

Name S-86311
 By DANIEL LOSHBAUGH
 Address PO BOX 343
SIXES OR 97476

C/2015

Priority _____
 County _____ WM# _____

RELATED FILES

DEVELOPMENT Date
 Completion 10-1-2010
 Extended to 10/1/2015

 Final Proof received _____
 Proposed Cert. Mailed _____

Application No. S 86311
 Permit No. S 54236
 Certificate No. _____
Ref: 86310

Date _____
DENIED _____
MISFILED _____
WITHDRAWN _____
CANCELLED _____

Volume	Page

FEES PAID

Date	Amount	Receipt No.
<u>5/17/05</u>	<u>\$270.00</u>	<u>74634</u>
<u>9/9/05</u>	<u>250.00</u>	<u>77207</u>
<u>11-23-10</u>	<u>500.00</u>	<u>101706</u>
<u>11/5/15</u>	<u>575.00</u>	<u>117909</u>
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.
<u>11/23/15</u>	<u>\$575.00</u>	<u>VP041554</u>

ASSIGNMENTS

Date	To Whom	Address

REMARKS

MAP LOCATION _____

Mailing List for Extension PFO Copies

PFO Date: May 7, 2024

Copies Mailed

Application: S-86311

Permit: S-54236

By: JM

On: 5-7-2024

Original mailed to Applicant:

Daniel Loshbaugh
PO Box 343
Sixes, OR 97476

Copies sent to:

1. WRD - App. File S-86311/ Permit S-54236

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 S-54236, Water Right Application S-86311
in the name of Daniel Loshbaugh

) PROPOSED
) FINAL
) ORDER DENIAL

Permit Information

Application:	S-86311
Permit:	S-54236
Basin:	South Coast / Watermaster District 14
Date of Priority:	May 17, 2005
Source of Water:	a reservoir, constructed under Permit R-11511 and enlarged under Permit R-14247
Purpose of Use:	cranberry use on 4.0 acres
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 complete construction of the water system from October 1, 2015, to October 1, 2029.
- Deny an extension of time to apply water to full beneficial use from October 10, 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 S-54236 was issued by the Department. The permit authorizes the use of up to 8.0 AF from a reservoir, constructed under Permit R-11511 and enlarged under Permit R-14247, for cranberry use on 4.0 acres. The permit specified construction of the water system was to be completed by October 1, 2010, and complete application of water was to be made on or before October 10, 2010.
2. One prior permit extension has been granted for Permit S-54236. The most recent extension resulted in the completion dates for construction being extended to October 1, 2015 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 complete construction of the water system extended from October 1, 2015, to October 1, 2029 and the time to apply water to full beneficial use under the terms of Permit S-54236 be extended from October 10, 2015, to October 1, 2029.

4. Notification of the Application for Extension of Time for Permit S-54236 was published in the Department's Public Notice dated March 26, 2024. No public comments were received.

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. According to the Application, construction of the water system began prior to October 10, 2010.

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

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.

7. Construction of the water system began prior to the deadline specified in the permit.
8. Work was completed during the original development time frame under Permit S-54236. includes construction of cranberry bogs.
9. During the most recent extension period, being from 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. 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 S-54236.

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

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

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

The Department has determined that compliance with permit conditions has been satisfied.

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

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

12. The Application identifies maximum volume of 4.0 AF of water has been diverted for cranberry use on 4.0 acres.
13. An Application for Extension of Time for Permit R-14247, submitted March 18, 2024, indicates that no water has been stored under that permit. Water used under this permit has exclusively been from a reservoir constructed under Permit R-11511.

The Department has determined that beneficial use of water has been demonstrated under this 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 \$65,5000, which is about 98 percent of the total projected cost for complete development of this project. An additional \$13,000 investment is needed to develop the 8.0 AF of storage authorized under Permit R-14247.
15. No investment has been made in the development of the authorized use since 2006.

Based on FOF 15, the Department finds that there has been no investment towards the development of Permit S-54236 during the most recent extension of time period, being from October 1, 2010, to October 1, 2015, or since.

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

The application does not provide evidence of work accomplished towards completion of the water system during the most recent extension of time period; the permit holder has demonstrated compliance with permit conditions, and; beneficial use of water has been demonstrated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit S-54236.

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.

16. 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 S-54236; 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.
17. A current water availability analysis has determined that 8.0 acres feet authorized for use under this permit is not available because no water has been stored under Permit R-14247.

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).

18. The point of diversion is not located within a Withdrawn Area.
19. The reservoir, constructed under Permit R-11511 and enlarged under Permit R-14247 is not located within or above a state or federal scenic waterway.
20. 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.

21. 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.

22. An approximate total of \$65,500 has been invested in the project.
23. No additional investment has been made since 2006.

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

Other economic interests dependent on completion of the project.

24. 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.

25. 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)]

26. 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)]

27. 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)]

28. 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)]

29. 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)]

30. The Application provides evidence of good faith of the appropriator under Permit

Based on Findings of Fact 9, 10, 13, 15, and 23, above, the Department finds that the Applicant has not demonstrated 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.

31. As of March 18, 2024, the permit holder states the remaining work to be completed consists of constructing a reservoir and applying water to full beneficial use.

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 complete construction and 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 did not comply 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 investment or reasonable diligence towards development. 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).

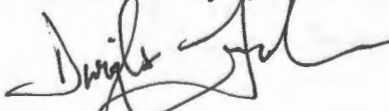
PROPOSED ORDER

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

Deny the time to complete construction of the water system under Permit S-54236 from October 1, 2015, to October 1, 2029.

Deny the time to apply water to beneficial use under Permit S-54236 from October 10, 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>.

-
- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 979-3213.
 - 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 Will Davidson at 503-507-2749.
 - 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
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **142565**

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

INVOICE # _____

RECEIVED FROM: Daniel Loshbaugh
BY: Alice Loshbaugh

APPLICATION	S-86311
PERMIT	
TRANSFER	

CASH: CHECK:# 1255 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			
0407	COPY & TAPE FEES	<u>46111</u>	\$
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	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
			0220 \$
_____	OTHER (IDENTIFY)	_____	

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **142565** DATE: 3-18-2024 BY: cm caly

Application: S-86311

Permit: S-54236

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
Sixes OR 97476

Proposed Completion Date: 10-1-2027

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:

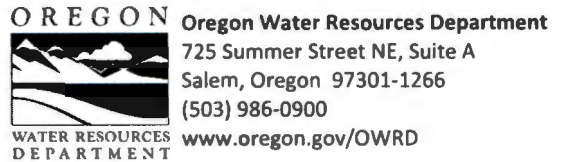
The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-86311 (Permit s-54236)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of 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 Pierceall 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.

**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.

RECEIVED
MAR 18 2024
OWRD

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.	
<u>Daniel Loshbaugh</u> Signature	<u>2/15/2024</u> Date
<u>Daniel Loshbaugh</u> Printed Name	<u>Owner</u> Title
The agent below is authorized to represent the applicant in all matters relating to THIS application. _____	
Authorized Agent (Print Agent Name)	Agent contact
Permit Holder Initials	

RECEIVED
MAR 18 2024
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.

RECEIVED

MAR 18 2024

OWRD

- 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:

Pond is not complete
Cranberry bogs have been completed

Picture included

RECEIVED
MAR 18 2024
OWRD

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 type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<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 type="checkbox"/>	Other (Specify): Outlet pipe	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify): Flow meter accessible	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify): Live flow passes pond	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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.

RECEIVED

MAR 18 2024

OWRD

[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 and 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.	
2005	Cleared land	\$23,500.00
2006	Constructed cranberry bogs and sanded	\$42,000.00
2006	Planted cranberry bogs	\$4,500.00
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>COMPETE 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*
	All work complete	
Total Cost for Chart-B		\$70,000.00

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

RECEIVED

MAR 18 2024

OWRD

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.	
	All work completed	
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	All work completed	
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: \$70,000.00
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

RECEIVED
 MAR 18 2024
 OWRD

[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 = 72 AF or,

Maximum volume stored annually to date = _____ AF ^{4 AF/YR.}

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- _____

RECEIVED
MAR 18 2024
OWRD

[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

RECEIVED

MAR 18 2024

OWRD

[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.)*

I need to expand existing pond .

Clear land, burn brush and stumps, move fence. Finish by 12/31/2025 \$3000.00

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 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. 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.

RECEIVED

MAR 18 2024

OWRD

[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 9-5 jobs. the 2008 recession caused the price of cranberries to plummet for 10 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.)

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.

RECEIVED

MAR 18 2024

OWRD

[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 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?)

None

Attach permit, and documentation to the application

RECEIVED
MAR 18 2024
OWRD

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE 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: S-86311

SOURCE OF WATER: A RESERVOIR, CONSTRUCTED UNDER PERMIT R-11511 AND ENLARGED UNDER PERMIT R-14247, A TRIBUTARY OF PRICE CREEK

PURPOSE OR USE: CRANBERRY USE ON 4.0 ACRES

MAXIMUM VOLUME: 8.0 ACRE FEET EACH YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 17, 2005

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH & 1400 FEET WEST FROM SE CORNER, SECTION 33

The amount of water diverted for cranberry operations, together with amounts secured under any other rights existing for the same lands shall not exceed a maximum of 3.0 acre feet per acre, and is further limited as follows for temperature control, 0.15 cubic foot per second per acre; for flood harvesting or pest control, 0.05 cubic foot per second per acre; for irrigation of cranberries, one fortieth of one cubic foot per second and 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

RECEIVED

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MAR 18 2024

RECEIVED

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 ACRES
SECTION 4

OWRD

FEB 26 2024

TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

OWRD

RECEIVED

MAR 18 2024

OWRD

RECEIVED

FEB 26 2024

OWRD

PAGE 2

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

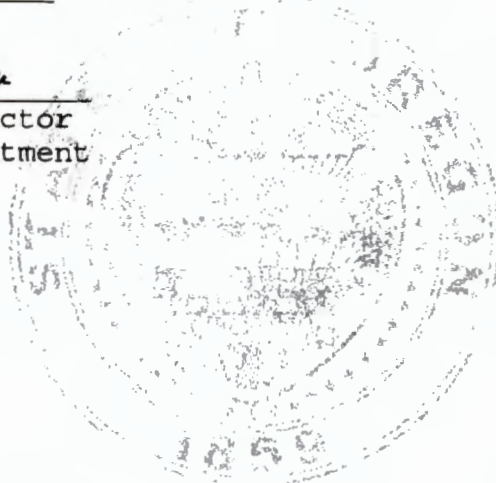
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 1, 2005

