

FILE#: G 14301

PHILLIP L LENT
92457 AIRPORT RD
SIXES, OR 97476

Application No. G14301

Permit No. G13233

Certificate No. _____

Stream Index, Page No. 17

FEES PAID

Date	Amount	Receipt No.
4-26-96	200.00	001855
Record. 9-23-97	100.00	16082
01/02/02	100.00	50237
9-7-11	500.00	103888
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until C2026

11/01/02 ext do

Return to applicant _____

Date of approval 10/17/97

CONSTRUCTION

Date for beginning 10/17/98

Date for completion _____

Extended to _____

Date for application of water 10/1/01

Extended to 10-1-11, 10-1-2026

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS


See R-81108 & S-81107

9-10-97

IMPORTANT MESSAGE

TRY
230

FOR	WENZ 499	DATE	9-10	TIME	929	AM	
M.	DENNIS GOOTS						
OF	ENG.					<input checked="" type="checkbox"/>	PHONED
PHONE	<input type="checkbox"/> FAX	<input type="checkbox"/> MOBILE	541	-267-	2872		RETURNED YOUR CALL
MESSAGE						<input checked="" type="checkbox"/>	PLEASE CALL
							WILL CALL AGAIN
	G 14301 ?						CAME TO SEE YOU
	QUES!						WANTS TO SEE YOU
SIGNED							

 FORM 4006

DIV. 33



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

File

March 10, 2017

Phillip L. Lent
92457 Airport Rd
Sixes, OR 97476

REFERENCE: Application G-14301 / Permit G-13233

Dear Permit Holder:

On May 24, 2012, the Department issued a Final Order approving an Extension of Time for Permit G-13233. The Final Order contained a condition to submit a progress report to the Department by October 1, 2017.

This letter is being sent to you as a reminder the progress report is due on October 1, 2017.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your progress report no later than October 1, 2017.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2026.

Failure to submit written progress reports will most likely result in any future extensions being denied.

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0825.

Sincerely,

Corey A Courchane
Extensions
Water Rights Services Division

Enclosure

cc: Application G-14301
Watermaster District 19 – Greg Wacker

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: May 24, 2012

Copies Mailed

Application G-14301
Permit G-13233

By: CH
On: 5/24/12

Original mailed to permit holder

Phillip L. Lent
92457 Airport Rd
Sixies, OR 97476

Copies sent to:

1. WRD - App. File G-14301/ Permit G-13233
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)

(DONE BY EXTENSION SPECIALIST)

4. None

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by JWG Date 5-24-12

CASEWORKER: JWG

IMPORTANT NOTICE
for holders of ground water permits

Oregon law requires that you hire a Certified Water Rights Examiner to survey the use that you make under your permit. This survey must be submitted to the Salem office of the Water Resources Department no later than one year after the completion dated allowed by your extension. [See ORS 537.630(4)]

ORS 537.630

1) Except for the holder of a permit for municipal use, the holder of a permit issued pursuant to ORS 537.625 shall prosecute the construction of a well or other means of developing and securing the ground water with reasonable diligence and complete the construction within a reasonable time fixed in the permit by the Water Resources Department, not to exceed five years after the date of approval of the application. However, the department, for good cause shown, shall order and allow an extension of time, including an extension beyond the five-year period, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. 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.

(2) The holder of a permit for municipal use shall commence and complete the construction of any proposed works within 20 years from the date on which the permit for municipal use is issued under ORS 537.625. The construction must proceed with reasonable diligence and be completed within the time specified in the permit, not to exceed 20 years. However, the department may order and allow an extension of time to complete construction or to perfect a water right beyond the time specified in the permit under the following conditions:

- (a) The holder shows good cause. 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;
- (b) The extension of time is conditioned to provide that the holder may divert water beyond the maximum rate diverted for beneficial use before the extension only upon approval by the department of a water management and conservation plan; and
- (c) For the first extension issued after the effective date of this 2005 Act for a permit for municipal use issued before November 2, 1998, the department finds that the undeveloped portion of the permit is conditioned to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. The department shall base its finding on existing data and upon the advice of the State Department of Fish and Wildlife. An existing fish protection agreement between the permit holder and a state or federal agency that includes conditions to maintain the persistence of any listed fish species in the affected portion of the waterway is conclusive for purposes of the finding.

(3) If the construction of any well or other means of developing and securing the ground water is completed after the date of approval of the application for a permit under ORS 537.625, within 30 days after the completion, or if the construction is completed before the date of approval, within 30 days after the date of approval, the permit holder shall file a certificate of completion with the Water Resources Department, disclosing:

- (a) The depth to the water table;
- (b) The depth, diameter and type of each well, and the kind and amount of the casing;
- (c) The capacity of the well pump in gallons per minute and the drawdown thereof;
- (d) The identity of the record owner of any property that was described in the application for a permit under ORS 537.625 but is not included in the certificate of completion; and
- (e) Any other information the department considers necessary.

(4) Upon completion of beneficial use necessary to secure the ground water as required under this section, the permit holder shall hire a water right examiner certified under ORS 537.798 to survey the appropriation. Within one year after applying the water to beneficial use or the beneficial use date allowed in the permit, the permit holder shall submit the survey as required by the Water Resources Department to the department along with the certificate of completion required under subsection (3) of this section. If any property described in the permit is not included in the request for a water right certificate, the permittee shall state the identity of the record owner of that property.

(5) After the department has received a certificate of completion and a copy of the survey as required by subsections (3) and (4) of this section that show, to the satisfaction of the department, that an appropriation has been perfected in accordance with the provisions of ORS 537.505 to 537.795 and 537.992, the department shall issue a ground water right certificate of the same character as that described in ORS 537.700. The certificate shall be recorded and transmitted to the applicant as provided in ORS 537.700.

(6) The procedure for cancellation of a permit shall be as provided in ORS 537.260.

(7) Notwithstanding ORS 537.410, for purposes of obtaining a water right certificate under subsection (5) of this section for a supplemental water right, the permittee shall have a facility capable of handling the full rate and duty of water requested from the supplemental source and be otherwise ready, willing and able to use the amount of water requested, up to the amount of water approved in the water right permit. To obtain a certificate for a supplemental water right, the permittee is not required to have actually used water from the supplemental source if:

- (a) Water was available from the source of the primary water right and the primary water right was used pursuant to the terms of the primary water right; or
- (b) The nonuse of water from the supplemental source occurred during a period of time within which the exercise of the supplemental water right permit was not necessary due to climatic conditions.

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-14301

Final Order
Extension of Time for Permit Number G-13233
Permit Holder: Phillip L. Lent

Appeal Rights

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

Application History

Permit G-13233 was issued by the Department on October 17, 1997. The permit called for complete application of water to beneficial use by October 1, 2001. On July 14, 2004, the Department issued a final order extending the time to fully apply water to beneficial use to October 1, 2011. On September 7, 2011, Phillip L. Lent submitted to the Department an Application for Extension of Time for Permit G-13233. In accordance with OAR 690-315-0050(2), on February 14, 2012, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2026. The protest period closed March 30, 2012, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated February 14, 2012.

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

CONDITIONS

1. Last Extension Condition

This is to be the last extension of time granted for Permit G-13233. Any future extensions of time requests will be denied.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2017 and October 1, 2022. A form will be enclosed with your Final Order.**

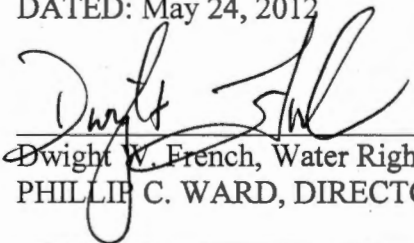
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder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

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

Order

The extension of time for Application G-14301, Permit G-13233, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2011 to October 1, 2026.

DATED: May 24, 2012



Dwight W. French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

-
- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension PFO Copies

PFO Date: February 14, 2012

Copies Mailed

**Application G-14301
Permit G-13233**

By: Ken
On: 2/14/12

Original mailed to Applicant:

Phillip L. Lent
92457 Airport Rd
Sixies, OR 97476

Copies sent to:

1. WRD - App. File G-14301/ Permit G-13233
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)

(DONE BY EXTENSION SPECIALIST)

4. None

CASEWORKER: JWG

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-13233, Water Right Application G-14301) PROPOSED FINAL ORDER
in the name of Phillip L. Lent)

Permit Information

Application File G-14301 Permit G-13233

Basin: 17 – South Coast / Watermaster District 19

Date of Priority: April 29, 1996

Authorized Use of Water

Source of Water: A well within the Sixties River Basin

Purpose of Use: Supplemental Cranberry Operations (Irrigation and
Agricultural Use) on 14.86 Acres

Maximum Rate: 0.37 Cubic Feet per Second (cfs)

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

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

This Proposed Final Order applies only to Permit G-13233, water right Application G-14301.
A copy of Permit G-13233 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2011 to October 1, 2026.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

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

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

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

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

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

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

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

FINDINGS OF FACT

Background

1. Permit G-13233 was granted by the Department on October 17, 1997. The permit authorizes the use of up to 0.37 cfs of water from a well for supplemental cranberry operations (irrigation and agricultural use) on 14.86 acres. The permit specified complete application of water was to be made on or before October 1, 2001.
2. One prior permit extension has been granted for Permit G-13233. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2001 to October 1, 2011.
3. The permit holder submitted an "Application for Extension of Time" to the Department on September 7, 2011 requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13233 be extended from October 1, 2011 to October 1, 2026.
4. Notification of the Application for Extension of Time for Permit G-13233 was published in the Department's Public Notice dated September 20, 2011. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

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

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

5. On September 7, 2011, 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. Actual construction of the well began prior to the October 17, 1998 deadline specified in the permit.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

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

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

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

7. As of September 7, 2011, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2026, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13233 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)]

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well and water system began prior to the October 17, 1998 deadline specified in the permit.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-13233.
 - c. During the most recent extension period, being from October 1, 2001, to October 1, 2011, a meter was installed.

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

10. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-13233 on October 17, 1997, a maximum rate of 0.37 cfs of water has been appropriated from the well for supplemental cranberry operations (irrigation and agricultural use) on 11 acres.

- b. Delay of full beneficial use of water under Permit G-13233 was due, in part, to the permit holder having financial issues to put the full quantity of water allowed under the permit to use.

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

- 11. 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)]

- 12. Financial investments made toward developing the beneficial water use.

- a. As of September 7, 2011, the permit holder has invested approximately \$7,600, which is approximately 6 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$107,000 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)]

- 13. As of September 7, 2011, the permit holder has invested approximately \$7,600 which is approximately 6 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$107,000 investment is needed for the completion of this project.

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

- 14. The Department has found good faith of the appropriator under Permit G-13233.

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:

- 15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13233; 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 appropriation for Permit G-13233, located within the Sixies River Basin, is not located within a limited or critical ground water area. Sixies River is not located within or above any state or federal scenic waterway, however it is located within an area ranked “high” 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. Sixies River is not listed by the Department of Environmental Quality as a water quality limited stream.

16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of September 7, 2011, the permit holder has invested approximately \$76000.
17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
18. 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.
19. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a “Last Extension Condition” on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 1 of the “Conditions” section of this PFO, was determined to be necessary due to no additional work having been accomplished between October 1, 2001 and August 2011.
20. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A “Checkpoint Condition” is specified under Item 2 of the “Conditions” section of this PFO to meet this condition.

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

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

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

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

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

23. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-13233, in that the permit holders were faced with financial and health issues that restricted their 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 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2026⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 20 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 2), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-13233.

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

7. As authorized in OAR 690-315-0050(5) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), a "Last Extension Condition" in order to ensure future diligence is exercised in the development and perfection of Permit G-13233.

Proposed Order

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

Extend the time to apply water to beneficial use under Permit G-13233 from October 1, 2011 to October 1, 2026.

Subject to the following conditions:

CONDITIONS

1. **Last Extension Condition**

This is to be the last extension of time granted for Permit G-13233. Any future extensions of time requests will be denied.

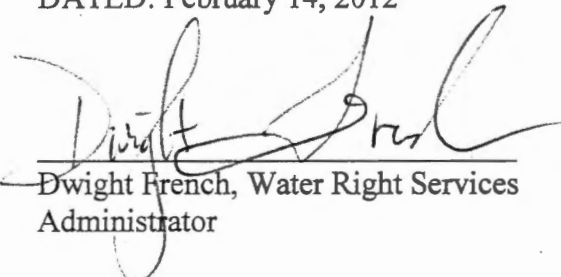
2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2017 and October 1, 2022. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall ~~modify or further condition the permit~~ or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: February 14, 2012


Dwight French, Water Right Services
Administrator

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **March 30, 2012**, 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 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water 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

PHILLIP L. LENT
92457 AIRPORT RD.
SIXES, OREGON 97476

PHONE: (541) 348-2270

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

APPLICATION FILE NUMBER: G-14301

SOURCE OF WATER: A WELL WITHIN IN THE SIXES RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL CRANBERRY OPERATIONS (IRRIGATION AND AGRICULTURAL USE) ON 14.86 ACRES

MAXIMUM RATE: 0.37 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 29, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 31, T31S, R15W, W.M.; 1150 FEET NORTH AND 530 FEET WEST FROM EAST 1/4 CORNER, SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4 14.86 ACRES
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction

Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of two or more feet per year for five consecutive years; or
- (B) A water level decline of 10 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 15 or more feet; or
- (D) Hydraulic interference leading to a decline of 10 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

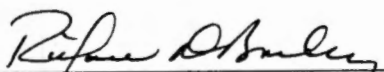
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued October 14, 1997



Martha O. Pagel, Director
Water Resources Department

Application #

G-14301

Permit #

G-13233

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:

9-7-11

◆ **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 9/20/11
- 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

Jerry G

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 14301 Permit: G- 13233 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Phillip L. Lent

Permit Holder's Mailing Address: 92457 Airport Rd, Sixes, OR 97476 email n/a

Phone Number: 541-348-2270

POD Location: Township 31 S Range 15 W Section 31 ¼¼ SE NE

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

Date Permit was issued: 10/17/1997

Priority Date: 4/29/1996

Date of PN: 9/20/11

Source: A well within the Sixes River Basin

Use: Supplemental Cranberry Operations (Irrigation and Agricultural Use) on 14.86 acres

"Q": 0.37 cubic foot per second

Orig "A" Date: 10/17/1998

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2001

Extension request rec'd: 9/7/2011

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2011

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

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2026

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Meter not installed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Initial static water level measurement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water level measurement
<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: **\$7,600** Estimated Remaining Cost: **\$107,000**
- Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 0.37 cfs gpm af of the total permitted quantity of water on 11 acres

GW REVIEW: Y N DWP

MITIGATION REVIEW: Y N

6%

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. Sixies 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

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

- 5-year Progress Report Checkpoints (Years: ~~2016, 2021, 2025~~ 2017 & 2022)
- Other: Last Extension

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

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates
Mailing / Issuance Date: _____ Protest Deadline Date: _____
Reviewer's Name: _____ Date: _____



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

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

I, Phillip L Lent
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

92457 Airport Rd OR 97465
ADDRESS CITY STATE ZIP

541-348-2270 N/A
PHONE E-MAIL ADDRESS

the permit holder of: Application Number 6-14301
 Permit Number 6-13233
[OAR 690-315-0020(3)(b)]

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do hereby request that the time in which to:

WATER RESOURCES DEPT
 SALEM, OREGON

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, 2011, be
 extended to October 1, 2026,

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

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now
 expires on October 1, 2011, be extended to October 1, 2026.

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**



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] Yes

Oct 17
1996



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

Date construction began is: 10/8/1996

Details of construction: Drilled well

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

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

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



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

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	8/1/11	install flow meter
2	1998	initial static water level

** 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
		Failure to obtain 7 consecutive annual static water level measurements
		Starting in March 2012 with these measurements
	2019	

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

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

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period

(CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

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

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1996	well Drilled	6,000.00

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*
10-17-97	Date the permit was signed - find date above signature on last page of permit.	
10-17-98	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/2001	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

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CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-C		6,000.00

* 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*
10/1/2001	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
8/1/11	Install Flow meter	900.00
10/1/2011	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
10/1/2011	intend to monitor static water level	700.00
Total Cost of Chart-D		1600.00

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

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

4. Cost of project to date: 7600.00
(The total combined cost from CHART-C and CHART-D)

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

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



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

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



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

Maximum rate used to date = .37 cfs (cubic feet per second) or,

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

Acre-feet stored to date = _____ AF

5-B) For Ground Water Permit Extensions (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 below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
A well		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	curr 50135	07138	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	.37 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		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						.37 cfs		

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

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

Well # _____ : Actual location _____

Well # _____ : Actual location _____

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[OAR 690-315-0020(5)(e)(C)]

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

Total acres irrigated to date: 11.0

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)
2012-2019	measure static level	700
	To complete 3 acres of bogs	100,000.00
Year: 2026	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		107,000.00

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

8. Estimated remaining cost to complete the project: \$ 107,000.00
 (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.

