

Application No. R 86310 ALT

FEEES PAID

Date	Amount	Receipt No.
5-17-05	\$120.00	74634
11-23-10	500.00	101707
11/4/15	575.00	117895
3/18/24	8980.00	142566
	Cert. Fee	

Permit No. R 14247

Certificate No. Ref: 86311

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume | Page

FEEES REFUNDED

Date	Amount	Receipt No.
11/23/15	\$575.00	11041553

Name R-86310

By DANIEL LOSHBAUGH

Address PO BOX 343
SIXES OR 97476

C/2015

Priority _____

County _____ WM# _____

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address

DEVELOPMENT

Date

Completion 10-1-2010

Extended to 10/1/2015

Final Proof received _____

Proposed Cert. Mailed _____

REMARKS _____

MAP LOCATION _____

STORE WATER \$^{OK} 120

SURFACE WATER \$ 270 ✓

TOTAL - \$ 390

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

143756

R-86310

DANIEL LOSHBAUGH
PO BOX 343
SIXES OR 97476

Mailing List for Extension PFO Copies

PFO Date: May 7, 2024

Copies Mailed

Application: R-86310
Permit: R-14247

By: TM
On: 5.7.2024

Original mailed to Applicant:

Daniel Loshbaugh
PO Box 343
Sixes, OR 97476

Copies sent to:

1. WRD - App. File R-86310/ Permit R-14247

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 14, Scott Ceciliani

CASEWORKER: JDP

**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 R-14247, Water Right Application R-86310
in the name of Daniel Loshbaugh

) PROPOSED
) FINAL
) ORDER DENIAL

Permit Information

Application:	R-86310
Permit:	R-14247
Basin:	South Coast / Watermaster District 14
Date of Priority:	May 17, 2005
Source of Water:	runoff, tributary to Price Creek
Storage Facility:	A Reservoir
Purpose of Use:	storage for cranberry use
Maximum Volume:	8.0 acre-feet (AF)

Please read this Proposed Final Order in its entirety.

In summary, the Department proposes to:

-
- Deny an extension of time to apply water to full beneficial use from October 1, 2015, to October 1, 2029.

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

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department

PFO – Proposed Final Order

AF - acre-feet

AUTHORITY

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

ORS 537.230(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) 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 therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contain the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On December 1, 2005, Permit R-14247 was issued by the Department. The permit authorizes the storage of up to 8.0 AF of water in a Reservoir from runoff, tributary to Price Creek, for cranberry use. The permit specified the reservoir was to be filled, and complete application of water was to be made on or before October 1, 2010.
2. One prior permit extension has been granted for Permit R-14247. The extension resulted in the completion dates for filling the reservoir and full application of water being extended to October 1, 2015.
3. On March 18, 2024, the permit holder, Daniel Loshbaugh, submitted an “Application for Extension of Time” to the Department, requesting the time to apply water to full beneficial use under the terms of Permit R-14247 be extended from October 1, 2015 to October 1, 2029.
4. Notification of the Application for Extension of Time for Permit R-14247 was published in the Department’s Public Notice dated March 26, 2024. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

In order to approve an application for an extension of time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

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

5. On March 18, 2024, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Construction of the water system began prior to permit issuance under Permit R-11511. Permit R-14247 authorizes the enlargement of an existing reservoir.

Based on FOF 6, the Department has determined the permit holder has satisfied the condition requiring beginning of construction of the water works.

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

The Department must find that there is “good cause” to approve the extension. In making a “good cause” finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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

In order to make a finding of “good cause” to approve the extension, the Department shall consider whether the applicant has demonstrated “reasonable diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining “reasonable diligence”, the Department shall consider, but is not limited to, the following factors:

a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

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

The amount of construction completed within the time allowed in the permit and previous extension.¹

7. Construction of the water system began prior to permit issuance.
8. During the original development time period, land was cleared.

¹ “Actual Construction” is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

9. During the most recent extension of time period, being October 1, 2010, to October 1, 2015, no additional work was accomplished.
10. Since October 1, 2015, no additional work has been accomplished.

The Application does not provide evidence of progress made towards completion of the water development and application of water to full beneficial use as allowed in the time period specified in previous extension period. Therefore, the Department cannot find reasonable diligence towards the complete application of water to beneficial use under work has been accomplished within the time allowed in Permit R-14247.

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

The water right permit holder's conformance with the permit and previous extension conditions.

11. The Department has considered the permit holder's compliance with conditions, and has not identified concerns.

Though the Department has not identified any concerns about condition compliance, the determination was made based on no water being stored under the permit, therefore requirements to comply with conditions has not yet been needed.

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

The amount of beneficial use made of the water during the permit or previous extension conditions.

12. No water has been appropriated under Permit R-14247.
13. The permit holder identifies financial constraints as a reason water has not yet been stored.

The Department has determined that beneficial use of water has not yet been demonstrated under this permit because no water has been stored under the permit.

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

14. An invested approximately \$2,000, which is about 13 percent of the total projected cost for complete development of this project. An additional \$13,000 investment is needed for the completion of this project.

The Department has determined that there has been no investment towards the development of the storage authorized under Permit R-14247 during the most recent extension of time period, being October 1, 2010, to October 1, 2015, or since.

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

The application provides evidence that no work has been accomplished towards completion of the water system; the permit holder has demonstrated noncompliance with permit conditions, and; beneficial use of water has not been demonstrated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit R-14247.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

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:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) 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);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

15. A review of 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-14247; 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.
16. Current Water Availability Analysis for the Sixes River, (Tributary to Pacific Ocean) at the mouth (watershed ID 70877) show that no water is available during the months of May through October at the 50% exceedance level.

OAR 690-315-0040(4)(b)

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).

17. The point of diversion is located on a tributary to Price Creek, and is not located within a Withdrawn Area.

18. Price Creek is not located within or above a/the state or federal scenic waterway.
19. The point of diversion is not in a location listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

20. Price Creek 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.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

21. An approximate total of \$2,000 has been invested in the project.
22. No additional investment has been made since 2007.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

23. No other economic interests dependent on completion of the project have been identified.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

24. No other factors relevant to the determination of the market and present demand for water and power have been identified.

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

25. The 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)]

26. Delay in the development of this project that was caused by other governmental requirements were not identified.

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

27. The Application identifies the recession of 2008 and falling cranberry prices as unforeseen events.

Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]

28. The Application asserts that a denial of the extension would result in undue hardship, and that there are no other reasonable alternatives exist for meeting water use needs.

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

29. The Application does not provide evidence of good faith of the appropriator under Permit.

Based on FOF 9, 10, 11, 12, and 22, the Department cannot find that the permit holder has developed the permit in good faith.

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.

30. As of March 18, 2024, the permit holder states the remaining work to be completed consists of digging the reservoir, storing the authorized volume of water, and applying water to full beneficial use.

Based on the Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction within the time allowed in the permit (5 years).

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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 not 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).

CONCLUSIONS OF LAW

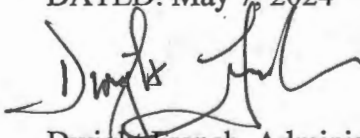
1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant complied with begin construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The application established that there has been no construction, no financial invest or reasonable diligence towards development since 2007. The permit holder has not 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).

PROPOSED ORDER

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

Deny the time to apply water to beneficial use under Permit R-14247 from October 1, 2015, to October 1, 2029.

DATED: May 7, 2024



Dwight 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.*

Protests

Pursuant to OAR 690-315-0060(1), 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. Protests must be received by the Water Resources Department no later than **June 21, 2024**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant'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
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest

- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-8260, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

**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 # **142566**

INVOICE # _____

RECEIVED FROM: Daniel Loshbaugh,
BY: Alice Loshbaugh

APPLICATION	R-86310
PERMIT	
TRANSFER	

CASH: CHECK:# 1257 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 780.00

1083 TREASURY 4170 WRD MISC CASH ACCT		
0407	COPIES	\$
_____	OTHER: (IDENTIFY) _____	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

4270 WRD OPERATING ACCT		
MISCELLANEOUS <u>46111</u>		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$ <u>780.00</u>
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 (FW/WRD)	\$ _____
0231	HYDRO LICENSE FEE (FW/WRD)	\$ _____
_____	HYDRO APPLICATION	\$ _____

TREASURY	OTHER / RDX
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **142566**

DATE: 3-18-2024 BY: mmills

Application: R-86310

Permit: R-14247

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

Applicant/Permit Holder(s) Daniel Loshbaugh
P.O. Box 343
Sioux OR 97476

Proposed Completion Date: 10-1-2029

WRIG...Money Received on: 3-18-24

- Extension Specialist ...
 - Added to tracking spreadsheet

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

- Tonya Miller...
 - Recent Assignment (Check WRIS for Update)
 - Publish on Public Notice (initial 30-day comment): Date of notice _____
 - 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 _____

NOTES:



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

March 26, 2024

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-86310 (Permit R-14247)**. 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 Jeffrey Pierce at (503) 979-3213. 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.

