

IMPORTANT MESSAGE

1998

FOR FRIDAY 499 DATE 4-17 TIME 833 A.M.
P.M.

M. JEFF MACE

OF PHONED

PHONE FAX MOBILE 541-572-8204 RETURNED YOUR CALL

AREA CODE NUMBER EXTENSION

MESSAGE WESTBROOK LET PLEASE CALL

PFO WILL CALL AGAIN

S-83741 CAME TO SEE YOU

WANTS TO SEE YOU

SIGNED _____ **Tops** FORM 4006

OF FAX MOBILE 541-572-8204 RETURNED YOUR CALL

PHONE AREA CODE NUMBER EXTENSION

MESSAGE STATUS PLEASE CALL

I.R. WILL CALL AGAIN

WHEN? CAME TO SEE YOU

WANTS TO SEE YOU

SIGNED _____ **Tops** FORM 4006

FOR _____

DATE Wed 2-18 TIME 1242 A.M.
P.M.

FROM JEFF MACE

FIRM _____

PHONE 541-342-1243 RETURNED YOUR CALL

AREA CODE NUMBER EXTENSION

FAX MOBILE RM 196 CAME TO SEE YOU

AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE 4 FILES

LOGGING CONVENTION

2-20-98 CONVENTION

OVER!

SIGNED _____ **Tops** FORM 4007 MADE IN U.S.A.

MESSAGE

called Reuse Ben
6/9/98 concern
33 comments. a
response. This
stored H₂O from
channel Res's;
is addressed by con
for Res's. NA to this
for stored H₂

MEMO -Proof to Satisfaction (March 17, 2014)

Application # <u>15-83741</u>	Permit # <u>S-53529</u>	Transfer #
WRD Reviewer <u>J. Pierceall</u>	Date <u>6-4-2020</u>	
WRD Peer Reviewer	Date	

Research

- Organize file in chronological order
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- Water Organization identified using AOI? No Yes
If "Yes" cc: _____ & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict? No Yes
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, QQ's? No Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- Fish Conditions
- Meter/measuring device -
- Water Use Reporting -
- Pump Test (post December 19, 1988)
- Other Conditions 2007 Prog Rep
- SWL
- C-Date _____

Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

Review CBUS for R-88425 & R-88426

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

___ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

___ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

___ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

___ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

Original source reservoirs canceled.

Two new res. auth by permits in 2018



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 26, 2018

Coquille Indian Tribe
Attn: Todd Tripp, Property & Project Manager
3050 Tremont Street
North Bend OR 97459

On September 17, 2018 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-83741 Permit S-53529

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

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

Customer Service phone: (503) 986-0801

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file
Theodore Ressler, CWRE

Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <u>5-83741</u>	WRD Reviewer <u>J Skaug</u>
Transfer # <u>n/a</u>	
Date Received <u>9/17/2018</u>	
CWRE Name <u>Theodore P. Pessler</u>	

Priority Date: 12/30/1997

Fees Required:

YES NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP

DATE: _____ RECEIPT #: _____

RECEIVED FROM: _____ APPLICATION PERMIT TRANSFER

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

1083 TREASURY 4170 MISC CASH ACCT.

0407 COPIES _____ \$ _____
OTHER (IDENTIFY) _____ \$ _____

0243 Instream Lease _____ 0244 Multi Water Mgmt Plan _____ 0245 Cons. Water _____

1083 TREASURY 4270 WRD OPERATING ACCT.

MISCELLANEOUS

0407 COPY & TAPE FEES 4611 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE (IDENTIFY) \$ _____
TC162 DEPOSIT LNS (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS

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

WELL CONSTRUCTION

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

0200 OTHER (IDENTIFY) COBU \$ 200.00

0407 TREASURY 0487 HYDROELECTRIC

0233 POWER LICENSE FEE (PWWRD) LIC NUMBER \$ _____
0231 HYDRO LICENSE FEE (PWWRD) \$ _____

HYDRO APPLICATION \$ _____

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT - LETTER ATTACHED

Groundwater File Review:

Pump Test Required? YES NO Pump Test Submitted? YES NO*

*If no, include pump test flyer w/acknowledgment letter

V/d conditions meter yes water use reporting yes

Pump Capacity Calculator

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 30
Efficiency = 6.61
Lift = 134
PSI = 0

Results Calculated

$(hp)(\text{efficiency}) = 198.3$
Head based on psi = 0.0
Total dynamic head = 134.0
(head + lift)

Pump Capacity = 1.480 cubic feet per second

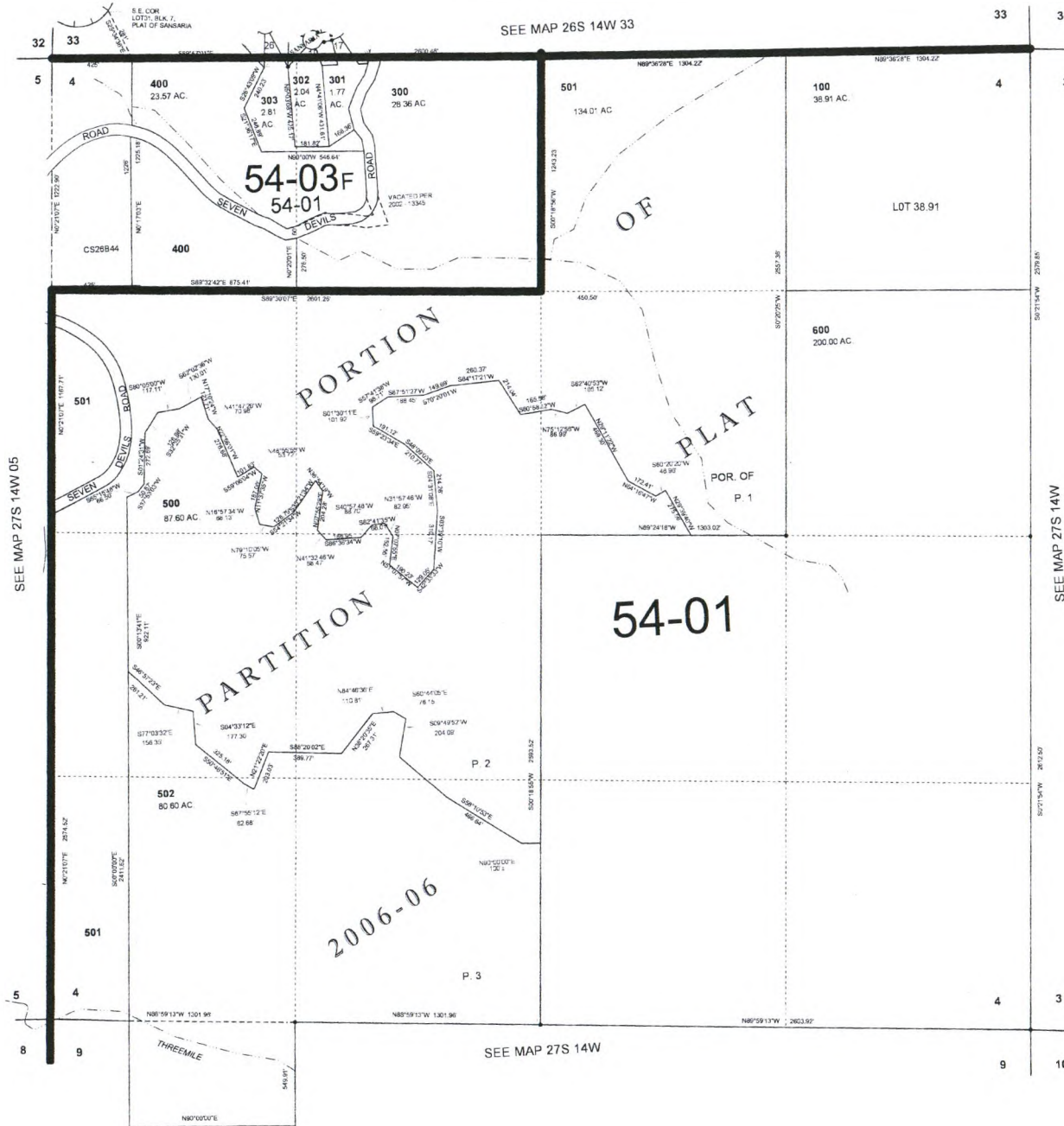
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 4 T27S R14W W.M.
COOS COUNTY

1" = 400'

27S 14W 04
CANCELLED NO

- 401
- 402
- 403
- 304
- 305
- 306
- 404
- 405
- 200
- 700



8-21-2006

27S 14W 04

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WESTBROOK LAND AND TIMBER LLC, JEFF MACE
PO BOX 475
COQUILLE, OREGON 97423

(541)572-8204

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

APPLICATION FILE NUMBER: S-83741

SOURCE OF WATER: THREE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-83738,
R-83739, and R-83740

PURPOSE OR USE: CRANBERRY USE ON 50.0 ACRES AND DOMESTIC EXPANDED

MAXIMUM VOLUME ALLOWED: 410 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 30, 1997

POINT OF DIVERSION LOCATION FROM THE RESERVOIRS: SW 1/4 NW 1/4, SE 1/4
NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SECTION 4, T27S, R14W, W.M.

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(cfs) per acre; For flood harvesting or pest control, 0.05 cfs per acre; For irrigation of cranberries, ONE-FORTIETH of one cfs 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 cfs and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 4.3 ACRES
SW 1/4 NW 1/4 7.6 ACRES & DOMESTIC
SE 1/4 NW 1/4 3.6 ACRES
NE 1/4 SW 1/4 22.8 ACRES
NW 1/4 SW 1/4 10.8 ACRES
SE 1/4 SW 1/4 0.9 ACRES

SECTION 4

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

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by

Application S-83741 Water Resources Department

PERMIT 53529

the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- 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.

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.

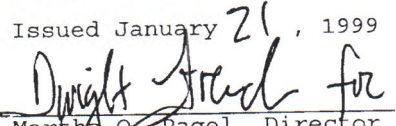
By law, the use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 21, 1999


Martha O. Pagel, Director
Water Resources Department

Application S-83741 Water Resources Department
Basin 17 Volume 3 BASIN 17 MISC

PERMIT 53529
District 19

Water Use Report Based on Water Right



Permit: S 53529 *

COQUILLE INDIAN TRIBE PO BOX 783 3050 TREMONT ST NORTH BEND, OR 97459

Records per page: [View All](#)

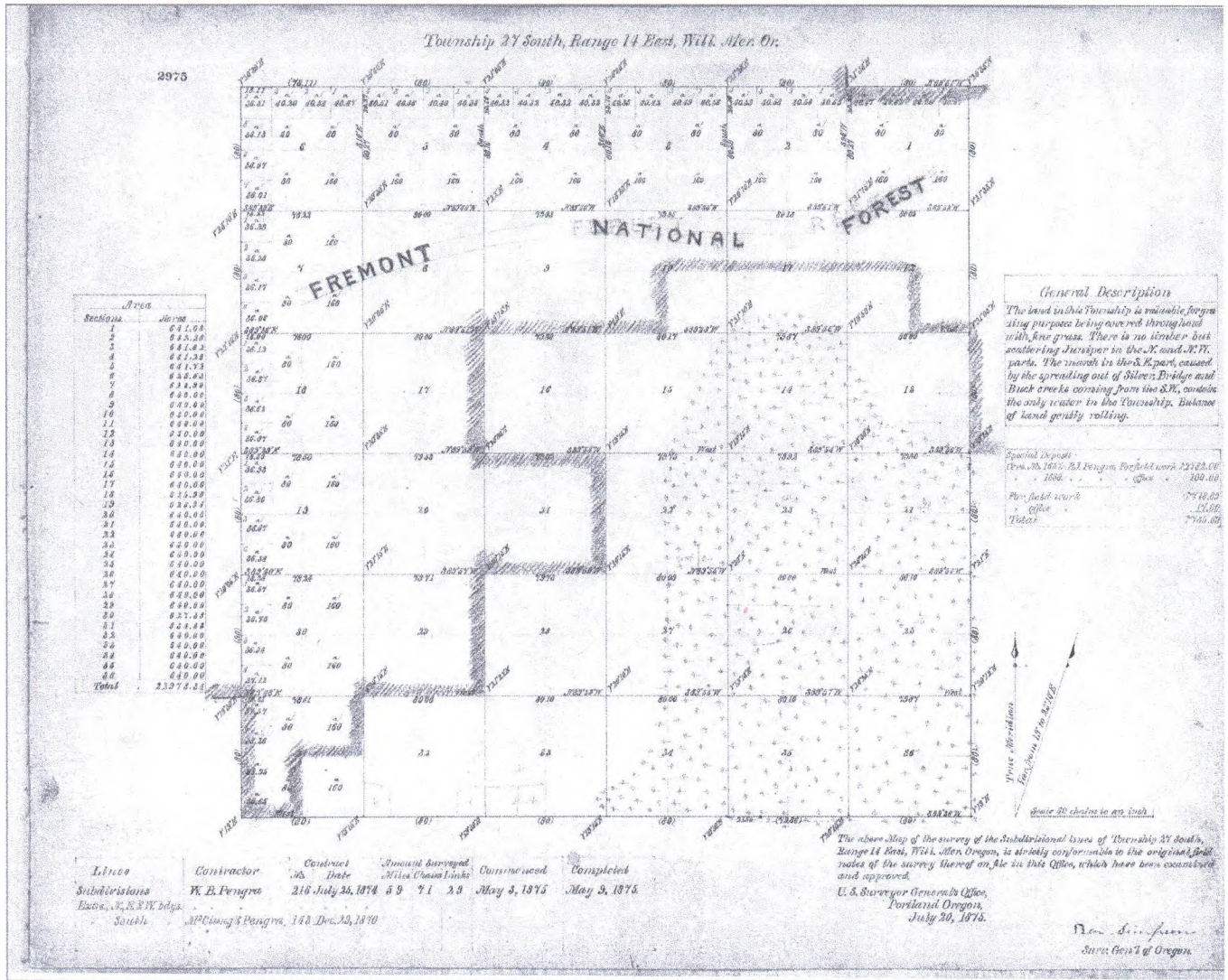
Acre-feet (AF) of Water Used

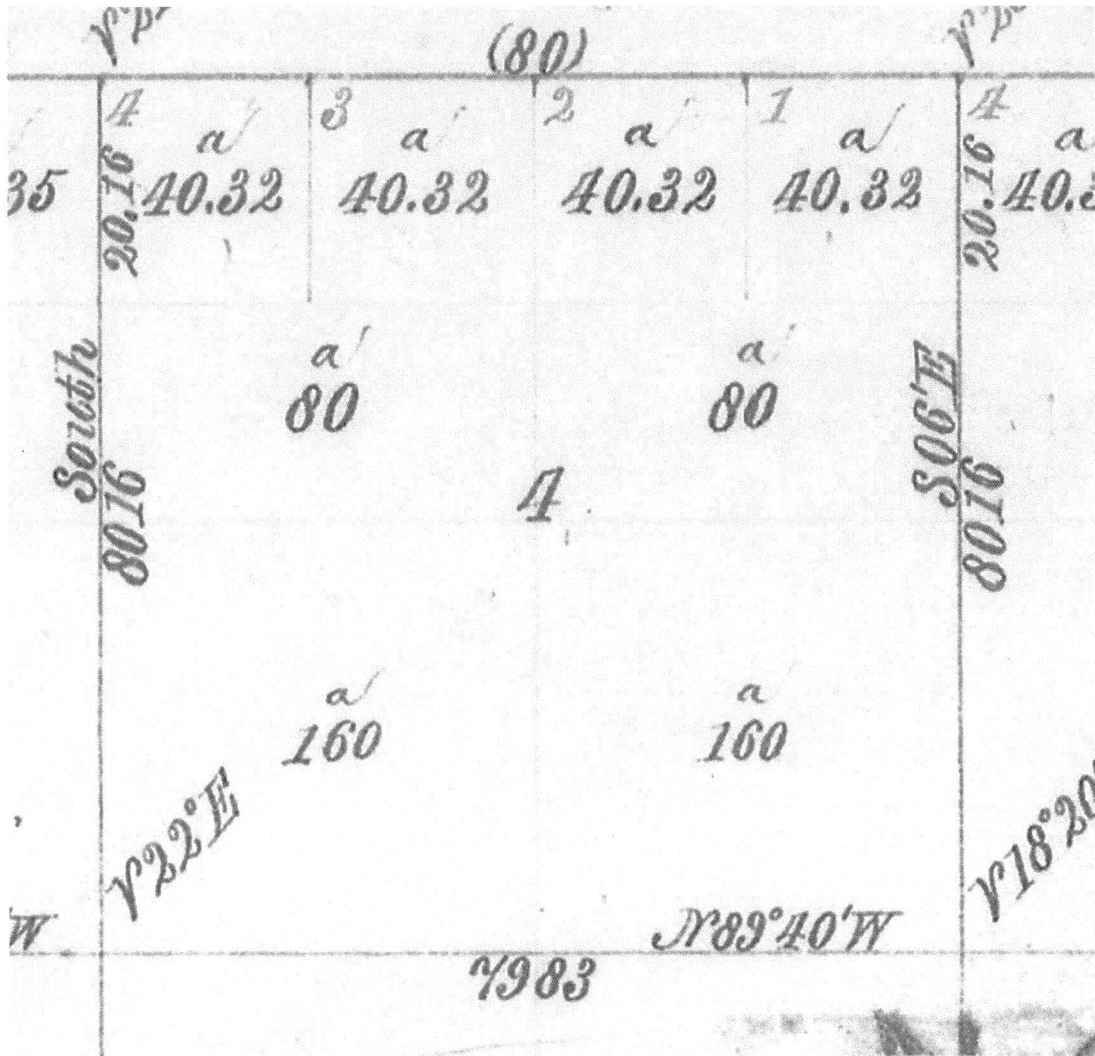
<u>Water Year*</u>	<u>Report ID</u>	<u>Facility</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Total Water Used</u>	<u>Irrigated Acres</u>
2017	51872		5.50	20.65	0.00	0.50	0.75	5.35	7.56	8.25	9.75	9.35	11.25	11.75	90.66	31.20
2016	51872		4.31	22.45	0.00	1.80	0.53	4.48	7.89	2.88	6.99	10.35	10.95	3.90	76.53	51.20
2009	51872		0.71	22.45	0.00	1.80	0.53	4.48	7.89	2.88	6.99	9.64	6.93	0.00	64.30	
2008	51872		2.04	18.33	0.00	14.11	9.46	9.39	11.69	4.57	6.01	9.78	7.04	5.61	98.03	
2007	51872		13.81	8.22	4.51	2.27	5.37	9.97	5.82	4.84	10.49	7.62	6.70	3.80	83.42	
2006	51872		7.00	2.12	8.69	0.78	16.65	8.54	1.75	6.00	7.48	10.28	11.11	5.66	86.06	
2005	51872		9.55	0.00	2.69	0.00	2.77	4.50	2.97	3.58	7.43	8.60	8.47	7.56	58.12	
2004	51872		13.84	1.21	0.50	3.46	0.79	1.75	2.95	2.95	6.15	6.12	5.99	5.17	50.88	
2003	51872		1.50	12.27	6.74	0.27	1.48	0.24	0.20	2.80	6.90	7.10	7.14	3.18	49.82	
2002	51872		2.06	45.00	65.00	70.00	2.17	10.88	2.72	4.08	8.16	8.57	7.75	30.00	256.39	
2001	51872		0.00	0.00	0.00	0.00	2.00	2.00	2.50	4.00	5.50	10.00	7.00	7.00	40.00	

*The water year is named for the calendar year in which it ends. Example: the 2018 water year begins Oct. 1, 2017 and ends Sep. 30, 2018.

- The Water Resources Department makes reasonable efforts to screen the data for quality control; however, the Department cannot accept responsibility for errors, omissions, or accuracy of the information. Notification of any errors is appreciated. Send notifications to wateruse@ wrd.state.or.us or call (503) 986-0905.
- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water use amounts have all been converted to “acre-feet” (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

reset pan blowup reduce enlarge print





**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 # **127990**

INVOICE # _____

RECEIVED FROM: CSI; Water Solution Inc

APPLICATION	<u>5-8374</u>
PERMIT	
TRANSFER	

CASH: CHECK:# X 20779 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 200.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
<u>0200</u>	OTHER (IDENTIFY) <u>COBY</u>		<u>\$200.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **127990** DATED: 9-17-18 BY: CWueltrick

UTIONS, INC.

020779

Check Date: 9/12/2018

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
DBU S-53529	9/11/2018	0013904	200.00			200.00
Oregon Water Resources Department			TOTAL	200.00		200.00
Key Bank 8460 - GSI Water 10		245				

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SEP 17 2018

OWRD



Water Solutions, Inc.

September 13, 2018

Mr. Gerry Clark
Certificates Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Claim of Beneficial Use for Permit S-53529

Mr. Clark:

Please find enclosed with this letter a Claim of Beneficial Use (COBU) report for Permit S-53529, a permit for use of stored water (stored under Permit R-15282 and Permit R-15281) for cranberry use held by Coquille Indian Tribe. Find also enclosed a \$200 check for payment of the required processing fee for the COBU.

Please do not hesitate to contact me at 503-239-8799 with questions about the enclosed COBU report.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE
GSI Water Solutions, Inc.

cc: Todd Tripp, Property and Project Manager – Coquille Indian Tribe
Kim Grigsby – GSI Water Solutions, Inc.

Enclosures:
Claim of Beneficial Use for Permit S-53529
Check # 20779 in the amount of \$200

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SEP 17 2018

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**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming more than 0.1 cfs**



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

**A fee of \$200 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

Permit S-53529 has a priority date of December 30, 1997; the required fee is included

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see
http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION # S-83741	PERMIT # S-53529	PERMIT AMENDMENT #
---------------------------------	----------------------------	--------------------

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OWRD

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Coquille Indian Tribe Attn: Todd Tripp, Property and Project Manager		PHONE NO. 541-756-0904	ADDITIONAL CONTACT NO.
ADDRESS 3050 Tremont Street			
CITY North Bend	STATE OR	ZIP 97459	E-MAIL toddtripp@coquilletribe.org

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. Each permit holder of record must sign this form.

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD Coquille Indian Tribe		
ADDRESS 3050 Tremont Street		
CITY North Bend	STATE OR	ZIP 97459

ADDITIONAL PERMIT HOLDER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Todd Tripp	3/7/2016	Property and Project Manager

6. County:

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD Coquille Indian Tribe		
ADDRESS 3050 Tremont Street		
CITY North Bend	STATE OR	ZIP 97459

Add additional tables for owners of record as needed

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SEP 17 2018

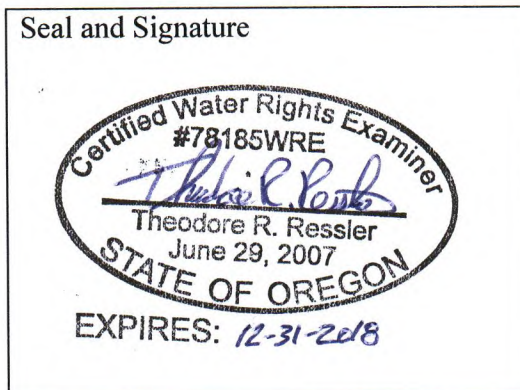
OWRD

WR

**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Theodore R Ressler		PHONE NO. 503-239-8799	ADDITIONAL CONTACT NO.
ADDRESS GSI Water Solutions, Inc., 55 SW Yamhill Street, Suite 300			
CITY Portland	STATE OR	ZIP 97204	E-MAIL tressler@gsiws.com

Permit Holder's of Record Signature or Acknowledgement

***Each** permit or transfer holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Joni Lee Robbins</i>	Toni Lee Robbins	Tribe vice-chair	9-4-18

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SECTION 3
CLAIM DESCRIPTION

1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
POD 1
POD 2
POD 3

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD 1	Stored water from Seven Devils Reservoir 1	Unnamed tributary to Fivemile Creek
POD 2	Stored water from Seven Devils Reservoir 1	Unnamed tributary to Fivemile Creek
POD 3	Stored water from Seven Devils Reservoir 3	Unnamed tributary to Fivemile Creek

3. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD 1	Cranberry Use	Cranberries	Year round	82 AF
POD 2				5 AF
POD 3				5 AF
Total Quantity of Water Used				87 AF

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the place of use:

Stored water from the reservoirs is diverted at the pump stations at POD 1 and POD 2 (located on Reservoir 1) and applied to the cranberry bogs for cultivation and harvesting of cranberries. Excess water applied to the cranberry bogs is returned to the reservoirs for reuse. Water from Reservoir 3 is transferred to Reservoir 1 by the pump station at POD 3; the transferred water from Reservoir 3 is re-diverted at the pump stations at POD 1 and POD 2.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

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5. Variations:

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

The permit authorized use of domestic expanded has not been developed.

The permittee has beneficially used only 87 AF of the 410 AF volume of use authorized by the permit because only two of the four reservoirs were constructed (Reservoir 1 and Reservoir 3).

The permittee has developed only three of the four points of diversion authorized by the permit.