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



RECEIVED

MAR 18 2024

OWRD

RECEIVED

FEB 26 2024

OWRD

Application S-86311 Water Resources Department
Basin 17 Volume 3 SIXES R & MISC
jme

PERMIT 54236
19

This map shows proposed water use

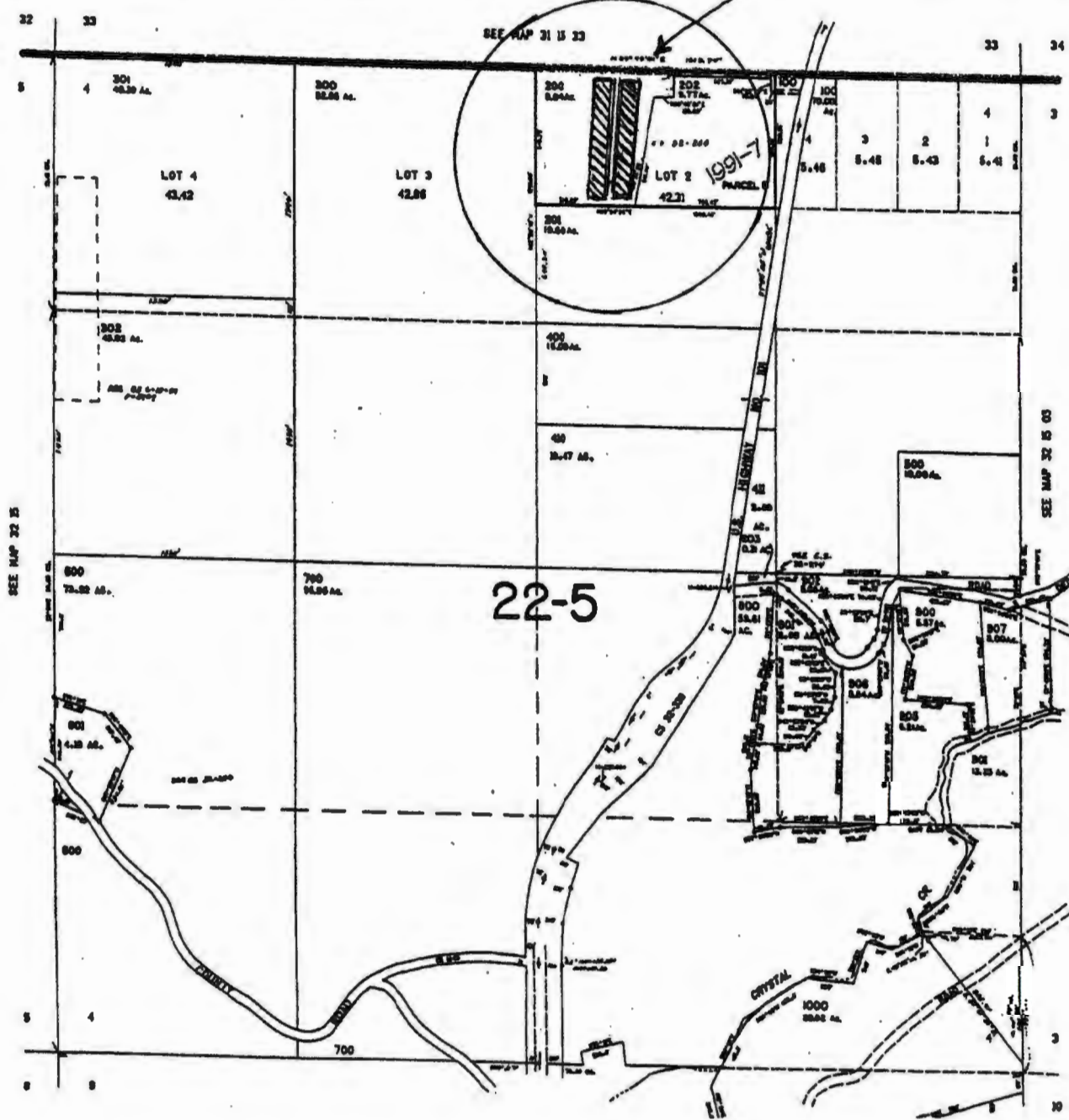
Use location: NW1/4 NE1/4, SECTION 4, T 32, R 15 W
TAX LOT #200, CURRY COUNTY, SOUTH COAST BASIN

SECTION 4 T 32 R.15W. W.M.
CURRY COUNTY

32 15



proposed water use. 4 acres cranberries



1' = 800'

app # S 86311
Permit # 35423

RECEIVED
MAR 18 2024
OWPRD

RECEIVED
MAY 17 2005
WATER RESOURCES DEPT
SALEM, OREGON

32 15 4

(No subject)

Dan_Alice Loshbaugh <loshbogs@msn.com>

Sun 2/18/2024 1:45 PM

To: Dan_Alice Loshbaugh <loshbogs@msn.com>



Sent from my iPhone

RECEIVED

MAR 18 2024

OWRD

RECEIVED

FEB 26 2024

OWRD



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

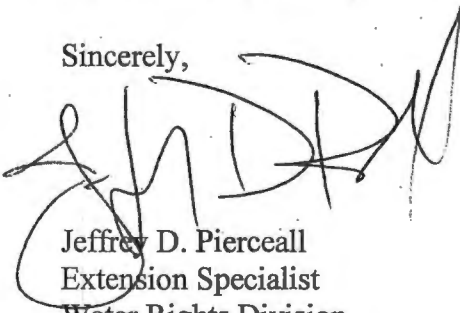
Dear Applicant,

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.

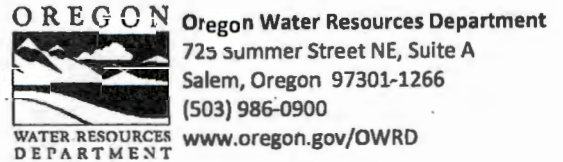
If you have any other questions please contact me at 503-979-3213.

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.

RECEIVED

FEB 26 2024

OWRD

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)(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

RECEIVED
 FEB 26 2024
 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.

RECEIVED
FEB 26 2024

OWRD

- 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

RECEIVED
FEB 26 2024
OWRD

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.

RECEIVED
FEB 26 2024

OWRD

[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 and 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.	
2005	Started construction on 4 acres of cranberries <i>F 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	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <u>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.</u>	COST*
Total Cost for Chart-B		\$70,000.00

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

RECEIVED
FEB 26 2024

OWRD

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)]

RECEIVED
 FEB 26 2024
 OWRD

[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 <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- _____

RECEIVED
FEB 26 2024
OWRD

[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

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).

RECEIVED

FEB 26 2024

OWRD

[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

RECEIVED

FEB 26 2024

OWRD

[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.

RECEIVED
FEB 26 2024
OWRD

[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?) _____

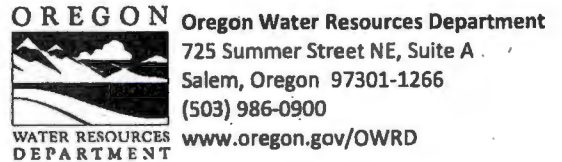
Attach permit, and documentation to the application

RECEIVED

FEB 26 2024

OWRD

**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.

RECEIVED

FEB 26 2024

OWRD

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.	
<u>Dan Loshbaugh</u> Signature	<u>2/15/2024</u> Date
<u>Daniel Loshbaugh</u> Printed Name	<u>Owner</u> 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

RECEIVED
 FEB 26 2024
 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.

**RECEIVED
FEB 26 2024
OWRD**

- 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:

Pond is not complete
Cranberry bogs have been completed

Picture included

**RECEIVED
FEB 26 2024
OWRD**

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"/>	Submittal 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.

RECEIVED
FEB 26 2024

OWRD

[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	<i>Began Clearing - - -</i>	
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>COMPETE 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		

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

RECEIVED

FEB 26 2024

OWRD

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(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)]

RECEIVED
FEB 26 2024
OWRD

[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 <u>this permit only</u> (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-_____

RECEIVED

FEB 26 2024

OWRD

[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

RECEIVED

FEB 26 2024

OWRD

[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.

RECEIVED
FEB 26 2024
OWRD

[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.

RECEIVED

FEB 26 2024

OWRD

[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

**RECEIVED
FEB 26 2024
OWRD**

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: November 16, 2015

FROM: Machel A Bamberger

RE: Request for Refund

APPLICATION: S-86311

RECEIPT #: 117909

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 4611 Obj 0240 Desc Rec Ref Rept# 117909 S-86311

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 ON THE INTERNET. CLICK ON FORMS AND BROCHURES. THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO.
124179346

WATER RESOURCES DEPARTMENT

(503) 986-0924

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
	111715	REV REF RCPT#117909 S-86311	690	VP041554	\$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.
124179346

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

Machelle 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: Machelle.A.Bamberger@wrд.state.or.us | Web:<http://www.wrd.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: Thursday, November 12, 2015 2:50 PM

To: BAMBERGER Machelle A

Subject: Re: Extension of time application for R-86310

Machelle,

Thanks for all your help. I will apply for a new permit Dan

Sent from my iPhone

On Nov 12, 2015, at 9:24 AM, "BAMBERGER Machelle A"

<machelle.a.bamberger@state.or.us> wrote:

Good Morning Dan,

Yes he was correct, since you applied for a surface water permit to use the water of the expanded portion of the Reservoir .

You have two choices:

- 1) Expand your reservoir so it will fill 16.0 AF, file a claim on the Reservoir once it is filled, and then use the water and file a claim on the Surface water. This option requires an extension on both permits.
- 2) Apply for a surface water permit to use the water of the underlying certificated right (7.7 AF) and upon permit issuance cancel the two new ones, and the Department would also refund your extension fees.

