 NE 1/4);
 - SUMP WELL #2: 1270 FEET NORTH AND 600 FEET WEST (WITHIN THE SE 1/4 NW 1/4);
 - SUMP WELL #3: 460 FEET NORTH AND 1020 FEET WEST (WITHIN THE SE 1/4 NW 1/4);
- ALL FROM THE CENTER CORNER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY.

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



6-9494
PCH
6-12341
6-12705

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 12693

Final Order
Extension of Time for Permit Number G 11552

Application History

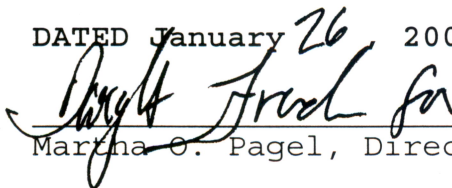
On OCTOBER 6, 1997, THOMAS AND VIRGINIA FORGATSCH submitted an application to the Department for an extension of time for permit number G 11552. The Department issued Permit number G 11552 on AUGUST 5, 1992. The permit called for completion of construction of the water development project by October 1, 1994 and complete application of water to the full beneficial use by October 1, 1995. In accordance with OAR 690-320-0010(8), on JULY 27, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2002, and/or the time to fully apply water to beneficial use to October 1, 2002. The protest period closed SEPTEMBER 10, 1999. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

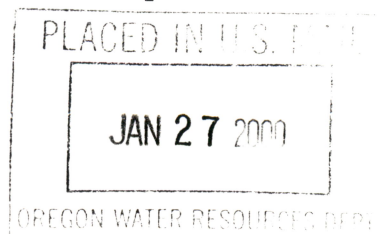
The extension of time for Application G 12693, Permit Number G 11552, therefore, is approved. The deadline for completing construction is extended to October 1, 2002. The deadline for applying water to full beneficial use is extended to October 1, 2002.

DATED January 26, 2000


Martha O. Pagel, Director

Appeal Rights

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



**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number G 11552

Water Right Application Number G 12693

Proposed Final Order

This Proposed Final Order applies only to permit number G 11552.

Summary of Recommendation

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1997 to October 1, 2002, and
- grant the extension for complete application of water from October 1, 1997 to October 1, 2002.

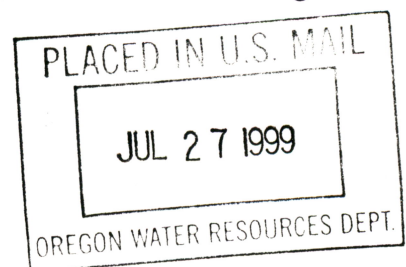
Application History

Permit no. G 11552 was granted by the Water Resources Department on AUGUST 5, 1992. The permit authorizes use of 1.14 CFS of water from THREE SUMP WELLS for CRANBERRY OPERATIONS AND IRRIGATION in the CROFT LAKE basin. It specified that construction must be completed by October 1, 1994, and water applied to full beneficial use by October 1, 1995. A copy of permit no. G 11552 is attached.

On OCTOBER 6, 1997, the Department received an application from THOMAS AND VIRGINIA FORGATSCH for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2002 to complete construction of the water system and until October 1, 2002 to apply water to full beneficial use. This is the FOURTH permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.



1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by wet weather, lack of money and labor shortages. The permit holder is doing all the work himself, and anticipates all the cranberry beds will not be ready for water until 2002.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of sumps, installation of pumps, pipelines. Water has been applied to 1 acre of irrigation and 4.3 acres of cranberries.
 - b) The applicant has invested approximately \$ 250,000 of an estimated total water system project cost of \$ 260,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2002 as requested by the applicant.
8. By mutual consent, the applicant and the Water Resources Department agreed to defer processing of the permit extension request until such time as the Commission had adopted new permit extension rules.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2002 to complete construction and until October 1, 2002 to complete the application of water.

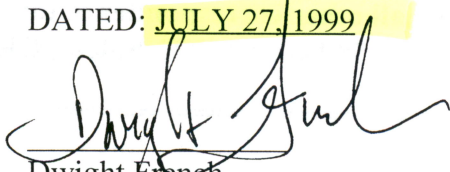
Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1997 to October 1, 2002
and

extend the permit time to complete application of water from October 1, 1997 to October 1, 2002.

DATED: JULY 27, 1999



Dwight French
Water Rights Section Manager

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

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **SEPTEMBER 10, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIPT # 31218

INVOICE #

RECEIVED FROM: Thomas C. Forgasch
BY:

APPLICATION	T-12693
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-292 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$100.00

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
(New) TC162	DEPOSIT LIAB. (IDENTIFY)	\$
WATER RIGHTS:		
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
0240	OTHER (IDENTIFY) EXT. OF TIME	\$100.00

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

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

RECEIPT # 31218

DATED: 7-13-99 BY: Roger White

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **25045**

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

INVOICE # _____

RECEIVED FROM: Thomas Forjatsch
BY: _____

APPLICATION	G-12693
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 916-292 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(New) TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

(Existing) TC168

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

0240 OTHER (IDENTIFY) Extension

100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT # **25045**

DATED: 9/30/98

BY: C. Smith

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **16468**

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

INVOICE # _____

RECEIVED FROM: <u>Thomas C. Forgasd</u>	APPLICATION <u>9/26/93</u>
BY: _____	PERMIT <u>11552</u>
	TRANSFER _____

CASH: <input type="checkbox"/>	CHECK: # <u>796455</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>180.</u>
--------------------------------	------------------------	--	----------------------------

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
------------	----

0427 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) <u>Extension</u>	\$ <u>180.</u>
(New) TC165	DEPOSIT LIAB. (IDENTIFY) _____	\$
(Existing) TC168	WATER RIGHTS:	
0201	SURFACE WATER	EXAM FEE \$
0203	GROUND WATER	0202 \$
0205	TRANSFER	0204 \$
	WELL CONSTRUCTION	0206 \$
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$
	LANDOWNER'S PERMIT	0219 \$
	OTHER (IDENTIFY) _____	0220 \$
		RECORD FEE
		LICENSE FEE

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 # **16468** DATED: 10-6-97 BY: Darlene Bushnell
Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

JUL 07 1999

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

I, Thomas + Virginia Forgatsch
NAME
Rt #1 Box 1557 Bandon Or 97411 (541) 347-9071
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G12693 Permit No. G-11552 do hereby request that the time in which to:

☐ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1999, be extended to October 1, 2002.

and/or the time in which to:

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2002.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Enclosed is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

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

yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? yes

(on db ✓ jh)

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review). The permit construction was started on time. All the reservoirs (16) have been dug and equipment is in place ready to be used. 4.3a of cranberries are being watered, 1a of pasture is being irrigated. Irrigation for remaining 3.2a is in place up to each bed site. Last 2 sites are in different stages of construction.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions. The only application condition not complied with is "Full use" of granted cranberry acres. 3.2 acres are not being irrigated yet; due to weather (mainly), labor (I'm doing all the work myself) and money shortage. I'm now working on the last 3.2a sites and they will be done and planted by 2002. The beds have to be finished 1 yr. prior to planting.

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

A) Within the past year or, if a prior extension was authorized, during the last permit extension period: 2 acres of beds have been cleared, dug, leveled, sanded, electrical and irrigation in bed completed. 3 acres have been planted with cranberry vines (1 acre replanted due to lost/delayed planting last year). Dikes and in bed irrigation have been improved and area set up for harvest needs.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period: In prior years the land was cleared of its trash and non-economic plant forage. All sumps were dug (16); the 3 used for permitted irrigation were fully piped, pumps installed, building built and power installed. Beds; now being harvested built and planted. All equipment needed for harvest built or purchased (>\$60K).

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated): 1 acre of irrigated pasture being used. 4.3 acre cranberries being irrigated and growing. Water storage has more than 600% increased. Wildlife and recreation use has increased by an immeasurable amount. Visitors say the farm "looks like a park" but functions as a cranberry farm.

4-Cost of project to date \$250k. Estimated remaining cost to complete the project \$10k.