March 12, 2024

Jeffrey D. Pierceall
Extension Specialist
Water Rights Division

I believe I have corrected both Water Right Extension applications.

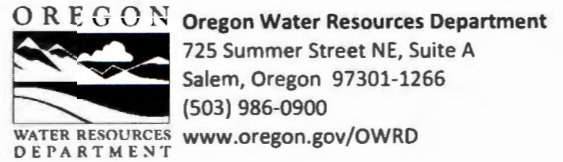
Thanks,
Daniel Loshbugh

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MAR 18 2024

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Application for
Extension of Time
for a Water Right Permit
(NON-Municipal/ NON-Quasi-Municipal)



Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

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MAR 18 2024

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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 \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

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

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.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the 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).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- 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 690-315-0020(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 Services Division.

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MAR 18 2024

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- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department’s Website. **NOTE: If the document requested is not available on the Department’s website, you may be required to submit a Public Record Request.**
- **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.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation:

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: 7 Day: 21 Year: 2005

Details of construction and attach documentation:

Started clearing land to expand pond.
Cranberry bogs have been completed

Picture included

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2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input type="checkbox"/>	Submittal of annual water use report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2006
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Outlet pipe	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input checked="" type="checkbox"/>	Other (Specify): Flow meter accessible	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input checked="" type="checkbox"/>	Other (Specify): Live flow bypasses pond	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is *not* considered work in the development of the water system. **Work accomplished under other water rights may not be considered work under this permit.**)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and</i> PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
12/1/2005	Date the permit was signed - find date above signature on last page of permit.	
2007	Begin clearing land	2000.00
8/1/2010	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: 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-B		\$2000.00

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/01/2010	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
	No work accomplished	
10/1/2015	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
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*
10/2/2015	No work accomplished	
Present		
Total Cost of Chart-C		

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$2,000.00
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit 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.

6. 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 = _____ gpm (gallons per minute) or,

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually to date = 0 AF

7. 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.

CHART-D

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

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No. T-_____

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

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date:

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# _____ Acres _____ (POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____ (POD/POA) # _____ Acres _____

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

10. In the chart below 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-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2024-2025	clear land and move fences	\$3,000.00
2026-2029	Dig pond	\$10,000.00
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$13,000.00

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

11. Estimated remaining cost to complete the project: \$13,000.00

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

Clear land, burn brush and stumps, move fence. Finish by 12/31/2025 \$3,000.00

Dig pond. Finish by 9/31/2029 \$10,000.00

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(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.)*

It will take 2 years to clear and burn the brush. The brush has to sit and dry for a year before it will burn. It will take at least 2 years to enlarge the pond. I have to store water from spring until fall for use. I can dig the expansion area down to water level to begin with. Then after harvest in October, finish digging the pond. Finishing it will depend on how much rain we get. I know I won't be able to finish it in 1 year. It will take at least 2 and if the October is unusually wet, it will take 3.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

Yes. This small cranberry farm is our main income source. I have been on disability for the past 20 years from an, on the job, injury. I had to have a second back surgery in early 2000's that kept me from going back to work outside of the farm. then my wife was injured in an auto accident where she had to have neck surgery that has kept her from working outside of the farm. Since our farm is small, we are able to take care of the bogs ourselves.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)*

There is no other water available

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) _____

No.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) _____

The reason was financial. We both had other jobs until we were both injured and unable to work 9 to 5. We lost 2 sources of income.

The 2008 recession caused the price of cranberries to plummet for 10 years. Covid-19 caused fertilizer and chemical prices to skyrocket. There were quite a few years we struggled to make our farm payment.

The last couple of years have been much better and now gives us the opportunity to complete this permit.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

None

[OAR 690-315-0020(3)(m)(n)]

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

I have successfully completed other water right applications in the past and realize what it will take to complete this one. I take this seriously and will complete this permit within the time requested.

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[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) _____

Yes. It will cost about \$13,000.00 to complete and one year of income from the four acres is at least 36,000.00. Without it we will not be able to water four acres of cranberries which is one half of our farm.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?) _____

It's just my wife and I.

Attach permit, and documentation to the application

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STATE OF OREGON

COUNTY OF CURRY

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PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL LOSHBAUGH
PO BOX 343
SIXES, OR 97476

541-348-2505

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

APPLICATION FILE NUMBER: R-86310

SOURCE OF WATER: RUNOFF, TRIBUTARY TO PRICE CREEK

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: STORAGE FOR CRANBERRY USE TO BE APPROPRIATED UNDER PERMIT 54236

MAXIMUM STORAGE VOLUME: 8.0 ACRE FEET EACH YEAR

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

DATE OF PRIORITY: MAY 17, 2005

DAM LOCATION: SW 1/4 SE 1/4, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH & 1400 FEET WEST FROM SE CORNER, SECTION 33

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

SW 1/4 SE 1/4
SECTION 33
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

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Measurement, recording and reporting conditions:

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- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the diversion point as approved by the Director. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall maintain the meter in good working order.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Application R-86310 Water Resources Department

PERMIT R-14247

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PAGE 2

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

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

The permittee shall pass all live flow outside the storage season described above.

This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens are not necessary.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.

STANDARD CONDITIONS

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

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

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

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

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2010.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

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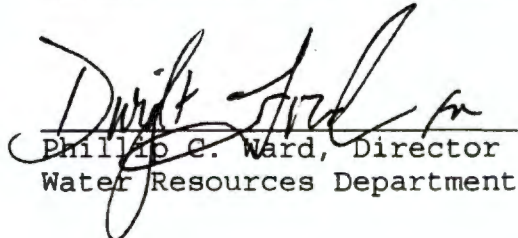
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If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued December 1, 2005


Phillip C. Ward, Director
Water Resources Department

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Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Gold Beach District Office

29907 Airport Way

PO Box 642

Gold Beach, OR 97444

(541) 247-7605

FAX (541) 247-2321



May 4, 2006

Jeana Eastman
Water Right Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: Applications # R-86310, S-86311
Daniel Loshbaugh
P.O. Box 343
Sixes, OR 97476

The Oregon Department of Fish and Wildlife (ODFW) recently inspected the reservoir site of the above referenced applications. Cutthroat trout are present in Price Creek in the area adjacent to the reservoir site. Steelhead and coho are present in Price Creek downstream of the reservoir site below a natural barrier. The reservoir location is off-channel, adjacent to Price Creek. The reservoir site is not accessible to fish that may be present in Price Creek and no native fish species are present in the reservoir.

Because no native fish species are present in the reservoir the POD listed under S-86311 does not require fish screening. Because no introduced fish species are currently present in the reservoir identified under R-86310, screening of the reservoir outlet is not required. Screening of the outlet may be required as a condition of an ODFW Fish Transport Permit if the applicant proposes to stock fish in the future.

Please call if you have any questions.

Sincerely,

Todd Confer
District Biologist

c: Mitch Lewis, OWRD
Daniel Loshbaugh

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This map shows existing pond and proposed pond expansion

Pond location: SW1/4 SE1/4, SECTION 33, T 31 S, R 15 W, W.M.
355 FEET NORTH AND 1400 FEET WEST FROM
THE SOUTHEAST CORNER OF SECTION 33.

SECT 33 T.31S. R.15W. W.M.
CURRY COUNTY

15 3



1" = 800'

