

FILE#: R 80646

MCKENZIE CRANBERRIES INC
92419 AIRPORT RD
SIXES, OR
PO Box 1362
97476 Port Orford, OR
97465

Application No. ^R 80646
Permit No. R12114 ^{Reinstated} ~~Cancelled~~
Certificate No. _____

Stream Index, Page No. _____

FEES PAID		
Date	Amount	Receipt No.
10-20-95	3035 ⁰⁰	129601
3-15-18	170. ⁰⁰	126003
FEES REFUNDED		
Date	Amount	Check No.

Date filed _____
Priority _____
Action suspended until C-23
Return to applicant _____
Date of approval 1-31-97

CONSTRUCTION

Date for beginning 1-31-98
Date for completion 10-1-99
Extended to 10-1-2023
Date for application of water 10-1-00
Extended to 10-1-2023

PROSECUTION OF WORK

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

FINAL PROOF

Blank mailed _____
Proof received COBU 9/24/2003
Date Certificate issued _____

Date	To Whom	ASSIGNMENTS	Address	Volume	Page

REMARKS

Spav 96 pg 650 cancel permit R-12114
Spav 96 pg 945 reinstate permit R-12114 9/15/2015

JUNE 29

R12114

ORIGINAL TO
OWNED.

Mailing List for Extension FO Copies

FO Date: *****, 2018

Copies Mailed

Application: R-80646

By: SP

Permit: R-12114

On: 6-29-18

Original mailed to permit holder

McKenzie Cranberries, inc
P.O. Box 1362
Port Orford, OR 97465

Copies sent to:

1. WRD - App. File R-80646/ Permit R-12114
2. Marc VanCamp
Stuntzner Engineering
P.O. Box 1362
Port Orford, OR 97465

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

(DONE BY EXTENSION SPECIALIST)

WRD - Watermaster District 19, Greg Wacker

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by [Signature] Date 6-29-18

CASEWORKER: JDP

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit R-12114, Water Right Application R-80646) FINAL ORDER
in the name of McKenzie Cranberries, Incorporated)

Permit Information

Application:	R-80646
Permit:	R-12114
Basin:	South Coast / Watermaster District 19
Date of Priority:	October 2, 1995
Source of Water:	four wells and an unnamed stream, tributaries of Floras Lake
Storage Facility:	Seven unnamed reservoirs
Purpose or Use of the Stored Water:	To be appropriated under Application S-80645, Permit S-53011 for cranberry operations
Maximum Volume:	63.7 Acre-Feet (AF) per year, being 9.1 AF in each of seven unnamed reservoirs

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

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit R-12114 was issued by the Department on January 31, 1997. The permit specified completion of construction by October 1, 1999, and complete application of water to beneficial use by, October 1, 2000. On March 15, 2018, McKenzie Cranberries, inc submitted an Application for Extension of Time for Permit R-12114. In accordance with OAR 690-315-0050(2), on May 1, 2018, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2000, to October 1, 2023, and the time to apply

water to full beneficial use from October 1, 2000, to October 1, 2023. The protest period closed June 8, 2018, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated May 1, 2018.

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 condition:

LIMITATIONS AND CONDITIONS

1. **Checkpoint Condition**

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

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

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

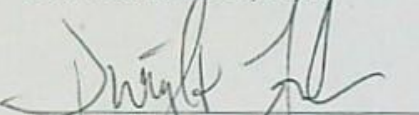
CONCLUSION OF LAW

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

ORDER

The extension of time for Application R-80646, Permit R-12114, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1999, to October 1, 2023. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2000, to October 1, 2023.

DATED: June 29, 2018/



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

-
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension PFO Copies

PFO Date: May 1, 2018

Copies Mailed

Application: R-80646

By: SP

Permit: R-12114

On: 5-1-18

Original mailed to Applicant:

McKenzie Cranberries, inc

P.O. Box 1362

Port Orford, OR 97465

Copies sent to:

1. WRD - App. File R-80646/ Permit R-12114
2. Marc VanCamp
Stuntzner Engineering
P.O. Box 1362
Port Orford, OR 97465

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 19, Greg Wacker

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time) PROPOSED
for Permit R-12114, Water Right Application R-80646) FINAL
in the name of McKenzie Cranberries, Incorporated) ORDER