Cranberry Costs on the Farm exceed its income.

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.

In 2005 the table turned and profits were made but an Automobile accident absorbed most of that money

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- 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.

I am at least 7 yrs out due to static water levels. With the present economy and price of fruit it will take a change in both to heal me financially.

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

Our Current Recession.

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.

Philip F. Lee

Signature

9/3/2011

Date

Bandon Well & Septic Company, Inc. dba

BANDON WELL & PUMP COMPANY

James A. Mack, Sr., - MGWC
Master Ground Water Contractor
47530 Hwy 101
Bandon OR 97411-8233
(541) 347-PUMP (7867)

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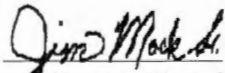
*From the Bottom of Your Well,
to the bottom of your glass...
Complete Service of Water Systems™*

August 22, 2011

To Whom It May Concern:

Re: Phillip Lent
92457 Airport Road
Sixes OR 97476

I would like to confirm that Mr. Phillip Lent has contacted our business regarding his annual static water reading. At his request we will be performing this service for him on an annual basis from this time forward.


James A. Mack, Sr.
- Nationally Certified -
Master Ground Water Contractor
License # 1493/10111 & CCB # 102359

- ◆ Pumps: Submersible, Jet, Centrifugal
- ◆ Tanks: Pressure, Holding, Contact
- ◆ Water Testing
- ◆ Treatment & Purification Systems
- ◆ Sales, Installation, & Service
- ◆ Irrigation Systems



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

District #19 Watermaster Office

Coos County Courthouse

Coquille, Oregon 97423

541-396-1905

Fax: 541-396-1906

August 24, 2011

Mr. Phillip Lent
92457 Airport Rd.
Sixes, OR 97476

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT
SALEM, OREGON

Dear Mr. Lent,

Thank you for taking the time to show me around your water delivery system.

After my on-site visit of August 15, I wanted to contact you with my findings from that visit.

You have installed the totalizing flow meter to measure the amount of water being diverted from your well as required under the terms of groundwater permit number G-13233.

I see you have also installed Staff Plates showing the level of water in both your reservoirs as required under water right permit number R-12290.

That being said, I see you have made progress towards the development of these rights. I would suggest you submit a copy of this letter with you progress report, and apply for another extension of time should the need arise. Water availability may not allow the issuance of future water rights in your area.

Feel free to contact me if you have any questions.

I am submitting a copy of this letter to the water right application file in the Salem office.

Sincerely,

Mitchell E. Lewis
Watermaster District 19
Oregon Water Resources Department



Water Right Information Query Results																																													
Contact Information	Documents View all scanned documents																																												
<p>▼ Current contact information</p> <p>OWNER: PHILLIP LENT ▶ 92457 AIRPORT RD SIXES, OR 97476</p>	<p>▼ Application: G 14301</p> <p>▶ Received: 4/29/1996</p> <p>▼ Permit: G 13233 document , paper map</p> <p>▶ Signature: 10/17/1997</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th colspan="4" style="text-align: center;">Permit Workflow</th> </tr> <tr> <th>Action</th> <th>Date</th> <th>Result</th> <th>Completed By</th> </tr> </thead> <tbody> <tr> <td>Permit Issued</td> <td>10/17/1997</td> <td></td> <td></td> </tr> <tr> <td>Extension Received</td> <td>1/2/2002</td> <td></td> <td>ANNREECE</td> </tr> <tr> <td>Extension Public Notice</td> <td>1/8/2002</td> <td></td> <td>ANNREECE</td> </tr> <tr> <td>▶ Extension PFO 315 Issued</td> <td>5/25/2004</td> <td></td> <td>ANNREECE</td> </tr> <tr> <td>Extension FO Issued</td> <td>7/14/2004</td> <td></td> <td></td> </tr> <tr> <td>Extension Check Point</td> <td>5/23/2011</td> <td></td> <td></td> </tr> <tr> <td>Extension Check Point 315 Received</td> <td>5/23/2011</td> <td></td> <td></td> </tr> <tr> <td>Extension Checkpoint 315 Public Notice</td> <td>6/14/2011</td> <td></td> <td>ANNREECE</td> </tr> <tr> <td>Extended Completion Date</td> <td>10/1/2011</td> <td></td> <td>ANNREECE</td> </tr> </tbody> </table> <p>▶ View right with Web Mapping ▶ View Places of Use from Water Rights in the Same Area</p>	Permit Workflow				Action	Date	Result	Completed By	Permit Issued	10/17/1997			Extension Received	1/2/2002		ANNREECE	Extension Public Notice	1/8/2002		ANNREECE	▶ Extension PFO 315 Issued	5/25/2004		ANNREECE	Extension FO Issued	7/14/2004			Extension Check Point	5/23/2011			Extension Check Point 315 Received	5/23/2011			Extension Checkpoint 315 Public Notice	6/14/2011		ANNREECE	Extended Completion Date	10/1/2011		ANNREECE
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Water Right Information																																													
<p>Status: Non-Cancelled County: Curry File Folder Location: Salem <u>Watermaster District: 19</u></p>																																													
Point(s) of Diversion																																													
▶ POD 1 - A WELL > SIXES RIVER																																													
Place(s) of Use Add TRS grouping																																													
▶ Use - CRANBERRY (Supplemental) - 14.86 acres; Priority Date: 4/29/1996																																													
Water Right Genealogy																																													
---No genealogy records available for this water right, try the family link below instead.																																													

[View Water Rights in same Family](#)

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

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PHILLIP L. LENT
92457 AIRPORT RD.
SIXES, OREGON 97476

PHONE: (541) 348-2270

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

APPLICATION FILE NUMBER: G-14301

SOURCE OF WATER: A WELL WITHIN IN THE SIXES RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL CRANBERRY OPERATIONS (IRRIGATION AND AGRICULTURAL USE) ON 14.86 ACRES

MAXIMUM RATE: 0.37 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 29, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 31, T31S, R15W, W.M.; 1150 FEET NORTH AND 530 FEET WEST FROM EAST 1/4 CORNER, SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4 14.86 ACRES
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

Application G-14301 Water Resources Department

PERMIT G-13233

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction

Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of two or more feet per year for five consecutive years; or
- (B) A water level decline of 10 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 15 or more feet; or
- (D) Hydraulic interference leading to a decline of 10 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

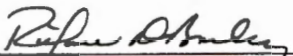
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued October 19, 1997


Martha O. Pagel, Director
Water Resources Department

Application G-14301
Basin 17
LKS

Water Resources Department
Volume 3 SIXES R & MISC
MGMT.CODES 7BG, 7BR, 7CG, 7CR

PERMIT G-13233
District 19

**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 # **103888**

INVOICE # _____

RECEIVED FROM: Phillip Lont

APPLICATION	G 14301
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 1117 OTHER: (IDENTIFY) _____

TOTAL REC'D \$500⁰⁰

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 \$ 500⁰⁰

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

_____ TREASURY OTHER / RDX

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

RECEIPT: **103888**

DATED: 9-7-11 BY: JAR



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

September 20, 2011

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-14301 (PERMIT#: G-13233)**. 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

John A. Kitzhaber, MD, Governor

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

July 29, 2011

PHILLIP LENT
92457 AIRPORT RD
SIXES, OR 97476

REFERENCE: Application G-14301 / Permit G-13233

Dear Permit Holder:

The Water Rights Section received your written progress report for Permit G-13233. Receipt of the progress report was published on the Department's weekly Public Notice, dated June 14, 2011. The Department did not receive any public comment on the progress report.

After reviewing your Diligence Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension is questionable. The terms and conditions of the permit required a measuring device to be installed before water use may begin, and to date a measuring device is not yet installed.

Please be aware that the deadline for completion of construction is October 1, 2011, and the deadline for full beneficial use of water under Permit G-13233 is October 1, 2011. Because diligence is questionable, and illegal use of water has been occurring (use of water with no measuring device), an additional extension of time for Permit G-13233 will likely not be approved by the Department unless a meter is installed by October 1, 2011.

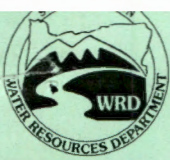
It is in your best interest to complete development of the project under Permit G-13233 by October 1, 2011.

If you have any questions, please feel free to contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece
Water Right Services Division, Extensions

cc: Appl G-14301
Watermaster District 19 - Mitch Lewis



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

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: **PHILLIP LENT**

Application **G-14301**
 Permit **G-13233**

Report Due no later than October 1, **2009**

Progress Report Form for 2009

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

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2001 and October 1, 2009	FINANCIAL INVESTEMENT
	Have been unable to complete due to Financial Hardships	

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

Due to financial difficulties have not met terms or conditions.

RECEIVED

MAY 23 2011

WATER RESOURCES DEPT
 SALEM, OREGON

3. Total number of acres irrigated to date = 11.0 (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date. No measuring device in place

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

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

Acre-feet stored to date = _____ AF

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

Signature _____ Date _____

Diligence Shown <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		For OWRD use only	
Reviewed by: _____		Date Public Noticed: _____	
		Date: _____	

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

1. Extension Specialist: Progress Report Review

Date Report Received: 5/23/2011

Report Complete: YES

2. Jonnine: Publish on the Department's Public Notice

315 OAR Division under which Progress Report was required

- Publish on Public Notice Date: 6/14/11 JRS
- Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record) 2009
- Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed:

- Update Progress Report Worksheet.xls
- Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____
File _____

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: PHILLIP LENT

Application: G-14301

Permit: G-13233

County: Curry

Source: A Well within the Sixes River Basin

Use: Supplemental Cranberry Operations



Oregon

Theodore R. Kulongoski, Governor

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

February 11, 2010

PHILLIP LENT
92457 AIRPORT ROAD
SIXES, OR 97476

REFERENCE: Application G-14301 / Permit G-13233

Dear Permit Holder:

On July 14, 2004 the Department issued a Final Order approving an Extension of Time for Permit G-13233. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2009. This letter is being sent to you because the Department has not yet received the progress report.

For your convenience, I have enclosed a **Progress Report Form** for 2009. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2011. ***Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2011, as future extensions are evaluated on past due diligence, and consequently may not be granted.***

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

Sincerely,

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc:

Application G-14301

Watermaster District 19 - Mich Lewis

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

Mailing List for Extension FO Copies

Application #G-14301
Permit #G-13233

FO Date: July 14, 2004

Original mailed to:

Phillip L. Lent
92457 Airport Road
Sixes OR 97476

Copies Mailed

By: [Signature]
(SUPPORT STAFF)
on: 7/22/04
(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #G-14301 / Permit #G-13233 ✓
2. WRD - Watermaster District: #19 - Mitch Lewis ✓
3. WRD - SW Regional Manager ✓
4. ODFW - Biologist District: #0 - Rogue Jerry Vogt ✓
5. DEQ - Western Region - John Blanchard, Medford ✓
6. WRD - Support Staff, Salem...Permit record update ✓

Other interested parties:

none

CASEWORKER: LJJ/jd

S:\groups\wr\extensions\F O\Work_FO\g14301.wpd

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application)
for an Extension of Time for)
Permit #G-13233, Water Right) PROPOSED FINAL ORDER
Application #G-14301)
(Phillip L. Lent))

Permit Information

Application File #G-14301 / Permit #G-13233

Basin: #17 - South Coast Basin / Watermaster District: #19

Date of Priority: April 29, 1996

Authorized Use of Water

Source of Water:	A Well within the Sixes River Basin
Purpose or Use:	Supplemental Cranberry Operation (Irrigation and Agricultural Use) on 14.86 acres
Maximum Rate:	0.37 cubic feet per second (cfs)

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

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

This Proposed Final Order applies only to Permit #G-13233, water right Application #G-14301. A copy of Permit #G-13233 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 2001, to October 1, 2011; and
- make the extension subject to certain conditions set forth below.

AUTHORITY

ORS 537.230 and ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5).

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

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

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

FINDINGS OF FACT

Background

1. Permit #G-13233 was granted by the Water Resources Department on October 17, 1997. The permit authorizes the use of up to 0.37 cfs of water from one well, within the Sixes River Basin, for supplemental cranberry

operation (irrigation and agricultural) for 14.86 acres. The permit specified that complete application of water was to be made on or before October 1, 2001.

2. The permit holder submitted an "Application for Extension of Time" to the Department on January 2, 2002, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13233 be extended from October 1, 2001, to October 1, 2005. This is the first permit extension requested for Permit #G-13233.
3. Notification of the permit holder's extension of time request for Permit G-13233 was published on the Department's Public Notice dated January 8, 2002. No public comment on the extension application was received.
4. On February 19, 2002, the permit holder revised the time requested to complete application of water to beneficial use under Permit #G-13233 to October 1, 2011.

Review Criteria [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

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

Start of Construction [ORS 537.630]

6. Construction of the well and water system began within the time specified in the permit, being October 17, 1998.

Financial Investment [ORS 539.010(5)]

7. As of January 2, 2002, a total of \$220,000 has been invested into the project (including Permits #S-53267 and #R-12290), consisting of complete

¹ ORS 537.248 applies to reservoir permits only.

construction of the well, establishment of three phase electrical power, and construction of the irrigation system for 11.0 acres of cranberry bogs. An additional \$10,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator *[ORS 537.230(1), 537.630(1) and 539.010(5)]*

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

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

8. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the well and water system began within the time specified in the permit, being October 17, 1998. The work thus far consists of complete construction of the well, establishment of three phase electrical power, and construction of the irrigation system.

Beneficial Use of Water

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit #G-13233 on October 17, 1997, the permit holder has accomplished the application of ground water to 11.0 acres for cranberry operations. The extension of time application does not identify the maximum rate of beneficial water use accomplished during the prior period.
 - b. Delay of full beneficial use of water under Permit #G-13233 was due to an unforeseen drop in the cranberry market and subsequent cash flow problems of the permit holder.

Compliance with Conditions

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

- a. The record does raise concerns about the permit holder's compliance with conditions. The permit holder has not installed an approved measuring device. Also, the permit holder submitted an initial static water level measurement prior to water use, but has failed to submit any of the seven subsequent consecutive annual March static water level measurements required once water use began under the permit.

Financial Investments

11. Financial investments made toward developing the beneficial water use.
 - a. As of January 2, 2002, the permit holder had invested approximately 96 percent of the total projected cost for complete development of this project. A total of \$220,000 has been invested into the project (including Permits #S-53267 and #R-12290), consisting of construction of the well, establishment of three phase electrical power, and construction of the irrigation system. An additional \$10,000 investment is anticipated for the completion of this project.

The Market and Present Demands for Water (ORS 539.010(5) and OAR 690-315-0040(4))

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:

12. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - a. The Department determined on September 10, 1996, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13233 in order to avoid injury to existing rights or to the ground water resource.
 - b. The permitted well, authorized under Permit #G-13233, is not located within the boundaries of any designated ground water limited area.
 - c. The permitted point of appropriation, authorized under Permit #G-13233, is not located within or above the designated boundaries of any state scenic waterway.
13. 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).

- a. The permitted point of appropriation, authorized under Permit #G-13233, is located within an area that has been identified by the Oregon Department of Fish and Wildlife as a "highest" needs ranking area for streamflow restoration for fish and is located within the Sixes River Basin which has not been designated by the Oregon Department of Environmental Quality as a water quality limited stream area. The Department determined on September 10, 1996, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13233 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
 - b. The permitted well, authorized under Permit #G-13233, is not located within the designated reach of a federal wild and scenic river.
14. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
- a. The permitted well is not located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife. The Department determined on May 30, 1997, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13233 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
15. Economic investment in the project to date.
- a. As of January 2, 2002, the permit holder had invested approximately 96 percent of the total projected cost for complete development of this project. A total of \$220,000 has been invested into the project (including Permits #S-53267 and #R-12290), consisting of complete construction of the well, establishment of three phase electrical power to the site, and construction of the irrigation system complete. An

additional \$10,000 investment is anticipated for the completion of this project.