app # R 86310

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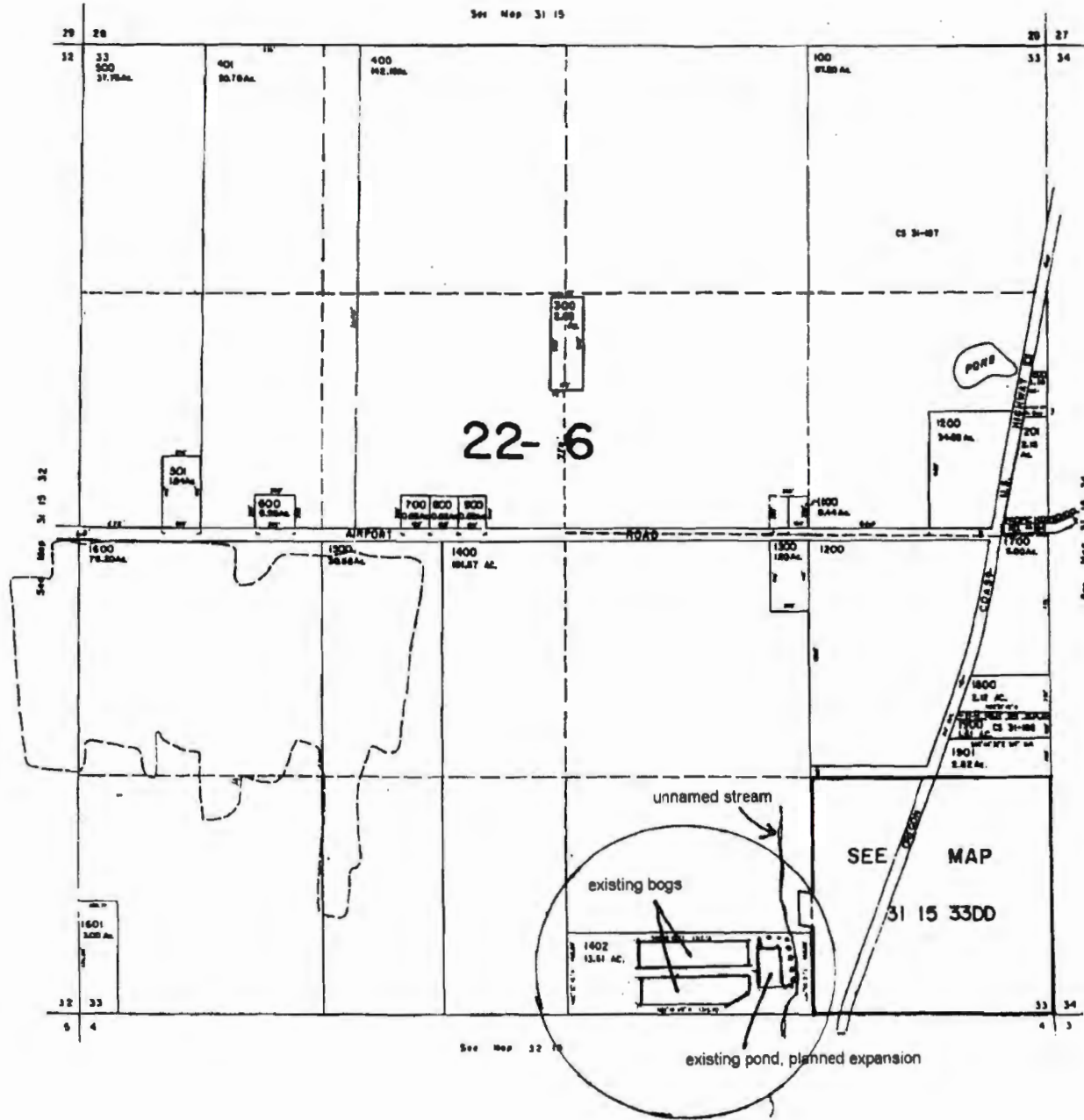
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31 15 33
Revised 1/22/99. RA



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

March 1, 2024

Daniel Loshbaugh

P.O. Box 343

Sixes, OR 97476

Reference: Application R-86310, Permit R-14247 and Application S-86311, Permit S-58236

Dear Applicant,

The Department received an Application for Extension of Time on February 26, 2024, requesting to extend the date to apply water to full beneficial use under the terms and conditions of the permits to October 1, 2029.

Upon reviewing the application, the Department has considered the application incomplete. Oregon Administrative Rule 690-315-0040(1)(a) requires the Department to return any incomplete. Enclosed is the original application you submitted along with a copy which has been mark in highlighter to indicate the items which need to be completed. Please complete the items requested and return the application to the Department so we may consider your request.

If you have any other questions please contact me at 503-979-3213.

Sincerely,

Jeffrey D. Pierceall
Extension Specialist
Water Rights Division

**Application for
Extension of Time
for a Water Right Permit
(NON-Municipal/ NON-Quasi-Municipal)**



Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to **(1) complete construction**, and/or to **(2) apply water to beneficial use**.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.**

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

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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).**

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

PO Box 343 45260 Hwy 101 Sixes Oregon 97476
 ADDRESS CITY STATE ZIP

541-241-4726 loshbogs@msn.com
 PHONE E-MAIL ADDRESS

the permit holder of: Application Number R - 86310
 Permit Number R - 14247
 [OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 10 Day: 1 Year: 2010, be extended to October 1, 2029, [OAR 690-315-0020(3)(l)]

I am the permit holder, and may 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.

Daniel Loshbaugh 2/15/2024
 Signature Date

Daniel Loshbaugh Owner
 Printed Name Title

The agent below is authorized to represent the applicant in all matters relating to THIS application. _____
 Permit Holder Initials

 Authorized Agent (Print Agent Name) Agent contact

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 OWRD

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 \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

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

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.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the 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).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- 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 690-315-0020(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 Services Division.

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- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **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.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation:

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: 7 Day: 21 Year: 2005

Details of construction and attach documentation:

Started clearing land to expand pond.
Cranberry bogs have been completed

Picture included

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2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input type="checkbox"/>	Submittal of annual water use report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2006
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Outlet pipe	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input checked="" type="checkbox"/>	Other (Specify): Flow meter accessible	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input checked="" type="checkbox"/>	Other (Specify): Live flow bypasses pond	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order. Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.)*

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	<p align="center">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></p>	COST*
12/1/2005	Date the permit was signed - find date above signature on last page of permit.	
2005	Started construction on 4 acres of cranberries <i>≠ not part of reservoir</i>	\$70,000.00
2007	<i>Begin clearing land</i>	
8/1/2010	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	<p>WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN 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></p>	COST*
	Total Cost for Chart-B	\$70,000.00

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/01/2010	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
2007	Began clearing land to expand pond	2,000.00
10-1 2015	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
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*
10-2-2015	Will continue clearing land as weather permits	
Present		
Total Cost of Chart-C		\$2,000.00

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$72,000.00
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit 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.

6. 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 = _____ gpm (gallons per minute) or,

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually to date = _____ AF

7. 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.

CHART-D

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

8. Has a Permit Amendment Application been filed? Yes No

If yes, identify Transfer No. T- _____

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

9. **For Irrigation and Nursery Use Permits Extensions**

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 4

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
2012	4	2016	4	2020	4
2013	4	2017	4	2021	4
2014	4	2018	4	2022	4
2015	4	2019	4	2023	4

N/A

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# 1 Acres 4

(POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____

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

10. In the chart below 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-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2024-2025	clear land and move fences	\$3,000.00
2026-2029	Dig pond	\$10,000.00
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost:		\$13,000.00

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

11. Estimated remaining cost to complete the project: \$13,000.00

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

We purchased some equipment so we can do most of the work ourselves. We will finish clearing the land, move the fences, and then expand the pond.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(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.)*

It will take 2 years to clear and burn the brush. The brush has to sit and dry for a year before it will burn. It will take at least 2 years to enlarge the pond because I have to store the water half the year and then it rains the other half so I have to take advantage of the times I can.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

Yes. This small cranberry farm is our main income source. I have been on disability for the past 20 years from an, on the job, injury. I had to have a second back surgery in early 2000's that kept me from going back to work outside of the farm. My wife was injured in an auto accident where she had to have neck surgery that has kept her from working outside of the farm. Since our farm is small, we are able to take care of the bogs ourselves.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)*

There is no other water available

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) _____

No.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) _____

The main reason was financial. We both use to have jobs outside of the farm, which gave us other income. The 2008 recession caused the price of cranberries to plummet for a few years. Covid-19 caused fertilizer and chemical prices to skyrocket. There were quite a few years we struggled to make our farm payment. The last couple of years have been much better and now gives us the opportunity to complete this permit.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

[OAR 690-315-0020(3)(m)(n)]

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

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[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) _____

Yes. It will cost about \$15,000.00 to complete and one year of income from the four acres is at least 36,000.00. Without it we will not be able to water four acres of cranberries which is one half of our farm.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?) _____

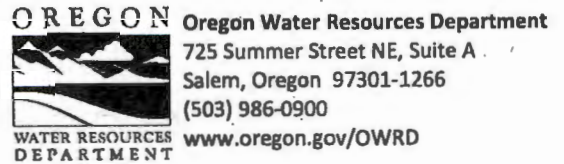
Attach permit, and documentation to the application

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**Application for
Extension of Time
for a Water Right Permit
(NON-Municipal/ NON-Quasi-Municipal)**



Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.**

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

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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).**

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

PO Box 343 45260 Hwy 101 Sixes OR 97476
 ADDRESS CITY STATE ZIP

541-241-4726 loshbogs@msn.com
 PHONE E-MAIL ADDRESS

the permit holder of: Application Number S - 86311
 Permit Number S - 54236
 [OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 10 Day: 1 Year: 2010, be extended to October 1, 2029, [OAR 690-315-0020(3)(i)]

I am the permit holder, and may 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.

Daniel Loshbaugh 2/15/2024
 Signature Date

Daniel Loshbaugh Owner
 Printed Name Title

The agent below is authorized to represent the applicant in all matters relating to THIS application. _____
 Permit Holder Initials

 Authorized Agent (Print Agent Name) Agent contact

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 OWRD

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 \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

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

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.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the 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).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- 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 690-315-0020(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 Services Division.

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Reference Materials Needed to Complete this Application:

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- **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.).

Questions to complete this application for an Extension of Time

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1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation:

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: 7 Day: 21 Year: 2005

Details of construction and attach documentation:

Pond is not complete
Cranberry bogs have been completed

Picture included

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2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Surface Water or Reservoir		
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input type="checkbox"/>	Submittal of annual water use report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2006
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Outlet pipe	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input checked="" type="checkbox"/>	Other (Specify): Flow meter accessible	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999
<input checked="" type="checkbox"/>	Other (Specify): Live flow passes pond	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1999

N/A to this permit

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is not considered work in the development of the water system. **Work accomplished under other water rights may not be considered work under this permit.**)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
12/1/2005	Date the permit was signed - find date above signature on last page of permit.	
2005	Started construction on 4 acres of cranberry bogs	\$70,000.00
2007	Began Clearing - - -	
8/1/2010	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN 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-B		

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/01/2010	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
2007	Began clearing land to expand pond	\$2000.00
10-1 2011	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
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*
10-2-2015		
Present		
Total Cost of Chart-C		\$2000.00

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$72,000.00
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit 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.