The permittee has developed and used water for cranberry use on only 33.1 of the 50 acres allowed by the permit. In addition, the distribution of developed acres within the quarter-quarters authorized under the permit differs slightly from that stated on the permit.

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD 1	Cumulative volume of 410 AF	Cumulative volume of 87 AF	87 AF*	Cranberry Use	50 acres	33.1 acres
POD 2						
POD 3						

* See Attachment 3

**SECTION 4
SYSTEM DESCRIPTION**

Are there multiple PODs?

YES

If "YES" you will need to copy and complete Sections 4B through 4E for each POD.

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POD Name or Number this section describes (only needed if there is more than one):

POD 1 (West Pump Station)

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
27 S	14 W	WM	4	SENW	--	--	CR/CH	5.7	--
27 S	14 W	WM	4	SWNW	--	--	CR/CH	0.8	--
27 S	14 W	WM	4	NWSW	--	--	CR/CH	10.3	--
27 S	14 W	WM	4	NESW	--	--	CR/CH	14.4	--
27 S	14 W	WM	4	SESW	--	--	CR/CH	1.5	--
27 S	14 W	WM	4	SWNE	--	--	CR/CH	0.4	--
Total Acres Irrigated								33.1	n/a

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

ID	MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
1	Berkeley	B3ZPL-B70187S	G120894	Centrifugal	4-inch	3-inch
2	Berkeley	B3ZPL-B70187S	G120804	Centrifugal	4-inch	3-inch

3. Motor Information

ID	MANUFACTURER	HORSEPOWER
1	Baldor	30
2	Baldor	30

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4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
30	Not available	4 feet ^A	160 feet ^B	1.34 (600 gpm)
30	Not available	4 feet ^A	160 feet ^B	1.34 (600 gpm)

Notes:

^A Lift from water surface to pump when reservoir is full

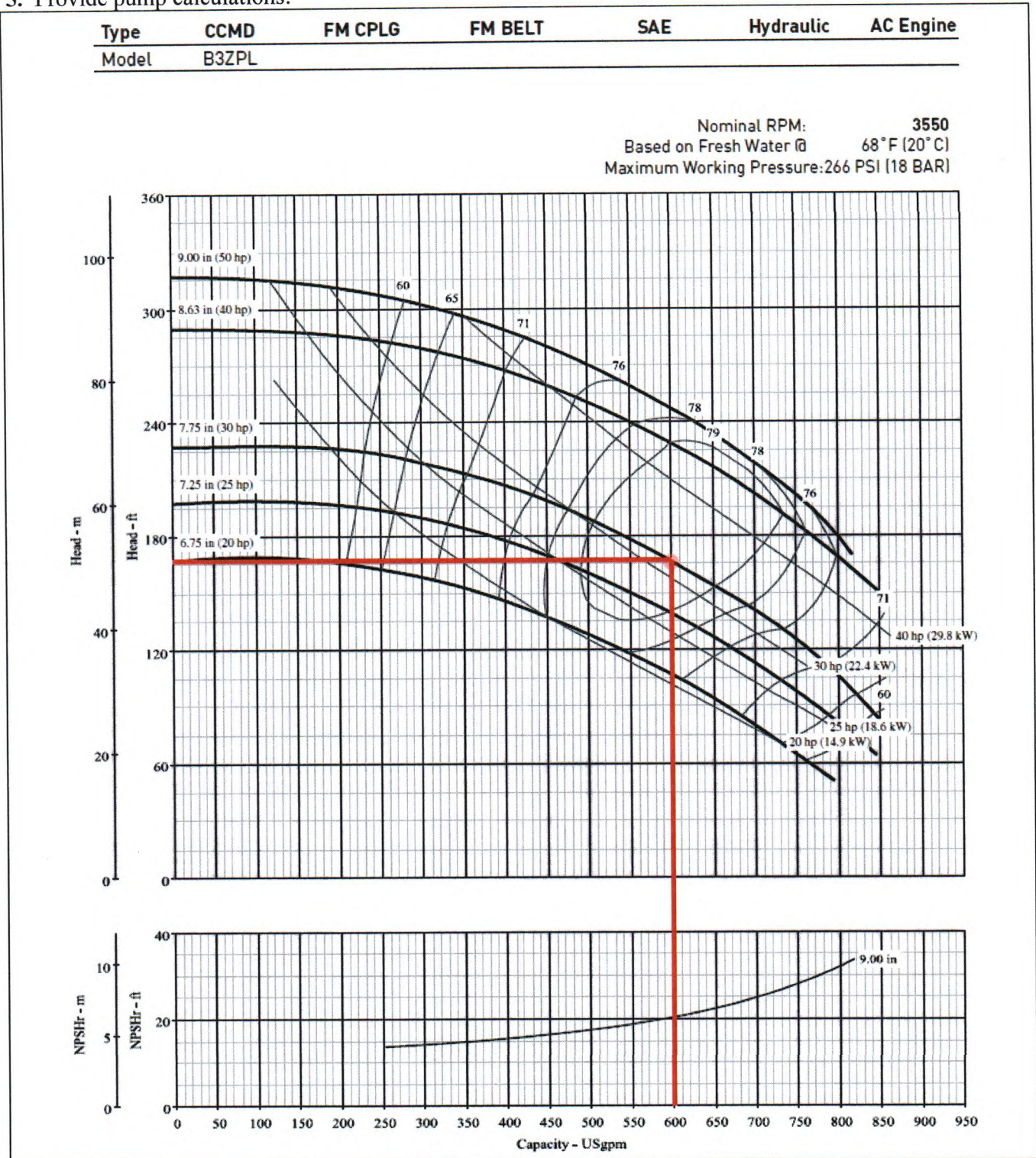
^B Estimated from pump curve based on rated output at design TDH (includes frictional losses within system)

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5. Provide pump calculations:



6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not measured			

Reminder: For pump calculations use the reference information at the end of this document.

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YES

7. Is the distribution system piped?

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6-inch	Not available	PVC	Buried
4-inch	Not available	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
1.25-inch	Not available	PVC	Buried

10. Sprinkler Information (Sprinkler specifications provided in Attachment 4)

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
Aqualine 5/32"	~25	~3	380	380	2.540 cfs (1140 gpm)
Rainbird #8	~25	~3	20	20	0.134 cfs (60 gpm)

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
N/A	N/A	N/A	N/A	N/A

12. Additional notes or comments related to the system:

N/A

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

NO

Bulge in System / Reservoir

YES

Complete appropriate table(s), unused table may be deleted.

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Seven Devils Reservoir 1	0 (excavated)	82 AF
Seven Devils Reservoir 3	0 (excavated)	5 AF

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

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E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? NO

If "NO", items 2 through 4 relating to this section may be deleted.

POD Name or Number this section describes (only needed if there is more than one):

POD 2 (East Pump Station)

A. Place of Use

1. Is the right for municipal use? NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
27 S	14 W	WM	4	SEnw	--	--	CR/CH	5.7	--
27 S	14 W	WM	4	SWNW	--	--	CR/CH	0.8	--
27 S	14 W	WM	4	NWSW	--	--	CR/CH	10.3	--
27 S	14 W	WM	4	NESW	--	--	CR/CH	14.4	--
27 S	14 W	WM	4	SESW	--	--	CR/CH	1.5	--
27 S	14 W	WM	4	SWNE	--	--	CR/CH	0.4	--
Total Acres Irrigated								33.1	n/a

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLot), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used? YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

ID	MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
1	G&L Pumps	3656-15BF2R2B9	A9956215	Centrifugal	6-inch	4-inch
2	G&L Pumps	3656-15BF2R2B9	Not available	Centrifugal	6-inch	4-inch
3	G&L Pumps	3656-15BF2R2B9	Not available	Centrifugal	6-inch	4-inch

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3. Motor Information

ID	MANUFACTURER	HORSEPOWER
1	Baldor	40
2	Baldor	40
3	Baldor	40

4. Theoretical Pump Capacity

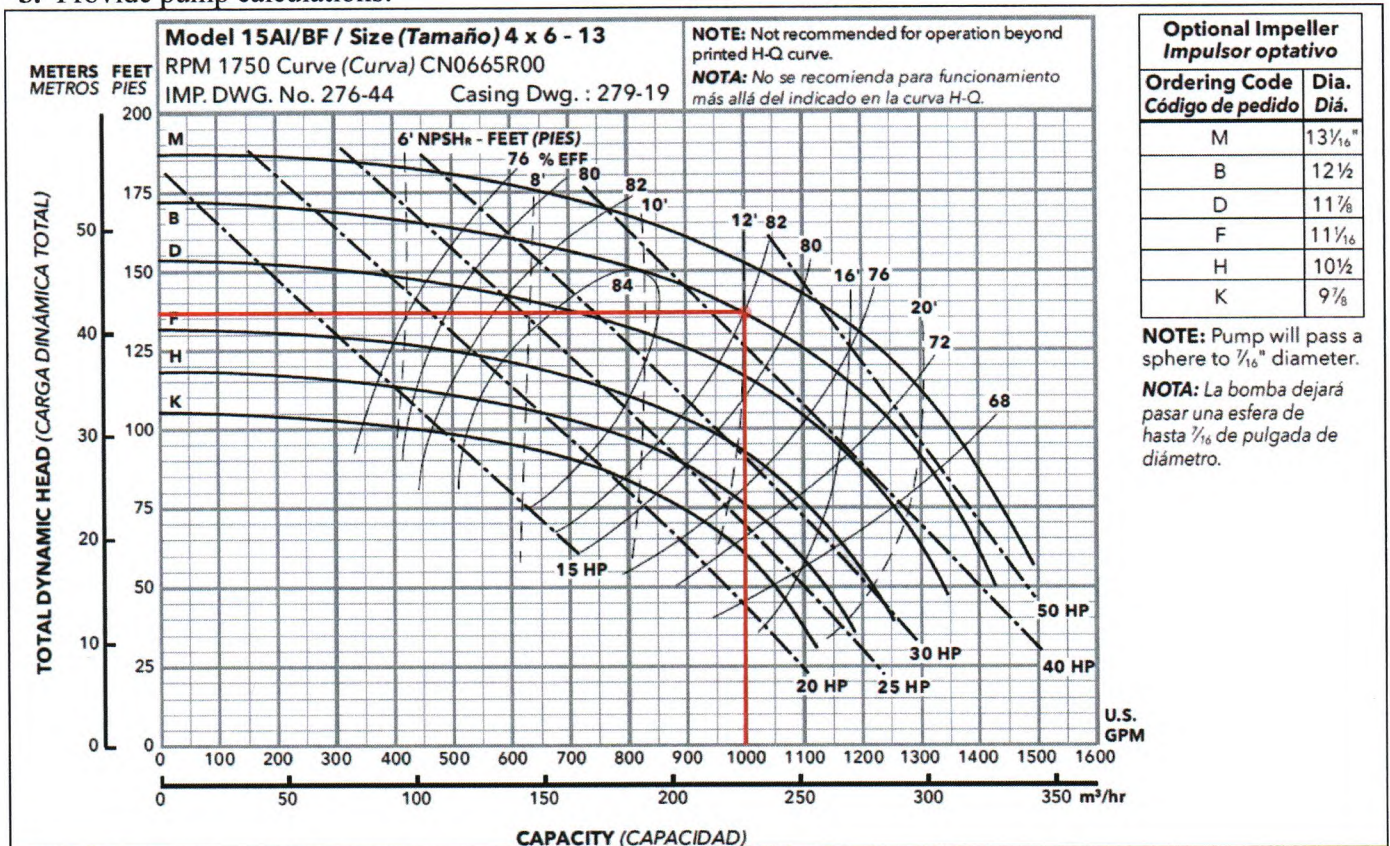
HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40	Not available	4 feet ^A	132 feet ^B	2.23 (1000 gpm)
40	Not available	4 feet ^A	132 feet ^B	2.23 (1000 gpm)
40	Not available	4 feet ^A	132 feet ^B	2.23 (1000 gpm)

Notes:

^A Lift from water surface to pump when reservoir is full

^B Estimated from pump curve based on rated output at design TDH (includes frictional losses within system)

5. Provide pump calculations:



6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not measured			

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

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YES

If "NO" items 8 through item 11 may be deleted.

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8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8-inch	Not available	PVC	Buried
4-inch	Not available	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
1.25-inch	Not available	PVC	Buried

10. Sprinkler Information (Sprinkler specifications provided in Attachment 4)

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
Aqualine 5/32"	~25	~3	884	884	5.91 cfs (2652 gpm)
Rainbird #8	~25	~3	46	46	0.31 cfs (138 gpm)

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
N/A	N/A	N/A	N/A	N/A

12. Additional notes or comments related to the system:

N/A

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

NO

Bulge in System / Reservoir

YES

Complete appropriate table(s), unused table may be deleted.

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Seven Devils Reservoir 1	0 (excavated)	82 AF
Seven Devils Reservoir 3	0 (excavated)	5 AF

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

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POD Name or Number this section describes (only needed if there is more than one):

POD 3 (Reservoir 3 Pump Station)

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
27 S	14 W	WM	4	SENW	--	--	CR/CH	5.7	--
27 S	14 W	WM	4	SWNW	--	--	CR/CH	0.8	--
27 S	14 W	WM	4	NWSW	--	--	CR/CH	10.3	--
27 S	14 W	WM	4	NESW	--	--	CR/CH	14.4	--
27 S	14 W	WM	4	SESW	--	--	CR/CH	1.5	--
27 S	14 W	WM	4	SWNE	--	--	CR/CH	0.4	--
Total Acres Irrigated								33.1	n/a

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Berkeley	B2-1/2T	Not available	Centrifugal	3-inch	2.5-inch

3. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	10

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
10	Not available	6 feet ^A	118 ^B	0.548 (254 gpm)

Notes:

^A Lift from water surface to pump when reservoir is full

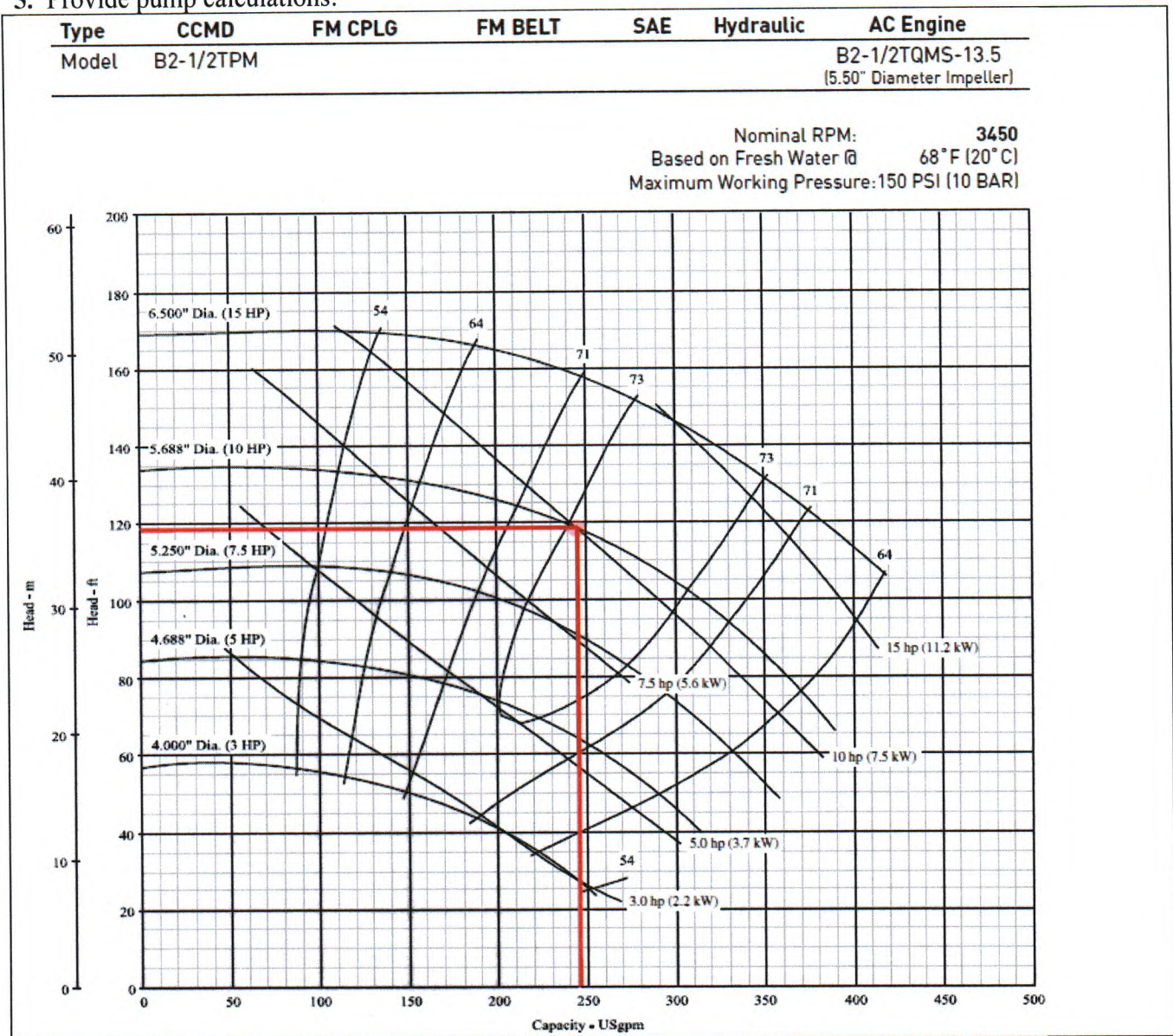
^B Estimated from pump curve based on assumed design point (includes frictional losses within system)

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5. Provide pump calculations:



6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not measured			

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3-inch	Unknown	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
N/A			

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10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
N/A					

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
N/A				

12. Additional notes or comments related to the system:

Water from POD 3 is diverted from Seven Devils Reservoir 3 and conveyed to Seven Devils Reservoir 1 where the water is re-diverted at POD 1 and/or POD 2 and applied to beneficial use using the water conveyance and application system previously described for POD 1 and POD 2.

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir) **YES**

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank **NO**

Bulge in System / Reservoir **YES**

Complete appropriate table(s), unused table may be deleted.

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Seven Devils Reservoir 1	0 (excavated)	82 AF
Seven Devils Reservoir 3	0 (excavated)	5 AF

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe? **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

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SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	1/21/1999		
BEGIN CONSTRUCTION (A)	1/21/2000	Prior to 1/21/2000	Began construction of the reservoirs and cranberry bogs
COMPLETE CONSTRUCTION (B)	10/1/2013	Prior to 2006	Completed construction of the reservoirs and cranberry bogs
COMPLETE APPLICATION OF WATER (C)	10/1/2013	2006	Maximum volume of stored water beneficially used

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES

If "NO", items 3b through 3f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

YES

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 1 Pump 1	McCrometer	04-05800-6	Working	337918 x 100 gal (3-7-2016)	2004
POD 1 Pump 2	McCrometer	04-05801-6	Working	387926 x 100 gal (3-7-2016)	2004
POD 2 Pump 1	McCrometer	02-08034-8	Working	337918 x 100 gal (3-7-2016)	2002
POD 2 Pump 2	McCrometer	02-08033-8	Working	337918 x 100 gal (3-7-2016)	2002
POD 2 Pump 3	McCrometer	02-08032-8	Working	337918 x 100 gal (3-7-2016)	2002

If a meter has been installed, items 3d through 3f relating to this section may be deleted.

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4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? YES

If "NO", item 4b relating to this section may be deleted.

b. Have the reports been submitted? YES

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? NO

If "NO", items 5b through 5e relating to this section may be deleted.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? NO

If "NO", items 6b and 6c relating to this section may be deleted.

11. Other conditions required by permit, permit amendment final order, or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed? NO

b. Was a fishway required? NO

c. Was submittal of a water management and conservation plan required? NO

d. Other conditions? NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

N/A

SECTION 6 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

Table with 2 columns: ATTACHMENT NAME, DESCRIPTION. Rows include Attachment 1 (Maps), Attachment 2 (Water Right Information), Attachment 3 (Supporting Documentation of Beneficial Use), and Attachment 4 (System Information).

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The reservoir was visited during the site inspection. The location of the outlet of the reservoir (point of diversion) and the extent of the place of use were located using a handheld GPS and a field survey completed during the site inspection. The map was created using Geographic Information System (GIS) software and spatial datasets obtained from Bureau of Land Management, United States Geological Survey, Coos County, and ESRI. Additional data and information specific to the use water of under the water right described in this Claim of Beneficial Use report were obtained from the water right holder.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- N/A Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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Attachment 1
Maps
Claim of Beneficial Use for Permit S-53529

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Claim of Beneficial Use Map Permit S-53529, Application S-83741

Water Right in the Name of Coquille Indian Tribe
Township 27 South, Range 14 West, Section 4 (W.M.)

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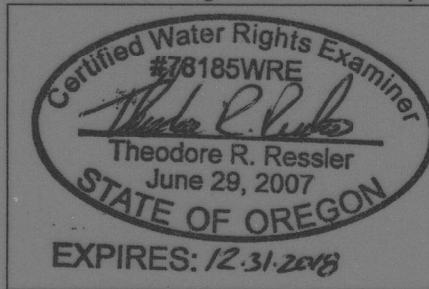
LEGEND

- Point of Diversion (POD)
- Place of Use (POU)
- Water Mainline (Location Approximate)
- Watercourse, Perennial
- Watercourse, Intermittent
- Waterbody
- Tax Lot

POD LOCATION DESCRIPTION

POD 1: Located 2,265 feet South and 1,452 feet East from the W 1/4 corner of Section 4, Township 27 South, Range 14 West (W.M.)
POD 2: Located 2,165 feet South and 2,030 feet East from the W 1/4 corner of Section 4, Township 27 South, Range 14 West (W.M.)
POD 3: Located 3,055 feet North and 2,010 feet East from the W 1/4 corner of Section 4, Township 27 South, Range 14 West (W.M.)

Certified Water Rights Examiner Stamp

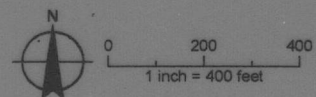


DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: July 12, 2018
 Data Sources: BLM, USGS, Coos Co, ESRI



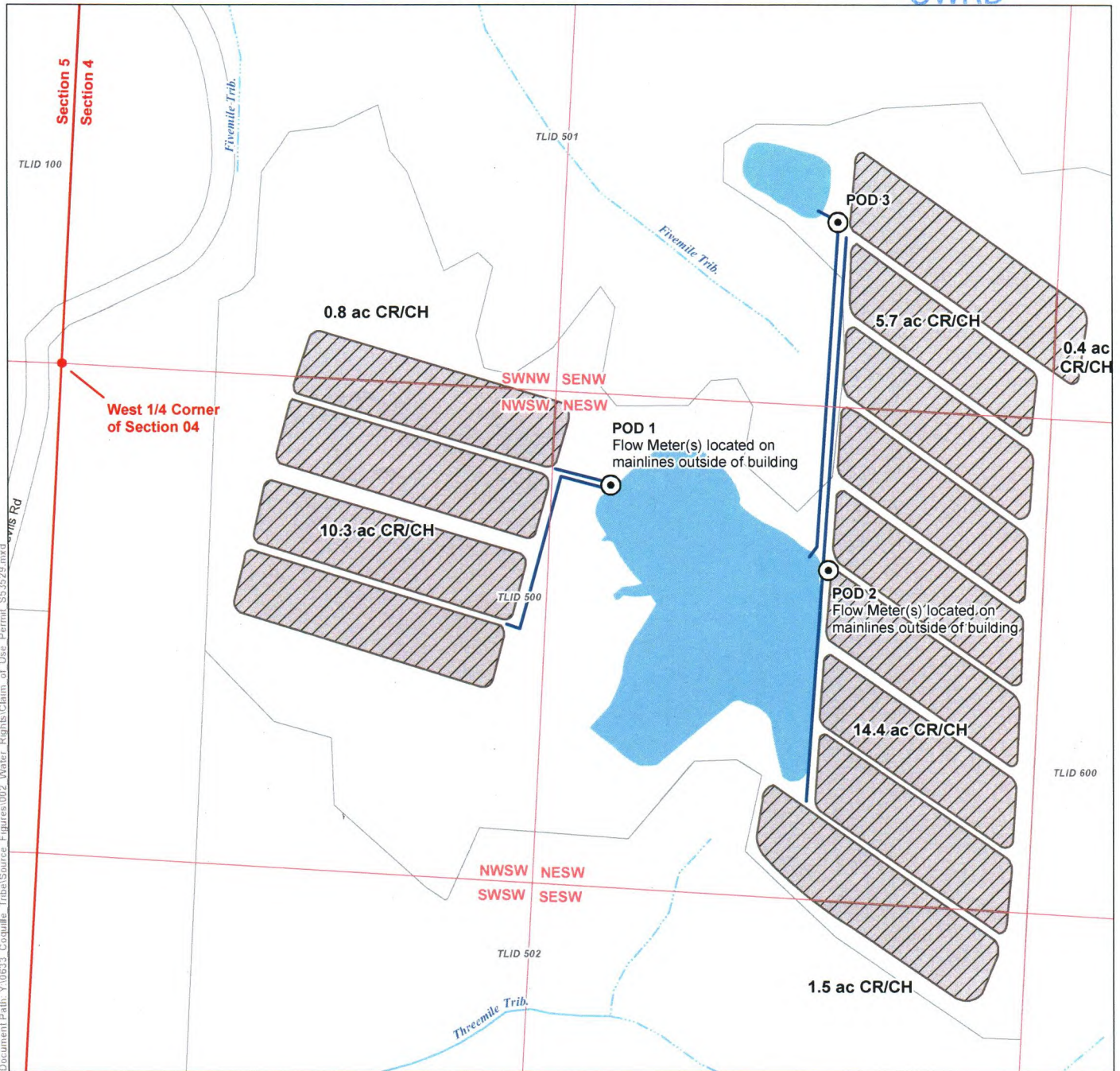
Claim of Beneficial Use Map Permit S-53529, Application S-83741

Water Right in the Name of Coquille Indian Tribe
Township 27 South, Range 14 West, Section 4 (W.M.)

