

REINSTATED ~~CANCELLED~~

PHILLIP L LENT
92457 AIRPORT RD
SIXES, OR 97476
FILE#: S 81107

Application No. 81107
Permit No. 53267
Certificate No. _____
Stream Index, Page No. _____

FEES PAID		
Date	Amount	Receipt No.
4-29-96	200.00	001854
9-23-97	100.00	16091
01/02/02	100.00	50352
05/7/24	610.00	142808
	Cert. Fee	
FEES REFUNDED		
Date	Amount	Check No.

Date filed _____
Priority _____
Action suspended until C11
"on ext db"
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

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

REMARKS
See R-81108 dG-14301
3-8-2024. Cancellation of Permits 53267, special Order Volume 129, Page 872
5-24-2024. Reinstatement of Permit S 53267, special order volume 131, Page 40

PROSECUTION OF WORK

Form "A" filed _____
Form "B" filed _____
Form "C" filed _____

FINAL PROOF

Blank mailed _____
Proof received _____
Date Certificate issued _____

53267

DIV. 33

Mailing List for Reinstatement Order

Volume 131, Page 40

Application: S-81107

Permit: S-53267

Permit Holder(s):

Phillip L. Lent
92457 Airport Rd
Sixes, OR 97476

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>5.24.2024</u>	(DATE)

Copies of Reinstatement Order to be sent to Permit Holder and following:

1. Watermaster District #14
2. Vault
3. File

Other persons to receive copies:

1. Ryda Stuart
18600 Diamond Ridge Road
Lower Lake, CA 95457
2. Theodore R. Ressler, RG, CWRE, PG
Summit Water Resources, LLC
4784 SE 17th Avenue, Suite 111
Portland, OR 97202

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT S-53267) ORDER

Findings of Fact

1. On March 8, 2024, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The agent on behalf of the landowner requested reconsideration of the March 8, 2024, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and necessary re-instatement fees required under ORS 536.050 were received.

PERMIT TO USE SURFACE WATER:

<u>NAME</u>	<u>BASIN #</u>	<u>WM #</u>	<u>FILE #</u>	<u>PERMIT #</u>
PHILLIP L. LENT	17	14	S-81107	S-53267

Conclusions of Law

1. Permits may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit listed above is reinstated.
2. The Department will take no action to cancel this permit until 180 Days, to allow for compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on **MAY 24 2024**

Katherine Ratcliffe

Katherine Ratcliffe, Water Rights Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

PLACED IN U.S. MAIL **MAY 24 2024**
BY OREGON WATER RESOURCES DEPARTMENT

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

BJORK Mary F * WRD

From: RATCLIFFE Katie S * WRD
Sent: Monday, May 20, 2024 11:39 AM
To: BJORK Mary F * WRD
Subject: RE: Katie Signature Request S-81107 Reinstatement (Phillip Lent)

Signed, thanks!

[Katie Ratcliffe](#)

Water Rights Section Manager
Oregon Water Resources Department
Phone: 971-338-8105 (work cell)
katie.s.ratcliffe@water.oregon.gov

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Monday, May 13, 2024 8:29 AM
To: RATCLIFFE Katie S * WRD <Katie.S.RATCLIFFE@water.oregon.gov>
Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: Katie Signature Request S-81107 Reinstatement (Phillip Lent)

Hi Katie,

Please sign the Reinstatement Order for Application S-81107, Permit S-53267, located at:

<S:\groups\wr\apps\S\81101-81200\81107\Completion\81107-Reinstatement Order-5-13-2024.pdf>

You previously signed a hard copy of this order, but I found that the last sentence needed to be updated because the request came in from the agent on behalf of the landowner instead of the permittee.

Thanks so much,

[Mary F. Bjork](#)

Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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 # **142860**

INVOICE # _____

RECEIVED FROM: Theodore R Resler
 BY: _____

APPLICATION	<u>5-81107</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 1256 OTHER: (IDENTIFY)

TOTAL REC'D \$ 610.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 4611

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

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	\$

0251 OTHER (IDENTIFY) Reinstatement \$60.00

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 **RECEIVED**
 OBJ. CODE _____ VENDOR # **OVER THE COUNTER**
 DESCRIPTION _____ \$ _____

RECEIPT: **142860**

DATED: 5-7-24 BY: Leslie D Moore

BJORK Mary F * WRD

From: Ressler, Ted <tressler@summitwr.com>
Sent: Monday, May 6, 2024 4:54 PM
To: BJORK Mary F * WRD
Cc: rydaartist@yahoo.com
Subject: Request for reinstatement of Permit S-53267
Attachments: Request for reinstatement_PerS53267.pdf

Hi Mary

On behalf of the owner of the property associated with Permit S-53267, please find attached a letter requesting reinstatement of the permit. A hardcopy of the letter and a check for payment of the \$610 fee for reinstatement will be delivered to OWRD tomorrow.

Please confirm receipt of this letter.

Thank you
Ted

Theodore R. Ressler, RG, CWRE, PG
Hydrogeologist and Water Resources Consultant

Summit Water Resources, LLC
a Geo-Logic Company
4784 SE 17th Avenue, Suite 111, Portland, OR 97202
Office: 503-967-7050 | Mobile: 503.701.4535
tressler@summitwr.com

www.summitwr.com | www.geo-logic.com

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*OK - Reinstatement
1188 5-6-2024*

Ryda Stuart
18600 Diamond Ridge Road
Lower Lake, CA 95457
707-339-2398
rydaartist@yahoo.com

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

May 6, 2024

Subject: Permit S-53267 (Application S-81107)

Ms. Bjork

I am the owner of the property associated with Permit S-53267 and am requesting reconsideration of the final order cancelling water use permit and reinstatement of the permit. Please find enclosed a check for payment the \$610 fee required for reinstatement of the permit, and copies of the cancellation documents received. The water use authorized under this permit has been developed and it is my intent to pursue certification once the permit is reinstated.

If you have any questions about this request or need additional information, please contact Ted Ressler with Summit Water Resources, LLC at 503-701-4535.

Thank you for your assistance.

Sincerely,

Ryda Stuart

Enclosures

OK - Reinstated
MJB 5-6-2024

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
PHILLIP L. LENT	17	14	S-81107	S-53267

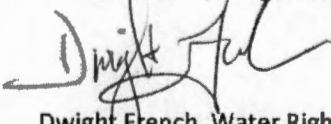
Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on MAR 08 2024



Dwight French, Water Right Services Administrator
for Douglas E. Woodcock, Acting Director

PLACED IN U.S. MAIL MAR 08 2024
BY OREGON WATER RESOURCES DEPARTMENT

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

Date Calculator: Add to or Subtract From a Date

Enter a start date and add or subtract any number of days, months, or years.

Count Days **Add Days** Workdays Add Workdays Weekday Week No

From Friday, March 8, 2024

Added 60 days

Result: Tuesday, May 7, 2024

Calendar showing period from March 8, 2024 to May 7, 2024

March 2024						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2024						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

= Start date (Mar 8, 2024) = Final result date (May 7, 2024)



Time & Date Calculator App for iOS

See how long remains before a deadline or exactly when those 30 days are up.

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 # **142860**

INVOICE # _____

RECEIVED FROM: Theodore R Resler
 BY: _____

APPLICATION	<u>5-81107</u>
PERMIT	
TRANSFER	

CASH: CHECK# 1256 OTHER: (IDENTIFY)

TOTAL RECEIVED: \$610.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		<u>4611</u>	
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	
WATER RIGHTS:			
0201	SURFACE WATER	\$	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	\$	0219
	LANDOWNER'S PERMIT		0220
<u>0251</u>	OTHER (IDENTIFY)		

EXAM FEE
\$
\$
\$
EXAM FEE
\$

RECORD FEE
\$
\$

LICENSE FEE
\$
\$

Reinstatement \$610.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER

RECEIVED
OVER THE COUNTER
 FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **142860**

DATED: 5-7-24 BY: Libby D Moore

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

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Tuesday, May 7, 2024 7:43 AM
To: Ressler, Ted
Cc: rydaartist@yahoo.com; BJORK Mary F * WRD
Subject: RE: Request for reinstatement of Permit S-53267

Hi Ted,

I have received your email and look forward to receiving the hardcopy and fee today.

Best regards,

[Mary F. Bjork](#)

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

From: Ressler, Ted <tressler@summitwr.com>
Sent: Monday, May 6, 2024 4:54 PM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Cc: rydaartist@yahoo.com
Subject: Request for reinstatement of Permit S-53267

Hi Mary

On behalf of the owner of the property associated with Permit S-53267, please find attached a letter requesting reinstatement of the permit. A hardcopy of the letter and a check for payment of the \$610 fee for reinstatement will be delivered to OWRD tomorrow.

Please confirm receipt of this letter.

Thank you
Ted

Theodore R. Ressler, RG, CWRE, PG
Hydrogeologist and Water Resources Consultant

Summit Water Resources, LLC
a **Geo-Logic Company**
4784 SE 17th Avenue, Suite 111, Portland, OR 97202
Office: 503-967-7050 | Mobile: 503.701.4535
tressler@summitwr.com

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Ressler, Ted

From: Ressler, Ted
Sent: Monday, May 6, 2024 4:54 PM
To: BJORK Mary F * WRD
Cc: rydaartist@yahoo.com
Subject: Request for reinstatement of Permit S-53267
Attachments: Request for reinstatement_PerS53267.pdf

Hi Mary

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Please confirm receipt of this letter.

Thank you
Ted

Theodore R. Ressler, RG, CWRE, PG
Hydrogeologist and Water Resources Consultant

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a Geo-Logic Company
4784 SE 17th Avenue, Suite 111, Portland, OR 97202
Office: 503-967-7050 | Mobile: 503.701.4535
tressler@summitwr.com

www.summitwr.com | www.geo-logic.com

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Received by OWRD

MAY 07 2024

Salem, OR

Ryda Stuart
18600 Diamond Ridge Road
Lower Lake, CA 95457
707-339-2398
rydaartist@yahoo.com

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

May 6, 2024

Subject: Permit S-53267 (Application S-81107)

Ms. Bjork

I am the owner of the property associated with Permit S-53267 and am requesting reconsideration of the final order cancelling water use permit and reinstatement of the permit. Please find enclosed a check for payment the \$610 fee required for reinstatement of the permit, and copies of the cancellation documents received. The water use authorized under this permit has been developed and it is my intent to pursue certification once the permit is reinstated.