6. 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 = _____ gpm (gallons per minute) or,

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually to date = _____ AF

7. 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.

CHART-D

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?	Maximum Instantaneous rate used to date from this well - - under this permit only (CF5 or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No. T- _____

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

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date:

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
2012	4	2016	4	2020	4
2013	4	2017	4	2021	4
2014	4	2018	4	2022	4
2015	4	2019	4	2023	4

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# 1 Acres 4 (POD/POA) # Acres

(POD/POA) # Acres (POD/POA) # Acres

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

10. In the chart below 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-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2024-2025	Clear land and move fences	\$3000.00
2026-2029	Dig pond	\$10,000.00
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$13,000.00

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

11. Estimated remaining cost to complete the project:
(The total cost from CHART-E)

\$13,000.00

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

We purchased a piece of equipment so we can do most of the work ourselves. We will finish clearing the land, move the fences and then enlarge the pond.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(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.)*

It will take 2 years to clear and burn the brush and trees. Brush usually has to sit a year before its dry enough to burn. It will take at least 2 years to enlarge the pond because I have to store the water half the year and then it rains the other half so I have to take advantage of the times I can.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

Yes. This small cranberry is our main income source. I have been on disability for the last 20 years from an on the job injury. I had to have a second back surgery in the early 2000's kept me from going back to work outside the farm. My wife was injured in an auto accident where she had to have neck surgery and has kept her from going back to her job. We have spent over \$70,000.00 building the cranberry bogs and need the water or we lose our investment and income. Since our farm is small, we are able to take care of the bogs ourselves.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)*

There is no other water available.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) _____

No

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) _____

The main reason was financial. We both use to have jobs outside of the farm, which gave us other income. the 2008 recession caused the price of cranberries to plummet for a few years. Covid-19 caused prices of fertilizer and chemicals to skyrocket. There were quite a few years we struggled to make our farm payment. The last couple of years have been much better and now gives us the opportunity to complete this permit.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

[OAR 690-315-0020(3)(m)(n)]

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

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[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) _____

Yes. It will cost about \$13,000.00 to complete the and one year of income from the four acres is at least \$36,000.00. Without it we will not be able to water the four acres of cranberries which is half our farm.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

Attach permit, and documentation to the application

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WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: November 16, 2015

FROM: Mabelle A Bamberger

RE: Request for Refund

APPLICATION: R-86310

RECEIPT #: 117895

Please prepare a refund in the amount of \$575.00, made payable to:

Name: Dan Loshbaugh

Address: PO BOX 343

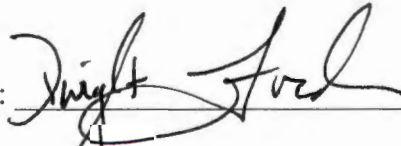
City: Sixes, OR 97476

These funds are being paid or refunded as a result of (check one):

- Request for file to be **Withdrawn**
- Excess fees were collected for application
- Protest filing fees
- Standing fees
- Permit recording fees
- Other: _____

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

11-17-15

PCA
U6111

OH
0240

Rec'd

Rec'd by Rpt#

117895

R-86310

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG IN TO [HTTP://WWW.OREGON.GOV/DAS/EGS/FBS/SFMS/PAGES/ACH.ASPX](http://www.oregon.gov/das/EGS/FBS/SFMS/PAGES/ACH.ASPX) ON THE INTERNET. CLICK ON FORMS AND BROCHURES. THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO.
124179345

WATER RESOURCES DEPARTMENT

(503) 986-0924

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
	111715	REV REF RCPT#117895 R-86310	690	VP041553	\$575.00

VENDOR NAME	ISSUE DATE	WARRANT AMOUNT
DAN LOSHBAUGH	11/23/15	\$575.00

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

STATE OF OREGON
503-986-0924
WATER RESOURCES DEPARTMENT
725 SUMMER ST. NE, SUITE A
SALEM OR 97301-1271

TO THE STATE TREASURER SALEM, OREGON
PAYABLE THROUGH US BANK

96-10
1232
CHECK DATE
11/23/15



WARRANT NO.
124179345

PAY THIS AMOUNT
\$575.00

FIVE HUNDRED SEVENTY FIVE AND 00/100 DOLLARS

PAY TO THE ORDER OF:

VOID 2 YEARS AFTER DATE ISSUED

DAN LOSHBAUGH
PO BOX 343
SIXES OR 97476


VOID VOID
AUTHORIZED SIGNATURE



Oregon
Kate Brown, Governor

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

November 16, 2015

Daniel Loshbaugh
PO Box 343
Sixes, OR 97476

Dear Mr. Loshbaugh,

On November 4, the Department received your Application for Extension of Time for a Water Right Permit regarding Permit R-14247, along with the associated fees. Then on November 5, 2015, the Department received your Application for Extension of Time for a Water Right Permit S-54236, along with the associated fees.

On November 16, 2015 I received your request to withdraw your Applications for Extension of Time by email, I understand that you wish to withdraw your extension application. Therefore, I am returning your application materials and associated fees.

Warm Regards,

Machelle A Bamberger
Extension Specialist

Encl.

Cc: Application File S-86311/Permit S-54236
Application File R-86310/Permit R-14247
District 19 watermaster

BAMBERGER Machelles A

From: Dan_Alice <loshbogs@msn.com>
Sent: Sunday, November 15, 2015 5:08 PM
To: BAMBERGER Machelles A
Subject: Re: Extension of time application for R-86310

Machelles,

I should have looked up the Surface Water Application fees before giving you an answer. We don't have the money to do both so if I can cancel the applications for extensions and get my money back, then I can afford to file for the other permit.

Thanks, Dan

Sent from my iPhone

On Nov 13, 2015, at 2:38 PM, "BAMBERGER Machelles A" <machelles.a.bamberger@state.or.us> wrote:

Thanks Dan;

I will put a hold on these extensions, if you can keep me updated as you go through the process that would be great. As soon as you know you will send me an email withdrawing your extension applications and request a refund on the fees. I will make sure I hand carry it through the process so that you can get your money back.

Machelles

Machelles A Bamberger | Adjudication and Extension Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0802 | Fax: 503 986-0901

Email: Machelles.A.Bamberger@wrdd.state.or.us | Web: <http://www.wrdd.state.or.us>

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

<image001.jpg>

From: Dan_Alice [<mailto:loshbogs@msn.com>]
Sent: Friday, November 13, 2015 2:35 PM
To: BAMBERGER Machelles A
Subject: Re: Extension of time application for R-86310

Machelles,

If there is a chance they won't issue me a permit using the existing reservoir, then I guess I should put them on hold. Otherwise I would go ahead and withdraw them. Dan

Sent from my iPhone

On Nov 13, 2015, at 8:15 AM, "BAMBERGER Machelles A" <machelles.a.bamberger@state.or.us> wrote:

Dan do you wish to put a hold on your extensions, until you cancel them. Or do you want to withdraw your extension now?

Machelles

**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 # **117895**

INVOICE # _____

RECEIVED FROM: Loshbogs; Daniel Loshbaugh
BY: Alice Loshbaugh

APPLICATION	R-86310
PERMIT	
TRANSFER	

CASH: CHECK:# 5410 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			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY) _____			\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____			\$
0240 EXTENSION OF TIME			\$ <u>575.00</u>
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER		\$	\$
0203 GROUND WATER		\$	\$
0205 TRANSFER		\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR		\$	\$
LANDOWNER'S PERMIT			\$
OTHER (IDENTIFY) _____			

46111

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: **117895**

DATED: 11-4-15 BY: Man [Signature]



Oregon
Kate Brown, Governor

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

November 12, 2015

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-86310 (Permit R-14247)**. 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 Machelle Bamberger at (503) 986-0802. 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.