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. The above line summed up the problem. From Trashed/raped forest Land to a very nice Farm has not been easy. My wife and I have done 90% of the work and 100% of the Funding with no outside \$ input. We are going toward full organic operation; That is not easy. In 1998 alone I put in 2501.5 Hr of Labor; plus a full time job!

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. The funding was dependant on yearly Job income plus investment sources. Our main drive was and is getting this Job done. I now have Quit a full time Job to finish up this construction!

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project. This area has not been a problem. We have had good responce from all agencies who have looked at the Farm and it's progress.

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. High amounts of Rainfall kept Fields wet beyond Normal period. This Set back time frame for Cranberry bed preparation. Due to Late planting; vines were Lost (>\$3000.- cost of Vines alone) and Have Now been Re-planted (June 99). Rain Has kept Equipm-ent off "Beds" and not allowed leveling and Sanding.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. Cranberries are the #1 income producer in the Bandon Ore. Local area! We employ and create Jobs at a very high rate. Cranberries are becoming

an international product and Ocean Spray Leads the industry. The money from this development will be our retirement income.

A) Has there been any change in this market since the permit was issued? There has been great market changes since we started this project from a "Highest" market value crop to the now much lower income value. Due to the large increase in cranberry acreage and over production, the price has decreased $7\frac{1}{2}$. I'm going Organic and our income will rise.

B) Have these changes, if any, affected the economic feasibility of your project? At a cost of from \$7k \rightarrow \$40k per acre to build and establish cranberry production. It is among the highest cost to establish crop known. Due to the long life of berry beds (50 or more years) they are a long term investment! Our income has dropped off but will increase. This decrease of income has slowed our money input level.

7-Are there other present competing demands for water in your community? With over 84.4" of rain in 1998, 67.5" in 97, 105.2" in 96 - Our community has no rain shortage. It is a problem of water storage! People here do not have the money to develop storage to solve the "water" problem. If as much money used to "study" the problem of water shortage was used for developing H₂O storage; the water problem would diminish.

A) Has there been any change in these demands for water since the permit was issued? There has been an increase in "free" water demand. That is people who want H₂O but do not want to spend \$ for Peak Season Storage construction. Water that we use is surface sheet flow that would be lost to the ocean without benefit by fish or humans!

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands? I'm a Geologist and know of lots of untapped water sources that being not used, and "wasted" to ocean - sub surface run off! The main source not being used is Peak Season Storage and retainment. The other source is deep wells into untapped water bearing sand layers.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? My water comes from surface run off into dug Sumps for storage. My storage has gone up and I help feed local water use by the increased storage! No adverse effects to my water source. My closest

Neighbor has followed my lead and has permit Dug one Sump and is going to Apply for another. The goal is only for storage and wildlife use! This is what will help H₂O.

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? Yes. Cranberries are a long term investment and "usually" a high Value Crop. The increase of money to this local community has historically increased yearly. The Long Term pattern is for Cranberries to be the leading agri. Crop for our area, Timber and Fishing are gone!

9-If the extension request is denied, is the current level of water use economically feasible?

If the request is denied, the last 3.2 acres of Cranberries can't be developed. This would cut the return on "work" and "Investment" to a level of marginal or lower. We need the 7.5a

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

Thomas C Forgatsch
Signature

7-1-99
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

Virginia & Tom Forgatsch
Rt. # 1 Box 1557
Bandon, Oregon 97411
Home Phone (541) 347-9071

RECEIVED

JUL 13 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

Sunday, July 11, 1999

Water Resources Department
158 12th Street N. E.
Salem, Oregon 97310

Reference File G-12693 application—permit no. G11552

Dear Person,

Please find enclosed a check for \$100. I forgot to sign the previous
check.

Thank you,

A handwritten signature in dark ink, appearing to read "Virginia Forgatsch". The script is fluid and cursive, with the first name "Virginia" written in a larger, more prominent hand than the last name "Forgatsch".

Virginia Forgatsch

File No. G-12693

RECEIVED

OCT - 6 1997

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

I, Thomas + Virginia Forgatsch
Rt #1 Box 1557 Bandon Or 97411 (541) 347-9071
address city state zip phone

record owner of permit No. G-11552, do hereby request that the time in which to:

[] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1997, be extended to October 1, 1998, and/or the time in which to

[] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1997, be extended to October 1, 1998.

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

(1) within past year See Attached Letter

(2) prior to this past year See Attached Letter

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)
See Attached Letter

(4) unable to complete construction and/or application of water within the permit time limits because

See Attached Letter
Thomas C Forgatsch 9-29-97
signature date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:

WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

Thomas C. & Virginia R. Forgatsch

Rt # 1 Box 1557
Bandon, Oregon 97411
Home Phone (541) 347-9071

RECEIVED

OCT - 6 1997

WATER RESOURCES DEPT.
SALEM, OREGON

September 29, 1997

Water Resources Dept.
158 12th Street N. E.
Salem, Oregon 97310

Dear Person,

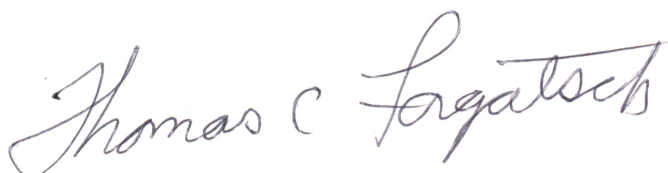
1. **Within pass year** – This year we have put 1,980 hours on work directly related to cranberry bed development and use of water for cranberries. Water delivery systems have been put in to the cranberry sites. Four acres of cranberry ground has been cleared of trees and debris. Also 1.75 areas have been land leveled, dikes readied, and irrigation lines to the beds done. Over 40,000 dollars has been spent so far this year on piping, equipment, pond digging and clearing. The last of our 15 surface water storage ponds has been completed. All the pump transfer houses are completed and ready for irrigation. The only hold up now is the weather. We had (45.2 inches) rain at times that did not allow access to the cranberry sites under construction. The last sites need drain/sub irrigation lines dug into the bed every 15 feet. This will be followed by application of P-4 (water retention polyalcrulate) to allow more uniform water use and lower water application. This will be followed by applying two inches of sand prior to planting. This work is weather dependent and will be completed as soon as possible.
2. **Prior to this past year** – We have cleared, constructed and planted 2 ½ acre cranberry sites. We have put in underground electrical service for 4,300 feet to pump and pump house sites. (This was required due to change of source pond on water rights application) We are still paying on this electrical line extension. The cost was over 30,000 dollars. The area has been fenced and gated to keep out unwanted animals. We have put in over 6,000 feet of ditching for underground electrical and water piping. Almost all of this work has been done by myself and my wife; as on a teacher's salary we can not afford to have it hired out. We have dug and completed 15 surface water storage ponds (have been grandfather in under small ponds act). This farm had no ponds prior to 16 years ago. The property was a trashed area due to logging activity. We are still cleaning up stumps and trees down from this prior logging activity.
3. **and have accomplished beneficial use of water to the extent of** – Two ½ area cranberry sites and one acre pasture irrigation. We also have 3 and ¾ acres set up for flood watering (this allows bed construction). These areas

OCT - 6 1997

WATER RESOURCES DEPT
SALEM, OREGON

- are ready to be finished but the weather has blocked completion. If the weather allows access we will complete work and planting by spring of 1998.
4. **unable to complete construction and /or application of water within the permit time limits because** – Due to the new methods (to reduced water use) of construction and forming the cranberry beds it takes longer to build this way. The long term benefit of this new method is to reduce irrigation volume, improve drainage control, reduce amount of water needed for flood harvest (an article outlining our method will appear in The Cranberry Magazine). Since I am a full time teacher and working full time on this farm it is taking more time and money to complete our water rights construction. The weather has blocked access to the construction sites when needed to be on them. The water piping and control is there; we just have to finish site construction. The spring and summer of 1998 will finish the construction on the acreage to complete our water application. We have spent a great deal time and money to improve our water storage capability. We also have implemented major new methods of water conserving techniques that lead the field in cranberry management. These new methods have cost greatly in the amount of time it takes to do the job.