If you have any questions about this request or need additional information, please contact Ted Ressler with Summit Water Resources, LLC at 503-701-4535.

Thank you for your assistance.

Sincerely,

Ryda Stuart

Enclosures

Received by OWRD

MAY 07 2024

Salem, OR

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
PHILLIP L. LENT	17	14	S-81107	S-53267

Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on MAR 08 2024



Dwight French, Water Right Services Administrator
for Douglas E. Woodcock, Acting Director

Received by OWRD

MAY 07 2024

Salem, OR

PLACED IN U.S. MAIL MAR 08 2024
BY OREGON WATER RESOURCES DEPARTMENT

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



Received by OWRD
MAY 07 2024
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Ryda Stuart 18600 Diamond Ridge Road
Lower Lake, CA 95457

Transaction Type: Reinstatement

Fees Received: \$ 610.00

Cash Check: Check No. 1756
Name(s) on Check: Theodore R. Nessler

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick Reese
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



Received by OWRD
MAY 07 2024
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Ryan Stuart 18600 Diamond Ridge Road
Lower Lake, CA 95457

Transaction Type: Reinstatement

Fees Received: \$ 610.00

Cash Check: Check No. 1756
Name(s) on Check: Theodore R. Nessler

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick Reese
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



Oregon
Kate Brown, Governor

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

DATE MAILED: MAR 08 2024
NOTICE

Enclosed is an order that cancels a permit for failure to submit proof of the completion of appropriation as required by ORS 537.260.

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

If you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

If you agree with the order, no response to this notice is required.

If you have any questions, please contact Tonya Miller at Tonya.L.Miller@water.oregon.gov or by telephone at 503-979-9983.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
PHILLIP L. LENT	17	14	S-81107	S-53267

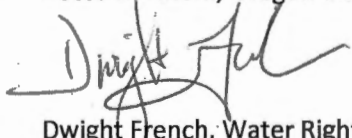
Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on MAR 08 2024



Dwight French, Water Right Services Administrator
for Douglas E. Woodcock, Acting Director

PLACED IN U.S. MAIL MAR 08 2024
BY OREGON WATER RESOURCES DEPARTMENT

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

Mailing List for Cancellation Order

Volume 129, Page 872

Application: S-81107

Permit: S-53267

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>3-8-2024</u>	(DATE)

Permit Holder(s):

PHILLIP L. LENT
92457 AIRPORT RD
SIXES OR 97476

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #: 14 (auto email)
2. Vault
3. File

Other persons to receive copies:

- 1.

MILLER Tonya L * WRD

From: MILLER Tonya L * WRD
Sent: Wednesday, November 29, 2023 8:45 AM
To: CECILIANI Scott C * WRD
Subject: RE: 60 Day Letters

Hi Scott,

Thanks for letting me know. The deadline can be pushed out if you guys are wanting/need time to go out and contact the applicant. I will make notes for all three permits that you have reached out and are currently working on these. They will be held, and I will check back in before they are moved to cancelled.

Thanks,

Tonya L. Miller | Water Rights Support

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

Ph: (503) 979-9983 | Fax: (503) 986-0901

Email: Tonya.L.Miller@water.Oregon.gov

From: CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov>
Sent: Wednesday, November 29, 2023 8:30 AM
To: MILLER Tonya L * WRD <Tonya.L.MILLER@water.oregon.gov>
Cc: STILLIE Brian R * WRD <Brian.R.STILLIE@water.oregon.gov>; DILLON Justin * WRD <Justin.DILLON@water.oregon.gov>
Subject: 60 Day Letters

Hi Tanya,

Have we been contacted in response to the 60 day letters sent out for the following permits? The deadline associated with the letters is 12/15/2023 and I want to make sure staff have enough time, if needed, to travel out to the coast to knock on doors.

Permit Number: S 53622

Permit Number: S 53267, S-81107

Permit Number: S 53528

Thank you,

Scott

Scott Carlo Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St.
Grants Pass, OR 97526
Cell: (541) 261-2213
Office: (541) 476-1288

WR

Oregon

TR

Water Resources Department
Water Rights Services Division
725 Summer Street NE, Suite A
Salem, OR 97301-1266

CERTIFIED MAIL®



FIRST-CLASS

7021 1970 0001 3950 4836



US POSTAGE™ PITNEY BOWES



ZIP 97301 \$ 008.53⁰
02 7W
0008029484 OCT 06 2023

RECEIVED
OCT 19 2023
OWRD

NMR

S-81107
Phillip L. Lent
92457 Airport Rd.
Sixes, OR 97476

NIXIE 971 DE 1 0010/18/23

RETURN TO SENDER
NO MAIL RECEIVABLE
UNABLE TO FORWARD

BC: 97301126673 *0129-00768-08-19

NMR
974768972919746

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

S-81107
Phillip L. Lent
92457 Airport Rd.
Sixes, OR 97476



9590 9402 7624 2122 6078 54

2. Article Number (Transfer from service label)

7021 1970 0001 3950 4836

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

TM-60 D.L.



Oregon

Tina Kotek, Governor

Water Resources Department

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

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

Certified mail number 7021 1970 0001 3950 4836
Return receipt requested

October 06, 2023

PHILLIP L. LENT
92457 AIRPORT RD
SIXES, OR 97476

Reference: Application **S-81107**, Permit **S-53267**

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2011.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2011. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 15, 2023) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker

Enclosures (1)

cc: File
OWRD Watermaster District 14





RESOURCE SHEET

Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-979-3213 or by email at Jeffrey.D.Pierceall@water.oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov



Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900; and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

<https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/Certificate.aspx>

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-979-3208 or by email at

Kerry.L.Kavanagh@water.oregon.gov

Mailing List for 60-Day Letter

Application: S-81107

Permit: S-53267

Permit Holder(s):

PHILLIP L. LENT
92457 AIRPORT RD
SIXES OR 97476

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>10.6.2023</u>	(DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of 60 Day Letter to be sent to Permit Holder(s) and following:

1. Watermaster District #14 (auto email)
2. File

Other persons to receive copies:

- 1.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD

Certified mail number 7021 1970 0001 3950 4836

Return receipt requested

October 06, 2023

PHILLIP L. LENT
92457 AIRPORT RD
SIXES, OR 97476

Reference: Application **S-81107**, Permit **S-53267**

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2011.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2011. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 15, 2023) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker

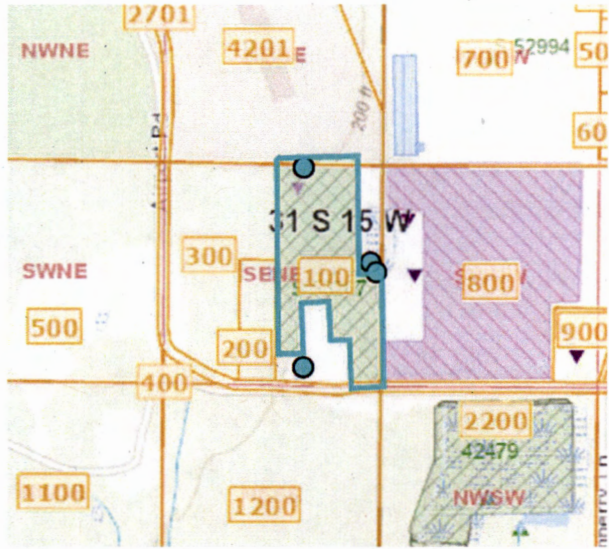
Enclosures (1)

cc: File
OWRD Watermaster District 14



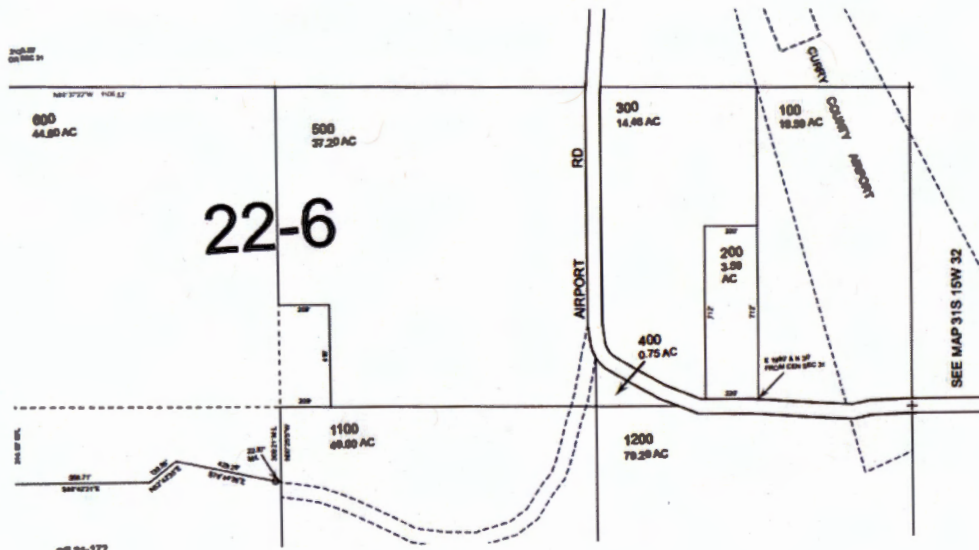
WR Map Tool

Application S-81107, Permit S-53267



OR Map Tool

Application S-81107, Permit S-53267





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 S-81107 / Permit S-53267

Dear Permit Holder:

The Water Rights Section received your written progress report for Permit S-53267. 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 S-53267 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 S-53267 will likely not be approved by the Department unless a suitable measuring device is installed by October 1, 2011.

