

Application No. G G14238

Permit No. G G12806*

Certificate No. *AMENDED by special order

Stream Index, Page No. 52 pg. 1019

FEES PAID

Date	Amount	Receipt No.
1-18-96	300.00	131672
9-10-98	100.00	24441
7/7/00	100.00	38803
5/23/02	40.00	52868
10-23-09	50.00	98334

Cert. Fee
see below

FEES REFUNDED

Date	Amount	Check No.

Name

By

Address

Date filed

Priority

Action suspended until C-22
ON EXTENSION, DB

Return to applicant

Date of approval

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
10/23/02	<u>RONALD S. YOCK</u>	<u>P.O. Box 2456</u>	<u>97470</u>	<u>97470</u>
10/23/2009	<u>Donald J Stastny</u>	<u>Golden Valley Rd, Roseburg, OR</u>	<u>97470</u>	<u>97470</u>

FILE G-14238 LIMITED PARTNERSHIP

BANDON DUNES GOLF RESORT
C/O DONALD J STASTNY, OWNER'S REPRESENTATIVE
2309 SW 1ST #1145
PORTLAND OR 97201

CONSTRUCTION

Date for beginning Sept 30, 1997

Date for completion Oct 1, 1998

Extended to 10-1-00, 10-1-04, 10-1-2022

Date for application of water Oct 1, 1999

Extended to 10-1-01, 10-1-07, 10-1-14, 10-1-2022

T-8083 V52 P1019 Permit Amendment *

REMARKS

DATE	AMOUNT	RECEIPT NO.
10-27-09	25.00	98362
10-23-09	500.00	98335
12/28/15	575.00	118421

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

908219

Donald J. Stastny G-14238
Owner's Representative for Bandon
Dunes Limited Partnership
2309 SW 1st Avenue, Suite 1145
Portland, OR 97205

Golder Associates, Inc.
1430 W Broadway Road, Suite 108
Tempe, AZ 85282

Form A (690-9-77)

Application No. G-14238

NOTICE OF BEGINNING OF CONSTRUCTION

I, Daniel Fugate, the holder of Permit No. G-12806
to appropriate the public waters of the state of Oregon, began the actual construction of the works described
herein on the 24th day of September, 1997.
Remarks: An excavator is being used - size of excavation at this
point is approximately 20' x 25' at a depth of 15'
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment
acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as
authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of September, 1997.
Daniel H. Fugate 9644 Garden Valley Rd., Roseburg,
(Signature of Applicant) (Address) OR 97499

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

SP*35587-690



RECEIVED

SEP 1 1997
WATER RESOURCES DEPT.
SALEM, OREGON

OK
DSM

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **118421**

INVOICE # _____

RECEIVED FROM: Bandon Dunes

APPLICATION G-14238

BY: _____

PERMIT _____

TRANSFER _____

CASH: CHECK.# _____ OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 575.00

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

46111

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ 575.00

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____

0231 HYDRO LICENSE FEE (FWWRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **118421**

DATED: 12/28/15

BY: Man Ash

Application # G-14238

Permit # G-12806

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

◆ **WRIG...**

Money Received on: 12-28-15

◆ **Extension Specialist...**

Added to tracking spreadsheet

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

◆ **Kate Fitzgerald...**

Publish on Public Notice (initial 30-day comment): Date of notice 1/12/16

Update WRIS Database

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

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

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

BANDON DUNES

101883

Check #: 101883

Chk Date: 12/14/2015

Amt: \$ 575.00

Vendor Code OREWR - OREGON WATER RESC

Inv. Date

Invoice #

Inv. Reference

Inv. Amt

Disc. Amt.

Check Amt

12/14/2015

CR121415

CAPX K-6

\$575.00

\$0.00

\$575.00

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OWRD

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

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

Agent
Golder Associates
1430 W Broadway Rd
Suite 108
Tempe, AZ
85282

Application G-14238 Permit: G-12806 Permit Amendment? No Yes T- 8083 pending approved Nov 19, 1998

Permit Holder's Name: Bandon Duves Golf Resort

Permit Holder's Mailing Address: _____ email _____

V S Z P 1019
2309 SW 1st Ave, Ste 1145
Portland OR 97205

Phone Number: _____

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

Drainage Basin: 17 County: Coos Watermaster District: 19 Watermaster: _____
South Coast

Date Permit was issued: 9-30-1996 Priority Date: 1-18-96 Date of PN: 1-12-16

Source: one ~~two~~ sump wells in Coquille River Basin modified by PA T-8083 adding well

Use: Cranberry operations

"Q": 0.9 cfs; being 0.4 cfs ~~sump~~ ^{well} 1 and 0.5 sump 2

Orig "A" Date: 9-30-1997 Orig "B" Date: 10/1/1998 Orig "C" Date: 10/1/1998

Extension request rec'd: 12-28-2015 Last Authorized "B" Date: 10/1/2014 Last Authorized "C" Date: 10/1/2014

Request Number (1, 2, 3...): 3rd Proposed "B" Date: 10/1/ Proposed C Date: 10/1/2022

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	meter totalizing COOS 52393
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Began Construction:

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

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$ 375,000 Estimated Remaining Cost: \$ 65,000
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 0.19 cfs gpm af of the total permitted quantity of water on 15 acres

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

- Yes No
- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
 - within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
 - within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.html"
 - within a critical or limited Ground Water Area? Name of area _____
 - within a Withdrawn Area? Name of area _____
 - in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
 - within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

- 5-year Progress Report Checkpoints (Years: 2021)
- Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

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

NOTES: Golder Assoc., Inc
1430 W Broadway Road, Suite 108
Tempe, AZ 85282

Extension "PFO" Dates

Mailing / Issuance Date: 2/16/16 Date: 4/1 FO 4/8 Protest Deadline

Reviewer's Name: _____ Date: _____



Oregon
Kate Brown, Governor

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

January 11, 2016

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-14238 (Permit G-12806)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.oregon.gov/owrd/pages/pubs/forms.aspx#other>

I, Donald J. Stastny, Owner's Representative for Bandon Dunes Limited Partnership
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

2309 SW 1st Avenue, Ste 1145 Portland OR 97205 **RECEIVED BY OWRD**
ADDRESS CITY STATE ZIP

503-703-8222 dstastny@stasarch.com **DEC 28 2015**
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G -14238 Permit Number G -12806 **SALEM, OR**
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on _____ be extended to _____.
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2014 be extended to October 1, 2022 (see #10 below)

SIGNATURE:

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

Donald J. Stastny
 Signature

12.23.15
 Date



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

- The completed Application for Extension of Time (Pages 1-8)
- Statutory fee of \$575.00
- Double check that the permit holder signed in the space above.
- All supporting documentation and/or evidence referenced in this application.

MAIL COMPLETED APPLICATION MATERIALS and FEES TO:

RECEIVED BY OWRD

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

DEC 28 2015

SALEM, OR

Answer the Following Questions to Complete this Application for Extension of Time

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? Yes No Not Applicable

TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: See Below

Details of construction: Initial construction of cranberry bog operations began prior to October 1, 1997 with 7 initial acres completed and 7 additional acres cleared. By 2000 an additional 8 acres had been prepared with one sump and one holding pond. Well COOS 52393 was constructed in 2000. Total expenditures by 2000 were estimated at \$350,000.

The Bandon Dunes Limited Partnership acquired the property in 2004 and began converting the bogs to use as a plant and turf nursery. Water delivery from the sump to the nursery has been accomplished with the original diesel-powered portable pump, hoses and pipelines that feed to sprinklers within the authorized place of use. The sumps capture precipitation captured within the footprint of the original bogs. The well has not yet been used as a source of irrigation water supply, but Bandon Dunes is planning to install pumping equipment and plumb it into the irrigation system for the nursery.

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

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? Yes No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.

TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	1996 to 2000	Water was originally pumped from a sump located within the footprint of the cranberry bogs. Under T-8083 (approved in 1998) a drilled well replaced one of the two originally planned sumps. The well (COOS 52393) was installed in 2000. Documented use of the well by the previous owner is not available. [Bandon Dunes has not used the well since they acquired the land, but there are plans to install a pump and flow meter in the well and use it as the primary source of water for the nursery operation.]
2	2004	The original purpose of use was for cranberry operations, However, cranberry farming had been suspended by 2004 and Bandon Dunes has not resumed cranberry farming. Since the change of ownership in 2004, the land has been used to develop other crops, including nursery stock and turf.
3	2004	The sump pump discharges water at a maximum rate of 85 gpm (0.19 cfs). This is well below the maximum allowed to be pumped in total (0.9 cfs) or from Sump #1 alone (0.4 cfs).
4	n/a	The period of use is year around. Bandon Dunes does not pump from the sumps during the winter. Water is pumped only during dry periods of the summer and early fall.
5	n/a	No records of water diversions during the previous ownership are available. Water was pumped from the sump using a diesel-powered pump. Bandon Dunes has continued to use the same equipment. Staff has measured the discharge rate at 60 to 85 gpm when in use, and report that the pumping equipment is used only rarely. As noted above, Bandon Dunes intends to extend power to the well, install a pump and flow meter, and use the well as the primary source of water.
6	2004	The place of use since Bandon Dunes acquired the land has been within the area specified in the permit.
7	Current	A flow meter has been attached to the pump discharge piping.
8	Current	The water master has access to the permit area.
9	Current	A totalizing flow meter is attached to the pump discharge piping.
10	Current	No indications have been observed that suggest water used from the authorized Points of Appropriation have resulted in interference with a senior water right holder.
11	2000	Well COOS 52393 was constructed in 2000. Based on available well log information the design of the well meets the minimum standards of the OWRD.

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** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension). Include a copy of your hand-numbered permit with the application.

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
5	10/1/2022	Bandon Dunes has not yet equipped well COOS52393 with a pump, flow meter, and discharge piping plumbed to the irrigation system. There has been no need as the sump and direct precipitation has been sufficient to date. However, as Bandon Dunes expands the resort development, additional turf and landscaping plants will be needed and will be nurtured at the nursery. This will require additional and more reliable sources of irrigation water.
6	10/1/2022	The need for additional nursery capability will require that more land within the authorized place of use be cleared and put into use to grow plants and turf. Bandon Dunes expects to expand the total irrigated acreage over the next few years to accommodate the need.

Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension. Include a copy of your hand-numbered permit with the application.

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

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

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

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
n/a	There are no available records of work completed by the previous owner prior to the original issue date.	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
9/30/1996	Date the permit was signed - find date above signature on last page of permit. Based on previous extension applications, work began before the A-date. 7 acres in progress, one sump well, one holding pond constructed	
9/30/1997	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	↓
11/19/1998	Transfer T8083 approved, adding a well as an authorized P.O.A.	
11/20/1998	(Date of 1998 Extension Application) – 7 acres had been completed with 7 acres in progress. One sump well was completed.	\$300,000 (total to date)
2000	Well COOS 52393 was constructed in 2000. Based on available well log information (attached), the design of the well meets the minimum standards of the OWRD. Previous owner completed construction of 8 additional acres of bog.	\$50,000
2004-2014	Bandon Dunes converts former cranberry bogs for use as a nursery, growing nursery stock, trees, and turf for use on the adjacent golf courses and resort areas. The original cranberry bog sump pump and hoses continue to be used to divert water from the sump to the authorized POU..	\$25,000
	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
CHART-C (continued)		
DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> <i>List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-C		\$375,000

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

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

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2009	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	No significant changes in infrastructure. Bandon Dunes continued to use the water as described to irrigate nursery stock and turf on approximately 15 acres. Costs accrued for routine maintenance of the water delivery system. Development has slowed and the need for nursery plants and more turf has decreased. Additional demand is expected over the next 10 years as additional resort infrastructure is constructed around the existing golf courses. Bandon Dunes expects to expand the nursery and turf growing operations.	\$500
10/1/2014	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
CHART-D (Continued)		
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
10/1/2014 To Date.	Similar to above. Continued use of water to water 15 acres of nursery stock and turf on an as-needed basis. (routine maintenance costs)	\$500
Total Cost of Chart-D		\$1000

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

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

4. Cost of project to date: \$376,000
(The total combined cost from CHART-C and CHART-D)

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

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

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

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

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

Maximum rate used to date = _____ cfs (cubic feet per second) or,
Maximum rate used to date = _____ gpm (gallons per minute) or,
Acre-feet stored to date = _____ AF

5-B) For Ground Water Permit Extensions (e.g. G-12806):

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under <u>this permit only</u> (CFS or GPM)			
Sump 2		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		n/a	Yes <input type="checkbox"/> No <input type="checkbox"/>	0.5 cfs allowed 0.19 cfs used	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -	
Well		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	COOS 52393	L36763	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.4 cfs allowed 0.0 cfs used*	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- - -	
Total instantaneous rate from all wells utilized under this permit						0.19 cfs			

*Maximum rate used is based on a visual estimate by Bandon Dunes staff when operating the sump pump (85 gpm).

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

If a Permit Amendment Application has been filed: Transfer No.

Well # _____ Actual location: _____

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

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

Total acres irrigated to date: est. 15 acres

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well #Sump #2 Acres 15 Well #COOS 52393 Acres 0 (to date)

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2015-2016	Install power to well COOS 52393 and install pump and flow meter. This will become the primary water source for nursery operations.	\$15,000
2015-2022	Expand nursery operations from current acreage to the full 40 acres allowed under the permit. Install irrigation piping, hoses and sprinklers necessary to provide adequate water coverage.	\$50,000
Year: 10/1/2022	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		65,000

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

8. Estimated remaining cost to complete the project: \$65,000
(The total cost from CHART-F)

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

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

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

The permit was originally to be used to provide water to 40 acres of cranberry bogs. Prior to the transfer of ownership, approximately 15 acres had been converted to bogs which were irrigated with water captured in sump and holding ponds. The previous owners had plans for further development, but a drop in the cranberry market and legal troubles prevented them from expanding the irrigation area. By the time Bandon Dunes acquired the property in 2004, cranberry operations had been suspended. Since that time, the bogs have been slowly converted for use as a nursery and turf farm, and irrigation of nursery stock and turf has been conducted under the permit provision that allows "for the irrigation of any other crop." Since the last extension the resort facility expansion has not progressed as originally planned and the need for nursery stock and turf has not been as great as originally expected. Bandon Dunes still expects to complete their plans to construct new golf and resort

infrastructure. However, the demand is not expected to increase until at least 2016. Clearing the remaining former bogs and establishing these crops will require some time and investment.

9-B) **The financial resources needed to develop the project precluded completion of the project within authorized time frames.**

Not applicable

9-C) **Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.**

Bandon Dunes converted a portion of the former cranberry bogs for use as a plant nursery and turf farm and plans to continue with the expansion to enable increased growth of nursery stock. All operations and water use have been, and will be, kept within the confines of the former bogs, the authorized place of use. To date, water has been pumped only from the original sump. A well (COOS 52393) that was installed in 2000 and authorized for use under Transfer T-8083, has not been used since Bandon Dunes acquired the property. Water from the sump is used only during the warm summer months and total use has not approached the total maximum rate or duty allowed for other crops. Future drought conditions and unstable precipitation patterns raise concerns that the sump may not be a reliable source of irrigation water. Future water supply is expected to be primarily from the well after a pump and metering system are installed. Although the well has not been used, Bandon Dunes has regularly collected groundwater level data from this well since 2002.

9-D) **Other unforeseen events delayed full development of the water system and use of water within the authorized time frames.**

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

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

In addition to this water right permit (G-12806), Bandon Dunes holds two other permits which allow pumping groundwater for beneficial use on other parts of the property. Each permit is on a separate compliance schedule, which makes management of the permit compliance unnecessarily complex. Permit G-13498 was the original permit associated with the resort and is currently extended until October 1, 2022, with a requirement for progress reports every 5 years. Permit G-16955 is for irrigation of golf course turf on the northern portion of the property with a completion date of August 31, 2017. All three permits are linked to the growth and development of the same resort operation and we are requesting that similar completion dates and compliance schedules be applied to each of them. Economic conditions have slowed development in recent years. However, additional resort development over the next 7 to 10 years is expected to increase demand for nursery stock and turf beyond what is currently consumed. As the demand increases Bandon Dunes will need to increase the irrigated acreage for nursery operations as allowed under permit G-12806

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

Please see notes above (#10).

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STATE OF OREGON

COUNTY OF Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

- ① SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN
- ② PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES
- ③ MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2
- ④ PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

- ⑤ POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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.

⑥ THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

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Application G-14238 Water Resources Department

PERMIT G-12806

T. 1083

Measurement, recording and reporting conditions:

- ⑦ A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- ⑧ B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- ⑨ C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
- ⑨ Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- ⑩ If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

- ⑪ The wells 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.

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

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-14238 Water Resources Department

PERMIT G-12806

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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.

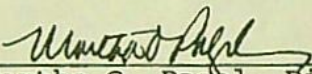
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued September 30, 1996


Martha O. Pagel, Director
Water Resources Department

ext. to B Φ , 10/1/06
ext. to C Φ !, 10/1/07

AMENDED by special order
v. 52 pg. 1019

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Application G-14238
Basin 17

Water Resources Department
Volume 2 CUT CREEK AND MISC.
MGMT CODES 7BG, 7BR

PERMIT G-12806
District 19

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8083 submitted by

DANIEL FUGATE
9644 GARDEN VALLEY ROAD
ROSEBURG, OREGON 97470.

The permit to be modified is Permit G-12806 with a date of priority of JANUARY 18, 1996. The permit allows the use of TWO SUMP WELLS, in the COQUILLE RIVER BASIN, for CRANBERRY OPERATIONS ON 40.0 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP 1 AND 0.5 CFS FROM SUMP 2, if available at the original sumps; SUMP 1 - SE¼ SE¼, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29, SUMP 2 - SW¼ SW¼, SECTION 28, T 27 S, R 14 W, W.M.; POD 1 - 960 FEET NORTH AND 530 FEET EAST, POD 2 - 980 FEET NORTH AND 760 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 28, or its equivalent in case of rotation, measured at the sump.

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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2¼ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

T-8083.PKS

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The authorized place of use is as follows:

SWX SWX 15.0 ACRES
SECTION 28

NEX SEX 17.5 ACRES
SEX SEX 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

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

The applicant proposes to change the point of appropriation for Sump 1 to a well located at:

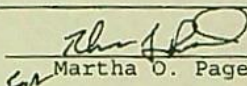
SEX SEX, SECTION 29, T 27 S, R 14 W, W.M.; 725 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-12806, in the name of DANIEL FUGATE is amended as described herein.

WITNESS the signature of the Water Resources
Director, affixed NOV 19 1998


for Martha O. Pagel, Director

T-8083.PKS

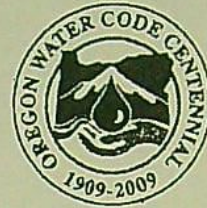
Special Order Volume 52, Page 1020

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Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14238

Final Order
Extension of Time for Permit Number G-12806

Appeal Rights

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

Application History

Permit G-12806 was issued by the Department on September 30, 1996 and modified by Permit Amendment T-8083 on November 19, 1998. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On October 23, 2009 Bandon Dunes Limited Partnership submitted to the Department an Application for Extension of Time for Permit G-12806. In accordance with OAR 690-315-0050(2), on July 27, 2010, the Department issued a Proposed Final Order proposing to extend the time to complete construction and apply water to full beneficial use to October 1, 2014. The protest period closed September 10, 2010 in accordance with OAR 690-315-0060(1). No protest was filed.

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

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Final Order: Permit G-12806

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CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2011**. *A form will be enclosed with your Final Order.*

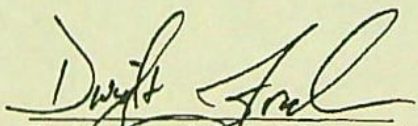
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-14238, Permit G-12806, therefore, is approved subject to conditions contained herein. The deadline for completing construction and applying water to full beneficial use is extended to October 1, 2014.

DATED: September 21, 2010


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

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- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)	
for Permit G-12806 (modified by Permit Amendment T-8083),)	PROPOSED
Water Right Application G-14238,)	FINAL ORDER
in the name of Bandon Dunes Limited Partnership)	

Permit Information

Application:	G-14238
Permit:	G-12806 (modified by Permit Amendment T-8083)
Basin:	17 – South Coast / Watermaster District 19
Date of Priority:	January 18, 1996
Source of Water:	Sump well #2 and one well in Coquille River Basin
Purpose of Use:	Cranberry operations on 40.0 acres
Maximum Rate:	0.9 cubic foot per second (cfs), being 0.4 cfs from one well and 0.5 cfs from Sump well #2

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

In Summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2014 to October 1, 2022.
- Grant an extension of time to apply water to full beneficial use from October 1, 2014 to October 1, 2022¹.
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

¹Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

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

FINDINGS OF FACT

Background

1. Permit G-12806 was issued by the Department on September 30, 1996. The permit authorizes the use of up to 0.9 cfs of water from two sump wells in Coquille River Basin for cranberry operations on 40.0 acres, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2. The permit specified actual construction of the well was to begin by September 30, 1997, construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1,

1999.

2. On November 19, 1998, the Department approved Permit Amendment T-8083 (Special Order Volume 52, Page 1019) authorizing a change in the point of appropriation under Permit G-12806 (modified by Permit Amendment T-8083) from Sump #1 to existing Well (COOS 52393). Permit G-12806 (modified by Permit Amendment T-8083) hereafter is referred to simply as Permit G-12806.
3. Three prior permit extensions have been granted for Permit G-12806. The most recent extension request resulted in the completion date for construction being extended from October 1, 2006 to October 1, 2014 and full application of water being extended from October 1, 2007 to October 1, 2014.
4. On May 23, 2002, an assignment by proof from Daniel Fugate to Ronald S. Yockim, Trustee was recorded in the records of the Department.
5. On October 23, 2009, an assignment from Ronald Yockim, Trustee, to Bandon Dunes Limited Partnership was recorded in the records of the Department.
6. The permit holder, Donald J. Stastny, owner's representative for Bandon Dunes Limited Partnership, submitted an "Application for Extension of Time" to the Department on December 28, 2015, requesting the time in which to accomplish beneficial use of water to the full extend under the terms of Permit G-12806 be extended from October 1, 2014 to October 1, 2022. The extension application form clearly suggests that construction is not complete. The Department, therefore, determined that the permit holder's intent was to also request the time in which to complete construction of the water systems under Permit G-12806 to be extended from October 1, 2014 to October 1, 2022.
7. Notification of the Application for Extension of Time for Permit G-12806 was published in the Department's Public Notice dated January 12, 2016. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³, 537.630⁴ and/or 539.010(5)⁵.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 537.630 applies to ground water permits only.