Machelle

Machelle 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:

Machelle.A.Bamberger@wrд.state.or.us | Web:<http://www.wrd.state.or.us>

S

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

<image001.jpg>

**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 # **117909**

INVOICE # _____

RECEIVED FROM: Loshbogs, Daniel Loshbaugh
 BY: Alice Loshbaugh

APPLICATION	S-86311
PERMIT	
TRANSFER	

CASH: CHECK: OTHER: (IDENTIFY)

5411

TOTAL REC'D \$ 575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

46111

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$ <u>575.00</u>

WATER RIGHTS:

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

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	LICENSE FEE	\$
_____	LANDOWNER'S PERMIT		0220	LICENSE FEE	\$
_____	OTHER (IDENTIFY) _____				

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **117909**

DATED 11/5/15 BY: Maia Anderson

Application # S - 86311

Permit # S - 54236

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: 11/6/15

◆ **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 MAB



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 #: S-86311 (Permit S-54236)**. 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 Machele 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.

Extension PFO Checklist for Other than Muni or Quasi-Municipal

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

Application: S-86311 Permit: S-54236 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: DAVID 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: Dec 1, 2005 Priority Date: May 17, 2005 Date of PN: _____

Source: A Reservoir, constructed under permit R-11511 And Enlargement under permit R-14247, A TRIBUTARY of Price creek

Use: Cranberry use on 4.0 AC

"Q": 8.0 AF

Orig "A" Date: _____ Orig "B" Date: 10-1-2010 Orig "C" Date: 10-1-2010

Extension request rec'd: 11-5-15 Last Authorized "B" Date: 10/1/ 2015 Last Authorized "C" Date: 10/1/ 2015

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

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input type="checkbox"/>	<u>No conditions but installed a meter 1999</u>
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" 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: \$ 72,000 Estimated Remaining Cost: \$ 33,000
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 0.15 cfs gpm af of the total permitted quantity of water on 4 acres

GW REVIEW: Y N
Surface
MITIGATION REVIEW: Y N

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.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: 2019)

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: Related file R-8031 ~~not fully developed~~, need to expand Reservoir
This file not all of the Q is developed.

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: Madhelle Bamberg Date: 11-6-2015

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 S-86311
Permit S-54236

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 S-86311/ Permit S-54236 ✓
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 S-86311

Final Order
Extension of Time for Permit Number S-54236
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 S-54236 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 S-54236. 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 S-86311, Permit S-54236, 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*
PHILLIP C. WARD, DIRECTOR

-
- If you have any questions about statements contained in this document, please contact Jerry Ganey 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 S-86311
Permit S-54236**

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 S-86311/ Permit S-54236
- ✓ 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 S-54236, Water Right Application S-86311) **PROPOSED FINAL ORDER**
in the name of Daniel Loshbaugh.)

Permit Information

Application File S-86311 Permit S-54236

Basin: 17 – South Coast / Watermaster District 19
Date of Priority: May 17, 2005

Authorized Use of Water

Source of Water: A reservoir, constructed under Permit R-11511 and
enlarged under Permit R-14247, a tributary of Price Creek
Purpose of Use: Cranberry use on 4.0 Acres
Maximum Rate: 8.0 Acre-Feet (AF)

**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 S-54236, water right Application S-86311.
A copy of Permit S-54236 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction and apply water to full beneficial use of the water system 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 S-54236 was granted by the Department on December 1, 2005. The permit authorizes the use of up to 8.0 AF each year of water from a reservoir, constructed under Permit R-11511 and enlarged under Permit R-14247, a tributary of Price Creek for cranberry use on 4 acres. The permit specified complete construction and 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 complete construction and the time to apply water to full beneficial use under the terms of Permit S-54236 be extended from October 1, 2010 to October 1, 2015. This is the first permit extension requested for Permit S-54236.
3. Notification of the Application for Extension of Time for Permit S-54236 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 November 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.

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.

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.

6. As of November 23, 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 complete construction and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-54236 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 S-54236.

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 S-54236 on December 1, 2005, the permit holder has used 8.0 AF of water from a reservoir constructed under Permit R-11511 for cranberry use on 4.0 acres.
 - b. Delay of full beneficial use of water under Permit S-54236 was due, in part, to the permit holder having financial issues to enlarge the reservoir under Permit R-14247.

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 S-54236.

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 S-54236; 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 at the reservoir, and is not located within a Withdrawn Area. A reservoir, constructed under Permit R-11511 and enlarged under Permit R-14247, 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 \$70000.
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 S-54236, 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).

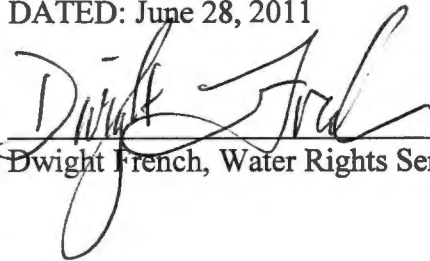
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2015⁴, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial 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 for complete construction and to apply water to beneficial use under Permit S-54236 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 APPROPRIATE 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: S-86311

1 SOURCE OF WATER: A RESERVOIR, CONSTRUCTED UNDER PERMIT R-11511 AND ENLARGED UNDER PERMIT R-14247, A TRIBUTARY OF PRICE CREEK

2 PURPOSE OR USE: CRANBERRY USE ON 4.0 ACRES

MAXIMUM VOLUME: 8.0 ACRE FEET EACH YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 17, 2005

3 POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH & 1400 FEET WEST FROM SE CORNER, SECTION 33

The amount of water diverted for cranberry operations, together with amounts secured under any other rights existing for the same lands shall not exceed a maximum of 3.0 acre feet per acre, and is further limited as follows for temperature control, 0.15 cubic foot per second per acre; for flood harvesting or pest control, 0.05 cubic foot per second per acre; for irrigation of cranberries, one fortieth of one cubic foot per second and 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 ACRES
SECTION 4
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

RECEIVED

NOV 23 2010

WATER RESOURCES DEPT
SALEM, OREGON

Application S-86311 Water Resources Department

PERMIT 54236

④ Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

- ⑤ 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.

STANDARD CONDITIONS

- ⑥ Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

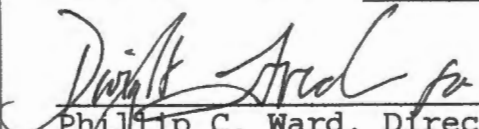
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 1, 2005


Phillip C. Ward, Director
Water Resources Department

RECEIVED

NOV 23 2010

WATER RESOURCES DEPT
SALEM, OREGON

Application # S-86311 Permit # 54236

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: 11-23-2010

◆ **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: S- 86311 Permit: S- 54236 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 $\frac{1}{4}$ 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: A reservoir, Application R-86310

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 for R-14247- 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 8 AF cfs gpm af of the total permitted quantity of water on 4* acres

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

Application: S- 86311 Permit: S- 54236 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 *6/15/11 rwy*

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

NO ~~3~~-year Progress Report Checkpoints (Years: 2015)

rwy 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:

Economic and health issues

* Original reservoir R-11511 stored 8 AF - new Reservoir R-14247 enlargement of R-11511

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

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

RECEIVED

NOV 23 2010

WATER RESOURCES DEPT
SALEM, OREGON

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

541-348-2505 loshbogs@msn.com
PHONE E-MAIL ADDRESS

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

do hereby request that the time in which to:

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

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

and/or the time in which to:

[X] apply water to full beneficial use under the terms and conditions of the permit, which time now
expires on October 1, 2010, be extended to October 1, 2015.

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**

RECEIVED

NOV 23 2010

WATER RESOURCES DEPT
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.

RECEIVED

NOV 23 2010

WATER RESOURCES DEPT
SALEM, OREGON

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
2	3/12/2007	4 acres cranberries constructed and planted
3	1999	Point of diversion created
4	1999	Measuring device installed
5	1999	Point of diversion created
6		Only user of water

** 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
1	2015	Reservoir construction delayed due to finances

RECEIVED

NOV 23 2010

WATER RESOURCES DEPT
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.	

RECEIVED
NOV 23 2010
WATER RESOURCES DEPT
SALEM, OREGON

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		

RECEIVED
NOV 23 2010

WATER RESOURCES DEPT
SALEM, OREGON

* 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

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 permit only</u> (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								

RECEIVED
NOV 23 2010
WATER RESOURCES DEPT
SALMON, OREGON

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.

RECEIVED

NOV 23 2010

WATER RESOURCES DEPT
SALEM, OREGON

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

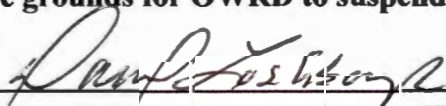
10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to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

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.



11-20-10

**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 # **101706**

INVOICE # _____

RECEIVED FROM: Loshbawer
BY: Daniel + Alice

APPLICATION	S-86311
PERMIT	
TRANSFER	

CASH: CHECK: # 5126 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 4611

0407 COPY & TAPE FEES \$ _____
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	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **101706**

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

file



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

November 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#:S-86311 (PERMIT#: S-54236)**. 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

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

RECEIVED

MAY 05 2006

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86311

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Final Order

Application History

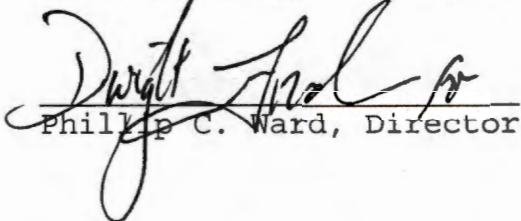
On May 17, 2005, DANIEL LOSHBAUGH submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 30, 2005. The protest period closed October 14, 2005, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the screening requirements.

Order

Application S-86311 therefore is approved as proposed with the above modifications to the Proposed Final Order, and Permit 54236 is issued as limited by the conditions set forth therein.