Permit Information

Application:	R-80646
Permit:	R-12114
Basin:	South Coast / Watermaster District 19
Date of Priority:	October 20, 1995
Source of Water:	four wells and an unnamed stream, tributaries of Floras Lake
Storage Facility:	Seven unnamed reservoirs
Purpose or Use of the Stored Water:	To be appropriated under Application S-80645, Permit S-53011 for cranberry operations
Maximum Volume:	63.7 Acre-Feet (AF) per year, being 9.1 AF in each of seven unnamed reservoirs

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

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 1999, to October 1, 2023.
- Grant an extension of time to apply water to full beneficial use from October 1, 2000, to October 1, 2023.¹
- Make the extension subject to certain conditions set forth below.

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

¹ Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Water Resources Department
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
FOF – Finding of Fact
AF - Acre-Feet

AUTHORITY

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

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

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

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

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

FINDINGS OF FACT

1. On January 31, 1997, Permit R-12114 was issued by the Department. The permit authorizes the storage of up to 63.7 AF of water per year, being 9.1 AF of water in each of seven unnamed reservoirs from the four wells and an unnamed stream, tributaries of Floras Lake, to be appropriated under Application S-80645, Permit S-53011 for cranberry operations. The permit specified actual construction was to begin by January 31, 1998, and was to be completed by October 1, 1999, and the reservoir shall be filled and complete application of water was to be made on or before October 1, 2000.

2. On March 15, 2018, Marc Van Camp, agent for McKenzie Cranberries, Incorporated, submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to complete construction of the water system be extended from, October 1, 1999, to October 1, 2023, and the time to apply water to full beneficial use under the terms and conditions of Permit R-12114 be extended from October 1, 2000, to October 1, 2023. This is the first permit extension requested for Permit R-12114.
3. On March 27, 2017, notification of the Application for Permit R-12114 was published in the Department's Public Notice. No public comments were received.

Review Criteria [OAR 690-315-0040]

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

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

4. On March 15, 2018, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

5. Actual construction of the reservoirs began prior to the January 31, 1998, deadline specified in the permit. According to the permit holder, four reservoirs were constructed, infrastructure to divert surface water and wells were constructed.
6. According to the application actual construction began February 1, 1997.

Based on Findings of Fact (FOF) 5 and 6, the Department has determined the permit holder began construction prior to January 31, 1998.

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

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

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

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time

limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

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

The amount of construction completed within the time allowed in the permit or previous extension.²

7. Construction of the water system or reservoir began prior to the January 31, 1998 deadline specified in the permit.
8. During the original development time frame under Permit R-12114, work accomplished includes:
 - completion of four reservoirs;
 - construction of conveyance infrastructure; and
 - installation of flow meters
9. Since October 1, 2000, work accomplished includes:
 - regular replacement of flow meters due to fouling; and
 - installation of staff plates.

Based on FOF 5 through 10, the Department has determined that work has been accomplished prior to permit issuance and within the time allowed in the permit, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

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

10. The Department has considered the permit holder's compliance with conditions, and has identified the following concern; the record does not show that a totalizing flow meter or other suitable measuring device has been installed by October 1, 2000.

Based on FOF 10, the Department has determined that the permit holder has not demonstrated compliance with following permit condition as required by Permit R-12114:

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

- “Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device as approved by the watermaster must be installed at each diversion point.”

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

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

11. A maximum volume of 36.4 AF of water, being 9.1 AF in each of four reservoirs, has been stored from the four wells and an unnamed stream, tributaries of Floras Lake.

Based on FOF 11 and 12, the Department has determined 36.4 AF of water, being 9.1 AF in each of four reservoirs, has been stored for beneficial purposes under Permit R-12114.

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

12. An approximate total of \$62,500 has been invested. The costs included items associated with planning, which are not “actual construction” under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for “actual construction” to date is approximately \$61,500 which is the total cost for complete development of this project.

Based on FOF 13, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

The Application provides evidence that work has been accomplished towards completion of the water system; the permit holder has not demonstrated compliance with permit conditions; a financial investment has been made, and; beneficial use of water has not been demonstrated. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit R-12114.

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

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

- (a) *The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- (b) *Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*

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

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

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

13. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-12114; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
14. Current Water Availability Analysis for the unnamed stream, (Tributary of Floras Lake) at the mouth (watershed ID 31730608) show that no water is available during the months of May, July, August, September and October at the 50% exceedance level.