16. Other economic interests dependent on completion of the project.
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

Fair Return Upon Investment [ORS 539.010(5)]

18. Use and income from the permitted water development will result in reasonable returns upon the investment made to date.
 - a. Income from the permitted water development will result in reasonable returns against the investment made to date, provided that the cranberry market returns to normal.

Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

19. As of January 2, 2002, the remaining work to be completed consists of complete application of water to beneficial use.
20. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by an unforeseen drop in the cranberry market and subsequent cash flow problems of the permit holder.
21. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2011, to complete the application of water to beneficial use under the terms of Permit #G-13233 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete

construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.

2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction of the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Full application of water to beneficial use can be completed by October 1, 2011², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. In order to ensure future diligence is exercised in the development and perfection of Permit #S-53267, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

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 application of water to beneficial use under Permit #G-13233 from October 1, 2001, to October 1, 2011.

Subject to the following conditions:

² Pursuant to ORS 537.630(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 the claim of beneficial use.

CONDITIONS

1. In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2009. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

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

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

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

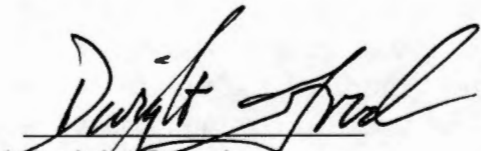
- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or

- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

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

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

DATED: May 25, 2004


Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, July 9, 2004***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the 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 final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the 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 petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The 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 request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

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 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901**

If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.

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 Renee Moulun. Her telephone number is (503)986-0824.

If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at (503)986-0900.

Mailing List for Extension PFO Copies

Application #G-14301
Permit #G-13233

PFO Date: May 25, 2004

Original mailed to:

Applicant: Phillip L. Lent ✓
92457 Airport Rd
Sixes OR 97476

Copies Mailed	
By: <u> D </u>	(SUPPORT STAFF)
on: <u> 5/28/04 </u>	(DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-14301 / Permit #G-13233 ✓
2. WRD - Watermaster District: #19 ✓

Other interested parties:

3. NONE

CASEWORKER: LJJ/jd

S:\groups\wr\extensions\P F O\Done\2004 pfos\May\g14301jd.wpd

Final Order
Extension of Time for Permit Number G-13233

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Application History

On January 2, 2002, Phillip L. Lent submitted an application to the Department for an extension of time for permit number G-13233. The Department issued permit number G-13233 on October 17, 1997. The permit called for complete application of water to the full beneficial use by October 1, 2001. In accordance with OAR 690-315-0050(2), on May 25, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2011. The protest period closed July 9, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

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

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2009.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use.

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

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

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

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

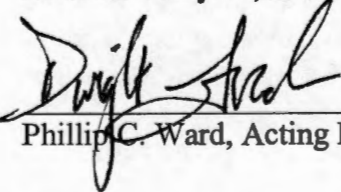
In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

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

Order

The extension of time for Application Number G-14301, Permit Number G-13233, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2011.

DATED: July 14, 2004


Phillip C. Ward, Acting Director

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

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.

Extension "Final Order" Checklist

Application #G-14301 / Permit #G-13233

Permit Holder's Name: Phillip L. Lent

This Final Order is processed under: Div. 315 Rules -or- Div. 320 Rules

1. Date Extension Request submitted: January 2, 2002
2. Date permit was issued: October 17, 1997
3. Original "B" Date from permit: *none*
(Date for completion of construction)
4. Original "C" Date from permit: October 1, 2001
(Date for complete application of water)
5. Extension PFO Date: May 25, 2004
6. WRD recommends ~~extending "B" Date to:~~
and extending the "C" Date to: October 1, 2011
7. Any conditions from PFO: ~~yes~~ *yes - 5 yr report for 2007*
8. Protest Deadline Date from PFO: July 9, 2004
9. Any written Protests or written Comments received within the Protest period? Yes / No

Reviewer's Name: *Jan DeVito*
mergeFOjd.doc

Date: *7/12/04*

Application # G-14301 / Permit # G-13233

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received: \$100.00 on 1-2-2002

◆ **Lisa Juul...**

Extension Completeness: _____

(If **NOT** complete, send certified letter requesting add'l information.)

1-14-02

If Extension Appl complete and \$100 fee submitted, route to...

◆ **Jonnine Fuss...**

Initial 30-day Public Notice: 9/11/02

Update Extension Database: 9/11/02

Files back to filing cabinets: _____

At the close of the Initial 30-day Comment Period...

◆ **Lisa Juul...**

Pull files for Ext PFO review: _____

Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

◆ **Jonnine Fuss...**

Prepare Ext PFO for mailing to applicant: _____

Mail to those who commented ***and*** paid copy fee: _____

Include Ext PFO on weekly Public Notice: _____

Within 60 days after the close of the 45-day PFO Protest Period...

(PFO Protest Period ends 45 days from PFO sign date)...

◆ **Lisa Juul...**

Issue an Extension FO: _____

EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: G-14301 / Permit #: G-13233

Permittee's Name: Phillip L. Lent

Permittee's Mailing Address: 92457 Airport Rd, Sixes, OR 97476

POD Location: Township 31-S Range 15-W Section 31 ¼ ¼ SENE

Stream Basin: Sixes R & misc County: Curry

1. Has the applicant completely filled out the updated Extension Application form? Yes / No

\$100.00 - Yes

***If "No"..... has certified request for the new extension form been sent? Yes / No

2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No

*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**

3. Date Permit was issued: 10-17-97

4. Source: One Well, within the Sixes R. Basin

5. Use: Suppl Cranberry Oper. (IR & AG) on 14.86 ac

6. "Q": 0.37 cfs / Orig "A" Date: 10-17-98

7. Original "B" Date: _____ Original "C" Date: 10-1-2001

8. Conditions of Permit:

- Before Water Use begins → shall install a meter or other suitable meas. device
-submit initial water level in March once well constr. complete & annually thereafter until use of water begins.
- Once Water Use begins → shall submit seven consecutive March SWL meas.

9. Extension request received: 1-2-2002 Request Number (...1st 2nd, 3rd): 1st

10. Last Authorized "B" Date: _____ Last Authorized "C" Date: 10-1-2001

11. Proposed "B" Date: ~~10-1-2005~~ Proposed C Date: ~~10-1-2005~~ 2011

12. Amount Invested to date: \$220,000.00 Estimated Total Cost: \$230,000.00

* Total for all 3 permits ... see also File R-81108 (Permit R-12290) & File S-81107 (Permit S-53267) (***) Estimated Remaining Cost: \$10,000.00 (9690)

___13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes / No ***If "No"..... What permit terms and/or conditions have not been met?

One Annual water level meas. made & submitted. (2/19/02 for 4/14/98)
Meter installed... however, it failed & have not been in financial position to replace it.
Well constr. completed on 11-4-96 met A Date.

___14. Work on the water development project completed to date includes: _____

11.2 ac of Cranberry bogs accomplished.
• well construction
• irrigation system
• three phase power

___15. The work remaining to be completed consists of: 80% complete

• application of water to beneficial use under terms of the permit working
• installation of a meter
• measuring

___16. Progress in perfecting the permit is being held up by: _____

• Unforeseen drop in the Cranberry market & subsequent cash flow problems.

___17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes / No

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]
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 permit holder conformance with the permit or previous extension conditions; and
d. Financial investments made toward developing the beneficial water use.

___18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:
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 (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
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 the present demand for water or power.

___19. 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

___20. Conditions to be included on Extension PFO: _____

Extension "PFO" Dates _____ **Checklist Last Revised: 9 / 12 / 2001**
Mailing / Issuance Date: _____ **Reviewer's Name:** _____
Protest Deadline Date: _____ **Date:** _____

13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes / No ***If "No"..... What permit terms and/or conditions have not been met?

14. Work on the water development project completed to date includes:

15. The work remaining to be completed consists of:

16. Progress in perfecting the permit is being held up by:

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

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]
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 permit holder conformance with the permit or previous extension conditions; and
d. Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 80% of the construction.
Permit holder has beneficially used ?% of the total permitted quantity of water. unknown
Has the permit holder complied with conditions? Yes (No)
-If No, reasons why not? meter failed, no financial resources to replace
Permit holder has invested approximately 96% of the total estimated cost to complete the project.
Other: Allow the opportunity for compliance see # 7, 8, 9 on app.

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

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:
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 (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
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 the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? no
within or above a state scenic waterway? no
within a ground water limited/critical area? no
within or above a segment that has been identified as a federal wild and scenic river? no
within an area that ODFW has identified as an ST&E Area? yes
within an area that ODFW has identified as a highest Needs Ranking Area for streamflow restoration for fish?
within an area that DEQ has identified as being water quality limited? no
Other:

19. 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

20. 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

Other: _____

21. 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(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 the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(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 the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: ~~5/18/04~~ 5/25/04

Reviewer's Name: LJ/jd

Protest Deadline Date: ~~7/2/04~~ 7/9/04

Date: 5/14/04

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **50237**

158 12TH ST. N.E.

INVOICE # _____

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIVED FROM: Phillip Lent

APPLICATION: G 14301

BY: _____

PERMIT	
TRANSFER	

CASH: CHECK: # 96-7419 OTHER: (IDENTIFY)

TOTAL REC'D \$ 300.00

0417 WRD MISC CASH ACCT

*Ref. 50252
50253*

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT. _____

\$

PCA AND OBJECT CLASS _____

VOUCHER # _____

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

240 OTHER (IDENTIFY) Ext. of time

\$ 700.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD # _____

0210 MONITORING WELLS

\$

CARD # _____

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HRDRO APPLICATION _____

\$

RECEIPT # **50237**

DATED: 01/02/02 BY: C. Vance

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

I, Phillip Lent
NAME

92457 ADDRESS Sixes CITY ORE 97476 STATE 571-348-2270 ZIP PHONE

owner of record, or duly authorized agent, of Application No. 6-14301, Permit No. 6-13033, do
hereby request that the time in which to: 13233

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2001, be extended to October 1, 2005,

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2001, be extended to October 1, 2003.

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

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

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

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

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

Jo 1/8/01 Page 1 of 5

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WATER RESOURCES DEPT.
SALEM, OREGON

- A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).

I have submitted one annual water level measurement, and have allowed water master access

- B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

My initial water meter ~~was~~ failed and I have not been in a financial position to replace it.

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

- A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

~~Aside from well pumps and well pipe only the meter was replaced with 11.0 acres of cranberry bogs~~
N/A

- B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

11 Acres of Cranberry Bogs that I built - 2 ponds reservoirs pump house, Irrigation systems, well, three phase power

- C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

11.0 Acres

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\$30,000 per info rec'd 2/19/02

4. Cost of project to date \$220,000. Estimated remaining cost to complete the project \$10,000.

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

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

Having had the project completed within the initial farm home loan, it is the price of cranberries and the farms cash flow problems which prevent me from maintaining it at this point

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

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

6. Please identify the economic market or markets to which beneficial use of water under the permit is responding.

The cranberry market @ this point is bad I can only hope it gets better

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WATER RESOURCES DEPT.
SALEM, OREGON

A) Has there been any change in this market since the permit was issued?
Yes, Prices Fall From a high of .80 per lb
to a low of .11[¢] per lb

B) Have these changes, if any, affected the economic feasibility of your project?
Yes, I calculated that I would need
-.35[¢] per lb to be above board and manage
the Farm Financially. The price is on its
way up.

7. Are there other present competing demands for water in your community?

Cranberry Bogs

A) Has there been any change in these demands for water since the permit was issued?

NO

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

None

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

None

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MAY 15 2005

WATER DIVISION
SALTON DISTRICT

8. Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?

Only time will tell if my crop price increases with time my harvest increases
But even at existing .20¢ price I would have to say yes. Without water my project dies

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

This Well is the only source of water to irrigate through dry summer months. I could not continue without it. It also provides water for my home and shop.
I have no other rights on this property

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

Philip J Lent

Signature

12/30/01

Date

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

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
158 12th STREET NE
SALEM, OREGON 97301-4172

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JAN 02 2002

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

Water Resources Department

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

January 16, 2002

Phillip L. Lent
92457 Airport Road
Sixes, Oregon 97476

Please change my extension date to allow me 10 yrs
IF the crop price returns in that time I will go forward with my 14 acres, IF not I will revise
my permits for 11 acres.

REFERENCE: File #G-14301 (Permit #G-13233)
File #S-81107 (Permit #S-53267)
File #R-81108 (Permit #R-12290)

Thank you
Phillip L. Lent

Dear Mr. Lent:

The Department is currently in the process of evaluating your requests for extensions on the above referenced permits. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension requests. The following information must be received:

File #G-14301 (Permit #G-13233)

- ▶ What quantity of ground water has been put to beneficial use under this permit? Your extension application indicates you have applied water to 11.0 acres of cranberries, but the actual quantity of water used in not provided. *I have yet to install a adequate measuring device for ground water*
- ▶ Your extension application indicates that you have invested a total of \$220,000.00 to develop the use under all three permits that you hold (Permits #G-13233, #S-53267 and R-12290). Please indicate the approximate amount of money you have invested in the portion of the project under Permit #G-13233. *Approx \$30,000*

File #S-81107 (Permit #S-53267)

- ▶ Your extension application indicates you have applied water to 11.0 acres of cranberries, but the actual quantity of water used in not provided. What quantity of surface water has been put to beneficial use under this permit? What quantity of stored water (from Reservoirs #1 and #2) has been put to beneficial use under this permit? *All surface water returns to Reservoirs #1 and #2 by way of ditches. All water in Reservoirs gets used and then replaced with ground water. I don't have an adequate measuring device in Reservoirs yet*

WATER RESOURCES DEPT.
SALEM, OREGON

FEB 19 2002

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- ▶ Your extension application indicates that you have invested a total of \$220,000.00 to develop the use under all three permits that you hold (Permits #G-13233, #S-53267 and R-12290). Please indicate the approximate amount of money you have invested in the portion of the project under Permit #S-53267. \$10,000 Approx

File #R-81108 (Permit #R-12290)

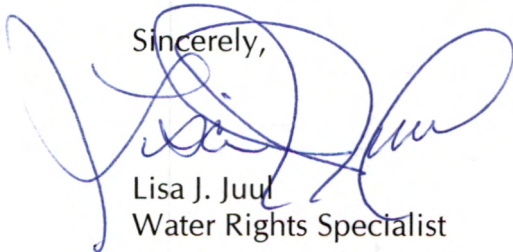
- ▶ Please indicate the date when construction of the reservoirs commenced. 1/07/93
- ▶ How much water (in acre-feet) has been stored in each reservoir? If no water has been stored yet, please indicate so. #1 (.75 acre ft) #2 (16 acre ft)
- ▶ You indicate that a suitable measuring device is being maintained. Please describe what type of measuring device you installed. If not a water meter, did you obtain written authorization from the Department for the "other suitable measuring device," as required by the permit conditions? My device was for my information only it is a float in a pipe that tells depth only. NO Authorization
- ▶ Your extension application indicates that you have invested a total of \$220,000.00 to develop the use under all three permits that you hold (Permits #G-13233, #S-53267 and R-12290). Please indicate the approximate amount of money you have invested in the portion of the project under Permit #R-12290. \$12,000 Approx

Please submit this information by **Monday, February 18, 2002**. Failure to submit the requested information by this deadline may result in the proposed rejection of your extension request.

If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.

If you should have any questions concerning your extension request or the required materials listed above, you may contact me at (503) 378-8455, extension 272.

Sincerely,



Lisa J. Juul
Water Rights Specialist

cc: File #G-14301 (Permit #G-13233)
File #S-81107 (Permit #S-53267)
File #R-81108 (Permit #R-12290)
Lloyd VanGordan, Watermaster District #19

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FEB 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Already started work
Prior to "A" Date

Acce Feet of stored
water

Depending on Price

Change Date to 10yrs

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FEB 13 2003
WATER RESOURCES DEPT
SALINA, KAN



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

PHILLIP L LENT
92457 AIRPORT RD
SIXES, OR 97476

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FFR 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON

RE: Required Well Water Level Report for Permit G-13233

Our records indicate that you are the holder of a groundwater permit which requires the permittee to cause the static water level in the well(s) to be measured and reported to this agency annually. If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements.** Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend that you keep a copy of this measurement report for your records.