DATED December 1, 2005


Phillip C. Ward, Director

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.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE 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: S-86311

SOURCE OF WATER: A RESERVOIR, CONSTRUCTED UNDER PERMIT R-11511 AND ENLARGED UNDER PERMIT R-14247, A TRIBUTARY OF PRICE CREEK

PURPOSE OR USE: CRANBERRY USE ON 4.0 ACRES

MAXIMUM VOLUME: 8.0 ACRE FEET EACH YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 17, 2005

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH & 1400 FEET WEST FROM SE CORNER, SECTION 33

The amount of water diverted for cranberry operations, together with amounts secured under any other rights existing for the same lands shall not exceed a maximum of 3.0 acre feet per acre, and is further limited as follows for temperature control, 0.15 cubic foot per second per acre; for flood harvesting or pest control, 0.05 cubic foot per second per acre; for irrigation of cranberries, one fortieth of one cubic foot per second and 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 ACRES
SECTION 4
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

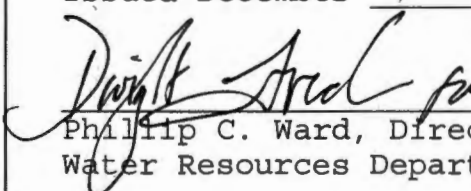
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 1, 2005


Phillip C. Ward, Director
Water Resources Department



Mailing List for FO Copies

Application # S-86311

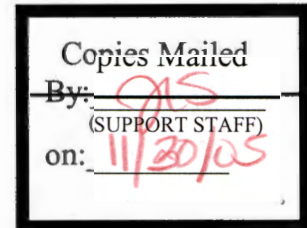
Mailing List Print Date:

Original and copy of permit map mailed to applicant:

DANIEL LOSHBAUGH
PO BOX 343
SIXES OR 97476

For FO w/Permit - Copies sent to:

1. WRD - File # S-86311
2. WRD - Ken Stahr



For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

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

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

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

CASEWORKER: jme

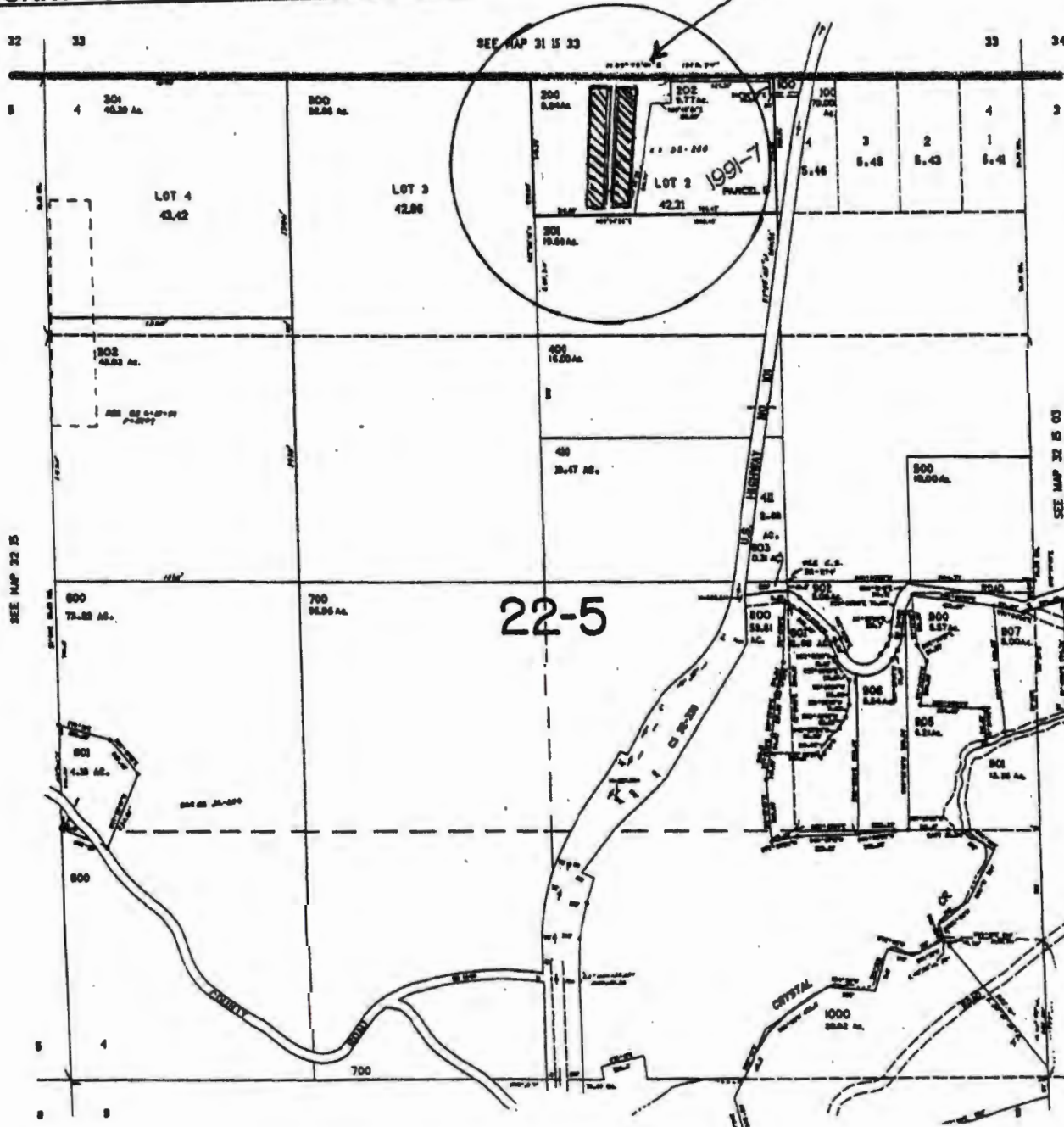
This map shows proposed water use

Use location: NW1/4 NE1/4, SECTION 4, T 32, R 15 W
TAX LOT #200, CURRY COUNTY, SOUTH COAST BASIN

SECTION 4 T 32, R.15W. W.M.
CURRY COUNTY

32 15

proposed water use. 4 acres cranberries



app # S 86311
Permit # S 5423

RECEIVED

MAY 17 2005
WATER RESOURCES DEPT
SALEM, OREGON

32 15 4

FO CHECKLIST

Application 5-86311 Name _____ PFO week 527 FO week 486

Has the name and/or address changed or been assigned? Y / N
If new: _____

Were comments received? Y / N If so, from whom and when? _____

Respond to significant comments, issues, or disputes related to the proposed use of water

Have affected landowner(s) been notified? Y / N / NA If not, do not issue FO. Send a letter to affected landowner(s).

Verify names/addresses of affected landowners, paid \$10, and submitted comments.

Has ODFW asked for screening condition and rate ≥ 0.5 CFS? Y / N / NA If yes, include fish screening form.

Are requested GW conditions included in permit? Y / N / NA If not, add condition(s) _____

SWW ABOVE WITHIN NO (if so, and issuing a permit, enter in SWW database) Name _____

Do PFO conclusions require modification due to typos or errors? Y / N What and why? _____

Fees

Base Fee	Water Amount (Q)	
\$100 / \$150	1 st CFS/AF	<u>120</u>
\$250 / \$300	_____ Addl @ _____	+ _____

<u>150</u> (base)	+	<u>120</u> (Q) = <u>270</u> (total exam fee)

EXAM FEE REQUIRED	<u>270</u>	RECORDING FEE REQUIRED	\$175 / \$250
EXAM FEE PAID	<u>-270</u>	RECORDING FEE PAID	<u>-270</u>
STILL OWED	<input checked="" type="checkbox"/>	STILL OWED	<input checked="" type="checkbox"/>

FO type DENIAL FO w/ Permit # 54234 FO w/o permit lacks fees
 lacks easement
 lacks approved dam plans & specs
 lacks BOR contract

Name: Jeana Eastman Date: 11/14/05 Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

PFO CHECKLIST

Application S-84311 Name _____ PFO week 527
8/30/05

Shortcomings preventing PFO? Y / N Should process continue? Y / N

IR Date 10/24/05 Public Notice Date 4/28/05 Comments received? Y / N

Was additional information requested in the IR? Y / N If so, do we now have enough info to do the PFO? Y / N

Was the application filed after 10/23/99? Y / N (If not, add A date requirement)

B.O.R. or Doug Co. project Y / N Contract in file? N contract # _____

IR identifies as DEQ 303d? Y / N / NA Comments received? Y / N _____

Is second gw review necessary? Y / N / NA Complete? Y / N

Water Availability OK / REDONE / NA _____

Have conflicts been addressed? Y / N / NA _____

Changes from IR determinations _____
pdfw - revision, screen

Copy to _____

Fees	Base Fee	Water Amount (Q)	
	\$100 / \$150	1 st CFS/AF	<u>120</u>
	\$250 / \$300	_____ Addl @ _____ +	_____
	<u>150</u> +		<u>120</u> = <u>270</u>
	(base)		(Q) (total exam fee)

EXAM FEE REQUIRED	<u>270</u>	RECORDING FEE REQUIRED	\$175 / <u>\$250</u>
EXAM FEE PAID	<u>270</u>	RECORDING FEE PAID	<u>0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>250</u>

name: Jeana Eastman Date: 8/19/05 Peer Reviewer: [Signature]

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

IR CHECKLIST

App 5-86311 Name loshbaugh

Use(s) cr - 4.0 ac Priority Date(s) 5/17/05
(If quasi/muni, reviewed by Bill Fujii?)

Is the application complete? Y / N

Prohibited by ORS 538? Y / N If so, do not do an IR; return app & fees to applicant.

GW Review surface water classification triggered PSI with stream name _____

- will not will likely be available ...without injury... and/or within the capacity of the resource
- will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource
- well located in GWLA or CGWA or T1N R3E Sec 20, 21, 28, 29; if so, include basin map noting POD

WM Dist (NWR - 1 2 16 18 20) (NCR - 3 4 5 21) (ER - 6 8 9 10) SCR - 11 12 17 SWR - 13 14 15 19
swr cc: dave jarrett

DIVISION 33 Y / N / NA Above Bonn If above, not allowed April 15 - September 30?
(If Y, attach basin map w/ pod) Below Bonn
 Statewide

SW Availability NA 80% live 50% storage st wtr app r-86310 WID: 17-70877
 wab in Drews Res (tribs to), Snake R, Columbia R, or Lost R, Chehalem Cr, Champoeg Cr, Mission Cr, or Case Cr;
if so, use 12-6-04 memo from DWF

Is there a conflict? Y / N / NA _____
 if conflict, rights are from a different source
 if supplemental, check for primary right on same land
 this right will be making up a deficiency in rate

Allowed under Basin Program Y / N Limitations? Y / N 690-517-0000

303D Y / N / NA IN GEOGRAPHIC UMATILLA Y / N BOTTLED WATER Y / N
(cc: DEQ Regional Manager) (cc: CTUIR) (cc: DOA Food Safety Division)

Rate 150 Rate Max 10 af Req 8 af
Duty 2.5 Season Allowed 3/1-10/31 Req 3/1-10/31

Land use approval OK needs approval county notified NA

B.O.R. Doug Co. project Y / N contract # _____

Does the applicant intend to begin use within 5 years? Y / N
(If not, bring to supervisor's attention.)