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

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

15. The points of diversion are located on tributaries of Floras Lake, and are not located within a Withdrawn Area.
16. Floras Lake is not located within or above a state or federal scenic waterway.
17. The points of diversion are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

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

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

18. Floras Lake is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

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

Economic interests dependent on completion of the project.

19. An approximate total of \$61,500 has been invested in the project.

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

Other economic interests dependent on completion of the project.

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

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

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

21. No other factors relevant to the determination of the market and present demand for water and power have been identified.
22. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Limitations and Conditions" section of this PFO to meet this condition.

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

23. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date. Cranberry operations are profitable but a reliable water source is essential.

Other Governmental Requirements [OAR 690-315-0042(2)(g)]

24. Delay in the development of this project that was caused by other governmental requirements have not been identified.

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

25. Unforeseen events were identified that extended the length of time needed to fully develop and perfect Permit R-12114, in that the permit holder was faced with unexpected high iron content in the water, which continuously fouled the meters soon after installation.

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

26. A denial of the extension would result in undue hardship, and there are no other reasonable alternatives exist for meeting water use needs. The owner has spent many years developing and perfecting the cranberry operation. The permitted water storage represents all the water that is available to this property.

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

27. The Application provides evidence of good faith of the appropriator under Permit R-12114.

Based on FOF 6, 7, 8, 9, 10, 12, 13, and 20, the Department has determined that the applicant has shown good faith and reasonable diligence.

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

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

28. As of March 15, 2018, the permit holder states work is completed on the reservoirs. An Extension of Time is needed so the permit holder may apply for a ground water permit to replace Permit G-13032, which was canceled on May 5, 2017, which authorized the storage of water from four wells in the reservoirs constructed under Permit R-12114.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2023, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit R-12114 is both reasonable and necessary.

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

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

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(6) requires a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

CONCLUSIONS OF LAW

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin actual construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 6 through 28, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2023³, as required by OAR 690-315-0040(1)(c).
4. For extensions exceeding five years, the Department shall establish progress checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between progress check points will not exceed five years periods, as required by OAR 690-315-0050(6).

PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit R-12114 from October 1, 1999, to October 1, 2023.

Extend the time to apply water to beneficial use under Permit R-12114 from October 1, 2000, to October 1, 2023.

Subject to the following condition:

LIMITATIONS AND CONDITIONS

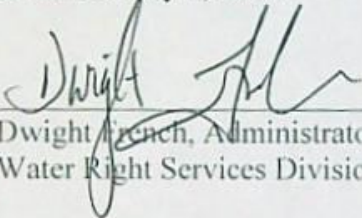
1. **Checkpoint Condition**
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2022**. *A form will be enclosed with your Final Order.*
 - (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If,

³Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

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

DATED: May 1, 2018


Dwight French, Administrator
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **June 15, 2018**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierce at (503) 986-0802.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