It is in your best interest to complete development of the project under Permit S-53267 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 S-81107
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 Holders: PHILLIP LENT

Application S-81107
 Permit S-53267

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

RECEIVED

MAY 20 2011

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 perfection of Permit S-53267

WATER RESOURCES DEPT
 SALEM, OREGON

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2004 and October 1, 2009	FINANCIAL INVESTMENT
	Due to Financial difficulties no increase in water demand since 2004	
	The 11 acres of cranberries and home on 20 acres has Not changed	

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

Due to Financial difficulties ~~am~~ Have not met terms or conditions

RECEIVED

MAR 22 2010

WATER RESOURCES DEPT
 SALEM, OREGON

3. Total number of acres irrigated to date = 11 acres (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

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

Phillip Lent
Phillip Lent

Date 02/23/2010

Revised 05/29/2011

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

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: 05/14/11
- 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: S-81107

Permit: S-53267

County: Curry

Source: Surface Water Runoff and Two Reservoirs

Use: Cranberry Operations

**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 #S-53267, Water Right) PROPOSED FINAL ORDER
Application #S-81107)
(Phillip L. Lent))

Permit Information

Application File #S-81107 / Permit #S-53267

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

Date of Priority: April 29, 1996

Authorized Use of Water

Source of Water:	Surface Water Runoff and Reservoir 1 and 2, constructed under Permit #R-12290
Purpose or Use:	Cranberry Operation (Irrigation and Agricultural Use) on 14.86 acres
Maximum Rate:	0.37 cubic feet per second (cfs) from live flow and 25.6 acres feet (af) per year from stored water, being 21.0 af from Reservoir 1 and 4.6 af from Reservoir 2

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

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

This Proposed Final Order applies only to Permit #S-53267, water right Application #S-81107. A copy of Permit #S-53267 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(2) provides 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 or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

OAR 690-315-0050(6) 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 #S-53267 was granted by the Water Resources Department on October 17, 1997. The permit authorizes the appropriation of up to 0.37 cfs from live flow and 25.6 af of stored water from two reservoirs to be

constructed under Permit #R-12290, being 21.0 af from Reservoir #1 and 4.6 af from Reservoir #2, for 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 #S-53267 be extended from October 1, 2001, to October 1, 2005. This is the first permit extension requested for Permit #S-53267.
3. Notification of the permit holder's extension of time request for Permit #S-53267 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 construction of the water development project be amended from October 1, 2005, 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 537.230]

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

¹ ORS 537.248 applies to reservoir permits only.

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 #G-13233 and #R-12290), consisting of development of 11 acres of cranberry bogs, construction of two reservoirs, construction of a well, pumphouse, irrigation system and three phase power. 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) 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 water system began within the time specified in the permit, being October 17, 1998. The work thus far consists of development of 11 acres of cranberry bogs, construction of two reservoirs, construction of a well, pumphouse, irrigation system and three phase power.

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 #S-53267 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 #R-11691 was due to an unforeseen drop in the cranberry market and subsequent cash flow problems.

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 the permit or previous extension conditions. The permit holder has not installed an approved measuring device.

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 #G-13233 and #R-12290), consisting of development of 11 acres of cranberry bogs, construction of two reservoirs, construction of a well, pumphouse, irrigation system and three phase power. 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 permitted point of diversion (the two reservoirs constructed under Permit #R-12290), authorized under Permit #S-53267, are not located within or above the designated boundaries of a 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 diversion, authorized under Permit #S-53267, is located within a stream segment that has been identified by the

Oregon Department of Fish and Wildlife as a "highest" needs ranking area for streamflow restoration for fish.

- b. The permitted point of diversion authorized under Permit #S-53267, 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 point of diversion is not located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified on the Division 33 map furnished by the Oregon Department of Fish and Wildlife.
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 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.
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. The use of water from the permitted water development will result in reasonable returns against the investment made in the project 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 construction of the water system and to have until October 1, 2011, to complete the application of water to beneficial use under the terms of Permit #S-53267 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.
2. The applicant has submitted a complete extension application form and the fee required by ORS 536.050(1)(k).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. 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 complete construction and apply water to full beneficial use pursuant to ORS 537.230(2).

5. Full application of water to beneficial use can be completed by October 1, 2011.²
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.)

² 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.

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 #S-53267 from October 1, 2001, to October 1, 2011.

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.

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.

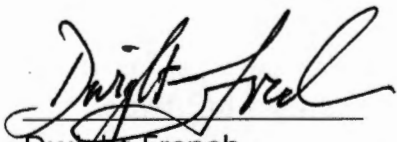
If the Department finds that diligence is questionable, the Department may:

- 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)986-0900. 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.

001

Application No. S 81107

Permit No. 53267

Name PHILLIP L LENT

Address 92457 AIRPORT RD
SIXES, OR 97476

Assigned

Address

Beginning construction 12/17/98

Completion of construction

Extended to

Complete application of water 10/1/01

Extended to

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

Amended

RECEIVED

MAY - 1 1997

WATER RESOURCES DEPT.
SALEM, OREGON



Prepared For: Phillip Lent
Prepared By: Dennis Goude
Date: Revised
4/25/97

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.

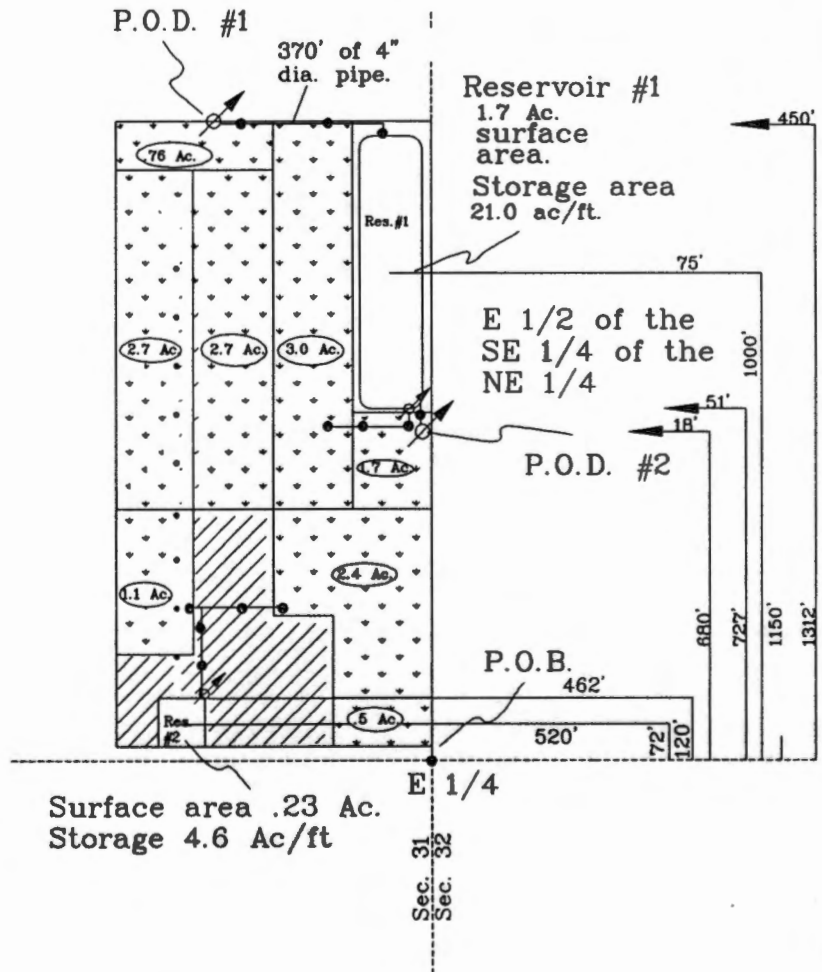
P.O.D. #1 is a screened in ditch 4" diameter pipe.

P.O.D. #2 is a well.

Note:
Reservoir #1 is located 1000 feet North and 75 feet West of the E 1/4 corner.

Reservoir #2 is located 72 feet North and 520 feet West of the E 1/4 corner.

Note:
Pump and pipe P.O.D.
Reservoir #1 - 720 feet North & 51 feet West of P.O.B.
Reservoir #2 - 120 feet North & 462 feet West of P.O.B.



Surface area .23 Ac.
Storage 4.6 Ac/ft

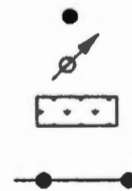
LEGEND

P.O.B.

P.O.D.

CRANBERRY BOGS
14.9 ACRES

PIPE 4" DIA.



Application Number: R-81108
S-31107
G-14301

Application No. S-81107
Permit No. 53267

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: S-81107

SOURCE OF WATER: SURFACE WATER RUNOFF AND RESERVOIRS 1 AND 2, TO BE CONSTRUCTED UNDER APPLICATION R-81108, PERMIT R-12290, TRIBUTARIES OF THE SIXES RIVER

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

MAXIMUM RATE ALLOWED: 0.37 CUBIC FOOT PER SECOND FROM LIVE FLOW AND 25.6 ACRE-FEET (AF) PER YEAR FROM STORED WATER, BEING 21.0 AF FROM RESERVOIR 1 AND 4.6 AF FROM RESERVOIR 2

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND YEAR ROUND FROM STORED WATER ONLY

DATE OF PRIORITY: APRIL 29, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 31, T31S, R15W, W.M.; POD #1 - 1312 FEET NORTH & 450 FEET WEST, POD #2 - 680 FEET NORTH & 18 FEET WEST, RESERVOIR #1 POD - 727 FEET NORTH & 51 FEET WEST, RESERVOIR #2 POD - 120 FEET NORTH AND 462 FEET WEST ALL FROM E1/4 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.

Application S-81107 Water Resources Department

PERMIT 53267

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.

STANDARD CONDITIONS

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

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

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

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

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

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

SEE NEXT PAGE

Actual construction work 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



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

April 24, 2011

PHILLIP LENT
92457 AIRPORT RD
SIXES, OR 97476

REFERENCE: Application S-81107 / Permit S-53267

Dear Permit Holder:

We appreciate your efforts in complying with the terms and conditions of your Extension of Time for Permit S-53267 as demonstrated in your filing of a progress report.

However, the Department has determined two items are not sufficiently addressed. In order to comply with the extension of time condition to submit a progress report, the following information regarding **compliance with terms and conditions of the permit, and the maximum rate of water used to date** must be received by the Department. The following deficiency had been noted in the Proposed Final Order issued May 25, 2004:

Compliance with Conditions

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 the permit or previous extension conditions. The permit holder has not installed an approved measuring device.

Please submit information by **May 24, 2011** explaining how these conditions have been met.