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

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

8. On December 28, 2015, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

9. Actual construction of the well began within one year from permit issuance specified in the permit, being September 30, 1997. The permit holder states, construction of a sump well began prior to October 1, 1997.

According to the Notice of Beginning of Construction (A-Form) received by the Department on October 1, 1997, construction began September 24, 1997. The Department has determined that the prosecution of the construction of the sump well began prior to September 30, 1997.

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

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

10. As of December 28, 2015, the permit holder states the remaining work to be completed consists of installing power, a pump, and a flow meter on Well (COOS 52393); installing irrigation piping, hoses, and sprinklers to cover the remaining 25.0 acres; completing construction of the water system; and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2022, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12806 is both reasonable and necessary.

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

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

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

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

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

11. The application states, work was accomplished within the time allowed in the permit or previous extension as follows:

- a. Actual construction of the well and water system began prior to the September 30, 1997 deadline specified in the permit. Construction of a sump well began September 24, 1997.
- b. Work was completed during the original development time frame under Permit G-12806. Construction of a sump well was completed, construction of a second sump well began, and a holding pond was constructed.
- c. Since October 1, 1999 the previous permit holder had constructed Well (COOS 52393). The current permit holder acquired the property and converted land use to growing nursery stock, trees, and turf.

The Department has determined that work has been accomplished within the time allowed in the permit, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

12. The application states a maximum rate of 0.19 cfs of water has been appropriated from Sump well #2 for irrigation of 15.0 acres.
13. Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2014.
14. According to the permit holder, delay of full beneficial use of water under Permit G-12806 was due, in part, to the current permit holder converting 40.0 acres of cranberry bogs for use as a nursery and turf farm, and irrigation of nursery stock. Since the last extension the resort facility expansion has not progressed as originally planned and the need for nursery stock and turf has not been as great as originally expected. Bandon Dunes still expects to complete their plans to construct new golf and resort infrastructure. However, the demand is not expected to increase until at least 2016. Clearing the remaining former bogs and establishing these crops will require some time and investment. The permit holder needs more time in which to obtain the full quantity of water allowed under the permit.

The Department has determined that this extension will allow the installation of a meter after October 1, 2014, to satisfy compliance of the condition of installation of a meter or other suitable measuring device, in an effort to make proof of beneficial use of the water as required by Permit G-12806.

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

15. The Department has considered the permit holder's compliance with conditions, and has identified the following concern: (1) the record does not show that a meter or other

suitable measuring device has been installed on Well (COOS 52393) as conditioned in Permit Amendment T-8083.

Therefore, the Department has determined the permit holder did not comply with conditions of the permit, by not installing a meter or other suitable measuring device, as required by Permit G-12806. The Department recognizes that it is the intent of the permit holder to comply with all permit conditions at the time the conditions become applicable.

Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

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

16. The application states the permit holder has invested about \$375,000, which is approximately 85.2 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$65,000 investment is needed for the completion of this project.

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

17. The Department has found good faith of the appropriator under Permit G-12806.

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

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

The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

18. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12806; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The points of appropriation for Permit G-12806, located within the Cut Creek Basin, are not located within a limited or critical ground water area. Cut Creek

is not located within or above any state or federal scenic waterway, however, it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

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

19. None have been identified.

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

20. None have been identified.

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

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

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

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

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

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

24. None have been identified.

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 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

4. Based on Finding of Facts 9 through 17, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2022, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 21 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-12806.

Continued on the following page

PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit G-12806 from October 1, 2014 to October 1, 2022.

Extend the time to apply water to beneficial use under Permit G-12806 from October 1, 2014 to October 1, 2022.

Subject to the following conditions:

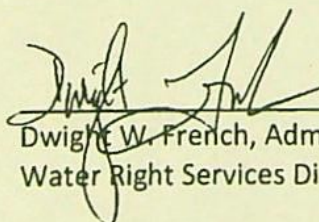
CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2021**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: February 16, 2016


Dwight W. French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **April 1, 2016**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

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

Mailing List for Extension PFO Copies

PFO Date: February 16, 2016

Copies Mailed

Application: G-14238

By: KF

Permit: G-12806

On: 2/16/16

Original mailed to Applicant:

Bandon Dunes Limited Partnership
c/o Donald J. Stastny
2309 SW 1st Avenue, Ste 1145
Portland, OR 97205

Copies sent to:

1. WRD - App. File G-14238/ Permit G-12806
2. Golder Associates, Inc.
1430 W Broadway Road, Suite 108
Tempe, AZ 85282

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 19, Greg Wacker

CASEWORKER: CAC

-
- If you have questions about statements contained in this document, please contact Corey A Courchane at (503)986-0825.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
 725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-12806 (modified by Permit Amendment T-8083),) **FINAL ORDER**
Water Right Application G-14238,)
in the name of Bandon Dunes Limited Partnership)

Permit Information

Application: G-14238
Permit: G-12806 (modified by Permit Amendment T-8083)
Basin: 17 – South Coast / Watermaster District 19
Date of Priority: January 18, 1996
Source of Water: Sump well #2 and one well in Coquille River Basin
Purpose of Use: Cranberry operations on 40.0 acres
Maximum Rate: 0.9 cubic foot per second (cfs), being 0.4 cfs from one well and 0.5 cfs from Sump well #2

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

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

Application History

Permit G-12806 was issued by the Department on September 30, 1996, and modified by Permit Amendment T-8083 on November 19, 1998. The permit called for actual construction of the well to begin by September 30, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2014. On December 28, 2015, Donald J. Stastny, owner’s representative for Bandon Dunes Limited Partnership submitted to the Department an Application for Extension of Time for Permit G-12806. In accordance with OAR 690-315-0050(2), on February 16, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete

construction to October 1, 2022, and the time to fully apply water to beneficial use to October 1, 2022. The protest period closed April 1, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated February 16, 2016.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2021**. *A form is enclosed with this Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

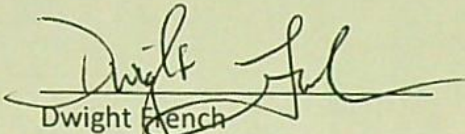
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-14238, Permit G-12806, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2014 to October 1, 2022. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2014 to October 1, 2022.

DATED: May 6, 2016



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

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



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

Extension of Time
Progress Report Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Bandon Dunes Limited Partnership

Application G-14238

Permit G-12806

Progress Report for 2021

Report Due no later than October 1, 2021

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-12806.

FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

Table with 3 columns: DATES, LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between December 28, 2015 and October 1, 2021, FINANCIAL INVESTMENT

2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.

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

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

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

or

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

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

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

Signature _____ Date _____

Printed Name/Title _____

Form section for Diligence Shown (Yes/No), Date Public Noticed, Reviewed by, and Date

Mailing List for Extension FO Copies

FO Date: May 6, 2016

Copies Mailed

Application: G-14238

By: JP

Permit: G-12806

On: 5/6/16

Original mailed to permit holder

✓ Bandon Dunes Limited Partnership
c/o Donald J. Stastny
2309 SW 1st Avenue, Ste 1145
Portland, OR 97205

Copies sent to:

- ✓ 1. WRD - App. File G-14238/ Permit G-12806
- ✓ 2. Golder Associates, Inc.
1430 W Broadway Road, Suite 108
Tempe, AZ 85282

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail - FO available in WRIS for review

(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 19, Greg Wacker

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by JDP Date 27-Apr-16

CASEWORKER: CAC



Oregon
Kate Brown, Governor

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

January 19, 2016

Bandon Dunes Limited Partnership
c/o Donald Stastny
2309 SW 1st 1145
Portland, OR 97201

REFERENCE: Application G-14238 / Permit G-12806

Dear Permit Holder:

The Water Right Services Division received your written 2011 progress report for Permit G-12806. Receipt of the progress report was published on the Department's weekly Public Notice, dated December 15, 2015. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2014.

If you have any questions, please feel free to contact me by telephone at (503) 986-0825.

Sincerely,

Corey A Courchane
Extensions
Water Right Services Division

Enclosure

cc: Application G-14238
Watermaster District 19 – Greg Wacker
Golder Associates, Inc.

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

WRIS) Date Report was Due: 10/1/2011 (= "Deadline Date" for the corresponding ECP work flow record in

Date Report Received: 12/9/2015

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: _____

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

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 12-15-15

Update workflow in WRIS

(Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

add record for Checkpoint Public Notice ("EPR" or "EP2")

Return file to Corey Courchane.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: _____

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Bandon Dunes Limited Partnership Attn: Donald Stastny

Application: G-14238

Permit: G-12806

County: Coos

Source: Two sump wells in Coquille River Basin

Use: Cranberry operations on 40.0 acres



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

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: **Bandon Dunes Limited Partnership**
 Application: G-14238 Permit: G-12806

Report Due no later than October 1, 2011

Progress Report Form for 2011

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-12806

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2009 and October 1, 2011	FINANCIAL INVESTMENT
10/1/2009 to 10/1/2011	<i>Bandon Dunes continued to slowly convert former cranberry bogs to land used to for a plant nursery and sod-growing areas. The area used, and irrigated, for these purposes has varied, but continued to average about 15 acres. Water used to irrigate the turf and nursery plants originates from Sump No. 2 and is delivered via a barge pump and overland pipes and hoses when needed.</i>	<i>The financial investment in the system over the past 2 years has not been tracked independently of the resort operating costs.</i>

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

Bandon Dunes continued to utilize water to irrigate the nursery facilities in accordance with the permit and as detailed in the 2009 extension application.

- *To date, water is supplied from Sump No. 2 only via a small, barge-mounted pump feeding supply pipelines and hoses placed along the ground surface. A totalizing flow meter is attached to the pump discharge piping. A drilled and constructed well is available, but has not been used by Bandon Dunes.*
- *The acreage irrigated from year to year varies slightly but continues to average approximately 15 acres.*
- *The maximum pumping rate is estimated at 85 gallons per minute (gpm) or 0.19 cubic feet per second (cfs), a rate well below the permit maximum of 0.9 cfs.*
- *The permit allows for year-round application. Water is pumped only during the summer months and only when needed.*
- *Water is used to irrigate nursery stock and turf grown to support the resort.*
- *The Place of Use (POU) has been within the area specified in the permit.*
- *The Water Master has access to the permit area at any time.*
- *No evidence of water use interfering with a senior water right holder in the area.*

RECEIVED BY OWRD

DEC 09 2015

SALEM, OR

3. Total number of acres irrigated to date= 15 (if applicable)

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

Maximum rate used to date = 0.19 cfs (cubic feet per second), or
(Flow rate is estimated based on visual observations by Bandon Dunes staff when operating the pump)

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

Acre Feet stored to date = n/a AF

Signature *Almudjarty, OWNER'S REPRESENTATIVE* Date *11.13.15*

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: *Corey C*

Date: *12-10-15*



December 4, 2015

RECEIVED BY OWRD

Project No. 133-92806

Machelle A. Bamberger
Extension Specialist
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

DEC 09 2015

SALEM, OR

**RE: PROGRESS REPORT FORM, WATER RIGHT PERMIT G12806
BANDON DUNES LIMITED PARTNERSHIP**

Dear Ms. Bamberger:

On behalf of our client, the Bandon Dunes Limited Partnership, enclosed please find the Progress Report Form for 2011 pertaining to water right permit number G-12806. An application for extension of time on this permit will follow in the coming days.

If you have any questions, please contact me at 480-966-0153 or rblegen@golder.com.

Sincerely,

GOLDER ASSOCIATES INC.

Ronald P. Blegen, R.G.,
Senior Hydrogeologist / Associate

cc: Donald J. Stastny (Bandon Dunes Limited Partnership)

Attachments or Enclosures: Progress Report Form for 2011

RPB

u:\projects\2013 projects\133-92806 bandon dunes on-call and reporting\5.0 deliverables\5.2 final\g12806 cran bog water right\13392806_1_f_progress rpt cover_12042015.docx

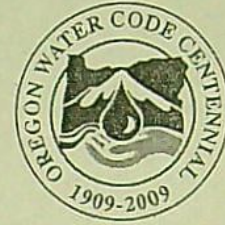
Golder Associates Inc.
1430 W. Broadway Road, Suite 108
Tempe, AZ 85282 USA
Tel: (480) 966-0153 Fax: (480) 966-0193 www.golder.com

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Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14238

Final Order
Extension of Time for Permit Number G-12806

Appeal Rights

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

Application History

Permit G-12806 was issued by the Department on September 30, 1996 and modified by Permit Amendment T-8083 on November 19, 1998. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On October 23, 2009 Bandon Dunes Limited Partnership submitted to the Department an Application for Extension of Time for Permit G-12806. In accordance with OAR 690-315-0050(2), on July 27, 2010, the Department issued a Proposed Final Order proposing to extend the time to complete construction and apply water to full beneficial use to October 1, 2014. The protest period closed September 10, 2010 in accordance with OAR 690-315-0060(1). No protest was filed.

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

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2011**. *A form will be enclosed with your Final Order.*

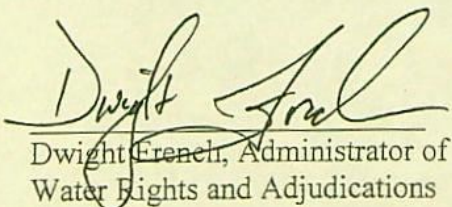
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-14238, Permit G-12806, therefore, is approved subject to conditions contained herein. The deadline for completing construction and applying water to full beneficial use is extended to October 1, 2014.

DATED: September 21, 2010



Dwight French, Administrator of
Water Rights and Adjudications

for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

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

FO Date: September 21, 2010

Copies Mailed

**Application G-14238
Permit G-12806**

By: SL
On: 9/23/10

Original mailed to permit holder

Bandon Dunes Limited Partnership
2130 Lincoln Park N
Chicago, IL 60614

Copies sent to:

1. WRD - App. File G-14238/ Permit G-12806
2. WRD - Watermaster District 19, Mitch Lewis
3. WRD - SCR Regional Manager, Bruce Sund
4. StastnyBrun Architects, Inc 1630 SW Morrison, Suite 210, Portland, OR 97205
5. ~~WRD - Support Staff, Salem~~

Fee paid as specified under ORS 536.050 to receive copy:

1. None

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

1. None

If Progress Reports are included:

Add record to Progress Report tracking sheet.xls Done: by SL Date 9/24/10

CASEWORKER: SBK

Final Order: Permit G-12806

Page 1 of 1

Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
Select	CONTACT - ADDITIONAL: BANDON DUNES GOLF RESORT ▶ C/O STASTNYBRUN ARCHITECTS INC. 1630 SW MORRISON SUITE 210 PORTLAND, OR 97205 AGENT: GOLDER ASSOCIATES INC. ▶ RON BLEGEN 1430 W BROADWAY RD SUITE 108 TEMPE, AZ 85282 AGENT: GOLDER ASSOCIATES INC ▶ DAVID BANTON 1430 W BROADWAY RD SUITE 108 TEMPE, AZ 85282 OWNER: BANDON DUNES LIMITED PARTNERSHIP ▶ HOWARD MCKEE 2130 LINCOLN PARK N CHICAGO, IL 60614 OWNER: BANDON DUNES LIMITED PARTNERSHIP ▶ 2130 LINCOLN PARK N CHICAGO, IL 60614 OWNER: BANDON DUNES LIMITED PARTNERSHIP ▶ C/O DONALD STASTNY 1630 SW MORRISON SUITE 210 PORTLAND, OR 97205	G13577	G13498				▶ T10719 ▶ T11087 (Changes this right)	NC

[Help understanding and working with the Water Rights Information System](#)

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)

FILE G-17140
 BANDON DUNES LIMITED PARTNERSHIP
 C/O DONALD J STASTNY, OWNER'S REPRESENTATIVE
 BANDON DUNES GOLF RESORT
 C/O STASTNYBRUN ARCHITECTS INC
 1630 SW MORRISON SUITE 210
 PORTLAND OR 97205

Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
Select	C/O: ▶ DONALD STASTNY 1630 SW MORRISON SUITE 210 PORTLAND, OR 97205 OWNER: ▶ BANDON DUNES LIMITED PARTNERSHIP 2130 LINCOLN PARK N CHICAGO, IL 60614	G14238	G12806				▶ T8083	NC

[Help understanding and working with the Water Rights Information System](#)

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)

Water Rights Information Query Results

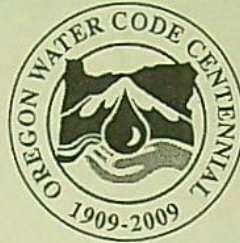
	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
Select	OWNER: ▶ BANDON DUNES GOLF RESORT 1630 SW MORRISON SUITE 210 PORTLAND, OR 97205 OWNER: ▶ STASTNYBRUN ARCHITECTS INC. (C/O) 1630 SW MORRISON SUITE 210 PORTLAND, OR 97205	G17140	G16637					NC

[Help understanding and working with the Water Rights Information System](#)

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)

Oregon Water Resources Department
Water Rights Division



Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-12806, Water Right Application G-14238) PROPOSED FINAL ORDER
in the name of Bandon Dunes Limited Partnership.)

Permit Information

Application File G-14238 Permit G-12806

Basin: 17 – South Coast / Watermaster District 19

Date of Priority: January 18, 1996

Authorized Use of Water

Source of Water: Two Sumps within the Coquille River Basin

Purpose of Use: Cranberry Operations on 40.0 Acres

Maximum Rate: 0.9 Cubic Feet per Second (cfs), being 0.4 cfs from
Sump #1 and 0.5 cfs from Sump #2.

This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315

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

This Proposed Final Order applies only to Permit G-12806, water right Application G-14238.
A copy of Permit G-12806 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 2006 to October 1, 2014.
- Grant an extension of time to apply water to full beneficial use from October 1, 2007 to October 1, 2014.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

Generally, see **ORS 537.630 and OAR Chapter 690 Division 315.**

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

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

FINDINGS OF FACT

Background

1. Permit G-12806 was granted by the Department on September 30, 1996. The permit authorizes the use of up to 0.9 cfs of water, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2 located in the Coquille River Basin for cranberry operations on 40.0 acres. The permit specified construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. On November 19, 1998 the Department approved Permit Amendment T-8083 (Special Order Volume 52, Page 1019) authorizing a change in the point of appropriation under Permit G-12806.
3. Two prior permit extensions have been granted for Permit G-12806. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2001 to October 1, 2007.
4. The permit holder submitted an "Application for Extension of Time" to the Department on October 23, 2009 requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-12806 be extended from October 1, 2007 to October 1, 2014.
5. Notification of the Application for Extension of Time for Permit G-12806 was published in the Department's Public Notice dated November 10, 2009. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

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

6. On October 23, 2009 the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

7. Actual construction of the well began prior to the September 30, 1997 deadline specified in the permit.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

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

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

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

8. As of October 23, 2009 the remaining work to be completed consists of installing power, pump and flow meter to well Coos 52393, expanding nursery operations and associated irrigation system from 15.0 acres to 40.0 acres, completing construction of the water system and applying water to full beneficial use.
9. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2014 to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12806 is both reasonable and necessary.

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

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

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

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

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

10. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well and water system began prior to the September 30, 1997 deadline specified in the permit.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-12806.
 - c. During the most recent extension period, being from October 1, 2001 to October 1, 2007, the following was accomplished:
 - Cranberry bog property converted to nursery stock, trees and turf; and
 - Original irrigation system converted to use water from new well replacing Sump #1

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

11. The following beneficial use of water was made during the permit or previous extension time limits:
- a. Since the issuance of Permit G-12806 on September 30, 1996 a maximum rate of 0.19 cfs of water has been appropriated from Sump #2 and the well for irrigation of 15.0 acres.

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

12. The water right permit holder's conformance with the permit or previous extension conditions.
- a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

13. Financial investments made toward developing the beneficial water use.
- a. As of October 23, 2009 the permit holder has invested approximately \$380,000 which is approximately 90 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$40,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

14. As of October 23, 2009 the permit holder has invested approximately \$380,000 which is approximately 90 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$40,000 investment is needed for the completion of this project.

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

15. The Department has found good faith of the appropriator under Permit G-12806.

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

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

16. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12806; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-12806, located within the Coquille River Basin, are not located within a limited or critical ground water area. The Coquille River is not located within or above any state or federal scenic waterway, is located within an area ranked "highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Coquille River is not listed by the Department of Environmental Quality as a water quality limited stream.
17. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of October 23, 2009 the permit holder has invested approximately \$380,000
 18. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
 19. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
 20. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

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

21. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

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

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

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

23. Unforeseen legal difficulties and a drop in the cranberry market prevented the previous owner from completing development of the permit. Bandon Dunes purchased the property in 2004 and have been converting the lands to other uses.

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 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2014⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 20 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-12806.

Proposed Order

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

Extend the time for complete construction of the water system under Permit G-12806 from October 1, 2006 to October 1, 2014.

Extend the time to apply water to beneficial use under Permit G-12806 from October 1, 2007 to October 1, 2014.

⁵ Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

Subject to the following conditions:

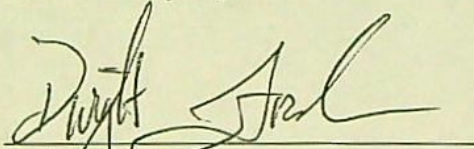
CONDITIONS

1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2011**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: July 27, 2010



Dwight French
Administrator
Water Rights & Adjudications Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **September 10, 2010**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;

- b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at 503-986-0813.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status; please contact Patricia McCarty at 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: July 27, 2010

Copies Mailed

**Application G-14238
Permit G-12806**

By: La
On: 7/27/10

Original mailed to Applicant:

✓ Bandon Dunes Limited Partnership
2130 Lincoln Park N
Chicago, IL 60614

Copies sent to:

- ✓ 1. WRD - App. File G-14238/ Permit G-12806
- ✓ 2. WRD - Watermaster District 19, Mitch Lewis
- ✓ 3. StastnyBrun Architects, Inc 1630 SW Morrison, Suite 210, Portland, OR 97205

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. None

CASEWORKER: SBK

Proposed Final Order: Permit G-12806

Page 1 of 1

Timmie Brandt

From: Tim Wallin
Sent: Friday, July 23, 2010 6:04 PM
To: Blegen, Ron
Cc: Herb Mosgar; Timmie Brandt; Don Stastny
Subject: RE: Notification
Follow Up Flag: Follow up
Flag Status: Completed

Ron - the card is a courtesy card (we find many people do not read their permit carefully and then regret failing to do so later). Timmie Brandt will process the address update information.

Tim Wallin
Water Rights Program Manager
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301
voice: 503.986.0891 fax: 503.986.0901 www.wrd.state.or.us
Messages to and from this email address may be available to the public under Oregon law.