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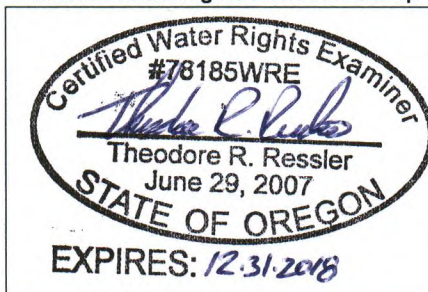
LEGEND

- Point of Diversion (POD)
- Place of Use (POU)
- Water Mainline (Location Approximate)
- Tax Lot
- Watercourse, Perennial
- Watercourse, Intermittent
- Waterbody

POD LOCATION DESCRIPTION

- POD 1:** Located 2,265 feet South and 1,452 feet East from the W 1/4 corner of Section 4, Township 27 South, Range 14 West (W.M.)
- POD 2:** Located 2,165 feet South and 2,030 feet East from the W 1/4 corner of Section 4, Township 27 South, Range 14 West (W.M.)
- POD 3:** Located 3,055 feet North and 2,010 feet East from the W 1/4 corner of Section 4, Township 27 South, Range 14 West (W.M.)

Certified Water Rights Examiner Stamp

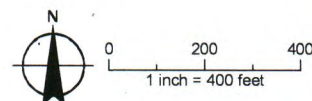


DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: July 12, 2018
Data Sources: BLM, USGS, Coos Co, ESRI



Attachment 2
Water Right Information
Claim of Beneficial Use for Permit S-53529

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STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WESTBROOK LAND AND TIMBER LLC, JEFF MACE
PO BOX 475
COQUILLE, OREGON 97423

(541) 572-8204

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

APPLICATION FILE NUMBER: S-83741

SOURCE OF WATER: THREE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-83738,
R-83739, and R-83740

PURPOSE OR USE: CRANBERRY USE ON 50.0 ACRES AND DOMESTIC EXPANDED

MAXIMUM VOLUME ALLOWED: 410 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 30, 1997

POINT OF DIVERSION LOCATION FROM THE RESERVOIRS: SW 1/4 NW 1/4, SE 1/4
NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SECTION 4, T27S, R14W, W.M.

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(cfs) per acre; For flood harvesting or pest control, 0.05 cfs per acre; For irrigation of cranberries, ONE-FORTIETH of one cfs 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 cfs and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 4.3 ACRES
SW 1/4 NW 1/4 7.6 ACRES & DOMESTIC
SE 1/4 NW 1/4 3.6 ACRES
NE 1/4 SW 1/4 22.8 ACRES
NW 1/4 SW 1/4 10.8 ACRES
SE 1/4 SW 1/4 0.9 ACRES

SECTION 4

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

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by

Application S-83741 Water Resources Department

PERMIT 53529

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the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- 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.

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 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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 21, 1999

Dwight Stred for
Martha O. Pagel, Director
Water Resources Department

Application S-83741
Basin 17

Water Resources Department
Volume 3 BASIN 17 MISC

PERMIT 53529
District 19

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Attachment 3
Supporting Documentation of Beneficial Use
Claim of Beneficial Use for Permit S-53529

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Water use volume for 2006

Month	Volume (Acre-feet)
January	0.78
February	16.65
March	8.54
April	1.75
May	6.00
June	7.48
July	10.28
August	11.11
September	5.66
October	13.81
November	8.22
December	4.51
TOTAL	94.80

The 94.80 acre-feet of water used during 2006 is the total storage volume available (82.0 acre-feet in Reservoir 1 under Permit R-15282 and 5.0 acre-feet in Reservoir 3 under Permit R-15281) plus an additional volume of recycled water returned to the storage reservoirs after use.

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Facility Water Use Report



Report ID 51872

RES 1;
 ALSO NESW
 (27S-14W-4-SE NW)
Permit: S 53529 *
COQUILLE INDIAN TRIBE

Records per page: 9

Acre-feet (AF) of Water Used

<u>Water Year*</u>	<u>Method of Measurement</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Total Water Used</u>	<u>Irrigated Acres</u>
2017	FMT	5.50	20.65	0.00	0.50	0.75	5.35	7.56	8.25	9.75	9.35	11.25	11.75	90.66	31.20
2016	FMT	4.31	22.45	0.00	1.80	0.53	4.48	7.89	2.88	6.99	10.35	10.95	3.90	76.53	51.20
2009	FMT	0.71	22.45	0.00	1.80	0.53	4.48	7.89	2.88	6.99	9.64	6.93	0.00	64.30	
2008	FMT	2.04	18.33	0.00	14.11	9.46	9.39	11.69	4.57	6.01	9.78	7.04	5.61	98.03	
2007	FMT	13.81	8.22	4.51	2.27	5.37	9.97	5.82	4.84	10.49	7.62	6.70	3.80	83.42	
2006	FMT	7.00	2.12	8.69	0.78	16.65	8.54	1.75	6.00	7.48	10.28	11.11	5.66	86.06	
2005		9.55	0.00	2.69	0.00	2.77	4.50	2.97	3.58	7.43	8.60	8.47	7.56	58.12	
2004		13.84	1.21	0.50	3.46	0.79	1.75	2.95	2.95	6.15	6.12	5.99	5.17	50.88	
2003		1.50	12.27	6.74	0.27	1.48	0.24	0.20	2.80	6.90	7.10	7.14	3.18	49.82	

*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

Method(s) of Measurement:

FMT Flowmeter (recording monthly readings and then reporting the difference between one month's reading and the next)

- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

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Attachment 4
System Information
Claim of Beneficial Use for Permit S-53529

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This photo is the property of [SprinklerWarehouse](#)

 [More Photos](#)



Description

Reviews

Aqualine I50-532 1/2" Brass Full Circle Impact Sprinkler w/ 5/32 Nozzle

Features & Benefits

- Twenty-five degree trajectory
- Brass body with white bronze arm
- Single nozzle
- Full circle coverage
- Highest point of spray is 5 above nozzle

Specifications

- 5/32" Nozzle Included
- Pressure 25 to 60 PSI
- GPM 2.80 to 7.70
- Spacing 30 to 43 radius

PSI	5/32"	
	DIAM	GPM
25	74	3.4
30	75	3.8
35	77	4.1
40	78	4.4
45	79	4.7
50	80	5.0
55	81	5.2
60	82	5.4

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The Maxi-Paw's powerful throw breaks up the stream of water for more close-in watering. It is used for slope and large-area, above-grade applications. The Maxi-Paw has an adjustable arm spring for low-gallonage and low-pressure operation. This feature-packed impact rotor portrays superior performance for maximum coverage of large-area landscapes.

Features / Benefits

- **Includes:**
 - 1 complete set of standard nozzles per rotor
 - 1 Set of Instructions (1 per shipment)
- Proven impact drive.
- Straight-through flow for superior performance in dirty water.
- Five interchangeable; color-coded MPR nozzles with standard trajectory.
- Two interchangeable low angle (LA) nozzles.
- Easy to adjust; easy to service.
- No tools required to change nozzles.
- Double-weighted arm for slower rotation and increased distance of throw.
- Powerful reverse action.
- Adjustable arm spring for low-pressure and low-gallonage operation.
- Full-circle or part-circle arc 20 degrees to 340 degrees.
- Precision Jet tube (PJ) minimizes side splash.
- Hooded bearing for longer life.
- Distance control diffuser pin allows up to 25% radius reduction without changing nozzles.
- FP trip for full- or part-circle operation.

Operating Range

- Precipitation Rate: 0.28 to 0.92 inches per hour (7 to 24 mm/h)
- Radius: 22 to 45 feet (6,7 to 13,7 m)
- Radius with Radius Reduction Screw: 18 feet (5,4 m)
- Pressure: 25 to 60 psi (1,7 to 4,1 Bars)
- Flow: 1.5 to 8.4 GPM (0,34 to 1,91 m3/h; 0,09 to 0,53 l/s)
- 1/2" (15/21) male threaded inlet nozzles: 06-red; 07-black; 08-blue; 10-yellow; 12-beige
- Low angle (LA) nozzles: 07 LA-black; 10 LA-yellow
- Nozzle outlet trajectory is 23 degrees for 06; 07; 08; 10; and 12 nozzles.
- LA nozzle outlet trajectory is 11 degrees.
- For 08 nozzle; highest point of stream is 6 feet (1,8 m) above grade.

MAXI-PAW / MAXI-BIRD		NOZZLE PERFORMANCE CHART			
PRESSURE (PSI)	NOZZLE SIZE	RADIUS (FEET)	FLOW (GPM)	PRECIPITATION	
				IN/HR ■	IN/HR ▲
25	● 06	x	x	x	x
	● 07 LA	22	1.5	0.30	0.34
	● 07	32	2.2	0.21	0.24
	● 08	35	2.8	0.22	0.25
	● 10 LA	25	3.4	0.52	0.60
	● 10	38	4.2	0.28	0.32
35	● 12	39	5.5	0.35	0.40
	● 06	37	2.0	0.14	0.16
	● 07 LA	23	1.9	0.35	0.40
	● 07	37	2.7	0.19	0.22
	● 08	38	3.3	0.22	0.25
	● 10 LA	29	4.0	0.46	0.53
45	● 10	41	4.8	0.27	0.32
	● 12	42	6.3	0.34	0.40
	● 06	38	2.3	0.15	0.18
	● 07 LA	25	2.1	0.32	0.37
	● 07	39	3.0	0.19	0.22
	● 08	40	3.7	0.22	0.26
55	● 10 LA	31	4.5	0.45	0.52
	● 10	42	5.4	0.29	0.34
	● 12	44	7.1	0.35	0.41
	● 06	38	2.5	0.17	0.19
	● 07 LA	25	2.3	0.35	0.41
	● 07	41	3.3	0.19	0.22
60	● 08	41	4.1	0.23	0.27
	● 10 LA	32	5.0	0.47	0.54
	● 10	43	6.0	0.31	0.36
	● 12	45	7.9	0.38	0.43
	● 06	38	2.6	0.17	0.20
	● 07 LA	25	2.4	0.37	0.43
60	● 07	41	3.5	0.20	0.23
	● 08	42	4.2	0.23	0.26
	● 10 LA	32	5.4	0.51	0.59
	● 10	44	6.4	0.32	0.37
	● 12	45	8.4	0.40	0.46



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FITZGERALD Kate M

From: SAUTER Jerry K
Sent: Wednesday, December 16, 2015 4:08 PM
To: Kim Grigsby
Cc: Adam Sussman; FITZGERALD Kate M
Subject: RE: Coquille Indian Tribe - Water Rights

Kim,
Thanks for the update. We will not these in the files.
JK

J.K. (Jerry) Sauter | Water Rights Program Analyst
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph. 503.986.0817 | Fax 503.986.0901
Information Requests may be made to : customerservice@wrd.state.or.us

From: Kim Grigsby [<mailto:KGrigsby@gsiws.com>]
Sent: Wednesday, December 16, 2015 4:02 PM
To: SAUTER Jerry K
Cc: Adam Sussman
Subject: Coquille Indian Tribe - Water Rights

Jerry:

It was good to talk with you earlier this week. As I described, GSI Water Solutions, Inc. (GSI) is in the process of entering into a contract with the Coquille Indian Tribe in order to provide assistance with their water rights. GSI will be helping the Tribe either develop a Claim of Beneficial Use and certificate request, or an extension of time, as appropriate for the following permits:

Application R-85411, Permit R-13907
Application R-85412, Permit R-13908
Application R-83738, Permit R-12617
Application R-83740, Permit R-12619
Application S-83741, Permit S-53529
Application R-72045, Permit R-11456
Application S-71757, Permit S-51459

Can you please place a copy of this correspondence in the above referenced files so that if any Department staff have questions regarding the status of the permits they can give me a call.

As always, I appreciate your help.

Best regards,
Kim

Kimberly Grigsby
Senior Water Resources Consultant | GSI Water Solutions, Inc.
direct: 541-257-9004 | cell: 503-351-1912

1600 SW Western Blvd., Suite 240, Corvallis, OR 97333
www.gsiws.com | [bio](mailto:kgrigsby@gsiws.com) | kgrigsby@gsiws.com



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

March 4, 2010

WESTBROOK LAND AND TIMBER COMPANY
PO BOX 783
NORTH BEND, OR 97459

REFERENCE: Application S-83741 / Permit S-53529

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit S-53529 on September 25, 2009. Receipt of the progress report was published on the Department's weekly Public Notice, dated January 26, 2010. The Department did not receive any public comment on the progress report.

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

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

Sincerely,

A handwritten signature in black ink, appearing to be "S. Kudlemyer", with a long horizontal line extending to the right.

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc: Application S-83741 / Permit S-53529
Watermaster District 19 / Mitch Lewis

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

1. Extension Specialist: Progress Report Review

Date Report Received: 9/25/2009

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: _____

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

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 1/26/10 *DS*

Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record)

Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See ..\Procedures_progress reports

(date / mail out after 30 day comment period)

Date Letter Needed: 3/4/2010

Update Progress Report Worksheet.xls

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

CC: Watermaster #19

File S-83741

3/4/10 *DS*

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Westbrook Land & Timber Company Attn: _____

Permit Holder's Mailing Address: PO Box 783
North Bend, OR 97459

Application: S- 83741 Permit: S- 53529

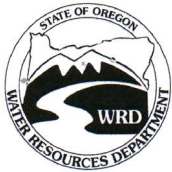
County: Coos

Quantity of Water: 410.0 AF

Source: Three reservoirs constructed under Application R-83738, R-83739, and R-3740

Use: Cranberry Use on 50.0 acres and Domestic Expanded

Current Authorized Extension Date: 10/1/2013



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

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: WESTBROOK LAND & TIMBER COMPANY

Application S-83741

Permit S-53529

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-53529

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2004 and October 1, 2009	FINANCIAL INVESTMENT
10/2004	Irrigation System upgrades.	\$22,945.00
10/2004	Electrical upgrades by landowner	\$4,905.00
10/2004	Coos Curry Cooperative Electrical Line Expansion	\$3,400.00
2/2005	Cranberry bed expansion by contractor	\$77,900.00
12/2004	Reservoir pond expansion	\$20,000.00

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

- Reservoir #1 has been completed since 2004 and accomplished complete application of the stored water to beneficial use since December 2004.
- A total of \$129,150 has been invested into the project, consisting of completion of construction of Reservoir #1, installation of an irrigation system, electrical upgrades and cranberry bed expansions.
- Permittee has installed water meters on five pumps to measure water use out of Reservoir 1, delivering water to all 13 cranberry beds.
- Permittee has maintained complete records of amount of water used from reservoir 1 on Excel spreadsheets.
- Reservoir 1 staff gauge is located in the NE corner, west of the large pump house.
- The Permittee has submitted a written progress report to the Oregon Water Resources Department on time.
- Permittee needs to submit water use records to Department for 2005 – 2009.

3. Total number of acres irrigated to date= 31 *(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 = 98 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 *[Handwritten Signature]*

Date 9/25/09

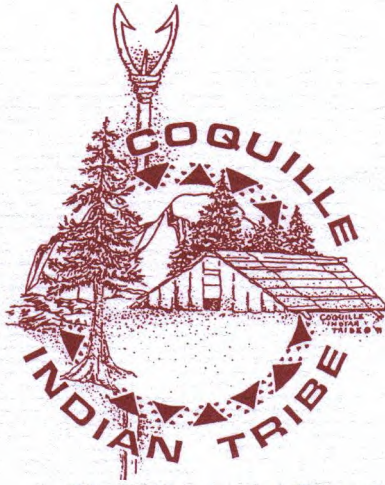
For OWRD use only

Diligence Shown Yes No

Reviewed by: *[Handwritten Initials]*

Date Public Noticed: 1/26/10

Date: 1/14/10



COQUILLE INDIAN TRIBE

P.O. Box 783 • 3050 Tremont • North Bend, OR 97459
Telephone 541-756-0904 • FAX 541-756-0847

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

To Whom It May Concern:

Enclosed you will find completed Progress Report Forms for the Coquille Indian Tribe's water Permits S-53529, R-12617, and R-12619.

In June 2004 the Oregon Water Resources Department, Water Rights Division issued a Proposed Final Order granting an Extension of Time for Permit S-53529, R-12617, and R-12619 to apply water to full beneficial use from October 1, 2003, to October 1, 2013. As a Condition of the Proposed Orders, and in accordance with OAR 690-315-0050(6), the permittee is required to submit a written progress report to the Department by October 1, 2009.

Additionally the above permits are listed under the Westbrook Land and Timber Company, the Tribe acquired the land and permits in 2006 and is currently filing a request for assignment.

If you have any further questions, or need additional information, please contact me at bryanduggan@coquilletribe.org. Thank you for your assistance in this matter.

Sincerely,

Bryan Duggan
Water and Environmental Specialist
Coquille Indian Tribe

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SEP 29 2009

WATER RESOURCES DEPT
SALEM, OREGON



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

Request for Assignment

By Proof of Ownership
 (If Water Right Holder is Not Available)

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

I, Coquille Indian Tribe

(Name of Party Requesting Assignment)

3050 Tremont St., P.O. Box 783 North Bend OR 97459 541-756-0904
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
 hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # S-83741; Permit # S-53529; Transfer# _____
 -OR-

License # _____ GR Statement # _____; GR Certificate of Registration # _____

Westbrook Land and Timber LLC
 (Name of Holder of Record)

PO Box 475 Coquille OR 97423
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 5 day of November, 2009.

Party Requesting Assignment Edward T. Metcalfe

Party Requesting Assignment _____

A-88 form by proof
 J. K. J. 11-10-2009

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 98465
- For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

RECEIVED

NOV 10 2009

WATER RESOURCES DEPT
 SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

November 12, 2009

Coquille Indian Tribe
P.O. Box 783
3050 Tremont Street
North Bend, Oregon 97459

Reference: Application R-72045, Permit R-11456 – Application S-71757, Permit S-51459
Application S-83741, Permit S-53529 – Application R-83740, Permit R-12619
Application R-83738, Permit R-12617 – Certificate 8752
Certificate 61417 – Certificate 61418

Regarding Application R-72045, Permit R-11456 – Application S-71757, Permit S-51459 the assignment by proof from Randall Johnson to Coquille Indian Tribe, has been recorded in the records of the Water Resources Department.

Regarding Application S-83741, Permit S-53529 – Application R-83740, Permit R-12619 Application R-83738, Permit R-12617, the assignment by proof from Westbrook Land and Timber, LLC to Coquille Indian Tribe, has been recorded in the records of the Water Resources Department.

Regarding Certificate 8752, Certificate 61417, and Certificate 61418, there is no provision in Oregon Water law that allows for the assignment of a certificated right. Once a right has been perfected, as evidenced by the issuance of a certificate, law views it as a land right that goes with the land. Therefore, if you own the land, you own the certificated water right. There is a provision to allow for the update of ownership for certified rights. The Department will accept the assignment requests as an ownership update on these three rights. There is no fee for an ownership update, therefore the Department is refunding the fees for these three rights.

Our records have been changed accordingly and the original request is enclosed. Receipt number 98465 covering the recording fee of \$600 is also enclosed.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 98465

cc: Watermaster 19
Randall Johnson
Westbrook Land and Timber, LLC
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File



FILE COPY

7 DEVILS

RECORDED BY
FIRST AMERICAN TITLE
813545TA

SPECIAL WARRANTY DEED

Westbrook Land & Timber, LLC, an Oregon limited liability company, Grantor, conveys and specially warrants to the Coquille Indian Tribe, a federally recognized Indian tribe, Grantee, the following described real property and the grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through or under the grantor or grantor's immediate predecessor in interest, Westbrook Land & Timber, an Oregon general partnership, except as specifically set forth herein:

Parcel 2 of Partition Plat 1992 #19, Recorded June 10, 1992 as Microfilm
No. 92-06-0420, Records of Coos County, Oregon, lying within Section 4 of Township
27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

Subject to and excepting: See Exhibit A, attached hereto.

The true consideration for this conveyance is \$820,000.

Until a change is requested, all tax statements are to be sent to the following address:

Coquille Indian Tribe
c/o P O Box 783
North Bend, OR 97459

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 23 day of June, 2006.

Westbrook Land & Timber, LLC

By: Nancy Westbrook Manager
Nancy Westbrook, Manager

By: Steven Westbrook Manager
Steven Westbrook, Manager

AFTER RECORDING RETURN TO:
Coquille Indian Tribe
c/o P O Box 783
North Bend, OR 97459

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STATE OF OREGON)
) ss.
County of Washington

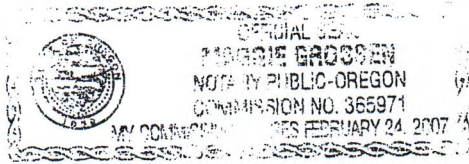
The foregoing instrument was acknowledged before me this 23 day of June, 2006, by Nancy Westbrook, as a duly authorized representative of Westbrook Land & Timber, LLC.



Maggie Grossen
Notary Public for Oregon
My Commission Expires: Feb 24-2007

STATE OF OREGON)
) ss.
County of Washington

The foregoing instrument was acknowledged before me this 23 day of June, 2006, by Steven Westbrook as a duly authorized representative of Westbrook Land & Timber, L.L.C.



Maggie Grossen
Notary Public for Oregon
My Commission Expires: Feb 24-2007

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EXHIBIT A

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an addition tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. Reservation of right of way, including terms and provisions thereof.
Recorded: December 6, 1957 in Volume 262, Page 43, Records of Coos County, Oregon
5. Subject to the terms and provisions regarding minerals and mineral rights as contained therein:
Recording Information: February 1, 1988 as Microfilm No. 88-02-0060, Records of Coos County, Oregon
Reserved By: International Paper Realty Corporation
6. Major Partition Plat 1992 #19, including terms and provisions thereof.
Recorded: June 10, 1992 as Microfilm No. 92-06-0420, Records of Coos County, Oregon
7. Waiver of right to object, Forest Management Easement, including terms and provisions thereof.
Recorded: September 26, 1996 as Microfilm No. 96-09-1075, Records of Coos County, Oregon
8. Easement, including terms and provisions contained therein:
Recording Information: November 29, 1999 as Microfilm No. 1999-14874, Records of Coos County, Oregon
In Favor of: Coos Curry Electric Cooperative, Inc.
9. Easement, including terms and provisions contained therein:
Recording Information: August 15, 2000 as Microfilm No. 2000-8708, Records of Coos County, Oregon
In Favor of: Coos Curry Electric Cooperative, Inc.
10. Easement, including terms and provisions contained therein:
Recording Information: October 14, 2004 as Microfilm No. 2004-14893, Records of Coos County, Oregon
In Favor of: Coos Curry Electric Cooperative, Inc.

EXHIBIT A
Page 2

11. Partition Plat 2006 #6, including terms and provisions and easements as set forth and delineated therein:
Recorded: March 8, 2006 as Microfilm No. 2006-3037, Records of Coos County, Oregon

12. Reciprocal Right of way and Road Use Agreement, including terms and provisions thereof.
Recorded: March 31, 2006 as Microfilm No. 2006-4161, Records of Coos County, Oregon

13. All matters affecting title to the Property which would be disclosed by a thorough physical inspection or an accurate survey of the Property.

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TRUST DEED

Coquille Indian Tribe
P O Box 783
North Bend, OR 97459

Grantor's Name and Address

Westbrook Land & Timber, LLC
c/o Nancy Westbrook
P O Box 339, North Plains, OR 97133

Beneficiary's Name and Address

After recording, return to:

Stan G. Potter, Gleaves Swearingen et al
975 Oak Street, Suite 800
Eugene, OR 97401

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THIS TRUST DEED, made this 30th day of June, 2006, between the Coquille Indian Tribe, a federally recognized Indian tribe, as Grantor, First American Title Company of Oregon, as Trustee, and Westbrook Land & Timber, LLC, an Oregon limited liability company, as Beneficiary.