Sincerely,



Thomas Forgatsch

RECEIVED

SEP 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

File No. G-12693

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Thomas Forgatsch
Rt #1 Box 1557 Bandon OR 97411-541-347-9071
address city state zip phone

record owner of permit No. G-11552 do hereby request that the time in which to:

☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 1999, and/or the time in which to

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1998, be extended to October 1, 1999.

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

(1) within past year See Attached Letter

(2) prior to this past year See Attached Letter

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)
See Attached Letter

(4) unable to complete construction and/or application of water within the permit time limits because
See Attached Letter

Thomas C Forgatsch 9-27-98
signature date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

Virginia & Tom Forgatsch
Rt. # 1 Box 1557
Bandon, Oregon 97411
Home Phone (541) 347-9071

RECEIVED

SEP 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Sunday, September 27, 1998

Water Resources Department
158 12th Street N. E.
Salem, Oregon 97310

Reference File G-12693

Dear Person,

1. **Within pass year** -In the past year I have put in 1,970 hours while holding a full time teaching job. We have spent over \$38,000.00 for irrigation piping and equipment, cranberry vines, fuel, repair, equipment rental, hired labor, and new harvesting equipment. We have cleared, dug, leveled, ditched and put irrigation lines on 3 more acres of cranberries. We would have another acre done, but the wet spring would not allow work.
2. **prior to this past year** - The 1997 year we put 1,980 hours on work directly related to cranberry bed development and use of water for cranberries. Water delivery systems have been put in to the cranberry sites. Four acres of cranberry ground has been cleared of trees and debris. Also 1.75 acres have been land leveled, dikes readied, and irrigation lines to the beds done. Over 40,000 dollars has been spent so far this year on piping, equipment, pond digging and clearing. The last of our 15 surface water storage ponds has been completed. All the pump transfer houses are completed and ready for irrigation. The only hold up now is the weather. We had (45.2 inches) rain at times that did not allow access to the cranberry sites under construction. The last sites need drain/sub irrigation lines dug into the bed every 15 feet. This will be followed by application of P-4 (water retention polyalcrulate) to allow more uniform water use and lower water application. This will be followed by applying two inches of sand prior to planting. This work is weather dependent and will be completed as soon as possible. We have cleared and constructed 1 ½ acres; and planted a 1 acre cranberry site. We have put in underground electrical service for 4,300 feet to pump and pump house sites. (This was required due to change of source pond on water rights application) We are still paying on this electrical line extension. The cost was over 30,000 dollars. The area has been fenced and gated to keep out unwanted animals. We have put in over 6,000 feet of ditching for underground electrical and water piping. Almost all of this work has been done by myself and my wife; as on a teacher's

RECEIVED


SEP 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

salary we can not afford to have it hired out. We have dug and completed 15 surface water storage ponds (have been grandfather in under small ponds act). This farm had no ponds prior to 16 years ago. The property was a trashed area due to logging activity. We are still cleaning up stumps and trees down from this prior logging activity.

3. **and have accomplished beneficial use of water to the extent of** - We now have 2 - ½ acre sites, 1 - ¾+ acre site, 2 one acre sites under irrigation and 1 one acre site for flood watering (to aid in building the bed). We also have a one acre of pasture site under irrigation.
4. **unable to complete construction and /or application of water within the permit time limits because** - Due to this year's extended wet weather, we were not able to get onto the sites till late May and early June. Then due to the impossible short time span (even with 12 to 15 hour work days) we were not able to complete the last 3.5 acres. To top it off, the main piece of equipment went down for 3 weeks. Since I am a full time teacher and working full time on this farm it is taking more time and money to complete our water rights construction. The weather has blocked access to the construction sites when we needed to be on them.

Sincerely,



Thomas Forgatsch



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 29, 1998

FILE#: G 12693

THOMAS C FORGATSCH
FORGATSCH, VIRGINIA R
RT 1 BOX 1557
BANDON, OR 97411

Dear Water Right Permit Extension Applicant:

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

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

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

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

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

Sincerely,

Dallas Miller
Water Rights Specialist

Thomas C. Forgatsch
Rt. # 1 Box 1557
Bandon, Oregon 97411
Fax (541) 347-9071
Home Phone (541) 347-9071

RECEIVED

SEP 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Sunday, September 27, 1998

Water Resources Dept.
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

Reference File G-12693

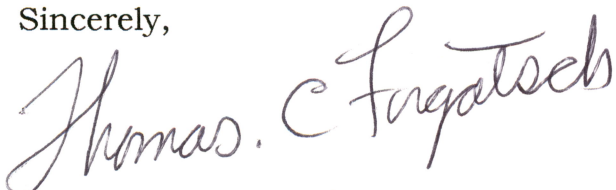
Dear Person,

Please find enclosed a check for \$100.00 for the extension fee. Enclosed is also an application for extension of time for our water rights.

Work on the above application is proceeding, but we need an extension of time to complete. My spouse and I are the only two working on the cranberry beds here. I am a full time high school science teacher and devote all other time on work that is designed to complete the water permit water use. We are doing all this work on a teacher's salary. The only work we have hired out to do was in the last 2 week of August to put in the irrigation and drain lines which involved hauling by hand gravel and sand on to the cranberry sites.

Thus far this year I have spent 1,970 hours on farm work plus a full time teaching job. We are both working as fast as we possibly can to get our cranberry beds constructed and planted. We need the extension to complete the next phases of bed construction

Sincerely,



Thomas C. Forgatsch



Oregon

John A. Kitzhaber, M.D., Governor

October 8, 1997

Water Resources Department

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

THOMAS AND VIRGINIA FORGATSCH
RT 1 BOX 1557
BANDON, OR 97411

Reference File G 12693, Permit G 11552

Dear Extension Applicant:

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

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect. We feel that processing your request under the new rules may be to your advantage. We anticipate that the rules will be adopted in March 1998.

If you must have an extension of time before that date, we may be able to process it if you can provide a statement that you can complete the project within one year.

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipt 16468 for the \$100 fee submitted.

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

Sincerely,

Dallas Miller

Natural Resource Specialist 2

Watermaster Dist 19

Mailing List for PFO Extension Copies

Application #

PFO Date 7/13/99

G 12693

Original mailed to:

Applicant:

Thomas and Virginia Forgatsch

Mailed
(support staff)

on: 7/27/99 jh
(date)

Copies sent

Regional Manager

SW

Watermaster

19

ODFW

Reese Bender, Charleston

DEQ

Tom Raschke, Portland

db ✓

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

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

January 29, 1997

WATER
RESOURCES
DEPARTMENT

THOMAS & VIRGINIA FORGATSCH
RT 1 BOX 1557
BANDON OR 97411

REFERENCE: File G-12693

We have received your application for extension of the time limits to complete construction and make complete application of water under Permit G-11552.

The application indicates reasonable diligence toward completion of the proposed project. The time limits to complete construction and make complete application of water are extended to October 1, 1997. The order approving the extension was entered January 17, 1997, at Volume 51, Page 42.

If you have any questions, please contact me at extension 272 (503)-378-3739, or toll-free 1-(800)-624-3199.

Sincerely,

Dallas Miller
Water Rights Specialist

DM:jh

enclosure

cc: James Gosson, CWRE



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **5021**

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

INVOICE # _____

RECEIVED FROM: Thomas Jorgensen

BY: _____

APPLICATION 612693

PERMIT 611552

TRANSFER

CASH: ☐

CHECK: # 96-292

OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) Extension

\$ 100.00

TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT # **5021**

DATED: 8-29-96

BY: Flo L

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

SUMMARY: Requesting 1 yr extension of B-C date. Part of system built, small area irrigated. Diligence demonstrated by the time and expense of system built (3 wells). Recommend extension w/condition that more acreage be irrigated.