MEASUREMENT REPORT

Well Name or Number (if any): LD7117
Application and Permit numbers: S-81107 App. S3267 permit
Person Making Measurement (print): TODD MERRYMAN WWC#1604
Description of Measuring Point: GROUND LEVEL
Measuring Point Correction: 0 feet above/below land surface

Static Water Level: 20" feet above/ below land surface

Length of Time Well was Idle Before Measurement: 6 months

Date of Measurement: 4-14-98

Calculation/Comments: _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Signature of Person Making Measurement [Signature] wwc#1604

Organization: SOUTH COAST DRILLING

Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at (503) 378-8455 ext. 207, or toll free in state at 1-800-624-3199.

CURR 5035

RECEIVED

31-15-31

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

WELL I.D.# LO7138

NOV - 7 1996

WATER RESOURCES DEPT. (CARD) # 93087
SALEM, OREGON

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

(1) OWNER: Well Number 473
Name Phillip Kent
Address 92457 Airport Road
City Sixes State OR Zip 97474

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 33' ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
6"	0	33	Cement	0	33	85x

How was seal placed: Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Material			
				Steel	Plastic	Welded	Threaded
Casing: <u>N/A</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

Perforations		Screens	
From	To	From	To
Method <u>N/A</u>			
Type _____ Material _____			
From	To	Slot size	Number
Diameter	Tele/pipe size	Casing	Liner
		<input type="checkbox"/>	<input type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Flowing Artesian Time
<u>N/A</u>			1 hr.

Temperature of water _____ Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: 9-23

(9) LOCATION OF WELL by legal description:
County Curry Latitude _____ Longitude _____
Township 31 N or S Range 15 E or W. WM. 3
Section 31 SE 1/4 NE 1/4
Tax Lot 5100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Airport Road Sixes

(10) STATIC WATER LEVEL:
12' ft. below land surface. Date 10/8/96
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 12'

From	To	Estimated Flow Rate	SWL
<u>12</u>	<u>23</u>	<u>10</u>	<u>12</u>

(12) WELL LOG:
Ground Elevation H-300'

Material	From	To	SWL
<u>TOP Soil</u>	<u>0</u>	<u>2</u>	
<u>Sand Brown Fine-med</u>	<u>2</u>	<u>4</u>	
<u>Sandy Clay Ton</u>	<u>4</u>	<u>9</u>	
<u>Gravel Fine-CRS w/</u>	<u>9</u>	<u>23</u>	<u>12</u>
<u>Sand Fine-CRS Gray Brown</u>			
<u>Sandy Clay Gray</u>	<u>23</u>	<u>24</u>	
<u>Coarsened sand + Gravel</u>	<u>24</u>	<u>33</u>	
<u>w/ Gray sands tone lenses</u>			
<u>Insufficient water</u>			
<u>Well Abandon</u>			

Date started 10/8/96 Completed 10/8/96

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Bandon Well + Pump Co WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed R. J. Mack of Maut WWC Number 1493 Date 11/6/96

FOR WATER RESOURCES DEPARTMENT USE ONLY

Date Postmarked _____
 Date Hand-delivered _____
 Watermaster Initials _____

W **93087**
 WRD Receipt _____
 Date Fee Received _____

Check No. _____

RECEIVED

FFR 19 2002

START CARD
NOTICE OF BEGINNING OF WELL CONSTRUCTION
 (as required by ORS 537.762)

WATER RESOURCES DEPT.
 SALEM, OREGON

This card must be completed, signed by both the owner (or authorized agent) and constructor, and the original mailed or delivered to the Water Resources Department, 158 12th St. NE, Salem, OR 97310, no later than the day construction, alteration, conversion or abandonment work begins. A \$75 fee shall accompany all notices for new well construction or conversion of an existing hole not previously used to obtain water (make checks payable to the Water Resources Department). Notices meeting this requirement but received without the required fee will not be accepted as properly and timely filed. In addition, the constructor shall provide the "Watermaster Copy" of this notice to the office of the district watermaster within which the well is being constructed, altered, converted or abandoned using one of the following options: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; or, (b) by hand delivery, during regular office hours, no later than the day work is commenced; or, (c) by FAX no later than the day work is commenced. If method (c) is used, the original "Watermaster copy" of this notice shall also be mailed or delivered to the office of the district watermaster no later than the day work is commenced. The Water Resources Commission has authority to impose civil penalties for failure to submit the required \$75 fee with the start card and for failure to submit cards prior to beginning any construction, alteration, conversion or abandonment work.

Owner's name and mailing address: Phillip Lent
92454 Airport Road Sixs Cr 97416

Phone: 541-348-2270

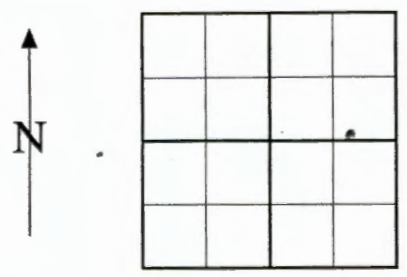
Check type of work: Fee Required New construction Conversion
 No Fee Required Alteration (Repair/Recondition) Deepening Abandonment
 Original Start Card Number _____

Proposed Commencement Date 10-05-96 Existing or Proposed Well Depth 76' Diameter 8"

Check Use: Domestic Public System (Community) Industrial Irrigation Monitoring
 Thermal Injection Other _____

Proposed Well Location: County Curry Owner's Well Id. No. _____

Township 31 (N or S) Range 15 (E or W) Section 31



- SE 1/4 of NE 1/4 of above section
- Street address of well location Airport Road Sixs Cr
- Tax lot number of well location 5100
- Attach map with location identified. See reverse of this form for approved maps.
- Show well location within 1/4, 1/4 of section grid at left.

We hereby certify that we have read the back of this form and that the information provided is accurate to the best of our knowledge.

Jim Mackle McGee License No. 14113 Company BANKWELL COMPANY INC.
 Bonded Water/Monitor Well Constructor
Phillip Lent
 Owner

NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

THIS COPY TO CUSTOMER

Water Rights Allpication Map

Located in the SE 1/4 Ne 1/4

Sec. 31, T.31 S., R. 15 W., W.M.

Curry County, Oregon

TL 5100

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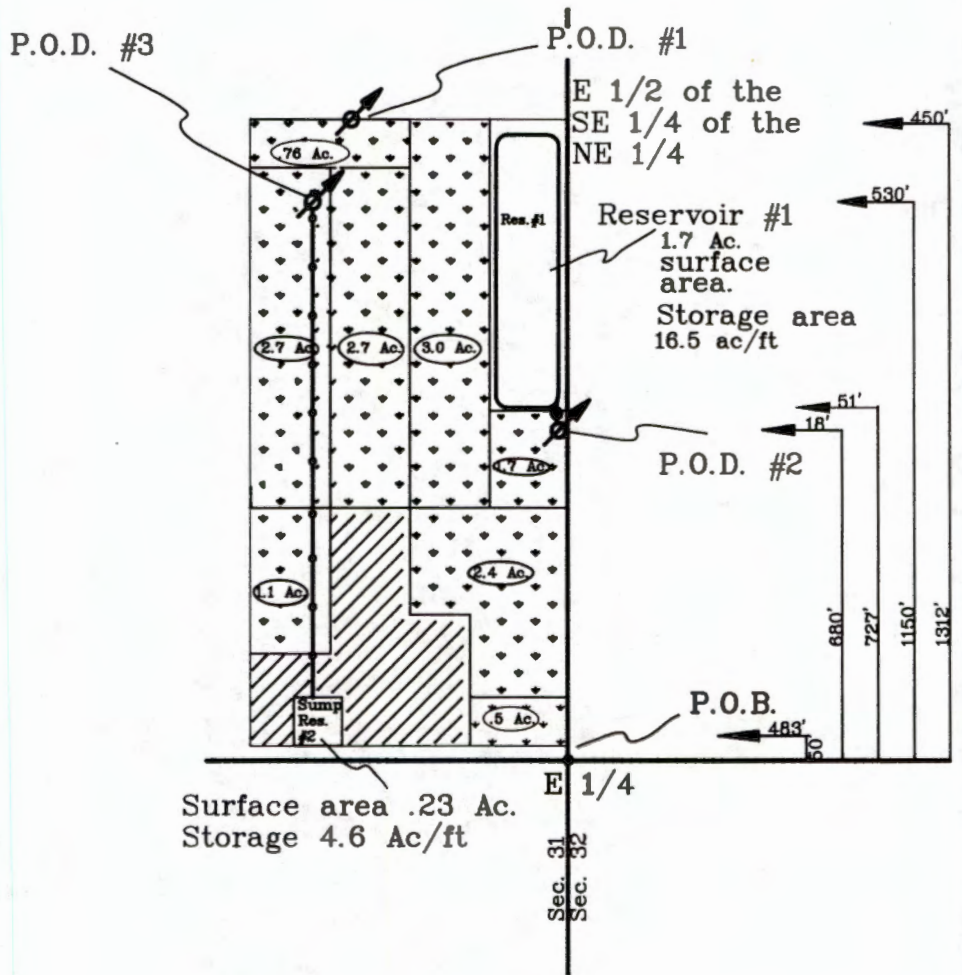
APR - 2 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Application No G-14301
Permit No G13233



Prepared For: Phillip Lent
Prepared By: Dennis Goude
Date: Revised
3/31/97



Note:
P.O.D. #1 is located 1312 feet North and 450 feet West of the E 1/4 corner.

P.O.D. #2 is located 680 feet North and 18 feet west of the E 1/4 corner.

P.O.D. #3 is located 1150 feet North and 530 feet West of the E 1/4 corner.

P.O.D. #1 is a screened in ditch 4" diameter pipe.

P.O.D. 2 & 3 are wells.

Note:
Reservoir #1 is located 727 feet North and 51 feet West of the E 1/4 corner.

Reservoir #2 is located 50 feet North and 483 feet West of the E 1/4 corner.

Surface area .23 Ac.
Storage 4.6 Ac/ft

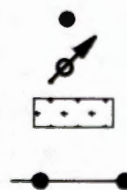
LEGEND

P.O.B.

P.O.D.

CRANBERRY BOGS
14.9 ACRES

PIPE 4" DIA.



Application Number: R-81108
S-81107
G-14301

Permit Extension Ground Water Review

Date: June 27, 2002

To: Fred Lissner, Ground Water Section Manager

From: Lisa Juul, Permit Extension Review

Subject: Ground Water Review Needed for File # G14301 / Permit # G13233

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, however, a Ground Water review for this file is necessary due to the following:

NOTE: Original Division 9 review completed by: Doug Woodcock

- No Division 9 Ground Water Review Done.... **please see below**
- Located within a **Critical** Ground Water Area
- Located within a Ground Water **Limited** Area
- Located within a Ground Water **Study** Area
- 5-Year Limited Permit
- Other: See Questions Below

DFR
10-23-02

-YES -NO Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.


Please answer the following questions. If necessary, attach an additional sheet.

1. Should any additional conditions be added to this permit? NO
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? NO
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? NO
4. Other issues or concerns? SEE ATTACHED

WATER RESOURCES DEPARTMENT

MEMO

October 23, 2002

To: File G-14301
From: Doug Woodcock 
Subject: Permit Extension Review

File G-14301 was conditioned with a requirement for seven years of March annual measurements. The permittee has submitted one measurement that was taken in April. A licensed well driller recorded and submitted the measurement. This aquifer is not a concern for overdraft, given the nature of the primary used, cranberries, and that precipitation controls ground water levels. In the spirit of the October 8, 2002 memo on Extension Reviews, no additional conditions or concerns are raised with the non-compliance of this permit condition. X

SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

PHILLIP LENT
 92457 AIRPORT ROAD
 SIXES OR 97476

WR 14301 - 8107-81108 LJ

Article Number

(Transfer from service label)

0407-5626

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Phillip Lent

 Agent Addressee

B. Received by (Printed Name)

Phillip Lent

C. Date of Delivery

7/16/02

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

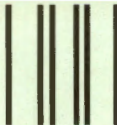
3. Service Type

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

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE



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

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

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JAN 22 2002
WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCE DEPARTMENT
158 12TH STREET NE
SALEM OR 97301-4172

4172

97301-4172 09





Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

File G-14301
Water Resources Department

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

January 16, 2002

Phillip L. Lent
92457 Airport Road
Sixes, Oregon 97476

REFERENCE: File #G-14301 (Permit #G-13233)
File #S-81107 (Permit #S-53267)
File #R-81108 (Permit #R-12290)

Dear Mr. Lent:

The Department is currently in the process of evaluating your requests for extensions on the above referenced permits. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension requests. The following information must be received:

File #G-14301 (Permit #G-13233)

- ▶ What quantity of ground water has been put to beneficial use under this permit? Your extension application indicates you have applied water to 11.0 acres of cranberries, but the actual quantity of water used in not provided.
- ▶ Your extension application indicates that you have invested a total of \$220,000.00 to develop the use under all three permits that you hold (Permits #G-13233, #S-53267 and R-12290). **Please indicate the approximate amount of money you have invested in the portion of the project under Permit #G-13233.**

File #S-81107 (Permit #S-53267)

- ▶ Your extension application indicates you have applied water to 11.0 acres of cranberries, but the actual quantity of water used in not provided. What quantity of **surface water** has been put to beneficial use under this permit? What quantity of **stored water** (from Reservoirs #1 and #2) has been put to beneficial use under this permit?

- ▶ Your extension application indicates that you have invested a total of \$220,000.00 to develop the use under all three permits that you hold (Permits #G-13233, #S-53267 and R-12290). **Please indicate the approximate amount of money you have invested in the portion of the project under Permit #S-53267.**

File #R-81108 (Permit #R-12290)

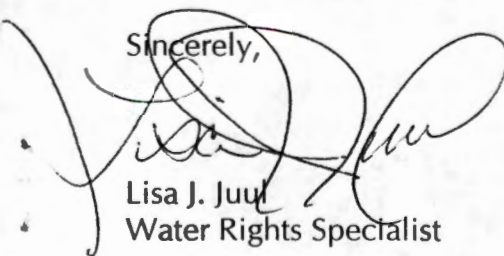
- ▶ Please indicate the date when construction of the reservoirs commenced.
- ▶ How much water (in acre-feet) has been stored in each reservoir? If no water has been stored yet, please indicate so.
- ▶ You indicate that a suitable measuring device is being maintained. Please describe what type of measuring device you installed. If not a water meter, did you obtain written authorization from the Department for the "other suitable measuring device," as required by the permit conditions?
- ▶ Your extension application indicates that you have invested a total of \$220,000.00 to develop the use under all three permits that you hold (Permits #G-13233, #S-53267 and R-12290). **Please indicate the approximate amount of money you have invested in the portion of the project under Permit #R-12290.**

Please submit this information by **Monday, February 18, 2002**. Failure to submit the requested information by this deadline may result in the proposed rejection of your extension request.

If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.

If you should have any questions concerning your extension request or the required materials listed above, you may contact me at (503) 378-8455, extension 272.

Sincerely,



Lisa J. Juul
Water Rights Specialist

cc: File #G-14301 (Permit #G-13233)
File #S-81107 (Permit #S-53267)
File #R-81108 (Permit #R-12290)
Lloyd VanGordan, Watermaster District #19

Water Resources Department

MEMO

SEPT 10, 1996

TO Application G- 14301

FROM GW: D. WOODCOCK
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

Yes
 No
The source of appropriation is within or above a Scenic Waterway.

Yes
 No
Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

14301

TO: Water Rights Section

SEPT 10, 1996

FROM: Groundwater/Hydrology Section D. Woodcock

Reviewer's Name

SUBJECT: Application G- 14301

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Basin rules, one or more of the proposed POA's is/is not within feet/mile of a surface water source () and taps a groundwater source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely UNNAMED CR.; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - * i. The permit should contain condition #(s) 7B ;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - * i. The permit should contain condition #(s) 7c ;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or

4.
 - a. THE PERMIT should allow groundwater production from no deeper than ft. below land surface;
 - b. The permit should allow groundwater production from no shallower than ft. below land surface;
 - c. The permit should allow groundwater production only from the groundwater reservoir between approximately ft. and ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: * CONDITION W/ 7B & 7C (MODIFIED AND ATTACHED).