Statement allowing someone to act as authorized agent? Y / N / NA

Conditions: _____

Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 or < 1.5 CFS, > 9.2 or < 100 AF, Large ≥ 1.5 CFS, ≥ 100 AF
use at least Medium for: human consumption (SWW), siltcoos lake, livestock SWW, Galesville/BOR
uses that require Large: GW condition 7I, temp control (NU), gov. entity and tenmile lake
uses that require Large and totalizing flow meter: South Salem hills if source is groundwater and use is irrigation

App _____ Name _____

∠ Is the stream withdrawn? Y / N / NA season allowed _____

∠ Basin Maps have been checked Y / N / NA River Mile _____

∠ SWW ABOVE WITHIN NO (if so, CC: state parks & record in book if applicable) Name _____

∠ Is the use located within Oregon Streamflow Restoration Area? Y / N / NA

∠ Letter format Good Limited Bad Bad w/ HC Opportunity

∠ If Initial Review is negative, did you notify the applicant? Y / N / NA

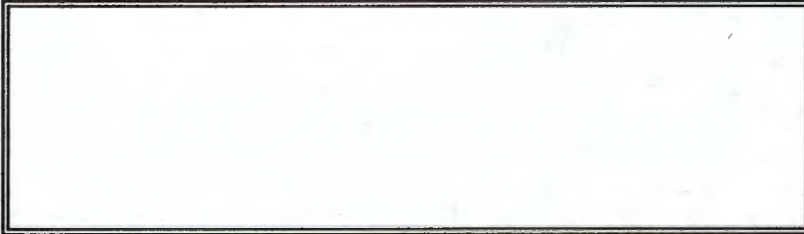
∠ CWRE, representative, etc. to notify? Y / N _____

∠ Addn'l info req'd? Y / N _____
(If Y, send certified)

∠ Attachments included? Y / N / NA _____

∠ Fees

<u>Base Fee</u>	<u>Water Amount (Q)</u>	
\$100 / \$150	1 st CFS/AF	<u>120</u>
\$250 / \$300	_____ Addn'l CFS/AF @ _____	+
<u>150</u>		
(base)		
	<u>120</u>	=
	(Q)	
		<u>270</u>
		(total exam fee)



EXAM FEE REQUIRED	<u>270</u>
EXAM FEE PAID	<u>- 270</u>
STILL OWED	<u>0</u>

Name: Jeana Eastman Date: 6/15/04 Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Analysis for Application: S86311

Location: 32S-15W-4-NWNE

Uses: CR 4 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

Division 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

S-86311

WATER RESOURCES DEPARTMENT

DIVISION 517

SOUTH COAST BASIN PROGRAM

690-517-0000 Classifications

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

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

WATER RESOURCES DEPARTMENT

DIVISION 500

BASIN PROGRAMS

690-500-0020 Definitions

Unless otherwise defined in a basin program, the following definitions apply in OAR Chapter 690, Divisions 501, 504 - 512, and 515 - 520 to any classification adopted prior to January 1, 1993:

(4) "Irrigation Use" means the use of water for **agricultural water use, cranberry use, irrigation**, nursery operations use, or temperature control as defined in OAR 690-011-0010.

Platcard Report

Township 32S Range 15W Section 4

App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Go Lc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i G14631 11/03/1997	G13757 -									24.7 CR	17.3 CR										
i P74630 09/14/1994	-																				LV
i P82597 01/24/1997	-						AS														
	01/24/1997						FI														
	01/24/1997						FP														
i P83263 01/02/1997	-																				
	01/02/1997																				
	01/02/1997																				
i R72495 06/29/1992	R11810 -													CR							
i R79634 03/06/1995	R12496 -									CR											
i R83593 11/03/1997	-		RJ								CR RJ										
i S15622 11/16/1934	S11489 12339																2.2 IR				3.4 IR
i S28122 02/18/1953	S22135 26628																			16.8 IR	0.2 IR
i S54731 08/31/1976	S41055 67806																2.4 IR				1.6 IR
i S56741 10/10/1977	S42488 -		CN											41.0 IR CN	40.0 IR CN						
i S69990 07/06/1989	S51054 -						6.43 IR														
i S71131 -	S53422 -									10.0 CR	10.0 CR										
i S72496 06/29/1992	S52322 -										28.0 CR										
i S86311 05/17/2005	-						4.0 CR														

Page:1

[Return to Platcard Query Screen](#)

Run Time: 2 seconds

Find Location

Basin
South Coast

Township
Township: [] S []
Range: [] W []
Section: []

Find Water Right Application Number

G []
Permit Number
G []
SEARCH
Cert Number
SEARCH
Claim Number
GR []

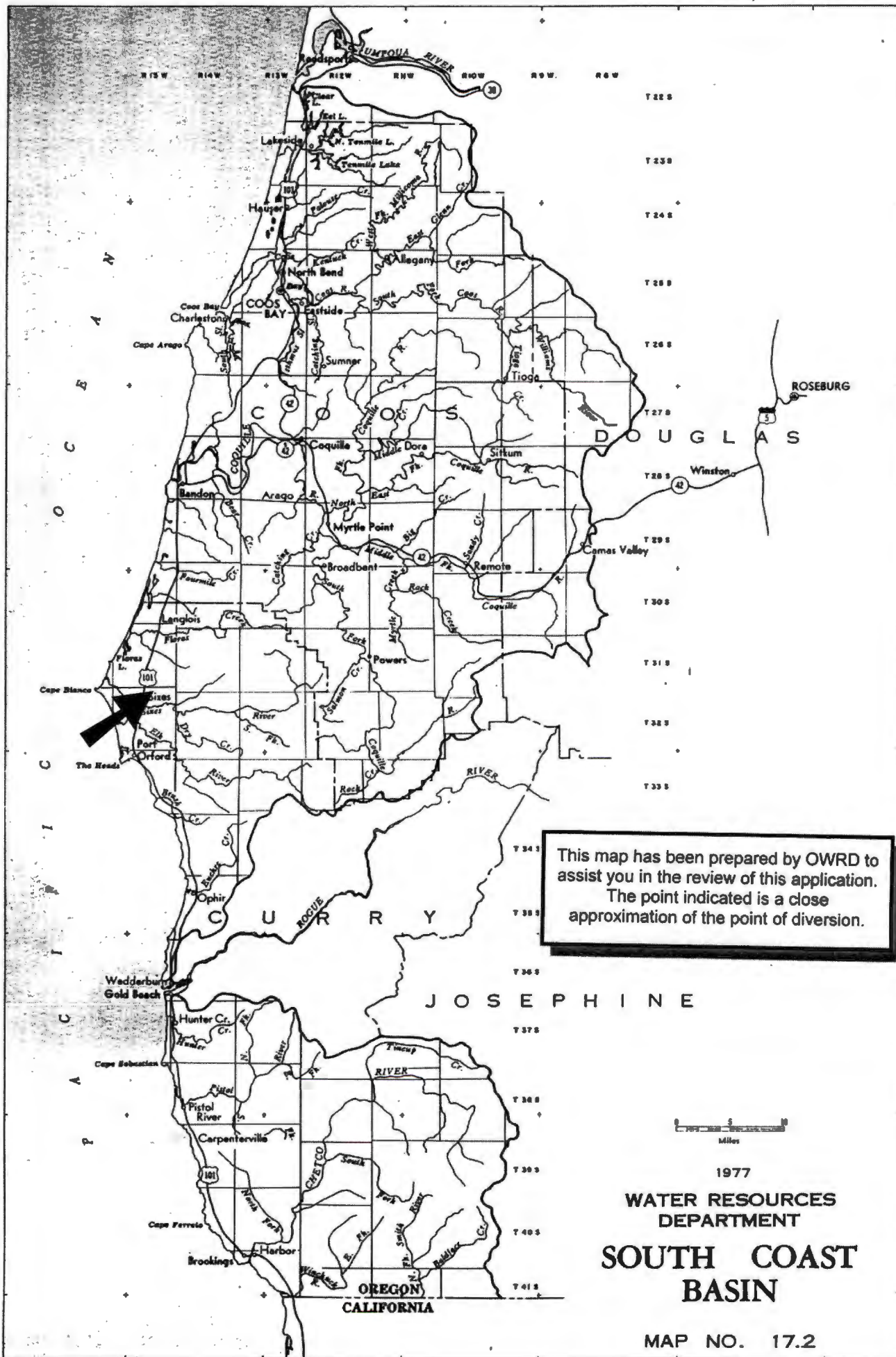
Tools

OWRD Web Mapping (beta)

Table of Contents

Layer	Visible	Active
App#: S86311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Township	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WAB	<input type="checkbox"/>	<input type="checkbox"/>
Sections	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Point of Diversion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Place of Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cities	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Major Roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roads	<input type="checkbox"/>	<input type="checkbox"/>
Groundwater Restricted	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Basins	<input type="checkbox"/>	<input type="checkbox"/>
Watermaster Districts	<input type="checkbox"/>	<input type="checkbox"/>
Counties	<input type="checkbox"/>	<input type="checkbox"/>
303D Streams	<input type="checkbox"/>	<input type="checkbox"/>
303D Lakes	<input type="checkbox"/>	<input type="checkbox"/>
Quad Maps	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aerial Photos	<input type="checkbox"/>	<input type="checkbox"/>
Topography	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Refresh
Manage TOC



1977

WATER RESOURCES
DEPARTMENT
**SOUTH COAST
BASIN**

MAP NO. 17.2

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86311

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$250.00. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **October 14, 2005**, issuance of a permit may be delayed.

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On May 17, 2005, DANIEL LOSHBAUGH submitted an application to the Department for the following water use permit:

- Amount of Water: 8.0 ACRE FEET (AF)
- Use of Water: CRANBERRY USE ON 4.0 ACRES
- Source of Water: A RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-86310, A TRIBUTARY OF PRICE CREEK
- Area of Proposed Use: Curry County within SECTION 4, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

On June 24, 2005, the Department mailed the applicant notice of its Initial Review, determining that "The use of 8.0 acre feet from a reservoir, to be constructed under Application R-86310, a tributary of Price Creek for irrigation use on 4.0 acres is allowable from March 1 through October 31 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On June 28, 2005, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The South Coast Basin Program allows the use of water for CRANBERRIES.