Application # R-86310 Permit # R-14247

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: 11/4/15

◆ **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 11/17/15

Update WRIS Database

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

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

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

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits
(OAR 690-315-0010 through OAR 690-315-0060)

Application: R- 8030 Permit: R- 1427 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: Daniel Loshbaugh PO Box 343 Sixes, OR 97476

Permit Holder's Mailing Address: _____

Agent/ CWRE: —

Drainage Basin: 17 County: Curry Watermaster District: 19 Watermaster: Greg Wacker
South Coast

Date Permit was issued: 12-1-2005 Priority Date: May 17, 2005 Date of PN: _____

Source: Run off, tributary to Price Creek

Use: storage for cranberry use to be appropriated under permit S-54231

"Q": 8.0 A

Orig "A" Date: _____

Orig "B" Date: _____

Orig "C" Date: 10-1-2010

Extension request rec'd: 11-4-2015

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2015

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

Proposed C Date: 10/1/2025

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input type="checkbox"/>	Totalizing flow meter (1999)
<input type="checkbox"/>	<input type="checkbox"/>	outlet pipe (1999)
<input type="checkbox"/>	<input type="checkbox"/>	pass like flow (1999)
<input type="checkbox"/>	<input type="checkbox"/>	fish screen (letter / waived 2006)
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Began Construction on time

} All done under underlying permit

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: \$ _____ Estimated Remaining Cost: \$ _____
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 6 cfs gpm af of the total permitted quantity of water on _____ 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

Need How much storage 6 Af emailed 11-4-15

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.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: _____)

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: _____

enlargement of permit R-11511, Certificate 90213 (Reservoir #5)

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL LOSHBAUGH
PO BOX 343
SIXES, OR 97476

541-348-2505

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

APPLICATION FILE NUMBER: R-86310

SOURCE OF WATER: RUNOFF, TRIBUTARY TO PRICE CREEK

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: STORAGE FOR CRANBERRY USE TO BE APPROPRIATED UNDER PERMIT 54236

MAXIMUM STORAGE VOLUME: 8.0 ACRE FEET EACH YEAR

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

DATE OF PRIORITY: MAY 17, 2005

DAM LOCATION: SW 1/4 SE 1/4, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH & 1400 FEET WEST FROM SE CORNER, SECTION 33

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

SW 1/4 SE 1/4
SECTION 33
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the diversion point as approved by the Director. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall maintain the meter in good working order.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Application R-86310 Water Resources Department

PERMIT R-14247

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

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

The permittee shall pass all live flow outside the storage season described above.

This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens are not necessary.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.

STANDARD CONDITIONS

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

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

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

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

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2010.

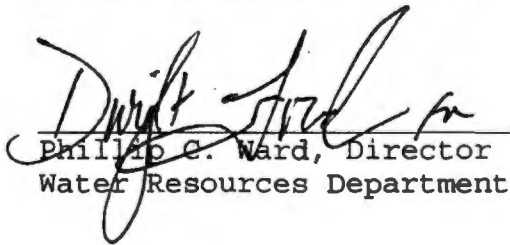
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued December 1, 2005


Phillip C. Ward, Director
Water Resources Department

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 23, 2011

Copies Mailed

Application R-86310
Permit R-14247

By: *Connie Vance*
On: 9/23/2011

Original mailed to permit holder

Daniel Loshbaugh
PO Box 343 ✓
Sixes, OR 97476

Copies sent to:

1. WRD - App. File R-86310/ Permit R-14247
2. WRD - Watermaster District 19, Mitch Lewis ✓

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. None

CASEWORKER: jwg

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number R-86310

**Final Order
Extension of Time for Permit Number R-14247
Permit Holder: Daniel Loshbaugh**

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 R-14247 was issued by the Department on December 1, 2005. The permit called for complete application of water to beneficial use by October 1, 2010. On November 23, 2010, Daniel Loshbaugh submitted to the Department an Application for Extension of Time for Permit R-14247. In accordance with OAR 690-315-0050(2), on June 28, 2011, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2015. The protest period closed August 12, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated June 28, 2011.

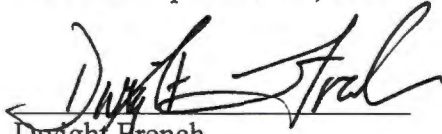
At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

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

Order

The extension of time for Application R-86310, Permit R-14247, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2010 to October 1, 2015.

DATED: September 23, 2011



Dwight French
Water Rights Services Division Administrator, *for*
PHILIP C. WARD, DIRECTOR

-
- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
 - 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 PFO Copies

PFO Date: June 28, 2011

Copies Mailed

**Application R-86310
Permit R-14247**

By: ja
On: 6/28/11

Original mailed to Applicant:

✓ Daniel Loshbaugh
PO Box 343
Sixes, OR 97476

Copies sent to:

- ✓ 1. WRD - App. File R-86310/ Permit R-14247
- ✓ 2. WRD - Watermaster District 19, Mitch Lewis

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: jwg

file

**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 R-14247, Water Right Application R-86310) PROPOSED FINAL ORDER
in the name of Daniel Loshbaugh.)

Permit Information

Application File R-86310 Permit R-14247

Basin: 17 – South Coast / Watermaster District 19

Date of Priority: May 17, 2005

Authorized Use of Water

Source of Water: Runoff, tributary to Price Creek
Purpose of Use: Storage for cranberry use to be appropriated under Permit
54236
Maximum Rate: 8.0 Acre-Feet (AF) each year

**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.

This Proposed Final Order applies only to Permit R-14247, water right Application R-86310.
A copy of Permit R-14247 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to fill the reservoir and apply water to full beneficial use from October 1, 2010 to October 1, 2015.

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second

gpm – gallons per minute

AF – acre-feet

AUTHORITY

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

ORS 537.230(3) 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 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.

FINDINGS OF FACT

Background

1. Permit R-14247 was granted by the Department on December 1, 2005. The permit authorizes the storage of up to 8.0 AF of water in a reservoir from runoff, tributary to Price Creek, for storage for cranberry use to be appropriated under Permit 54236. The permit specified complete application of water was to be made on or before October 1, 2010.
2. The permit holder submitted an "Application for Extension of Time" to the Department on November 23, 2010 requesting the time to apply water to full beneficial use under the terms of Permit R-14247 be extended from October 1, 2010 to October 1, 2015. This is the first permit extension requested for Permit R-14247.
3. Notification of the Application for Extension of Time for Permit R-14247 was published in the Department's Public Notice dated November 30, 2010. 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 and/or 539.010(5)³.

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

4. On 11/23/2010, 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)]

5. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999.

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.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 539.010(5) applies to surface water and ground water permits.

6. As of November 30, 2010, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2015, to accomplish the application of water to beneficial use under the terms and conditions of Permit R-14247 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)]

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the water system began prior to October 1, 2010.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit R-14247.

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

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit R-14247 on December 1, 2005, the permit holder has not stored any water from runoff, tributary to Price Creek, for cranberry use under Permit 54236.
 - b. Delay of full beneficial use of water under Permit R-14247 was due, in part, to the permit holder having financial issues to construct the reservoir.

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

10. 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)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of November 23, 2010, the permit holder has invested approximately \$70,000, which is approximately 68 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$33,000 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)]

12. As of November 23, 2010, the permit holder has invested approximately \$70,000 which is approximately 68 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$33,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit R-14247.

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

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

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-14247; 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 point of diversion is located on Runoff, tributary to Price Creek, and is located within a Withdrawn Area. Runoff, tributary to Price Creek is not located within or above any state or federal scenic waterway, however it is located within an area ranked "highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Runoff, tributary to

Price Creek is not listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of November 23, 2010, the permit holder has invested approximately \$70,000.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. 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.

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

18. 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)]

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

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

20. Unforeseen events extended the length of time needed to fully develop and perfect Permit R-14247, in that the permit holder was faced with financial issues that restricted his ability to complete development of the project in a timely manner.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

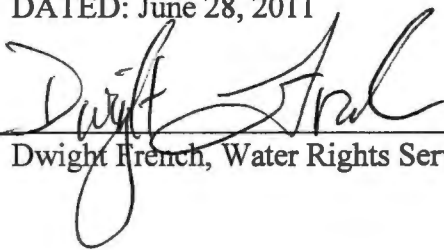
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2015⁴, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial 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).

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 apply water to beneficial use under Permit R-14247 from October 1, 2010 to October 1, 2015.

DATED: June 28, 2011



Dwight French, Water Rights Services Administrator

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

⁴Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

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 **August 12, 2011**, 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 Jerry Gainey at 503-986-0812.
 - 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 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901
-

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL LOSHBAUGH
PO BOX 343
SIXES, OR 97476

541-348-2505

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

APPLICATION FILE NUMBER: R-86310

SOURCE OF WATER: RUNOFF, TRIBUTARY TO PRICE CREEK

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: STORAGE FOR CRANBERRY USE TO BE APPROPRIATED UNDER PERMIT 54236

MAXIMUM STORAGE VOLUME: 8.0 ACRE FEET EACH YEAR

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

DATE OF PRIORITY: MAY 17, 2005.

DAM LOCATION: SW 1/4 SE 1/4, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH & 1400 FEET WEST FROM SE CORNER, SECTION 33

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

SW 1/4 SE 1/4
SECTION 33

TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the diversion point as approved by the Director. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall maintain the meter in good working order.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Application R-86310 Water Resources Department

PERMIT R-14247

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

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

The permittee shall pass all live flow outside the storage season described above.

This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens are not necessary.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.

STANDARD CONDITIONS

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

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

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

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

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2010.