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: G 12693

PERMIT NO: G 11552

DATE: November 14, 1996

1. Has the applicant requested any previous extensions? How many?
YES. This is the THIRD request.
2. What water right development steps has the permittee completed within the past year?
Cleared ground, 1300 ft deer fence, leveled 2.5 acres for cranberries.
3. What water right development steps has the permittee completed prior to this past year?
3 pumps in, dike building, fencing, leveling 5 1/4 acres, 1500 ft 6" pipe in, 1 acre pasture and blueberries irrigated.
4. Is the permittee currently meeting all conditions of the permit?
YES, no special conditions.
5. What is the current use of water under the permit?
Irrigation.
6. What percent of the total allowable use under the permit does the current use represent?
18%
7. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
YES, amount of work and expense too much for resources available under permit time-frame.
8. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
NO.
9. Has there been any change in demand for water or power since the permit was granted?
NO.
10. If the extension request is denied, is the current level of water use under the permit economically feasible?
NO.
11. Is there an alternate source of water available at this time?
NO.
12. Has use of water under the permit caused an adverse impact on the surface/groundwater resource in the area?
NO.

13. Have there been claims of injury to other water right holders or water users in the area?

NO.

14. Any conditions on previous orders?

NO.

REMARKS:

M:\T\EXT-CK (10-9-96)

M:\T\EXTEND\CHKLISTS\G 12693

RECEIVED

SEP 30 1996

WATER RESOURCES DEPT.
SALEM, OREGON

File No. G-12693

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Thomas C Forgatsch
name
Rt #1 Box 1557 Bandon Or 97411 (541) 347-9071
address city state zip phone

record owner of permit No. G-11552 do hereby request that the time in which to:

[] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19__, be extended to October 1, 19__, and/or the time in which to

[x] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1996, be extended to October 1, 1997.

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

(1) within past year Cleared ground - Built dikes - leveled 2.5 acres for cranberries - fenced 1300 feet deer fence - See attached

(2) prior to this past year Power lines Relocated - 1500' 6" water lines buried - 3 pumps and 7 pump houses - Ground Cleared - ponds dug - See attached

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)

2 1/2 acre Cranberry sites - 1 acre pasture and Blueberries.

(4) unable to complete construction and/or application of water within the permit time limits because Time - Weather and Money

Now have another 2 3/4 acres cranberry bed leveled - putting in piping

Thomas C Forgatsch 9-28-96
signature date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:

WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

OK B-C 10-1-97
DSM

#3B

Thomas C. Forgatsch
Rt. # 1 Box 1557
Bandon, Oregon 97411
Fax (541) 347-9071
Home Phone (541) 347-9071

RECEIVED

SEP 30 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Saturday, September 28, 1996

Water Resources Dept.
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

Reference File G-12693

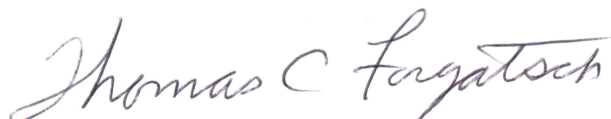
This letter is in response to your letter this summer. In our July 31, 1996 application to you we enclosed a check for \$100.00 for the extension fee.

Work on the above application is proceeding, but we need an extension of time to complete. My spouse and I are the only two working on the cranberry beds here. I am a full time high school science teacher and devote all other time on work that is designed to complete the water permit water use. We are doing all this work on a teacher's salary. The only work we have hired out to do was the digging of the ponds because we do not have the equipment to do it.

Thus far this year I have spent 1,440 hours on farm work plus a full time teaching job. We have cleared more ground for the cranberry beds; fenced 2 ½ acres of cranberry beds, and land leveled peat for 2 ½ acres of beds. We also dug a new pond (with new permit), and are currently putting in irrigation pipe and valves for another 1 ½ acre of cranberries. We are building dikes on another 2 acre of beds for next year leveling and planting in December of 1997.

We are both working as fast as we possibly can to get our cranberry beds constructed and planted. We need the extension to complete the next phases of bed construction

Sincerely,



Thomas C. Forgatsch

August 6, 1996

THOMAS FORGATSCH
RT 1 BOX 1557
BANDON, OR 97411

REFERENCE: File G 12693


We have received your application for extension of the time limit to make complete application of water under Permit G 11552. We also have your check in the amount of \$ 100.

It is too early to submit an application for extension. The date of Application of Water to Beneficial Use is 10/1/96, it is too soon to state that you need more time to finish. If you need more time it is proper to submit the application closer to that date. We can keep your fee until you file again in a few weeks unless you would rather we refund it now.

It appears that your progress is questionable since last year. Since you are irrigating the same 1 1/2 acres, and showing much of the same construction that you showed on last years application, such as relocating powerlines and installing 1500' of 6" pipe.

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,



DALLAS S. MILLER
Water Rights Specialist



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

File No. G-12693 **RECEIVED**

APPLICATION FOR EXTENSION OF TIME

AUG - 2 1996

TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

I, Thomas C. Forgatsch
Rt #1 Box 1557 Bandon OR 97411 (541) 347-9071
address city state zip phone

record owner of permit No. G-11552, do hereby request that the time in which to:

☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19__, be extended to October 1, 19__, and/or the time in which to

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1996, be extended to October 1, 1997.

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

- (1) within past year Cleared ground - Built dikes - leveled 1.5 acres for Cranberries - last pump house in - Fenced - ~ 900 Hrs.
- (2) prior to this past year Power lines Relocated, 6" PVC pipe (1500') Buried - Pumps and Pump houses - Ground cleared - ~ \$50,000 Cost
- (3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated) 1/2 acre Cranberry site and 1 acre Pasture and Blueberries
- (4) unable to complete construction and/or application of water within the permit time limits because Time, Weather, Money - Working Now on leveling, Sanding, Piping for planting in Dec. 96
Thomas C Forgatsch 7-31-96
signature date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

November 14, 1995

WATER
RESOURCES
DEPARTMENT

THOMAS & VIRGINIA FORGATSCH
RT 1 BOX 1557
BANDON OR 97411

REFERENCE: File G-12693

We have received your application for extension of the time limits to complete construction and make complete application of water under Permit G-11552. We also have your check in the amount of \$100. Our receipt number 129958 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limits to complete construction and make complete application of water are extended to October 1, 1996. The order approving the extension was entered November 9, 1995, at Volume 49, Page 391.

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

Sincerely,

Dallas Miller
Water Rights Specialist

DM:jh

enclosure



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **129958**

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

INVOICE # _____

RECEIVED FROM: Thomas Forgatch

BY: _____

APPLICATION G 12693

PERMIT G 11552

TRANSFER _____

CASH: ☐

CHECK: # 96-292

OTHER: (IDENTIFY) _____

TOTAL REC'D

\$

100.00

01-00-0 WRD MISC CASH ACCT

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

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT. _____

\$

COST CENTER AND OBJECT CLASS

VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS
840.001 COPY FEES
850.200 RESEARCH FEES
880.109 MISC REVENUE: (IDENTIFY) _____
520.000 OTHER (P-6) (IDENTIFY) _____

\$
\$
\$ 100.00
\$

WATER RIGHTS:
842.001 SURFACE WATER
842.003 GROUND WATER
842.005 TRANSFER
WELL CONSTRUCTION
842.022 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

EXAM FEE

\$

\$

\$

EXAM FEE

\$

842.002

842.004

842.006

842.023

842.024

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

06-00-0 WELL CONST. START FEE

842.013 WELL CONST START FEE
MONITORING WELLS
OTHER (IDENTIFY) _____

\$

\$

CARD # _____

CARD # _____

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE (FW/WRD)
842.115 HYDRO LICENSE FEE (FW/WRD)

\$

\$

HYDRO APPLICATION _____

\$

RECEIPT # **129958**

DATED: 11-2-95

BY: F. Lissner

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

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: G 12693 PERMIT NO: G 11552
DATE: 11 6 95

1. What service area or base was anticipated by the applicant at the time the permit was granted?
2. What water right development steps has the permittee completed to date?
3. Is the permittee currently meeting all conditions of the permit?
4. What is the current use of water under the permit?
5. What percent of the total allowable use under the permit does the current use represent?
6. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
7. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
8. Has there been any change in demand for water or power since the permit was granted?
9. If the extension request is denied, is the current level of water use under the permit economically feasible?
10. Is there an alternate source of water available at this time?
11. Has use of water under the permit caused an adverse impact on the surface/ground water resource in the area?
12. Have there been claims of injury to other water right holders or water users in the area?