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee in trust, with power of sale, the property in Coos County, Oregon, described as:

See Exhibit A, attached hereto and by reference incorporated herein

together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with the property.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of \$550,000.00 Dollars, with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made by grantor, the final payment of principal and interest hereof, if not sooner paid, to be due and payable July 1, 2011.

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of the note becomes due and payable. Should the grantor either agree to, attempt to, or actually sell, convey, or assign all (or any part) of the property or all (or any part) of grantor's interest in it without first obtaining the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, or herein, shall become immediately due and payable.

To protect the security of this trust deed, grantor agrees:

1. To protect, preserve and maintain the property in good condition and repair; not to remove or demolish any building or improvement thereon; not to commit or permit any waste of the property.
2. To complete or restore promptly and in good condition any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefor.
3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require.

NOTE: The Trust Deed Act provides that the trustee hereunder must be either an attorney, who is an active member of the Oregon State Bar, bank, trust company or savings and loan association authorized to do business under the laws of Oregon or the United States, a title insurance company authorized to insure title to real property of this state, its subsidiaries, affiliates, agents or branches, the United States or any agency thereof, or an escrow agent licensed under ORS 696.505 to 696.585

*WARNING: 12 USC 1701j-3 regulates and may prohibit exercise of this option.

**The publisher suggests that such an agreement address the issue of obtaining beneficiary's consent in complete detail.

4. To provide and continuously maintain fire and casualty insurance with extended coverage on the buildings and other improvements now or hereafter erected or constructed on the property against loss or damage by fire and such other hazards as the beneficiary may from time to time require, in an amount not less than full insurable value thereof, written in companies acceptable to the beneficiary, with loss payable to the latter; all policies of insurance shall be delivered to the beneficiary as soon as insured; if the grantor shall fail for any reason to procure any such insurance and to deliver the policies to the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on the buildings, the beneficiary may procure the same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured hereby and in such order as beneficiary may determine, or at option of beneficiary the entire amount so collected, or any part thereof, may be released to grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

5. To keep the property free from construction liens and to pay all taxes, assessments and other charges that may be levied or assessed upon or against the property before any part of such taxes, assessments and other charges become past due or delinquent and promptly deliver receipts therefor to beneficiary; should the grantor fail to make payment of any taxes, assessments, insurance premiums, liens or other charges payable by grantor, either by direct payment or by providing beneficiary with funds with which to make such payment, beneficiary may, at its option, make payment thereof, and the amount so paid, with interest at the rate set forth in the note secured hereby, together with the obligations described in paragraphs 6 and 7 of this trust deed, shall be added to and become a part of the debt secured by this trust deed, without waiver of any rights arising from breach of any of the covenants hereof and for such payments, with interest as aforesaid, the property hereinbefore described, as well as the grantor, shall be bound to the same extent that they are bound for the payment of the obligation herein described, and all such payments shall be immediately due and payable without notice, and the nonpayment thereof shall, at the option of the beneficiary, render all sums secured by this trust deed immediately due and payable and constitute a breach of this trust deed.

6. To pay all costs, fees and expenses of this trust including the cost of title search as well as the other costs and expenses of the trustee incurred in connection with or in enforcing this obligation and trustee's and attorney's fees actually incurred.

7. To appear in and defend any action or proceeding purporting to affect the security rights or powers of beneficiary or trustee; and in any suit, action or proceeding in which the beneficiary or trustee may appear, including any suit for the foreclosure of this deed or any suit or action related to this instrument, including but not limited to its validity and/or enforceability, to pay all costs and expenses, including evidence of title and the beneficiary's or trustee's attorney fees; the amount of attorney fees mentioned in this paragraph 7 in all cases shall be fixed by the trial court and in the event of an appeal from any judgment or decree of the trial court, grantor further agrees to pay such sum as the appellate court shall adjudge reasonable as the beneficiary's or trustee's attorney fees on such appeal.

It is mutually agreed that:

8. In the event that any portion or all of the property shall be taken under the right of eminent domain or condemnation, beneficiary shall have the right, if it so elects, to require that all or any portion of the monies payable as compensation for such taking, which are in excess of the amount required to pay all reasonable costs, expenses and attorney's fees necessarily paid or incurred by grantor in such proceedings, shall be paid to beneficiary and applied by it first upon any reasonable costs and expenses and attorney's fees, both in the trial and appellate courts, necessarily paid or incurred by beneficiary in such proceedings, and the balance applied upon the indebtedness secured hereby; and grantor agrees, at its own expense, to take such actions and execute such instruments as shall be necessary in obtaining such compensation, promptly upon beneficiary's request.

9. At any time and from time to time upon written request of beneficiary, payment of its fees and presentation of this deed and the note for endorsement (in case of full reconveyances, for cancellation), without affecting the liability of any person for the payment of the indebtedness, trustee may (a) consent to the making of any map or plat of the property; (b) join in granting any easement or creating any restriction thereon; (c) join in any subordination or other agreement affecting this deed or the lien of

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charge thereof; (d) reconvey, without warranty, all or any part of the property. Trustee's fees for any of the services mentioned in this paragraph shall be not less than \$5.

10. Upon any default by grantor hereunder, beneficiary may at any time without notice, either in person, by agent or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of the property or any part thereof, in its own name sue or otherwise collect the rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees upon any indebtedness secured hereby, and in such order as beneficiary may determine.

11. The entering upon and taking possession of the property, the collection of such rents, issues and profits, or the proceeds of fire and other insurance policies or compensation or awards for any taking or damage of the property, and the application or release thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

12. Upon default by grantor in payment of any indebtedness secured hereby or in grantor's performance of any agreement hereunder, time being of the essence with respect to such payment and/or performance, the beneficiary may declare all sums secured hereby immediately due and payable. In such an event the beneficiary may elect to proceed to foreclose this trust deed in equity as a mortgage or direct the trustee to foreclose this trust deed by advertisement and sale, or may direct the trustee to pursue any other right or remedy, either at law or in equity, which the beneficiary may have. In the event the beneficiary elects to foreclose by advertisement and sale, the beneficiary or the trustee shall execute and cause to be recorded a written notice of default and election to sell the property to satisfy the obligation secured hereby whereupon the trustee shall fix the time and place of sale, give notice thereof as then required by law and proceed to foreclose this trust deed in the manner provided in ORS 86.735 to 86.795.

13. After the trustee has commenced foreclosure by advertisement and sale, and at any time prior to 5 days before the date the trustee conducts the sale, the grantor or Coquille Economic Development Corporation or any other person so privileged by ORS 86.753, may cure the default or defaults. If the default consists of a failure to pay, when due, sums secured by the trust deed, the default may be cured by paying the entire amount due at the time of the cure other than such portion as would not then be due had no default occurred. Any other default that is capable of being cured may be cured by tendering the performance required under the obligation or trust deed. In any case, in addition to curing the default or defaults, the person effecting the cure shall pay to the beneficiary all costs and expenses actually incurred in enforcing the obligation of the trust deed together with trustee's and attorney's fees not exceeding the amounts provided by law.

14. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale or the time to which the sale may be postponed as provided by law. The trustee may sell the property either in one parcel or in separate parcels and shall sell the parcel or parcels at auction to the highest bidder for cash, payable at the time of sale. Trustee shall deliver to the purchaser its deed in form as required by law conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in the deed of any matters of fact shall be conclusive proof of the truthfulness thereof. Any person, excluding the trustee, but including the grantor and beneficiary, may purchase at the sale.

15. When trustee sells pursuant to the powers provided herein, trustee shall apply the proceeds of sale to payment of (1) the expenses of sale, including the compensation of the trustee and a reasonable charge by trustee's attorney, (2) to the obligation secured by the trust deed, (3) to all persons having recorded liens subsequent to the interest of the trustee in the trust deed as their interests may appear in the order of their priority and (4) the surplus, if any, to the grantor or to any successor in interest entitled to such surplus.

16. Beneficiary may from time to time appoint a successor or successors to any trustee named herein or to any successor trustee appointed hereunder. Upon such appointment, and without conveyance to the successor trustee, the latter shall be vested with all title, powers and duties conferred upon any trustee herein named or appointed hereunder. Each such appointment and substitution shall be made by written instrument executed by beneficiary, which, when recorded in the mortgage records of the county or counties in which the property is situated, shall be conclusive proof of proper appointment of the successor trustee.

17. Trustee accepts this trust when this deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other deed of trust or of any action or proceeding in which grantor, beneficiary or trustee shall be a party unless such action or proceeding is brought by trustee.

The grantor covenants and agrees to and with the beneficiary and the beneficiary's successor in interest that the grantor is lawfully seized in fee simple of the real property and has a valid, unencumbered title thereto, except as may be set forth in an addendum or exhibit attached hereto, and that the grantor will warrant and forever defend the same against all persons whomsoever.

WARNING: Unless grantor provides beneficiary with evidence of insurance coverage as required by this instrument, beneficiary may purchase insurance at grantor's expense to protect beneficiary's interest. This insurance may, but need not, also protect grantor's interest. If the collateral becomes damaged, the coverage purchased by beneficiary may not pay any claim made by or against grantor. Grantor may later cancel the coverage by providing evidence that grantor has obtained proper coverage elsewhere. Grantor is responsible for the cost of any insurance coverage purchased by beneficiary, which cost may be added to grantor's contract or loan balance. If it is so added, the interest rate on the underlying contract or loan will apply to it. The effective date of coverage may be the date grantor's prior coverage lapsed or the date grantor failed to provide proof of coverage. The coverage beneficiary purchases may be considerably more expensive than insurance grantor might otherwise obtain alone and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.

The grantor warrants that the proceeds of the loan represented by the above-described note and this trust deed are:

(a)* ~~primarily for grantor's personal, family or household purposes (see Important Notice below).~~

(b) for an organization, or (even if grantor is a natural person) are for business or commercial purposes.

This deed applies to, inures to the benefit of and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns. The term beneficiary shall mean the holder and owner, including pledgee, of the promissory note secured hereby, whether or not named as a beneficiary herein.

In construing this trust deed, it is understood that the grantor, trustee and/or beneficiary may each be more than one person; that if the context so requires, the singular shall be taken to mean and include the plural, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument the day and year first above written.

*IMPORTANT NOTICE: Delete, by lining out, whichever warranty (a) or (b) is not applicable; if warranty (a) is applicable and the beneficiary is a creditor as such word is defined in the Truth-in-Lending Act and Regulation Z, the beneficiary MUST comply with the Act and Regulation by making required disclosures; for this purpose use Stevens-Ness Form No. 1319, or equivalent. If compliance with the Act is not required, disregard this notice.

COQUILLE INDIAN TRIBE

By: *Edward T. [Signature]*

Its: Chairman

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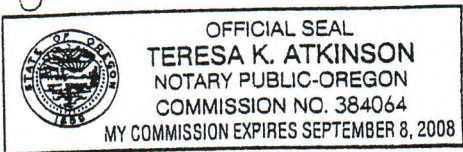
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON, County of Coos) ss.

This instrument was acknowledged before me on June 29, 2006, by

This instrument was acknowledged before me on June 29, 2006, by Edward Metcalf, as Chairman of Coquille Indian Tribe, A federally recognized Indian Tribe
Teresa K. Atkinson

Notary Public for Oregon
My Commission Expires: 9-8-08



REQUEST FOR FULL RECONVEYANCE (To be used when obligations have been paid.)

TO: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by the foregoing trust deed. All sums secured by the trust deed have been fully paid and satisfied. You hereby are directed, on payment to you of any sums owing to you under the terms of the trust deed or pursuant to statute, to cancel all evidences of indebtedness secured by the trust deed (which are delivered to you herewith together with the trust deed) and to reconvey, without warranty, to the parties designated by the terms of the trust deed the estate now held by you under the same. Mail reconveyance and documents to

Dated: _____, _____

Beneficiary

Do not lose or destroy this Trust Deed OR THE NOTE which it secures. Both must be delivered to the trustee for cancellation before reconveyance will be made.

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**WATER RESOURCES DEPT
SALEM, OREGON**

2001

Oregon Water Resources Department
 October 2001 through September 2002
 Annual Water Use - Monthly Quantities Form

USER-ID 50175

2002

APPS 83741



R 83738

DN ST ST

Facility POD-ID	Res #1	Reservoir #1 Storage			
	51872			51562	
October - 2001	9.06 AF	35 AF			
November - 2001	0 AF	45 AF			
December - 2001	0 AF	65 AF			
January - 2002	0 AF	70 AF		24000 G	
February - 2002	2.17 AF	67 AF			
March - 2002	10.88 AF	62 AF			
April - 2002	2.72 AF	65 AF			
May - 2002	4.08 AF	60 AF			
June - 2002	8.16 AF	51 AF			
July - 2002	8.57 AF	42 AF			
August - 2002	7.75 AF	34 AF			
September - 2002	4 AF	30 AF			
TOTAL *	50.39 AF			24000 G	

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 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Reservoir Gage - Flow Meter If use is irrigation, total number acres irrigated 21
 I certify this information is true and accurate to the best of my knowledge.

Neil A. Mang
 Signature

Cranberry M^{CO} Manages
 Title

Westbrook Land & Timber
 Reporting Entity

1-8-03
 Date

Neil A. Mang
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 158 12th Street NE; Salem, OR 97310-0210

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-83741
Permit #S-53529

FO Date: September 1, 2004

Original mailed to:

Applicant: **Westbrook Land and Timber LLC, Neil Mong**
PO Box 475
Coquille, OR 97423

Copies Mailed

By: LS/TLB
(SUPPORT STAFF)

on: 9/2/04
(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #S-83741 / Permit #S-53529 ✓
2. WRD - Watermaster District: #19 - Mitch Lewis ✓
3. WRD - Southwest Regional Manager ✓
4. DEQ - Western Region - John Blanchard, Medford ✓
5. ODFW - District #1 - Shannon Hurn, Charleston ✓
6. WRD - Support Staff, Salem ✓

Other interested parties:

7. Steve Applegate, CWRE ✓

CASEWORKER: LJJ/JJU

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-83741

Final Order
Extension of Time for Permit Number S-53529

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 November 18, 2003, Westbrook Land and Timber LLC submitted an application to the Department for an extension of time for permit number S-53529. The Department issued permit number S-53529 on January 21, 1999. The permit called for complete application of water to beneficial use by October 1, 2003. In accordance with OAR 690-315-0050(2), on June 22, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2013. The protest period closed August 6, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

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

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

CONDITIONS

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

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

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

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

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

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

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

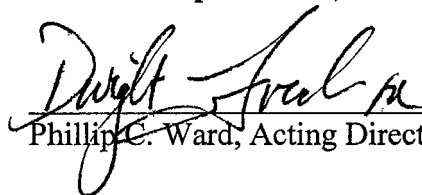
In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

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

Order

The extension of time for Application Number S-83741, Permit Number S-53529, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2013.

DATED: September 1, 2004


Phillip C. Ward, Acting Director

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

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

Extension "Final Order" Checklist

Application # S-83741 / Permit # S-53529

Permit Holder's Name Westbrook Land and Timber LLC

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

✓ 1. Date Extension Request submitted: 11-18-03

✓ 2. Date permit was issued: 1-21-99

✓ 3. Original "B" Date from permit: _____
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-03
(Date for complete application of water)

✓ 5. Extension PFO Date: 6-22-04

✓ 6. WRD recommends extending "B" Date to: _____

and extending the "C" Date to: 10-1-2013

W/ 5-Yr Progress Report in 2009.

✓ 7. Protest Deadline Date from PFO: 8-6-04

✓ 8. Any written Protests or written Comments received within the Protest period? Yes / No

Reviewer's Name: [Signature]

Date: 8/16/04

CU

Oregon

Water Resources Department
725 Summer St NE Suite A
Salem, OR 97301-1266

ADJ & WR

ADDRESS SERVICE REQUESTED



- Not Deliverable As Addressed
Unable To Forward
- Insufficient Address
- Moved, Left No Address
- Unclaimed Refused
- Attempted - Not Known
- Not Such Street Number
- Vacant Illegible
- No Mail Receptacle
- Box Closed - No Order
- Returned For Better Address
- Postage Due _____

ANK

FILE#: R 83738

WESTBROOK LAND AND TIMBER LLC; M
PO BOX 475
COQUILLE, OR 97423

RECEIVED
NOV 18 2009
WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Westbrook Land & Timber

Water Resources Department

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

November 12, 2009

Coquille Indian Tribe
P.O. Box 783
3050 Tremont Street
North Bend, Oregon 97459

Reference: Application R-72045, Permit R-11456 – Application S-71757, Permit S-51459
Application S-83741, Permit S-53529 – Application R-83740, Permit R-12619
Application R-83738, Permit R-12617 – Certificate 8752
Certificate 61417 – Certificate 61418

Regarding Application R-72045, Permit R-11456 – Application S-71757, Permit S-51459 the assignment by proof from Randall Johnson to Coquille Indian Tribe, has been recorded in the records of the Water Resources Department.

Regarding Application S-83741, Permit S-53529 – Application R-83740, Permit R-12619 Application R-83738, Permit R-12617, the assignment by proof from Westbrook Land and Timber, LLC to Coquille Indian Tribe, has been recorded in the records of the Water Resources Department.

Regarding Certificate 8752, Certificate 61417, and Certificate 61418, there is no provision in Oregon Water law that allows for the assignment of a certificated right. Once a right has been perfected, as evidenced by the issuance of a certificate, law views it as a land right that goes with the land. Therefore, if you own the land, you own the certificated water right. There is a provision to allow for the update of ownership for certified rights. The Department will accept the assignment requests as an ownership update on these three rights. There is no fee for an ownership update, therefore the Department is refunding the fees for these three rights.

Our records have been changed accordingly and the original request is enclosed. Receipt number 98465 covering the recording fee of \$600 is also enclosed.

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



Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 98465

cc: Watermaster 19
Randall Johnson
Westbrook Land and Timber, LLC
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File



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

Request for Assignment

By Proof of Ownership
 (If Water Right Holder is Not Available)

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

I, Coquille Indian Tribe

(Name of Party Requesting Assignment)

3050 Tremont St., P.O. Box 783 North Bend OR 97459 541-756-0904
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
- hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # S-83741 ; Permit # S-53529 ; Transfer# _____
 -OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

Westbrook Land and Timber LLC
 (Name of Holder of Record)

PO Box 475 Coquille OR 97423
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 5 day of November, 2009.

Party Requesting Assignment Edward T. Metcalfe

Party Requesting Assignment _____

Assignment by Proof
 E. T. Metcalfe
 11-10-2009

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 98465
- For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

RECEIVED

NOV 10 2009

WATER RESOURCES DEPT
 SALEM, OREGON



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

Request for Assignment

By Proof of Ownership
 (If Water Right Holder is Not Available)

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

I, Coquille Indian Tribe

(Name of Party Requesting Assignment)

3050 Tremont St., P.O. Box 783 North Bend OR 97459 541-756-0904
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
 hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # R-83740 ; Permit # R-12619 ; Transfer# _____
 -OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

Westbrook Land and Timber LLC
 (Name of Holder of Record)

PO Box 475 Coquille OR 97423
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

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- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 5 day of November, 2009.

Party Requesting Assignment Edward J. Mellett
 Party Requesting Assignment _____

ASSIGN BY PROOF
 11-10-2009

DO NOT WRITE IN THIS BOX

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 - Fee receipt # 98465
 - For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

RECEIVED

NOV 10 2009

WATER RESOURCES DEPT
 SALEM, OREGON
 WR



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

Request for Assignment

By Proof of Ownership
 (If Water Right Holder is Not Available)

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

I, Coquille Indian Tribe

(Name of Party Requesting Assignment)

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 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
- hereby request assignment of a *portion* of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # R-83738 ; Permit # R(S)-12617 ; Transfer# _____
 -OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

Westbrook Land and Timber LLC
 (Name of Holder of Record)

PO Box 475 Coquille OR 97423
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 5 day of November, 2009.

Party Requesting Assignment Edward J. Melody

Party Requesting Assignment _____

OK ALL IN BY PROOF 6022-01-11 J.P.P. 11-10-2009

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
 - Fee receipt # 98465
 - For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

RECEIVED

NOV 10 2009



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

Request for Assignment

By Proof of Ownership
 (If Water Right Holder is Not Available)

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

I, Ed Metcalf, Coquille Indian Tribe

(Name of Party Requesting Assignment)

3050 Tremont St., P.O. Box 783 North Bend OR 97459 541-756-0904
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
 hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # R-72045 ; Permit # R-11456 ; Transfer# _____
 -OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

Douglas W. Johnson or Randall W. Johnson, JR.
 (Name of Holder of Record)

P.O. Box 1166 Bandon OR 97411
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 5 day of November, 2009.

Party Requesting Assignment Edward J Metcalf

Party Requesting Assignment _____

ASSIGN BY PROOF
 6002-01-11
 J.M.C. 11-10-2009

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
 - Fee receipt # 98465
 - For Director by Jerry Sauter, Program Analyst in Water Rights Division J. Sauter

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

RECEIVED

NOV 10 2009

WATER RESOURCES DEPT
 SALEM, OREGON

WR

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WESTBROOK LAND AND TIMBER LLC, JEFF MACE
PO BOX 475
COQUILLE, OREGON 97423

(541)572-8204

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

APPLICATION FILE NUMBER: S-83741

SOURCE OF WATER: THREE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-83738, R-83739, and R-83740

PURPOSE OR USE: CRANBERRY USE ON 50.0 ACRES AND DOMESTIC EXPANDED

MAXIMUM VOLUME ALLOWED: 410 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 30, 1997

POINT OF DIVERSION LOCATION FROM THE RESERVOIRS: SW 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SECTION 4, T27S, R14W, W.M.

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(cfs) per acre; For flood harvesting or pest control, 0.05 cfs per acre; For irrigation of cranberries, ONE-FORTIETH of one cfs 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 cfs and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 4.3 ACRES
SW 1/4 NW 1/4 7.6 ACRES & DOMESTIC
SE 1/4 NW 1/4 3.6 ACRES
NE 1/4 SW 1/4 22.8 ACRES
NW 1/4 SW 1/4 10.8 ACRES
SE 1/4 SW 1/4 0.9 ACRES

SECTION 4

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

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by

Application S-83741 Water Resources Department

PERMIT 53529

the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- 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.

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.