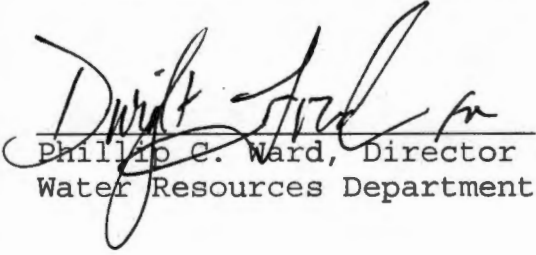
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued December 1, 2005


Phillip C. Ward, Director
Water Resources Department

Application # R-86310

Permit # R-14247

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: 11-23-10

◆ **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 11-30-10

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

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: R- 86310 Permit: R- 14247 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Daniel Loshbaugh

Permit Holder's Mailing Address: PO Box 343, Sixes OR 97476 email loshbogs@msn.com

Phone Number: 541-348-2505

POD Location: Township 31 S Range 15 W Section: 33 - 1/4 SW SE

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

Date Permit was issued: 12/1/2005

Priority Date: 5/17/2005

Date of PN: 11-30-10

Source: Runoff, Tributary to Price Creek

Use: Cranberry

"Q": 8.0 Acre-Feet

Orig "A" Date: _____

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2010

Extension request rec'd: 11/23/2010

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/

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

Proposed C Date: 10/1/2015

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Meter installed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ODFW determined fish screen not required - See ODFW letter
<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: **\$70,000** Estimated Remaining Cost: **\$33,000**
- Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used _____ cfs gpm af of the total permitted quantity of water on _____ acres

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

Application: R- 86310 Permit: R- 14247 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. Sixes River
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 *NO 6/15/11*

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

NO 5-year Progress Report Checkpoints (Years: ~~2015~~ *NO 6/15/11*)
 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:

Enlargement of reservoir originally constructed under Permit R-11511
Economic/health issues

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

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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SALEM, OREGON



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).

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

[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



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

Date construction began is: Has not begun

Details of construction: Has not begun. This is an expansion of existing pond.

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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

	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	1999	Flow meter installed to satisfy previous permit
2	1999	Water meter accessible
3	1999	Outlet pipe installed
4	1999	All live flow passes outside storage season
5	2005	Secondary water right applied appl s-86311 permit 54236
6	5/4/2006	ODFW determined fish screen not necessary. Document included
7	1999	Point of diversion already developed
8	2005	Dam not necessary

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

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

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SALEM, OREGON

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

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*

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
12/1/2005	Date the permit was signed - find date above signature on last page of permit.	
3/12/2007	4 acres of cranberries constructed and planted	\$70,000.00
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/2010	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

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CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: 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*
	None	
Total Cost for Chart-C		

* 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/	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
10/1/	"Extended To" date for complete application of water resulting from the 1st (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*
Total Cost of Chart-D		

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SALEM OFFICE

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

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

4. **Cost of project to date: \$70,000.00**
(The total combined cost from CHART-C and CHART-D)

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 = _____ gpm (gallons per minute) or,

Acre-feet stored to date = 00 AF

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SALEEM CRESON

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.

CHART-E

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 <u>this</u> permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

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

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

Well # _____: Actual location: _____

Well #____: Actual location: _____

[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: 4

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

Well #____ Acres____ Well #____ Acres____

Well #____ Acres____ Well #____ Acres____

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

7. Provide a summary of 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)
2011-2012	Move fence. Clear the land where the reservoir will be	\$8,000.00
2013-2015	Dig reservoir	\$25,000.00
Year: 2015	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$33,000.00

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

8. Estimated remaining cost to complete the project: \$33,000.00
(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.

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

Spouse was involved in an auto accident in 2005. \$20,000.00 out of pocket expenses. Never able to go back to work as Curry County CASA Director. Loss of \$20,000.00 income per year plus benefits. Most of 2006 and 2007 had to drive spouse twice a month to Vancouver, Washington for specialty neck treatment. Economy drastically lowered cranberry prices.

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.

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.

[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.

We have been able to get financially stable after the medical bills and loss of income. I will be enlarging an existing reservoir that is in use so the timing of the digging will depend on time of year and weather. It may take two years to complete digging because it will have to be done when existing reservoir is not in use and the weather conditions allow it. Cranberry prices are starting to rise again and expected to continue to get better.

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

Water right is for cranberries that are starting to come into production. At times we have to wait for water so this water right is very important to us and if given the opportunity, we will finish the project as soon as possible.

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WATER RESOURCES DIV
SALE & REGISTRATION

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.

Paul Jostberg

11-20-10

COPY

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL LOSHBAUGH
PO BOX 343
SIXES, OR 97476

541-348-2505

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

APPLICATION FILE NUMBER: R-86310

SOURCE OF WATER: RUNOFF, TRIBUTARY TO PRICE CREEK

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: STORAGE FOR CRANBERRY USE TO BE APPROPRIATED UNDER PERMIT 54236

MAXIMUM STORAGE VOLUME: 8.0 ACRE FEET EACH YEAR

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

DATE OF PRIORITY: MAY 17, 2005

DAM LOCATION: SW 1/4 SE 1/4, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH & 1400 FEET WEST FROM SE CORNER, SECTION 33

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

SW 1/4 SE 1/4
SECTION 33
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

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Measurement, recording and reporting conditions:

- #1 A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the diversion point as approved by the Director. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall maintain the meter in good working order.
- #2 B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Application R-86310 Water Resources Department

PERMIT R-14247

- 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.

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

#4 The permittee shall pass all live flow outside the storage season described above.

#5 This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

#6 The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens are not necessary.

#7 If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

#8 If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.

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Application R-86310 Water Resources Department PERMIT R-14247

NOV 23 2010

WATER RESOURCES DEPT
SALEM, OREGON

STANDARD CONDITIONS

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

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

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

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

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2010.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

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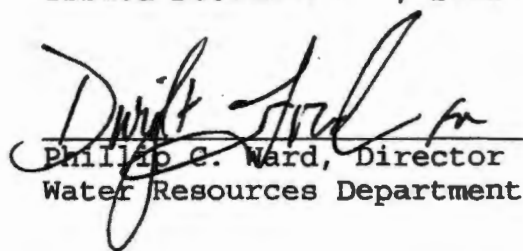
NOV 23 2010

WATER RESOURCES DEPT
SALEM, OREGON

If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued December 1, 2005


Phillip C. Ward, Director
Water Resources Department

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Gold Beach District Office

29907 Airport Way

PO Box 642

Gold Beach, OR 97444

(541) 247-7605

FAX (541) 247-2321



May 4, 2006

Jeana Eastman
Water Right Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: Applications # R-86310, S-86311
Daniel Loshbaugh
P.O. Box 343
Sixes, OR 97476

The Oregon Department of Fish and Wildlife (ODFW) recently inspected the reservoir site of the above referenced applications. Cutthroat trout are present in Price Creek in the area adjacent to the reservoir site. Steelhead and coho are present in Price Creek downstream of the reservoir site below a natural barrier. The reservoir location is off-channel, adjacent to Price Creek. The reservoir site is not accessible to fish that may be present in Price Creek and no native fish species are present in the reservoir.

Because no native fish species are present in the reservoir the POD listed under S-86311 does not require fish screening. Because no introduced fish species are currently present in the reservoir identified under R-86310, screening of the reservoir outlet is not required. Screening of the outlet may be required as a condition of an ODFW Fish Transport Permit if the applicant proposes to stock fish in the future.

Please call if you have any questions.

Sincerely,

Todd Confer
District Biologist

c: Mitch Lewis, OWRD
Daniel Loshbaugh

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WATER RESOURCES DEPT
SALEM, OREGON

**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 # **101707**

INVOICE # _____

RECEIVED FROM: Loshboga

APPLICATION R-86310

BY: Daniel + Alice Loshboga

PERMIT _____

TRANSFER _____

CASH: CHECK:# 5124 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.00

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) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ 500.00

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 \$ _____

0203 GROUND WATER \$ 0204 \$ _____

0205 TRANSFER \$ _____

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 (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **101707**

DATED: 11-23-10 BY: [Signature]



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

file

November 29, 2010

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#: R-86310 (PERMIT#: R-14247)**. 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 Jerry Gainey at (503) 986-0812. 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".



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Gold Beach District Office

29907 Airport Way

PO Box 642

Gold Beach, OR 97444

(541) 247-7605

FAX (541) 247-2321



May 4, 2006

Jeana Eastman
Water Right Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: Applications # R-86310, S-86311
Daniel Loshbaugh
P.O. Box 343
Sixes, OR 97476

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Because no native fish species are present in the reservoir the POD listed under S-86311 does not require fish screening. Because no introduced fish species are currently present in the reservoir identified under R-86310, screening of the reservoir outlet is not required. Screening of the outlet may be required as a condition of an ODFW Fish Transport Permit if the applicant proposes to stock fish in the future.

Please call if you have any questions.

Sincerely,

Todd Confer
District Biologist

c: Mitch Lewis, OWRD
Daniel Loshbaugh

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MAY 05 2006

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department

Water Rights Application
Number R-86310

Final Order

Appeal Rights

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

Application History

On MAY 17, 2005, DANIEL LOSHBAUGH submitted an application to the Department for a water use permit. Pursuant to ORS 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60 day comment period followed.