REMARKS:

13. DOES LAST EXTENSION HAVE SPECIAL CONDITIONS?

G 12493 Forcastsch

2nd
ext.

1.14 cfs

Craberry Ops 7.5A, 17.1A.

1 - 3 sumps

2 - in 3 - pumps, in 1500' 6" PVC to crabberys, spent \$30,000 relocate
power lines, built pump houses, 1/2 A. Craberry Ops westward, 1 A pasture &
Blueberries irrigated.

3 - YCS

4 - Irrigation

5 18%

4 No in to

13
12
11
10
9
8
7



No cond. previous extension

OK 13-C
10-1-94
WSM

Application for Extension of Time**RECEIVED**

NOV - 2 1995

WATER RESOURCES DEPT.
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Thomas C Forgatsch
Name
Rt #1 Box 1557
Mailing Address
Bandon Or 97411
City State Zip

record owner of water permit No. G-11552, do hereby request that the time in which to:

- ☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19__, be extended to October 1, 19__;
 and/or the time in which to
- ☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time, now expires on October 1, 1995, be extended to October 1, 1996.

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

- (1) within the past year 1500' 6" PVC line from new pump to proposed cranberry beds. - Constructed cranberry sites. Finished pump hookup to irrigation sites. Setup pasture for irrigation.
- (2) prior to this past year \$30,000. - Cost to relocate power lines from original water site to new location. Purchased three pumps and built buildings and rigged pumps to run.
- (3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) 1/2 acre planted and irrigated, 1 acre pasture and blueberries irrigated.

(If additional space is required, attach separate sheet)

Thomas C Forgatsch
(If signing for a corporation please identify your title)

Dated 10-30-95

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

WATER RESOURCES DEPARTMENT
 158 12TH STREET NE
 SALEM OR 97310

OK 10-1-96
 DSM

October 25, 1995

THOMAS & VIRGINIA FORGATSCH
RT 1 BOX 1557
BANDON OR 97411

WATER
RESOURCES
DEPARTMENT

REFERENCE: File G-12693

The date for the complete application of water to a beneficial use for your water use Permit G-11552 was October 1, 1995. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner 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 October 1, 1996. A list of certified water right examiners is enclosed for your information.

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.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

enclosure



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

March 1, 1995

WATER
RESOURCES
DEPARTMENT

THOMAS FORGATSCH
RT 1 BOX 1557
BANDON OR 97411

REFERENCE: File G-12693

We have received your application for extension of the time limit to complete construction under Permit G-11552. We also have your check in the amount of \$100.

The application indicates reasonable diligence to complete the proposed project. The time limit to complete construction is being extended to October 1, 1995. The order approving the extension was entered February 22, 1995, in Special Order Volume 49, Page 66.

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

STEVEN P. APPLEGATE, Administrator
Water Rights/Adjudication Division

SPA:jh

enclosure



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

THOMAS C FORGATSCH
FORGATSCH, VIRGINIA R
RT 1 BOX 1557
BANDON, OR 97411

Certificate No. _____

Stream Index, Page No. 7/

Date of approval

Extended to

Extended to

Form "C" filed _____

Date certificate issued

Stream Index, Page No. 17

Date	To Whom	Address	Volume

NO.	DATE	REMARKS
118	sent 8/21/92	

B-10-1-95

vector

Date	Amount	
10-16-91	\$350.00	
6/18/92	100.00	
6-27-94	100.-	

Date	Amount	

Application for Extension of Time

REC
JUN 27 1994
WATER RESOURCES
SALEM

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Thomas C Forgatsch
Name
Rt #1 Box 1557
Mailing Address
Bandon OR 97411
City State Zip

Record owner of water permit No. G-11552, do hereby request that the time in which to:
complete the construction of works and/or purchase and installation of the equipment necessary to
the use of water, which time now expires on October 1, 1994, be extended to October 1, 1995;
and/or the time in which to
accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time,
now expires on October 1, 1995, be extended to October 1, 1996

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

- 1) within the past year Began digging 1400' - 4' deep trench needed
for movement of 3 phase transformers to new water pond site.
Have materials for it - Cost will be about \$16,000. - for hookup to power.
- 2) prior to this past year Purchased required pumps, pipe and
Constructed two of the pump houses. Hooked up one
of the pumps.
- 3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY
ACRES HAVE BEEN IRRIGATED) 1/2 acre of cranberries irrigated

(If additional space is required, attach separate sheet)
Thomas C Forgatsch
(If signing for a corporation please identify your title)

Dated 6-23-94

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

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM OR 97310

OK
6-10-1-95
JED

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: G-12693

PERMIT NO: G-11552

DATE: 1-5-95

1. What service area or base was anticipated by the applicant at the time the permit was granted?
2. What water right development steps has the permittee completed to date?
3. Is the permittee currently meeting all conditions of the permit?
4. What is the current use of water under the permit?
5. What percent of the total allowable use under the permit does the current use represent?
6. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
7. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
8. Has there been any change in demand for water or power since the permit was granted?
9. If the extension request is denied, is the current level of water use under the permit economically feasible?
10. Is there an alternate source of water available at this time?
11. Has use of water under the permit caused an adverse impact on the surface/ground water resource in the area?
12. Have there been claims of injury to other water right holders or water users in the area?

REMARKS:

1st REQUEST

1. 3 Sumps CRAN OPS 7 1/2 AC
IRR. 1 AC

ICFS

2. 1/2 AC CRANBERRY BED IRRIGATED
7 1/2 HP pump
150' 3" ϕ MAINLINE

16 SPRINKLER
POND DEVELOPED

3. YES

4. NOT GIVEN 0.01 CFS

5.

6. POWER LINES HAD TO BE MOVED

7. NO

8. NO

9. NO

10. NO

11/12 NO INFO

NO LETTER FROM WATER WATCH

OK B-10-1-95

2/10/95

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 113648

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

RECEIVED FROM:
BY:

Virginia Forgatch

APPLICATION	12693
PERMIT	11552
TRANSFER	

CASH: ☐ CHECK: # ☒ 1135 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.-

01-00-0 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEEDS	\$
880.109	MISC REVENUE: (IDENTIFY)	\$ 100.-
520.000	OTHER (P-6) (IDENTIFY)	\$

Extension

WATER RIGHTS:

842.001	SURFACE WATER	\$
842.003	GROUND WATER	\$
842.005	TRANSFER	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
	OTHER (IDENTIFY)	\$

EXAM FEE

\$	842.002
\$	842.004
\$	842.006

EXAM FEE

\$	842.023
	842.024

RECORD FEE

\$
\$
\$

LICENSE FEE

\$
\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

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

07-00-0 HYDRO ACTIVITY

LIC NUMBER

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

HYDRO APPLICATION

\$

RECEIPT # 113648

DATED: 6-27-94

BY: D. Bushnell

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

Rt. #1 Box 1557
Bandon, Oregon 97411
January 11, 1995

RECEIVED

JAN 18 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
Attn.: Thomas E. Shook
Water Right Specialist
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

REFERENCE FILE: G-12693

This letter is in response to your letter dated January 5, 1995. As of October 1, 1994, one pumphouse on the reservoir site near the house (NE corner) has been completed. The pump (7.5 HP) is in place, and a 3 inch main line run of 150 feet to a half acre cranberry bed. This bed is completed and planted. The bed has 16 sprinklers on it.

The sump/reservoir at the back of the property (S.W. corner) has the pumphouse and the 3 phase power in place. The power had to be moved when the pond originally set to be used was changed. The 1500 feet movement of the 3 phase power cost \$14,000 dollars. We are now in the process of hooking up the pump and the main line (purchased and ready) to the three phase power. The pump at the this site is 26 HP due to the need to move the water 1200 feet to the one acre cranberry bed. This one acre has been leveled and is ready for drain line burial this summer. The drain lines flow into a closed sump/reservoir. We are using organic farming methods to conserve water (P-4, level beds, closed sumps) and for insect control (Diatomaceous Earth).