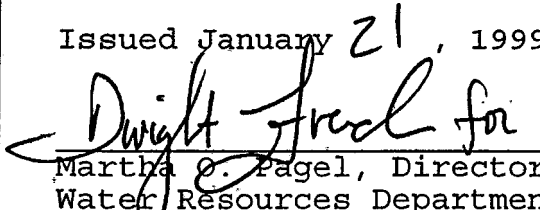
By law, the use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 21, 1999


Martha O. Pagel, Director
Water Resources Department

Application # 3-83741 / Permit # S-53529

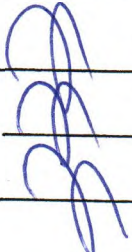
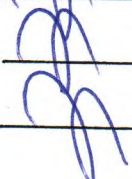
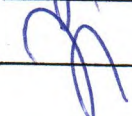
Route Slip ... Extension of Time

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

◆ **WRIG...**
Money Received: \$250.⁰⁰ on 11-18-03

◆ **Lisa Juul...**
Extension Completeness: 
 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:  11/25
Update Extension Database:  11/25
Files back to filing cabinets:  11/25

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-83741 / Permit #: S-53529

Permittee's Name: Westbrook Land & Timber LLC

Permittee's Mailing Address: PO Box 475, Coquille, OR 97423

POD Location: Township 27-S Range 14-W Section 4 ¼ ¼

Stream Basin: _____ County: Coos

- ✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No
***If "No"..... has certified request for the new extension form been sent? Yes / No ✓ \$250-OK
- ✓ 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: 1-21-99 (priority = 12-30-97)
- ✓ 4. Source: Three Reservoirs constructed under Appl's R-83738, R-83739 & R-83740
- ✓ 5. Use: Cranberry Use on 50.0 ac & Domestic Expanded
- ✓ 6. "Q": 410.0 AF per year of Stored Water Only
- ✓ 7. Original "B" Date: _____ Original "C" Date: 10-1-2003
- ✓ 8. Conditions of Permit: Orig. "A" Date: 1-21-2000
Before use begins - shall install a meter or other suitable meas. device, shall keep monthly record of water use & report annually to WRD.
- ✓ 9. Extension request received: 11-18-03 Request Number (...1st, 2nd, 3rd): 1st
- ✓ 10. Last Authorized "B" Date: _____ Last Authorized "C" Date: 10-1-2003
- ✓ 11. Proposed "B" Date: ~~10-1-2013~~ N/A Proposed C Date: 10-1-2013
- ✓ 12. Amount Invested to date: \$215,000.00 Estimated Total Cost: \$315,000.00
(***) Estimated Remaining Cost: \$100,000.00

___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?

___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.

___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: _____

- Partial construction of Reservoir #1 and #2
- Installation of 3 8" flow meters

___15. The work remaining to be completed consists of: _____

- Complete Construction
- Full Application of Water to beneficial use

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

- A weak cranberry market

___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)]

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

- Permit holder has completed approximately 75 % of the construction.
- Permit holder has beneficially used 17 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? Yes/ No
—If No, reasons why not? _____
- Permit holder has invested approximately 68 % of the total estimated cost to complete the project.
- Other: _____

___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)]:

- The amount of water available to satisfy other affected water rights and scenic waterway flows;
- 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.);
- The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- Economic investment in the project to date;
- Other economic interests dependent on completion of the project; and
- 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? N/A
- within 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 low Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? no
- Other: _____

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

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

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

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

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

5-year Progress Report Checkpoints

Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

App. File # 5-83741

___ PFO peer review by _____

___ final PFO preparation

___ move file to "done" and print out

___ set up e-mail notification, if NW region

___ prepare FO checklist

___ prepare FO draft

___ update workingcopy.xls

___ update personal tracking db

Extension "PFO" Dates

Mailing / Issuance Date: _____

Coordinator
WRD Project Manager: [Signature]

Protest Deadline Date: _____

Date: _____

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

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

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

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

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

5-year Progress Report Checkpoints

Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4, 2004

Drafting / Issuance Date: _____

WRD Project Manager: ^{Coordinator} 

Protest Deadline Date: _____

Date: _____

Mailing List for Extension PFO Copies

Application #S-83741
Permit #S-53529

PFO Date: June 22, 2004

Original mailed to:

Applicant: **Westbrook Land and Timber LLC**
PO Box 475
Coquille, OR 97423

Copies Mailed
By: <u>1WJ²</u> (SUPPORT STAFF)
on: <u>6/23/04</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #S-83741 / Permit #S-53529 ✓
2. WRD - Watermaster District: #19 ✓
3. DEQ - Western Region - John Blanchard, Medford ✓
4. ODFW - District #1 - Shannon Hurn, Charleston Check new ODFW listing ✓

Other interested parties:

5. None

CASEWORKER: LJJ/JJU

S:\groups\wr\extensions\PF O\PFO Peer Review\for JJU to review\JJU finished review\83741.wpd

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application)
for an Extension of Time for)
Permit #S-53529, Water Right) **PROPOSED FINAL ORDER**
Application #S-83741)
(Westbrook Land and Timber, LLC))

Permit Information

Application File #S-83741 / Permit #S-53529
Basin: #17 - South Coast / Watermaster District: #19
Date of Priority: December 30, 1997

Authorized Use of Water

Sources of Water: Three Reservoirs constructed under Application numbers R-83738, R-83739, and R-83740
Purpose or Use: Cranberry Use on 50.0 acres and Domestic Expanded
Maximum Volume: 410.0 acre-feet (af) each year of stored water only

**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-53529, water right Application #S-83741. A copy of Permit #S-53529 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for Permit #S-53529 to apply water to full beneficial-use from October 1, 2003, to October 1, 2013; 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-53529 was granted by the Water Resources Department on January 21, 1999. The permit authorizes the appropriation of water for storage of up to 410.0 af each year from three reservoirs constructed under application numbers R-83738, R-83739, and R-83740 for cranberry use on 50.0 acres and domestic use expanded. The permit specified that full application of water was to be made on or before October 1, 2003.
2. The permit holder submitted an "Application for Extension of Time" to the Department on November 18, 2003, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #S-53529 be extended from October 1, 2003, to October 1, 2013. This is the first permit extension requested for Permit #S-53529.

3. Notification of the permit holder's extension of time request for Permit #S-53529 was published on the Department's Public Notice dated November 25, 2003. No public comment on the extension application was received.

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, and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

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

Start of Construction [ORS 537.230]

5. Construction of the water system began within the time specified in the permit, being January 21, 2000.

Financial Investment [ORS 539.010(5)]

6. As of November 18, 2003, the permit holder had invested a total of \$215,000 into the project, consisting of partial construction of Reservoirs #1 and #2, and installation of three eight-inch flow meters. An additional \$100,000 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:

¹ ORS 537.248 applies to reservoir permits only.

- a. None have been identified.
16. 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)]

17. The income and use of water from the permitted water development will result in reasonable returns against the investment made in the project to date.

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.

18. As of November 18, 2003, the remaining work to be completed consists of complete application of the stored water to beneficial use.
19. Delay of full beneficial use of water under Permit #S-53529 was due to inadequate financial resources due to the collapse of the cranberry market.
20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2013, to apply water to full beneficial use under the terms of Permit #S-53529 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 specified under ORS 536.050(1), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).

4. Full application of water to beneficial use can be completed by October 1, 2013², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. In order to ensure future diligence is exercised in the development and perfection of Permit #S-53529, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time under Permit #S-53529 to fill the reservoirs and complete application of water to beneficial use from October 1, 2003, to October 1, 2013.

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

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.

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

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

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

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

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

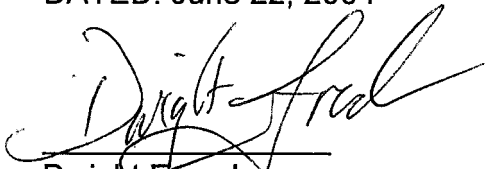
If the Department finds that diligence is questionable, the Department may:

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

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

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

DATED: June 22, 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, August 6, 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 Moulon. 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.

WATER RESOURCES DEPARTMENT

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # 64375

INVOICE # _____

RECEIVED FROM: Westbrook Land and Timber LLC APPLICATION see below

BY: _____ PERMIT _____
TRANSFER _____

CASH: CHECK:# X 2038 OTHER: (IDENTIFY) TOTAL REC'D \$ 750.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$
OTHER: (IDENTIFY) \$

4270 WRD OPERATING ACCT

MISCELLANEOUS R 83738 250.00
0407 COPY & TAPE FEES R 83740 250.00 \$
0410 RESEARCH FEES RS 83741 250.00 \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$ 750.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 64375

DATED: 11/18/03 BY: Linda Doyle

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

I, Neil Mong
NAME

P O Box 475 Coquille, OR 97423 541-347-1329
ADDRESS CITY STATE ZIP PHONE
541-572-8204

owner of record, or duly authorized agent, of Application No. S-83741, Permit No. S3529,
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, 2003,
be extended to October 1, 2013,

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, 2003, be extended to October 1, 2013.

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 extension application form. Oregon Water Law and Administrative Rules
requires this information to be considered by the Water Resources Department
when reviewing a permit extension application. 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

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).

USGS style "C" Staff gauges installed in Reservoir #1 of Permit R-93738 to measure Reservoir levels from full to dead pool. Flow meters installed in pump house to measure all water appropriated for crop use. We are keeping monthly records of water use and Reservoir levels. Dist. 19 Watermaster + ODF&W Dist. Biologist have visited our farm to review compliance to permit conditions.

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.

NA

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:

Installation of 3 - 8" Flow meters to measure water use appropriated from storage to Cranberry crop use.

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

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NOV 18 2003

WATER RESOURCES DEPT
SALEM, OREGON

Developed Reservoir #1 of Permit R-83738 but not complete
Started Reservoir #3 of Permit R-83740, not yet complete

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

70 AF

B) Number of Acres Irrigated (if an irrigation permit):

21 Acres developed so far.

Eventually 50 Acres

5. Cost of project to date 215,000⁰⁰. Estimated remaining cost to complete the project 100,000.

6. 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.

NA

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

NP

- 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.

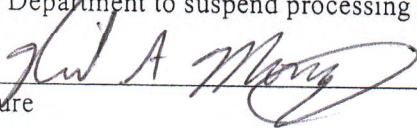
NA

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

Dramatic drop of Cranberry prices over the last several years to below production cost severely impacted our developing to completion before ending date on permit. Also, several years of dry conditions have caused us to reassess what kind of rainfall and stream flows are really going to be like in the coming years.

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

Signature



Date

10-10-03

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

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

revised: September 18, 2002

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NOV 18 2003

WATER RESOURCES DEPT
SALEM, OREGON

WESTBROOK LAND & TIMBER, L.L.C.
P. O. BOX 475
COQUILLE, OR 97423

October 10, 2003

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

RE: Water Right Permit Extensions

Dear Water Resources Department:

Please find enclosed three separate Applications for Extension of time with a check for \$750.00 to cover extension fees. These three applications deal with Water Permits R-12617, R-12619, and 53529. I have attached these together because they all pertain to the same farm and Cranberry crop. In the question regarding cost of project to date and expected cost to completion I have used the same number in all three applications. This number is from the total cost of development of permits for the farm. If you have any questions please feel free to call our Cranberry Office at 541-347-1329.

Respectfully,


Neil Mong
Cranberry Manager
Westbrook Land & Timber, L.L.C.

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NOV 18 2003

WATER RESOURCES DEPT
SALEM, OREGON



2000

583741, R 83740
 Oregon Water Resources Department
 October 2000 through September 2001
 Annual Water Use - Monthly Quantities Form

2001

USER-ID 50175



Facility / POD-ID	Reservoir #1 51822 OR/DN	Reservoir #1 E			
October - 2000	0 AF	23 AF			
November - 2000	0 AF	30 AF			
December - 2000	0 AF	35 AF			
January - 2001	0 AF	50.5 AF			
February - 2001	2 AF	53.5 AF			
March - 2001	2 AF	57 AF			
April - 2001	2.5 AF	62 AF			
May - 2001	4 AF	59.5 AF			
June - 2001	5.5 AF	55.5 AF			
July - 2001	10 AF	52 AF			
August - 2001	7 AF	42 AF			
September - 2001	7 AF	35 AF			
TOTAL *	40 AF				

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FEB 04 2002

WATER RESOURCES DEPT.
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Reservoir Gauge. If use is irrigation, total number acres irrigated 21

I certify this information is true and accurate to the best of my knowledge.

Neil A. Morgan
 Signature

Bag Manager
 Title

Westbreak Lavel & Timber
 Reporting Entity

1-30-2002
 Date

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-83741

Final Order

Application History

On December 30, 1997, Westbrook Land and Timber LLC submitted an application to the Department for a water use permit. The application requests to use 410.0 acre-feet of stored water only for cranberry use and supplemental domestic expanded. The proposed source of water for cranberry operations is reservoir 1 (220.0 acre-feet), reservoir 2 (160 acre-feet), and reservoir 3 (30.0 acre-feet). The source of water for supplemental domestic expanded use is reservoir 3. Reservoirs 1, 2, 3, are being constructed under Applications R-83738, R-83739, and R-83740.

On June 30, 1998, the Department issued a Proposed Final Order (PFO) proposing to allow the use as requested. The Department determined water is available all year (stored water only), the use is allowable under the South Coast Basin Program, the use will not injure senior water rights and the use complies with rules of the Water Resources Commission.

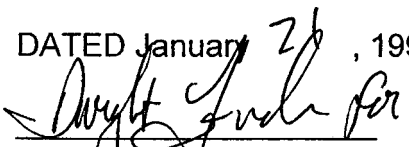
On August 8, 1998, the applicant submitted a protest and request for hearing. The protest was regarding the recommended conditions on pending reservoir applications R-83738, R-83739, and R-83740 - - the protests were not directly related to this application. On December 8, 1998, the applicant conditionally withdrew the protest and request for hearing.

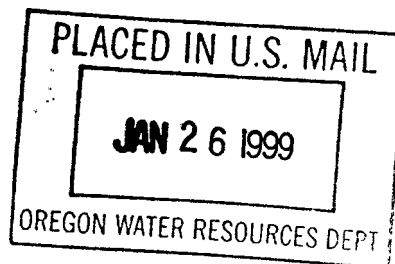
As conditioned, the proposed use will not impair or be detrimental to the public interest.

Order

Application S-83741 is approved as conditioned and limited on the attached permit.

DATED January 26, 1999


Martha O. Pagel
Director



Hearing and Appeal Rights

No changes have been made to the findings of the Proposed Final Order and there are no pending protests to 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 COOS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WESTBROOK LAND AND TIMBER LLC, JEFF MACE
PO BOX 475
COQUILLE, OREGON 97423

(541) 572-8204

DRAFT

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

APPLICATION FILE NUMBER: S-83741

SOURCE OF WATER: THREE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-83738, R-83739, and R-83740

PURPOSE OR USE: CRANBERRY USE ON 50.0 ACRES AND DOMESTIC EXPANDED

MAXIMUM VOLUME ALLOWED: 410 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 30, 1997

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SECTION 4, T27S, R14W, W.M.

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 (cfs) per acre; For flood harvesting or pest control, 0.05 cfs per acre; For irrigation of cranberries, ONE-FORTIETH of one cfs 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 cfs and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 4.3 ACRES

Application S-83741 Water Resources Department

PERMIT DRAFT

SW 1/4 NW 1/4 7.6 ACRES & DOMESTIC
SE 1/4 NW 1/4 3.6 ACRES
NE 1/4 SW 1/4 22.8 ACRES
NW 1/4 SW 1/4 10.8 ACRES
SE 1/4 SW 1/4 0.9 ACRES

DRAFT

SECTION 4

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

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 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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

~~DRAFT - THIS IS NOT A PERMIT~~

~~_____~~
Martha O. Pagel
Director

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WESTBROOK LAND AND TIMBER LLC, JEFF MACE
PO BOX 475
COQUILLE, OREGON 97423

(541)572-8204

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

APPLICATION FILE NUMBER: S-83741

SOURCE OF WATER: THREE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-83738,
R-83739, and R-83740

PURPOSE OR USE: CRANBERRY USE ON 50.0 ACRES AND DOMESTIC EXPANDED

MAXIMUM VOLUME ALLOWED: 410 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 30, 1997

POINT OF DIVERSION LOCATION FROM THE RESERVOIRS: SW 1/4 NW 1/4, SE 1/4
NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SECTION 4, T27S, R14W, W.M.

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(cfs) per acre; For flood harvesting or pest control, 0.05 cfs per acre; For irrigation of cranberries, ONE-FORTIETH of one cfs 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 cfs and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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Application S-83741 Water Resources Department

PERMIT 53529

the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- 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.

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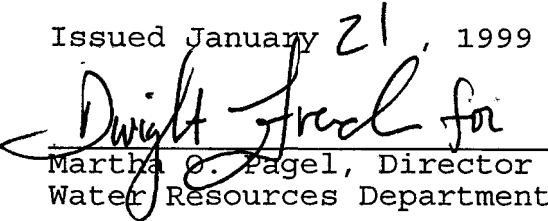
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Issued January 21, 1999


Martha O. Pagel, Director
Water Resources Department

Mailing List for Protested Application Copies

Application APPNUM

FO Date FODATE

Original mailed to: 5 - 83741

Applicant:

Westbrook

Copies sent to:

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

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 19
4. WRD - Regional Manager (not Bob Main): AL Cook
5. ODFW District Biologist: Ressa Bender

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

6. _____

7. Steve Applegate

8. 3224 Indian Wells Loop South

9. Salem OR 97302

10. _____

11. _____

12. _____

13. _____

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

1. _____

2. _____

3. _____

CASEWORKER: A.S.

m: } groups | wr | protests |

98-12 | 583741. fo
583741. per

Copies Mailed
By: <u>HW</u>
(SUPPORT STAFF)
on: <u>1/20/99</u>
(DATE)

STEVEN P. APPLGATE CONSULTING
3224 Indian Wells Loop South
Salem, OR 97302
Phone (503) 362-4040

January 15, 1999

Mr. Adam Sussman, Protests Coordinator
Oregon Water Resources Department
158 - 12th Street NE
Salem, OR 97310

RE: Application 83741 - Westbrook Land & Timber

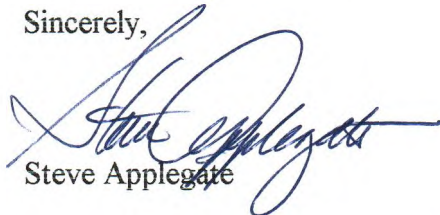
Dear Mr. Sussman:

We have reviewed the draft final order in this matter, and conclude we must find it acceptable. Enclosed is a \$175.00 check for the balance of the fees still due. We hope the permit will be issued within the next week or so.

As you and I have discussed, my clients and I still have a significant concern about the eventual application of the permit condition requiring weirs below the stream diversions, while at the same time prohibiting any "obstruction" to fish passage. We are accepting this wording with the sincere hope that both the Watermaster and ODFW staff will work with us in good faith to reduce unnecessary costs and to not further limit our ability to divert the water allowed in the permit. These limits are already excessive in our view.

Thank you for your patience and assistance.

Sincerely,



Steve Applegate

cc: Westbrook Land & Timber
Reese Bender, ODFW
John Drolet

RECEIVED

JAN 15 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **27208**

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

INVOICE # _____

RECEIVED FROM: Westbrook Land & Timber
BY: _____

APPLICATION	83741
PERMIT	
TRANSFER	

CASH: CHECK: # ✓ 24-666 OTHER: (IDENTIFY)

TOTAL REC'D \$ 175.00

0417 WRD MISC CASH ACCT

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

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
(New) TC165	DEPOSIT LIAB. (IDENTIFY)	\$
(Existing) TC168		\$

PCA # 66111

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	RECORD FEE	\$ 175.00
0203	GROUND WATER	\$	0204		\$
0205	TRANSFER	\$	0206		\$
WELL CONSTRUCTION				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 # **27208**

DATED: 1-15-99

BY: Roger Wright

STEVEN P. APPLGATE CONSULTING
3224 Indian Wells Loop South
Salem, OR 97302
Phone (503) 362-4040

RECEIVED
DEC 08 1998
WATER RESOURCES DEPT.
SALEM, OREGON

December 4, 1998

Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310
ATTN: Adam Sussman

RE: Westbrook Land & Timber - Application S-83741

Dear Mr. Sussman:

We have decided to withdraw our protest to the proposed order for the above referenced application, with a couple of conditions that we believe are acceptable to both your agency and Oregon department of Wildlife (ODFW).

As we discussed at our meeting in Coquille on October 9, 1998, ODFW would agree to staff gauges and weirs downstream of each diversion point, rather than gauging stations. In addition, since WRD's model shows that water is available in Threemile Creek in April, we would like the ability to take that water should it be needed. These are the only changes we are now requesting from the conditions proposed in Reese Bender's letter of February 23, 1998.

We would also like to amend our application with respect to one diversion point location. We would forego the proposed diversion on Unnamed Stream #3 (POD#5), and relocate it to the mainstem of Fivemile Creek below the mouth of Stream #3. Diversion point #5 would thus be located 4,100' North and 2,320' East from the SW corner of Section 4, within the NE1/4 NW1/4 of Section 4. The other four POD's remain as requested initially. I have enclosed a copy of the application map noting this change for your files.

We trust these changes can be accommodated, and that the final order/permit can be issued very soon. If you have questions or comments on this proposal, please contact me or Westbrook directly. Thank you for your assistance.

Sincerely,


Steve Applegate

cc: Westbrook Land & Timber, LLC
Tommy Thompson
Reese Bender, ODFW
Ralph Christensen, EGR & Assoc.

RECEIVED

DEC 08 1998

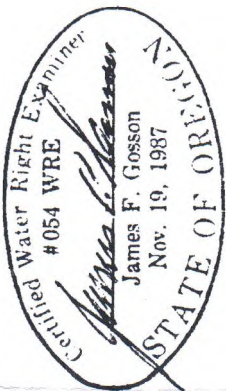
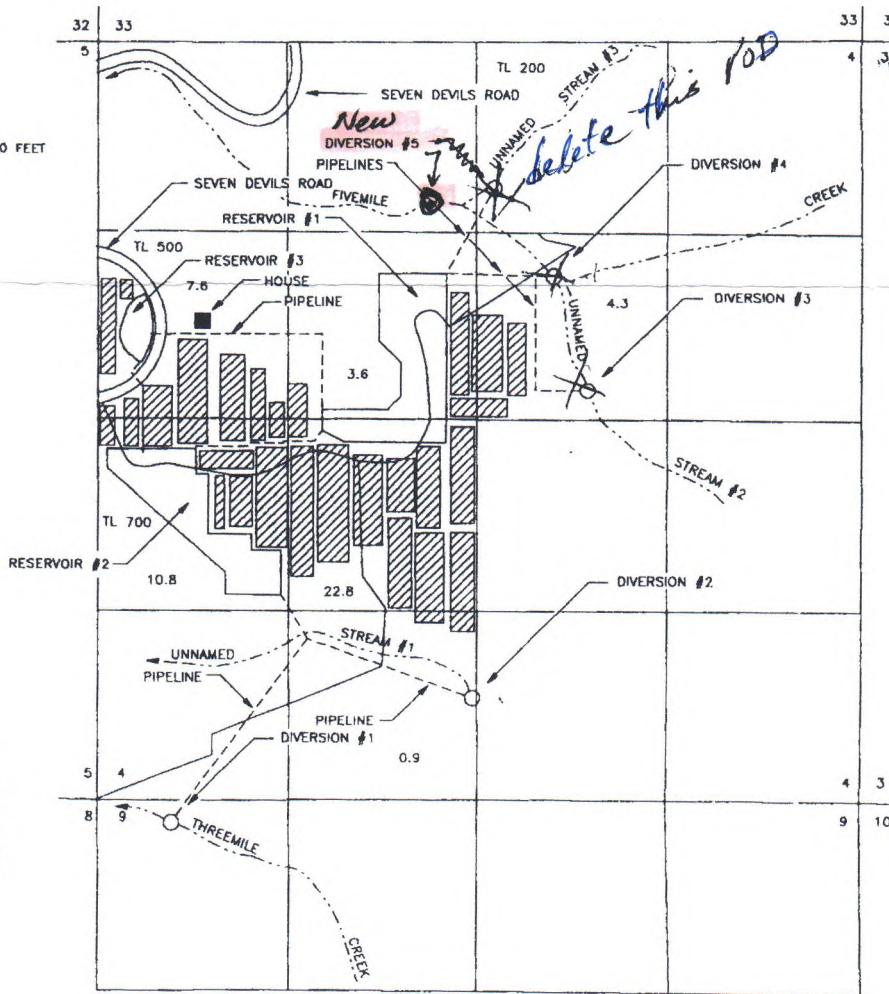
WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION MAP IN THE NAME OF WESTBROOK LAND AND TIMBER, L.L.C. SECTIONS 4 & 9, TOWNSHIP 27, SOUTH, RANGE 14 WEST, W.M.

RECEIVED

DEC 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON



DRWG. 97-104

DIVERSION	FT. N/S	FT. E/W	FROM	LOCATION	SECTION
#1	140' S	520' E	SW COR. S4	NW1/4 NW1/4	9
#2	720' N	2600' E	SW COR. S4	SE1/4 SW1/4	4
#3	2820' N	3380' E	SW COR. S4	SW1/4 NE1/4	4
#4	3610' N	3160' E	SW COR. S4	SW1/4 NE1/4	4
#5	4100 4210' N	2320 2440' E	SW COR. S4	NE NW NW1/4 NE1/4	4

ALL WITHIN TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY, OREGON.
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

83741

53529

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number S-83741

Proposed Final Order

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

Application History

On December 30, 1997, JEFF MACE, for WESTBROOK LAND AND TIMBER LLC, submitted an application to the Department for the following water use permit:

- Amount of Water: 410.0 ACRE-FEET, BEING 220.0 AF FROM RES 1 FOR CRANBERRY USE, 160.0 AF FROM RES 2 FOR CRANBERRY USE, 25.0 AF FROM RES 3 FOR CRANBERRY USE AND 5.0 AF FROM RES 3 FOR SUPPLEMENTAL DOMESTIC EXPANDED
- Use of Water: CRANBERRY USE ON 50.0 ACRES AND SUPPLEMENTAL DOMESTIC EXPANDED
- Source of Water: THREE RESERVOIRS, TRIBUTARIES OF AN UNNAMED STREAM, THREEMILE CREEK, AND FIVEMILE CREEK
- Area of Proposed Use: COOS County within SECTION 4, TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.
- Water Delivery System: Water is diverted from three unnamed reservoirs through 6 and 9 inch diameter pipes to the use.

On 2/27/98, the Department mailed the applicant notice of its Initial Review, determining that "The use of 410.0 ACRE-FEET, BEING 220.0 AF FROM RES 1, 160.0 AF FROM RES 2, AND, 25.0 AF FROM RES 3 FOR CRANBERRY USE ON 50.0 ACRES, AND 5.0 AF FROM RES 3 FOR SUPPLEMENTAL DOMESTIC EXPANDED from THREE RESERVOIRS, TRIBUTARIES OF AN UNNAMED STREAM, THREEMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN AND FIVEMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN is allowable year-round from stored water contingent upon approval of applications R-83738, R-83739 and R-83740." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 3/17/98, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

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

Findings of Fact

The South Coast Basin Program allows the following uses: CRANBERRY USE AND DOMESTIC EXPANDED

Senior water rights exist on AN UNNAMED STREAM, THREEMILE CREEK, AND FIVEMILE CREEK or on downstream waters.

THREE RESERVOIRS, TRIBUTARIES OF AN UNNAMED STREAM, THREEMILE CREEK AND FIVEMILE CREEK are not within or above a State Scenic Waterway.