From: Blegen, Ron [mailto:RBlegen@golder.com]
Sent: Friday, July 23, 2010 5:19 PM
To: customerservice
Cc: Don Stastny
Subject: Notification

Hello,
I was notified by our client (Bandon Dunes Limited Partnership) that they had received the following notecard in the mail recently:

The Water Resources Department issued a new permit for water use to you approximately six months ago. The purpose of this post card is to remind you of the importance of reading, understanding and complying with all of your permit conditions. Failure to comply with permit conditions may jeopardize your ability to use water under your permit. If you have any questions about your permit and/or conditions, please contact your local Watermaster office or the Department headquarters in Salem.

Customer Service phone: 503-986-0801
Email: customerservice@wrdd.state.or.us

Your file/reference number is G-17140

If you have sold the property, please ask the new owners of the property to contact the Department about the need to file an assignment. Alternatively let the Department know the file number, name(s) and addresses of the new owner.

Postcard #1

Was this just a courtesy card, or is there a specific permit requirement that they haven't complied with? The Owner's Representative asked me to check with you on this.

Also, the Owner's Representative reported that he now has a different contact address as follows:

Bandon Dunes Golf Resort
c/o Donald J. Stastny, Owner's Representative
2309 SW 1st, #1145
Portland OR 97201

Could you please change your records to reflect this change in the permit holder address for the following application/permit numbers:

Application No. / Permit No.

G-17140 / G-16637

G-13577 / G-13498

G-14238 / G-12806

If you need any other information, or documentation, or if this request needs to come directly from the owner or owner's representative, please let me know.

Thank you.

Ron Blegen

Ron Blegen, R.G., L.Hg. | Senior Scientist | Golder Associates Inc.
1430 West Broadway Road, Suite 108, Tempe, Arizona, USA 85282
T: +1 (480) 966-0153 | F: +1 (480) 966-0193 | C: +1 480 254-6670 | E: RBlegen@golder.com |
www.golder.com

Work Safe, Home Safe

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Please consider the environment before printing this email.



TRANSMITTAL

Date: October 22, 2009

Project No.: 033-1642-002.002

To: Jerry Sauter

Company: Oregon Water Resources Dept.
Water Right Permit Extensions

From: Ron Blegen

Address: 725 Summer Street NE, Suite A
Salem, OR 97301

Email: rblegen@golder.com

RE:

RECEIVED

OCT 27 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

- Federal Express (796063293713)
- U.S. Mail
- UPS
- Courier
- DHL
- Hand Delivery
- Email _____
- Other _____

Quantity	Item	Description
1	Check #1616	Request for Assignment (Permit G-12806) Remainder of Processing Fee (Check 1616 for \$25.00)

Notes:

Jerry,

Enclosed please a personal check to cover the remainder of the processing fee for the Request for Assignment that we submitted to OWRD last week for Permit G-12806. Per your email I understand the processing fee was recently increased from \$50 to \$75. This check should cover the remainder. I would appreciate it if OWRD could send a return receipt as soon as possible.

Sorry about the mixup. Thanks for the heads-up.

Ron

Please advise us if enclosures are not as described.

ACKNOWLEDGEMENT REQUIRED:

- Yes
- No

u:\projects\2003 projects\033-1642 bandon dunes\water rights\g12806 cran bog right\trans_owrd_102609_remainder of fee.docx

Golder Associates Inc.
1430 W. Broadway Road, Suite 108
Tempe, AZ 85282 USA
Tel: (480) 966-0153 Fax: (480) 966-0193 www.golder.com



Oregon

Theodore R. Kulongoski, Governor

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

November 10, 2009

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-14238 (PERMIT#: G-12806)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Scott Kudlemyer at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".

Application # G-14238

Permit # G-12806

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

◆ WRIG...

Money Received on: _____

10/23/09

◆ Extension Specialist...

- Added to tracking spreadsheet

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

◆ Jonnine Skaug...

- Publish on Public Notice (initial 30-day comment): Date of notice 11-10-09 JS
- Update WRIS Database
- In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
- In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to Extension Specialist after PN

Lowkins

Yes

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **98335**

INVOICE # _____

RECEIVED FROM: Bandon Dunes APPLICATION 614258
 BY: _____ PERMIT _____
 TRANSFER _____

CASH: CHECK:# 56186 OTHER: (IDENTIFY) _____
 TOTAL REC'D \$ 5000

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 OTHER: (IDENTIFY) \$ _____
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

**RECEIVED
OVER THE COUNTER**

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
 0240 EXTENSION OF TIME \$ 500

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
 0231 HYDRO LICENSE FEE (FWWRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: **98335** DATED: 10/23/09 BY: LSB

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 14238 Permit: G- 12806 Permit Amendment? No Yes T- 8083 pending approved

Permit Holder's Name: Bandon Dunes Limited Partnership

Permit Holder's Mailing Address: c/o Donald Stastny, StatsnyBrun Architects, Inc email dstastny@stastnybrun.com

Phone Number: 503.222.5533 1630 SW Morrison, Suite 210, Portland, OR 97205

POD Location: Township 27 S Range 14 W Section 29 $\frac{1}{4}$ SESE

Drainage Basin: 17 County: Coos Watermaster District: 19 Watermaster: Mitch Lewis

Date Permit was issued: 9/30/1996

Priority Date: 1/18/1996

Date of PN: 11/10/2009

Source: 2 sump wells in Coquille River Basin

Use: Cranberry operations on 40.0 acres

"Q": 0.9 cfs, being 0.4 cfs from sump #1 and 0.5 cfs from sump # 2

Orig "A" Date: 9/30/1997

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension request rec'd: 10/23/2009

Last Authorized "B" Date: 10/1/2006

Last Authorized "C" Date: 10/1/2007

Request Number (1, 2, 3...): 3

Proposed "B" Date: 10/1/2013

Proposed C Date: 10/1/2014

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Install meter at each diversion point
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Well construction standards
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

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

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$380,000 Estimated Remaining Cost: \$40,000
- Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 0.19 cfs gpm af of the total permitted quantity of water on 15.0 acres

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

Good

Application: G- 14238 Permit: - Township _____ Range _____ Section _____

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

Identify the closest surface water or localized water basin. Coquille River Basin

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

- Yes No
- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area _____
- within a Withdrawn Area? Name of area _____
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

5-year Progress Report Checkpoints (Years: 2011)

Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

*This application and a summary of review criteria and procedures that are generally applicable to this
 application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Bandon Dunes Limited Partnership (c/o Donald J. Stastny, Owner's Representative)

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

<u>StastnyBrun Architects, Inc.</u>	<u>1630 SW Morrison, Suite 210, Portland, OR</u>	<u>97205</u>
	ADDRESS	CITY STATE ZIP
<u>503-222-5533</u>	<u>dstastny@stastnybrun.com</u>	
PHONE	E-MAIL ADDRESS	

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the permit holder of: Application Number G-14238

Permit Number G-12806
 [OAR 690-315-0020(3)(b)]

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do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2006, be extended to October 1, 2013,

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

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2007, be extended to October 1, 2014.

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

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

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

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GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions

are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? Yes No [OAR 690-315-0020(3)(d)]



TIP: Not all permits specify a date by which construction was to begin.

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Date construction began is: See below

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Details of construction: Based on two previous extension applications filed with OWRD in 1998 and 2000 (attached), the construction of the system was started prior to October 1, 1997. During the first phase of construction 7 acres had been completed with 7 additional acres cleared and laid out. Based on the 2000 application, an additional 8 acres had been prepared. One sump well and one holding pond had been constructed. A permit amendment application to replace one sump with a drilled well was submitted and approved in 1998. The well (COOS 52393) was installed in 2000. By the owner's estimation, up to \$350,000 had been invested in

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the development as of 2000. The extension applications indicate that water had been put to use under the permit. However, no records regarding the rate and volume of water used, or additional acreage in production, are available beyond the 2000 extension application.

The Bandon Dunes Limited Partnership acquired the property in 2004, by which time cranberry operations had been suspended. Since acquiring the land, Bandon Dunes has been converting the bogs for use as an area to develop nursery stock and to grow turf. Water delivery is accomplished through the use of the original diesel-powered portable pump, hoses, and pipelines that feed into sprinklers distributed on the authorized place of use. The pumps divert water from the sump which contains precipitation captured within the footprint of the bogs. The well has not been used for water supply. However, Bandon Dunes plans to equip the well with a pump and flow meter and connect the discharge to the water distribution system.

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

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? Yes No (see exceptions below)

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

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CHART-A

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Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	1996 to 2000	Water was originally pumped from a sump located within the footprint of the cranberry bogs. Under T-8083 (approved in 1998) a drilled well replaced one of the two originally planned sumps. The well (COOS 52393) was installed in 2000. Documented use of the well by the previous owner is not available. [Bandon Dunes has not used the well since they acquired the land, but there are plans to install a pump and flow meter in the well and use it as the primary source of water for the nursery operation.]
2	2004	The original purpose of use was for cranberry operations, However, cranberry farming had been suspended by 2004 and Bandon Dunes has not resumed cranberry farming. Since the change of ownership in 2004, the land has been used to develop other crops, including nursery stock and turf.
3	2004	The sump pump discharges water at a maximum rate of 85 gpm (0.19 cfs). This is well below the maximum allowed to be pumped in total (0.9 cfs) or from Sump #1 alone (0.4 cfs).
4	n/a	The period of use is year around. Bandon Dunes does not pump from the sumps during the winter. Water is pumped only during dry periods of the summer and early fall.

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5	n/a	No records of water diversions during the previous ownership are available. Water was pumped from the sump using a diesel-powered pump. Bandon Dunes has continued to use the same equipment. Staff has measured the discharge rate at 60 to 85 gpm when in use, and report that the pumping equipment is used only rarely. As noted above, Bandon Dunes intends to extend power to the well, install a pump and flow meter, and use the well as the primary source of water.
6	2004	The place of use since Bandon Dunes acquired the land has been within the area specified in the permit.
7	Current	A flow meter has been attached to the pump discharge piping.
8	Current	The water master has access to the permit area.
9	Current	A totalizing flow meter is attached to the pump discharge piping.
10	Current	No indications have been observed that suggest water used from the authorized Points of Appropriation have resulted in interference with a senior water right holder.
11	2000	Well COOS 52393 was constructed in 2000. Based on available well log information (attached), the design of the well meets the minimum standards of the OWRD.

**** Condition No:** Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

n/a – Not Applicable

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

**** Condition No:** Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

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

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CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
n/a	No available records of work completed by the previous owner prior to issue date.	
WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>		
9/30/1996	Date the permit was signed - find date above signature on last page of permit.	
	Based on previous extension applications, work began before the A-date. 7 acres in progress, one sump well, one holding pond constructed.	
9/30/1997	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	↓
11/19/1998	Transfer T8083 approved, adding a well as an authorized P.O.A.	
11/20/1998	(Date of 1998 Extension Application) – 7 acres had been completed with 7 acres in progress. One sump well was completed.	\$300,000 (total to date)
10/1/1999	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> <i>List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-C		\$300,000

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

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

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/1999	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
7/7/2000	8 additional acres completed with additional acreage cleared and field construction started.	\$50,000
11/24/2000	Previous permit-holder constructed well COOS 52393 (log attached).	
2004	Bandon Dunes acquires property	
2004 to 2007	Bandon Dunes clears portions of former cranberry bogs and converts land use to growing nursery stock, trees, and turf. The original cranberry bog sump pump and hoses were used to divert water from the sump to the authorized P.O.U	\$25,000
10/1/2007	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2007 to 2009	Continued clearing of former bogs and undeveloped, but permitted, acreage for growth of nursery stock and turf.	\$5,000
Total Cost of Chart-D		\$80,000

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

4. **Cost of project to date: \$380,000** (This includes estimated costs provided by the previous permit holder in two earlier extension applications as well as gross estimates of costs to Bandon Dunes for converting the cranberry bogs to a plant and turf nursery facility.)

(The total combined cost from CHART-C and CHART-D)

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

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



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

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



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

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

Maximum rate used to date = 85 gpm (gallons per minute) or, 0.19 cfs
(Visual estimate by Bandon Dunes staff when operating the sump pump)

Acre-feet stored to date = _____ AF

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



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

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G-12806

CHART-E

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Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Sump #1		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Sump #2		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	n/a	n/a	Yes <input type="checkbox"/> No <input type="checkbox"/>	0.5 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	COOS 52393	L36763	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.4 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						0.9 CFS		

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

If a Permit Amendment Application has been filed: Transfer No. T-8083

[Permit Amendment T-8083 approved the use of a drilled well in place of Sump #1 which was originally approved in Permit G12806. The well was drilled in the location specified in the amendment.]

Well # ____: Actual location: ____

Well # ____: Actual location: ____

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

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

Total acres irrigated to date: est. 15 acres

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # Sump #2 Acres 15 Well # COOS 52393 Acres 0 (will be reactivated in 2010)

Well # ____ Acres ____ Well # ____ Acres ____

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2009 to 2010	Install power to well COOS 52393 and install pump and flow meter. This will become the primary water source for nursery operations.	\$10,000
2009 to 2014	Expand nursery operations from current acreage to the full 40 acres allowed under the permit. Install irrigation piping, hoses and sprinklers necessary to provide adequate water coverage.	\$30,000
Year: 10/1/2014	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$40,000

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

8. Estimated remaining cost to complete the project: \$40,000
(The total cost from CHART-F)

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

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

- 9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

The permit was originally to be used to provide water to 40 acres of cranberry bogs. Prior to the transfer of ownership, approximately 15 acres had been converted to bogs which were irrigated with water captured in sump and holding ponds. The previous owners had plans for further development, but a drop in the cranberry market and legal troubles prevented them from expanding the irrigation area. By the time Bandon Dunes acquired the property in 2004, cranberry operations had been suspended. Since that time, the bogs have been slowly converted for use as a nursery and turf farm, and irrigation of nursery stock and turf has been conducted under the permit provision that allows "for the irrigation of any other crop." Clearing the former bogs and establishing these crops required some time and investment, and future development is necessary. Total build-out of the nursery area water delivery system may not be completed until 2014.

- 9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

Not applicable

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- 9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

Bandon Dunes has been converting the former cranberry bogs for use as a plant nursery and turf farm. All operations and water use have been within the confines of the former bogs, the authorized place of use. To date, water has been pumped only from the original sump. A well (COOS 52393) that was installed in 2000 and authorized for use under Transfer T-8083, has not been used since Bandon Dunes acquired the property. Water from the sump is used only during the warm summer months and total use has not approached the total maximum rate or duty allowed for other crops. Future water supply will be primarily from the well after a pump and metering system are installed (planned for 2010). Bandon Dunes has collected groundwater level data from this well since 2002 (see attached chart).

- 9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

Unforeseen legal difficulties and a drop in the cranberry market prevented the previous permit holders from further development of the permit by 2000 (see 2000 extension application). The Bandon Dunes Limited Partnership acquired the property and water right permit in 2004. Cranberry farming is not a core business of the Bandon Dunes Limited Partnership and the land is being converted to other uses, as noted elsewhere in this application. In addition, correspondence from OWRD regarding the terms of the permit extension and requirements, if

any, had not been delivered directly to Bandon Dunes, further delaying the completion of required reports and this request for extension. A signed Request for Assignment has been obtained from the current permit holder (Mr. Ronald Yockim) and is being submitted to OWRD concurrently with this application. This should help to resolve the communications issues.

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

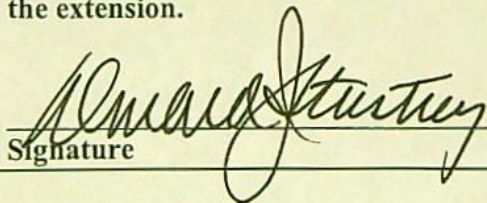
10. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence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

Bandon Dunes has been slowly converting the former cranberry bogs of the permitted place of use to nursery and turf-growing operations at a pace commensurate with development of the adjoining resort properties. The further need for nursery stock is expected to grow as the resort grows. Continued conversion of the land for nursery operations will likely be completed by 2014, although overall growth of the resort is expected to continue well beyond 2014.

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

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

Signature



Date

10-19-09

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

- 1 SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN
- 2 PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES
- 3 MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2
- 4 PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

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SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

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- 6 NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

Application G-14238 Water Resources Department

PERMIT G-12806

T. 2083

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WATER RESOURCES DEPT PAGE 2
SALEM, OREGON

Measurement, recording and reporting conditions:

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

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

- 10 If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

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- 11 The wells 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.

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

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-14238 Water Resources Department

PERMIT G-12806

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.

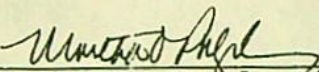
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued September 30, 1996


Martha O. Pagel, Director
Water Resources Department

Ext. to B CD, 10/1/96
Ext. to C D!, 10/1/07

AMENDED by special order
v. 52 pg. 1019

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SALEM, OREGON

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

Request for Assignment

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

I, Ronald Yockim, Trustee
 (Name of Applicant / Permit / Transfer Holder)

P.O. Box 2456 Roseburg OR 97470 541-957-5900
 (Mailing address) (City) (State) (Zip) (Phone #)

- ...hereby assign all my interest in and to application/permit/transfer;
- ...hereby assign all my interest in and to a portion of application/permit/transfer;
 (You must include a map showing the portion of the application/permit to be assigned.)
- ...hereby assign a portion of my interest in and to the entire application/permit/transfer;

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Application # G-14238, Permit # G-12806; Transfer # T-8083
 -OR-

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GR Statement # _____, GR Certificate of Registration # _____

WATER RESOURCES DEPT
SALEM, OREGON

as filed in the office of the Water Resources Director, to:

Bandon Dunes Limited Partnership (c/o Donald J. Stastny, Owner's Representative)
 (Name of New Owner)

2130 Lincoln Park North Chicago IL 60614 503-222-5533
 (Mailing address) (City) (State) (Zip) (Phone #)

NOTE: If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 3rd day of July, 2009.

Applicant/Permit holder Ronald S. Yockim Trustee

Applicant/Permit holder _____

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 10-27-2009
 [Signature]

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 # 98-556 & 98-562
 - For Director by Jerry Sauter, Program Analyst in Water Rights Division
 [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with a recording fee of \$50.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

October 27, 2009

Bandon Dunes Limited Partnership
2130 Lincoln Park North
Chicago, Illinois 60614

Reference: Application G-14238, Permit G-12806, Transfer T-8083

The assignment from Ronald Yockim, Trustee, to Bandon Dunes Limited Partnership has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 98336 covering the recording fee of \$50 is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 98336

cc: Watermaster 19
Ronald Yockim
Ronald Blegen
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
Sarah Henderson - for Transfers
File





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

October 27, 2009

Golder Associates Inc
Attn: Ronald Blegen
1430 W. Broadway Road, Suite 108
Tempe, Arizona 85282

Reference: Application G-14238, Permit G-12806, Transfer T-8083

The assignment from Ronald Yockim, Trustee, to Bandon Dunes Limited Partnership has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 98362 covering the recording fee of \$25 is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 98362

cc: Watermaster 19
Ronald Yockim
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
Sarah Henderson - for Transfers
File

FILE G-14238

BANDON DUNES GOLF RESORT
C/O DONALD J STASTNY, OWNER'S REPRESENTATIVE
2309 SW 1ST #1145
PORTLAND OR 97201

FILE G-14238

BANDON DUNES GOLF RESORT
C/O DONALD J STASTNY, OWNER'S REPRESENTATIVE
2309 SW 1ST #1145
PORTLAND OR 97201



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TRANSMITTAL

Date: October 22, 2009

Project No.: 033-1642-002.002

To: Oregon Water Resources Department

Company: Water Right Permit Extensions

From: Ron Blegen

Address: 725 Summer Street NE, Suite A
Salem, OR 97301

Email: rblegen@golder.com

RE:

- Federal Express (796057332649)
- UPS
- DHL
- Email _____
- U.S. Mail
- Courier
- Hand Delivery
- Other _____

Quantity	Item	Description
1	Document	Application for Extension of Time for a Water Right Permit (Permit G-12806) Processing Fee (Check 56186 - \$500.00)
1	Document	Request for Assignment (signed by current listed permit holder – Ronald Yockim) Processing Fee (Check 56187 - \$50.00)

Notes:

Enclosed please find our Application for Extension of Time for a Water Right Permit for Water Right Permit G-12806. The land to which the right is attached is owned by the Bandon Dunes Limited Partnership, but the permit is still in the name of Ronald Yockim. Mr. Yockim has assigned all of his interest in the right over to Bandon Dunes. His signed Request for Assignment form is also enclosed. Processing fees for both documents are enclosed.

If you have any questions about these documents, please contact Ron Blegen at 480-966-0153.

Please advise us if enclosures are not as described.

ACKNOWLEDGEMENT REQUIRED:

- Yes
- No

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SALEM, OREGON

u:\projects\2003 projects\033-1642 bandon dunes\water rights\g12806 cran bog right\trans_owrd_102209.docx

Golder Associates Inc.
1430 W. Broadway Road, Suite 108
Tempe, AZ 85282 USA
Tel: (480) 966-0153 Fax: (480) 966-0193 www.golder.com



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October 22, 2009

Project No. 033-1642-002.002

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

**RE: APPLICATION FOR EXTENSION OF TIME FOR WATER RIGHT PERMIT G-12806
BANDON DUNES LIMITED PARTNERSHIP**

To Whom It May Concern:

On behalf of our client, the Bandon Dunes Limited Partnership (Bandon Dunes), Golder Associates Inc. is submitting this application for an extension of time for water right permit G-12806. Bandon Dunes acquired the property that includes the authorized points of appropriation and place of use in 2004. Please note that although the land is owned by Bandon Dunes, the current permit holder of record is identified as Ronald Yockim of Roseburg, Oregon. Mr. Yockim has signed a Request for Assignment form, which we have enclosed along with the recording fee of \$50.

The original purpose of use stated on the permit is for cranberry operations. However, by the time Bandon Dunes acquired the property in 2004, these operations had been suspended. Bandon Dunes has instead converted the bog areas into a nursery, growing plants, trees, and turf to support their adjoining golf resort operation. Irrigation water has been pumped from an authorized sump on the property. A well has been installed, but is not currently equipped for use. Only about one-third of the authorized place of use has been developed and used for the nursery operations. Bandon Dunes intends to expand the nursery over the next five years.

The attached application package includes the completed application form, a copy of the permit and applicable supporting information, a copy of a well log and collected depth to groundwater data, and site photographs. Also enclosed is a check for processing fees in the amount of \$500.

If you have any questions or comments regarding the materials included in this application package, please call Ron Blegen at 480-966-0153.

Sincerely,

GOLDER ASSOCIATES INC.