(Well Construction Considerations on Reverse Side)

7C SEVEN YEAR MINIMUM MEASUREMENT CONDITION

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of ^{Two}~~three~~ or more feet per year for five consecutive years; or ¹⁰
- (B) A water level decline of ~~15~~ or more feet in fewer than five consecutive years; or
- (C) A water level decline of ¹⁵~~25~~ or more feet; or ¹⁰
- (D) Hydraulic interference leading to a decline of ~~25~~ or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Comment (Internal use only)

Resource protection Condition. Measurement responsibility could stop after 7 to 10 years. Measurements can be restarted by the Department at a later date. Fill in March unless specified otherwise on Groundwater Review form. This permit is for seasonal use.

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G 14301

ROUTED TO: KERRI LEFEVER

TOWNSHIP/

RANGE-SECTION: 31S/15W-31

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: D. Woodcock

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files Date 9-10-96

FROM: Doug Woodcock

SUBJECT: Groundwater Application G- 14301 Phone:

Name: LENT

Applicant(s) seek gpm(0.37 cfs) from 1 well(s) in the basin

Proposed use: SUPP. CRAN OP. SIXES R. sub basin

Pertinent 7 1/2 - minute quads CAPE BLANCO

Well 1 WRD# NOT DRILLED T 31 S R 15 W S 31 QQ SE NE County CURRY

Legal Description 1150' N & 530' W OF E 1/4 COR

Well is 3500 ft from PERENNIAL LINNAME CR (river/stream)

Well is ft from (river/stream)

Well elevation ~ 200 ft River/stream elevation 160 ft.

Well elevation - river/stream elevation 40

Well depth PROPOSED 50-60' SWL on

Sealed to Depth first water found

Cased to Perforations/screens

Lined to Perforations/screens

Well tests and types

Confined or unconfined? UNCONFINED Hydraulically connected? PROBABLY

Potential to cause substantial interference? NO

Well WRD# T R S QQ County

Legal Description

Well is ft from (river/stream)

Well is ft from (river/stream)

Well elevation ft River/stream elevation ft.

Well elevation - river/stream elevation

Well depth SWL on

Sealed to Depth first water found

Cased to Perforations/screens

Lined to Perforations/screens

Well tests and types

Confined or unconfined? Hydraulically connected?

Potential to cause substantial interference?

Conditioned water rights in area:

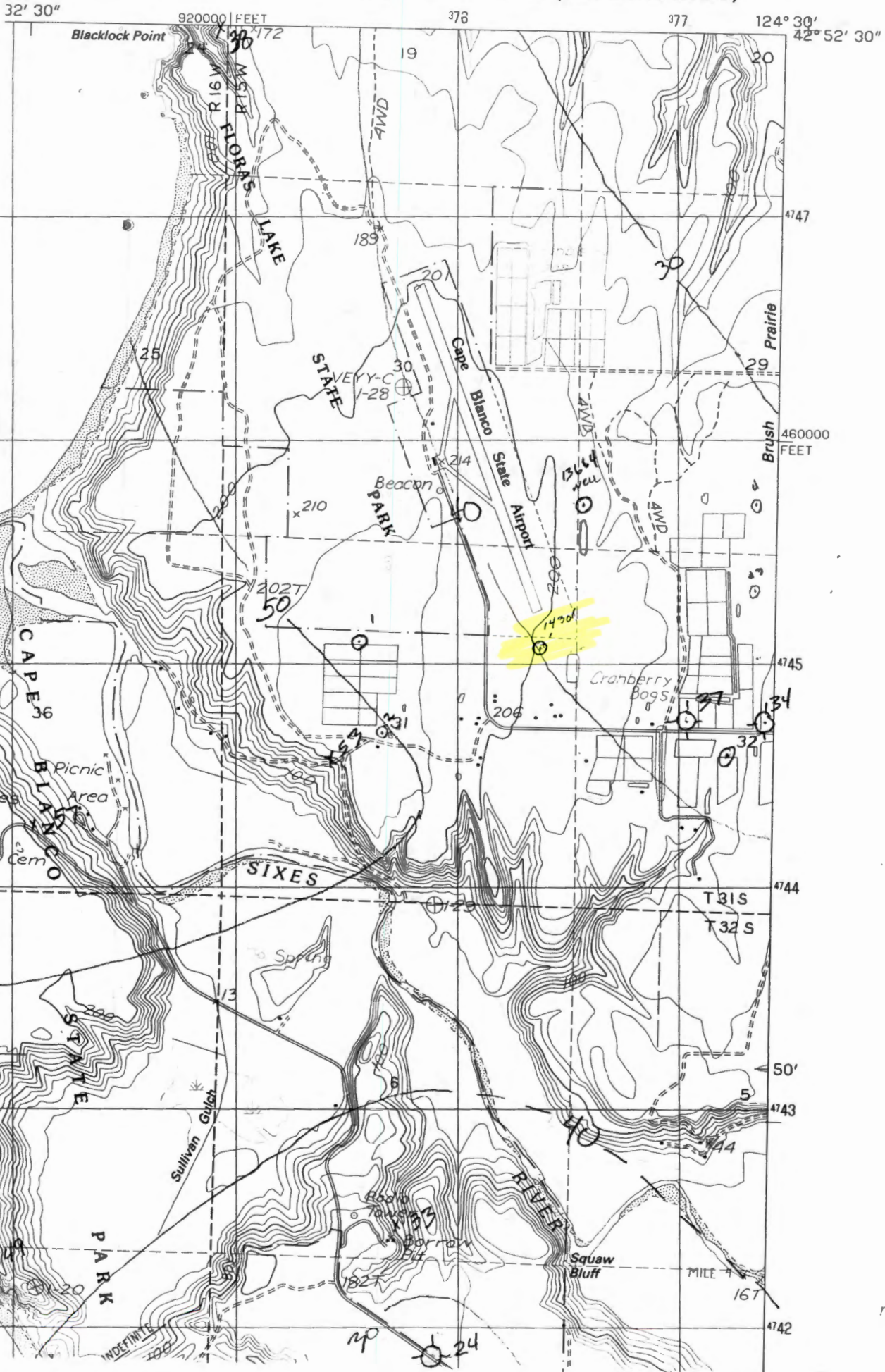
Other nearby water rights of record:

Density of nearby wells of record:

Comments PROPOSED WELL TO BE DEVELOPED IN MAKING TERRACE SANDS WHICH OVERLIE HARD CONGLOMERATES AND SANDSTONES. GROUNDWATER IS UNCONFINED & LIKELY IN HYDRAULIC CONNECTION WITH SURFACE WATER. THE DISTANCE TO GW & THE RECYCLING OF WATER THROUGH BOB LEAKAGE REDUCES THE POTENTIAL FOR SUBSTANTIAL INTERFERENCE. CONDITION W/ 7B & 7C.

References used:

CAPE BLANCO QUADRANGLE
OREGON - CURRY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



T. J. KELLEY

County: Curry

Quad name & #: Poto Butte

+87
Secs 220

REVIEW CHECKLIST

FOR G- 14301

- Appropriate parts of the stream index
- Estimated number of wells within a one-mile radius & identified types.
- State Observation wells within a five-mile radius.
- Verify that well log is in file. If not provide one.
- List groundwater permits within a five-mile radius with extraordinary conditions.

Number of wells: 1

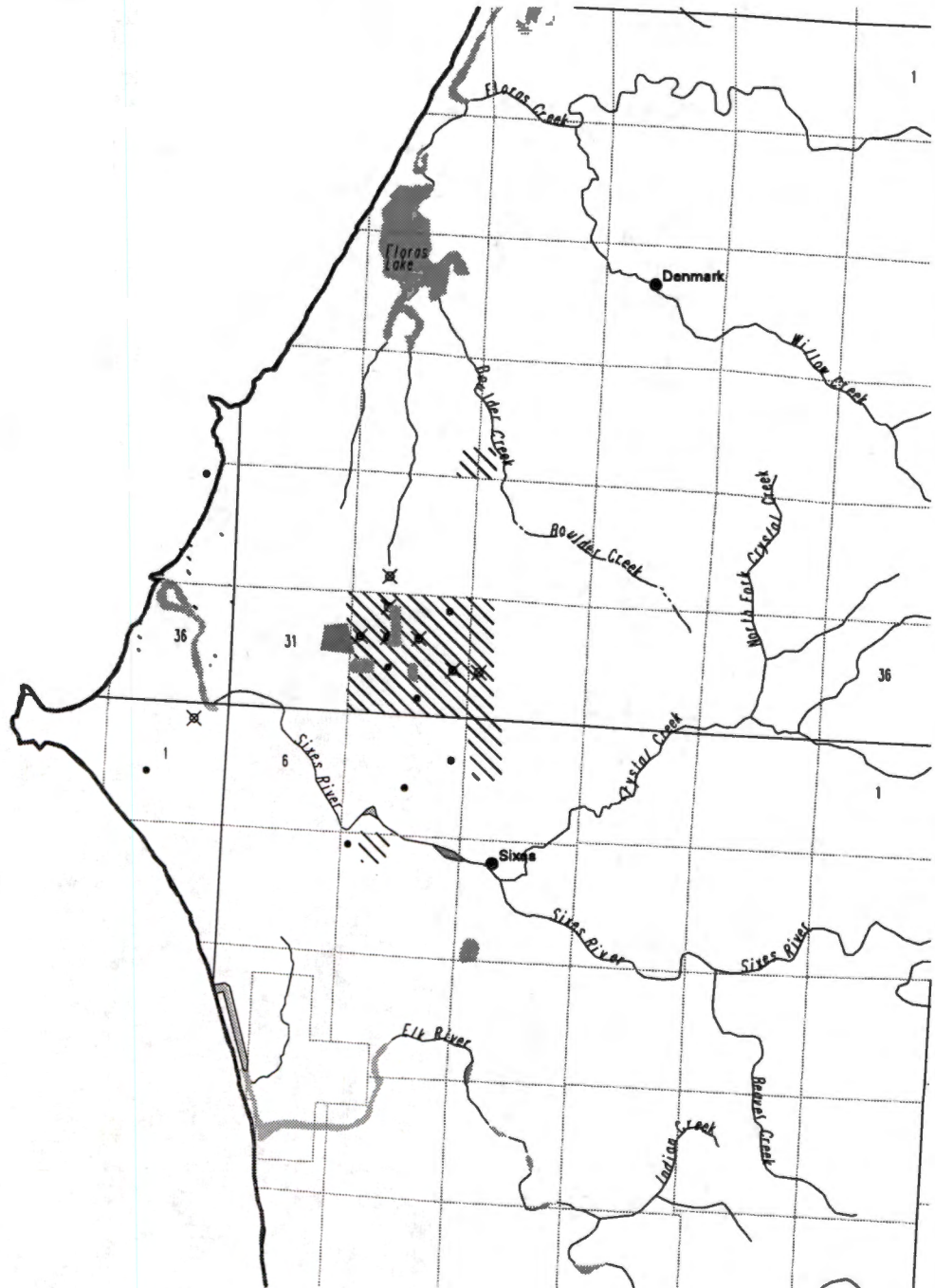
Well location: 315/15W/31AD

APPLICATIONS WITH PERMIT CONDITIONS:

- G13851
- 12290
- 13697
- 13424

Wells in the vicinity of application G 14301

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- Regulated GW Area



WELLS WITHIN 1 MILE OF G 14301

DO	11
IR	12
MO	235

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14301

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 10027	31.00S15.00W29SESW	CR	0.2232	C
G 10027	31.00S15.00W32NENW	CR	0.2232	C
GR 3121	31.00S15.00W32SWNW	CI	0.8929	C
G 10027	31.00S15.00W32SESW	CR	0.1786	C
G 9136	31.00S15.00W32SWNE	CI	0.6300	C
G 9136	31.00S15.00W32SWNE	CR	1.8800	C
G 9136	31.00S15.00W32SWNE	IR	0.3100	C
G 9136	31.00S15.00W32SWNE	TC	1.8800	C
G 11295	31.00S15.00W32NESE	CR	0.1900	C
G 11295	31.00S15.00W33NWSW	CR	0.1900	C
G 4992	32.00S16.00W 1NWSW	RC	0.0100	C

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G 14301

ROUTED TO: KERRI LEFEVER

TOWNSHIP/

RANGE-SECTION: 31S/15W-31

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: D. Woodcock

TO: Water Rights Section

SEPT 10, 1996

FROM: Groundwater/Hydrology Section D. Woodcock

Reviewer's Name

SUBJECT: Application G- 14301

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely UNNAMED CR.; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - * i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - * i. The permit should contain condition #(s) 7C;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: * CONDITION W/ 7B & 7C (MODIFIED AND ATTACHED).

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

_____, 199__.

(Signature)

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

_____, 199__.

(Signature)

7C SEVEN YEAR MINIMUM MEASUREMENT CONDITION

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of ~~three~~^{Two} or more feet per year for five consecutive years; or ¹⁰
- (B) A water level decline of ~~15~~ or more feet in fewer than five consecutive years; or
- (C) A water level decline of ~~25~~¹⁵ or more feet; or ¹⁰
- (D) Hydraulic interference leading to a decline of ~~25~~ or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Comment (Internal use only)


Resource protection Condition. Measurement responsibility could stop after 7 to 10 years. Measurements can be restarted by the Department at a later date. Fill in March unless specified otherwise on Groundwater Review form. This permit is for seasonal use.

File # G-1430
(Permit # G-1323)

MEMORANDUM

Date: February 26, 2002

To: Pump Test Program (Ground Water Hydrology Section)

From: Lisa Juul, Permit Extensions 

Subject: Pump Test Info / SWL Measurement Report

CC: Application #G-14301 / Permit #G-13233

The attached pump test information/static water level measurement report was submitted as part of a permit extension request.

If you have any additional correspondence regarding this information, please forward a copy to me so that I may place it in the file.

Thank you.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

PHILLIP L LENT
92457 AIRPORT RD
SIXES, OR 97476

RECEIVED
FFR 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON

RE: Required Well Water Level Report for Permit G-13233

Our records indicate that you are the holder of a groundwater permit which requires the permittee to cause the static water level in the well(s) to be measured and reported to this agency annually. If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements.** Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend that you keep a copy of this measurement report for your records.