Contingent on approval of applications R-83738, R-83739, and R-83740, water is determined to be available, because the source is stored water.

The Department finds that no more the amount of water requested, 410.0 ACRE-FEET, BEING 220.0 AF FROM RES 1 FOR CRANBERRY USE, 160.0 AF FROM RES 2 FOR CRANBERRY USE, 25.0 AF FROM RES 3 FOR CRANBERRY USE AND 5.0 AF FROM RES 3 FOR SUPPLEMENTAL DOMESTIC EXPANDED, is allowable.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on the accompanying reservoir applications R-83738, R-83739, and R-83740 which divert water directly from the streams. However, application S-83741 is to use the water legally stored in the off-channel reservoirs and does not propose to remove additional water from the streams.

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 other rules of the Water Resources Commission not otherwise described above.

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

For these reasons, the required presumption has been established.

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

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

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

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

Recommendation

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

DATED June 30, 1998



Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$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 a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **August 14, 1998**.

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

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

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

RWK-WEEK 153

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF COOS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WESTBROOK LAND AND TIMBER LLC, JEFF MACE
PO BOX 475
COQUILLE, OREGON 97423

(541) 572-8204

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

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R-83739, and R-83740

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PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 30, 1997

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1/4, NW 1/4 SW 1/4, SECTION 4, T27S, R14W, W.M.

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SECTION 4

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

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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.

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Issued _____, 199_

DRAFT - THIS IS **NOT** A PERMIT

Water Resources Department
Director

Application S-83741 Water Resources Department
Basin 17 Volume 3 BASIN 17 MISC
RWK WEEK 153 MGMT.CODE

PERMIT DRAFT
District 19



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 27, 1998

Steven Westbrook
Westbrook Land and Timber, LLC
PO Box 339
North Plains, OR 97133

Re: Water Right Application S-83741

Dear Mr. Westbrook:

Thank you for your letter of October 15, 1998. As requested, the above-referenced application will be put on hold **until November 30, 1998**, to allow time for you to resolve some outstanding issues with the application and proposed conditions.

If you have any additional questions or concerns, please contact me at (503) 378-8455, ext. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

AS/bk

c: Steve Applegate
3224 Indian Wells Loop
Salem, Oregon 97302

Reese Bender, ODFW



Westbrook Land and Timber, L.L.C.



P.O. Box 339 • North Plains, OR 97133
Phone (503) 647-5126

October 15, 1998

Adam Sussman

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12th Street-NE
Salem, OR 97310-0210

Via Facsimile: (503) 378-2496

Re: Water Rights Application Number S-83741

Dear Mr. Sussman:

Westbrook Land and Timber, L.L.C. requests that the above referenced application be put on hold for not longer than 30 days. We hope that during this time we will be able to resolve some outstanding issues with the application and the proposed conditions.

Should you have any questions or comments please contact either myself at (707) 487-3516, Ext. #212, or, Steve Applegate, Consultant, at (503) 362-4040. Thank you.

Sincerely,

Steven Westbrook
Managing Member

cc: Nancy McGovern
Steve Applegate

PROTEST TO PROPOSED FINAL ORDER

Any person may protest the Proposed Final Order. Applicants are not required to pay a fee, but non-applicant protestants must include a \$200 fee as part of their protests. The protest must be submitted to the Water Resources Department; 158 12th St., NE; Salem, OR 97310, and must include the following:

Application No. 5-83741 (260 R-83738, R-83739) and R-83740 Applicant's Name Westbrook Land & Timber, LLC

Protestant's Name Nancy Westbrook

Address P.O. Box 339

City North Plains State OR Zip Code 97133

Describe your interest in the proposed final order. If you claim to represent the public interest, include a precise statement of the public interest that you represent. I am one of the owners of the company & represent the rest of the owners with respect to this application.

Describe in detail how the proposed final order will impair or be detrimental to your interest. We have no particular problems relative to the PFO for Application 5-83741. However, we have become aware of the conditions recommended by ODFW for the reservoir applications listed above. As proposed, these conditions are extremely excessive in terms of the financial and technical feasibility of our proposed project. We seek the opportunity to explore the potential (over, please) Describe in detail how the proposed final order is deficient or in error, and how to correct it.

Mr. Bender's letter of February 23, 1998, is in error as to the water available in the Threemile Creek drainage.

Cite any legal authority that supports your protest. ORS 537.153 (6)

RECEIVED
AUG 11 1998
WATER RESOURCES DEPT
SALEM, OREGON

I certify that to the best of my knowledge the information I have provided in this protest is accurate, true, and correct.

X Protestant's Signature Nancy Westbrook Date 8-8-98

For Applicants only: If you file or another person files a protest and you request a hearing, the Department must hold a contested case hearing.
I am the applicant, and I
 request a contested case hearing.
 do not request a contested case hearing.

CME
8/18/98

(cont. from front side):

for negotiation/discussions with Mr. Reese Bender of ODFW for the purpose of determining whether these conditions may be amended to be acceptable to both interests. We would welcome the participation of WRD in these discussions.

If such discussions do not prove to be fruitful, we would wish to proceed to hearing. We believe the interests of fish can be adequately protected without destroying the feasibility of our project.

①

10/9/98

* Reese, Terry Tate, Steve Ludse, Nancy Wist, Tom Thompson
* Steve Applegate.

Five mile / Three mile - * Searun cutthroat trout - state sensitive
proposed for federally listing

* Steve's - proposal

* Reservoir application - (staff gages
range + stage - dead pool
Storage)

* Measuring device

-
- ① * Threemile W.A. some water in April - add this
 - ② Anytime H₂O is above 15WR (modest amount perhaps)
 - ③ H₂O is avail in Feb + April

Five mile

- staff gage + weirs at Seven Devils Road

(2)

Ultimate

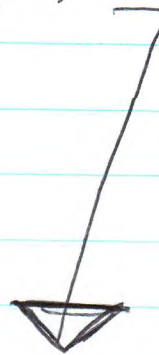
Agree Cowl #2

and... at least one cts below each of
the diversion

Counter

At least 1 cts below POD # 3, 5
2 cts below 4

* Fish screenings



Mailing List for PFO Copies

Application #S-83741

PFO Date June 30, 1998

Original mailed to:

Applicant: WESTBROOK LAND AND TIMBER LLC; JEFF MACE, PO BOX 475, COQUILLE, OREGON 97423

Copies sent to:

- 1. WRD - File # S-83741
- 2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

- 3. WRD - Watermaster # District 19
- 4. WRD - Regional Manager: SWR
- 5. ODFW District Biologist: Reese Bender

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

6. James Gossen (CWRE)

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

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

1. _____

2. _____

3. _____

Copies Mailed	
By: <u>Cap</u>	(SUPPORT STAFF)
on: <u>6/30/98</u>	(DATE)

RECEIVED

DEC 19 1997

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION MAP

IN THE NAME OF WESTBROOK LAND AND TIMBER, L.L.C.
SECTIONS 4 & 9, TOWNSHIP 27, SOUTH, RANGE 14 WEST, W.M.

RECEIVED

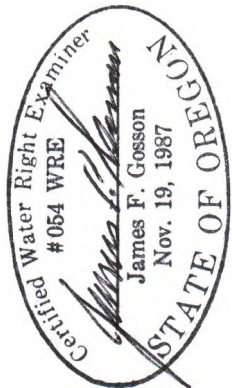
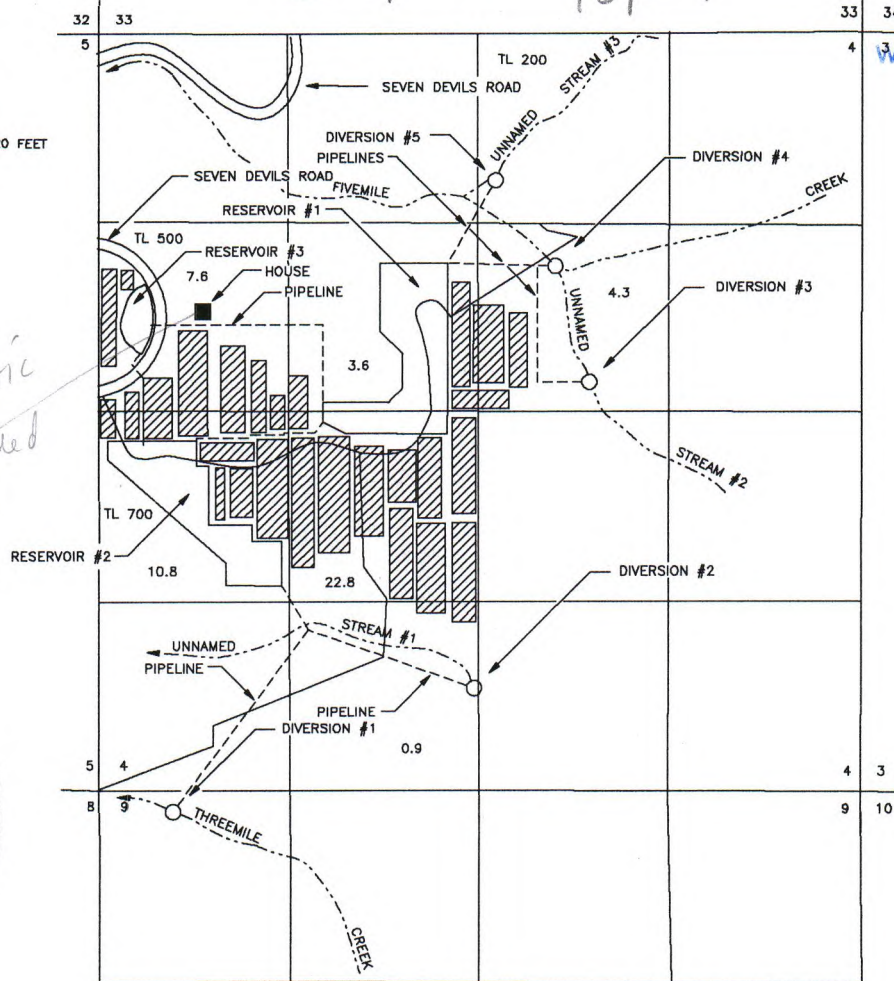
DEC 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Superseded 12/21/98



Domestic expanded around house site



DRWG. 97-104

DIVERSION	FT. N/S	FT. E/W	FROM	LOCATION	SECTION
#1	140' S	520' E	SW COR. S4	NW1/4 NW1/4	9
#2	720' N	2600' E	SW COR. S4	SE1/4 SW1/4	4
#3	2820' N	3380' E	SW COR. S4	SW1/4 NE1/4	4
#4	3610' N	3160' E	SW COR. S4	SW1/4 NE1/4	4
#5	4210' N	2740' E	SW COR. S4	NW1/4 NE1/4	4

ALL WITHIN TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY, OREGON.
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

App. No. 83741

Permit No. 53529



Oregon Water Resources Department

Application for a Permit to Use Surface Water

RECEIVED
DEC 19 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

RECEIVED

DEC 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: _____
Last First MI

Mailing address: _____

_____ City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: Westbrook Land and Timber, L.L.C.

Name and title of person applying: Jeff Mace

Mailing address of organization: P. O. Box 475

Coquille Oregon 97423
City State Zip

Phone: 541/572-8204 541/572-3909
Day Evening

*Fax: 541/572-8204 *E-Mail address: _____

*Optional information

For Department Use

App. No. 5-83741 Permit No. _____ Date 12/30/97

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the *use* proposed? Coos

In what county is the *diversion* proposed? Coos

B. River Basin

(see instruction booklet page 3 for list): South Coast

C. The Proposed Source of Water

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

Source 1: Reservoir #1 Tributary to: See Reservoir Application

Source 2: Reservoir #2 Tributary to: "

Source 3: Reservoir #3 Tributary to: "

Source 4: _____ Tributary to: _____

D. Property Ownership

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

Yes (Skip to section no. 3 "Water Use")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Water Use

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

A. Type(s) of Use(s)

(See page 3 in the instruction booklet for a list of Beneficial Uses.)

- If your proposed use is domestic, indicate the number of households to be supplied with water: 1 (supplemental)
- If your proposed use is irrigation, please attach Form I
- If your proposed use is mining, attach Form R
- If your proposed use is municipal, attach Form M
- If your proposed use is commercial/industrial or quasi-municipal, attach Form Q

B. Amount of Water

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

Source	Use	Amount	
Reservoir #1	Cranberry Use	220	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Reservoir #2	"	160	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Reservoir #3	"	25	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Reservoir #3	Supplemental Domestic Exp.	5	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

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

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses such as irrigation, give dates when water use would begin and end):

Year round - both uses.

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

50.0 acres + domestic expanded.

4. Water Management

A. Diversion

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

- Pump (give horsepower and pump type) 50± HP with centrifugal pumps
- Head-gate (give dimensions) _____
- Other means (describe) _____

B. Monitoring

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

- Weir
- Meter
- Periodic Sampling
- Other (describe) Reservoir level monitoring, using staff gages.

C. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
Diameter(s) 6" to 9" Length 1,200'± (each pump)
Other (describe) An additional small motor (± 2 HP) serving the
supplemental domestic expanded.

D. Application/Distribution Method

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

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

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe solid set with impulse-type heads.

In-line tank for supplemental domestic expanded.

Distribution method

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

E. Conservation

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

Soil moisture monitoring.

Temperature monitoring.

Re-use of water whenever possible, in accordance with best management practices relating to cranberry production, as adopted by the U.S. Department of Agriculture.

5. Resource Protection

Protection Practices

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

Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions: Screening will be monitored by holes, etc.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Streambed will be left in its natural condition as much as possible.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: No equipment in stream unless emergency.

Water quality will be protected by preventing erosion and runoff of waste or chemical products. Describe: Cranberry bogs will be diked so as to prevent uncontrolled run-off.

Other:

6. Project Schedule

Proposed date construction will begin May 1, 1998

Proposed date construction will be completed October 1, 2002

Proposed date beneficial water use will begin October 1, 2003

7. Remarks

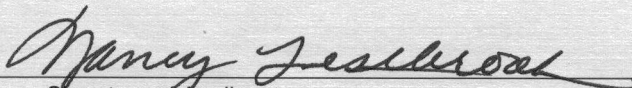
If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Signature

By my signature below I confirm that I understand:

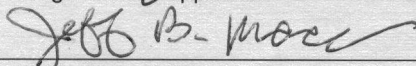
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I receive a permit, I must not waste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

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


Signature of Applicant

12-17-97

Date


Signature of Co-applicant

12-17-97

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

February 27, 1998

WESTBROOK LAND AND TIMBER LLC
JEFF MACE
PO BOX 475
COQUILLE, OREGON 97423

Reference: File S-83741

Dear Applicant:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from THREE RESERVOIRS, TRIBUTARIES OF AN UNNAMED STREAM, THREEMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN AND FIVEMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN for CRANBERRY USE ON 50.0 ACRES AND SUPPLEMENTAL DOMESTIC EXPANDED is **allowable** under OAR 690-517-001(8), the South Coast Basin Program.
3. Water in the amount of 410.0 ACRE-FEET; BEING 220.0 ACRE FEET FROM RES 1, 160.0 ACRE FEET FROM RES 2 and, 25.0 ACRE FEET FROM RES 3, FOR CRANBERRY USE ON 50.0 ACRES AND 5.0 ACRE FEET FROM RES 3 FOR SUPPLEMENTAL DOMESTIC EXPANDED is **available** year-round from stored water contingent upon approval of applications R-83738, R-83739 and R-83740.

Summary of Initial Determinations

The use of 410.0 ACRE-FEET, BEING 220.0 AF FROM RES 1, 160.0 AF FROM RES 2, AND, 25.0 AF FROM RES 3 FOR CRANBERRY USE ON 50.0 ACRES, AND 5.0 AF FROM RES 3 FOR SUPPLEMENTAL DOMESTIC EXPANDED from THREE RESERVOIRS, TRIBUTARIES OF AN UNNAMED STREAM, THREEMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN AND FIVEMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN is allowable year-round from stored water contingent upon approval of applications R-83738, R-83739 and R-83740.

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

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, March 13, 1998**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- 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.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
 3. You will be required to comply with state and federal water quality standards.
 4. The priority date for this application is December 30, 1997.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,



Anita M. McLoud
Water Rights Specialist

cc: Regional Manager, Watermaster District 19, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form


S-83741
wab 17-
pou 17-
gw

FOR LKS
DATE 6-19-98 TIME 11:01 A.M.
P.M.
FROM Jeff Macne
FIRM Westbrook L+C
PHONE 572 8204
 FAX AREA CODE NUMBER EXTENSION
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE
583741 Status

12:15 - rec'd call - Discuss
Status of div. 33

SIGNED Kevin Wilho  FORM 4007
works MADE IN U.S.A.

MESSAGE

Mailing List for IR Copies

Application #S-83741

IR Date: February 27, 1998

Original mailed to:

Applicant: WESTBROOK LAND AND TIMBER LLC; MACE, JEFF, PO BOX 475,
COQUILLE, OREGON 97423

Copies sent to:

1. WRD - File # S-83741
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 19
4. WRD - Regional Manager (not Bob Main):SWR
5. ODFW District Biologist: (COOS County)Reese Bender

Copies Mailed	
By: <u>Can</u>	(SUPPORT/STAFF)
on: <u>2/27/98</u>	(DATE)

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

6. CWRE #054, James Gosson _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

ID# AMM

COPYSHIT-IR

APPLICATION FACT SHEET

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

Application File Number: S-83741

Applicant: WESTBROOK LAND AND TIMBER LLC; MACE, JEFF

County: COOS

Watermaster: District 19

Priority Date: December 30, 1997

Source: THREE RESERVOIRS, TRIBUTARIES OF AN UNNAMED STREAM, THREEMILE CREEK AND FIVEMILE CREEK

Use: CRANBERRY USE ON 50.0 ACRES AND SUPPLEMENTAL DOMESTIC EXPANDED

Quantity: 410.0 ACRE-FEET, BEING 220.0 AF FROM RES 1 FOR CRANBERRY USE, 160.0 AF FROM RES 2 FOR CRANBERRY USE, 25.0 AF FROM RES 3 FOR CRANBERRY USE AND 5.0 AF FROM RES 3 FOR SUPPLEMENTAL DOMESTIC EXPANDED

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 3 BASIN 17 MISC

Point of Diversion Location: SENW, SECTION 4, T27S, R14W, W.M.; ALSO NESW NWSW, SECTION 4, T27S, R14W, W.M.; SWNW, SECTION 4, T27S, R14W, W.M.;

Place of Use: SWNE 4.3 ACRES SWNE SWNW SWNW 7.6 ACRES SENW 3.6 ACRES SENW NESW NESW 22.8 ACRES NWSW NWSW 10.8 ACRES SESW 0.9 ACRES, SECTION 4, TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 13, 1998

PUBLIC NOTICE DATE: Tuesday, March 17, 1998

30 DAY COMMENT DEADLINE DATE: Thursday, April 16, 1998

PFO CHECKLIST

Application #: S 83741

Basin: S COAST 17

WAB: _____

County COOS

Township 275

Range 14W

Section 4

1/4 1/4

SE NW
NE SW
NW SW
SW NW

- 1. Complete by Minimum Requirements Checklist? Y / N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y / N
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) NEEDS DIV 33 REVIEW *
- 4. Groundwater Review **A B C D** River/Stream Name _____
 - a. Groundwater Availability **A B C**
 - b. Is second groundwater review necessary? (comments) Y / N
 - c. Is the well located in a GWLA? (If applicable, include map with POD) Y / N
- 6. Is use from BOR / Doug Co. project? Y / N Contract in file? Y / N Contract # _____
- 7. Is the use allowed by the Basin Program? Y / N Limited? Y / N _____
- 8. Water Availability Data **OK / REDONE / NA** (80% live flow & 50% storage) STORED H2O ONLY
- 9. Is the source withdrawn or limited by statute or Department order? Y / N _____
- 10. Is the Proposed Use located in or above a SWW? Y / N _____
- 11. Division 33: Y / N / NA Above Bonn (after July 17, 1992) Y / N Below Bonn (after April 8, 1994; June 3, 1994) Y / N Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N * RES'S ARE OFF CHANNEL DIV 33 STUFF ADDRESSED ON RES APPS
- 12. IR identifies as on DEQ 303d List? Y / N / NA Comments received? Y / N
- 13. Have conflicts been addressed? Y / N / NA _____
- 14. Rate _____ Duty _____ Irrigation Season _____
- 15. Period of Allowed Use YR RUN
- 16. Allowed Rate of Use 410 AF BEING - 220 AF - 1), 160 AF - 2), & 25 AF FROM RES 3) FOR CRANBERRY USE & 5 AF - 3) FOR DOM EX
- 17. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF) summary
- 18. Conditions * New River Basin? Y / N / NA (conditions found in M:\groups\wr\pfo\findings & other lang)
- 19. IR Date 2/27/98 Public Notice Date 3/17/98 Comment Rec'd _____
- 21. Final Report Checklist
 - Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N
 - b. **Check Watermaster Dist. on the CC list and draft permit**
 - Final PFO has been saved to m:\groups\wr\pfo\work\week#\application #

Name: Runk

Date: 6/3/98

IR CHECKLIST

Application #: S 83741

Basin: SO-Coast

WAB: N/A POU-WAB _____

County COOS Township 27S Range 14W Section 9 1/4 1/4 _____

- 1. Complete by Minimum Requirements checklist. Y/N (Y) Items still required: _____
- 2. Indicators that the process should not continue (ie - items missing, letter to file indicating hold, or other) Y/N (N)
- N/A 3. Groundwater review A B C D River/Stream Name _____ Conditions _____
Water Availability A B C
a. Is the well located in a groundwater limited area? Y/N Name _____
- N/A 4. Within or Above a Scenic Waterway Y/N conditions/restrictions Y/N _____
- 5. Allowed under Basin Program Y/N Limitations? Y/N (N) (690-517-00K8)
- 6. Withdrawn? Y/N (N) season allowed _____
- 7. Basin Maps have been checked. Y/N (Y) 3.5 miles PAC. OCTAV stored water
- 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA (N) STORED water only
- 9. Use CR, DOEX Period of Allowed Use CR-1R, DO 4R
- N/A 10. For Irrigation: Rate _____ Duty _____ Season _____
- 11. Allowable Rate of Use: _____
- 12. Priority Date(s) 12-30-97
- 13. B.O.R. project Y/N (N) contract # _____
- 14. Subject to Division 33 (Above Bonn after July 17, 1992; Below Bonn after April 8, 1994 or June 3, 1994; or Statewide - in shaded areas on t=T, E, & S Map - After June 3, 1994) Y/N/NA (N) STORED
- 15. Conflicts Y/N (N)
- 16. Conditions? (BOR, GW, other) Y/N (N)
- 17. Land use approval (OK'd) needs approval county notified NA
- 18. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 (19) - SWR)
- 19. Letter will be (Good) Limited Bad Bad w/IRshort because Contingent upon approval of R-83738, 39, 40

$$\frac{50 \times .15}{.15} = 7.5 \text{ cfs}$$

$$\frac{405 \text{ AF}}{50} = 8.1 \text{ AF/Ac}$$

$$\frac{50}{40} = 1.25 \text{ cfs}$$

Name: Andrew Date: 2/18/98

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.

New App #	Acres	Use	Prim/Supp	Existing APP #	PERMIT
S 83741	22.80	CR	P		
27.00S14.00W 4	NFSW	Conflicts:		R 83738	
				R 83738	
				S 72338	S 51522
				S 72338	S 51522
S 83741	0.00	DN	P		
27.00S14.00W 4	NWSW	Conflicts:		R 83739	
				R 83739	
				S 72338	S 51522
				S 72338	S 51522
S 83741	3.60	CR	P		
27.00S14.00W 4	SENW	Conflicts:		R 83738	
				R 83738	
				S 72338	S 51522
				S 72338	S 51522
S 83741	0.90	DN	P		
27.00S14.00W 4	SESW	Conflicts:		S 72338	S 51522
S 83741	0.00	DN	P		
27.00S14.00W 4	SWNE	Conflicts:		S 72338	S 51522
				S 72338	S 51522
S 83741	7.60	CR	P		
27.00S14.00W 4	SWNW	Conflicts:		R 83740	
				R 83740	
				S 72338	S 51522
				S 72338	S 51522

NOK

NOK

NOK

NOK

NOK

NOK

CERT #	Status	Use	Acres	Prim/Supp
	V	CR	0.000	P
0	V	CR	0.000	P
0	V	IM	0.000	P
0	V	IM	0.000	P
	V	CR	0.000	P
0	V	CR	0.000	P
0	V	IM	0.000	P
0	V	IM	0.000	P
	V	CR	0.000	P
0	V	CR	0.000	P
0	V	IM	0.000	P
0	V	IM	0.000	P
	V	CR	0.000	P
0	V	CR	0.000	P
0	V	IM	0.000	P
0	V	IM	0.000	P



Oregon Water Resources Department

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SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 50.0 Acres

Supplemental: Domestic Expanded

List the permit or certificate number of the primary water right: no. N/A - well-

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2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Cranberries Full season Partial season (from: _____ to _____)
- 2. _____ Full season Partial season (from: _____ to _____)
- 3. _____ Full season Partial season (from: _____ to _____)
- 4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

4.5 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
- Two or three times weekly during daytime Two or three times weekly during nighttime
- Weekly, during daytime hours Weekly, during nighttime hours
- Other, explain: as monitoring sensors dictate.