The farm's 14 different sumps/reservoirs (except the two this water permit covers) have been included in the reservoir amnesty registration bill. For the first time in 12 years all sumps/reservoirs are full to the brim (we had 6 inches of rain in 24 hours this week).

I hope this answers your questions about our water permit work in progress status.

Thank you,

Tom Forgatch

January 5, 1995

THOMAS FORGATSCH
RT 1, BOX 1557
BANDON, OR 97411

REFERENCE FILE: G-12693

We have received your check for \$100 and the request to extend the time limits of your permit G-11552.

We will need a little more detailed information as to what was done and what equipment was on hand as of October 1, 1994.

You have stated that you started digging a 1400 foot trench. How much was completed? How many sumps have been completed? What size pumps are at the site? Give us an estimate of the length and diameter of mainline pipe on hand. Number of sprinkler heads?

I plan to recommend approval of the extension request to the Director but only for the construction date. Our rules restrict extensions to one year and this would not automatically extend the date for use of water. If the project is not completed this fall, you will have to ask for more time.

Further action will be withheld on your file for a reasonable length of time pending your reply.

Sincerely,

Thomas E. Shook
Water Right Specialist



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



While You Were Out

To SPA
Date 6-16-92 Time 1045

Tom FORGATSKH called
of _____
Phone 347-9071

- | | |
|---|---|
| <input checked="" type="checkbox"/> Telephoned | <input type="checkbox"/> In person |
| <input checked="" type="checkbox"/> Please call | <input type="checkbox"/> Wants to see you |
| <input type="checkbox"/> Will call again | <input type="checkbox"/> Returned your call |

Message He needs water. They
have already lost 1/2 acre cranberries
because we have not issued permit. His
attorney told he not to use water
w/out permit
THIS FILE IS WITH GROUP ON
Taken by RIGHT HAND SIDE OF UR DESK

FORM CS 97883

Tom
6-17-92 I CALLED & ASKED FOR \$100

TO: Water Rights Section

FEB 6, 1991

FROM: Groundwater/Hydrology Section Doug Woodcock

Reviewer's Name

SUBJECT: Application G- 12693

1. **PER THE** _____ Basin rules, one or more of the proposed POA's is within _____ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.
2. **BASED UPON** OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. _____ will, or } have the potential for substantial interference with the nearest surface water
 - b. ☒ will not } source, namely DAVIS CR; or
 - c. _____ will, if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with repair of well construction deficiency, adequately protect the surface water from substantial interference.
3. **BASED UPON** available data, I have determined that groundwater for the proposed use
 - a. ☒ will, or } likely be available in the amounts requested without injury to prior rights; or
 - b. _____ will not }
 - c. _____ can, if properly conditioned, be made without injury to existing rights or to the groundwater resource contrary to statute:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below.
4.
 - a. _____ **THE PERMIT** should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. **THE WELL** which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____.
6. **THE WELL** construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____.
7. **THE WELL** construction deficiency is described as follows: _____.
8. **THE WELL**
- a. ☐ was, or
 - b. ☐ was not
 - c. ☐ I don't know if it met standards at the time of construction.
- } constructed according to the standards in effect at the time of original construction or most recent modification.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
- "No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ **REFER** this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.

_____, 1991.
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____.

_____, 1991.
(Signature)

(WRFORM7\91)

DATEINITIALSMINIMUM REQUIREMENTS TO FILE

Name and mailing address
 Source of water
 Quantity of water
 Location of project
 Use of water
 Name and address of all owners
 Signature of applicant
 Allowable use by policy
 State Engineer withdrawal
 Legislative withdrawal
 Examination fee
 Land use approved ☒ pending ☐
 Application date stamped, receipted date and time

FIELD OPERATIONS

Stream code _____
 Scenic Waterway _____
 Findings made
 Prepare six copies of Draft Permit
 NOTE: If Diack findings are complete write "SCENIC-REG ACK LETTER" or if Diack findings are not yet made write "SCENIC-ACK LETTER" on appropriate drafts in upper right corner
 Send one copy to Data Center
 Entered in Paradox
 Plat Carded
 Stream Indexed ☐ YES ☒ NO
 Conflicts ☐ YES ☒ NO
 Prior ISWR ☐ YES ☒ NO

SUPPORT SERVICES

Stamp contents with application number
 Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER
 Mail acknowledgement letter (provided by Data Center) with receipt to applicant, cc to CWRE
 Place label on file and card
 If reservoir with dam is over 10 feet or storage over 9.2 AC-FT, route file to Dam Safety Section.

FIELD OPERATIONS

Within Irrigation District _____ (name)
 Notified ☐ YES ☒ NO
 District excerpt received ☐ YES ☒ NO
 Other landowners notified ☐ YES ☒ NO
 Need Commission review ☐ YES ☒ NO
 Requests greater than 5.0 cfs
 Dam height greater than 20 feet
 Storage greater than 100 acre-feet
 Out of Basin diversion
 Groundwater recharge project
 Other substantial public interest
 ODFW comments received
 DEQ comments received
 Water availability received
 Objections received
 Objections resolved
 Protested - Resolved
 Permit Recording fees

REMARKS:

NO
 NO
 WATER W/ KICK
 YES
 100 1 AC
 150 17 CFS
 NEED \$100

RECEIVED

JUN 18 1992

WATER RESOURCES DEPT.
SALEM, OREGON

T. Forgestech
Rt #1 Box 1557
Bandon, Or. 97411

Reference: G-12693

Sirs:

As per phone discussion dated
6-17-92 from Tom, Enclosed you
will find a check to cover the
1 acre Irrigation fee. Thank you for
your assistance; the cranberry vines
thank you.

Tom Forgestech

October 20, 1991

THOMAS C FORGATSCH
FORGATSCH, VIRGINIA R
RT 1 BOX 1557
BANDON, OR 97411

REFERENCE: File(s) G-12693

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

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

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

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

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

cc: CWRE



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

RECEIVED RECEIVED

Application No. 6-12693

OCT 15 1991

OCT - 7 1991

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Ground Water

Applicant(s) Thomas C. or Virginia R. Forgatsch
(Please print or type - use dark ink)

Mailing Address: Route 1 Box 1557
Bandon Oregon 97411 503/347-9071
City State Zip Daytime Phone No.

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

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.):
three sump wells

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: Sump well #1 - 850', Sump well #2 - 1550', sump well #3 - 2400'

Elevation difference between streambed and development: #1 = 20-30', #2 = 20-30', #3 = 20-30'

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

sump well #1 = 185x86, sump well #2 =
Diameter of well 60x72, sump well #3 = 147x61 Depth in feet: #1 = 18-20, #2 = 16', #3 = 16'

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: sump well #1 = 16', sump well #2 = 14', sump well #3 = 14'

Type of access port or measuring device: _____

Wells to be drilled by: Existing sump wells

Address: _____

If the water well is flowing artesian, describe your water control and conservation works: _____

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.14 cubic feet per second, OR 511 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: #1 = 0.32, #2 = 0.37, #3 = 0.45
total = 1.14

3. **INTENDED USE(s) OF WATER:** Cranberry use and irrigation

If for more than one use, give the quantity of water from each source for each use; sump well #1 - cranberry use: 0.31 cfs, irrigation: 0.01; sump well #2 - cranberry use: 0.37; sump well #3 - cranberry use: 0.45

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

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

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

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

Irrigation 1 acre

Other (describe) cranberry use 7.5 acres

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

Electric pumps in each sump well. Water delivered via aluminum or plastic pipe.

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

Proposed date construction work will begin October 1, 1992

Proposed date construction work will be completed October 1, 1993

Proposed date water use will be completed October 1, 1996

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

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

NOTE: Prior to receiving a certificate of water right, the permit holder must submit to the Water Resources Department the results of a pump test meeting the department's standards. The Director will require water level or pump test results every ten years thereafter.

REMARKS: Water may be applied to bogs from any of the sumps. Map depicts intended
flow of water.

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

Thomas C Logatch
Signature of Applicant

10-3-91
Date

Virginia R Logatch
Signature of Co-Applicant, if any

10-3-9
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 16th day of October, 1991, at 8 o'clock, a M.