Failure to submit the requested information by this deadline may result in the Department pursuing actions to cancel the undeveloped portion of the permit pursuant to ORS 537.260 or ORS 537.410 to 537.450. Within one year after cancellation, the permittee must submit a Claim of Beneficial Use and Final Proof Survey, pursuant to ORS 537.230 and 537.250, for the portion of the permit developed as October 1, 1997.

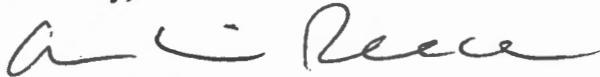
If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be



granted.

If you have any questions concerning the Department's request for additional information, you may contact me by telephone at (503) 986-0827.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann L. Reece".

Ann L. Reece
Water Rights Services Division

cc: Application S-81107
Mitch Lewis, Watermaster District # 19



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

**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holders: PHILLIP LENT

Application S-81107
 Permit S-53267

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 perfection of Permit S-53267

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2004 and October 1, 2009	FINANCIAL INVESTMENT
	Due to Financial difficulties no increase in water demand since 2004	
	The 11 acres of cranberries and home on 20 acres has Not changed	

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

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MAR 22 2010

WATER RESOURCES DEPT
 SALEM, OREGON

3. Total number of acres irrigated to date = 11 acres (if applicable)

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

Maximum rate used to date = _____ 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 Phillip Lent

Date 02/23/2010

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____



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 S-81107 / Permit S-53267

Dear Permit Holder:

On July 14, 2004 the Department issued a Final Order approving an Extension of Time for Permit S-53267. 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,

A handwritten signature in black ink, appearing to be "S. Kudlemyer", written over a horizontal line.

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc:

Application S-81107
Watermaster District 19 – Mitch 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 #S-81107
Permit #S-53267

FO Date: July 14, 2004

Original mailed to:

Phillip L. Lent
92457 Airport Road
Sixes OR 97476

Copies Mailed

By: PL
(SUPPORT STAFF)
on: 7/22/04
(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #S-81107 / Permit #S-53267 ✓
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\s81107.wpd

Final Order
Extension of Time for Permit Number S-53267

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 S-53267. The Department issued permit number S-53267 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:
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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:

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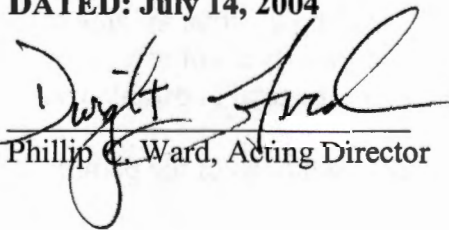
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If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department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

Order

The extension of time for Application Number S-81107, Permit Number S-53267, 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.

Faint, illegible text within a rectangular border, possibly a stamp or header.

Final Order
Extension of Time for Permit Number S-53267

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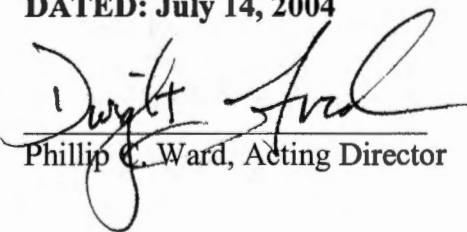
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DATED: July 14, 2004


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.

11-11-2011
11-11-2011

Extension "Final Order" Checklist

Application #S-81107 / Permit #S-53267

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: *5 yr cond - report 2009*
- ✓ 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*

Mailing List for Extension PFO Copies

Application #S-81107
Permit #S-53267

PFO Date: May 25, 2004

Original mailed to:

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

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

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #S-81107 / Permit #S-53267 ✓
2. WRD - Watermaster District: #19 ✓
3. DEQ - Western Region - John Blanchard, Medford ✓
4. ODFW - District #0 - Rogue ✓

Other interested parties:

none

CASEWORKER: LJJ/jd

S:\groups\wr\extensions\P F O\Done\2004 pfos\May\s81107.wpd

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

PHILLIP LENT
 92457 AIRPORT ROAD
 SIXES OR 97476

WR 14301 - 8107-81108 LJ

2. Article Number

(Transfer from service label)

0407-5626

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

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? YesIf YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE



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

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

RECEIVED
JAN 22 2002
WATER RESOURCES DEPT.
SALEM, OREGON

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

01X4172

7301+4172 09



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **50252**

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

INVOICE # _____

RECEIVED FROM: Phillip Lent
BY: _____

APPLICATION	<u>B81107</u>
PERMIT	<u>S53267</u>
TRANSFER	

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

TOTAL REC'D \$ 300.00

0417 WRD MISC CASH ACCT

Ref # 0

ADJUDICATIONS	<u>50253</u>	\$
PUBLICATIONS / MAPS	<u>50237</u>	\$
OTHER: (IDENTIFY)		\$
OTHER: (IDENTIFY)		\$

REDUCTION OF EXPENSE

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	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
<u>240</u> OTHER (IDENTIFY) <u>Ext. of time</u>			\$ <u>7100.00</u>

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 # **50252**

DATED: 01/20/02 BY: C. Vance

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

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

I, Phillip Lent
NAME

92457 Airport Rd Siles ORE 97476 541-348-2270
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. 5-81107, Permit No. 53267, do hereby request that the time in which to:

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

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

RECEIVED
JAN 02 2002
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**).

By maintaining a suitable measuring device
and a sufficient drain from reservoirs
and allowing 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.

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:

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

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

11 acres of Boags - 2 reservoirs, Pump house, Irrigation system, well, three phase power.

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 time

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 time is bad. I can only hope it gets better

RECEIVED
JAN 02 2002
WATER RESOURCES DEPT.
SALEM, OREGON

A) Has there been any change in this market since the permit was issued?

Yes Prices fell 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

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. but with time my harvest increases. At existing .20¢ per lb 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?

The only reason for the collection of surface water from runoff is to be efficient and to prime reservoirs going into dry season.

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.

Phillip J. Lent
Signature

12/31/02
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

RECEIVED
JAN 02 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Application # S-81107 / Permit # S-53267

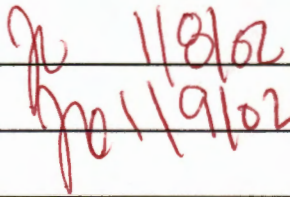
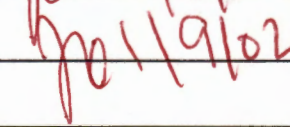
Route Slip ... Extension of Time

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:  1-14-02
(If NOT complete, send certified letter requesting add'l information.)

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

◆ **Jonnine Fuss...**
Initial 30-day Public Notice:  1/8/02
Update Extension Database:  1/9/02
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 #: S - 81107 / Permit #: S - 53267

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 $\frac{1}{4}$ $\frac{1}{4}$ 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: Surface Water Runoff & Res. 1 and Res 2 (const. under Permit R-12290)

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

6. "Q": 0.37 cfs from Live Flow
25.6 AF from 2 Res's. (Res 1 - 21.2 AF) (Res 2 - 4.4 AF) / Orig "A" Date: 10-1-98

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

8. Conditions of Permit: _____

o Before Water Use begins → shall install a meter or other suitable meas. device.

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 ok Estimated Total Cost: *\$230,000.00 ok

* Total for all 3 permits
.... see also File R-81108 (Permit R-12290)
& File G-14301 (Permit G-13233)

(***Estimated Remaining Cost: \$10,000.00*)

✓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?

per 7/19/02 information from applicant, no adequate measuring device

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

- 11.0 ac of Cranberry bogs done
- 2 Reservoirs constructed
- pumphouse & irrig sys. installed
- 3-phase power

✓15. The work remaining to be completed consists of: _____

application of water to beneficial use under permit

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

- Unforeseen Cranberry market slump & 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?
Permit holder has invested approximately 96% of the total estimated cost to complete the project.
Other: _____

allow opportunity for compliance

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)? n/a
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?
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 *after issue date*
 Other: = 2009

✓ 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: 5/25/04

Reviewer's Name: HJ/rd

Protest Deadline Date: 7/2/04

Date: 5/11/04



Oregon

John A. Kitzhaber, M.D., Governor

File # S-81107

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

CERTIFIED MAIL
Return Receipt Requested

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

RECEIVED

- ▶ 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)

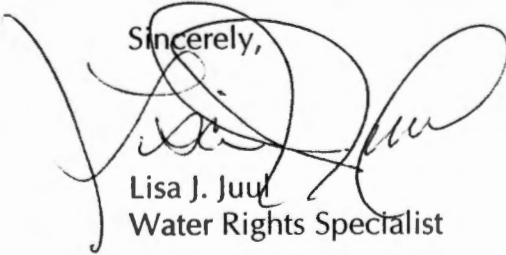
- ▶ Please indicate the date when construction of the reservoirs commenced. 1/07/93
- ▶ How much water (in acre-feet) has been stored in each reservoir? If no water has been stored yet, please indicate so. #1 (.75 acre ft) #2 (16 acre ft)
- ▶ You indicate that a suitable measuring device is being maintained. 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

RECEIVED
FEB 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

File S-81107
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:

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- ▶ **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)

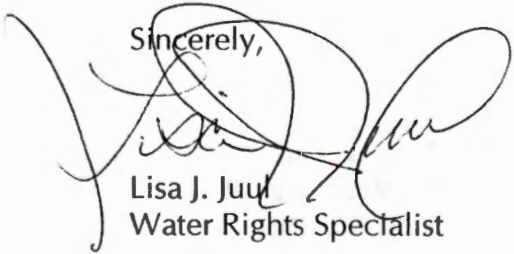
- ▶ Please indicate the date when construction of the reservoirs commenced.
- ▶ How much water (in acre-feet) has been stored in each reservoir? If no water has been stored yet, please indicate so.
- ▶ You indicate that a suitable measuring device is being maintained. Please describe what type of measuring 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



Oregon

John A. Kitzhaber, M.D., Governor

December 28, 2001

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

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

FILE # S-81107

INITIALS: IR PFO SPFO PROTEST FO

IR - STANDARD

REGION & DIST: (1 2- 16 18 - NWR) (3 4 5 - NCR)
(6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)