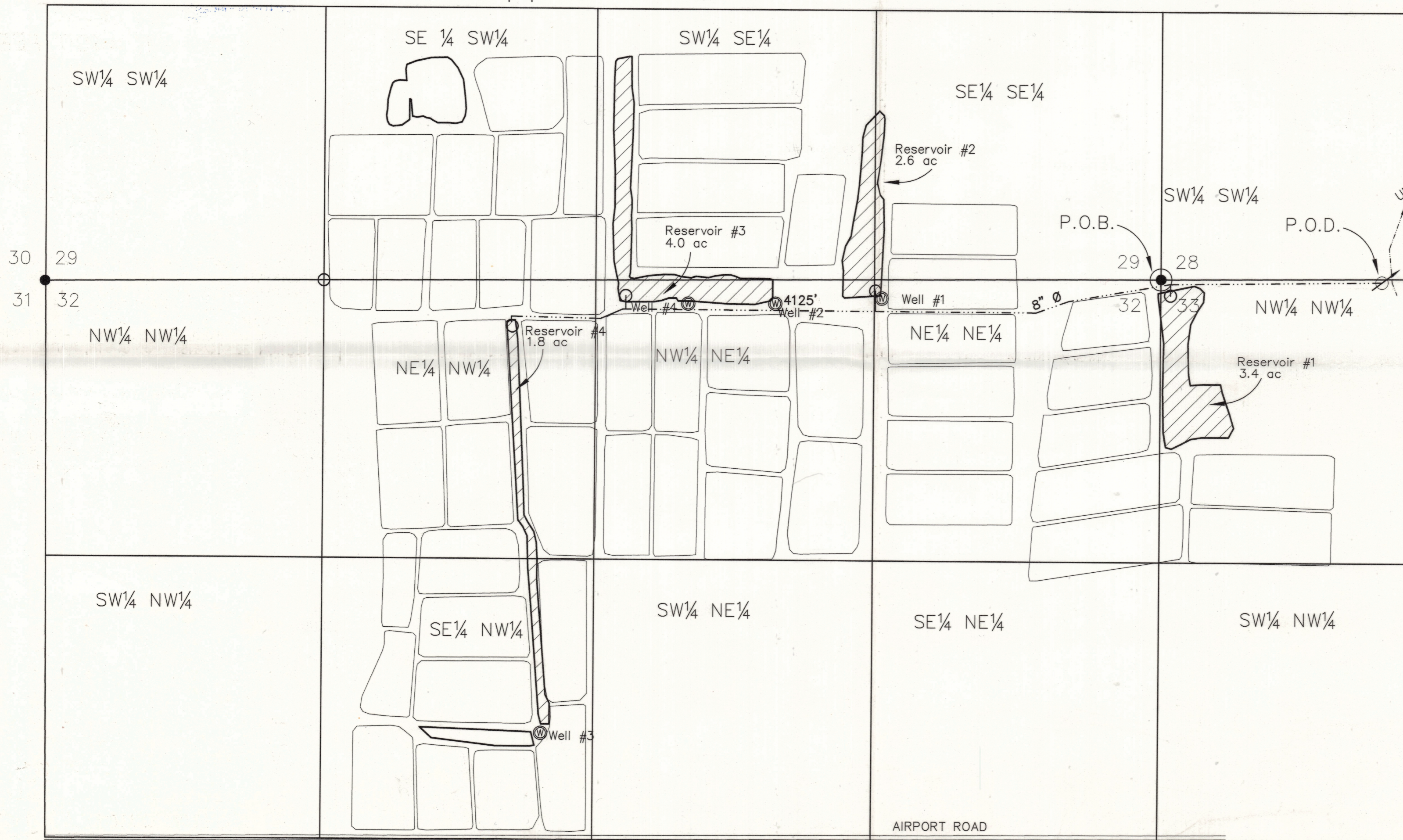
FINAL PROOF SURVEY MAP

Located in portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29 & NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33,
Township 31 South, Range 15 West, Willamette Meridian
Curry County, Oregon

Application R-80646 Permit R-12114

RECEIVED
SEP 24 2003
WATER RESOURCES DEPT.
SALEM, OREGON

SCALE
1" = 400 FEET

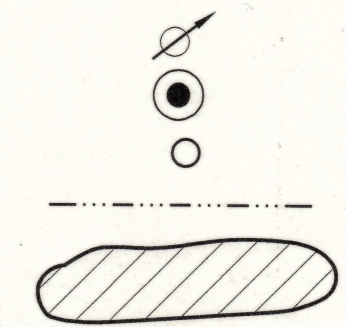


NOTE:
P.O.D. IS LOCATED 1047 FEET EAST & 9 FEET SOUTH.
RESERVOIR #1 IS LOCATED 45' EAST & 76' SOUTH.
RESERVOIR #2 IS LOCATED 1355' WEST & 62' SOUTH.
RESERVOIR #3 IS LOCATED 2538' WEST & 91' SOUTH.
RESERVOIR #4 IS LOCATED 3075' WEST & 238' SOUTH.
ALL ARE LOCATED FOR THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

NOTE:
ALL WELLS ARE LOCATED FROM THE NORTHEAST CORNER OF SECTION 32.
WELL #1 1332 FEET WEST & 97 FEET SOUTH.
WELL #2 1830 FEET WEST & 125 FEET SOUTH.
WELL #3 2929 FEET WEST & 2171 FEET SOUTH.
WELL #4 2243 FEET WEST & 127 FEET SOUTH.