Ronald P. Blegen, R.G., CWRE
Senior Project Hydrogeologist

David Banton, R.G.
Senior Hydrogeologist, Principal

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cc:

Attachments or Enclosures: Application for Extension of Time for a Water Right Permit

rb/rb

u:\projects\2003 projects\033-1642 bandon dunes\water rights\g12806 cran bog right\102209 application cover letter.docx



Golder Associates Inc.
1430 W. Broadway Road, Suite 108
Tempe, AZ 85282 USA
Tel: (480) 966-0153 Fax: (480) 966-0193 www.golder.com

Golder Associates: Operations in Africa, Asia, Australasia, Europe, North America and South America

PERMIT INFORMATION

Permit G-12806

Permit Application Map

Applications for Extension of Time (1998 and 2000)

Permit Amendment T-8083

Water Right Information Query Results

Request for Reassignment Form (Copy)

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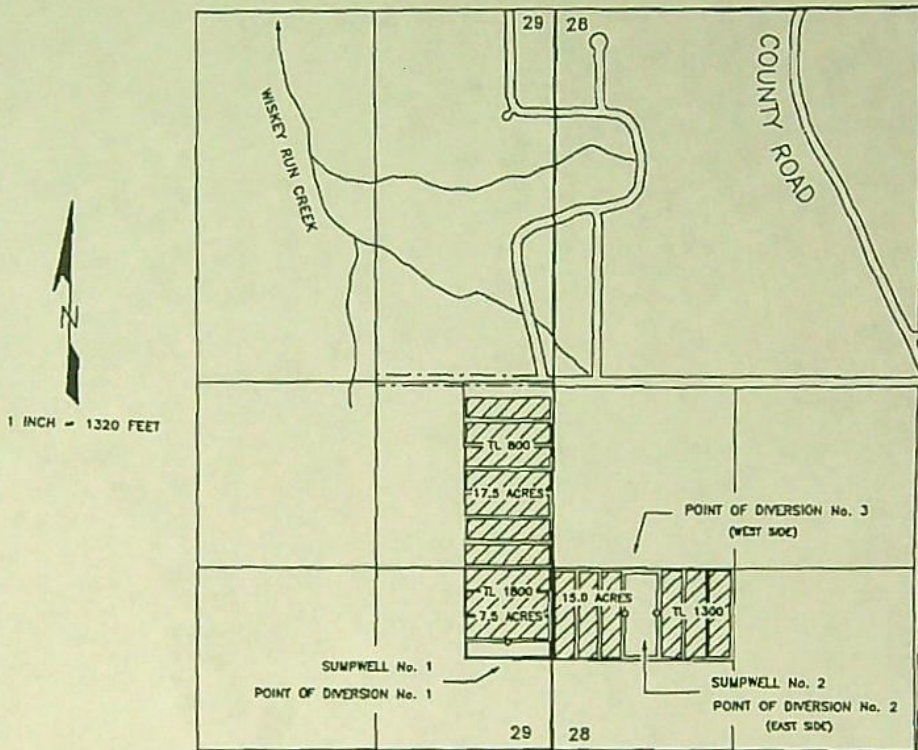
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APPLICATION MAP

IN THE NAME OF DANIEL FUGATE

T 27 S, R 14 W, W.M., SECTIONS 28 & 29



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THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

DIVERSION	SOURCE	NORTH	EASTWEST	¼ ¼	Sec.	Twp.	Rng.
No. 1	SUMPWELL No. 1	760 FEET	310 FEET WEST	SE¼SE¼	29	27S	14W
No. 2	SUMPWELL No. 2	960 FEET	530 FEET EAST	SW¼SW¼	28	27S	14W
No. 3	SUMPWELL No. 2	980 FEET	760 FEET EAST	SW¼SW¼	28	27S	14W

ALL FROM THE SOUTH WEST SECTION CORNER OF SECTION 28, TOWNSHIP 27 SOUTH, RANGE 14 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.

Application No. G-14238
Permit No. 613806

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WATER RESOURCES DEPT.
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APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Daniel Fugate

<u>9644 Garden Valley Road,</u>	<u>Roseburg,</u>	<u>Oregon</u>	<u>97470</u>	<u>(541) 440-6804</u>
ADDRESS	CITY	STATE	ZIP	PHONE

record owner of application No. G-14238 permit No. G-12806, 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, 2000, 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, 2001.

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.

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

2-Have you put any water to use under this permit [yes/no]? Yes
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? Yes If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time. _____

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

(a) within past year 7 acres completed. Additional acreage has been
partially cleared and bogs laid out.

(b) prior to this past year 7 acres in progress. One sump well
constructed and one holding pond constructed.

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© and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) _____

7 Acres

4-Cost of project to date \$300,000. Projected cost for completion of project \$600,000.

5-Have there been any unforeseen events which delayed development of water system? Normal events of start up and arranging financing. We have
have also requested a permit transfer from one sumpwell to a drilled well. This is
currently being processed.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] The transfer process of going from a sumpwell
to a drilled well - permit transfer not approved prior to 10-1-98.

7-What reasons was the project not completed within permit time limits? Magnitude of project - uncertainty in process - we did not obtain
financing until permit issued.

8-Has there been any change in the demand for water or power since permit was issued? (please explain) No

9-Has there been any change in the market for water or power since the permit was issued? (please explain) No

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10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

Yes - income will allow repayment of debt and provide funds for the farm and family.

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No - 7 acres is not sufficient to repay debt or to support our family.

12-Is there an alternative source of water available [yes/no please explain]? No

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain)

No - the groundwater will be enhanced by the drilling of a deep well.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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.

Signature Daniel H. Fugate

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS.
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

page 3 of 3

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SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Daniel Fugate
NAME
9644 Garden Valley Road, Roseburg Oregon 97470 (541) 440-6804
ADDRESS CITY STATE ZIP PHONE

record owner of application No. G-14238 permit No. G-12806, 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, 2000, be extended to October 1, 2006, 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, 2001, be extended to October 1, 2007.

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.

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

2-Have you put any water to use under this permit [yes/no]? Yes If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? Yes If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time.

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

(a) within past year 8 acres completed (additional acreage has been cleared and field construction started.

(b) prior to this past year One well (sump) constructed, 7 acres completed and planted. One holding pond constructed.

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© and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) _____

7 acres have been planted and are raising cranberries. The 8th acre will produce next year.

4-Cost of project to date \$350,000. Projected cost for completion of project \$550,000.

5-Have there been any unforeseen events which delayed development of water system? _____

Yes - see supplemental sheet.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] We lost a year (reason for last extension)

to transfer from a sump well to a drilled well.

7-What reasons was the project not completed within permit time limits? _____

See Supplemental Sheet

8-Has there been any change in the demand for water or power since permit was issued? (please explain) _____

No

9-Has there been any change in the market for water or power since the permit was issued? (please explain) _____

Yes - the cranberry market fell significantly last year. It is anticipated that it will take 3-5 years for the market to recover. Price for the cranberries fell from \$55. - \$60. per barrel to \$11. - \$15. per barrel.

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10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)
Yes, income from the property will provide income for a single family and retire the debt. (additional comments on supplemental sheet).

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No. If the request is denied, my investment as owner and the purchaser's investment is at considerable risk.

12-Is there an alternative source of water available [yes/no please explain]? No - ground water is the only possibility at this site.

Storage is not an option as there is not sufficient room on the land to develop sufficient storage for the acreage needed to support a family.

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain)

Not to our knowledge. The well will be deep enough to not interfere with surface water and the sump well seems not to affect the creek.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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.

Signature Orvil N. Fugate

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS.
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

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Daniel Fugate Extension of Time Application
Supplemental Sheet

No. 5, 7 & 10:

I own the property upon which this permit is appurtenant to. It is being purchased by Mr. and Mrs. Brent Vanburen. I have kept the permit in my name until all the land described on the permit is developed.

Things were going well and Mr. Vanburen was developing the land as described in the last extension of time request. Last year Mr. Vanburen was arrested on a felony charge. He was subsequently convicted for child molesting and is currently in prison. Naturally, this upset the family and little work was done during this trying period.

Mrs. Vanburen desires to finish the project. She will be assisted by her father, Mr. Allen Cram (another cranberry grower). They are in the process of planning the completion of the project and developing a schedule. They have been under a financial hardship for two reasons: first, the family has had their financial resources depleted because of the trial and second, her father has had to make arrangements because of the depressed cranberry market.

They intend to complete the project, however, because of these developments they need additional time. At this time, they believe the project can be completed by 2007.

Understandably, this was a shock to all involved and it has taken some time to recover. If Mrs. Vanburen and Mr. Cram are not able to complete the work, I wish to protect my investment. I would need the additional time (as they do) to line up the resources to complete the project.

Please contact either myself or Mr. Allen Cram @ 541-347-2026 if you have any questions.

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SALEM, OREGON

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8083 submitted by

DANIEL FUGATE
9644 GARDEN VALLEY ROAD
ROSEBURG, OREGON 97470.

1

The permit to be modified is Permit G-12806 with a date of priority of JANUARY 18, 1996. The permit allows the use of TWO SUMP WELLS, in the COQUILLE RIVER BASIN, for CRANBERRY OPERATIONS ON 40.0 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP 1 AND 0.5 CFS FROM SUMP 2, if available at the original sumps; SUMP 1 - SEX SEX, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29, SUMP 2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 28, T 27 S, R 14 W, W.M.; POD 1 - 960 FEET NORTH AND 530 FEET EAST, POD 2 - 980 FEET NORTH AND 760 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 28, or its equivalent in case of rotation, measured at the sump.

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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

T-8083.PKS

Special Order Volume 52, Page 1019

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The authorized place of use is as follows:

SW¼ SW¼ 15.0 ACRES
SECTION 28

NE¼ SE¼ 17.5 ACRES
SE¼ SE¼ 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

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

The applicant proposes to change the point of appropriation for Sump 1 to a well located at:

SE¼ SE¼, SECTION 29, T 27 S, R 14 W, W.M.; 725 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29.

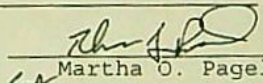
THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-12806, in the name of DANIEL FUGATE is amended as described herein.

WITNESS the signature of the Water Resources

Director, affixed NOV 19 1998


for Martha O. Pagel, Director

T-8083.PKS

Special Order Volume 52, Page 1020

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SALEM, OREGON

Water Right Information Query Results	
Contact Information	Documents View all scanned documents
<p>▼ Current contact information</p> <p>OWNER: ▶ RONALD YOCKIM ← PO BOX 2456 ROSEBURG, OR 97470</p> <p>▼ Prior contact information</p> <p>OWNER: ▶ DANIEL FUGATE 9644 GARDEN VALLEY RD ROSEBURG, OR 97470</p>	<p>▶ Application: G 14238</p> <p>▶ Permit: G 12806 document , paper map</p> <p>▶ Order(s)</p> <p>▶ Transfer(s)</p> <p>▶ View right with Web Mapping</p>
Water Right Information	
<p>Status: Non-Cancelled</p> <p>County: Coos</p> <p>File Folder Location: Salem</p>	
Point(s) of Diversion	
<p>▶ POD 1 - A WELL > WHISKEY RUN CREEK</p> <p>▶ POD 2 - SUMP 2 > WHISKEY RUN CREEK</p> <p>▶ POD 3 - SUMP 2 > WHISKEY RUN CREEK</p>	
Place(s) of Use Add TRS grouping	
▶ Use - CRANBERRY (Primary) - 40.0 acres; Priority Date: 1/18/1996	
Water Right Genealogy	
<p>[-] Inchoate: T 8083 (AMN)</p> <p>[-] Permit:G 12806 *</p>	

[View Water Rights in same Family](#)

[Help understanding and working with the Water Rights Information System](#)

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)

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OCT 23 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

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OVER THE COUNTER



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

Request for Assignment

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

I, Ronald Yockim, Trustee
 (Name of Applicant / Permit / Transfer Holder)

P.O. Box 2456 Roseburg OR 97470 541-957-5900
 (Mailing address) (City) (State) (Zip) (Phone #)

- ...hereby assign all my interest in and to application/permit/transfer;
- ...hereby assign all my interest in and to a portion of application/permit/transfer;
 (You must include a map showing the portion of the application/permit to be assigned.)
- ...hereby assign a portion of my interest in and to the entire application/permit/transfer;

RECEIVED

Application # G-14238 Permit # G-12806 ; Transfer # T-8083

-OR-

GR Statement # _____, GR Certificate of Registration # _____

OCT 23 2009

as filed in the office of the Water Resources Director, to:

WATER RESOURCES DEPT
 SALEM, OREGON

Bandon Dunes Limited Partnership (c/o Donald J. Stasny, Owner's Representative)
 (Name of New Owner)

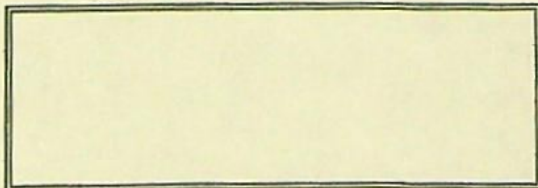
2130 Lincoln Park North Chicago IL 60614 503-222-5533
 (Mailing address) (City) (State) (Zip) (Phone #)

NOTE: If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 3rd day of July, 2009.
 Applicant/Permit holder Ronald S. Yockim Trustee
 Applicant/Permit holder _____

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with a recording fee of \$50.

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Well Log – COOS 52393

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SALEM, OREGON

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2" Pipe
 11.862'
 W 124° 22.705'
 Elw 122'

STATE OF OREGON
 WATER SUPPLY WELL REPORT
 (as required by ORS 537.765)

WELL I.D. # L 36763
 START CARD # 127647

Instructions for completing this report are on the last page of this form.

(1) OWNER: Rondi Vanburen Well Number _____
 Name Rondi Vanburen
 Address 57329 Cramagers Rd
 City Kandon State OR Zip 97411

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 56 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE			SEAL		
Diameter	From	To	Material	From	To
10	0	56	Bent	30	0
6	56	100	Cement	100	56

How was seal placed: Method A B C D E
 Other pour / Time pipe pumped
 Backfill placed from 100 ft. to 56 ft. Material Cement
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 5"	12	416	SD17A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	126"	4'	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner: <u>protective casing</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
56	46	.012		5	5	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Flowing Time
100	29 1/2"		45 min

Temperature of water 52° Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description: N 43° 11.868'
 County COOS Latitude _____ Longitude W 124° 22.697'
 Township 27 N or S Range 14 E or W WM. _____
 Section 29 SE 1/4 SW 1/4
 Tax Lot 1000 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) Broom-Road

(10) STATIC WATER LEVEL:
15 ft. below land surface. Date 11-24-00
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 20

From	To	Estimated Flow Rate	SWL
20	56	100 gpm	15

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Brown sand & pet mix	0	7	
Fine lt Brown sand	2	20	
Brown sand	20	50	15
Blue sand	50	56	
Blue clay	56	100	

Date started 11-06-00 Completed 11-24-00
 (unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 Signed _____ WWC Number _____ Date _____
 (bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 Signed Tom Blunt WWC Number 1381 Date 11-27-00

Well COOS 52393 Depth to Water Data

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OCT 23 2009

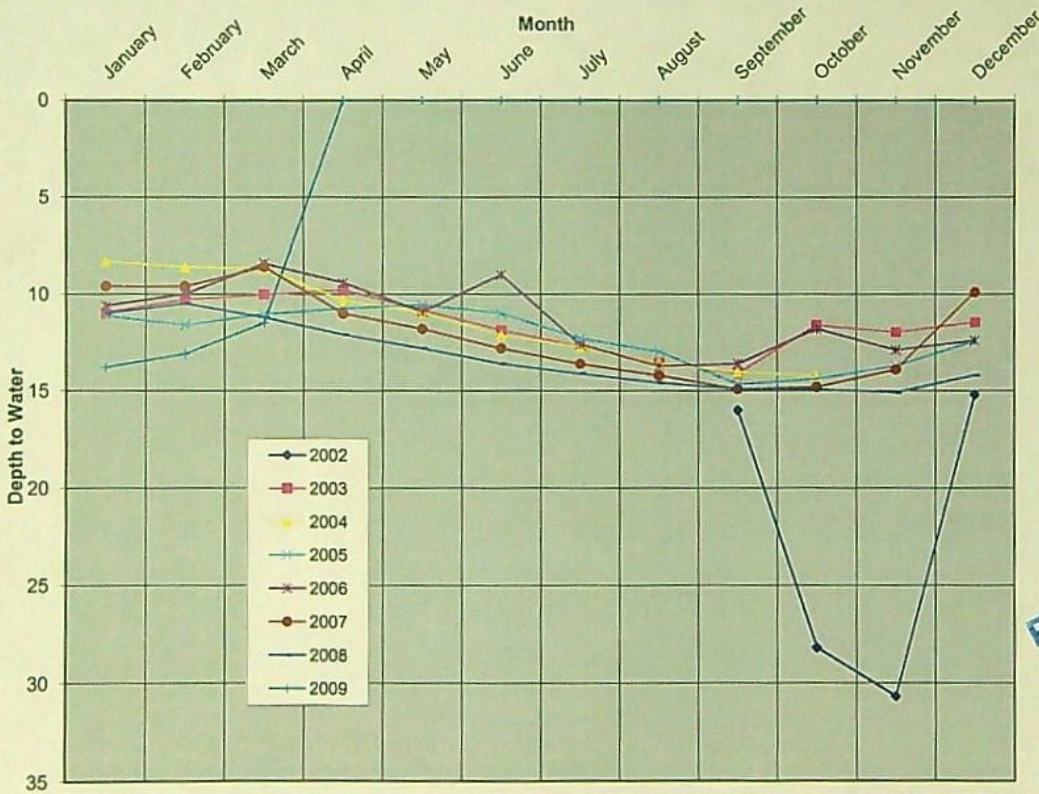
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SALEM, OREGON

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Groundwater Level Data - Well Coos 52393
(data presented in feet below top of casing)

	2002	2003	2004	2005	2006	2007	2008	2009
January		10.96	8.31	11.12	10.61	9.6	11	13.8
February		10.3	8.62	11.61	10	9.6	10.5	13.1
March		10.02	8.68	11.04	8.42	8.6	11.2	11.5
April		9.79	10.32	10.75	9.42	11	12.1	0
May		10.82	10.96	10.58	10.92	11.8	12.8	0
June		11.87	12.13	11.02	9.01	12.8	13.6	0
July		12.72	12.73	12.29	12.62	13.6	14.1	0
August		13.55	13.58	13	13.71	14.2	14.6	0
September	16	14.09	14.03	14.67	13.6	14.9	14.9	0
October	28.2	11.61	14.22	14.39	11.8	14.8	14.9	0
November	30.7	11.97		13.73	12.9	13.9	15.1	0
December	15.2	11.46		12.45	12.4	9.9	14.2	0

Depth to Water
Coos 52393



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SALEM, OREGON

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Site Photographs

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OCT 23 2009

WATER RESOURCES DEPT
SALEM, OREGON

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Photo 1
Cranberry bog sump.



Photo 2
Cranberry Bog Well
L36763 (COOS 52393)

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SALEM, OREGON

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Photo 3
Nursery located inside
former bog.



Photo 4
Tree Farm located inside
former bog.

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SALEM, OREGON

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Photo 5.
Sod and Turf Farm located
inside former bog area.

RECEIVED
OCT 23 2009
WATER RESOURCES DEPT
SALEM, OREGON

**RECEIVED
OVER THE COUNTER**

Herb Mosgar

From: Blegen, Ron [RBlegen@golder.com]
Sent: Tuesday, October 09, 2007 4:48 PM
To: Herb Mosgar
Subject: Groundwater Right Permit G-12806

AM # G 14238
NOW ASSIGNED
YOCKUM

Hi Herb,

I was wondering if you could give me a sense of what kind of information is available in the files for Permit G-12806 (originally issued to Daniel Fugate) and as amended by T-8083. I'm trying to figure out if any water use reporting had been conducted, or if there is a well log associated with it. The transfer added a conventional well to the original 2 sump wells. However I haven't been able to be sure I've got the right well log (location descriptions are probably in error).

Frankly I'd be surprised if there's much in there, but I thought I'd better ask. If there is anything substantial, I'll ask someone from our Portland office to come down again to make copies.

Thanks!

Ron

Ron Blegen, RG, LHg
Golder Associates Inc.
1430 W. Broadway Road, Suite 108
Tempe, AZ 85282
480-966-0153 (Office)
480-966-0193 (Fax)

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SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

G-14238
 Ronald Yokim, Trustee
 Po Box 2456
 Roseburg, OR 97470

2. Article Number

(Transfer from service label)

7004 1350 0000 7662 7068

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Barbara Griffin
 Agent Addressee

B. Received by (Printed Name)

 BARBARA GRIFFIN

C. Date of Delivery

 2/23/07
D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1266

RECEIVED

AUG 24 2007

WATER RESOURCES DEPT
SALEM, OREGON





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

CERTIFIED LETTER
Return Receipt Requested

August 22, 2007

Ronald Yokim, Trustee
PO Box 2456
Roseburg, OR 97470

REFERENCE: File #G-14238 (Permit #G-12806)

Dear Permit Holder:

On January 9, 2001, the Department issued a Final Order approving an Extension of Time for Permit #G-12806. The Final Order extended the time in which to complete construction of the water system and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12806 from October 1, 1999, to October 1, 2007.

The Final Order approving the Extension of Time also included the following condition:

The permittee must submit a written progress report to the Department by **October 1, 2005**. The report must be received by the Department no sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. A form for each year is enclosed for your use.

Failure to submit a progress report by the due date stated on the enclosed form(s) may result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or ORS 537.410 to 537.450. Within one year after cancellation, the permittee must submit a Claim of Beneficial Use and Final Proof Survey, pursuant to ORS 537.230 and 537.250, for the portion of the permit developed as of October 1, 1999.

To date, the Department has not received this progress report from you. In order to maintain the ability to continue developing water under this permit, you should submit your progress report immediately. For your reference, I have enclosed a copy of the Extension of Time Final Order containing this condition.