WATER AVAILABILITY

IR, PFO, SPFO, PROTEST, FO - CONDITIONAL

DIVISION 33-115 thru 140 Y / N (ODFW District Bio

Col Riv Intertribal Fish Comm; USF&W; NW Power Plan Council; & NMFS)

DIVISION 33-310 thru 340 Y / N (ODFW District Bio TODD CONFER)

Agriculture; DEQ Office COOS BAY BRANCH; WM IR Fact Sheet)

AGENT STUNTZNER #126

PFO, SPFO, PROTEST, FO - STANDARD:

REGION & DIST: (see ir standard above)

ODFW District Bio TODD CONFER

PFO, SPFO, PROTEST, FO - CONDITIONAL

WATER AVAILABILITY Y / N

AGENT

\$10 Letter To:

MAILERS INITIALS & DATE

IR	PFO	SPFO	PROTEST	FO
<u> </u>	<u>cap</u>			<u>Call</u>
<u> </u>	<u>7/19</u>			<u>1/5/97</u>
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Application S-81107

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-81107

WATERMASTER : District 19

REGIONAL MANAGER: SW AL COOK

ODF&W - CURRY COUNTY

CWRE (if agent): DENNIS GOUDE, STUNTZNER ENGINEERING, 705 S 4th STREET, PO BOX 118, COOS BAY, 97420

DEQ - PAM BLAKE, COOS BAY BRANCH , 340 N. FRONT ST., COOS BAY, OREGON 97420

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

CASEWORKER : KDD

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **16091**

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

INVOICE # _____

RECEIVED FROM: Philip L. Lent
BY: _____

APPLICATION	81107
PERMIT	
TRANSFER	

CASH: CHECK: # 967419 OTHER: (IDENTIFY)

TOTAL REC'D \$ 290.5

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
(New) TC165	DEPOSIT LIAB. (IDENTIFY)	\$	
(Existing) TC168	WATER RIGHTS:	EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$ <u>100.</u>
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	0206 \$
	WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

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

RECEIPT # **16091**

DATED: 9-23-97 BY: D. Bushnell

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT #

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

INVOICE # **001854**

RECEIVED FROM: Philip L Lent
BY: _____

APPLICATION	81107
PERMIT	
TRANSFER	

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

TOTAL REC'D \$ 61090

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)	\$	
WATER RIGHTS:			
0201	SURFACE WATER	\$	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	0206
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	\$	0219
	LANDOWNER'S PERMIT	\$	0220
	OTHER (IDENTIFY)	\$	

Balance of fees on 001852 + 001855

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

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

RECEIPT # **001854** DATED: 4-29-96 BY: Flu L

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-81107

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.

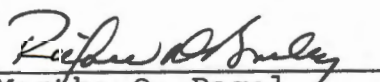
The proposed use would not impair or be detrimental to the public interest.

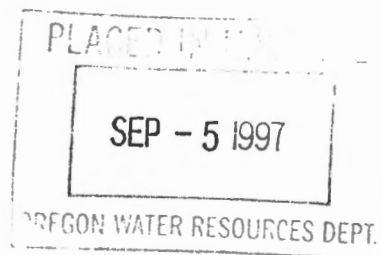
Order

Upon approval of Application R-81108 and payment of outstanding permit recording fees, Application S-81107 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 S-81107.

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: S-81107

SOURCE OF WATER: SURFACE WATER RUNOFF AND RESERVOIRS 1 AND 2, TO BE CONSTRUCTED UNDER APPLICATION R-81108, PERMIT R-_____, TRIBUTARIES OF THE SIXES RIVER

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

MAXIMUM RATE ALLOWED: 0.37 CUBIC FOOT PER SECOND FROM LIVE FLOW AND 25.6 ACRE-FEET (AF) PER YEAR FROM STORED WATER, BEING 21.0 AF FROM RESERVOIR 1 AND 4.6 AF FROM RESERVOIR 2

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND YEAR ROUND FROM STORED WATER ONLY

DATE OF PRIORITY: APRIL 29, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 31, T31S, R15W, W.M.; POD #1 - 1312 FEET NORTH & 450 FEET WEST, POD #2 - 680 FEET NORTH & 18 FEET WEST, RESERVOIR #1 POD - 727 FEET NORTH & 51 FEET WEST, RESERVOIR #2 POD - 120 FEET NORTH AND 462 FEET WEST ALL FROM E1/4 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.

STANDARD CONDITIONS

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

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

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

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

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

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

SEE NEXT PAGE

Actual construction work 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

FO CHECKLIST

FILE # 81107
WEEK # 98 95 st20
7/4

PFO TO FO CONVERSION

REVIEW DATE: 7 / 25 / 97

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. 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. 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 FO w/o PERMIT FO & PERMIT FOMOD

COMMENTS:

Fee

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:\...\FOWEEK 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 S-81107

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) FROM LIVE FLOW AND 28.4 ACRE-FEET FROM STORED WATER
- Use of Water: CRANBERRY OPERATIONS ON 14.9 ACRES
- Source of Water: SURFACE WATER RUNOFF AND THREE UNNAMED RESERVOIRS, TO BE CONSTRUCTED UNDER APPLICATION R-81108, TRIBUTARIES TO THE SIXES RIVER
- Area of Proposed Use: CURRY County within SECTION 31, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: The applicant proposes to appropriate water directly from a 22-acre impervious surface (run-off) screened in-ditch 4 inch pipes. The water will be conveyed through 90 feet of PVC connecting POD #1 to reservoir #1 and 290 feet of PVC will connect POD #2 to reservoir #2. Twenty horsepower pumps will be installed at the reservoirs. Piping from the reservoirs will consist of 4, 3, 2 and 1 ½ inch diameter PVC to and in the bogs. The sprinklers will be on a 40 foot by 40 foot spacing.

On OCTOBER 4, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of a cumulative total of 0.37 CFS from surface water run-off from a 22-acre impervious area, for Cranberry Use (Irrigation & Agriculture Use) on 14.9 Acres, may be allowed from March 1 through April 30 of each year for Irrigation and from December 1 through April 30 of each year for Agricultural Use. The use of legally stored water only under Application R-81108 may be allowed for the period March 1 through October 31 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.

On May 1, 1997, the Department received an amendment to the application. The amendment reduced the amount of water to be appropriated from storage to 25.6 AF, being 21.0 AF from Reservoir 1 and 4.6 AF from Reservoir 2.

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

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

Findings of Fact

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

Senior water rights exist on SURFACE WATER RUNOFF AND TWO UNNAMED RESERVOIRS, TRIBUTARIES TO THE SIXES RIVER, or on downstream waters.

SURFACE WATER RUNOFF AND TWO UNNAMED RESERVOIRS, TRIBUTARIES TO THE SIXES RIVER, are not within or above a State Scenic Waterway.

Water from live flow is available for further appropriation (at an 80 percent exceedance probability) for the period DECEMBER 1 THROUGH APRIL 30. Use of stored water is allowable 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 and 25.6 AF, is allowable.

In accordance with OAR 690-3-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff.

The interagency team did not recommend that any additional conditions of use be imposed on this application.

Conclusions of Law

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

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

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.

For these reasons, the required presumption has been established.

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

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

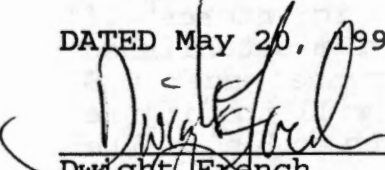
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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

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 537.153(6) or 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: S-81107

SOURCE OF WATER: SURFACE WATER RUNOFF AND RESERVOIRS 1 AND 2, TO BE CONSTRUCTED UNDER APPLICATION R-81108, TRIBUTARIES OF THE SIXES RIVER

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

MAXIMUM RATE ALLOWED: 0.37 CUBIC FOOT PER SECOND FROM LIVE FLOW AND 25.6 ACRE-FEET FROM STORED WATER, BEING 21.0 AF FROM RESERVOIR 1 AND 4.6 AF FROM RESERVOIR 2

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND YEAR ROUND FROM STORED WATER ONLY

DATE OF PRIORITY: APRIL 29, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 31, T31S, R15W, W.M.; POD #1 - 1312 FEET NORTH & 450 FEET WEST, POD #2 - 680 FEET NORTH & 18 FEET WEST, RESERVOIR #1 POD - 727 FEET NORTH & 51 FEET WEST, RESERVOIR #2 POD - 120 FEET NORTH AND 462 FEET WEST ALL FROM E1/4 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.

STANDARD CONDITIONS

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

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

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

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

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

Application S-81107

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

Actual construction work shall begin within one year from permit issuance. 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 S-81107 Water Resources Department
Basin 17 Volume 3 SIXES R & MISC
LKS MGMT.CODE

PERMIT DRAFT
District 19

Application No. 81107

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

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 waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: Surface water runoff from a 22 acre
impervious surface to charge two reservoirs.

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 37 cubic feet per second, OR 167 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. INTENDED USE(s) OF WATER: Cranberry Usage

RECEIVED

APR 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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	<u>14.9</u>
Other (describe)	_____

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

The point of diversion will be a screened in-ditch 4" diameter pipe. A total of 90 feet of PVC will connect P.O.D. #1 to reservoir #1 and 290 feet of PVC will connect P.O.D. #2 to reservoir #2. Twenty horsepower pumps will be installed at the reservoirs. Piping from the reservoirs will consist of combinations of 4", 3", 2" and 1 1/2 " diameter PVC to and in the bogs. The sprinklers will be on a 40' X 40" spacing.

P.O.D. #1 will be located 1312 feet North and 450 feet West of the E 1/4 corner of Section 31, Township 31 South, Range 15 West. P.O.D. #2 will be located 680 feet North and 80 feet West of the E 1/4 corner.

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APR 29 1996

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

WATER RESOURCES DEPT.
SALEM, OREGON

Proposed date construction work will begin Oct. 1996
 Proposed date construction work will be completed Oct. 1997
 Proposed date water use will be completed Oct. 1998

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

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

REMARKS:

Lined area for handwritten remarks.

RECEIVED

APR 29 1996

WATER RESOURCES DEPT. SALEM, OREGON

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.