LEGEND

- P.O.D.
- P.O.B.
- RES. POINT
- PIPE
- RESERVOIR



EXAMINERS DISCLAIMER STATEMENT
THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

NOTE:
THE POINT OF DIVERSION IS A 15 HORSEPOWER CENTRIFUGAL PUMP WITH 4125 FEET OF 8 INCH DIAMETER PIPE CONNECTING TO 4 RESERVOIRS.
ALL DISTANCES ARE FROM THE NORTHEAST CORNER OF SECTION 32.
DISTANCES TO THE RESERVOIRS ARE TO THAT POINT SHOWN AT EACH RESERVOIR.

Stuntzner Engineering & Forestry, L.L.C.

ENGINEERING * LAND SURVEYING * FORESTRY
PLANNING * WATER RIGHTS
705 South 4th St. Phone: (541) 267-2872
Post Office Box 118 Coos Bay, Oregon 97420 Fax: (541) 267-0588

Drawn By: Dennis Goude	Date: June 16, 2003
Checked By: Tom Hoshall	Drawing No.: 01-234
Designed By:	Revised:
Job Name: McKenzie Cranberries	Sheet 1 of 1

Application for
(NON-Municipal)

Permit
(se)



Critical

App # R-80646
Permit # R12114

The Department can accept requests for (1) complete construction, and/or to (2) apply water to beneficial use.

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

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Instructions are in Attachment A.

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

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Instructions are in Attachment A.

OWRD

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).

I, Robert Mckenzie

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

PO Box 1362
ADDRESS

Port Orford
CITY

OR
STATE

97465
ZIP

5416701441
PHONE

rmck@gmail.com
E-MAIL ADDRESS

the permit holder of:

Application Number R-80646

Permit Number R-12114

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

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on Month: 10 Day: 1 Year: 1999, be extended to October 1, 2023, [OAR 690-315-0020(3)(i)]
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on Month: 10 Day: 1 Year: 2000, be extended to October 1, 2023.
[OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Marc Van Camp 3-21-2018
Signature Date

Marc Van Camp Agent
Printed Name Title

Before submitting your Application for Extension of Time, make sure the following items are included:

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- This completed Application for Extension of Time.
- Statutory fee of \$670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

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

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



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

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

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

For Groundwater Permits

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

Yes No

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

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: 2 Day: 1 Year: 1997

Details of construction and attach documentation:

4 Reservoirs built, infrastructure to divert water from surface water source under Permit R12114 to each reservoir, and wells drilled under now cancelled permit G13032. Construction also included installation of all necessary subgrade plumbing to deliver water from points of diversion and/or appropriation to storage facility thence +/-90 acres. Totalizing flowmeters were installed each POD when system was first constructed. However, constant fouling of the meters caused the owner to frequently replace meters. Eventually, maintaining flowmeters became uneconomical and was abandoned, this led to no flowmeters at the time of the initial Claim of beneficial use survey.

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input checked="" type="checkbox"/>	Installation of a totalizing flow meter (Installed at live flow POD)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1/1/2018
<input checked="" type="checkbox"/>	Installation a staff gauge (Installed in all 4 developed reservoirs)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1/1/2018
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	9/1/1999
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Maintain and submit a complete record of monthly use.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1/1/2019
<input checked="" type="checkbox"/>	Other (Specify): Weirs above and below reservoirs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A (See Section 2b.)
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

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Totalizing flow meters were installed before the C-date of the permit(s). Due to the high iron content of water, meters were quickly clogged and inoperable. The owner eventually ceased trying to maintain a flow meter after every meter installed fouled and failed within a year of installation, multiple times. This led to a Claim of Beneficial Use being filed without flowmeters installed. Without fully functional flowmeters, records of monthly use were not accurate or feasible. Both permit conditions will be remedied by 1/1/2019, by use of acoustic doppler style totalizing meter that will not be fouled by iron content or debris. Since flow meters were installed 1/1/2018, 2019 is used to allow for the collection of 1 years' worth of monthly use records.

Also, weirs have not been installed above and below each reservoir as stipulated in the permit due to the nature of the reservoirs. There are no onstream reservoirs within the system, and every developed reservoir is an off-stream reservoir that has water delivered to it through a system of pipes, there are no channels to place weirs in.