If you have any questions concerning this matter, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

Kim R. French
Extensions Specialist
Water Rights Section

Enclosure

cc: File #G-14238(Permit #G-12806)
Mitch Lewis, Watermaster Dist. #19





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

Extension of Time Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Ronald Yokim, Trustee

Application G-14238
 Permit G-12806

Report Due no later than October 1, 2005

Diligence Progress Report for 2005

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit 14238-12806

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 1999 <small>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</small>	FINANCIAL INVESTEMENT

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

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

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

Maximum rate = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ AF

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

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

G-14238
 RONALD S YOCKIM
 PO BOX 2456
 ROSEBURG, OR 97470

2. Article Number

(Transfer from service label)

7004 2510 0004 6094 9339

PS Form 3811, February 2004

Domestic Return Receipt

WR

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Barbara Griffin* Agent AddresseeB. Received by (*Printed Name*)*BARBARA GRIFFIN*

C. Date of Delivery

*11-14-05*D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.4. Restricted Delivery? (*Extra Fee*) Yes

UNITED STATES POSTAL SERVICE



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

RECEIVED

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

NOV 15 2005

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1271





Oregon

Theodore R. Kulongoski, Governor

CERTIFIED LETTER Return Receipt Requested

File # G-14238

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

November 10, 2005

Ronald S. Yockim, Successor Trustee
PO Box 2456
Roseburg, OR 97470

REFERENCE: Application #G-14238 / Permit #G-12806;
(Formerly held by Daniel Fugate)

Dear Permit Holder:

On January 9, 2001, the Department issued a Final Order approving an Extension of Time for Permit #G-12806. The Final Order extended the time in which to complete construction of the water system to October 1, 2006, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12806 to October 1, 2007.

The Final Order approving the Extension of Time also included the following condition that requires:

The permittee must submit a written progress report to the Department by **October 1, 2005**. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted.

The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

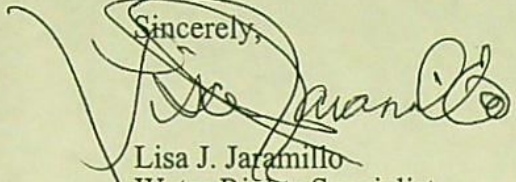
Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or ORS 537.410 to 537.450. Within one year after cancellation, the permittee must submit a Claim of Beneficial Use and Final Proof Survey, pursuant to ORS 537.230 and 537.250, for the portion of the permit developed as of October 1, 2005.



To date, the Department has not received this progress report from you. In order to maintain the ability to continue developing water under this permit, you should submit this progress report immediately. For your reference, I have enclosed a copy of the Extension of Time Final Order containing this condition.

If you have any questions concerning this matter, please feel free to contact me by telephone at (503) 986-0808.

Sincerely,



Lisa J. Jaramillo
Water Rights Specialist
Water Rights Section

Enclosure

cc: Application File #G-14238 (Permit #G-12806)
Mitch Lewis, Watermaster Dist. #19

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 14238

Final Order
Extension of Time for Permit Number G 12806

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.

Application History

On JULY 7, 2000, DANIEL FUGATE submitted an application to the Department for an extension of time for permit number G 12806. The Department issued Permit number G 12806 on SEPTEMBER 30, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on AUGUST 29, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2006, and/or the time to fully apply water to beneficial use to October 1, 2007. The protest period closed OCTOBER 13, 2000. No protest was filed.

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

The permittee must submit a written progress report to the Department by October 1, 2005. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used

relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;

- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

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

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

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

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

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

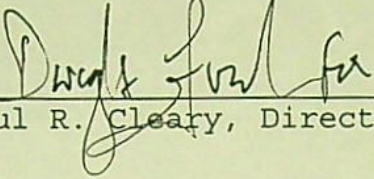
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

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

Order

The extension of time for Application G 14238, Permit Number G 12806, therefore, is approved. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use ~~is extended to October 1, 2007.~~

DATED January 9, 2001


Paul R. Cleary, Director

PLACED IN U.S. MAIL
JAN 10 2001
OREGON WATER RESOURCES DEPT.



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

October 15, 2002 - ASSIGNMENT SUMMARY

Application File Number(s): G-14238 Permit Number(s): G-12806

Application file in name of:

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470

FULL ASSIGNMENT TO:

RONALD S YOCKIM
PO BOX 2456
ROSEBURG, OR 97470

Original Request for Assignment returned to originator who paid fee \$40.00
with original receipt # 52868

cc: Watermaster District # 19
WRD Data Center
File # G-14238

1-12-2004

G-14238

RE-FILE.

- EXTENDS TO 10-01-2007 ✓
- UPDATE DATA BASE

jd



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

October 15, 2002 - ASSIGNMENT SUMMARY

Application File Number(s):G-14238 Permit Number(s):G-12806

Application file in name of:

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470

FULL ASSIGNMENT TO:

RONALD S YOCKIM
PO BOX 2456
ROSEBURG, OR 97470

Original Request for Assignment returned to originator who paid fee \$40.00
with original receipt # 52868

cc: Watermaster District # 19
WRD Data Center
File # G-14238



RECEIVED

REQUEST FOR ASSIGNMENT

BY PROOF OF OWNERSHIP (IF PERMIT HOLDER IS NOT AVAILABLE) **MAY 23 2002**

WATER RESOURCES DEPT.
SALEM, OREGON

Ronald S. Yockim, Successor Trustee
(Name of Party Requesting Assignment)

P.O. Box 2456 Roseburg OR 97470 (541) 957-5900
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

- ...hereby request assignment in and to application/permit;
- ...hereby request assignment in and to a portion of application/permit;
(You must include a map showing the portion of the application/permit 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;
(Remember to include \$5 for each additional page.)

Application # G-14238 , Permit # G-12806 ;

-OR-

GR Statement # _____ , GR Certificate of Registration # _____

*OK ASSIGN BY DEED
5/24/2002*

Daniel H. Fugate
(Name of Permit Holder of Record)

9644 Garden Valley Road, Roseburg, OR 97470 (541) 440-6804
(mailing address) (City) (State) (Zip) (Phone #)

NOTE: *If there are other owners of the property described in this Application, Permit or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.*

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 20th day of May, 2002.

Party Requesting Assignment Ronald S. Yockim
Ronald S. Yockim, Successor Trustee

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 52860
- For Director by Jerry Sadler, Program Analyst in Water Rights Division *Jerry Sadler*

- ◆ \$25 for the first page, and
- ◆ \$5 for each additional page.
[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172

STATE OF OREGON
 WATER RESOURCES DEPARTMENT

RECEIPT # **52868**

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

INVOICE # _____

RECEIVED FROM: Ronald S. Yockim
 BY: _____

APPLICATION	G14238
PERMIT	
TRANSFER	

CASH: CHECK: # 96-505 OTHER: (IDENTIFY)

TOTAL REC'D	\$ <u>40.00</u>
-------------	-----------------

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

66111

0407	MISCELLANEOUS		\$
0410	COPY & TAPE FEES		\$
0408	RESEARCH FEES		\$ <u>40.00</u>
(New) TC162	MISC REVENUE: (IDENTIFY)	<u>Assign</u>	\$
	DEPOSIT LIAB. (IDENTIFY)		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
		\$	0206 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
			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

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

RECEIPT # **52868**

DATED: 5/23/02 BY: Connie Vance

COOS COUNTY, COQUILLE REC \$36.00
TERRI L. TURI, COOS COUNTY CLERK

RECEIVED
MAY 23 2002
WATER RESOURCES DEPT.
SALEM, OREGON

05/16/2002 #2002-6383
02:04:52PM 1 OF 3
STATE OF OREGON, } ss.
County of _____ }

Ronald S. Yockim, Attorney

P.O. Box 2456

Roseburg, OR 97470

Trustee's Name and Address

Bally Bandon, L.P.,

Cascade Ranch, Inc., G.P.

3636 N. Broadway, Chicago, IL

Second Party's Name and Address 60613

After recording, return to (Name, Address, Zip):

Ronald S. Yockim, Attorney

P.O. Box 2456

Roseburg, OR 97470

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Bally Bandon, L.P.,

Cascade Ranch, Inc., G.P.

Michael Keiser

3636 N. Broadway, Chicago, IL

60613

SPACE RESERVED
FOR
RECORDER'S USE

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME TITLE
By _____, Deputy

TRUSTEE'S DEED

THIS INDENTURE, Made this _____ day of _____, ~~19XX~~, between Ronald S. Yockim, hereinafter called trustee, and Bally Bandon, L.P., Cascade Ranch, Inc., G.P., hereinafter called the second party; WITNESSETH:

RECITALS: Brent VanBuren and Rondi VanBuren, as grantor, executed and delivered to Ronald S. Yockim, as trustee, for the benefit of Daniel H. Fugate and Karen J. Fugate, as beneficiary, a certain trust deed dated January 21, 1997, recorded January 22, 1997, in the Records of Coos County, Oregon, in book/reel/volume No. _____ at page _____, and/or as fee/file/instrument/microfilm/reception No 97010651 (indicate which). In that trust deed, the real property therein and hereinafter described was conveyed by the grantor to the trustee to secure, among other things, the performance of certain obligations of the grantor to the beneficiary. The grantor thereafter defaulted in performance of the obligations secured by the trust deed as stated in the notice of default hereinafter mentioned, and such default still existed at the time of the sale hereinafter described.

By reason of the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named, or the beneficiary's successor in interest, declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantor's obligations was recorded on December 13, 2001, ~~19XX~~, in the Records of Coos County, in book/reel/volume No. _____ at page _____, and/or as fee/file instrument/microfilm/reception-No 2001-14946 (indicate which), to which reference now is made.

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property, as fixed by the trustee and as required by law. Copies of the notice of sale were served pursuant to ORCP 7 D. (2) and 7 D. (3), or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons or their legal representatives, if any, named in ORS 86.740 (1) and 86.740 (2)(a), at least 120 days before the date the property was sold. A copy of the notice of sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary or personal representative of any person named in ORS 86.740 (1), promptly after the trustee received knowledge of the disability, insanity or death of any such person. Copies of the notice of sale were served upon occupants of the property described in the trust deed in the manner in which a summons is served pursuant to ORCP 7 D. (2) and 7 D. (3) at least 120 days before the date the property was sold, pursuant to ORS 86.750 (1). If the foreclosure proceedings were stayed and released from the stay, copies of an amended notice of sale in the form required by ORS 86.755 (6) were mailed by registered or certified mail to the last known addresses of those persons listed in ORS 86.740 and 86.750 (1) and to the address provided by each person who was present at the time and place set for the sale which was stayed within 30 days after the release from the stay. The trustee published a copy of the notice of sale in a newspaper of general circulation in each county in which the real property is situated once a week for four successive weeks. The last publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as having or claiming a lien on or interest in the real property, entitled to notice pursuant to ORS 86.740 (1)(b) or (1)(c).

The true and actual consideration for this conveyance is \$261,750.00. (Here comply with ORS 93.030.) _____

(OVER)

The undersigned trustee, on May 6, 2002, ~~XXXX~~, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, (which was the day and hour to which the sale was postponed as permitted by ORS 86.755 (2)) (which was the day and hour set in the amended notice of sale)* and at the place so fixed for sale, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$261,750.00, the second party being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.

NOW, THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the trust deed, the trustee does hereby convey unto the second party all interest which the grantor had or had the power to convey at the time of grantor's execution of the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed in and to the following described real property, to-wit:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same unto the second party and the second party's heirs, successors in interest and assigns forever.

In construing this instrument, and whenever the context so requires, the singular includes the plural; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor in interest of the beneficiary first named above; and "person" includes a corporation and any other legal or commercial entity.

IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Ronald S. Yockim

Ronald S. Yockim, Trustee

* Delete words in parentheses if inapplicable.

STATE OF OREGON, County of Douglas
This instrument was acknowledged before me on May 13, 2002, ~~10~~^{ss.}
by Ronald S. Yockim
This instrument was acknowledged before me on _____, 19____
by _____
as _____
of _____



Barbara D. Griffin

Notary Public for Oregon
My commission expires 10/13/03

EXHIBIT "A"

The East half (E½) of the Northeast quarter (NE¼) of the Southeast quarter (SE¼) of Section 29, and the Northeast quarter (NE¼) of the Southeast (SE¼) of the Southeast quarter (SE¼) of Section 29, and the North half (N½) of the Southwest quarter (SW¼) of the Southwest quarter (SW¼) of Section 28, all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

TOGETHER WITH any and all agricultural contracts (i.e. Oceanspray Contract), air rights, development rights, water rights, water stock, and water service contracts, drainage rights, zoning rights, and other similar rights or interests that benefit or are appurtenant to the Property or the Improvements or both, and any of their proceeds, all of which are herein referred to as the "Property", and or "Trust Property".

EXCEPTING:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
2. An easement created by instrument, including the terms and provisions thereof,
Recorded: November 27, 1927, in Book 104, Page 68,
Records of Coos County, Oregon
3. An easement created by instrument, including the terms and provisions thereof,
Recorded: April 1, 1943, in Book 145, Page 444,
Records of Coos County, Oregon
4. An easement created by instrument, including the terms and provisions thereof,
Recorded: April 2, 1946, in Book 161, Page 45,
Records of Coos County, Oregon
5. An easement created by instrument, including the terms and provisions thereof,
Recorded: September 21, 1966, Microfilm Reel No. 66-9-12528,
Records of Coos County, Oregon
6. An easement created by instrument, including the terms and provisions thereof,
Recorded: August 26, 1980, Microfilm Reel No. 80-3-3695,
Records of Coos County, Oregon
7. All mineral and oil rights reserved in Deed Recorded November 10, 1927, in Book 104, Page 68, and Recorded September 2, 1966, in Microfilm Reel No. 66-9-12528, Coos County, Oregon.
8. A reservation created by reservation dated January 21, 1997 in favor of Daniel H. Fugate and Karen J. Fugate reserving the right to use the subject property as a landing site for the purpose of logging the adjoining property until August 15, 1998.

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT.
SALEM, OREGON

RONALD S. YOCKIM

Attorney at Law

548 S.E. Jackson
Suite #7
P.O. Box 2456
Roseburg, Oregon 97470

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(541) 957-5900

FAX (541) 957-5923

May 22, 2002

Water Resources Department
158 12th Street NE
Salem, OR 97301-4172

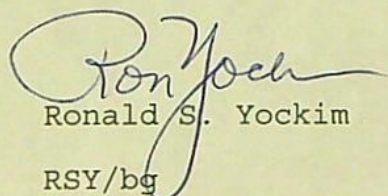
Re: Request for Assignment
Daniel H. Fugate, Application #G-14238; Permit #G-12806

Dear Sirs:

Enclosed please find a Request for Assignment along with our check
in the amount of \$40 for the recording fee.

If you have any questions, please don't hesitate to contact me.

Sincerely,


Ronald S. Yockim

RSY/bg
Enclosures

cc: Dan & Karen Fugate

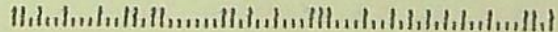
RONALD S. YOCKIM

Attorney at Law
548 S.E. Jackson St., Suite 7
P.O. Box 2456
Roseburg, Oregon 97470



WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM OR 97301-4172

97301+4172



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 14238

Final Order
Extension of Time for Permit Number G 12806

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.

Application History

On JULY 7, 2000, DANIEL FUGATE submitted an application to the Department for an extension of time for permit number G 12806. The Department issued Permit number G 12806 on SEPTEMBER 30, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on AUGUST 29, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2006, and/or the time to fully apply water to beneficial use to October 1, 2007. The protest period closed OCTOBER 13, 2000. No protest was filed.

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

The permittee must submit a written progress report to the Department by October 1, 2005. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used

relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;

- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

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

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

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

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

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

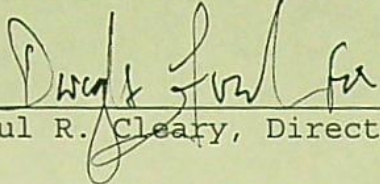
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

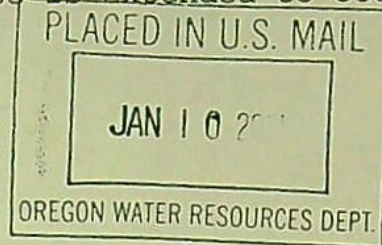
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

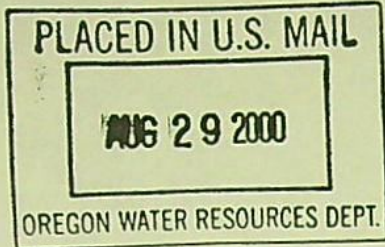
The extension of time for Application G 14238, Permit Number G 12806, therefore, is approved. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use ~~is extended to October 1, 2007.~~

DATED January 9, 2001


Paul R. Cleary, Director



**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number G 12806

Water Right Application Number G 14238

Proposed Final Order

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

This Proposed Final Order applies only to permit number G 12806.

Summary of Recommendation

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2006, and
- grant the extension for complete application of water from October 1, 1999 to October 1, 2007.

Application History

Permit no. G 12806 was granted by the Water Resources Department on SEPTEMBER 30, 1996. The permit authorizes use of 0.9 CFS of water from 2 WELLS for CRANBERRY OPERATIONS ON 40 ACRES in the COQUILLE RIVER basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 12806 is attached.

On JULY 7, 2000, the Department received an application from DANIEL FUGATE for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2006 to complete construction of the water system and until October 1, 2007 to apply water to full beneficial use. This is the SECOND 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 financing problems, absence of one of the developers and the cranberry market. The applicant is having difficulty financing the project within the last extension time limit. The cranberry prices are low, and the applicant estimates 3-5 years for the market to recover. One of the developers of the project is absent and detained.
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 sump, well and water system. Water has been applied to 7 acres of cranberry operations.
 - b) The applicant has invested approximately \$ 350,000 of an estimated total water system project cost of \$ 550,000.
 - 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. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
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 should be extended to October 1, 2006 and the length of time requested for completion of the application of water should be extended to October 1, 2007 as requested by the applicant.

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, 2006 to complete construction and until October 1, 2007 to complete the application of water.

Conditions

The permittee must submit a written progress report to the Department by October 1, 2005. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

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

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250. The Department will take into consideration annual reports submitted under OAR 690, Division 86, ORS 537.099, and any other reports that demonstrates diligence. Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

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

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

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

progress report.

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

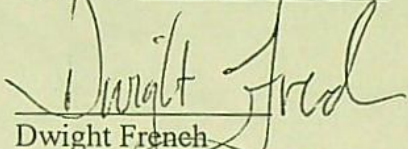
Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1998 to October 1, 2006 and

extend the permit time to complete application of water from October 1, 1999 to October 1, 2007.

DATED: AUGUST 29, 2000


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 **OCTOBER 13, 2000**.
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 Brendalee Wilson. Her extension number is 276.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.

Mailing List for Extension PFO Copies

Application #G 14238

PFO Date 8/29/00

Original mailed to:

Applicant: DANIEL FUGATE

For Extension PFO's - Copies sent to:

- ✓ 1. WRD - File #
- ✓ 2. WRD - Watermaster District #19:
- ✓ 3. WRD - Regional Manager: SW
- ✓ 4. ODFW District Biologist: REESE BENDER, CHARLESTON
- ✓ 5. DEQ Regional Office: TOM ROSETTA, PORTLAND
- 6. WRD - John Falk (for reservoir permit extensions only)
- 7. WRD - Regional Liaison
- 8. CWRE:

Other interested parties:

- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____

CASEWORKER: DSM

Copies Mailed
By: _____ (SUPPORT STAFF)
on: _____ (DATE)

Daniel Fugate
9644 Garden Valley Rd.
Roseburg, Or 97470
541-440-6804

August 11, 2000

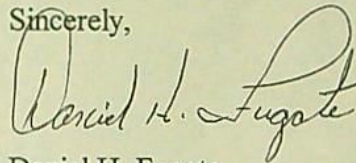
Water Resources Department
Commerce Building
Dallas Miller, Water Rights Specialist
158 12th Street NE
Salem, OR 97301-4172

RE: File G 14238, Permit G 12806

Dear Mr. Miller

In response to you letter dated July 13, 2000, we have confirmed that there has been a flow meter installed . We are sorry our response has taken so long. We are in the process of selling the property on contract with the condition that all requirements for the water rights be followed. Since we live in Roseburg and the property is in Bandon it has taken us a while to make contact to verify the exact type. It is a 400R Jennings Flow Meter on a 6" pipe. Mrs. Van Buren also has another one exactly like it to be installed when the well is put in.

Sincerely,



Daniel H. Fugate

RECEIVED

AUG 15 2000

WATER RESOURCES DEPT.
SALEM, OREGON

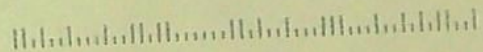
9644 Garden Valley Rd.
Roseburg, OR 97470



Water Resources Department
Commerce Building
Dallas Miller, Water Rights Specialist
158 12th Street NE
Salem, OR 97301-4172

G 14238
Dallas Miller
c-card
mussig

97301-4172



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **38803**

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

INVOICE # _____

RECEIVED FROM: Daniel H. Fugate
 BY: Raren Fugate

APPLICATION	G-14238
PERMIT	
TRANSFER	

CASH: CHECK # X90-505 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

0407	MISCELLANEOUS		\$
0410	COPY & TAPE FEES		\$
0408	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
(New) TC162	DEPOSIT LIAB. (IDENTIFY)		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203	GROUND WATER	EXAM FEE \$	0204 RECORD FEE \$
0205	TRANSFER	EXAM FEE \$	0206 RECORD FEE \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
	LANDOWNER'S PERMIT		0220 LICENSE FEE \$
	OTHER (IDENTIFY) <u>Extension</u>		\$100.00

PCA# 66111

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

0233	POWER LICENSE FEE (FWWRD)	LIC NUMBER	\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HRDRO APPLICATION		\$

RECEIPT # **38803**

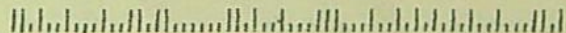
DATED: 7/7/00 BY: Manda Buss

Mr & Mrs Daniel Fugate
9644 Garden Valley Rd
Roseburg, OR 97470



Water Right Permit Extensions
Water Resources
158 12th St NE
Salem, OR 97310

97301/4172





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

July 13, 2000

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470

REFERENCE: File G 14238, Permit G 12806

Dear Mr. Fugate:

Regarding your application for an extension of time, we need more information before we can process the request.

This permit requires that a totalizing flow meter be installed before water is used. Has this been done? We cannot process the extension until the meter has been installed.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 19



APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Daniel Fugate

NAME				
<u>9644 Garden Valley Road,</u>	<u>Roseburg</u>	<u>Oregon</u>	<u>97470</u>	<u>(541) 440-6804</u>
ADDRESS	CITY	STATE	ZIP	PHONE

record owner of application No. G-14238 permit No. G-12806, 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~~ 2000, be extended to October 1, 2006, 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, ~~XX~~ 2001, be extended to October 1, 2007.

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.

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

2-Have you put any water to use under this permit [yes/no]? Yes
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? Yes If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time. _____

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

(a) within past year 8 acres completed (additional acreage has been cleared and field construction started.

(b) prior to this past year One well (sump) constructed, 7 acres completed and planted. One holding pond constructed.