Senior water rights exist on A RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-86310, A TRIBUTARY OF PRICE CREEK, or on downstream waters.

A RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-86310, A TRIBUTARY OF PRICE CREEK is not within or above a State Scenic Waterway.

Water in the amount of 8.0 acre feet from A RESERVOIR, to be constructed under Application R-86310, is determined to be **available** for further appropriation, contingent upon the approval of Application R-86310.

The Department finds that the amount of water requested, 8.0 AF, is an acceptable amount.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The permittee shall install, maintain, and operate fish screening 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.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the South Coast Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

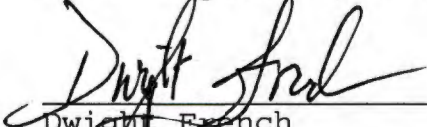
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED August 30, 2005



Dwight French
Administrator
Water Rights & Adjudication Division

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

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a

hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.

- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **October 14, 2005**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

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

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT 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: S-86311

SOURCE OF WATER: A RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-86310, PERMIT R- XXXXX, A TRIBUTARY OF PRICE CREEK

PURPOSE OR USE: CRANBERRY USE ON 4.0 ACRES

MAXIMUM VOLUME: 8.0 ACRE FEET EACH YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 17, 2005

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH & 1400 FEET WEST FROM SE CORNER, SECTION 33

The amount of water diverted for cranberry operations, together with amounts secured under any other rights existing for the same lands shall not exceed a maximum of 3.0 acre feet per acre, and is further limited as follows for temperature control, 0.15 cubic foot per second per acre; for flood harvesting or pest control, 0.05 cubic foot per second per acre; for irrigation of cranberries, one fortieth of one cubic foot per second and 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 ACRES
SECTION 4
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party

to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2005

DRAFT - THIS IS NOT A PERMIT

Phillip C. Ward, Director
Water Resources Department

Mailing List for PFO Copies

Application #S-86311

PFO Date August 30, 2005

Original mailed to applicant:

DANIEL LOSHBAUGH
PO BOX 343
SIXES, OR 97476

Copies sent to:

1. WRD - File # S-86311
2. Water Availability: Ken Stahr

PFO and Map Sheet Copies sent to:

3. WRD - Watermaster # 19

Copies Mailed By: <u>TR</u> (SUPPORT STAFF) on: <u>8/30/05</u> (DATE)

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

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

Affected Landowners (include "Notice of Proposed Final Order--Affected Landowner"):

1.

CASEWORKER : jme WEEK 527

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.

Date: 06/24/2005 Please return to WRD before July 28, 2005. Application #: S-86311

Applicant's Name: DANIEL LOSHBAUGH

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species?
[690-33-330(1)]

NO YES Species: Coho Status: Sensitive, Threatened, Endangered

IF ANSWER TO QUESTION (1) IS YES, CONTINUE ON THIS PAGE TO QUESTION (2),
IF ANSWER IS NO, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES?

NO YES

- A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]
- B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?
 NO (if no go to 4) YES [690-33-330(3)]

Which conditions are recommended? Maintain a riparian buffer strip along unnamed creek. Recommend a minimum 25'

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO YES [690-33-330(4)]

If YES, please explain:

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what fish screening, bypass or other conditions should be included in the permit?

Use 3/32" screening all over flow pipes, maintain riparian buffer.

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



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

June 24, 2005

DANIEL LOSHBAUGH
PO BOX 343
SIXES, OR 97476

541-348-2505

Reference: File S-86311

Dear Mr. Loshbaugh:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from a reservoir, a tributary of Price Creek for irrigation use is **allowable** under OAR 690-517-0000, the South Coast Basin Program.
3. Water in the amount of 8.0 acre feet from a reservoir, to be constructed under Application R-86310, Permit R- XXXXX, is determined to be **available** for further appropriation, contingent upon the approval of application R-86310.

Summary of Initial Determinations

The use of 8.0 acre feet from a reservoir, to be constructed under Application R-86310, Permit R- XXXXX, a tributary of Price Creek for irrigation use on 4.0 acres is allowable from March 1 through October 31 of each year.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, July 8, 2005**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The priority date for this application is May 17, 2005.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oda.state.or.us/nrd/water_quality/index.html to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing time lines, or your upcoming Proposed Final Order should be directed to our customer service staff at 503-986-0801. Feel free to call me at 503-986-0859 if you have any questions regarding the contents of this letter. Please have your application number available if you call. 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.

Sincerely,



Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86311
wab 17-70877
pou 17-70877
gw

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-86311

Applicant: DANIEL LOSHBAUGH

County: Curry

Watermaster: 19

Priority Date: May 17, 2005

Source: A RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-86310,
PERMIT R- XXXXX, A TRIBUTARY OF PRICE CREEK

Use: IRRIGATION USE ON 4.0 ACRES

Quantity: 8.0 ACRE FEET

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 3 SIXES R & MISC

Point of Diversion Location: SWSE, SECTION 33, T31S, R15W, W.M.; 355 FEET NORTH &
1400 FEET WEST FROM SE CORNER, SECTION 33

Place of Use: NWNE 4.0 ACRES, SECTION 4, TOWNSHIP 32 SOUTH, RANGE 15 WEST,
W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 8, 2005

PUBLIC NOTICE DATE: Tuesday, June 28, 2005

30 DAY COMMENT DEADLINE DATE: Thursday, July 28, 2005

Mailing List for IR Copies

Application #S-86311

IR Date: June 24, 2005

Original mailed to applicant:

DANIEL LOSHBAUGH
PO BOX 343
SIXES, OR 97476

Copies Mailed By: <u>RGB</u> (SUPPORT STAFF) On: <u>6/24/05</u> (DATE)
--

Copies sent to:

1. WRD - File # S-86311
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 19 + **WM Form**
4. ODFW District Biologist: Todd Confer + **ODFW Form**
5. DEQ: W Region - John Blanchard + **DEQ Form**
6. DOA: Jim Johnson

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

7.



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 Use Surface Water

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 to your application, insert "n/a." Please read and refer to the instructions when completing your application. 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

A. Individuals

Applicant: 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

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

**Optional information*

For Department Use		
App. No. <u>586311</u>	Permit No. _____	Date _____

Surface Water/ 1

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
 SALEM, OREGON

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Pond Tributary to: _____
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

B. Property Ownership

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

- Yes (Skip to section 3 "Water Use.")
- 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.
 - 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).

List the names and mailing addresses of all affected landowners.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

Surface Water/ 2

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use	Amount	
Pond	Cranberries	8	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

C. Period of Use

Indicate the time of year you propose to use the water: March 1–October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 4
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type) 25 horsepower centrifugal
- Head-gate (give dimensions) _____
- Other means (describe) _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other (describe) _____

RECEIVED
MAY 17 2005
WATER RESOURCES DEPT
SALEM, OREGON

C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length)

Diameter 6 inches Length 400 feet

Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? 25 hp pump

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

Any run-off from frost control, heat control, irrigation and harvest will be returned to the pond for reuse. Sprinkler irrigation is the most efficient method for cranberries.

5. RESOURCE PROTECTION

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See the instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions: Water will be from storage pond and will be filled from winter run-off

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Excavation of pond will not be near enough to a stream to affect it.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: There will not be any excavation in a body of water containing aquatic life

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Any erosion or run-off will be into the pond.

Other: _____

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin September 2005

Proposed date construction will be completed December 2006

Proposed date beneficial water use will begin March 2006

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

8. MAP REQUIREMENTS

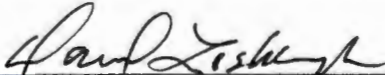
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign)

5-4-05

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's Fee Schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us

Surface Water/ 6

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
Salem, Oregon



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 ^(source) CFS GPM Acre-Feet

app # S 86311

Last revised: 04/06/04

RECEIVED

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: Kath Blansett Date: 5.12.05
 Title: Benjon Planner Phone: 541-241-3263
 Signature: KATHRINE 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.

app # 586311

Policy No. 180235
OTE No.: 99310025

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

2.55 Ac.

1900
0.62 Ac.

1901
2.82 Ac.

SEC

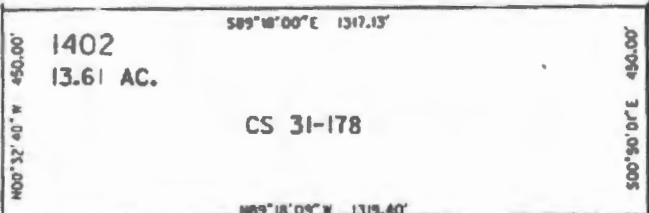


THIS SKETCH IS FOR LOCATION PURPOSES ONLY AND NO LIABILITY IS ASSUMED FOR ANY VARIATIONS DETERMINED BY SURVEY.

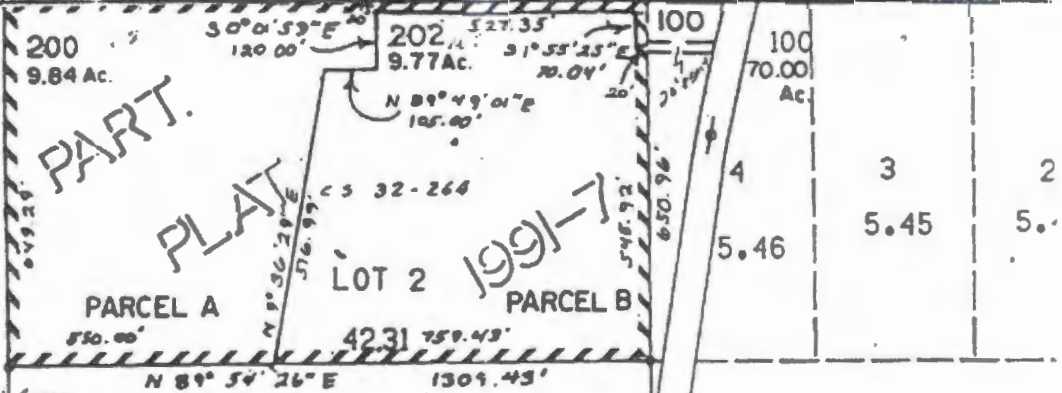
SEE MAP

31 15 33DD

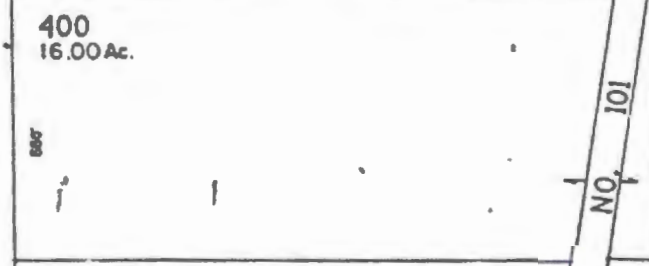
31-15-33



32-15-04



LOT 3
42.86



500
10.00

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

HIGHWAY NO. 101

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application S 86311

County: Cumby

Priority Date: 5/17/2005

Township: 9 32

Use(s): Cranberries - Ag

Range: 15W

Section: 4

POD 1/4 1/4: SW 1/4 SE 1/4

Rate: 8 af

POU 1/4 1/4: ~~NE~~ NW 1/4 NE 1/4

Applicant/Organization Name, Mailing Address and Telephone Number. If applicant is other than a private landowner, Organizations section must be completed.