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

Phillip J. Levent
Signature of Applicant

04/26/96
Date

Signature of Co-Applicant, if any

Date

**OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION**

Water Rights Application
Number S-81107

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) FROM LIVE FLOW AND 28.4 ACRE-FEET FROM STORED WATER
- Use of Water: CRANBERRY OPERATIONS ON 14.9 ACRES
- Source of Water: SURFACE WATER RUNOFF AND THREE UNNAMED RESERVOIRS, TO BE CONSTRUCTED UNDER APPLICATION R-81108, TRIBUTARIES TO THE SIXES RIVER
- Area of Proposed Use: CURRY County within SECTION 31, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: The applicant proposes to appropriate water directly from a 22-acre impervious surface (run-off) screened in-ditch 4 inch pipes. The water will be conveyed through 90 feet of PVC connecting POD #1 to reservoir #1 and 290 feet of PVC will connect POD #2 to reservoir #2. Twenty horsepower pumps will be installed at the reservoirs. Piping from the reservoirs will consist of 4, 3, 2 and 1 ½ inch diameter PVC to and in the bogs. The sprinklers will be on a 40 foot by 40 foot spacing.

On OCTOBER 4, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of a cumulative total of 0.37 CFS from surface water run-off from a 22-acre impervious area, for Cranberry Use (Irrigation & Agriculture Use) on 14.9 Acres, may be allowed from March 1 through April 30 of each year for Irrigation and from December 1 through April 30 of each year for Agricultural Use. The use of legally stored water only under Application R-81108 may be allowed for the period March 1 through October 31 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.

On May 1, 1997, the Department received an amendment to the application. The amendment reduced the amount of water to be appropriated from storage to 25.6 AF, being 21.0 AF from Reservoir 1 and 4.6 AF from Reservoir 2.

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

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

Findings of Fact

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

Senior water rights exist on SURFACE WATER RUNOFF AND TWO UNNAMED RESERVOIRS, TRIBUTARIES TO THE SIXES RIVER, or on downstream waters.

SURFACE WATER RUNOFF AND TWO UNNAMED RESERVOIRS, TRIBUTARIES TO THE SIXES RIVER, are not within or above a State Scenic Waterway.

Water from live flow is available for further appropriation (at an 80 percent exceedance probability) for the period DECEMBER 1 THROUGH APRIL 30. Use of stored water is allowable 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 and 25.6 AF, is allowable.

In accordance with OAR 690-3-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff.

The interagency team did not recommend that any additional conditions of use be imposed on this application.

Conclusions of Law

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

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

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.

For these reasons, the required presumption has been established.

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

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

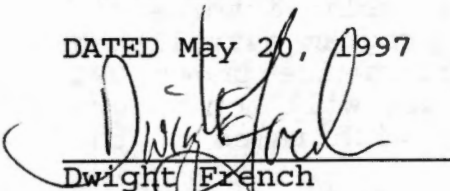
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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

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 537.153(6) or 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: S-81107

SOURCE OF WATER: SURFACE WATER RUNOFF AND RESERVOIRS 1 AND 2, TO BE CONSTRUCTED UNDER APPLICATION R-81108, TRIBUTARIES OF THE SIXES RIVER

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

MAXIMUM RATE ALLOWED: 0.37 CUBIC FOOT PER SECOND FROM LIVE FLOW AND 25.6 ACRE-FEET FROM STORED WATER, BEING 21.0 AF FROM RESERVOIR 1 AND 4.6 AF FROM RESERVOIR 2

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND YEAR ROUND FROM STORED WATER ONLY

DATE OF PRIORITY: APRIL 29, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 31, T31S, R15W, W.M.; POD #1 - 1312 FEET NORTH & 450 FEET WEST, POD #2 - 680 FEET NORTH & 18 FEET WEST, RESERVOIR #1 POD - 727 FEET NORTH & 51 FEET WEST, RESERVOIR #2 POD - 120 FEET NORTH AND 462 FEET WEST ALL FROM E1/4 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.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance. 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



TELEPHONE (541) 267-2872
FAX (541) 267-0588

705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY • BROOKINGS • WILSONVILLE

RECEIVED

MAY - 1 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Dept.
Commerce Building
158 12th Street NE
Salem, OR 97310-0210
Attn. Laura K. Snedaker

RE: Application File # R-81108 and S-81107 Modifications.

Reservoirs as shown on the original application map, located in the Northwest and Southeast corners of the property have been deleted and replaced by one reservoir located along the East property line.

The two reservoirs are off channel, trench type reservoirs, lined with clay. Neither reservoir has a live ground water flow.

P.O.D. #3 has been deleted.

The amount of water stored is being amended from 28.4 acre-feet to 24.6 acre-feet.

The primary source of water for reservoir #1 will be surface runoff and the supplemental source will be ground water.

The maximum depth of each reservoir will be twenty feet.

If you have any other questions, please call.

Sincerely,
Stuntzner Engineering & Forestry, LLC

A handwritten signature in cursive script that reads "Dennis Goude".

Dennis Goude

October 4, 1996

PHILLIP L LENT
92457 AIRPORT RD
SIXES, OREGON 97476

Reference: File S-81107

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 potential limitations to your proposed use of water and to describe some of your options. 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 CRANBERRY USE (IRRIGATION AND AGRICULTURE USE) ON 14.9 ACRES **is allowed** under OAR 517, the South Coast Basin Program (OAR 690-517-001(8)).
4. The use of a maximum cumulative total of 0.37 cubic foot per second (cfs) of water for CRANBERRY USE (IRRIGATION AND AGRICULTURE USE) ON 14.9 ACRES, being 0.37 cfs for Irrigation and 0.37 cfs for Agriculture Use, from surface water run-off from a 22-acre impervious area, tributary to Sixes River, **is not available** May 1 through November 30.
5. The use of stored water constructed under application R-81108 for Cranberry Use (Irrigation and Agriculture use) may be allowed year round.



Phillip L. Lent
File S-81108
October 4, 1996
Page 2

Summary of Initial Determinations

The use of a maximum cumulative total of 0.37 cubic foot per second (cfs), from surface water run-off from a 22-acre impervious area, tributary to Sixes River, for CRANBERRY USE (IRRIGATION AND AGRICULTURE USE) ON 14.9 ACRES, being 0.37 cfs for Irrigation and 0.37 cfs for Agriculture Use, may be allowed March 1 through April 30 of each year for Irrigation and from December 1 through April 30 of each year for Agriculture Use.

The use of legally stored water under application R-81108 for CRANBERRY USE (IRRIGATION AND AGRICULTURE USE) ON 14.9 ACRES may be allowed from March 1 through October 31 for Irrigation and year round for Agriculture Use.

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 above your application will likely be limited as summarized above.

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 S-81108
October 4, 1996
Page 3

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

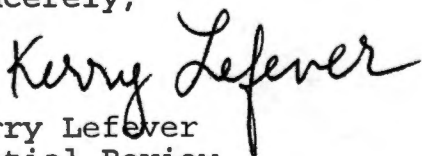
1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The amount of water diverted for CRANBERRY 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. 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

RECEIVED

NOV 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon



DEPARTMENT OF
FISH AND
WILDLIFE

GOLD BEACH
DISTRICT OFFICE

November 11, 1996

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Water Right Application #S 81107 and #S 81108

I met with Mr. Phillip Lent on 11/1/96 to review his water right application and to inspect the proposed site of diversion and storage. There are no species of game fish present at this location. Because no game fish are present, the Oregon Department of Fish and Wildlife will not require fish passage facilities or screening of the project. The proposed POD is not within an identified source area (trriage, 3/26/96), so the period of use should be determined by OWRD water availability analysis.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Bradley".

Robert W. Bradley
Assistant District Fish Biologist
South Coast District

cc: Lent
Habitat Conservation Division
WaterWatch



746 Airport Way
PO Box 642
Gold Beach, OR 97444
(503) 247-7605
FAX (503) 247-2321

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 # 81107 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 S 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: No fish present at POD. Coho adults & juveniles migrate through mainstem sixes.

- ODFW Recommendation:**
- Approval with fishery conditions See #3 Above
 - Approval without fishery conditions
 - Denial

ODFW Representative(s)
Name: Scott Cooper

Date: 1/6/97

Name: _____

Date: _____

WATERMASTER'S Division 33 Review Comment WORK SHEET

S-81107 } Lent 14 Day Deadline
R-81108 }
G-14301 }

APPLICATION NO. _____

- SOURCE of WATER
- GROUNDWATER
 - SURFACE WATER
 - STORAGE

DESCRIPTION of the SOURCE Un'nd Str ('Surface water runoff') G.W., 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

Trans to Saxes

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: 1/6/96 Suspense Date: _____

Application # 5-81107 Name: Jent

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: _____

DEQ Recommendation: - pending WR/conditions by fish force.

- _____ 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: _____ Date: _____

Name: _____ Date: _____

PFO CHECKLIST

Application #S-81107

Basin: SOUTH COAST WAB: 2200Township 31 SOUTH Range 15 WEST Section 31 SE 1/4 NE 1/4 _____no A1. Public Interest Screen Criteria 1. Is the file complete by the Completeness Checklist? 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) No 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter indicating hold, or other)n/a 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary) a. Is second groundwater review necessary? (objection) b. Is HB 1033 review complete?n/a 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.no 6. Is the Proposed Use located in or above a Scenic Waterway?no 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)yes 8. Is the use allowed or limited by the Basin Program?n/a 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) 10. Water Availability Data has been verified (80% live flow & 50% storage after July 17, 1992) 11. Rate CRANBERRY OPERATIONS Duty 1/40 (IRR OF CRANBERRIES) 1/80 FOR ANY OTHER CROP 12. Period of Allowed Use MARCH 1 - APRIL 30 FROM RUN-OFF, YEAR ROUND FROM WATER LEGALLY STOREDn/a 13. Is use from a B.O.R. project and if so, is a signed contract in the file? 14. Division 33 has been addressed - if applicable (filed after June 3, 1994) 15. Have conflicts been identified, verified and/or addressed? 16. The use is use Medium ≥ 0.1 cfs 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO 18. Fill out Accuracy Checklist 19. Spell Check 20. Documents used in determination are attached and highlighted 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.no a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) 22. Final PFO report hard copy check (format, margins, etc.) 23. Final PFO has been saved to m:\t\pfo\done\week #81\ application #S-81107Name: KEN DOWDEN Date: FEBRUARY 4, 1997 KDD + LKS 3-18-97
+ 5-8-97

$$14.3 \times 0.15 = 2.23 \text{ cfs}$$

$$14.3 \times \frac{1}{40} = 0.3725 \text{ cfs}$$

$$14.3 \times 3 = 44.7 \text{ acf}$$

30 EVA

CERTIFIED MAIL
Return Receipt Requested

APRIL 18, 1997

WATER
RESOURCES
DEPARTMENT

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.