MEASUREMENT REPORT

Well Name or Number (if any): LO 7117
Application and Permit numbers: S-81107 App. S3267 permit
Person Making Measurement (print): TODD MERRYMAN WWC #1604
Description of Measuring Point: GROUND LEVEL
Measuring Point Correction: 0 feet above/below land surface

Static Water Level: 20" feet above/ below land surface

Length of Time Well was Idle Before Measurement: 6 months

Date of Measurement: 4-14-98

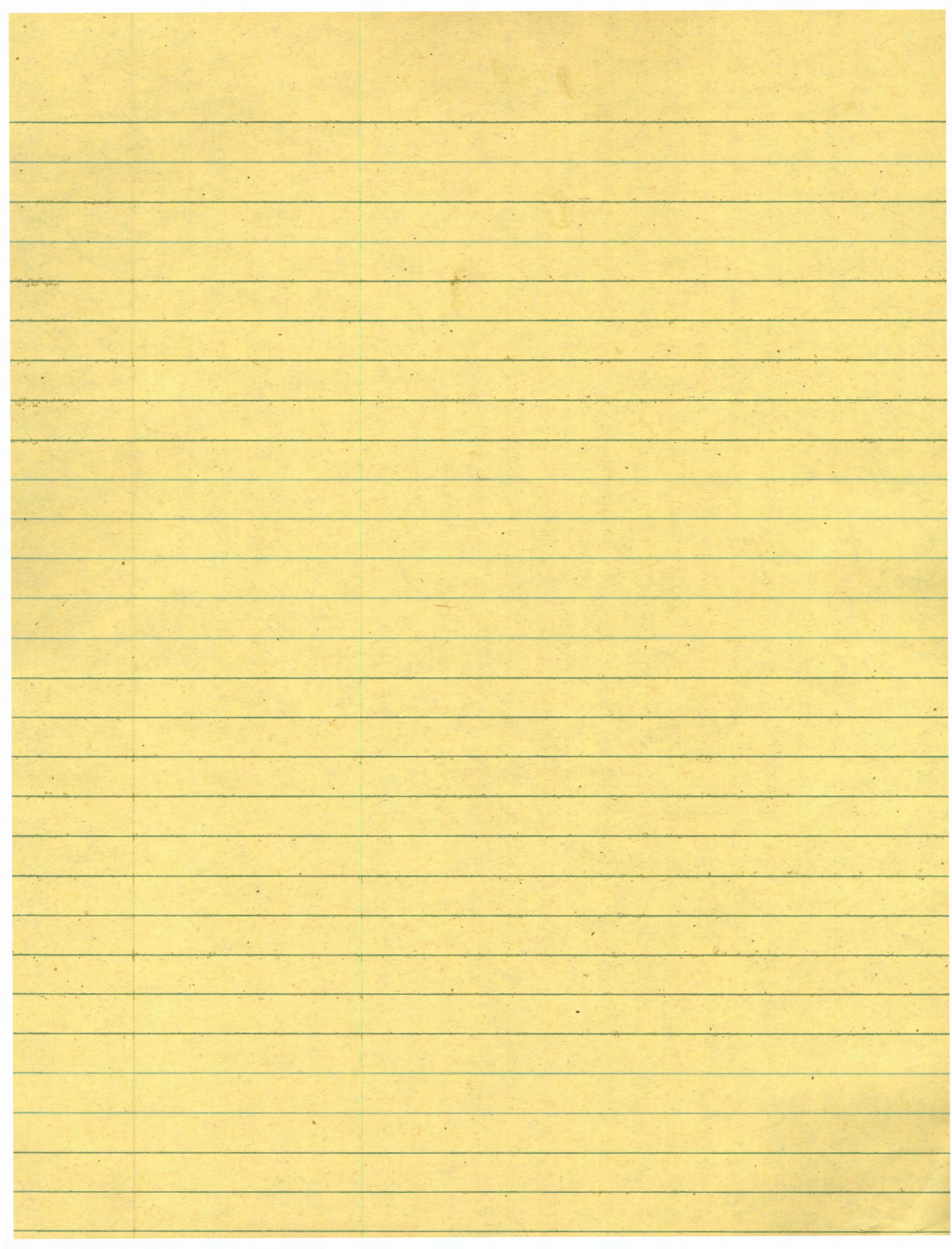
Calculation/Comments: _____

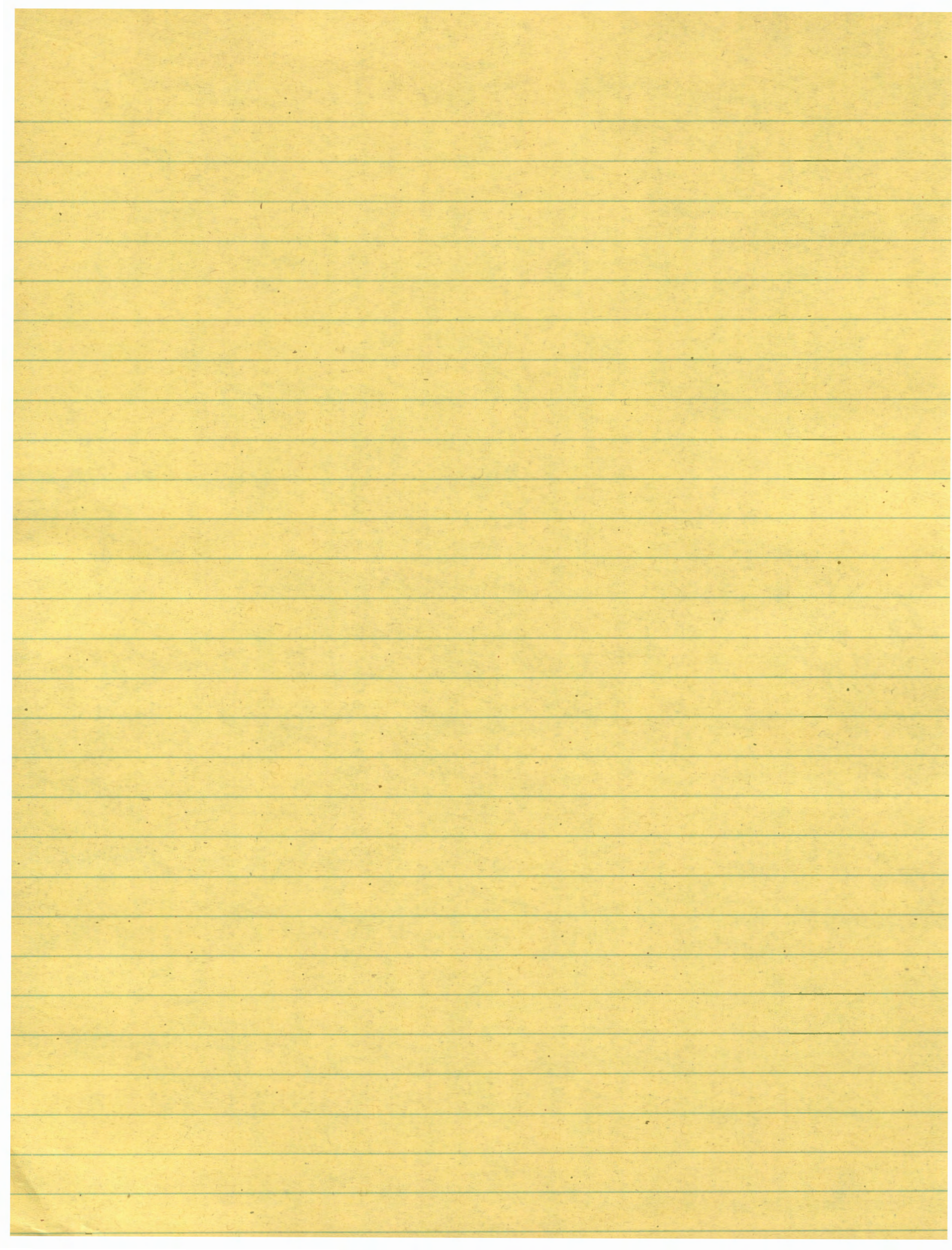
I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Signature of Person Making Measurement Todd Merryman WWC #1604

Organization: SOUTH COAST DRILLING

Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at (503) 378-8455 ext. 207, or toll free in state at 1-800-624-3199.





Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14301

Final Order

Application History

On April 29, 1996, PHILLIP L LENT submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on May 20, 1997. The protest period closed July 4, 1997, and no protest was filed.

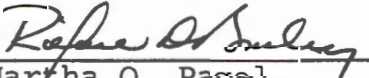
The proposed use would not impair or be detrimental to the public interest.

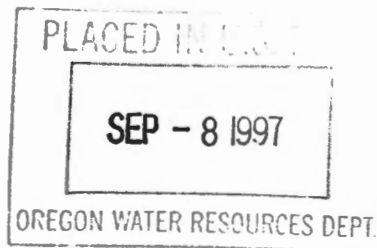
Order

Upon payment of outstanding permit recording fees, Application G-14301 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 100.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-14301.

DATED August 12, 1997


Martha O. Pagel
Director



Appeal Rights

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PHILLIP L. LENT
92457 AIRPORT RD.
SIXES, OREGON 97476

PHONE: (541) 348-2270

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

APPLICATION FILE NUMBER: G-14301

SOURCE OF WATER: A WELL WITHIN IN THE SIXES RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL CRANBERRY OPERATIONS (IRRIGATION AND AGRICULTURAL USE) ON 14.86 ACRES

MAXIMUM RATE: 0.37 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 29, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 31, T31S, R15W, W.M.; 1150 FEET NORTH AND 530 FEET WEST FROM EAST 1/4 CORNER, SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4 14.86 ACRES
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

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All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction

Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of two or more feet per year for five consecutive years; or
- (B) A water level decline of 10 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 15 or more feet; or
- (D) Hydraulic interference leading to a decline of 10 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 28, 2001

Phillip L. Lent
92457 Airport Rd.
Sixes, OR 97476

Reference: File S-81107, Permit 53267
R-81108, Permit R12290
G-14301, Permit G13233

Dear Mr. Lent:

As per your phone call requesting instructions on filing for extensions of time for your water right permits referenced above, please find three application forms enclosed.

You will need to submit one application, with a \$100.00 filing fee for each permit. Please read the instructions carefully and answer each question as completely as possible, to supply the Director with adequate information to give due consideration to your request.

Extensions are granted based on a showing of reasonable diligence in pursuing the development of the water right under the permit conditions, unforeseen events which prevented completion by the permit deadlines, and whether denial of the extension will result in undue hardship to the applicant because of a lack of other reasonable alternatives for meeting water use needs.

Some of the factors you should document would include the amount of construction completed and the dates of completion of certain actions or phases, itemization of money spent so far on the project and your plan and time line for completing the project and putting water to beneficial use.

If you have questions or need assistance in completing the application you may call Lisa Juul at (503) 378-8455.

Sincerely,

Dorothy Pedersen
Water Right Specialist

Enclosures

Curr 50136

RECEIVED

31-15-31 SE.1E

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

WELL I.D.# LO7117 NOV - 7 1996

(START CARD) # 93088

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

WATER RESOURCES DEPT.

(1) OWNER:

Name Phillip Lent
Address 92457 Airport Rd.
City Sixes State OR Zip 97476

Well Number 474

(2) TYPE OF WORK

New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:

Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 602'
Explosives used Yes No Type TOC Amount TOC

Diameter		From		To		Material		From		To		Sacks or pounds	
10"	6"	0	60	0	24	Bentonite	0	24	285k				
		60	63										

How was seal placed: Method A B C D E
 Other Poured from surface

Backfill placed from 24 ft. to 63 ft. Material 6/9

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6"	0	37 1/2'	110"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	37 1/2'	602'	160"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Tail Pipe)	63	4'	1250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner: (Protective Casing)				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

Perforations Method Attached to casing

Screens Type Johnson V-wire Material Stainless Steel

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
37 1/2'	47 1/2'	0.70		6"	Pipe	<input type="checkbox"/>	<input type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
82	6'	42	1 hr.

Pump Bailer Air Flowing Artesian

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

(9) LOCATION OF WELL by legal description:

County Curry Latitude Longitude
Township 31 N or S Range 15 E or W. W.M.
Section 31 SE 1/4 NE 1/4
Tax Lot 500 Lot Block Subdivision
Street Address of Well (or nearest address) 92457 Airport Rd. Sixes OR 97476

(10) STATIC WATER LEVEL:

10'6" ft. below land surface. Date 10/8/96
Arterian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 10'6"

From	To	Estimated Flow Rate	SWL
10'6"	45	500 GPM	10'6"
specific capacity 13.69 Gall/FT of PD			

(12) WELL LOG:

Ground Elevation +1-300'

Material	From	To	SWL
Topsoil	0	1	
Clay Tan	1	3	
Gravel Fine-CRS w/ Sand med Brown	3	8	
Gravel Fine-CRS w/ Sand CRS-Fine Gray	8	13	10'6"
Gravel CRS-Fine w/ Sand and 40% Shell	13	23	
Sandy Clay Gray	23	45	
	45	63	

Date started 10/8/96 Completed 11/4/96

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Bendon Well + Pump Co WWC Number 1493 Date 11/5/96

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed Jim Mck + M6WC WWC Number 1493 Date 11/5/96

FO CHECKLIST

FILE # G-14301
WEEK # 98 95 5/20
7/4

REVIEW DATE: 7 / 25 / 97

PFO TO FO CONVERSION

INITIALS : **DB**

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received? If so, from **whom** and **when**?
2. On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and **those who paid the \$10 fee**.
3. Y / N Have affected landowners been notified?
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. \$100 Verify payment of recording fees (*circle the appropriate option*)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO**
(2) Issue FO w/o permit if fees are lacking
9. Y / N Is further processing possible? If not state reason: _____
10. Notify applicant of additional information or fees required prior to permit issuance. (**SEND CERTIFIED LETTER** & use standard wording from M:\...\FO\TOOLS if possible)
11. Assign permit numbers to files with oath, fees, and no protests or other issues
12. Y / N Do the PFO conclusions requires modification? Why? _____
(If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	<input checked="" type="radio"/> FO w/o PERMIT	FO & PERMIT	FOMOD
COMMENTS:				
The well is POD# 3				7B 7C

Modify FO as needed to:

Initials **DB**

13. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
14. Include or exclude permit conditions and management codes
15. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

16. Save WordPerfect document in M:\...\FO\WEEK 98& delete duplicates
17. Print final draft of document and submit to team leader for review
18. Y / N Team leader review completed

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number G-14301

Proposed Final Order

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

Application History

On April 29, 1996, PHILLIP L. LENT submitted an application to the Department for the following water use permit:

- Amount of Water: 0.37 CUBIC FOOT PER SECOND (CFS)
- Use of Water: SUPPLEMENTAL CRANBERRY USE ON 14.9 ACRES
- Source of Water: A WELL IN THE SIXES RIVER BASIN
- Area of Proposed Use: CURRY County within SECTION 31, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

On OCTOBER 4, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of a maximum cumulative total of 0.37 CFS, from one well within the Sixes River Basin, for Supplemental Cranberry Use (Irrigation and Agricultural Use) on 14.9 acres, being 0.37 CFS for Irrigation of 14.9 acres and 0.37 CFS for Agricultural Use, may be allowed March 1 through October 31 of each year for Irrigation and Year Round for Agricultural Use. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On OCTOBER 22, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

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
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The South Coast Basin Program allows the following uses: IRRIGATION AND AGRICULTURAL USE FOR SUPPLEMENTAL CRANBERRY OPERATIONS ON 14.86 ACRES (BY THE APPLICATION MAP).

Senior water rights exist on A WELL, IN THE SIXES RIVER BASIN, or on downstream waters.

A WELL, IN THE SIXES RIVER BASIN, is not within or above a State Scenic Waterway.

Water is available for further appropriation for the period YEAR ROUND.

The Department finds that no more than 2.23 CFS would be necessary for the proposed use. The amount of water requested, 0.37 CFS, is allowable.

The described well is not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the South Coast Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

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

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

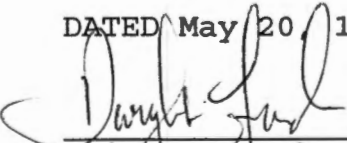
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

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

DATED May 20, 1997


Dwight French
Water Rights Section Manager

Protest Rights

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than July 4, 1997.

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.

LKS

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

PHILLIP L. LENT
92457 AIRPORT RD.
SIXES, OREGON 97476

PHONE: (541) 348-2270

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

APPLICATION FILE NUMBER: G-14301

SOURCE OF WATER: A WELL, IN THE SIXES RIVER BASIN, WITHIN THE SOUTH COAST BASIN

PURPOSE OR USE: SUPPLEMENTAL CRANBERRY OPERATIONS (IRRIGATION AND AGRICULTURAL USE) ON 14.86 ACRES

MAXIMUM RATE: 0.37 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 29, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 31, T31S, R15W, W.M.; 1150 FEET NORTH AND 530 FEET WEST FROM EAST 1/4 CORNER, SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4 14.86 ACRES
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based

on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of two or more feet per year for five consecutive years; or
- (B) A water level decline of 10 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 15 or more feet; or
- (D) Hydraulic interference leading to a decline of 10 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-14301
Basin 17
LKS

Water Resources Department
Volume 3 SIXES R & MISC
MGMT.CODE

PERMIT DRAFT
District 19

October 4, 1996

PHILLIP L LENT
92457 AIRPORT RD
SIXES, OREGON 97476

Reference: File G-14301

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for SUPPLEMENTAL CRANBERRY USE (IRRIGATION AND AGRICULTURE USE) **is allowed** under OAR 517, the South Coast Basin Program (OAR 690-517-001(8)).
4. Based on a groundwater review, the Department has determined that this well will, if properly conditioned, not have the potential for substantial interference with an unnamed creek, tributary to Sixes River.
5. At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.



Phillip L. Lent
File G-14301
October 4, 1996
Page 2

6. The use of a maximum cumulative total of 0.37 cubic foot per second (cfs) of water for SUPPLEMENTAL CRANBERRY USE (IRRIGATION AND AGRICULTURE USE) ON 14.9 ACRES, being 0.37 cfs for Irrigation and 0.37 cfs for Agriculture Use, from one well within the Sixes River basin, is likely available year round.
7. The proposed use will be supplemental to Application S-81107.