The Department **has not** received adverse comments related to the possible issuance of the attached permit.

The Department **has** received comments from Oregon Department of Fish and Wildlife related to the possible issuance of the attached permit. Permit Number R-14247 is conditioned to address the issues raised in those comments.

Water is available for the proposed use as described in the attached permit.

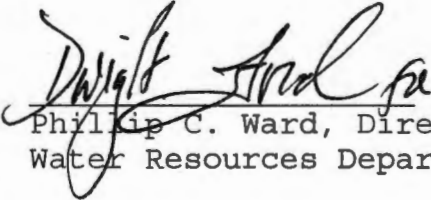
The use, as described on the attached permit, will not injure any existing water rights and does not pose potential detrimental impacts to existing fishery resources.

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

Order

Application R-86310 therefore is approved pursuant to ORS 537.409, and Permit Number R-14247 is issued as limited by the conditions contained therein.

DATED December 1 , 2005


Philip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0859.

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 Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Mailing List for FO Copies

Application #R-86310

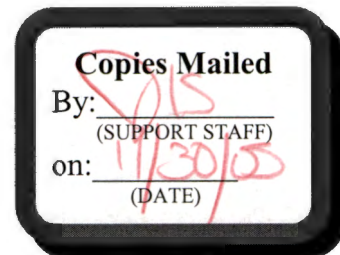
Print Date : November 15, 2005

Original mailed to Applicant WITH CLAIM OF BENEFICIAL USE FORM:

DANIEL LOSHBAUGH
PO BOX 343
SIXES, OR 97476

Copies sent to:

1. WRD - File # R-86310
2. WRD - Water Availability: Ken Stahr (WAB= 17-70877)



FO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster District #: 19
4. WRD - SWR Manager

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

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

CASEWORKER : jme

ORS 537.409 ALTERNATE RESERVOIR WORKSHEET

FILE #: R-86310

WM DIST: 19

REGION: SWR

PUBLIC NOTICE: 06/14/2005

WID #: 17 - 70877

Land Use complete? Y / N / NA

Appropriate Fees (\$40 base & \$10 per af w/ max of \$250 for Q) Y / N

Secondary app necessary? Y / N Secondary file number S 96311

Is stream **withdrawn**? Y / N

SWW In (may not be allowed) / Out or Above

Mail forms to appropriate Interagency Review Team members. Mailed on June 15, 2005

ODFW Contact: Shannon Hurn

DEQ Contact: John Blanchard

Watermaster: Mitch Lewis

If in Umatilla: Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, Pendleton, Oregon 97801

Water available: November 1 - April 30

Allowed season: JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Measurement Conditions: Small (≤ 9.2 af) | Medium (> 9.2 , but < 100 af) | Large (≥ 100 af or govt. entity, 537.099)

Other Conditions: adfw - b57 (tot. flow mtr) riparian, overflow pipe screened
@ each pond w/ 3/32"

Assign permit number R- 14247

Save in S:\GROUPS\WR\FO\WEEK _____

Remarks: _____

Completed by Jeana Eastman on 6/13/2005.

Analysis for Application: R86310

Location: 31S-15W-33-SWSE

Uses: ST P

Basins

BASIN_NUM	BASIN_NAME
17	South Coast

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
19	SW	Mitch Lewis	Coos County Annex, 290 N Central St	Coquille	97423	541-396-3121	254	541-396-6233

Records Found: 1

WAB

WS_ID	BASIN	LINK1
70877	17	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Curry	41015

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

WATER AVAILABILITY TABLE

Water Availability as of 6/13/2005 for
 SIXES R > PACIFIC OCEAN - AT MOUTH
 Watershed ID #: 70877 Basin: SOUTH COAST Exceedance Level: 50
 Time: 09:18 Date: 06/13/2005

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	70877	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES

STREAM NAMES

Water Availability as of 6/13/2005 for
 SIXES R > PACIFIC OCEAN - AT MOUTH
 Watershed ID #: 70877 Basin: SOUTH COAST Exceedance Level: 50
 Time: 09:18 Date: 06/13/2005

Item Watershed ID Stream Name

1	70877	SIXES R > PACIFIC OCEAN - AT MOUTH
---	-------	------------------------------------

LIMITING WATERSHEDS

Water Availability as of 6/13/2005 for
 SIXES R > PACIFIC OCEAN - AT MOUTH
 Watershed ID #: 70877 Basin: SOUTH COAST Exceedance Level: 50
 Time: 09:18 Date: 06/13/2005

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	YES	414.0
2	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	YES	541.0
3	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	YES	451.0
4	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	YES	112.0
5	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	NO	-173.0
6	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	NO	-78.0
7	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	NO	-68.8
8	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	NO	-71.9
9	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	NO	-55.6
10	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	NO	-183.0
11	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	YES	19.1
12	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	YES	456.0
Stor	70877	SIXES R > PACIFIC OCEAN - AT MOUTH	YES	119000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/13/2005 for

SIXES R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 70877

Basin: SOUTH COAST

Exceedance Level: 50

Time: 09:18

Date: 06/13/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	749.00	0.31	10.10	739.00	0.00	325.00	414.00
2	877.00	0.35	10.40	866.00	0.00	325.00	541.00
3	787.00	0.13	10.50	776.00	0.00	325.00	451.00
4	447.00	0.25	9.75	437.00	0.00	325.00	112.00
5	152.00	0.84	1.72	149.00	0.00	322.00	-173.00
6	116.00	2.23	1.79	112.00	0.00	190.00	-78.00
7	61.80	3.40	2.24	56.20	0.00	125.00	-68.80
8	36.70	2.78	1.82	32.10	0.00	104.00	-71.90
9	22.30	1.23	1.74	19.30	0.00	74.90	-55.60
10	34.00	0.24	1.68	32.10	0.00	215.00	-183.00
11	346.00	0.22	1.68	344.00	0.00	325.00	19.10
12	792.00	0.32	10.20	781.00	0.00	325.00	456.00
Stor	265000	747	3830	261000	0	180000	119000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/13/2005 for

SIXES R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 70877

Basin: SOUTH COAST

Exceedance Level: 50

Time: 09:18

Date: 06/13/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1.11	0.00	0.00	0.10	0.00	0.03	9.21	0.00	10.50
2	1.42	0.00	0.00	0.10	0.00	0.03	9.21	0.00	10.80
3	1.01	0.00	0.00	0.10	0.00	0.03	9.49	0.00	10.60
4	0.25	0.14	0.00	0.10	0.00	0.03	9.46	0.00	9.99
5	0.00	0.75	0.00	0.10	0.00	0.03	1.68	0.00	2.56
6	0.00	2.21	0.00	0.10	0.00	0.03	1.68	0.00	4.02
7	0.00	3.84	0.00	0.10	0.00	0.03	1.68	0.00	5.65
8	0.00	2.79	0.00	0.10	0.00	0.03	1.68	0.00	4.60
9	0.00	1.16	0.00	0.10	0.00	0.03	1.68	0.00	2.97
10	0.00	0.12	0.00	0.10	0.00	0.03	1.68	0.00	1.93
11	0.12	0.00	0.00	0.10	0.00	0.03	1.65	0.00	1.90
12	1.21	0.00	0.00	0.10	0.00	0.03	9.21	0.00	10.60

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 6/13/2005 for

SIXES R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 70877
Time: 09:18

Basin: SOUTH COAST

Exceedance Level: 50
Date: 06/13/2005

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 6/13/2005 for

SIXES R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 70877
Time: 09:18

Basin: SOUTH COAST

Exceedance Level: 50
Date: 06/13/2005

-----ISWRs-----								
APP #	421A	70877A	0	0	0	0	0	MAXIMUM
Status	Cert.	Cert.						
1	215.00	325.00	0.00	0.00	0.00	0.00	0.00	325.00
2	215.00	325.00	0.00	0.00	0.00	0.00	0.00	325.00
3	190.00	325.00	0.00	0.00	0.00	0.00	0.00	325.00
4	190.00	325.00	0.00	0.00	0.00	0.00	0.00	325.00
5	190.00	322.00	0.00	0.00	0.00	0.00	0.00	322.00
6	120.00	190.00	0.00	0.00	0.00	0.00	0.00	190.00
7	40.00	125.00	0.00	0.00	0.00	0.00	0.00	125.00
8	25.00	104.00	0.00	0.00	0.00	0.00	0.00	104.00
9	25.00	74.90	0.00	0.00	0.00	0.00	0.00	74.90
10	215.00	102.00	0.00	0.00	0.00	0.00	0.00	215.00
11	215.00	325.00	0.00	0.00	0.00	0.00	0.00	325.00
12	215.00	325.00	0.00	0.00	0.00	0.00	0.00	325.00

ODFW ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Date: June 15, 2005

R-86310

Please return to

DANIEL LOSHBAUGH

WRD before: July 19, 2005

Water is available: November 1 - April 30

PO BOX 343

SIXES OR 97476

1) Does the proposed reservoir have the potential to injure existing water rights?