RECEIVED

JUL 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

© and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) _____

7 acres have been planted and are raising cranberries. The 8th acre will produce next year.

4-Cost of project to date \$350,000 _____. Projected cost for completion of project \$550,000. _____.

5-Have there been any unforeseen events which delayed development of water system? _____

Yes - see supplemental sheet.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water ? [please explain] We lost a year (reason for last extension) _____

to transfer from a sump well to a drilled well.

7-What reasons was the project not completed within permit time limits ? _____

See Supplemental Sheet

8-Has there been any change in the demand for water or power since permit was issued? (please explain) _____

No

9-Has there been any change in the market for water or power since the permit was issued? (please explain) _____

Yes - the cranberry market fell significantly last year. It is anticipated that it will take 3-5 years for the market to recover. Price for the cranberries fell from \$55. - \$60. per barrel to \$11. - \$15. per barrel.

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)
Yes, income from the property will provide income for a single family and retire the debt. (additional comments on supplemental sheet).

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No. If the request is denied, my investment as owner and the purchaser's investment is at considerable risk.

12-Is there an alternative source of water available [yes/no please explain]? No - ground water is the only possibility at this site.

Storage is not an option as there is not sufficient room on the land to develop sufficient storage for the acreage needed to support a family.

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain)

Not to our knowledge. The well will be deep enough to not interfere with surface water and the sump well seems not to affect the creek.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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.

Signature *Amil N. Fugate*

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

RECEIVED

JUL 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Daniel Fugate Extension of Time Application
Supplemental Sheet

No. 5, 7 & 10:

I own the property upon which this permit is appurtenant to. It is being purchased by Mr. and Mrs. Brent Vanburen. I have kept the permit in my name until all the land described on the permit is developed.

Things were going well and Mr. Vanburen was developing the land as described in the last extension of time request. Last year Mr. Vanburen was arrested on a felony charge. He was subsequently convicted for child molesting and is currently in prison. Naturally, this upset the family and little work was done during this trying period.

Mrs. Vanburen desires to finish the project. She will be assisted by her father, Mr. Allen Cram (another cranberry grower). They are in the process of planning the completion of the project and developing a schedule. They have been under a financial hardship for two reasons: first, the family has had their financial resources depleted because of the trial and second, her father has had to make arrangements because of the depressed cranberry market.

They intend to complete the project, however, because of these developments they need additional time. At this time, they believe the project can be completed by 2007.

Understandably, this was a shock to all involved and it has taken some time to recover. If Mrs. Vanburen and Mr. Cram are not able to complete the work, I wish to protect my investment. I would need the additional time (as they do) to line up the resources to complete the project.

Please contact either myself or Mr. Allen Cram @ 541-347-2026 if you have any questions.

RECEIVED

JUL 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 14238

Final Order
Extension of Time for Permit Number G 12806

Application History

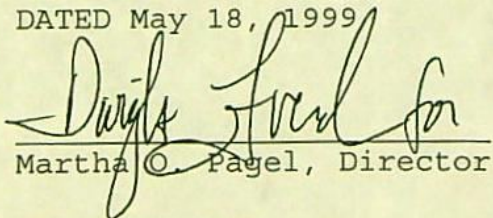
On September 10, 1998, Daniel Fugate submitted an application to the Department for an extension of time for permit number G 12806. The Department issued Permit number G 12806 on September 30, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on March 9, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2000, and the time to fully apply water to beneficial use to October 1, 2001. The protest period closed April 23, 1999. No protest was filed.

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

Order

The extension of time for Application G 14238, Permit Number G 12806, therefore, is approved. The deadline for completing construction is extended to October 1, 2000. The deadline for applying water to full beneficial use is extended to October 1, 2001.

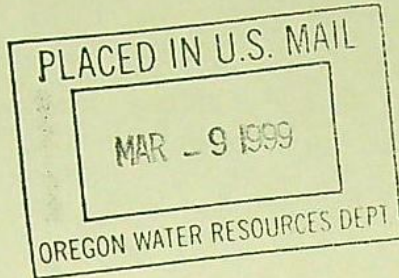
DATED May 18, 1999


Martha C. 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 12806

Water Right Application Number G 14238

Proposed Final Order

This Proposed Final Order applies only to permit number G 12806.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2000, and

grant the extension for complete application of water from October 1, 1999 to October 1, 2001.

Application History

Permit no. G 12806 was granted by the Water Resources Department on September 30, 1996. The permit authorizes use of 0.9 cfs of water from two wells for Cranberry operations on 40.0 acres in the Coquille River basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 12806 is attached.

On September 10, 1998, the Department received an application from Daniel Fugate for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2000 to complete construction of the water system and until October 1, 2001 to apply water to full beneficial use. This is the first 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.

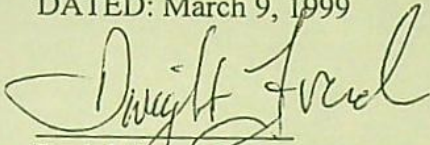
1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. The permittee reports that arranging the financing has delayed the project, financing could not be gotten until the permit was issued. Because of the size of the project it is taking longer than expected to complete. The applicant needs more time to amend the permit to change one sump well to a drilled well.
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 a sump well, holding pond, and lines. Water has been applied to 7 acres, additional acreage has been cleared and bogs laid out.
 - b) The applicant has invested approximately \$ 300,000 of an estimated total water system project cost of \$ 600,000.
 - 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. The applicant has pursued perfection of the right in good faith and with reasonable diligence. Perfection of the permit has been delayed by the size and scope of the project and the difficulty of obtaining financing.
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 should be extended to October 1, 2000 and the length of time requested for completion of the application of water should be extended to October 1, 2001 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.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1998 to October 1, 2000
and

extend the permit time to complete application of water from October 1, 1999 to October
1, 2001.

DATED: March 9, 1999



Dwight French
Water Rights Section Manager

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) If you are not the applicant, 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 April 23, 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.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Final Order

Application History

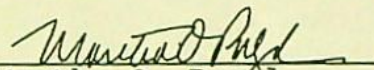
On January 18, 1996, DANIEL FUGATE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 16, 1996. The protest period closed August 30, 1996, and no protest was filed.

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

Order

Application G-14238 therefore is approved as proposed by the Proposed Final Order, and Permit G-12806 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 30, 1996


Martha O. Pagel
Director

Appeal Rights

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

STATE OF OREGON

COUNTY OF Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

Application G-14238 Water Resources Department

PERMIT G-12806

Measurement, recording and reporting conditions:

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

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells 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.

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

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.

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.

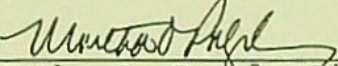
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued September 30, 1996



Martha O. Pagel, Director
Water Resources Department

Application G-14238
Basin 17

Water Resources Department
Volume 2 CUT CREEK AND MISC.
MGMT CODES 7BG, 7BR

PERMIT G-12806
District 19

Mailing List for PFO Extension Copies

Application #

G 14238

PFO Date

3/9/99

Original mailed to:

Applicant:

Daniel Fogate

Mailed
(support staff)
on 3/9/99
(date)

Copies sent

Regional Manager

SW

Watermaster

19

ODFW

Rees Proctor, Charleston, Or

DEQ

Tom Basetta, Portland

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

10 copies
sent 6-1-99
JR

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Final Order

Application History

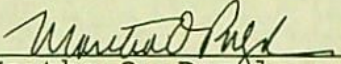
On January 18, 1996, DANIEL FUGATE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 16, 1996. The protest period closed August 30, 1996, and no protest was filed.

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

Order

Application G-14238 therefore is approved as proposed by the Proposed Final Order, and Permit G-12806 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 30, 1996


Martha O. Pagel
Director

Appeal Rights

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

STATE OF OREGON

COUNTY OF Coos

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THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
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(541) 440-6804

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

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PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

Application G-14238 Water Resources Department

PERMIT G-12806

Measurement, recording and reporting conditions:

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

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells 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.

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

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.

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.

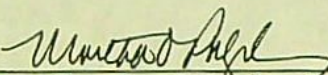
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued September 30, 1996


Martha O. Pagel, Director
Water Resources Department

NOV 20 1998

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Daniel Fugate

<u>9644 Garden Valley Road,</u>	<u>Roseburg,</u>	<u>Oregon</u>	<u>97470</u>	<u>(541) 440-6804</u>
ADDRESS	CITY	STATE	ZIP	PHONE

record owner of application No. G-14238 permit No. G-12806, 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, 2000, 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, 2001.

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.

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

2-Have you put any water to use under this permit [yes/no]? Yes
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? Yes If no, please explain.
Which terms and/or conditions have not been completely fulfilled at this time. _____

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

(a) within past year 7 acres completed. Additional acreage has been
partially cleared and bogs laid out.

(b) prior to this past year 7 acres in progress. One sump well
constructed and one holding pond constructed.

© and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) _____

7 Acres

4-Cost of project to date \$300,000.. Projected cost for completion of project \$600,000.

5-Have there been any unforeseen events which delayed development of water system? Normal events of start up and arranging financing. We have
have also requested a permit transfer from one sumpwell to a drilled well. This is
currently being processed.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water ? [please explain] The transfer process of going from a sumpwell
to a drilled well - permit transfer not approved prior to 10-1-98.

7-What reasons was the project not completed within permit time limits ? Magnitude of project - uncertainty in process - we did not obtain
financing until permit issued.

8-Has there been any change in the demand for water or power since permit was issued? (please explain) No

9-Has there been any change in the market for water or power since the permit was issued? (please explain) No

NOV 20 1998

WATER RESOURCES DEPT.
SALEM, OREGON

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

Yes - income will allow repayment of debt and provide funds for the farm and family.

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No - 7 acres is not sufficient to repay debt or to support our family.

12-Is there an alternative source of water available [yes/no please explain]? No

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain)

No - the groundwater will be enhanced by the drilling of a deep well.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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.

Signature

Daniel H. Fugate

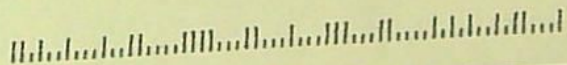
MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS.
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

Mr & Mrs Daniel Fugate
9644 Garden Valley Rd
Roseburg, OR 97470



Water Right Permit Extensions
Water Resources
158 12th ST NE
Salem, Ore 97310

37310/0700





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 14238

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470-

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.

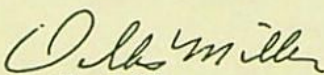
In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response 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



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 17, 1998

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470

Reference: Files G 14238, Permit G 12806

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.

If it is necessary that you have an extension of time before that, it may be possible if you can make the statement that water can be fully used within one year.

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipt 24441 for the \$100 recording 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

cc: Watermaster Dist 19

Application for Extension of Time

RECEIVED

TO THE WATER RESOURCES DIRECTOR OF OREGON

SEP 10 1998

WATER RESOURCES DEPT.
SALEM, OREGON

I, Daniel Fugate Name
9644 Garden Valley Rd.
 Mailing Address
Roseburg OR 97470
 City State Zip

- record owner of water right permit No. G-12806 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, ~~19~~ ²⁰⁰², 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, 19⁹⁹, be extended to October 1, ~~19~~ ²⁰⁰³

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

within the past year cleared land for construction of additional 6 acres of bog.
Sanded bogs constructed in prior year.

prior to this past year Constructed a sumpwell and 7 acres of cranberries. Began
construction of 2nd sumpwell. Constructed holding pond.

and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) 7 acres of cranberries

(If additional space is required, attach separate sheet)

Daniel K. Fugate

(If signing for a corporation please identify your title)

NOTE: Plan to replace sumpwell #1 with a drilled well when the permit amendment is approved.

Dated 9/4/98

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$~~100~~ FOR EACH PERMIT TO:
 100 00

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

G-14238

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8083 submitted by

DANIEL FUGATE
9644 GARDEN VALLEY ROAD
ROSEBURG, OREGON 97470.

The permit to be modified is Permit G-12806 with a date of priority of JANUARY 18, 1996. The permit allows the use of TWO SUMP WELLS, in the COQUILLE RIVER BASIN, for CRANBERRY OPERATIONS ON 40.0 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP 1 AND 0.5 CFS FROM SUMP 2, if available at the original sumps; SUMP 1 - SE¼ SE¼, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29, SUMP 2 - SW¼ SW¼, SECTION 28, T 27 S, R 14 W, W.M.; POD 1 - 960 FEET NORTH AND 530 FEET EAST, POD 2 - 980 FEET NORTH AND 760 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 28, or its equivalent in case of rotation, measured at the sump.

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 acres; 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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 ACRES
SECTION 28

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 17.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

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

The applicant proposes to change the point of appropriation for Sump 1 to a well located at:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 29, T 27 S, R 14 W, W.M.; 725 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

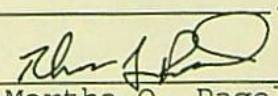
1. The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-12806, in the name of DANIEL FUGATE is amended as described herein.

WITNESS the signature of the Water Resources

Director, affixed

NOV 19 1998


Martha O. Pagel, Director

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

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DANIEL FUGATE
9644 GARDEN VALLEY ROAD
ROSEBURG, OREGON 97470.

The permit to be modified is Permit G-12806 with a date of priority of JANUARY 18, 1996. The permit allows the use of TWO SUMP WELLS, in the COQUILLE RIVER BASIN, for CRANBERRY OPERATIONS ON 40.0 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP 1 AND 0.5 CFS FROM SUMP 2, if available at the original sumps; SUMP 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29, SUMP 2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 28, T 27 S, R 14 W, W.M.; POD 1 - 960 FEET NORTH AND 530 FEET EAST, POD 2 - 980 FEET NORTH AND 760 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 28, or its equivalent in case of rotation, measured at the sump.

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 acres; 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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW¼ SW¼ 15.0 ACRES
SECTION 28

NE¼ SE¼ 17.5 ACRES
SE¼ SE¼ 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

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

The applicant proposes to change the point of appropriation for Sump 1 to a well located at:

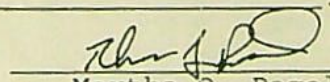
SE¼ SE¼, SECTION 29, T 27 S, R 14 W, W.M.; 725 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-12806, in the name of DANIEL FUGATE is amended as described herein.

WITNESS the signature of the Water Resources
Director, affixed NOV 19 1998


for Martha O. Pagel, Director



Oregon Water Resources Department Land Use Information Form

RECEIVED
SEP 10 1989
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, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Daniel Fugate

Address: 9644 Garden Valley Road

City: Roseburg State: Or. Zip: 97470 Day Phone: (541) 440-6804

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (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.

T27S., R.14W., Sect. 28 and 29

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
S. 28 1300	TA: 7675.01 Forest (M/u)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
S. 29 1800	TA: 7686.01 + 7686.91 Forest (M/u)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
S. 29 800	TA: 7687.01 Forest (M/u)	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Coos

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Cranberry Use

Briefly describe: Water used for irrigation, temperature control and
Flood harvesting of cranberries

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require.

0.90 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

For Local Government Use Only

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

A. Allowed Use

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 "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Theda L. Underhill Date: 9-4-98
 Title: Planner Phone: (541) 396-3121 ext 492
 Signature: Theda L Underhill

C. Additional Comments

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.

Agricultural uses are permitted in a Forest
(ripped - use) zone.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: Brent + Rondi Van Buren

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: Crow County
 Staff contact: Theda L Underhill Phone: (541) 396-3121 ext 492
 Signature: Theda L Underhill Date: 9-4-98

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Final Order

Application History

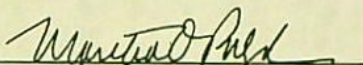
On January 18, 1996, DANIEL FUGATE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 16, 1996. The protest period closed August 30, 1996, and no protest was filed.

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

Order

Application G-14238 therefore is approved as proposed by the Proposed Final Order, and Permit G-12806 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 30, 1996


Martha O. Pagel
Director

Appeal Rights

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

STATE OF OREGON

COUNTY OF Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells 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.

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

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.

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.

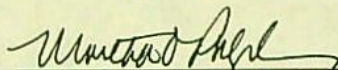
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued September 30, 1996



Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Final Order

Application History

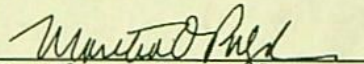
On January 18, 1996, DANIEL FUGATE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 16, 1996. The protest period closed August 30, 1996, and no protest was filed.

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

Order

Application G-14238 therefore is approved as proposed by the Proposed Final Order, and Permit G-12806 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 30, 1996


Martha O. Pagel
Director

Appeal Rights

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

STATE OF OREGON

COUNTY OF Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells 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.

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

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.

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.

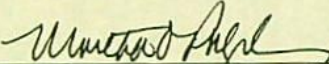
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued September 30, 1996


Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Proposed Final Order

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

Application History

On January 18, 1996, DANIEL FUGATE submitted an application to the Department for the following water use permit:

- Amount of Water: 0.9 cubic foot per second, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2
- Use of Water: Cranberry Operations on 40.0 acres
- Source of Water: Two Sumps in Coquille River Basin
- Area of Proposed Use: Coos County within
SW 1/4 SW 1/4
SECTION 28

NE 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 29

TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

On APRIL 2, 1996, the Department mailed the applicant notice of its Initial Review, determining that water is available year round for Agriculture use and March 1 through October 31 for Irrigation use. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On APRIL 16, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, written comments were received from John Drolet.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program

- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The South Coast Basin Program allows the following uses: Cranberry Operations

Senior water rights exist on the two sumps or on downstream waters.

The two sumps are not within or above a State Scenic Waterway.

Water is available for further appropriation for the period year round.

The Department finds that no more than 6.0 cfs would be necessary for the proposed use. The amount of water requested, 0.9 cfs, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, is allowable.

The two sumps are not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

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

An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions of use be imposed on this application.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the South Coast Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

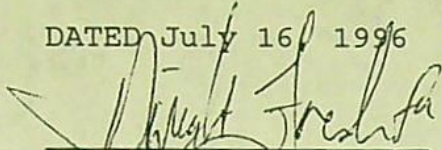
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED July 16, 1996


Steven R. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **August 30, 1996**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF Coos

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND, BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 29, SW 1/4 SW 1/4, SECTION 28, T27S, R14W, W.M.; SUMP #1 - 760 FEET NORTH & 310 FEET WEST, SUMP #2 - 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4	15.0 ACRES
SECTION 28	
NE 1/4 SE 1/4	17.5 ACRES
SE 1/4 SE 1/4	7.5 ACRES
SECTION 29	
TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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

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

The 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells 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.

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

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.

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 shall be limited when it interferes with any prior surface or ground water rights.

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-14238
Basin 17
GH

Water Resources Department
Volume 2 CUT CREEK AND MISC.
MGMT.CODE

PERMIT DRAFT
District 19

TO: Dwight French
FM: J P Drolet

G-14238

G-14238

Sub: Permit Conditions, this Application
Require totalizing Meter for both P.O.B.'s

Oregon

APRIL 2, 1996

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

RECEIVED

APR 15 1996

WATER RESOURCES DEPT.
SALEM OREGON

Reference: File G-14238

Dear Applicant:

THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for Irrigation and Agriculture use is allowed under OAR 517, the South Coast Basin Program.
4. Water for the use of 0.9 cubic foot per second, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, is available year round.
5. The irrigation season is March 1 through October 31 set by Department policy.

NOTE TO PFO:

Honor suggestion from Drolet.
Dwight



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

file

Oregon

APRIL 2, 1996

WATER
RESOURCES
DEPARTMENT

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

Reference: File G-14238

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
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This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

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2. The proposed use is not prohibited by law or rule.
3. The use of water for Irrigation and Agriculture use is allowed under OAR 517, the South Coast Basin Program.
4. Water for the use of 0.9 cubic foot per second, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, is available year round.
5. The irrigation season is March 1 through October 31 set by Department policy.



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

Summary of Initial Determinations

The use of 0.9 cfs, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, for Irrigation of 40.0 acres may be allowed from March 1 through October 31 of each year.

The use of 0.9 cfs, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, for Agriculture use of 40.0 acres may be allowed year round.

The cumulative use of Sump #1 and Sump #2 shall not exceed 0.9 cfs.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by APRIL 16, 1996. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. You may be required to measure the amount of water used and report that use annually.
2. The priority date for this application is January 18, 1996.

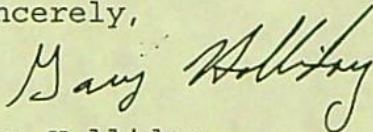
3. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
4. 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.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

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

Sincerely,



Gary Holliday
Initial Reviewer

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

TO: Water Rights Section

MAC 26, 1996

FROM: Groundwater/Hydrology Section

Doug Woodcock

Reviewer's Name

SUBJECT: Application G- 14238

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE Basin Basin rules, one or more of the proposed POA's is/is not within feet/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
 - b. will not surface water source, namely ; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - 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 well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 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
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - 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

- 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 Considerations on Reverse Side)

14238

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 constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

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 _____, 199__.

(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: _____

_____, 199__.

(Signature)

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14238

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 27S/14W-28,29

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Doug Woodcock

INTEROFFICE MEMORANDUM
Water Rights Section

TO: Fred

FROM: Dwight French, x268 *DWF*

DATE: March 4, 1996

RE: G14238

First page in the file is a letter from the applicant asking for some expedited processing.

I can expedite if the the Div 9 review is "no potential for...."

Could one of your staff do a Div 9 review so that we might expedite the processing of his application.

Thanks.

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files Date Mar 26, 1996

FROM: Doug Woodcock

SUBJECT: Groundwater Application G- 14238 Phone: _____

Name: _____

Applicant(s) seek _____ gpm (0.90 cfs) from 2 sump well(s) in the Cut CR basin

Proposed use CRANBERRY OPS sub basin

sub basin.

Pertinent 7 1/2 - minute quads BULLARDS RIVERTON

^{Sump} Well 1 WRD# _____ T 27 S R 14 W S 29 QQ SESE County COO

Legal Description 760' N & 310' WEST FROM SE COR SEC 29

Well is 2000 ft from WHISKEY CR (river/stream)

Well is 3000 ft from CUT CR (river/stream)

Well elevation _____ ft. River/stream elevation _____ ft.

Well elevation - river/stream elevation _____

Well depth _____ SWL _____ on _____

Sealed to _____ Depth first water found _____

Cased to _____ Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types _____

Confined or unconfined? UNCONFINED Hydraulically connected? YES

Potential to cause substantial interference? NO

^{Sump} Well 2 WRD# _____ T 27 S R 14 W S 28 QQ SWSW County _____

Legal Description 960' N & 530' E OF SW COR SEC 28

Well is 2000 ft from CUT CR (river/stream)

Well is 1800 ft from WHISKEY CR (river/stream)

Well elevation _____ ft. River/stream elevation _____ ft.