Summary of Initial Determinations

The use of a maximum cumulative total of 0.37 cubic foot per second (cfs), from one well within the Sixes River basin, for SUPPLEMENTAL CRANBERRY USE (IRRIGATION AND AGRICULTURE USE) ON 14.9 ACRES, being 0.37 cfs for Irrigation of 14.9 acres, and 0.37 cfs for Agriculture Use, may be allowed March 1 through October 31 of each year for Irrigation and year round for Agriculture Use.

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

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

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **October 18, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

Phillip L. Lent
File G-14301
October 4, 1996
Page 3

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

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
4. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
5. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place
Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

Phillip L. Lent
File G-14301
October 4, 1996
Page 4

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of two or more feet per year for five consecutive years; or
- (B) A water level decline of 10 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 15 or more feet; or
- (D) Hydraulic interference leading to a decline of 10 or more feet in any neighboring well with senior priority.

Phillip L. Lent
File G-14301
October 4, 1996
Page 5

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

6. The priority date for this application is April 29, 1996.

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.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 455 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Kerry Lefever
Initial Review

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

Application No. G14301

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

Applicant(s) Phillip L. Lent
(Please print or type - use dark ink)

Mailing Address: 92457 Airport Road
Sixes OR 97476 (541) 348-2270
City State Zip Daytime Phone No.

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

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

One

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APR 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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

Distance from development to stream: 1800' - 2000'

Elevation difference between streambed and development: 40' - 60'

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

Diameter of well: 12" Depth in feet: 50' - 60'

Type and size of well casing: Steel No. of feet: 40' - 45'

Estimated depth to water: 12' - 15'

Type of access port or measuring device: _____

Wells to be drilled by: Bandon Well & Pump Company

Address: 1115 McTimmons Rd Bandon, OR 97411

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: .37 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Supplemental cranberry usage

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; N/A

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

N/A

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

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

Irrigation 14.9

Other (describe) _____

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SALEM, OREGON

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

The P.O.D. will be a 1-1/2 horsepower GRUNDFOS pump with 1200 feet of 3" diameter pvc pipe connecting the P.O.D. to the reservoirs. The reservoirs will have 20 horsepower pumps with 6" diameter pvc running to the bogs. The distribution to the sprinklers will be a combination of 4", 3", 2" & 1-1/2" diameter pvc pipe.

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

Proposed date construction work will begin September 1996

Proposed date construction work will be completed September 1997

Proposed date water use will be completed September 1998

NOTE: Prior to the issuance of a permit it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

_____ Applicant CWRE _____ Other (Identify in REMARKS section)

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

_____ Applicant CWRE _____ Other (Identify in REMARKS section)

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

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

REMARKS: _____

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Philip J. Lent
Signature

04/26/96
Date

Signature

Date

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APR 29 1996
WATER RESOURCES DEPT.
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 29th day of April, 19 96 at 8 o'clock, A.M.

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APR 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION NO: G-14301

WATERMASTER'S Division 33 Review Comment WORK SHEET

S-81107 } Lent 14 Day Deadline
R-81108 }

APPLICATION NO. G-14501

- SOURCE of WATER
- GROUNDWATER
 - SURFACE WATER
 - STORAGE

DESCRIPTION of the SOURCE Unind Str (Surface water runoff) GW, Res

(A spring, a well, a sump, an exempt pond, an unnamed stream, etc.)

- Is the proposed Diversion located in an area of concern based on the STE essential habitat maps?
 YES NO
- If from Surface Water, does the water at the proposed Diversion Location flow into another water body?
 YES NO SOMETIMES
- If sometimes, describe the time period between _____ and _____.
- Does the source ever go dry in the area of the proposed diversion?
 YES NO
- To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?
 YES NO

If yes, please explain. Sixes R. has been regulated for IWR

- Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?
 YES NO

Did you meet with staff from another agency to discuss the application?
Who Confer Agency ODFDW When 01-06-96

- Is mitigation an option?
 YES NO
If so, please describe Storage

J. P. Drolet
Name

01-06-96
Date

WM, Dist 19
Title

Fail to Satisfy

DEQ 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: 1/6/97 Suspense Date: _____

Application # G-14301 Name: Jest

ODFW / WRD Findings and Recommendations:

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

Species? Coho Status S T E

DEQ Findings:

1) Is the source of the proposed use a water quality limited stream (303 d)? Yes / No

If yes, which parameter(s) caused the stream to be on the list? Temperature

2) Is there a TMDL established on this stream? NO
If yes, is the concern limited to a specific season? Summer

3) Are there any other water quality concerns with regard to essential fish habitat on this stream?

4) DEQ Comments: WR determines no impact to Sixes R. flows

DEQ Recommendation:

- Approval with ODFW/WRD conditions
- Approval with ODFW/WRD conditions and conditions listed in #4 above
- Approval without fishery conditions
- Denial

DEQ Representative(s)

Name: Pamela Blaso Date: 1/6/97

Name: _____ Date: _____

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: 1/6/97

Suspense Date: _____

Application # G14301 Name: Phillip Lent

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 T E

What life stage is at risk: Spawning; Incubation; Rearing; Juvenile; Adult?

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 sensitive species? No / Yes

A) Standard of "net loss" applies to sensitive species statewide [690-33-330(2)(a)]

B) Standard of "loss" of 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 STE species? No / Yes [690-33-330(3)] If so, which? _____

4) If conditions cannot be identified to offset impacts to the essential habitat of STE fish species, would the proposed use harm the species? [690-33-330(4)] No / Yes If yes, explain _____

WRD Contact: _____ Title: _____

Date: _____

Comments: See comments on 81107

ODFW Recommendation:

Approval with fishery conditions See #3 Above

Approval without fishery conditions

Denial

ODFW Representative(s)

Name: [Signature]

Date: 1/6/97

Name: _____

Date: _____

P.N. = 10-22-96

PFO CHECKLIST

Application #: 6-14301

Basin: S. Coast - 17 WAB: _____

Township 315 Range 15W Section 31 1/4 1/4 SENE

- 1. Is the file complete by the Completeness Checklist? Y / N
- 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) Y / N Map - tan lot
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- 4. Groundwater Review A B C D conditions 7B+7C (convert old gw conditions to the 7 series and add to the PFO, if necessary) see GW review
 - a. Is second groundwater review necessary? (comments) Y / N
 - b. Is HB 1033 review complete? Y / N
- 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y / N
- 6. Is use from a B.O.R. project? Y / N Contract in file? Y / N Contract # _____
- 7. Is the use allowed by the Basin Program? Y / N Limited? No
- 8. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 9. Is the source withdrawn or limited by statute or Department withdrawal order? Y / N
- 10. Is the Proposed Use located in or above a Scenic Waterway? Y / N
- 11. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) Y / N
- 12. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994; June 3, 1994; or Statewide - in shaded areas on T, E, and S Map - after June 3, 1994) Y / N / NA
- 13. Have conflicts been identified, verified and/or addressed? Y / N None identified by I.R.
- 14. Rate _____ Duty _____ Irrigation Season _____ Cranberry ops.
- 15. Period of Allowed Use Year Round
- 16. Allowed Rate of Use 0.37 cfs
- 17. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)?
- 18. Conditions 3D, 7B+7C as modified (See GW review)
- 19. Documents used in determination are attached and highlighted See I.R. checklist
- 20. Spell Check
- 21. Check for Accuracy
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\t\pfo\done\week#\application #
- 24. Fill out IR/PFO/FO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N

requested 0.37 cfs
 supp cranberry use
 on 14.9 ac
 $14.9 \times \frac{1}{40} = 0.3725$ cfs
 $14.9 \times 0.15 = 2.235$ cfs

Name: Laura Smeda Kear Date: 3-10-97

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

APRIL 18, 1997

PHILLIP L. LENT
92457 AIRPORT RD.
SIXES, OREGON 97476

RE: Application File # R-81108 AND S-81107

Dear MR. LENT:

On **MARCH 20, 1997**, a letter was sent from the Department requesting revised application maps necessary to complete your application for water use. The Department received the revised application maps on April 2, 1997. However, the revised application map, for application R-81108 and S-81107, still does not meet the Department's map requirements. The Department also identified some additional information which needs to be submitted. The following information needs to be received:

► **For Application R-81108:**

Additional Information: The revised application map identifies only two reservoir locations with a total proposed storage of 21.1 acre-feet. The application was originally filed for three reservoirs to store a total of 28.4 acre-feet. Please clarify that you are modifying the application to use two reservoirs, shown on the revised map, with a total storage of 21.1. acre-feet.

Also, Reservoir #1, as shown on the revised application map, is a new reservoir. Information regarding this new reservoir is necessary in order to complete your application. Please describe, as identified on the enclosed reservoir application, the maximum height of the dam, the dam construction material (earthfill, concrete, flashboard, other (if other give description)), and the location, description, and dimensions of the outlet conduit (if any). If in channel, a description of the spillway (location and dimensions), including whether it is over or around the dam, also needs to be submitted.



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

Also, please confirm that the source of water for this new reservoir is the same as for the other reservoir.

Based on additional review of your application, the Department has identified that additional information is also necessary regrading the sump reservoir, Reservoir #2, to determine if this type of reservoir is allowable. Please describe how this reservoir will be constructed. Also describe how the reservoir is or will be lined to keep the surface water from leaking out the bottom and sides of the hole.

For all of the reservoirs, the maximum depth of each reservoir needs to be identified.

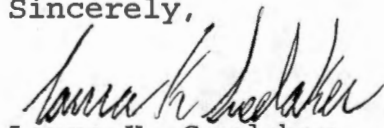
Revised Map: For the new reservoir please identify, if applicable, on the application map, the location of the dam and the coordinates, from a recognized public land survey corner, to the dam location.

- ▶ **For Application S-81107:** The revised application map needs to identify the coordinates, from a recognized public land survey corner, to the proposed diversion points on each of the reservoirs. These diversion points are where water will be removed from the reservoirs for use.

Please submit these items by **May 2, 1997**. If we do not receive the items requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 331.

Sincerely,



Laura K. Snedaker
Senior Water Rights Examiner

Enclosures: Department Map Requirements
Applicant's Map
Example Map
Copy of a Reservoir Application

cc: John Drolet, Watermaster District 19
Dennis Goude, CWRE

LKS

3-24-97 - voice mail

3:08 - Phillip Hunt

wants extension

541-348-2270

3-25-97 - returning call - left message

3-31-97 - tried again - left another message

4-2-97 - revised map arrived

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

MARCH 20, 1997

PHILLIP L. LENT
92457 AIRPORT RD.
SIXES, OREGON 97476

RE: Application File # R-81108, S-81107, AND G-14301

Dear MR. LENT:

On **OCTOBER 4, 1996**, Initial Reviews for the above applications were sent from the Department. Further review of your applications indicates that additional information needs to be submitted to the Department to complete your application for water use. The following items must be received:

- ▶ **For Application R-81108:** A revised application map needs to be submitted. The revised application map needs to identify the coordinates, from a recognized public land survey corner, to each of the reservoir locations. The reservoirs on the map must also be numbered for ease of reference. Also, the location of the place of use on the application map must be identified by tax lot, in addition to township, range, section, and nearest quarter-quarter section.

Further information is also necessary regarding each proposed reservoir. For each reservoir please identify the area, in acres, to be submerged by each reservoir and the maximum depth of each reservoir. Please number each reservoir to correspond to the application map.

- ▶ **For Application S-81107:** A revised application map needs to be submitted. The revised map needs to identify the place of use by tax lot, in addition to township, range, section, and nearest quarter-quarter section. The map also needs to show the location and identify the coordinates, from a recognized public land survey corner, to each of the proposed diversion points on each of the reservoirs.



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

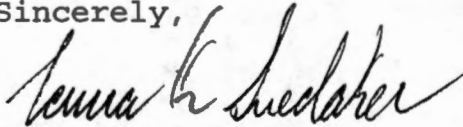
- ▶ **For Application G-14301:** A revised application map needs to be submitted. The revised map needs to identify the place of use by tax lot, in addition to township, range, section, and nearest quarter-quarter section.

A copy of the Department's map requirements is enclosed.

Please submit these items by **APRIL 3, 1997**. If we do not receive the items requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 331.

Sincerely,



Laura K. Snedaker
Senior Water Rights Examiner

Enclosures: Department Map Requirements
Copy of Applicant's Map

cc: John Drolet, Watermaster District 19
Dennis Goude, CWRE

FOR OFFICE USE ONLY

Do not send out

Application File Number: G-14301

Applicant: PHILLIP L LENT

County: Curry

Priority Date :April 29, 1996

Source: A WELL IN SIXES RIVER BASIN

Use: SUPPLEMENTAL CRANBERRY USE ON 14.9 ACRES

Quantity: 0.37 CUBIC FOOT PER SECOND

Basin Name & Number: #17, South Coast

**Point of Diversion Location: SENE, SECTION 31, TOWNSHIP 31 SOUTH, RANGE 15
WEST, W.M.**

Place of Use: SENE, SECTION 31, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

IR CHECKLIST

Application #: G 14301 Vol _____ Subbasin _____

Basin: 17 WAB: 2200 POU-WAB 2200

Ownership 315 Range 15W Section 31 1/4 1/4 SENE

- 1. Completeness checklist verified. Y / N or No Checklist
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N
- 3. Groundwater review A B C D "X" unnamed Creek 7B, 7C -> modified
 - a. Is the well located in a groundwater limited area? Y / N _____
- 4. SWW Y / N Triage Y / N conditions/restrictions Y/N _____
- 5. Basin Program limitations? Y / N 690-517-001 (8)
- 6. Withdrawn? Y / N season allowed _____
- 7. Basin Maps have been checked. Y / N The River Mile is Sixes R (RM 2)
- 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA _____
- 9. Rate/Duty/Season March 1 - Oct 31 - 1R ; year-round - Ag see Macro 30
- 10. Use Supp Cranberry Use Period of Allowed Use 1R - March 1 - Oct 31 ; Ag - year-round
- 11. Priority Date(s) 4/29/96
- 12. B.O.R. project Y / N contract # _____
- 13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) DIVISION 33 Y / N (Abv Bonn > July 17, 92 //// Blw Bonn > April 18, 94 or June 3, 94) map dated 6/25/96
- 14. Conflicts Y / N
- 15. Conditions? (BOR, GW, other) Y / N 3D Cranberry
- 16. Land use approval OK'd needs approval county notified NA Curry Co.
- 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)
- 18. Letter will be Good Limited Bad Bad w/IRshort because _____

cc: CWPE - Stuntzner Eng & Forestry

Requested 0.37 cfs from one well for Supp Cranberry use on 14.9 acres

NOTE: POD # 3 is well on application map

See R-81106 & S-81107

14.9 acres (0.15) = 2.23 cfs

14.9 acres (1/80) = 0.19 cfs

14.9 acres (1/40) = 0.37 cfs

Name: Kerry Lelever

Date: 9/30/96

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 517
SOUTH COAST BASIN PROGRAM

Classifications

690-517-001

- (1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.
- (2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:
 - (a) Bradley Lake
 - (b) Eel Lake
 - (c) Garrison Lake
- (3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.
- (4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife.
 - (a) Glenn Creek (tributary to the East Fork Millicoma River)
 - (b) Brush Creek
- (5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8).
- (6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife.

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

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

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

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

Reservations

690-517-002

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

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

Minimum Perennial Streamflows

690-517-003

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

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

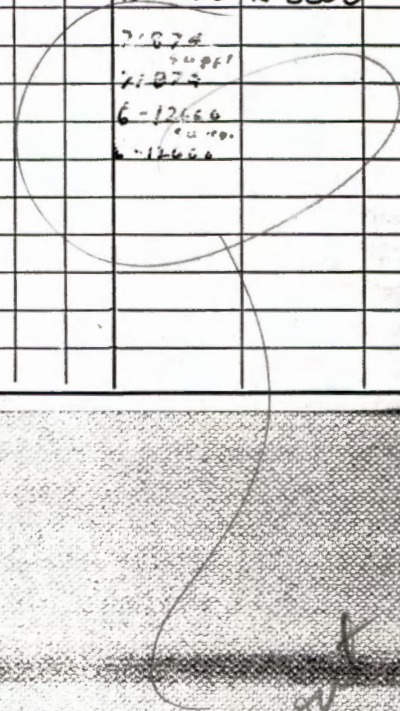
(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:

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

TOWNSHIP 31S RANGE 15W W. M.