NO / YES **DON'T KNOW**

Explain: _____

2) Would the proposed reservoir pose a significant detrimental impact to an existing fishery resource? **NO** / YES

Explain: (For example, list STE species or other existing fishery resources that would be negatively impacted.)

ODFW would ask any overflow pipes be screened with 3/32" material.

Please check either of the boxes below if appropriate:

Any diversion into storage during the period May 1 through Oct. 31 poses a significant detrimental impact to existing fishery resources.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area poses a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

3) Can conditions be applied to mitigate the detrimental impact to an existing fishery resource? NO / **YES**

If YES, which conditions are recommended: (select from the Menu of Conditions listed on back)

Maintain riparian buffer strip along unnamed creek 657 - before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

4) Did you meet with staff from another agency to discuss this application?

NO YES

Who: _____ Agency: _____ Date: _____
Who: _____ Agency: _____ Date: _____

ODFW Representative Signature: [Signature] Date: 7-14-05

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division
503-986-0859/ Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wrd.state.or.us

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Date: June 15, 2005
Please return to
WRD before: July 19, 2005
Water is available: November 1 - April 30

R-86310
DANIEL LOSHBAUGH
PO BOX 343
SIXES OR 97476

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SALEM, OREGON

1) Does the proposed reservoir have the potential to injure existing water rights?

NO / YES

Explain: _____

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO / YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application?

NO / YES

Who: _____ Agency: _____ Date: _____
Who: _____ Agency: _____ Date: _____

Watermaster signature: Mitch Lewis Date: 06.20.05

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division
503-986-0859/ Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wrdd.state.or.us

** SECONDARY RIGHTS NEEDED?*

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG
(Revised April 13, 2005)

standard language for all surface and reservoir applications unless instructed otherwise by ODFW:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction. (formerly b54c and odfdam)

- fishself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary. (formerly fish)
- fishapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. (formerly odfw and b54b)
- fishdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415.
(formerly pisp) For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed. [same as riparian]
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows. [same as wq]
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. [same as fishapprove]
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish. (formerly odfwmay)
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to _____ through _____.
- b57** 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.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

1. APPLICANT INFORMATION

Landowner: Daniel Loshbaugh
First Last

Mailing Address: PO Box 343

Sixes Oregon 97476
City State Zip

Phone: (541)348-2505
Home Work Other

*Fax: (541)348-2505 *E-Mail Address: loshbogs@msn.com

*Optional Information

2. LOCATION AND SOURCE

A. Reservoir Name: Unnamed

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: Run-off Tributary to: _____

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
31S	15W	33	SW SE	1402

D. County of use: Curry

E. Dam: Maximum height of dam: excavated feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: Enlarge existing pond from 8 acre feet to 16 acre feet

App. No. <u>R 86310</u>	For Department Use	Permit No. _____	Date _____
-------------------------	--------------------	------------------	------------

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MAY 17 2005

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3. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.** Cranberry use

4. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 5)

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or an easement permitting access to lands not under my ownership.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

5. ENVIRONMENTAL IMPACT

A. **Channel:** Is the reservoir in stream No or off channel No ?

B. **Wetland:** Is the project in a wetland? Yes No Don't know

C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? 8 years.

D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.

E. **Partnerships:** Have you been working with other agencies? Yes No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

6. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Paul Loshbaugh
Landowner Signature

5-4-05
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$40. In addition, there is a fee of \$10 per acre-foot or fraction thereof, not to exceed \$250. The maximum fee is \$290. Example: 0.3 AF=\$50; 1.5 AF=\$60; 20.0 AF=\$240; 30.0 AF=\$290.

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Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Daniel Loshbaugh

Address: PO Box 343 45260 Hwy 101

City: Sixes State: OR Zip: 97476 Day Phone: 541-348-2505

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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)			Proposed Land Use
200	Agricultural	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Cranberries
1402	Agricultural	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Store Water
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Curry County

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

Water Use Permit Water Right Transfer Allocation of Conserved Water Exchange

Indicate the intended use of water and describe the key characteristics of the project.

Commercial Industrial Instream Irrigation
 Municipal Quasi-municipal Domestic (indicate number of households) _____
 Other Cranberries

Briefly describe: Expand existing pond and construct four acres of cranberries

Indicate the source of the water to be used.

Reservoir/Pond Ground Water Surface Water _____

Indicate the estimated quantity of water the use will require: 8 CFS GPM Acre-Feet (source)

Last revised: 04/06/04

RECEIVED

app # R86310

MAY 17 2005

WATER RESOURCES DEPT
SAI FM OREGON



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A. Applicant

Name: Daniel Loshbaugh
 Address: PO Box 343 45260 Hwy 101
 City: Sixes State: OR Zip: 97176 Phone: 41-348-2505

B. Land and Location

Please provide information as requested for water that will be diverted, conveyed, or used. Check "conveyed" if water is conveyed (transfer of water use on tax lot. More than one box may be checked for municipal use, or irrigation uses within service area boundaries for the tax lot.

original in file 86311

water will be source on tax lot, but to beneficial user (if any.) Applicants and proposed

Tax Lot I.D.	Plan Designation (e.g. Rural Residence)	Proposed Land Use
200	Agricultural	Cranberries
1402	Agricultural	Store Water
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used

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MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the 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): 3.063 1(d). 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/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Kat Blau Date: 5.12.05
 Title: Senior Planner Phone: 541-241-3263
 Signature: KATHARINE BLANSETT

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.

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
 SALEM, OREGON

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 may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

LEGAL DESCRIPTION OF PROPERTY

DESCRIPTION SHEET

The land referred to in this policy is situated in the State of Oregon, County of Curry, and is described as follows:

Parcel "A" of Partition Plat No. 1991-7 (WT Smith), recorded February 4, 1991, as Instrument No. 91-00595, Official Records of Curry County, Oregon;

ALSO a parcel of land lying within the Southwest Quarter of the Southeast Quarter of Section 33, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon, as shown on survey map CS 31-178 by Bryan Flavin, dated July 1997 for property adjustment for Daryl Robison, described as follows: Beginning at the South Quarter corner of said Section 33; thence along the North-South centerline of said Section 33, North 00° 32' 40" West 450.00 feet; thence South 89° 18' 00" East 1317.13 feet to the North-South center line of the Southeast Quarter of said Section 33; thence along said centerline, South 00° 50' 01" East 450.00 feet to the South boundary of said Section 33; thence along said boundary, North 89° 18' 09" West 1319.40 feet to the Point of Beginning.

*original in
file 86311*

Policy No. 180235
OTE No.: 99310025

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

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MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

Alternate Review "Completeness" Checklist

*Minimum Requirements (ORS 537.409)

Fatal Flaw; return application *only* if Minimum Requirements are not met!

Application R 86310 County: Curry
Priority Date: 5/17/2005 Township: 31 S
Use(s): Cranberry Range: 15 W
Section: 33 Tax Lot # 1402

- Landowner Name, Mailing Address* and Telephone Number.
- Source* and tributary listed
- Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot
- Dam height*, if applicable
- Total Quantity * of Storage Requested: 8af
- Proposed Use of the water.... If for out of reservoir use, is a surface water application included?
- Property ownership indicated? * If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
- Environmental Impact section completed? Not fatal if omitted
- Application signed by the landowner(s)? All parties noted as applicants must sign the application.
- Completed Land-Use Form * or receipt signed by the appropriate planning department official enclosed? *Does the use on land-use form match the proposed use on the application?*
- Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - Scale of the Map (not less than 1"-1320') **
 - Reference corner on map
 - North Directional Symbol **
 - 1/4 1/4's clearly identified
 - Reservoir clearly identified *
 - Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**

Fees enclosed*? Base Fee\$ 40.00
plus\$ 80.00
plus\$ _____

Total Paid \$ 120.00 Total Fees \$ 120.00

Completeness Check by: Connie Vance Date: 5/17/2005

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING

POST CARD SENT

DATA CENTER

5/20/05 C.W.
5/25/05 A.R.

GROUND WATER YES

NO

ENFORCEMENT YES

NO

WATER RIGHTS SUPPORT

ANITA HUFFMAN 503-986-0815

CORY ENGEL 503-986-0813

JERRY GAINEY 503-986-0812

KERRY LEFEVER 503-986-0816

JEANA EASTMAN 503-986-0859

A "Standard Reservoir" storing 9.2 acre-feet or more of Water & has a dam height of 10.0 feet or greater needs to have a copy of the application & supplemental forms routed to "JOHN FALK"



**ATTN: WATER RIGHTS
SUPPORT...>>>> Mark contents of Application File;
Update Powerbuilder with caseworker, etc.;**
Route to filing cabinet.



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **74634**

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

INVOICE # _____

RECEIVED FROM: Lushbogs

APPLICATION	<u>Below</u>
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK: # 3939 OTHER: (IDENTIFY)

TOTAL REC'D \$ 390.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY) _____	\$	
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$	
0240	EXTENSION OF TIME	\$	
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$ <u>390.00</u>	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	
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 (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

_____ TREASURY OTHER / RDX

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

RECEIPT: **74634**

DATED: 5/17/05 BY: Renee L Roe