Application No. S-83741

Permit No.

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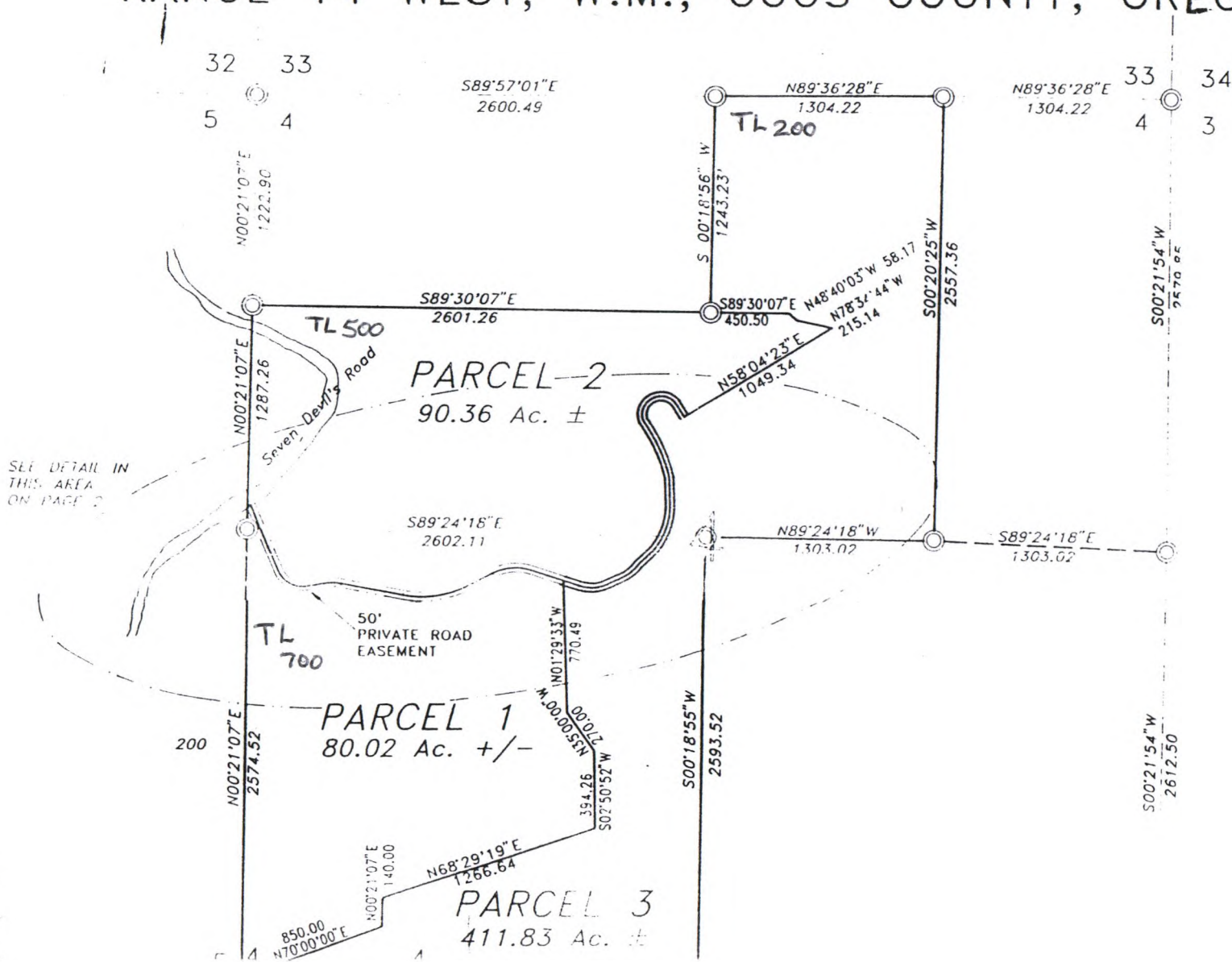
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FINAL MAJOR PARTITION PLAT MAP LOCATED IN SECTIONS 4 & 9, TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY, OREGON



SEE DETAIL IN THIS AREA ON PAGE 2



Application No. 83741
Permit No.

LEGEND:
○ Found monuments per my Survey dated 1-25-88, as recorded in Plat Book 11, Page 152, Records of Coos County, Oregon

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SEE DETAIL IN THIS AREA ON PAGE 2

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PARENT PARCEL Tax Lot 800 Map 27 - 14 & Index

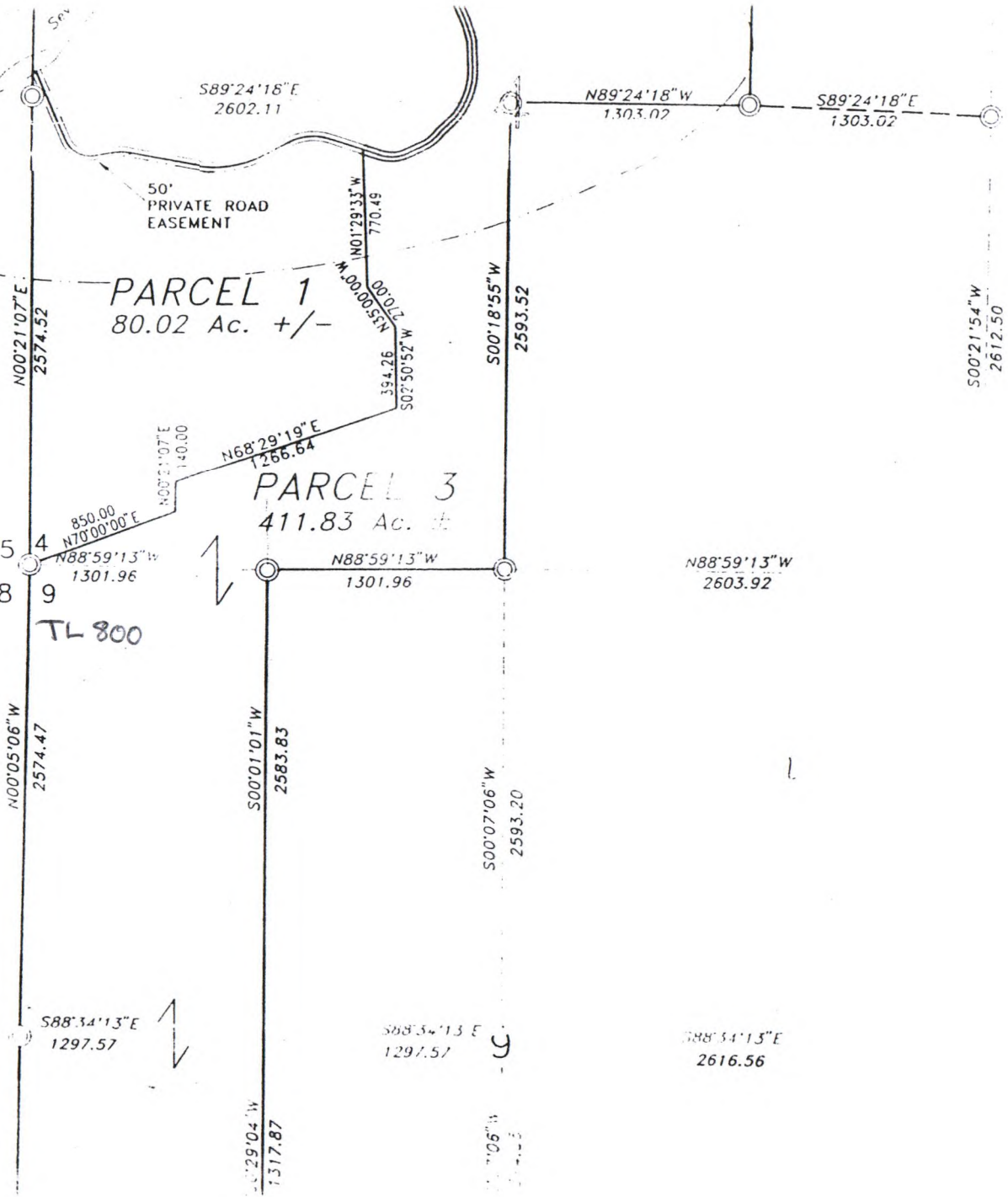
The Parent Parcel is recorded on Micro-Film #88-02-0060 Records of Coos County, Oregon

ZONING: Zoned Forest

BASIS OF BEARINGS: The Basis of Bearings for this Plat is Solar Observation made during my Survey Dated 1-25-88, as recorded in Plat Book 11, Page 152, Coos County, Oregon

SETBACK: All buildings or structures with the exception of fences shall be set-back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater.

IMPROVEMENT NOTES: Sewer: Parcel 1 & 2 home



83741

LEGEND:

Found monuments my Survey dated 1-25-88 as recorded in Plat Book 11, Page 152, Records of Coos County, Oregon

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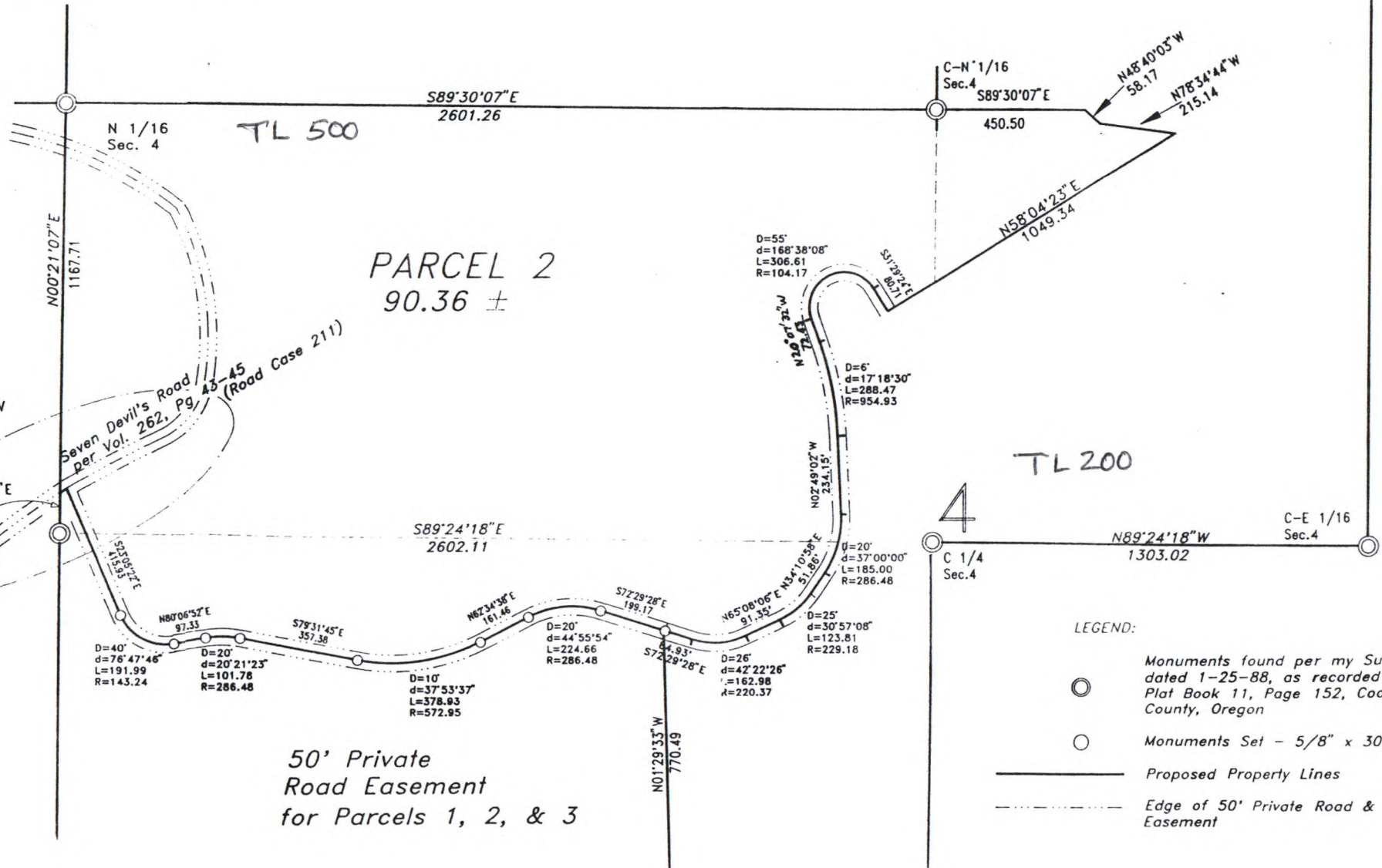
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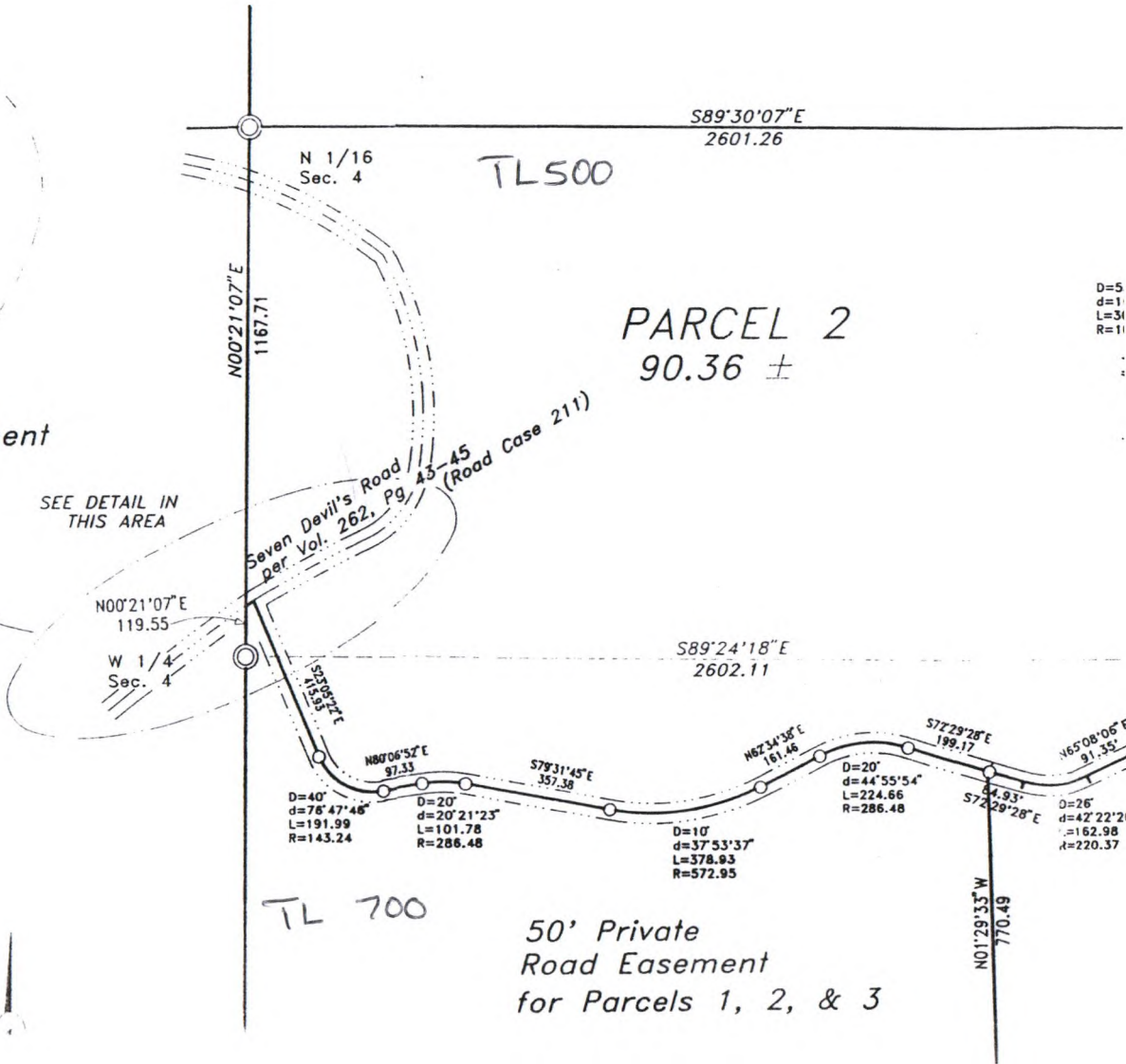
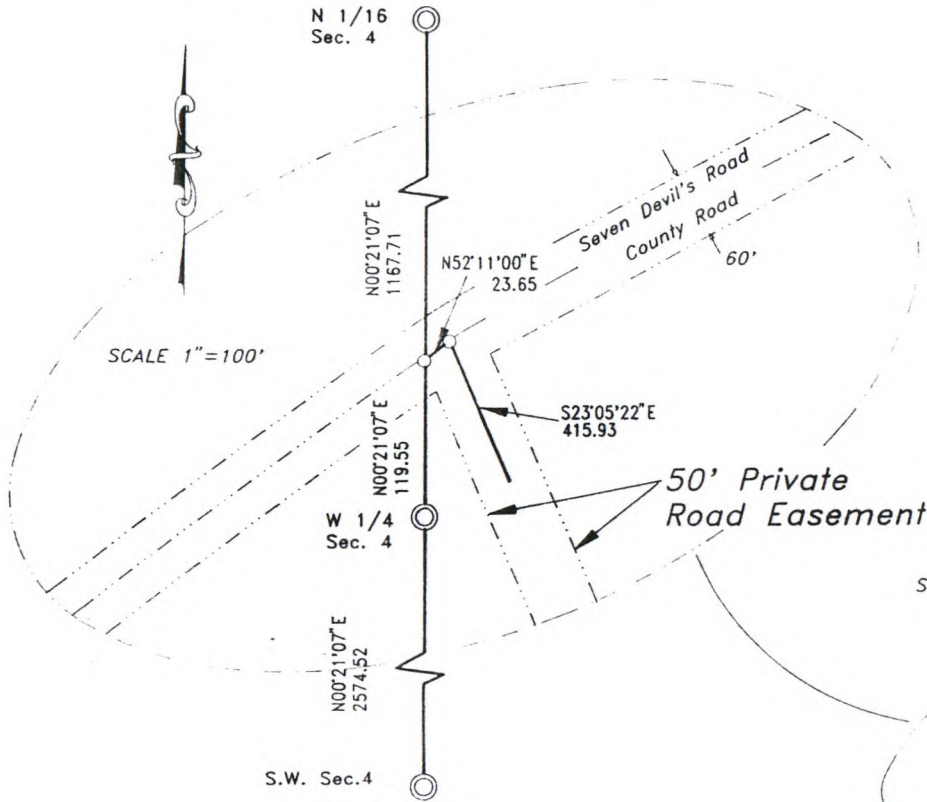
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83741



DETAILS FOR
FINAL MAJOR

D=5
d=1
L=31
R=11

D=26
d=42'22\"/>

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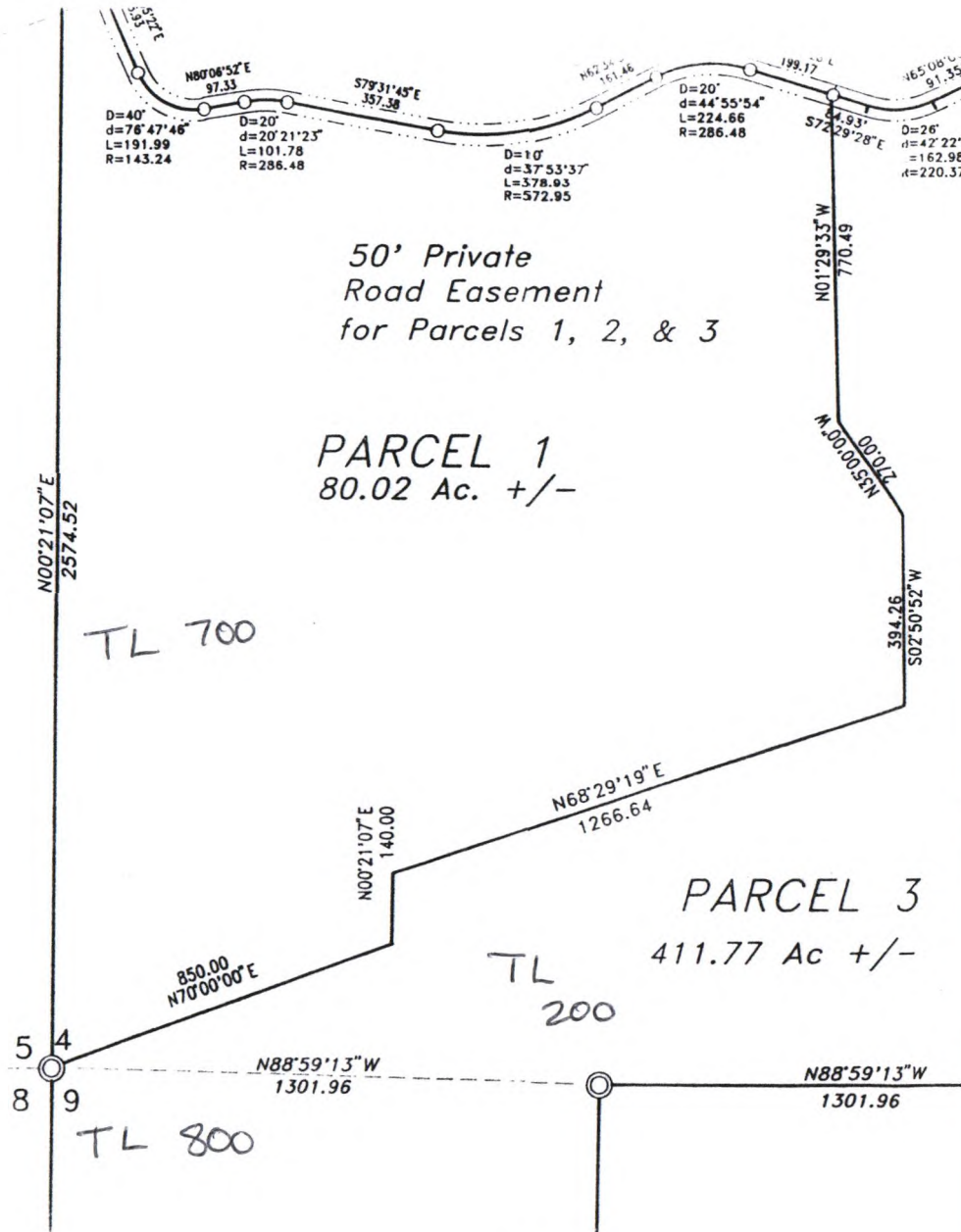
83741

DETAILS FOR

FINAL MAJOR
PARTITION PLAT MAP
LOCATED IN SECTIONS
4 & 9, TOWNSHIP
27 SOUTH, RANGE
14 WEST, W. M.
COOS COUNTY,
OREGON



Degree	Chord	Chord Bearing
40'	177.94	S61°29'16"E
20'	101.25	S89°42'21"E
10'	372.06	N81°31'43"E
20'	218.95	N85°03'10"E
26'	159.29	N86°19'17"E
25'	122.31	N49°39'47"E
20'	181.80	N15°40'56"E
6'	287.38	N11°28'16"W
55'	207.33	N64°11'33"E