Per discussion with District 19 Watermaster the flow monitoring requirements of both permit R12114 and S53011 will be satisfied by installing a totalizing flow meter at the surface water point of diversion for S53011 and a staff gauge in each of the 4 reservoirs R12114. This will monitor all flow diverted to storage, and be submitted for the first annual monthly use report after one year of use has been recorded.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
1/31/1997	Date the permit was signed - find date above signature on last page of permit.	
9/1/1999	Completion of 4 Reservoirs and all required plumbing for conveyance between PODs/POAs, storage facilities.	\$50,000.00
10/1/1999	Purchase and install all required flow meters	\$3,000.00
4/1/2000	replace flow meters	\$2,500.00

10/1/2000	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
1/1/2003	Replace fouled and broken Flow meter on less than annual bases	\$4,000.00
1/1/2009	Begin discussion with watermaster (Mitch Lewis) on alternative flow monitoring plan due to extremely difficult flow monitoring environment.	\$1,000.00
1/1/2018	Purchase and install flowmeter for surface water diversion and staff plates for 4 reservoirs.	\$2,000.00
Total Cost for Chart-B	\$62,500.00	

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-C		

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

5. Cost of project to date: \$62,500.00
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

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

Maximum rate used to date = 1.0 cfs (cubic feet per second)

Acre-feet stored to date = 36.4 AF, being 9.1 AF per each reservoir

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

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

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

Has the Permit Amendment been approved? Yes No

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If yes, on what date was the Permit Amendment approved? _____

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

9. For Irrigation and Nursery Use Permits Extensions

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

- a) Total acres irrigated to date:

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

Year	Acres Irrigated

- c) Provide a copy of the application map identifying the acres irrigated.
Please see Attachment.
- d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).
 (POD/POA) #1 Acres (POD/POA) #2 Acres
 (POD/POA) #3 Acres (POD/POA) #4 Acres

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

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
1/1/2019	Record and submit first annual water use report	\$500.00
Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$500.00

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

11. Estimated remaining cost to complete the project: 500.00
(The total cost from CHART-E)

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

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

The first task to apply water to beneficial use is an acoustic doppler totalizing flow meter at the surface water source. This will record all surface water diverted to storage. As mentioned in section 2b above, it is proposed that a staff gauge be installed in each reservoir. This is in lieu of the requirement requesting weirs upstream and downstream of the reservoirs and flow meters in each reservoir. Weirs bracketing the reservoirs are unfeasible for off stream reservoirs due to the lack of open channel inflow or outflow.

Next, is receiving and developing a new ground water permit to replace permit G13032 that was cancelled May of 2017. This is included in the extension of R12114 because R12114 references 4 wells as the source of water.

Once this new permit is received, it will be put to beneficial use as diligently as possible according to permit conditions. Once water is put to full beneficial use, 3 Claims of Beneficial Use (COBU) will be submit, 1 for each R12114, and S53011, and the new groundwater permit.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The time requested is dictated by the need to apply and perfect a new groundwater permit to replace cancelled permit G13032. This permit, R12114 & S53011, has four wells listed as a source that were covered under G13032.

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

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

Yes, the owner has spent many years developing and perfecting this cranberry operation, without water rights it would be useless. This water permit is an essential source of water for the cranberry operation.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)*

No, the original applications for the water permits pertaining to this property represent all the available water sources.

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

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

Yes, the cancelation of G13032 has added a significant amount of time. A COBU had once been submitted for G13032, and was very close to being complete, besides the lack of flowmeter. No flowmeter was installed at the time of the original COBU Survey due to the high mineral content of the groundwater fouling and breaking flowmeters multiple times a year. The operator eventually gave up on a flowmeter not knowing the ramifications related to his water permits. The owner is now aware of other types of totalizing flowmeter that can operate in this unusually difficult flow monitoring situation and satisfy the strict requirements of record keeping and reporting. The acoustic doppler flow meters were not readily available or cost feasible at the time of original C-date.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)

Other unforeseen delays include the lack of CWRE's and water right consultants in the south coast basin, this contributed to the owners misunderstanding of the importance of flowmeters. After the 2012 submittal of a Claim of Beneficial Use, Mr. Mckenzie was unable to find another CWRE or water rights consultant to assist him in perfecting his permits.