Well elevation - river/stream elevation _____

Well depth _____ SWL _____ on _____

Sealed to _____ Depth first water found _____

Cased to _____ Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types _____

Confined or unconfined? UNCONFINED Hydraulically connected? YES

Potential to cause substantial interference? NO

Conditioned water rights in area: SEE ATTACHED

Other nearby water rights of record: _____

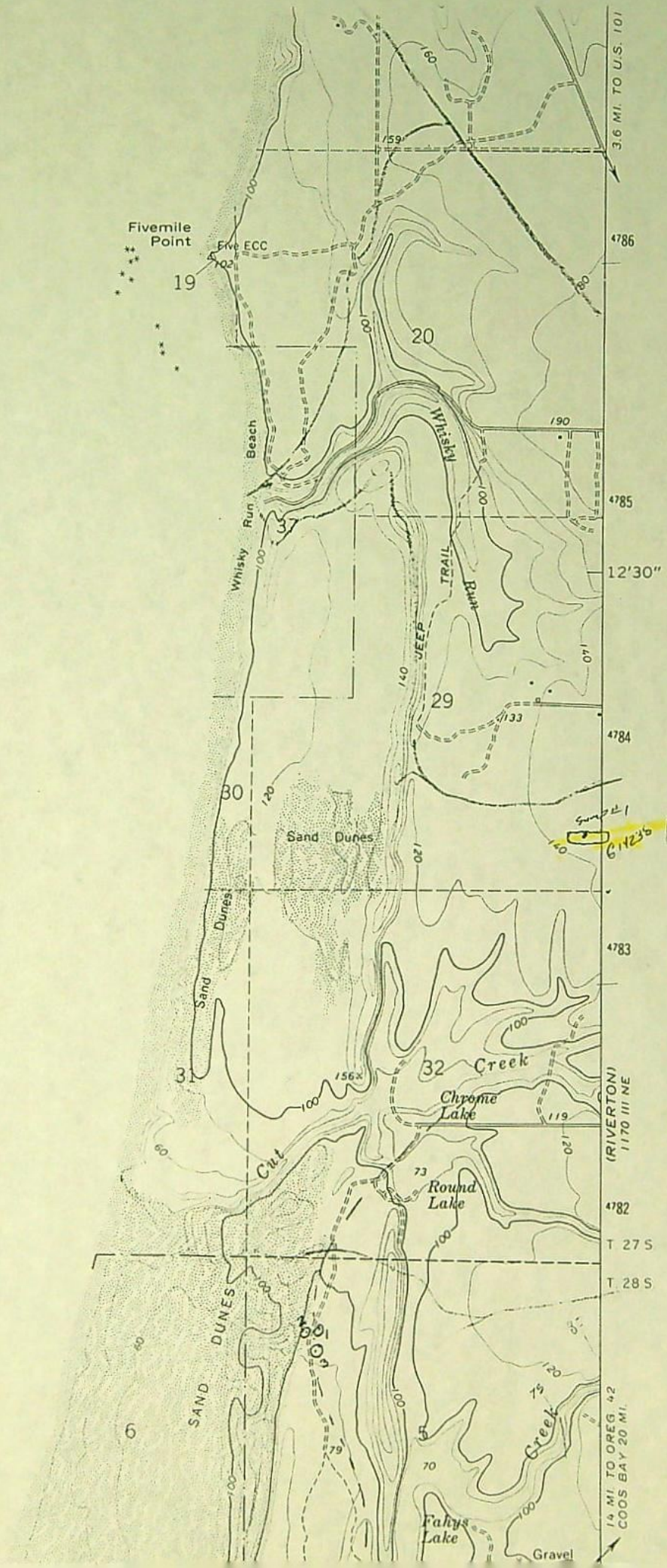
Density of nearby wells of record: _____

Comments SUMP WELLS DEVELOPED IN MARINE TERRACES 1800 + 2000 FT FROM SURFACE WATER. DUE TO LARGE STORAGE IN WELLS, ANALYTIC MODELS (AVAILABLE) DO NOT APPLY. LOW TRANSMISSIVITY OF MARINE DEPOSITS AND DISTANCE TO SURFACE WATER REDUCE POTENTIAL FOR SUBSTANTIAL INTERFERENCE

References used: _____

BULLARDS
[Handwritten squiggle]

+



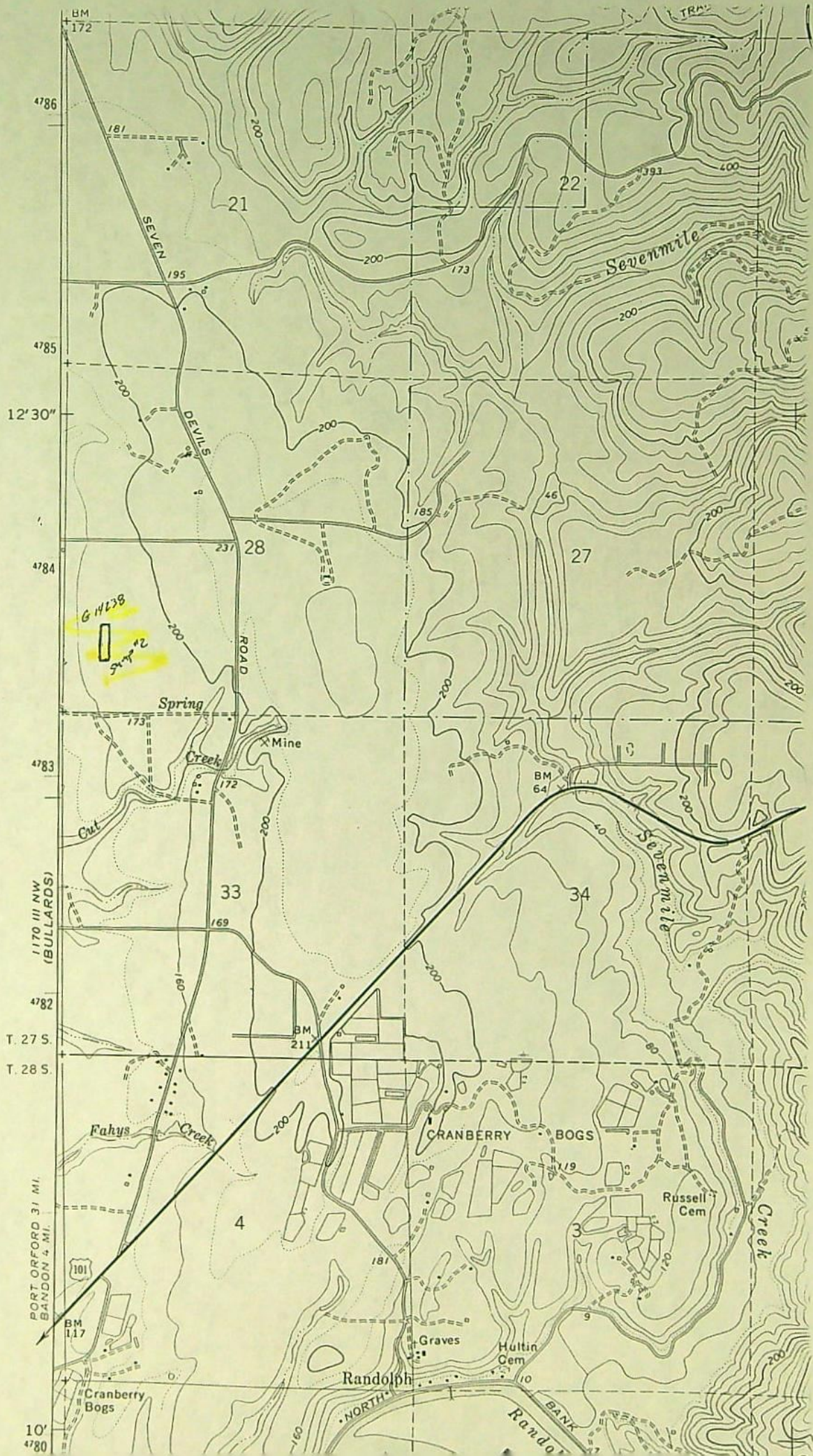
Sum 221
614235

(RIVERTON)
1170 III NE

T 27 S
T 28 S

14 MI. TO OREG 42
COOS BAY 20 MI.

RIVERTON



Please
rush

REVIEW CHECKLIST

FOR G- 14238

Cook City
17

Riverton 200
Charleston 41

- Xerox appropriate parts of the stream index.
- Estimate number of wells within one mile radius and identify types.
- Verify that the well log is in application file. If not, provide one. — not found
- List of state observation wells within five mile radius.
- List groundwater permits within five mile radius with extraordinary conditions.

WELLS: 2 sump wells

	DO	MO	IR						
27S 14W 28	8								7
29	8								8
21	7								7
20	3								3
22	none found								
27		8							8
34/19	2	1	1						3/1
33/30	7	none found							7/1
32/31	1	none found							1/1

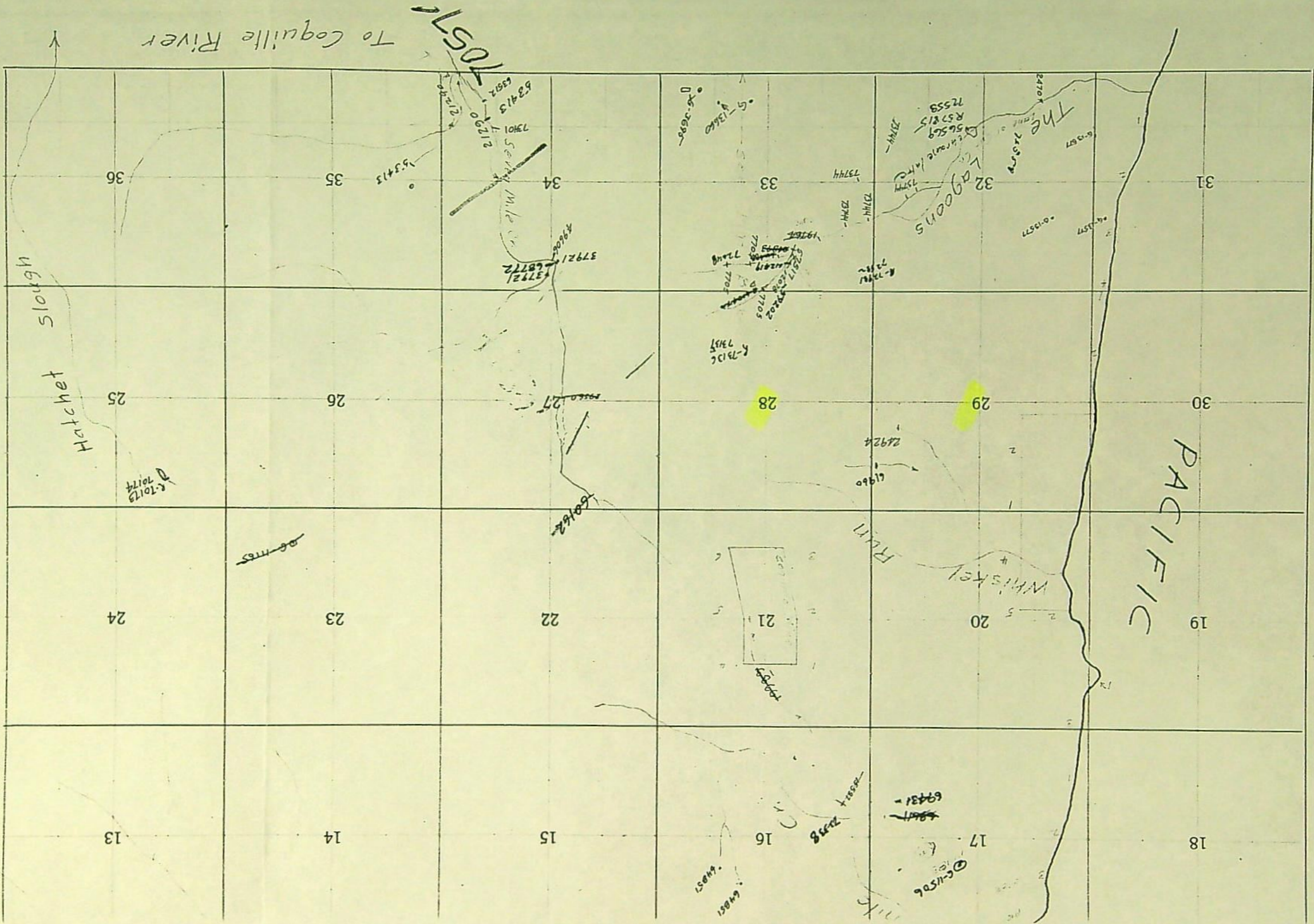
OBSERVATION WELLS: 37, 8, 1 = 46

APPLICATIONS WITH PERMIT CONDITONS:

86

- G 13577
- G 13413
- 13577
- 13250
- 12333
- 13077
- 12359
- 13776
- 12497
- 12612
- 13164
- 13171

RVW.CKLST



27S, 14W

Fish District: Lower Rogue/South Coast

WAB#

Application # G-14238

Applicant Name D. Fugate

Date: March 26, 1996

AREA

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

INFORMATION/CONDITIONS

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

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

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

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec
			X				NO	LIVE	Flow			X	

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

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

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

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

FINDINGS

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

✓

IR CHECKLIST

Application #: G 14238 Vol _____ Subbasin _____
Basin: 17 WAB: _____ POU-WAB 7900
Township _____ Range _____ Section _____ 1/4 1/4 _____

- 1. Items have been verified on Completeness Checklist.
- 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - no a. Is the well located in a groundwater limited area?
 - b. A B C D
 - no c. SWW _____
- no 4. Is the Proposed Use located in or above a Scenic Waterway?
- no 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- 6. Is the use allowed or limited by the Basin Program? _____ OAR(s) _____
- no 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- 8. Basin Maps (metal cabinet) have been checked and River Mile (_____) has been identified
- NA 9. Water Availability Data has been verified (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) _____
- 10. Rate _____ Duty _____ Season _____
- 11. Use Irrig. Agr. Period of Allowed Use _____
- 12. Priority Date(s) Jan 15, 1996
- no 13. Is use from a B.O.R. project and if so, is a signed contract in the file? _____
- NA 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) _____
- 15. Plat cards have been checked and a copy of the map is attached showing the conflict with _____
- 16. Land use approval OK'd needs approval county notified NA
- 17. conditions? (BOR, GW, etc.) _____
- 18. Watermaster District #: 19
- 19. Regional Office (NWR, NCR, ER, SCR, or SWR)
- 20. IR has been saved to m:\tir\sent\app # from m:\tir\work\app #

Name: [Signature] Date: 3-1-96

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

Classifications

690-517-001

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

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

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

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

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

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

✓(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8). 161123410

✓(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. 0701310 to 07013123

✓ 3400

✓ 1601

- (7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.
- (8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.
- (9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.
- (10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

X Reservations

690-517-002

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

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

Minimum Perennial Streamflows

690-517-003

- (1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.
- (2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.
- (3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:
- (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

DUTY OF WATER TO BE USED WHEN ISSUING PERMITS

STREAMS	DUTY	STREAMS	DUTY	STREAMS	DUTY	MISC. DUTIES	DUTY
BASIN No. 1 ALL WATER	1/80 2 1/2	BASIN No. 7 WEST PRONG LITTLE WALLA RIVER WALLA RIVER BELOW AND WEST OF PENDLETON WALLA WALLA RIVER BUTTER CREEK PINE AND WILLOW CREEKS TRIBES OF WILLOW WALLA RIVER FOR UPLAND EARLY IRRIGATION DAGGAR CREEK, MID CREEK AND BRANCHES AND UMATILLA RIVER ABOVE AND EAST OF PENDLETON JOHNSON CREEK GROUND WATER IN MILTON-FREEWATER GRAVEL AREA OTHER GROUND WATER	1/40 3 1/40 4 1/2 1/80 4 1/50 4 1/60 3 1/80 2 1/2 1/80 3 1/80 4 1/40 4 1/2 1/80 3	BASIN No. 12 COFFEE POT CREEK RATTLESNARE CR. AND DANHER AND BUTTEEN R. SILVER CREEK BLACK CANYON H.L. HORN ROARING SPRINGS, ROCK SKULL, AND THREE MILE CREEKS GROUND WATER	1/40 2 1/2 1/40 3 1/60 3 1/80 2 1/2 1/80 3 1/80 3 1/40 2 1/2 1/40 3 1/40 4 1/80 3 1/80 3	FROST PROTECTION HARVESTING OF CRANBERRIES IRR. OF CRANBERRIES	0.15 CF. PER AC. 0.50 CF. FOR 10 AC. OF B06. 1/40 3 0.01 0.02 0.03 0.005 0.01 0.005
BASIN No. 2 ALL WATER	1/80 2 1/2	BASIN No. 8 GRAND RONDE RIVER HYACINTH CREEK AND WALLAWA RIVER AND SOUTH FORK SNAKE RIVER MILL CREEK GROUND WATER	1/40 3 1/40 3 1/2 1/40 4 1/80 3 1/80 3	BASIN No. 13 CRANE CR. AND GOOSE LAKE BUTK AND SILVER CREEKS AND HART, SWIMMER AND WARNER LAKES CHEWALCAN RIVER BRIDGE CREEK GROUND WATER	1/40 2 1/2 1/40 3 1/40 4 1/80 3 1/80 3	DOMESTIC - L.F.G 1-2 HOUSES 3-5 HOUSES 6-10 HOUSES DOMESTIC ONLY 1 HOUSE UP TO 10 HOUSES STOCK, UNLESS INFO ON STOCK AND DISTRIBUTION SYSTEM JUSTIFIES MORE	0.01 0.02 0.03 0.005 0.01 0.005
BASIN No. 3 ALL WATER	1/80 2 1/2	BASIN No. 9 BURNT RIVER POWDER RIVER NORTH POWDER AND SNAKE RIVERS PINE CREEK GROUND WATER	1/40 3 1/2 1/40 4 1/40 4 1/2 1/80 3	BASIN No. 14 WILHORSE CREEK, TRIBES TO LOST RIVER, KLAMATH SPRINGS, AND WILLIAMSON RIVERS, KLA MATH AND SWAN LAKES FOUR AND SEVEN MILE CREEKS AND WOOD R. LOST RIVER ANNA AND CHERRY CR. GROUND WATER	1/40 3 1/50 5 1/2 1/80 3 1/80 3		
BASIN No. 4 HENOWITH, HOLMAN OR THREE MILE MILL, AND YOSIER CREEKS FIFTEEN MILE AND NEAL CREEKS AND HOOD RIVER GROUND WATER	1/80 3 1/80 3	BASIN No. 10 WILLOW CREEK AND MALHSUR RIVER SNAKE RIVER CREEK COTTONWOOD GROUND WATER	1/40 3 1/40 4 1/80 3 1/80 3	BASIN No. 15 ROGUE RIVER TRIBES, IF REQUESTED ALTHOUGH CREEK AND ILLINOIS RIVER LITTLE BUTTE CREEK AND ROGUE RIVER GROUND WATER	1/40 4 1/2 1/50 3 1/2 1/80 4 1/2 1/80 2 1/2		
BASIN No. 5 HAY CREEK AND WHITE R. CROOKED AND DESCHATES TROUT CREEK SAVAY CREEK WILLOW CREEK METOLOUS RIVER TAMALO LAKE AND CREEK SNOW AND THREE CREEKS ANTELOPE CREEK GROUND WATER	1/40 3 1/40 4 1/40 6 1/2 1/50 2 1/60 3 1/2 1/70 4 1/80 2 1/2 1/80 3 1/80 3	BASIN No. 11 SNAKE RIVER WILHORSE CREEK JORDAN CR. AND DUYHES R. GROUND WATER	1/40 4 1/2 1/40 4 1/80 4 1/80 3	BASIN No. 16 COW CREEK OTHER STREAMS GROUND WATER	1/40 3 1/2 1/80 2 1/2 1/80 2 1/2		
BASIN No. 6 CHERRY CREEK BRIDGE CREEK, SOUTH FORK JOHN DAY RIVER AND TRIBES, JOHN DAY R. JOHN DAY RIVER, NORTH FORK, AND MIDGE FORK COCHRAN (CUPPER) CREEK GABLE CREEK GROUND WATER	1/40 3 1/40 4 1/40 5 1/50 4 1/80 4 1/80 3	BASIN No. 17 & 18 ALL	1/40 4 1/40 4 1/80 4 1/80 3		1/10 2 1/2		

TOWNSHIP 275 RANGE 14W W. M.																SECTION 28		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
			0 ²⁵													61960	46283	60919
														16 ⁹ 0 ³		73135		
																P-73131		
														15		G-14238		

TOWNSHIP 275 RANGE 14W W. M.																SECTION 29		
NE				NW				SW				SE				APPLICATI- ON NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
							DL037											
			Lot1				Lot3 Lot2											
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
			Dom															
															17 ⁵			
															7 ⁵			
0 ²⁵																24924	19589	20940
																61960	46283	60919
																G-14238		

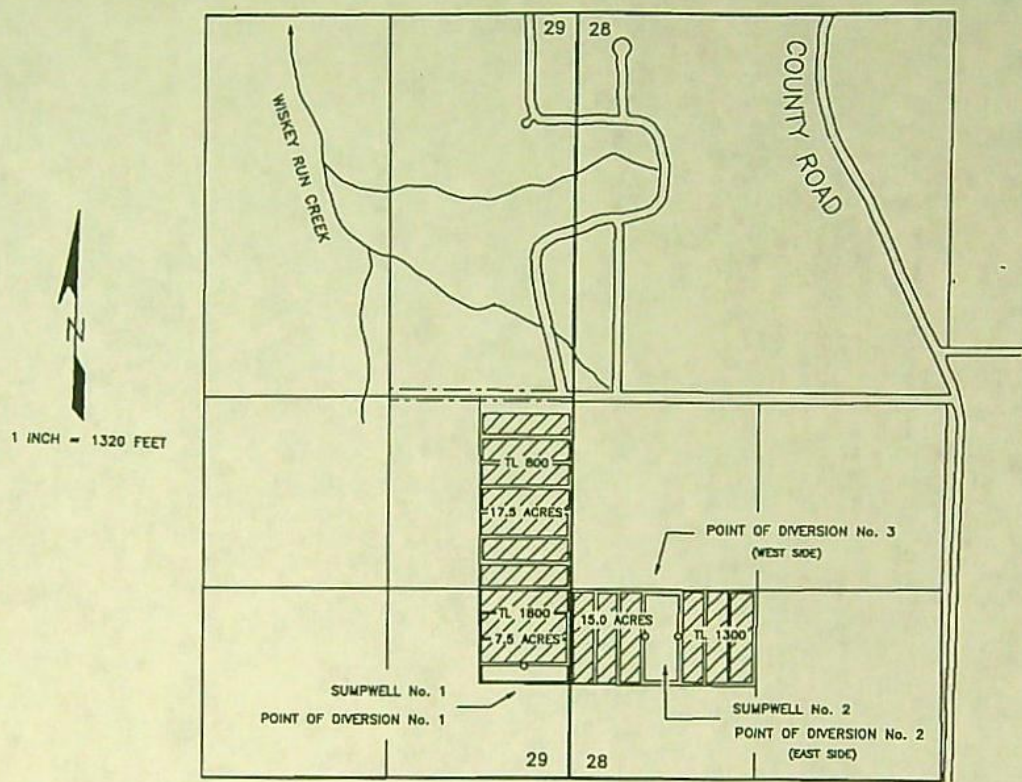
(SEE BACK OF CARD FOR PLAT OF SECTION)