Source listed

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..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE: An easement or agreement DOES NOT need to be submitted at this time, however a statement declaring the existence of written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work is required at this time. Easement or agreement will be required before a permit will be issued.**

If a groundwater application...is the groundwater development section completed, including copies of well logs?

Proposed Use of the water.... Is each proposed use identified?

Has the appropriate "Supplemental Form" for each proposed use been completed, if applicable?

Form I (Irrigation)

Form M (Municipal or Quasi-Municipal)

Form R (Mining)

Form Q (Commercial or Industrial)

Spring Description Sheet (if source is a Spring)

Amount of water from each source listed in GPM, CFS or AF? 8 af.

Acreage being proposed, if applicable.

app # S 86311

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

RECEIPTING
POST CARD SENT
DATA CENTER

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

GROUND WATER YES NO
ENFORCEMENT YES NO

WATER RIGHTS SUPPORT

ANITA HUFFMAN	503-986-0815	<input type="checkbox"/>
CORY ENGEL	503-986-0813	<input type="checkbox"/>
JERRY GAINEY	503-986-0812	<input type="checkbox"/>
KERRY LEFEVER	503-986-0816	<input type="checkbox"/>
JEANA EASTMAN	503-986-0859	<input checked="" type="checkbox"/>

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.



WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **74634**

INVOICE # _____

RECEIVED FROM: Loshbogs

APPLICATION	<u>Below</u>
PERMIT	
TRANSFER	

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		<u>R86310 - \$120.00</u>	
0407	COPY & TAPE FEES	<u>S86311 - \$270.00</u>	\$
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 RECORD FEE \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
	LANDOWNER'S PERMIT		0220 \$
_____	OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **74634**

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

**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 # **77207**

INVOICE # _____

RECEIVED FROM: Loshbogs

APPLICATION	<u>586311</u>
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 4051 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 250.00

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:

EXAM FEE		RECORD FEE
0201 SURFACE WATER \$ _____	0202	\$ <u>250.00</u>
0203 GROUND WATER \$ _____	0204	\$ _____
0205 TRANSFER \$ _____		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **77207** DATED: 9/9/05 BY: X Albin

S 86311

Daniel Loshbaugh

P O Box 343

Sixes OR 97476

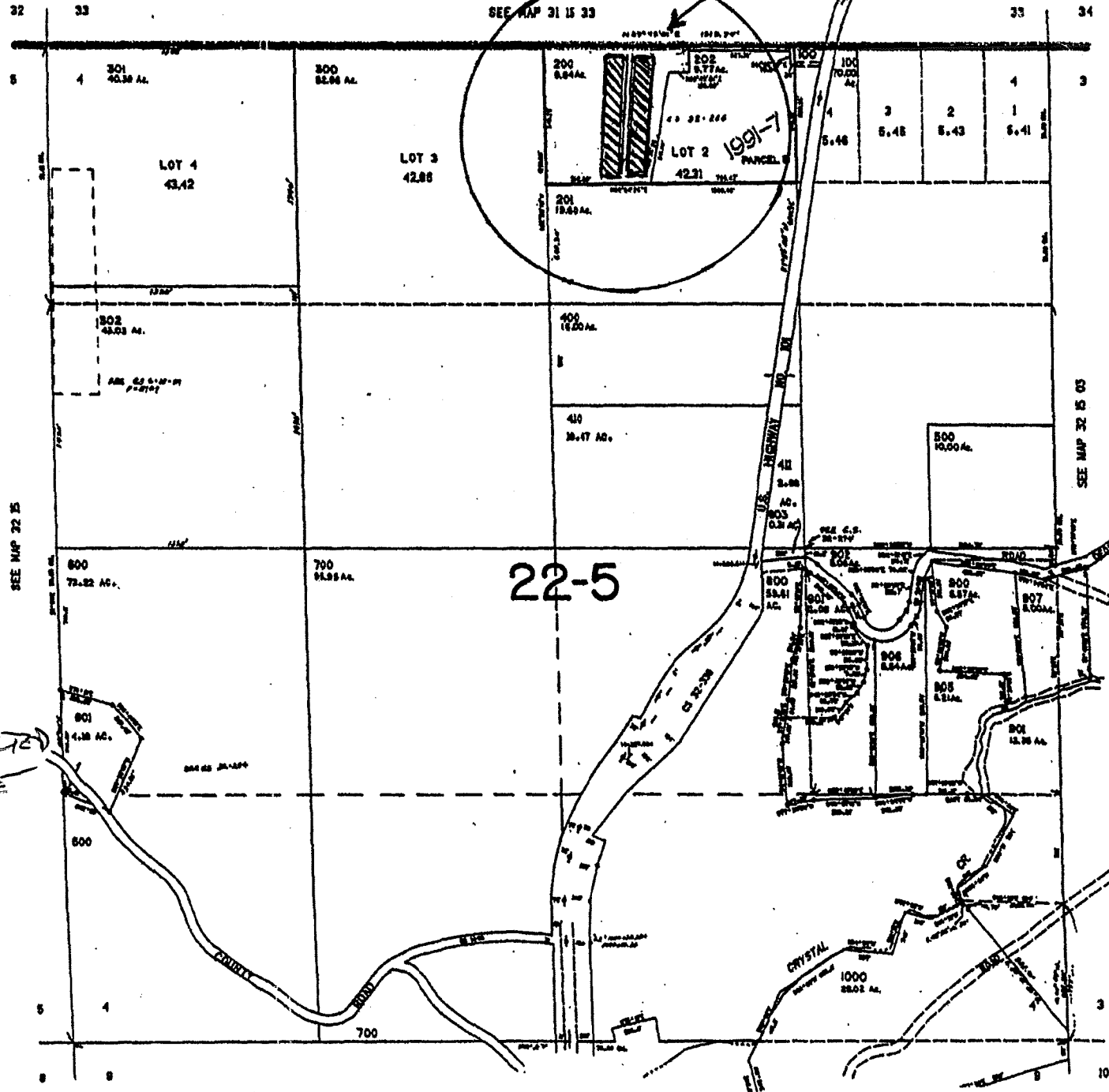
This map shows proposed water use

SECTION 4 T. 32. R. 15W. W.M.
CURRY COUNTY

32 15

Use location: NW1/4 SECTION 4, T 32, R 15 W
TAX LOT #200, CURRY COUNTY, SOUTH COAST BASIN

proposed water use. 4 acres cranberries



**WORK
COPY**

app # S86311

Revised Corrected
Appendix SCORE

RECEIVED
MAY 17 2005
WATER RESOURCES DEPT
SALEM, OREGON

32 15 4

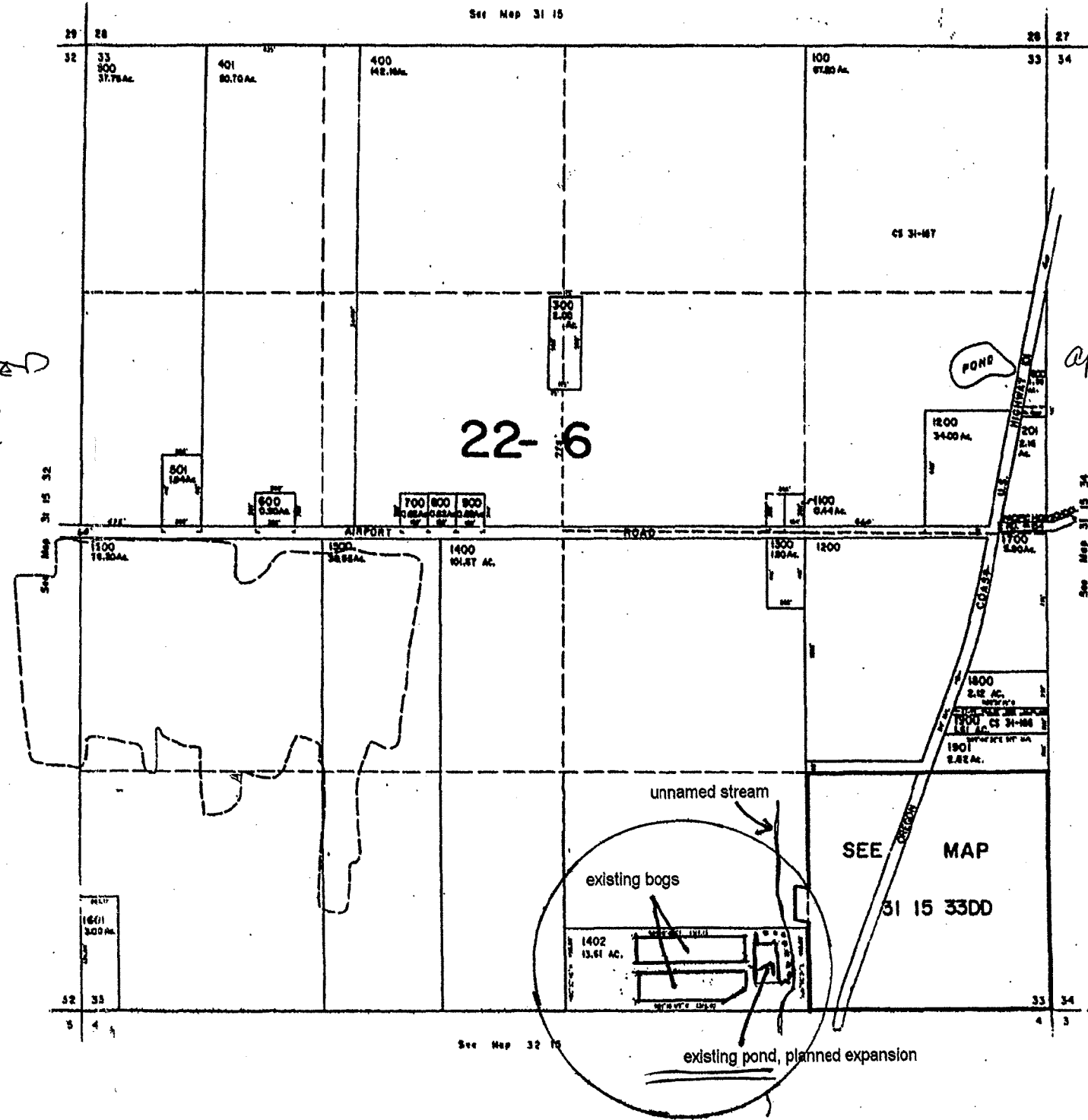
This map shows existing pond and proposed pond expansion
EXISTING
Pond location: SW1/4 SE1/4, SECTION 33, T 31 S, R 15 W, W.M.
355 FEET NORTH AND 1400 FEET WEST FROM
THE SOUTHEAST CORNER OF SECTION 33.