1 000 200 3 000

APPLICATION NO: 6-12693

March 26, 1992

Waterwatch of Oregon, Inc.
921 SW Morrison, Suite 438
Portland, OR 97205

Reference: File G-12693

We received a letter dated NOVEMBER 13, 1991, asking what effect the proposed use of water described by Application G-12693 would have on adjacent surface waters.

All applications for permit to use ground water are reviewed by staff for significant hydraulic connection with surface waters. This procedure is outlined in our Administrative Rule 690-09.

Our Groundwater/Hydrology Section has completed a review of the proposed use of water described in the application. It is the Department's conclusion that the proposed use of water will not significantly interfere with the surface water sources in the vicinity of the application.

Staff intends to recommend issuance of the permit on or after twenty days from the date of this letter, if no official protest is filed.

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

Sincerely,

Thomas E. Shook
Water Right Specialist



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

WaterWatch

O F O R E G O N

RECEIVED

NOV 14 1991

WATER RESOURCES DEPT
SALEM, OREGON

November 13, 1991

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

Re: Application for Permit #G12693
Thomas Forgatsch, Croft Lake Basin, Coos Co.
1.14 cfs, Cranberry Use

Are either of these wells in hydraulic connection with adjacent surface water? If so, does that surface water have existing instream water rights. If that is the case, WaterWatch recommends that this groundwater permit be conditioned to allow use only during periods of the year when the instream water rights are being met.

Many small streams in this area of the state provide critical habitat for anadromous salmonids and resident trout. Further water withdrawals that adversely impact these valuable fish species is not in the public interest.

Sincerely,



Jim Myron

Rt. #1, Box 1557
Bandon, Oregon 97411
January 24, 1992

RECEIVED

JAN 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resource Dept.
3850 Portland Rd, N.E.
Salem, Oregon 97310

Reference File G-12693

To: Water Right Section personal

Regarding your department letter dated October 20, 1991, this letter is in reference to the hardship request. I would like to expedite the processing of a possible lapsed water rights. Possible lapse due to the disuse clause in the state water rules and regulations.

The property in question is our 70 acre farm. The farm is located south of Bandon, Oregon--it was once a cranberry producing site. The farm sold cranberries under the name of "3-J's Cranberry". This same farm also sold berries to Oceanspray as well as marketing their own independent bagged berries.

When we purchased the farm we were "assured" the farm had full water rights. Like many assurances in life we have found this to be false. Having owned the property approximately 11 years, and "feeling" we had water rights to use surface water, we falsely did not chase down the records. We now know we have been misled.

Our goal for the farm is to releve and change the variety of cranberry vines that was on the property. My second goal is to improve surface water capture and retention ability.

As I hold a degree in Geology and have worked for the U.S. Geological Survey; I have interest in soil and water management. To that end we have spent a good deal of money and time in developing ponds and surface collection areas. The farm has 9 ponds and two dug water collection channels (no streams on the farm).

2

The farm originally had received water pumped from a creek and piped to the old cranberry beds. The original pump house still remains about 1/3 of a mile from the property boundary. This pump apparently pumped from the creek and was spread by a system on concrete pipe and open sluice troughs. Gravity fall was used to move the water for flood irrigation and draining of the cranberry beds. The cranberries were water picked.

For the past 7 years we have had less than average rainfall. I had access to long term rain fall prediction from the U.S.G.S. and with that information have developed the surface storage and water table recharge plan.

At this point in time the majority of our rainfall (60.2" in 1991) is being captured and put into the water table (beach and dune sand aquifer). In 1991 our water table height (as measured by pond elevations) was 1.5' higher than 1990 levels. Our 1990 rain fall was measured at 62" for Jan 1 to Dec 31. To me this pattern indicates an increase in water storage capacity.

The local water table is being recharged through our efforts. The increase in pond surface area has increased the bird and wild life usage.

Now that I'm ready to replant old cranberry beds, we have no water right to use the surface water to irrigate these beds! The whole point of our last 11 years of time and money spent to improve the surface water capture and storage, has been for nothing. The lack of surface water rights is causing more than a "hardship", it is stopping the whole reason to improve and restore the land!

I am on the leading edge of water conservation and improvement. I use drip system irrigation for our house area trees and blueberry patch. I use P-4 (an inert polycarbonate water capture and retention material) in the ground with all plants we plant. The P-4 helps the plants retain water for the dry months of the year. For example, this December we planted 450 fir trees with the P-4.

We also place a 6 to 8 inch high mound of dirt along our boundary fence line to trap run off water. This water goes into the soil and the water table instead of flashing off.

Hydrology data from Oregon shows very easily that we do not have a water shortage problem! We have a water storage and retention problem. We are aware of this problem and are doing

more than our share to help correct it.

The whole point of this letter is to demonstrate that we need the surface water rights application approved. The replanting and restoration of the old cranberry beds need the permit. The success of our costly effects need the permit. The lack of an approved permit is stopping planting and our economic survival.

We have planned for very efficient use of water through the use of sensor controlled irrigation, P-4 use in cranberry beds, Foliar spray fertilizer instead of granular, and dry picking the berries instead of the less water efficient flood picking. I am also collecting data and information on "fog water collection". We have a good deal of spring and summer fog that would add to dry season water storage.

In closing, I will say that if we were not mislead by the past owner; I would have had surface water permits 10 years ago. Please expedite the processing of water application #G-12693.

Thank you,

Tom Forgatsch
Virginia Forgatsch

Thomas Forgatsch
Virginia Forgatsch

Application No. 6-12693

RECEIVED

Planning Official Initials:

Permit No.

Description of Water Use

RECEIVED

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

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

Applicant Name: Thomas C. or Virginia R. Forgatsch
Address: Route 1 Box 1557
Bandon, Oregon 97411
Phone: 503/347-9071

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): Garden and berries
- ☐ 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): Cranberry use

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	<u>1.14</u> Cubic feet per second. <u>511</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

Water Resources Department, 3850 Portland Rd. NE, Salem, OR 97310
Phone: 378-3671

Version: 8/30/90

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

OCT 15 1991
 WATER RESOURCES DEPT.
 SALEM, OREGON

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

Applicant's Name: Thomas C. or Virginia R. Forgatsch
 Address: Route 1 Box 1557
 City: Bandon State: OR Zip: 97411 Day Phone: 503/347-9071

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
13670.03				X
13672.00		X	X	X

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

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

For Local Government Use Only

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

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

☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): . Go to section b) on reverse side.

☐ 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.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

1941-1942

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

[illegible]

Application No. 6-12643
Permit No.

Oregon

WATER
RESOURCES
DEPARTMENT

October 8, 1991

THOMAS C. AND VIRGINIA R. FORGATSCH
RT 1, BOX 1557
BANDON, OR 97411

REFERENCE FILE: THREE SUMPS

Your application for a permit to use water from three sumps has been received along with supporting data and your check in the amount of \$350.

We were unable to file the application because the land use form was not signed by a planning official.

Your check No. 236 is enclosed along with the application and supporting data.

Sincerely,

THOMAS E. SHOOK
Water Rights Specialist



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

RECEIVED

OCT 15 1991

WATER RESOURCES
SYSTEMS DIVISION
Salem, Oregon

G-12693

Receipt for Request for Land Use Information

(over)

WRD Applicant Name: Thomas C. or Virginia Forgetsch

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: Oro

Staff Contact: PATY EVERNDEN

Phone: 396-3101

Signature: Paty Evernden

Date of Information Request: 10/4/91

Application No. 6-12693
Permit No.