JAN 18 1996

APPLICATION MAP

IN THE NAME OF DANIEL FUGATE

T 27 S, R 14 W, W.M, SECTIONS 28 & 29



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

DIVERSION	SOURCE	NORTH	EASTWEST	¼ ¼	Sec.	Twp.	Rng.
No. 1	SUMPWELL No. 1	760 FEET	310 FEET WEST	SE¼SE¼	29	27S	14W
No. 2	SUMPWELL No. 2	960 FEET	530 FEET EAST	SW¼SW¼	28	27S	14W
No. 3	SUMPWELL No. 2	980 FEET	760 FEET EAST	SW¼SW¼	28	27S	14W

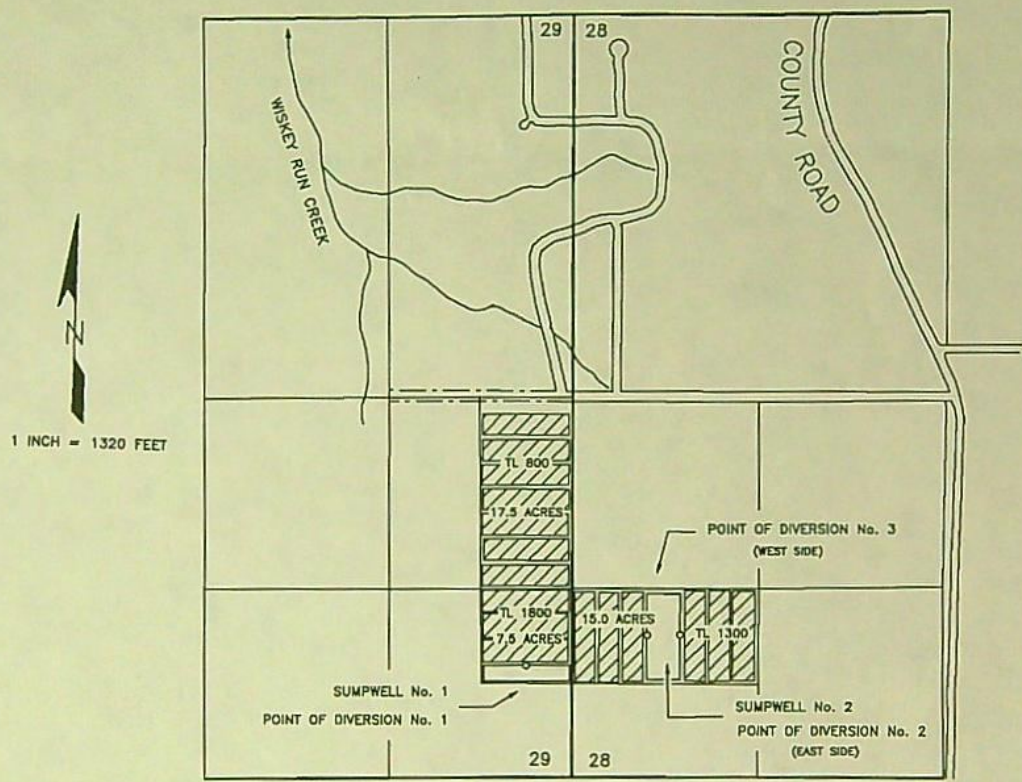
ALL FROM THE SOUTH WEST SECTION CORNER OF SECTION 28, TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY.

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.

Application No. G-14238
 Permit No. G12806

RECEIVED
 JAN 18 1996
 WATER RESOURCES DIVISION
 SALEM, OREGON

APPLICATION MAP
 IN THE NAME OF DANIEL FUGATE
 T 27 S, R 14 W, W.M, SECTIONS 28 & 29



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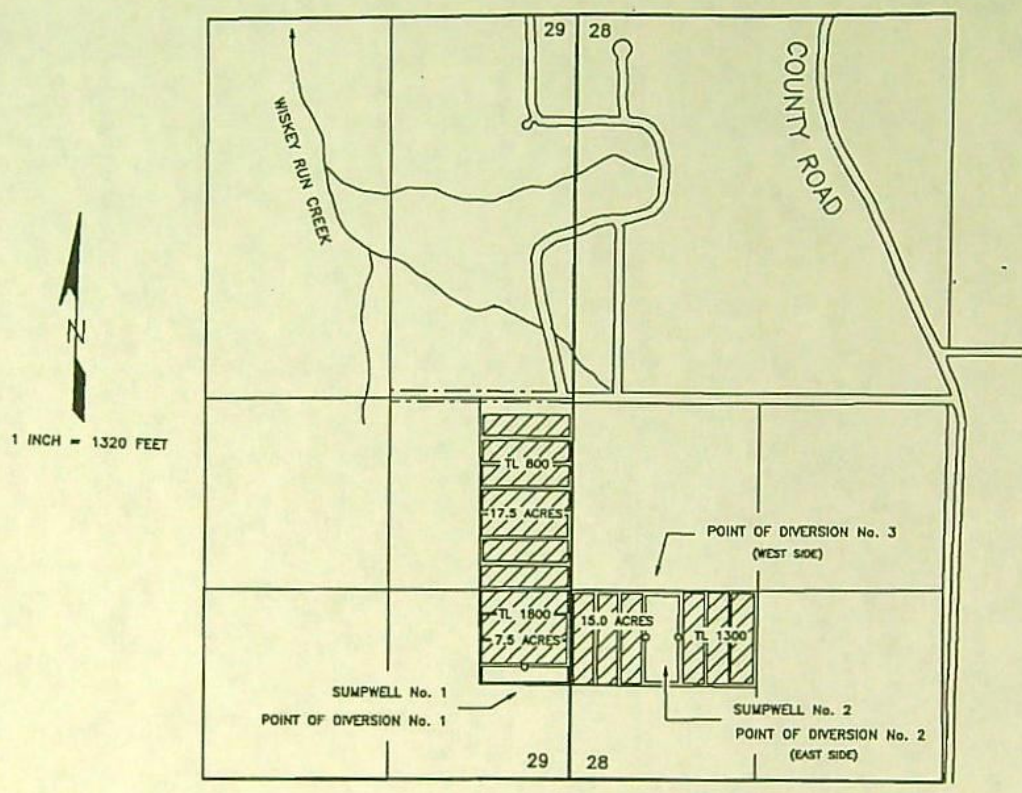
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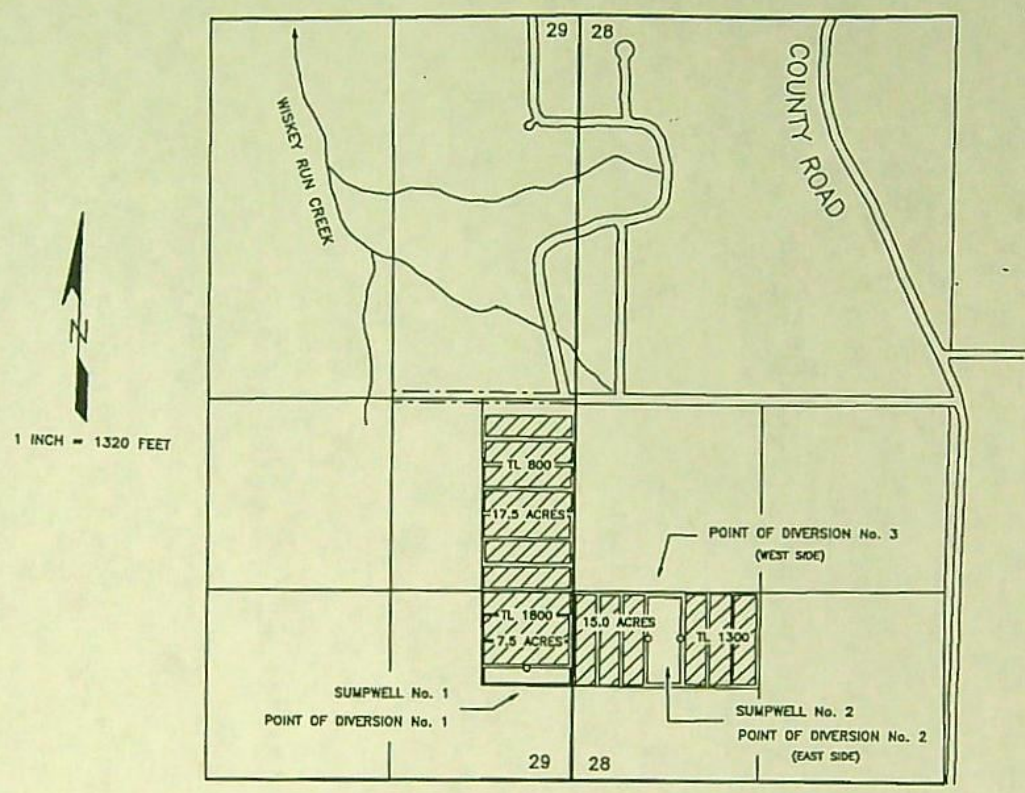
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Application No. G-14238
 Permit No. G12806

Application No. GH238

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

RECEIVED
JAN 18 1996
WATER RESOURCES DEPT.
SALEM, OREGON

Applicant(s) Daniel Fugate

(Please print or type - use dark ink)

Mailing Address: 9644 Garden Valley Road
Roseburg Oregon 97470 (541) 440-6804
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.): _____

Two Sump Wells (See Supplemental Sheet)

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

Distance from development to stream: _____

Elevation difference between streambed and development: _____

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.

Diameter of well: _____ Depth in feet: _____

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

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

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: 0.90 cubic feet per second, OR 400 gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: _____

#1-0.40 cfs. #2-0.50 cfs.

3. INTENDED USE(S) OF WATER: Cranberry use

If for more than one use, give the quantity of water from each source for each use; _____

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

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

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

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

Irrigation Cranberry use - 40 acres

Other (describe) _____

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).

Water will be delivered from sump wells to place of use by electric motors/pumps via buried PVC pipe. Water will be applied by rainbird sprinklers

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin Spring, 1997

Proposed date construction work will be completed October, 1998

Proposed date water use will be completed October, 1999

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

Applicant CWRE Other (Identify in REMARKS section)

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

Applicant CWRE Other (Identify in REMARKS section)

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

8. If you answered "NO" to question #7 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES _____ NO _____

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

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

Daniel H. Fugate
Signature

1/17/96
Date

Signature

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 18th day of January, 1996, at 8 o'clock, A M.

APPLICATION NO: G14238

Daniel Fugate Application

Supplemental Sheet

No. 1:

The development will consist of two sumpwells.

Number	Distance from Stream	Elevation Difference	Size	Depth	Casing	Depth to Water	Developer
No. 1	2100 ft	10' - 15'	120' x 520'	15 - 20 ft.	none	5 - 10 ft.	Owner
No. 2	1600 ft	10' - 15'	200' x 550'	15 - 20 ft.	none	5 - 10 ft.	Owner

Application No. 814238
Permit No.

RECEIVED
JAN 18 1996
WATER RESOURCES DIVISION
SALEM, OREGON

RECEIVED

JAN 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Daniel H. Fugate
9644 Garden Valley Rd.
Roseburg, OR 97470
Phone 541-440-6804

Jan. 18, 1996

State of Oregon
Water Resources Department
Attention: Martha Pagel, Director
158 12th St. N.E.
Salem, OR 97310

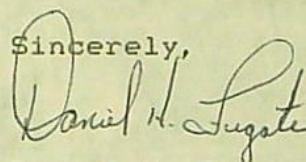
Dear Ms. Pagel:

I have filed an application for a permit to appropriate groundwater in S28 & S29, T27, R14W of Coos County and would appreciate it if you could initiate the processing of the application promptly for hardship reasons as we have a sale pending on the property with water rights being a contingency.

I understand there is a temporary hold on all applications along the Oregon coast. I would urge you to reconsider this stay, particularly those areas not involving streams critical to fish habitat. The cranberry growers may have a short window of opportunity to expand in the Bandon area. Without water they will not be able to take advantage of the opportunity Ocean Spray is extending to them to add additional acreage. If they are not able to do this, Ocean Spray may look to other areas to fulfill their needs.

Thank you for your consideration.

Sincerely,



Daniel H. Fugate

DF/kj

CC: Al Cook,
Regional Manager

RECEIVED
Oregon

WATER RESOURCES DEPT.
SALEM, OREGON

WATER

RESOURCES

DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

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

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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



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

Description of Water Use

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

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

Applicant Name: Daniel Fugate
 Address: 9644 Garden Valley Road
Roseburg, Oregon 97470
 Phone: (541) 440-6804

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

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____	<u>0.90</u> Cubic feet per second. <u>400</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water <u>2 Sump Wells</u>	

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

REC'D
JAN 18 1996
WATER RESOURCES DEPARTMENT
STATE OF 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: Daniel Fugate
 Address: 9644 Garden Valley Road
 City: Roseburg State: Oregon Zip: 97470 Day Phone: (541) 440-6804

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.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
27/14 S.29 TL-1800	F (Forest)	X	X	X
27/14 S.28 TL-1300	F (Forest)	X	X	X
27/14 S.29 TL-800	F (Forest)		X	X

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

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

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Application No. 614238
Permit No.

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 on the reverse of this form. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)**

Receipt for Request for Land Use Information

WRD Applicant Name: Daniel Fugate

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 cannot provide the above requested land use information while the applicant waits.

City or County: Coos County Planning Dept.
 Staff Contact: Matt Laird Phone: 396-3121 X26
 Signature: [Signature] Date of Information Request: 1/17/96

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: _____ Date: _____

Title: _____ Phone: _____

Signature: _____

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.

Additional Comments:

95 05 0501

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE Made this 1st day of MAY, 1995, by and between SHARON MOON the duly appointed, qualified and acting personal representative of the estate of HOWARD D. HILL, deceased, hereinafter called the first party, and DANIEL H. FUGATE AND KAREN J. FUGATE, Husband and Wife hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said second party and second party's heirs, successors-in-interest and assigns all the estate, right and interest of the said deceased at the time of decedent's death, and all the right, title and interest that the said estate of said deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situate in the County of COOS, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

Application No. B-14238
Permit No.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

TO HAVE AND TO HOLD the same unto the said second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$105,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).

IN WITNESS WHEREOF, the said first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL 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 APPROVED USES.

Signature of Sharon Moon, Personal Representative of the Estate of HOWARD D. HILL, Deceased.

NOTE-The sentence between the symbols (1), if not applicable, should be deleted. See ORS 93.030.

STATE OF Florida County of Okaloosa ss. This instrument was acknowledged before me on May 12, 1995 by Sharon Moon. This instrument was acknowledged before me on 19 by as of

PATTI DENISE THEODALIX NOTARY PUBLIC, STATE OF FLORIDA 0048790 EXP. 2-1-98

Signature of Patti Denise Theodaux, Notary Public for Oregon, My commission expires 2-1-98

ESTATE OF HOWARD HILL

GRANTOR'S NAME AND ADDRESS

DANIEL AND KAREN FUGATE 9644 Garden Valley Road Roseburg, OR97470

GRANTEE'S NAME AND ADDRESS

After recording return to: FUGATE: SAME AS ABOVE

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address. FUGATE: SAME AS ABOVE

RETURN TO KEY TITLE & ESCROW

NAME, ADDRESS, ZIP

RECORDING # 95050501

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



SPACE R 2:57 ON 05/15/1995 FC J. WILSON RECORDI

By Deputy

pages 2 Fee \$ 38.00

RECEIVED

JAN 18 1996

The East half (E1/2) of the Northeast quarter (NE1/4) of the Southeast quarter (SE1/4) of Section 29, and the Northeast Quarter (NE1/4) of the Southeast (SE1/4) of the Southeast quarter (SE1/4) of Section 29, and the North half (N1/2) of the Southwest quarter (SW1/4) of the Southwest quarter (SW1/4) of Section 28, all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

Excepting all mineral and oil rights Reserved in Deed Recorded November 10, 1927, in Book 104, Page 68, and Recorded September 2, 1966, in Microfilm Reel No. 66-9-12528, Coos County, Oregon.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.

(AFFECTS T.L. 27S 14W 28 1300)

2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

3. An easement created by instrument, including the terms and provisions thereof,

Recorded: November 27, 1927, in Book 104, Page 68,
Records of Coos County, Oregon

In favor of: Pacific States Lumber Co.

For: Access

4. An easement created by instrument, including the terms and provisions thereof,

Recorded: April 1, 1943, in Book 145, Page 444,
Records of Coos County, Oregon

In favor of: Humphrays Gold Corporation

For: Power line

5. An easement created by instrument, including the terms and provisions thereof,

Recorded: April 2, 1946, in Book 161, Page 45,
Records of Coos County, Oregon

In favor of: Coos County

For: Right of way for Road purposes

6. An easement created by instrument, including the terms and provisions thereof,

Recorded: September 21, 1966, Microfilm Reel Number 66-9-12528,
Records of Coos County, Oregon

In favor of: Reserved Easement for road for public use.

7. An easement created by instrument, including the terms and provisions thereof,

Recorded: August 26, 1980, Microfilm Reel Number 80-3-3695,
Records of Coos County, Oregon

In favor of: Franklin G. West and Mildred B. Wet

For: Easement for access

WATER RESOURCES DEPT.

Commerce Building

158 12th Street N.E.

SALEM, OREGON 97310

FIRST CLASS

IMPORTANT MESSAGE

1998

FOR F 499 DATE 8-28 TIME 12 A.M.
P.M.M RS. DANIEL / FUGATEOF _____ PHONEDPHONE FAX MOBILE 541-440-6804 RETURNED
YOUR CALLMESSAGE A B C PLEASE CALLJOHN YOUNGQUIST MAG WILL CALL
AGAINFILE # CAME TO
SEE YOUG-14238 WANTS TO
SEE YOU

SIGNED

TOPS FORM 4006

Herb

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **24441**

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

INVOICE # _____

RECEIVED FROM: Daniel H Fugate
BY: Karen Fugate

APPLICATION	G14238
PERMIT	
TRANSFER	

CASH: CHECK: # 96-505 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		\$
0408-0240 MISC REVENUE: (IDENTIFY)	Extension	\$ 100.00
New) TC165 DEPOSIT LIAB. (IDENTIFY)		\$

PCA # 66111

Existing) TC168	WATER RIGHTS:	EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$	0206	\$
	WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
	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

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

RECEIPT # **24441**

DATED: 9-10-98 BY: M. Murphy

C01

Duplicate

Application No.

G-14238

Permit No.

G12806

Name

Daniel Fugate

Address

9644 Garden Valley Rd

Assigned

Roseburg OR 97470

Address

Beginning construction

Sept 30, 1997

Completion of construction

Oct 1, 1998

Extended to

Complete application of water

Oct 1, 1999

Extended to

CØ7

614238

Daniel Fugate

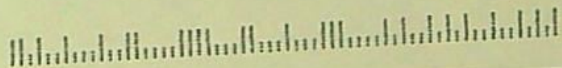
date of completion: 10-1-03 ^{ext to}
date for application of water: 10-1-03 ^{ext to}
duplicate

Mr & Mrs Daniel Fugate
9644 Garden Valley Rd
Roseburg, OR 97470



Water Resources Dept.
Commerce Bldg, 158 12th Street NE
Salem, OR 97310

97310/0703 3A



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **131672**

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

INVOICE # _____

RECEIVED FROM: Daniel Fugate
 BY: _____

APPLICATION	G 14238
PERMIT	
TRANSFER	

CASH: CHECK: # 96-505 OTHER: (IDENTIFY)

TOTAL REC'D \$ 3000

01-00-0 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$ _____

COST CENTER AND OBJECT CLASS

VOUCHER # _____

03-00-0 WRD OPERATING ACCT

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

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ <u>2000</u>	842.004	\$ <u>100</u>
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

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

45-00-0 LOTTERY PROCEEDS

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

07-00-0 HYDRO ACTIVITY

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

RECEIPT #

131672

DATED:

1-18-96

BY:

Flo Kissner

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **98362**

INVOICE # _____

RECEIVED FROM: _____

BY: Cynthia & Ronald Klegen

APPLICATION 514238

PERMIT

TRANSFER

CASH: CHECK # 1016 OTHER: (IDENTIFY)

TOTAL REC'D \$ 25.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY)

RECEIVED

OVER THE COUNTER

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0246 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ 46.11

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) Assignment \$ 25.00

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE
\$

 0202 \$

0203 GROUND WATER

EXAM FEE
\$

 0204 \$

0205 TRANSFER

EXAM FEE
\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE
\$

 0219 \$

LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

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: **98362**

DATED: 10-27-09 BY: LB

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **98336**

INVOICE # _____

RECEIVED FROM: Bandon Dunes

APPLICATION G14238

BY: _____

PERMIT _____

TRANSFER _____

CASH: CHECK:# 56187 OTHER: (IDENTIFY)

TOTAL REC'D \$ 50.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 46111 \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) Assignment \$ 50.00

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE
\$ _____

 0202 \$ _____

0203 GROUND WATER

EXAM FEE
\$ _____

 0204 \$ _____

0205 TRANSFER

EXAM FEE
\$ _____

 \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE
\$ _____

 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

CARD #

 \$ _____

0210 MONITORING WELLS

CARD #

 \$ _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____

0231 HYDRO LICENSE FEE (FWWRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **98336**

DATED: 10/23/09 BY: LSB

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14238

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: Z75/14W-28,29

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donc Woodcock

TO: Water Rights Section

MAR 26, 1996

FROM: Groundwater/Hydrology Section Doug Woodcock

Reviewer's Name

SUBJECT: Application G- 14238

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Basin rules, one or more of the proposed POA's is/is not within feet/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
 - b. will not surface water source, namely ; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - 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 well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

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
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - 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
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 Considerations on Reverse Side)

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