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

15 33

REVISED CORRECTED
 1" = 800' APPROX
 SCALE

WORK
 COPY



app# R86310

RECEIVED
 MAY 17 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

31 15 33
 Revised 7/22/99, RA

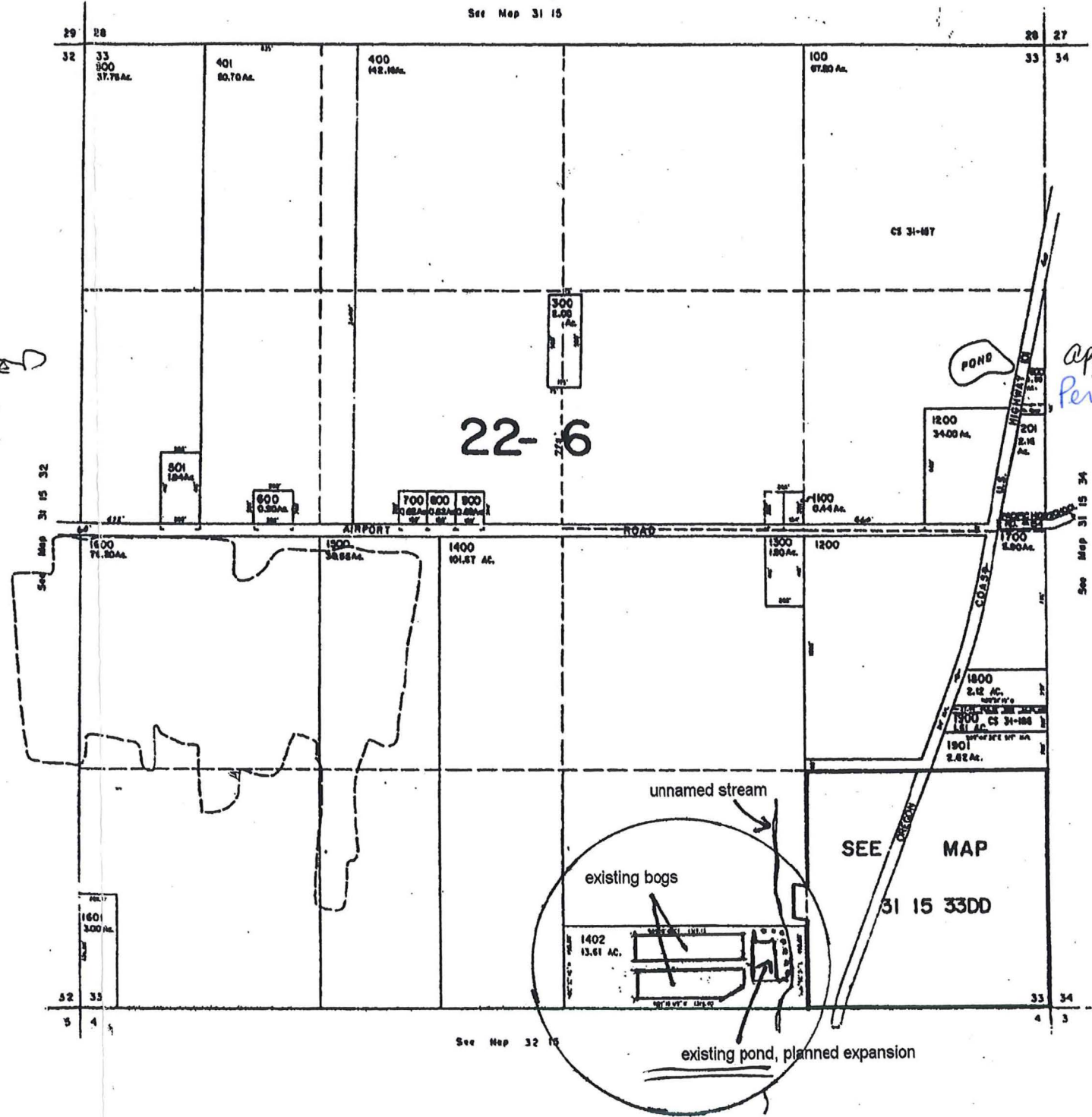
This map shows existing pond and proposed pond expansion
EXISTING
Pond location: SW1/4 SE1/4, SECTION 33, T 31 S, R 15 W, W.M.
355 FEET NORTH AND 1400 FEET WEST FROM
THE SOUTHEAST CORNER OF SECTION 33.

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

15 33

REVISED CORRECTED
 1" = 800'
 APPROX SCALE

WORK COPY



app# R 86310
 Permit# 5 5423

RECEIVED
 MAY 17 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

31 15 33
 Revised 7/22/99, RA

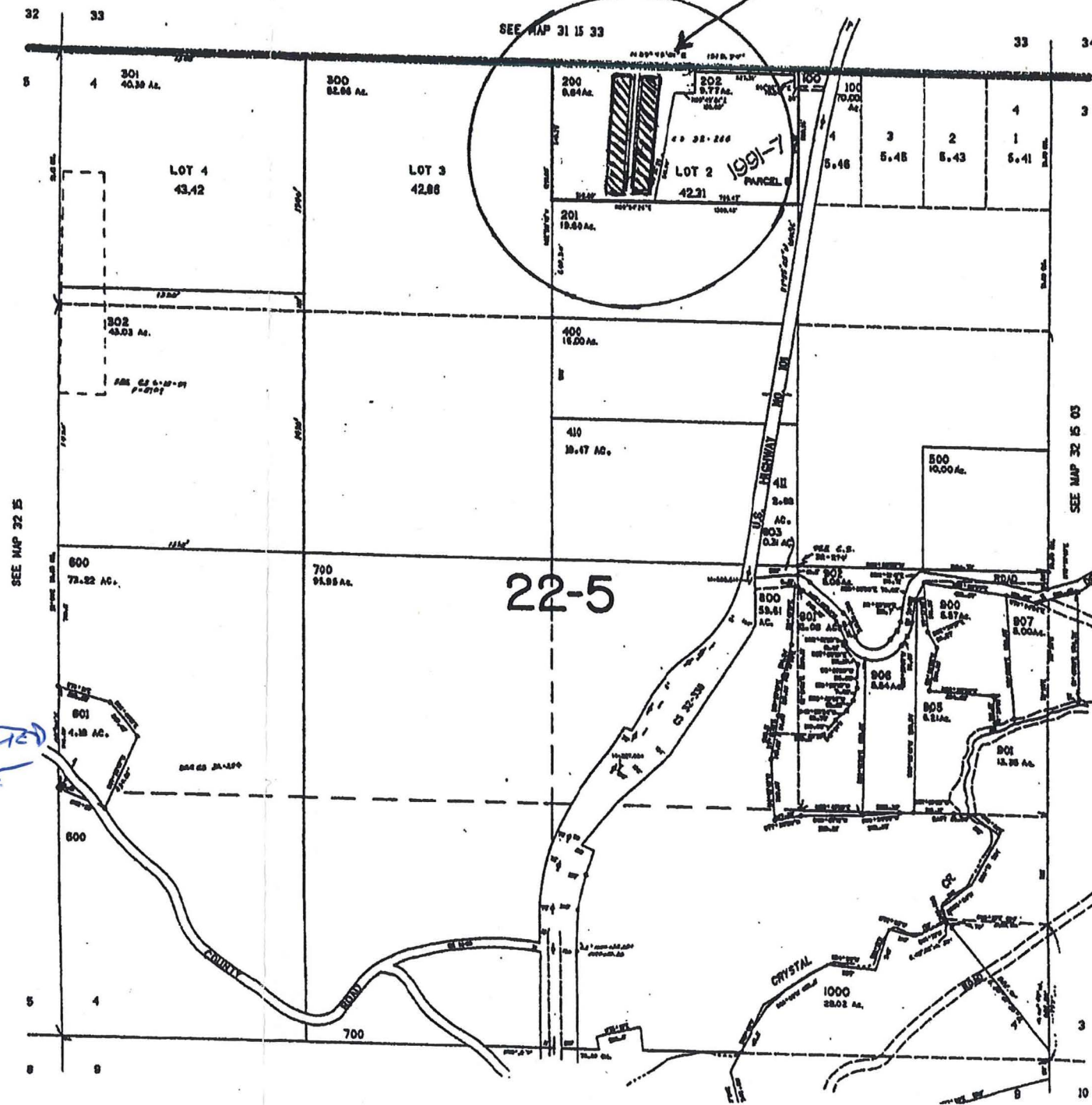
This map shows proposed water use

Use location: NW1/4 NE1/4, SECTION 4, T 32, R 15 W
TAX LOT #200, CURRY COUNTY, SOUTH COAST BASIN

SECTION 4 T 32 S. R.15W. W.M.
CURRY COUNTY

32 15

proposed water use. 4 acres cranberries



**WORK
COPY**

app # S86311

Revised Corrected
Approx SCORE

RECEIVED

MAY 17 2005

WATER RESOURCES DEPT
SALEM, OREGON

32 15 4