SECTION 31

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																					
																	1 ⁰	2 ⁰	45039	33661	CANCELED ²
																			65044	47642	
																			65044	47642	
																			Res	Res	
																			R-65236	R-8803	
																			21874		
																			41874		
																			6-12660		
																			12660		



*white out
on plat card*

May 3, 1996

PHILLIP L LENT

92457 AIRPORT RD
SIXES, OR 97476

REFERENCE: File(s) G-14301,R-81108,S-81107

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group—Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,



Ms. Anita McLoud
Water Rights Specialist
Water Rights Division



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



STATUTORY WARRANTY DEED

HAROLD L. KNAPP AND MARY A. KNAPP

Grantor.

conveys and warrants to PHILLIP L. LENT

Grantee.

the following described real property free of liens and encumbrances, except as specifically set forth herein:

The East half of the Southeast quarter of the Northeast quarter of Section 31, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon, except the portion thereof lying South of the Northerly right-of-way line of Airport Road.

22-6 31-15 TL 5100 UID 164730
2-4 31-15 TL 5100 UID 70402

(1)

Application No. G-1430
Permit No.

This property is free of liens and encumbrances, EXCEPT:
AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

OCEAN TITLE & ESCROW 91-0005

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is \$ 32,500.00 (This complies with the requirements of ORS 31.002)

DATED this 18th day of March 19 91

Harold L. Knapp
HAROLD L. KNAPP

Mary A. Knapp
MARY A. KNAPP

CORPORATE ACKNOWLEDGMENT

STATE OF OREGON, County of Curry ss. STATE OF OREGON, County of ss.

The foregoing instrument was acknowledged before me this 21 day of March 19 91 by Harold L. Knapp and Mary A. Knapp

The foregoing instrument was acknowledged before me this day of 19 and by of a corporation, on behalf of the corporation.



Donald J. [Name]
Notary Public for Oregon
My commission expires: 7/19/92

Notary Public for Oregon
My commission expires:

SEAL

RECEIVED

APR 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Title Order No. 91-0005
Escrow No. 91-0005

After recording return to:
Phillip L. Lent
2242 Sherman #4
North Bend, Oregon 97459
NAME, ADDRESS, ZIP

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

Grantee at above address

NAME, ADDRESS, ZIP

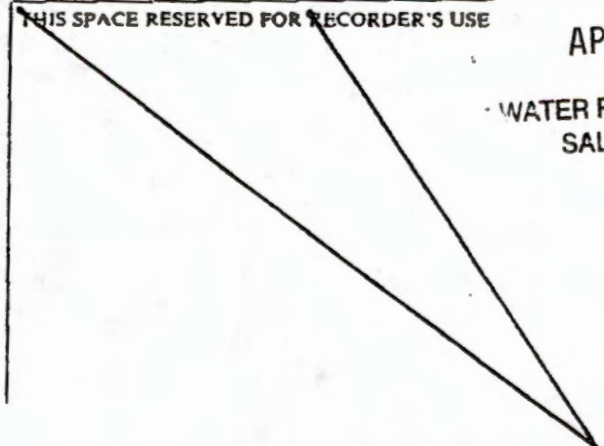


EXHIBIT "A"

Subject to:

1. Rights of the public in and to any portion lying within the limits of public roadways, if any, and/or rights of private parties over any portion lying within existing roadways or driveways not disclosed by the public records.

2. An easement for clearing and grubbing growth, including the terms provisions and building restrictions set forth therein, as granted to Curry County, by instrument recorded May 27, 1944, in Volume 28, Page 301, Curry County Deed Records.

3. An easement to cut to ground level and remove trees, bushes, shrubs, or any other perennial growth or undergrowth, including the terms, provisions and building restrictions set forth therein, as granted to State of Oregon, by instrument recorded July 8, 1971, in Volume 20, Page 279, Curry County Book of Records.

4. An easement and rights in connection therewith, granted the Coos-Curry Electric Cooperative, Inc., by instrument recorded October 19, 1970, in Volume 64, Page 228, Curry County Book of Records. (Specific location not given in recorded document)

STATE OF OREGON }
COUNTY OF CURRY }
1991 MAR 25 AM 9:57
ELAINE JOY
CURRY COUNTY CLERK

I hereby certify that the within instrument was received and duly recorded in the OFFICIAL RECORDS OF CURRY COUNTY.

By: MW

Fee: 3500 Per: 2

1991
Instrument 91 01445

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APR 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

America Title Insurance Company

L. Knapp and Mary A. Knapp

19 78, duly recorded on June 6

County, Oregon, in book 60 at page 555

said trust deed the real property therein and hereinafter described was conveyed by said grantor to secure, among other things, the performance of certain obligations of the grantor to the said beneficiary. The said grantor thereafter defaulted in his performance of the obligations secured by said trust deed in the notice of default hereinafter mentioned and such default still existed at the time of the sale hereinafter described.

By reason of said default, the owner and holder of the obligations secured by said trust deed, being the beneficiary therein named, or his successor in interest, declared all sums so secured immediately due and owing; a notice of default, containing an election to sell the said real property and to foreclose said trust deed by advertisement and sale to satisfy grantor's said obligations was recorded in the mortgage records of said county, August 13, 19 82, in book 92 at page 917 thereof to which reference now is made.

After the recording of said notice of default, as aforesaid, the undersigned trustee gave notice of the time and place of sale of said real property as fixed by him and as required by law; copies of the trustee's said notice of sale were mailed by U. S. registered or certified mail to all persons entitled by law to such notice at their respective last known addresses; the persons named in subsection 1 of Section 86.750 Oregon Revised Statutes were time personally served with said notice of sale, all as provided by law and at least 120 days before the day so fixed for said trustee's sale. Further, the trustee published a copy of said notice of sale in a newspaper of general circulation in each county in which the said real property is situated, once a week for four successive weeks; the last publication of said notice occurred at least twenty days prior to the date of such sale. The mailing, service and publication of said notice of sale are shown by one or more affidavits or proofs of service duly recorded prior to the date of sale in the mortgage records of said county, said affidavits and proofs, together with the said notice of default and election to sell and the trustee's notice of sale, being now referred to and incorporated in and made a part of the trustee's deed as fully as if set out herein verbatim. On the date of said notice of sale, the undersigned trustee has no actual notice of any person, other than the persons named in said affidavits and proofs having or claiming a lien or interest in said described real property subsequent to the interest of the trustee in the trust deed.

Pursuant to said notice of sale, the undersigned trustee on January 12, 19 83, at the hour of 2:00 o'clock, P.M., of said day, Standard Time as established by Section 187.110, Oregon Revised Statutes, at the place so fixed for sale, as aforesaid, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon him by said trust deed, sold said real property in one parcel at public auction to the said second party for the sum of \$17,250.79 he being the highest and best bidder at such sale and said sum being the highest and best sum bid for said property. The true and actual consideration paid for this transfer is the sum last stated in terms of dollars.

NOW THEREFORE, in consideration of the said sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in said trustee by the laws of the State of Oregon and by said trust deed, the trustee does hereby convey unto the second party all interest which the grantor had or had the power to convey at the time of grantor's execution of said trust deed, together with any interest the said grantor or his successors in interest acquired after the execution of said trust deed in and to the following described real property, to-wit:

The East half (E 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-one (31), Township Thirty-One (31) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon, except the portion thereof lying South of Airport Road.

RECEIVED

APR 29 1996

WATER RESOURCES DEPT. SALEM, OREGON

(CONTINUED ON REVERSE SIDE)

<p>GRANTOR'S NAME AND ADDRESS</p> <p>GRANTEE'S NAME AND ADDRESS</p>	<p>STATE OF OREGON.</p> <p>County of _____</p> <p>I certify that the within instrument was received for record on the _____ day of _____, 19 _____, at _____ o'clock _____ M., and recorded in book _____ on page _____ or as file/reel number _____ Record of Deeds of said county.</p> <p>SPACE RESERVED FOR RECORDER'S USE</p>
--	---

After recording return to: MALCOLM J. CORRIGALL Attorney at Law P. O. Box 1170

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

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

Applicant's Name: Phillip L. Lent
 Address: 92457 Airport Road
 City: Sixes State: OR Zip: 97476 Day Phone: (541) 348-2270

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
5100 A (Sec 31) T. 31 S. R 15 W	AGRICULTURAL FARM DIST AFD	X	X	X

WATER RESOURCES DEPT.
SALEM, OREGON

APR 29 1996

RECEIVED

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

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

For Local Government Use Only

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

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

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.060. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

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

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: Phillip L. Lent

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

Application No. G-14301
Permit No.

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOW

Title: PLANNER

Date: 4/18/96
Phone: 247-7011

Signature: Dianne L. Snow

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

Additional Comments:

FARM USE (IRRIGATION OF CRANBERRIES)
IS A USE ALLOWED OUTRIGHT IN THE AFD ZONE.

Description of Water Use

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

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

Applicant Name: Phillip L. Lent
 Address: 92457 Airport Road
Sixes, OR 97476
 Phone: (541) 348 - 2270

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): Cranberries 14.9 Acres
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.) _____
- Fish and Wildlife (pond, hatchery, etc.) _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Surface runoff from 22 acre</u> <u>impervious surface.</u>	<u>.37</u> Cubic feet per second. <u>167</u> Gallons per minute. _____ Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	28.4 Acre/Feet Storage
<input checked="" type="checkbox"/> Ground Water <u>one Well</u>	

RECEIVED
 APR 29 1996
 WATER RESOURCES DEPT.
 SALEM, OREGON

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # G14301

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

4-29-96

CA

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved Yes pending _____

If reservoir < 5 AF \$ _____, if > 5 AF \$ _____

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____

Entered into WRIS

SUPPORT SERVICES

5/6/96

CA

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calender card

APPLICATION SECTION

Stream Indexed

Basin # _____

Plat Carded and copy made

YES NO

If dam is over 10 feet or storage exceeds 9.2

AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete

YES NO

Within Irrigation District _____

District Notified _____

District excerpt received _____

TR Mailed DATE _____

Public Interest Checklist complete _____

Management Codes _____

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

within 1/4 mile Name/address of adjacent property owner

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed \

Resulting benefits

Public notices (circle) #1 #2

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer Initials
G-14301	4/29/96	OK

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

- 1. Examination fees.
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Location & description of delivery system.
- 7. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 8. A statement declaring the existence of written authorization or easement permitting access to lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - The height of the dam and the storage capacity.
 - The area submerged and the maximum depth.
 - The construction method (earthfill, concrete, flashboard, etc.).
 - A description of the outlet conduit and spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt signed by appropriate planning official.

19. WITHDRAWN / CLOSED SOURCE

Application No.

6-14301
581107

Superseded

Permit No. **SUPERSEDED**

Water Rights Application Map
Located in the SE 1/4 NE1/4
Sec. 31, T. 31 S., R. 15 W., W.M.
Curry County, Oregon



Prepared For: Phillip Lent
Prepared By: Dennis Goude
Date: April 18, 1996

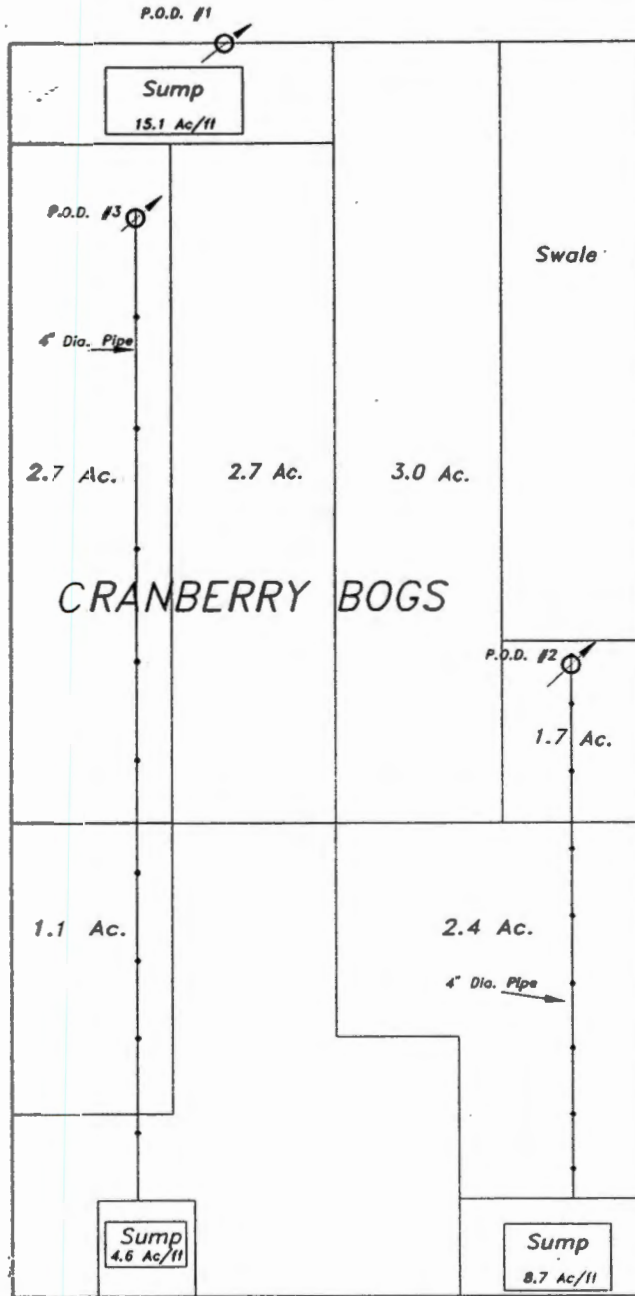
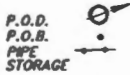
Note:
P.O.D. #1 is located 1312 feet North and 450 feet West of the E 1/4 corner.

P.O.D. #2 is located 680 feet North and 80 feet West of the E 1/4 corner.

P.O.D. #3 is located 1150 feet North and 530 feet West of the E 1/4 corner.

P.O.D. 1 & 2 are screened in-ditch 4" diameter pipes.
P.O.D. #3 is a well.

LEGEND



Application No.
Permit No.

RECEIVED

APR 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Stuntzner Engineering
& Forestry

705 So 4th Street
P.O. Box 118
Coon Bay, Oregon 97420
Phone (503) 217-2872
Fax (503) 217-0588

RECEIVED

SEP 23 1997

WATER RESOURCES DEPT.
SALEM, OREGON

9-14-97

enclosed is payment
for my permit recording
fees.

Applications -

G-14301	\$ 100 ⁰⁰
S- 81107	\$ 100 ⁰⁰
R- 81108	90 ⁰⁰

total \$ 290⁰⁰

Thank you

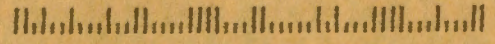
Phillip Lent

Phil Lent
92457 Airport Rd.
Siles, OR.
97476



Water Resources Dept.
Commerce building
158 12th St. NE
Salem, OR.
97310-0210

JCP-5835

97310/0210 

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **16082**

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

INVOICE # _____

RECEIVED FROM: Philip D. Lent
BY: _____

APPLICATION	G1430/
PERMIT	
TRANSFER	

CASH: CHECK: # 967419 OTHER: (IDENTIFY)

TOTAL REC'D \$ 290.

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC165 DEPOSIT LIAB. (IDENTIFY)	\$	
TC168 WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE	RECORD FEE
0203 GROUND WATER	\$	0202 \$
0205 TRANSFER	\$	0204 \$ <u>100.</u>
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219 \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY)		

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

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

RECEIPT # **16082**

DATED: 9-23-97 BY: D. Bushnell

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

001855

RECEIPT #

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

INVOICE #

RECEIVED FROM:

Philip L Lenz

APPLICATION	14301
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK: # 96-7419 OTHER: (IDENTIFY)

TOTAL REC'D \$ 610.99

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS		\$
0407 COPY FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC165 DEPOSIT LIAB. (IDENTIFY)		\$

Balance of fees on 001852 + 001854

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$ <u>200.00</u>	0204	\$ <u>0</u>
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

PCA66111

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

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

RECEIPT #

001855

DATED:

4-29-96

BY:

Fla L

COI

Application No. G 14301

Permit No. G13233

Name PHILLIP L LENT
92457 AIRPORT RD
Address SIXES, OR 97476

Assigned _____

Address _____

Beginning construction 10/17/98

Completion of construction _____

Extended to _____

Complete application of water 10/1/01

Extended to _____