[illegible]

SP * 35621-690

TOWNSHIP 30s RANGE 15W W.M. #1																SECTION 14		
NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				Lot 1	Lot 2													
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
				15 ⁰⁰	39 ⁴⁰													
62			45													76 ⁵⁹	18973	14598 21868
																	45739	
																	26427	20725 21790
																	39809	29498 36971
																	52345	39389
																06	55716	41731 CANCELED
																76	59	Supplemental
																	55716	41731
																	T-6454	
																	R-59563	R-8204 62381
																	59564	45328 62383
																	Supplemental	
																	G-9494	G-9088 62387
																	601757	46191 62384
																	Suppl	
																	G-10360	G-4480 CANCELED
																	R-70188	R-11245

(SEE BACK OF CARD FOR PLAT OF SECTION)

DAVE
NUMBER PERMIT
FOR G-12693

Tom

C-2 8 98

Application No.	G12693
Permit No.	G11552
Name	THOMAS C FORGATSCH FORGATSCH, VIRGINIA R RT 1 BOX 1557
Address	BANDON. OR 97411
Assigned	
Address	
Beginning construction	AUG 5 1993
Completion of construction	OCT 1 1994
Extended to	10-1-95, 10-1-96, 10-1-97
Complete application of water	OCT 1 1995
Extended to	10-1-96, 10-1-97

Pfo

Application No. 6-12693
Permit No.

RECEIVED

OCT 15 1991

RECEIVED

OCT - 7 1991

WATER RESOURCES DEPT.

WATER RESOURCES DEPT.

SALEM, OREGON

82 5 4200

BOUNDARY LINE AGREEMENT AND QUIT CLAIM DEED

WHEREAS, Thomas C. Forgatsch and Virginia R. Forgatsch, husband and wife, by virtue of a land sales contract, memorandum of which is recorded at 79-4-5340 and a warranty deed which is recorded at 81-2-4675, records of Coos County, Oregon, are the owners of certain real property in Coos County, Oregon, and Kenneth William Daoust and Earla J. Daoust, husband and wife, by virtue of a warranty deed recorded at 80-1-1039 and a warranty deed recorded at 80-1-1040, records of Coos County, Oregon, are the owners of real property in Coos County, Oregon, and

WHEREAS, both the Forgatsches and the Daousts trace their title to Glade M. Krewson, their common grantor, and

WHEREAS, certain differences have arisen between the legal description of the real property and the land actually intended to be conveyed by the parties common grantor, Glade M. Krewson, and

WHEREAS, the parties desire to enter into a boundary line agreement more particularly defining the common boundary between them, and providing for the maintenance of fencing on that common boundary.

NOW, THEREFORE, Thomas C. Forgatsch and Virginia R. Forgatsch, husband and wife grant, bargain, sell, quitclaim and convey unto Kenneth William Daoust and Earla J. Daoust, all of that certain real property located North and East of the line described in Exhibit A attached hereto and incorporated herein, and Kenneth William Daoust and Earla J. Daoust, husband and wife, grant, bargain, sell and

82 5 4201

quitclaim and convey unto Thomas C. Forgatsch and Virginia R. Forgatsch, husband and wife, all of that certain real property located South and West of the line described in Exhibit A attached hereto and incorporated herein.

FURTHER, Forgatsches and Daousts grant to each other an easement five feet in width on either side of the line described in Exhibit A for the purposes of constructing and maintaining boundary line fences.

To Have and To Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this agreement and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

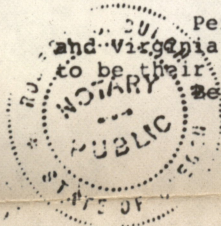
IN WITNESS WHEREOF, the parties have executed this agreement this 15th day of November, 1982.

Thomas C. Forgatsch
Thomas C. Forgatsch
Virginia R. Forgatsch
Virginia R. Forgatsch

STATE OF OREGON)
) ss.
COUNTY OF COOS)

Aug 25, 1982.

Personally appeared the above named Thomas C. Forgatsch and Virginia R. Forgatsch and acknowledged the foregoing instrument to be their voluntary act and deed.
Before me:



Robert J. B. L.
Notary Public for Oregon
My Commission Expires 8/2/85

Application No. 6-12693
Permit No.

RECEIVED

RECEIVED

OCT 15 1991

OCT - 7 1991

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

BY 720-BARGAIN AND SALE DEED P

Tool or Corporate)

STEVENS-NESS LAW PUB. CO., PORTLAND, OR 97208

BARGAIN AND SALE DEED

90 08 0674

(1)

KNOW ALL MEN BY THESE PRESENTS, That VIRGINIA G. MILLS

, hereinafter called grantor,
for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto THOMAS C.
FORGATSCH and VIRGINIA R. FORGATSCH, husband and wife
hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the
tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County
of COOS, State of Oregon, described as follows, to-wit:

Real property as more particularly described in Exhibit "A", attached
hereto and by reference included herein.

State of Oregon
County of Coos

I, Mary Ann Wilson, County Clerk, certify the
within instrument was filed for record at

1145 AM Aug 9 1990

By M. Wilson Deputy

#pages 2 Fee \$ 10.20

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$61,000.00

However, the actual consideration consists of or includes other property or value given or promised which is
part of the consideration (indicate which) (The sentence between the symbols, if not applicable, should be deleted. See ORS 92.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical
changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 13th day of June, 1985;
if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by
order of its board of directors.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY
PARTICULAR USE MAY BE MADE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY
PLANNING DEPARTMENT TO VERIFY APPROVED USES.

(If the signer of the above is a corporation,
use the form of acknowledgment upon p. 2.)

(ORS 194.570)

STATE OF OREGON,

County of COOS

The foregoing instrument was acknowledged before
me this June 13, 1985 by

Virginia G. Mills

(SEAL)

STATE

Notary Public for Oregon

My commission expires: 5-31-89

STATE OF OREGON, County of

ss.

The foregoing instrument was acknowledged before me this

, 19, by

president, and by

secretary of

corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires:

(SEAL)

(If executed by a corporation,
affix corporate seal)

STATE OF OREGON,

County of

I certify that the within instru-
ment was received for record on the
day of 19, at o'clock M., and recorded
in book/reel/volume No. on
page or as fee/file/instru-
ment/microfilm/reception No.,
Record of Deeds of said county.

Witness my hand and seal of
County affixed.

NAME

TITLE

By Deputy

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

BEH

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Mr. & Mrs. Thomas C. Forgatsch

Rt. #1, Fox 1557

Bandon, Oregon 97411

NAME, ADDRESS, ZIP

90 08 0675

ATTACHMENT "A"

The Southeast quarter of the Northwest quarter of Section 14, Township 30 South, Range 15, West of the Willamette Meridian in Coos County, Oregon.

ALSO, the Southwest quarter of the Northeast quarter of Section 14, Township 30 South, Range 15, West of the Willamette Meridian in Coos County, Oregon, excepting therefrom the following:

Beginning at the Northeast corner of the Southwest quarter of the Northeast quarter of Section 14, Township 30 South, Range 15, West of the Willamette Meridian in Coos County, Oregon; thence South along the East line of said Southwest quarter of the Northeast quarter, a distance of 553 feet; thence West parallel to the North line of said Southwest quarter of the Northeast quarter 405 feet; thence North parallel to the East line of said Southwest quarter of the Northeast quarter 378 feet; thence West parallel to the North line of said Southwest quarter of the Northeast quarter 255 feet; thence South parallel to the East line of said Southwest quarter of the Northeast quarter 66 feet; thence West parallel to the North line of the South half of the North half of said Section 14, a distance of 660 feet; thence North to the North line of said South half of the North half of Section 14; thence East along said North line to the point of beginning.

The above described parcels contain 70 acres of land, more or less.

ALSO, granting unto the Buyers the right to use a permanent right of way and easement for power line purposes as reserved in memorandum of land sale contract dated May 1, 1978, between GLADE M. KREWSON as Seller and NATHAN D. HOLT and CAROLINE D. HOLT, husband and wife, as Buyers, as recorded in records of Coos County, Oregon.

Said property being subject to the following:

- 1) As disclosed by the tax roll the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
- 2) Rights of the public in streets, roads and highways.
- 3) Easement, including the terms and provisions thereof, for power line, to Coos-Curry Electric Co-operative, Inc., recorded November 3, 1955, in Book 246, Page 182, Deed Records of Coos County, Oregon.
- 4) Right of way, including the terms and provisions thereof, from HARRY L. STORM et ux to WILLIAM H. JOHNSON et ux, recorded April 14, 1952, in Book 217, Pages 285 and 286, Deed Records of Coos County.