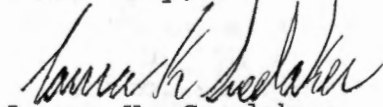
Revised Map: For the new reservoir please identify, if applicable, on the application map, the location of the dam and the coordinates, from a recognized public land survey corner, to the dam location.

- ▶ **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

File: R-81108 & S-81107 for Phillip Lent

Date: April 22, 1997

Name: Dennis Goude, CWRE for applicant

Questions regarding request for additional information and revised application map. What wrong with map? Skimmed letter, have not completely read yet.

Map needs to show POD locations, and their coordinates, for where water will be taken out of reservoirs. Map also needs to show, if applicable, location of dam and its coordinates for reservoir 1.

Additional information - Need to have information required on application for reservoirs for Reservoir 1, the new reservoir. Information described in letter and in current groundwater application, attached. Also need confirmation that amending applications to store and use less stored water.

Need additional information on the sump reservoir to determine whether can be allowed. Referred to Mike Mattick for additional information on this issue.

Needed information is described in letter. If after reading have further questions give me a call.

Will contact Mr. Lent and discuss with him and will call Mike Mattick for further info on potential problem with sump reservoir.

S-81107

Map - does not identify coordinates
of POD'S on reservoirs

R-81108

clarify - only want 2 res's for total
storage of 21.1 ac-ft.

res # 1 - not previously identified

does it have a dam - if so need
to submit dam info & give coordinates
of dam.

also provide max depth of each res.

LKS

3-24-97 - voice mail

3:08 - Phillip Hunt

needs 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.



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

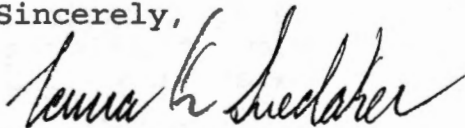
- ▶ **For Application G-14301:** A revised application map needs to be submitted. The revised map needs to identify the place of use by tax lot, in addition to township, range, section, and nearest quarter-quarter section.

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: S-81107

Applicant: PHILLIP L LENT

County: Curry

Priority Date :April 29, 1996

Source: SURFACE WATER RUNOFF, A TRIBUTARY OF SIXES RIVER IN Three
RESERVOIRS

Use: CRANBERRY USAGE ON 14.9 ACRES

Quantity: 0.37 CUBIC FOOT PER SECOND

Basin Name & Number: South Coast, #17

Point of Diversion Location: SENE, SECTION 31, T31S, R15W, W.M.; 1312 FEET
NORTH & 450 FEET WEST FROM E1/4 CORNER, SECTION 31 SENE, SECTION 31,
T31S, R15W, W.M.; 680 FEET NORTH & 80 FEET WEST FROM E1/4 CORNER,
SECTION 31

Place of Use: %%SENE 14.9 ACRES @@SECTION 31 **TOWNSHIP 31 SOUTH,
RANGE 15 WEST, W.M. \$\$\$

FOR OFFICE USE ONLY

IR CHECKLIST

Application #: S-81107 Vol _____ Subbasin _____

Basin: 17 WAB: 2200 POU-WAB: 2200

Township 31 south Range 15 west Section 31 1/4 1/4 _____

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 _____
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 690-517-801 (8)

6. Withdrawn? Y / N season allowed _____

7. Basin Maps have been checked Y / N The River Mile is Sixes R

8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA water avail - Dec 1 - Apr 30

9. Rate/Duty/Season water avail. - 12 - March 1 - Oct 31; Ag - year-round

10. Use Cranberry 12 of 14.9 acres Period of Allowed Use 12 - March 1 - Apr 30, Ag Dec 1 - Apr 30

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 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 water avail.

CC: CWRE

See R-81108 & G14301

Requested 0.37 cfs for 12 of 14.9 ac for Cranberry use

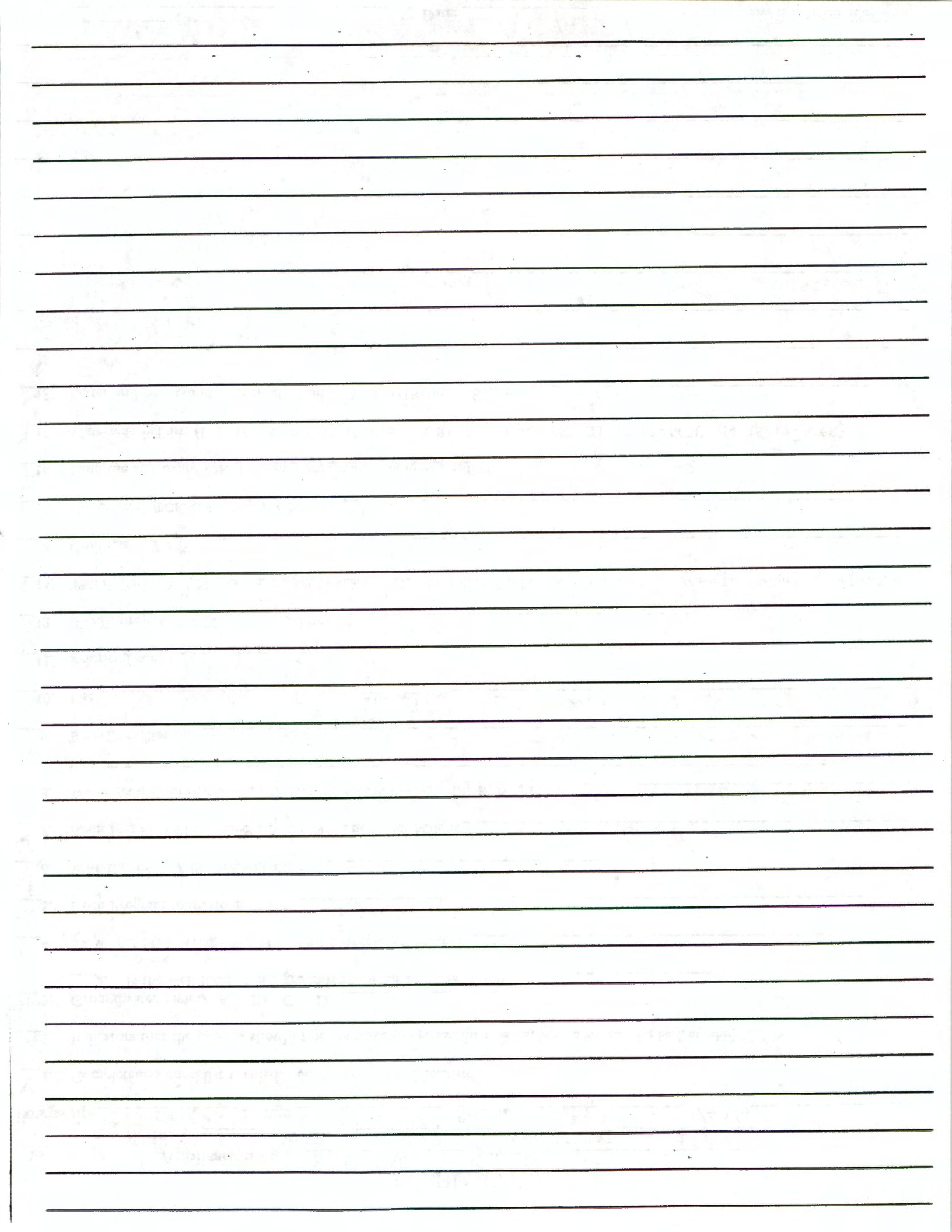
14.9 ac (0.15) = 2.23 cfs

14.9 ac (1/80) = 0.19 cfs

14.9 ac (1/40) = 0.37

Name: Kerry Lefever

Date: 8/12/96



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.

WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 80
 Water Availability Subbasin: 2200000000000000 (and Nested Subbasins)
 Time: 14:04 Date: 09/30/1996

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	2200000000000000	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES

Basin: SOUTH COAST
 Water Availability Subbasin: 2200000000000000 (and Nested Subbasins)
 Time: 14:04 Date: 09/30/1996

WAB #	Stream Name	Tributary to
2200000000000000	SIXES R	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 2200000000000000
 Basin: SOUTH COAST
 Exceedance Level: 80
 Time: 14:04 Date: 09/30/1996

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	2200000000000000	SIXES R	YES	68.8
2	2200000000000000	SIXES R	YES	211.0
3	2200000000000000	SIXES R	YES	198.0
4	2200000000000000	SIXES R	YES	67.0
5	2200000000000000	SIXES R	NO	-77.5
6	2200000000000000	SIXES R	NO	-72.6
7	2200000000000000	SIXES R	NO	-15.5
8	2200000000000000	SIXES R	NO	-23.1
9	2200000000000000	SIXES R	NO	-25.7
10	2200000000000000	SIXES R	NO	-199.0
11	2200000000000000	SIXES R	NO	-133.0
12	2200000000000000	SIXES R	YES	72.7
Stor	2200000000000000	SIXES R	YES	163000.0

No water May 1 - Nov 30

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: SIXES R > PACIFIC OCEAN

Water Availability Subbasin: 2200000000000000

Exceedance Level: 80

Time: 14:04

Date: 09/30/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	288.00	0.00	288.00	4.21	283.80	215.00	68.80
2	431.00	0.00	431.00	4.55	426.00	215.00	211.00
3	393.00	0.00	393.00	4.51	388.00	190.00	198.00
4	261.00	0.00	261.00	4.00	257.00	190.00	67.00
5	115.00	1.00	114.00	1.46	112.50	190.00	-77.50
6	51.10	2.20	48.90	1.46	47.40	120.00	-72.60
7	30.50	3.40	27.10	2.56	24.50	40.00	-15.50
8	21.20	2.80	18.40	1.46	16.90	40.00	-23.10
9	17.00	1.20	15.80	1.46	14.30	40.00	-25.70
10	17.70	0.20	17.50	1.46	16.00	215.00	-199.00
11	83.50	0.20	83.30	1.37	82.00	215.00	-133.00
12	292.00	0.00	292.00	4.29	287.70	215.00	72.70
Stor	263000	635	263000	1960	261000	113000	163000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: SIXES R > PACIFIC OCEAN