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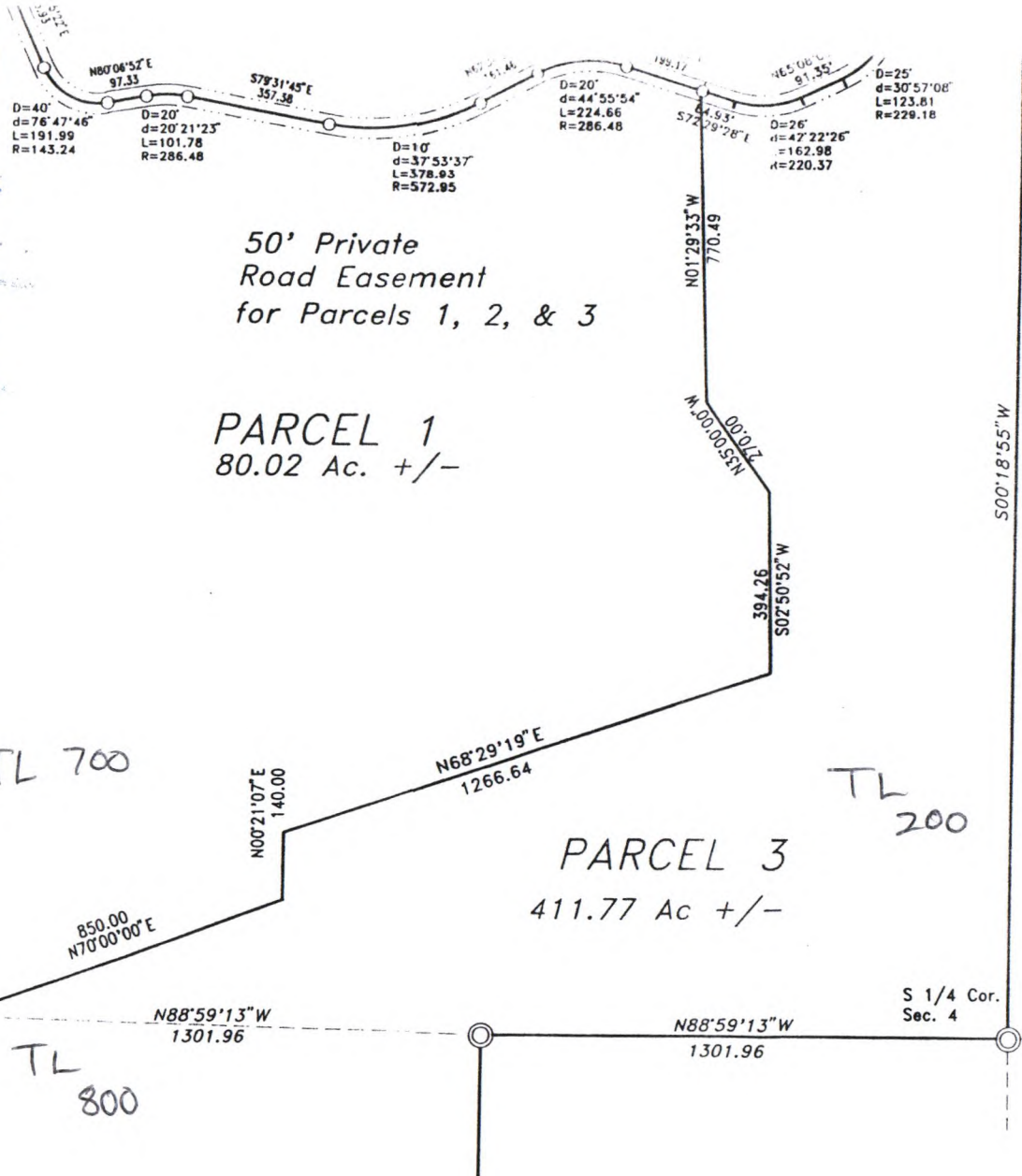
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50' Private Road Easement
for Parcels 1, 2, & 3

PARCEL 1
80.02 Ac. +/-

PARCEL 3
411.77 Ac +/-

LEGEND:

-  Monuments found per my Survey dated 1-25-88, as recorded in Plat Book 11, Page 152, Coos County, Oregon
-  Monuments Set - 5/8" x 30" I.R.
-  Proposed Property Lines
-  Edge of 50' Private Road & Utility Easement

PREPARED FOR:
Westbrook Land & Timber
Post Office Box 908
Willows, California 95988

Stuntzner Engineering
& Forestry

ENGINEERING - LAND SURVEYING - FORESTRY
PLANNING - WATER RIGHTS

705 South 4th,
Post Office Box 118
Coos Bay, Oregon 97420

503-267-2872
503-267-0688 F

DRAWN BY: Tony Benthin	DATE: 10-17-90
CHECKED BY: Tom Hoshall	DRAWING NO.: 87-68A12
SHEET NO.: 87-68	SHEET 2 OF 3



Application No. 83741
Oregon Water Resources Department
Land Use Information Form

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 WATER RESOURCES DEPT.
 SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

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To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Westbrook Land and Timber, L.L.C.
 Address: P. O. Box 475
 City: Coquille State: OR Zip: 97423 Day Phone: 541/572-8204

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
27-14-4-200	} "FOREST"	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
27-14-4-500		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
27-14-4-700		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
27-14-9-800		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

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

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Primary cranberry use on 50 acres, and supplemental domestic expanded for one family.

Briefly describe:

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require.

410 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 Commerce Bldg.
 158 12th St. NE
 Salem, OR 97310-0210
 (503)378-8455

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ . Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
Conditional Use ACU-96-055	Article 4.8 of Zoning Ordinance	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: LAURA BARRON Date: 12-17-97
 Title: Planner Phone: (541) 346-3121, X-210
 Signature: Laura Barron

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: COOS COUNTY
 Staff contact: LAURA BARRON Laura Barron Phone: (541) 346-3121, X-210
 Signature: Spring Festival Date: 12-17-97

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COOS COUNTY PLANNING DEPARTMENT
COOS COUNTY COURTHOUSE
COQUILLE, OREGON 97423
(541) 396-3121/756-2020, EXTENSION 210

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SALEM, OREGON

FINAL ORDER

FILE NO : ACU-96-055
APPLICANT : Westbrook Resources, LLC
PO Box 248
Coquille, OR 97423
LOCATION : T.27, R.14, S.04, TL#500
PERMIT TYPE : Conditional use to allow a first dwelling (template) in the Forest (F) zone pursuant to Section 4.8.525 of the Coos County Zoning and Land Development Ordinance (CCZLDO).

ADMINISTRATIVE DECISION:

- Approved. The application complies with Article 4.8 of the CCZLDO.
- Approved, subject to conditions set forth at Attachment "A". The application complies with Article 4.8 of the CCZLDO.
- Denied. The application fails to comply with Article 4.8 of the CCZLDO.

SECTION 4.8.525 Forest Dwellings

In addition to the provisions in Section 4.8.600, Section 4.8.700 and elsewhere in this Ordinance, a dwelling in the Forest zone may be allowed as a conditional use.

B. Template Dwelling. A single family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

1. There are no other dwellings on the tract on which the dwelling will be sited.

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FINDING: There are currently no dwellings on the subject tract.

2. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.

FINDING: The applicant did not submit any deed restrictions. Deed No. 94-02-0728 does not show any restrictions. Therefore, no deed restrictions limiting dwellings are established on the tract.

3. The lot or parcels on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year:

FINDING: Oregon Department of Forestry estimates the cubic feet per acre per year for the site are 94. This is greater than 85; therefore, the requirements for the template will be 11 parcels and 3 dwellings.

4. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - a. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - b. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

FINDING: The subject property is 90.36 acres. The subject property abuts Seven Devils Road which

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SALEM, OREGON

existed prior to January 1, 1993. The 160-acre rectangle template aligned with the road meets the criteria of 11 parcels and 3 dwellings. There are several of the three required dwellings sited on the same side of the road as the subject property.

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SALEM, OREGON

5. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

FINDING: Addressed under #4 above.

6. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.

FINDING: The proposed dwelling meets the criteria in Section 4.8.525(B) "Template Dwelling". This will comply with the acknowledged Comprehensive Plan.

Applicant's findings are attached as Exhibit "B".

Pursuant to Section 5.2.900; all conditional uses remain valid for a period of two (2) years from date of this (final) action. Any conditional use not established or vested within two years from this date may be eligible for and extension period of up to 12 months.

NOTICE OF APPEAL RIGHTS:

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning & Land Development Ordinance within 15 days of the date that

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notice of the decision was mailed. This means that appeals filed after August 30, 1996, are not timely and will not be considered. Detailed information about "standing to appeal", filing fees for appeals and the appeals process will be provided by the Planning Department upon request.

COOS COUNTY PLANNING DEPARTMENT



Authorized Representative

August 15, 1996

Date

FE/TLK

c: David Perry, DLCD
Rick Rogers, ODOF CB
Larry Wallace, Assessor's Office
Bits Klemm, County Roadmaster
Del Cline, DEQ.
John Drolet, OWRD
Bandon RFPD
Stuntzner Engineering & Forestry

Attachments: "A" - Conditions of Approval
"B" - Applicant's Evidence & Plot Plan
Subject Property Map

Enclosures: Forest Management Covenant
Roadmaster Driveway Form & Driveway Standards
Standards - Sections 4.8.600, 4.8.700,
4.8.750

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ATTACHMENT "A"

CONDITIONS OF APPROVAL

1. The permits shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" by acting upon this permit, agrees to notify the "buyer" or "grantee" of the terms and conditions of the permit.
2. The applicant shall be responsible for compliance with Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone (Section 4.8.600) and Fire Siting and Safety Standard (Section 4.8.700). (Enclosed).
3. Provide evidence that a "Forest Management Covenant" which recognizes the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, has been recorded in the deed records of Coos County.
4. The applicant shall provide evidence that the dwellings domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry (see "Attachment B" of the application).
5. The applicant shall provide evidence of legal access to the subject property.
6. Dwelling approval shall require the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.
7. The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum

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stocking requirements have not been met.

8. Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.
9. A Road/Driveway Confirmation form must be signed by the County Roadmaster that the Road/Driveway has been improved in accordance with Chapter VII of the CCZLDO, prior to obtaining the Zoning Compliance Letter to site a dwelling on the subject property.
10. The applicant must obtain a Zoning Compliance Letter (ZCL) from the Planning Department in order to obtain any required development permits from the Department of Environmental Quality or the State Building Codes Agency. This ZCL can only be issued after all of the above conditions have been satisfied.

Planned Management Units
80 Acre Tract in Section 4, T27S, R14W

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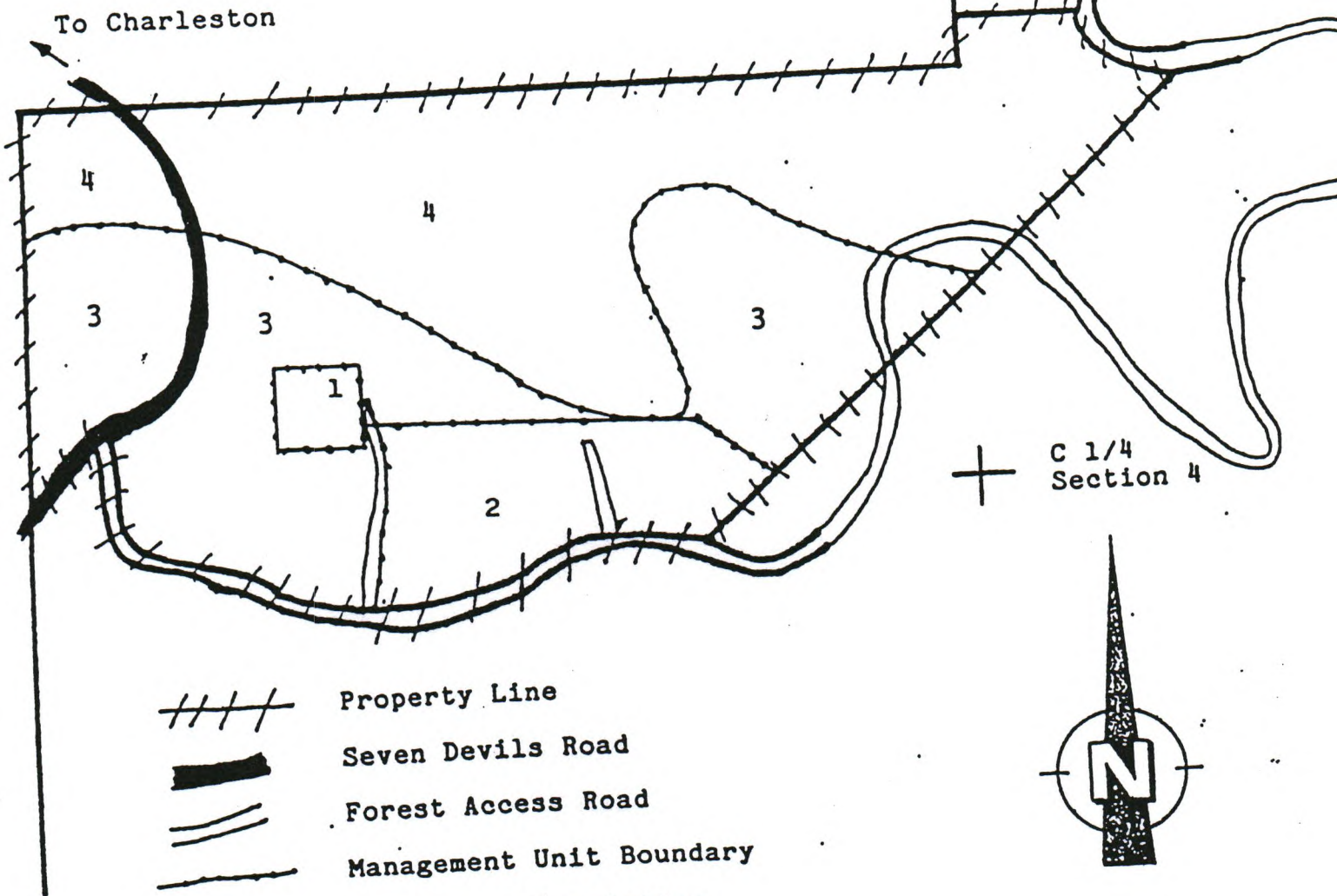
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- ////// Property Line
- Seven Devils Road
- ==== Forest Access Road
- Management Unit Boundary

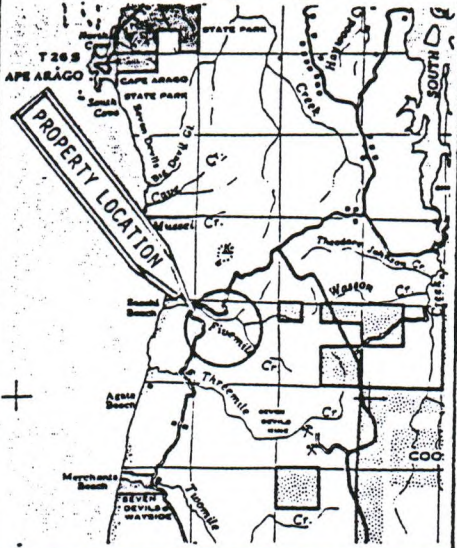
Area	Acres	Description
#1	1.5	Homesite
#2	10	Cranberry Bogs
#3	33	Timber - Gentle Slopes
#4	35.5	Timber - Steep Slopes

1" = ±500'

March 1990

Stutzner Engineering & Forestry
TELEPHONE 367-2872
706 SO. 4TH, P.O. BOX 118 - COOS BAY, OREGON 97434

Vicinity Map



COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 290 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690

File Number: ACU 96-055
Applicant: Westbrook Resources, LLC
P.O. Box 248
Coquille, Or. 97423

Location: Township 27, Range 14, Section 04
Tax Lot #500

Proposal: Forest Template Dwelling

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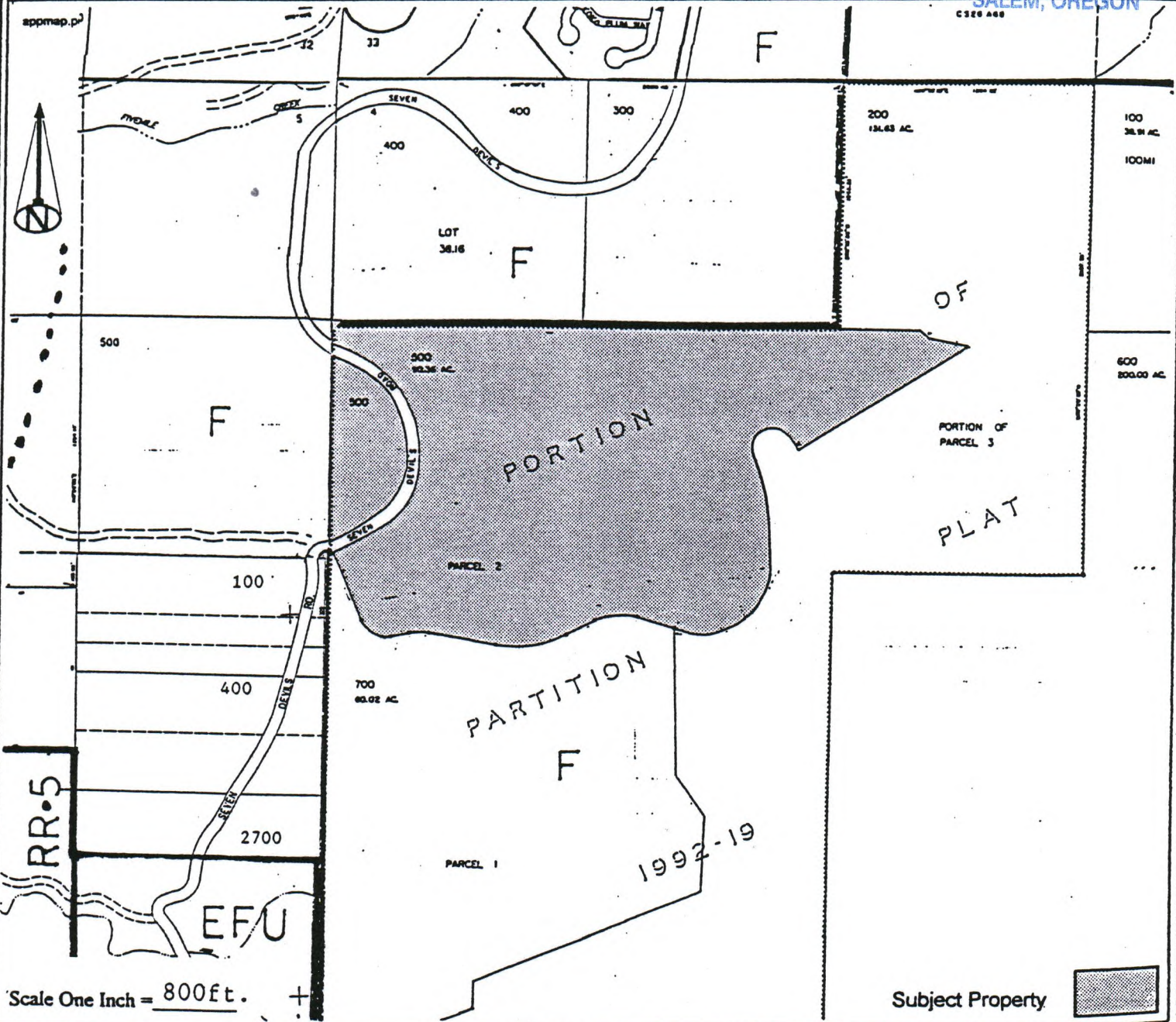
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Scale One Inch = 800ft.

Subject Property



KNOW ALL MEN BY THESE PRESENTS, That WESTBROOK LAND & TIMBER, a California general partnership composed of Henry Westbrook, III. Trust and Robert L. Westbrook Trust with Russell L. Van Patten, Trustee, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto WESTBROOK LAND & TIMBER, an Oregon general partnership composed of HENRY WESTBROOK, JR., NANCY WESTBROOK MCGOVERN, KERRY WESTBROOK TATE, CHRISTIE ANN STERNBERGER, SUSAN L. ERTELL, ROBERT L. WESTBROOK, JR., STEVEN B. WESTBROOK and DANIEL E. WESTBROOK, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Coos, State of Oregon, known as 7-Devils and described as follows, to-wit:

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WATER RESOURCES DEPT. SALEM, OREGON

The S 1/2 of the NW 1/4; the SW 1/4 of the NE 1/4; the SW 1/4; the NW 1/4 of the NE 1/4 (Government Lot 2), Section 4, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The W 1/2 of the NW 1/4; the S 1/2 of the S 1/2; the NW 1/4 of the SW 1/4 of Section 9, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Tax Acct. #7552.00

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-. However, the actual consideration consists of or includes other value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals. In Witness Whereof, the grantor has executed this instrument this 1st day of December, 1992.

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.

WESTBROOK LAND & TIMBER, a California general partnership

By [Signature] RUSSELL L. VAN PATTEN, Trustee of the HENRY WESTBROOK, III. TRUST, a general partner, and of the ROBERT L. WESTBROOK TRUST, a general partner

59-862

AFTER RECORDING RETURN TO Title Insurance 131 1/2 3rd - Box 1075 Coos Bay, OR 97420-0233

STATE OF CALIFORNIA)) ss. COUNTY OF GLENN)

On this 1st day of December, in the year 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared RUSSELL L. VAN PATTEN, personally known to me to be the Trustee of the HENRY WESTBROOK, III. TRUST and Trustee of the ROBERT L. WESTBROOK TRUST, which trusts are partners in the partnership WESTBROOK LAND & TIMBER, and acknowledged that he executed this instrument on behalf of WESTBROOK LAND & TIMBER, as such partners. Witness my hand and official seal.



[Signature] NOTARY PUBLIC

GRANTOR Westbrook Land & Timber, a California general partnership

GRANTEE Westbrook Land & Timber, an Oregon partnership P.O. Box 339, North Plains, OR 97133

STATE OF OREGON,

Recording No. 83741 RECORDED # 92120205 I, Mary Ann Wilson, Coos County Clerk, certify the within instrument



Description of Water Use

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SALEM, OREGON

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 needed, please make a separate copy for your records.

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WATER RESOURCES DEPT
SALEM, OREGON

Applicant Name: Westbrook Land and Timber, L.L.C.
 Address: P. O. Box 475
Coquille, Oregon 97423
 Phone: 541/572-8204

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): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): One Family
- 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): Cranberry use

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____	_____ Cubic feet per second. _____ Gallons per minute. 410 Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	Application No. <u>83741</u> Permit No.

PRE-IR APPLICATION PROCESSING OUTLINE

Application File # 5-83741

MINIMUM REQUIREMENTS TO FILE

OAR 690-310-040

DATE

12/30/97

INITIAL

KZ
KZ
KZ
KZ

SURFACE AND GROUNDWATER APPLICATIONS

Name and mailing address of applicant

Source of water

Quantity of water

Map meeting requirements of OAR
690-310-050

Nature of proposed use

Names and addresses of legal owners

Easement/authorization statement

Legal description of POD/POU

Description of works and conveyance

Information on waste/measurement, etc

Land use approved X pending _____

Signature/title of applicant

Oath

Estimated capacity of pump

Primary permit or certificate number
(if application is for supplemental)

Form M _____ Q _____ I X R _____

Examination fees 750

ADDITIONAL FOR GROUNDWATER APPLICATIONS

Copy of well log (for existing wells)

Groundwater development

Well Characteristics

Rate of flow if no pumping required

ADDITIONAL FOR RESERVOIR APPLICATIONS

HB 2376 exam fee \$10 per acre-foot

CWRE map for dam >10ft AND storage >9.2 AF

Acknowledgement post card to applicant

SUPPORT SERVICES

Stamp contents with application number

Place label on file and calendar card

Route to Initial Review

1/9/98

Can

NUMBER 0888

Check 350.- Mo _____ Cash _____

250 / 0
100 / 0

- Surface Application S-83741
- Reservoir Application R-83738
- Ground Water Application
- Transfer Application
- PFO Request
- Research
- Hydroelectric Fees
- Copying
- Assignment
- Extension of Time
- Protest
- Other

NUMBER 0889

Check 500.- Mo _____ Cash _____

250 / 0
100 / 0

- Surface Application 500 S-83741
- Reservoir Application R-83738
- Ground Water Application
- Transfer Application
- PFO Request
- Research
- Hydroelectric Fees
- Copying
- Assignment
- Extension of Time
- Protest
- Other

Jeanna

888 & # 889

750
—
0

S-83741

NEW APPLICATION ROUTING SLIP

RECEIPTING 1-5-98 DKR
~~1-5-98 DKR~~

DATA CENTER 1/9/98 jm

FRED LISSNER _____

WR DATA ENTRY ✓

INITIAL REVIEW _____

WR SUPPORT can 1/9/98

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **18375**

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

APPLICATION # _____

RECEIVED FROM: Westbrook Land & Timber
BY: D.L.C.

APPLICATION	83741
PERMIT	
TRANSFER	

CASH: CHECK: # OTHER: (IDENTIFY)

TOTAL REC'D \$ _____

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$ _____

PCA AND OBJECT CLASS VOUCHER # _____

0427 WRD OPERATING ACCT

see 18374, 18373,

18354 PCA66111

MISCELLANEOUS	\$
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
New) TC165 DEPOSIT LIAB. (IDENTIFY)	\$

WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$ 750.00	\$
0203 GROUND WATER	\$	\$
0205 TRANSFER	\$	\$
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	\$
LANDOWNER'S PERMIT		\$
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 # **18375**

DATED: 1-2-98

BY: D. Bushnell

RECEIPT # 98465

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

INVOICE # _____

RECEIVED FROM: Coquille Indian
Tribe

APPLICATION	<u>See Below</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 42691 OTHER: (IDENTIFY)

TOTAL REC'D \$ 600.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES RECEIVED OVER THE COUNTER \$

OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111-R 7204-5 71757, 83741, 83740

0407 COPY & TAPE FEES R-83738, 13008, 52881, \$

0410 RESEARCH FEES 60728 \$

0408 MISC REVENUE: (IDENTIFY) 8 Assignments \$ 600.00

TC162 DEPOSIT LIAB. (IDENTIFY) \$75.00 each \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____

0210 MONITORING WELLS \$ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$

0231 HYDRO LICENSE FEE (FWWRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: 98465

DATED: 11-10-09 BY: QR