Water Availability Subbasin: 2200000000000000

Time: 14:04

Date: 09/30/1996

APP # :	ISWRs	RESULTANT
421A	0	
70877A	0	
Cert.	0	
App.	0	

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	215.0	215.0	0.0	0.0	0.0	215.0	C
2	215.0	215.0	0.0	0.0	0.0	215.0	C
3	190.0	190.0	0.0	0.0	0.0	190.0	C
4	190.0	190.0	0.0	0.0	0.0	190.0	C
5	190.0	190.0	0.0	0.0	0.0	190.0	C
6	120.0	120.0	0.0	0.0	0.0	120.0	C
7	40.0	40.0	0.0	0.0	0.0	40.0	C
8	25.0	40.0	0.0	0.0	0.0	40.0	A
9	25.0	40.0	0.0	0.0	0.0	40.0	A
10	215.0	215.0	0.0	0.0	0.0	215.0	C
11	215.0	215.0	0.0	0.0	0.0	215.0	C
12	215.0	215.0	0.0	0.0	0.0	215.0	C

white oak
or part oak

TOWNSHIP 31S		RANGE 15W		W. M.		SECTION 31	
NE	NW	SE	SW	NE	NW	SE	SW
SE	SW	SE	SW	SE	NW	SW	SE
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES							
10 7/8							
45039 03661 CANCELED							
65044 47642							
65044 47642							
R-5236 R-8803							
R-5236 R-8803							
7-824							
7-824							
7-824							
6-12450							
6-12450							
6-12450							

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

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, 1996, at 8 o'clock, A M.

APPLICATION NO: 81167

PERMIT NO: _____

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	AGRICULTURAL FARM DIST	X	X	X
Sec 31) T. 31 S	R 15 W, AFD			

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. 5-8107
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>	

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WATER RESOURCES DEPT.
SALEM, OREGON

1991 Curry Co. Instrument 91 01445



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 70602



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.

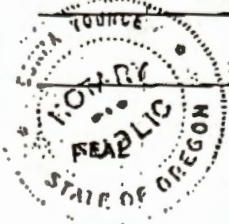
The true consideration for this conveyance is \$32,500.00

DATED this 18th day of March 19 91

Handwritten signatures of Harold L. Knapp and Mary A. Knapp over their printed names.

STATE OF OREGON, County of Curry, ss. CORPORATE ACKNOWLEDGMENT 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



Notary Public for Oregon My commission expires: 7/19/92

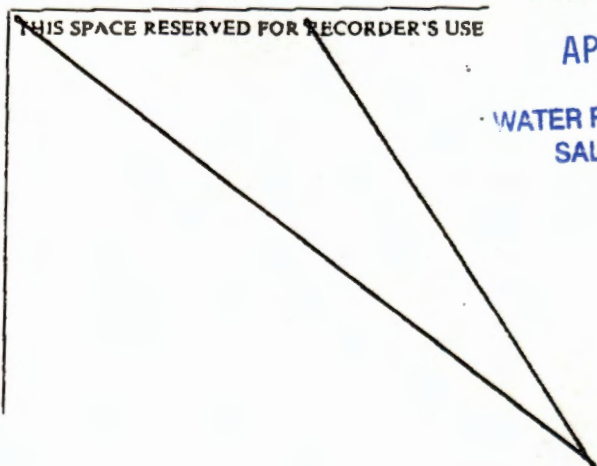
SEAL

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



Application No. 5-81107
Permit No.

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WATER RESOURCES DEPT. SALEM, OREGON

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, 1978, in Volume 64, Page 228, Curry County Book of Records. (Specific location not given in recorded document)

STATE OF OREGON }
 COUNTY OF CURRY }
 91 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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WATER RESOURCES DEPT.
SALEM, OREGON

america Title Insurance Company

and 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 gran-
tee to secure, among other things, the performance of certain obligations of the grantor to the said ben-
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 hereinaf-
described.

By reason of said default, the owner and holder of the obligations secured by said trust deed, being the ben-
ficiary therein named, or his successor in interest, declared all sums so secured immediately due and owing; a n-
tice of default, containing an election to sell the said real property and to foreclose said trust deed by adverti-
ment 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 f
and place of sale of said real property as fixed by him and as required by law; copies of the trustee's said noti-
of sale were mailed by U. S. registered or certified mail to all persons entitled by law to such notice at their respecti-
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 f-
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 public-
tion of said notice occurred at least twenty days prior to the date of such sale. The mailing, service and public-
tion of said notice of sale are shown by one or more affidavits or proofs of service duly recorded prior to the da-
of sale in the mortgage records of said county, said affidavits and proofs, together with the said notice of default an
election to sell and the trustee's notice of sale, being now referred to and incorporated in and made a part of th-
trustee's deed as fully as if set out herein verbatim. On the date of said notice of sale, the undersigned trustee ha-
no actual notice of any person, other than the persons named in said affidavits and proofs having or claiming a lie-
on 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 c-
2:00 o'clock, P. M., of said day, Standard Time as established by Section 187.110, Oregon Revised Statute:
(which section is hereby incorporated by reference in its entirety), and at the place so fixe-
for sale, as aforesaid, in full accordance with the laws of the State of Oregon and pursuant to the powers conferre-
upon him by said trust deed, sold said real property in one parcel at public auction to the said second party for th-
sum of \$17,250.79 he being the highest and best bidder at such sale and said sum being the highest and bes-
sum bid for said property. The true and actual consideration paid for this transfer is the sum last stated in terms o-
dollars. However, the actual consideration is not to be construed as including any amount of money or value given or promised which wa-
part of the consideration for the property sold.

NOW THEREFORE, in consideration of the said sum so paid by the second party in cash, the receipt whereo-
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 con-
vey 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), Town-
ship Thirty-One (31) South, Range Fifteen
(15) West, Willamette Meridian, Curry
County, Oregon, except the portion thereof
lying South of Airport Road.

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WATER RESOURCES DEPT.
SALEM, OREGON

(CONTINUED ON REVERSE SIDE)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:
MALCOLM J. CORRIGALL
Attorney at Law
P. O. Box 1179

STATE OF OREGON, } ss.
County of _____
I certify that the within instru-
ment was received for record on the
day of _____, 19 _____,
at _____ o'clock _____ M., and recorded
in book _____ on page _____ or as
file/reel number _____
Record of Deeds of said county.

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # 81107

MINIMUM REQUIREMENTS TO FILE

OAD 690-11-020

DATE STAMP

DATE
4-25-96

INITIAL
AS

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

5/8/96

CW

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:

Name/address of adjacent property owner within 1/4 mile

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
- 81107	4/29/96	<i>AK</i>

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

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

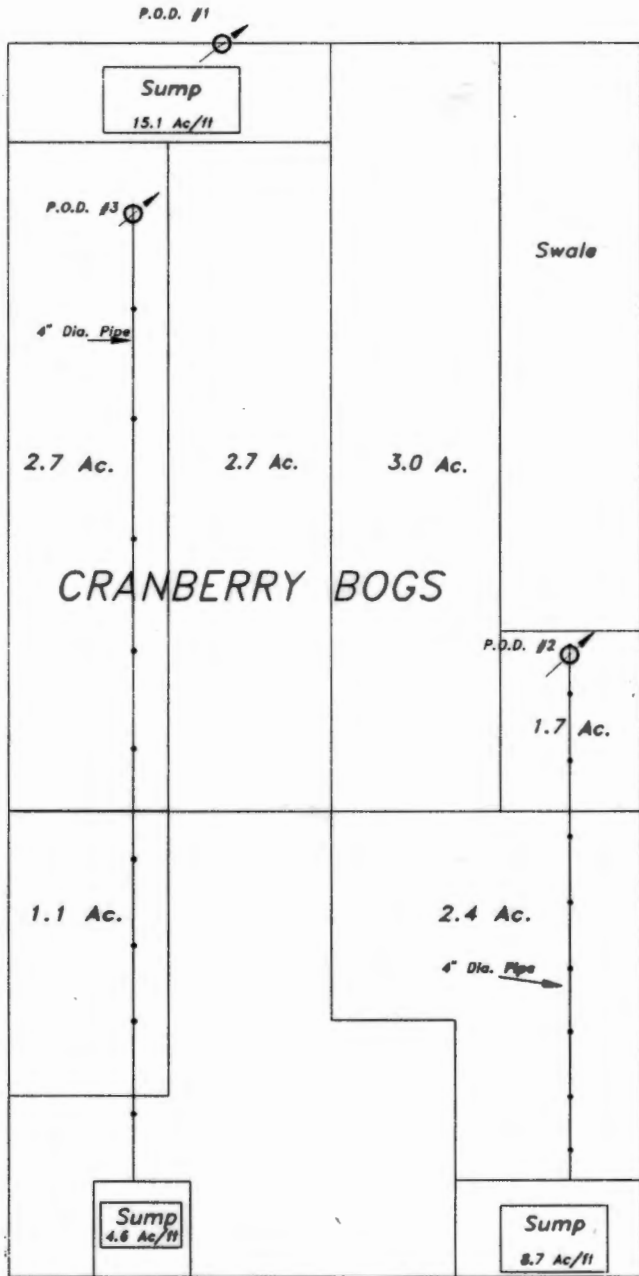
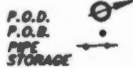
Note:
 P.O.D. #1 is located 1312 feet North and 450 feet West of the E 1/4 corner.

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



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WATER RESOURCES DEPT.
 SALEM, OREGON

Stuntzner Engineering & Forestry

706 So. 4th Street
 P.O. Box 118
 Coos Bay, Oregon 97420
 Phone (503) 267-2872
 Fax (503) 267-0588

Application No. **S-81107**

Permit No. **SUPERSEDED**

FILE#: S 81107

PHILLIP L LENT
92457 AIRPORT RD
SIXES, OR 97476