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

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

The excessive cost of flow monitoring is a significant cause for not applying water to full beneficial use. Mr. Mckenzie now understands the importance of totalizing flow meters to obtain permit compliance. Compliance will be achieved with the use of acoustic doppler flow meters that will not be fouled by debris or ion content of the water.

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

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

The cost estimates of chart B and C only reflect the investment made directly to the permit development. This is a fraction of the total time and monetary costs that have been invested into the maintenance of the cranberry bogs and cranberry operation over the last 22 years.

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

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

Yes, cranberry operations can be profitable but a reliable water source is essential.

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

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

N/A

Attach permit, and documentation to the application

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12/28/17

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STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES INCORPORATED
92619 AIRPORT ROAD
SIXES, OREGON 97476

(541) 348-2217

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

APPLICATION FILE NUMBER: R-80646

SOURCE OF WATER: FOUR WELLS AND AN UNNAMED STREAM, TRIBUTARIES OF
FLORAS LAKE

STORAGE FACILITY: SEVEN UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER
APPLICATION S-80645, PERMIT 53011 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 63.7 ACRE-FEET (AF) PER YEAR, BEING 9.1 AF IN
EACH OF SEVEN UNNAMED RESERVOIRS

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE FROM
NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 20, 1995

The area submerged by Reservoirs 1, 2, 3, and 4, when full, will be 1.7
acres and the maximum depth of water will be 10.0 feet. The maximum
height of the dams shall not exceed 6.0 feet.

The area submerged by Reservoirs 5, 6 and 7, when full, will be 3.0
acres and the maximum depth of water will be 10.0 feet. The maximum
height of the dam shall not exceed 9.9 feet.

DAM LOCATION: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 29,
NW 1/4 NE /14, SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.;
RESERVOIR 1 - 200 FEET NORTH & 3640 FEET EAST; RESERVOIR 2 - 110 FEET
NORTH & 4780 FEET EAST; RESERVOIR 3 - 200 FEET SOUTH & 2900 FEET EAST;
RESERVOIR 4 - 1110 FEET NORTH & 2880 FEET EAST; RESERVOIR 5 - 1540 FEET
NORTH & 3980 FEET EAST; RESERVOIR 6 - 2070 FEET NORTH & 4200 FEET EAST;
RESERVOIR 7 - 2550 FEET NORTH & 4270 FEET EAST; ALL FROM NORTHWEST
CORNER, SECTION 32

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

NE 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 29

Application R-80646 Water Resources Department

PERMIT R-12114

NW 1/4 NE 1/4
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report 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.

Weirs must be installed and maintained to the Watermaster's specifications above and below the reservoirs.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

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

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

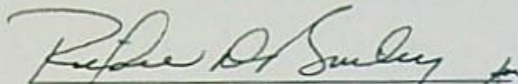
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997



Martha O. Pagel, Director
Water Resources Department

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: R-80646 Permit: R-12114 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: McKinzie Cranberries, Inc

Permit Holder's Mailing Address: PO Box 1362 Port Orford, OR 97465

email rmck@gmail.com

Phone Number: 541-670-1441

Agent/CWRE Marc Van Camp (Auth. incl)

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

Date Permit was issued: 1-31-97 Priority Date: 10-20-95 Date of PN: 3-20-2018

Source: four wells and an unnamed stream, tribs of Flores Lake

Use: to be appropriated under App S-80645, Per 53011 for Cranberry operations

"Q": 63.7 AF each year being 9.1 AF in each of seven yrs.

Orig "A" Date: 1-31-98 Orig "B" Date: 10-1-99 Orig "C" Date: 10-1-2000

Extension request received: 3-15-18 Last Authorized Date: _____ "C" Date: _____

Request Number (1, 2, 3...): 1 Proposed "B" Date: 2023 Proposed C Date: 2023

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
		Begin construction:
✓		tot flow meter
✓		outlet pipe 8"
	✓	AWUR

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially ^{stored} used 36.4 (9.1 / yrs x 4) cfs/gpm of the total permitted quantity of water on _____ acres

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

• Amount Invested to date: \$ 61,500 Estimated Remaining Cost: \$ 0

GW REVIEW: Y (N)

MITIGATION REVIEW: Y (N)

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located... _____

Surface Water Permits: Is the POD located... _____

Yes No

- above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a critical or limited Ground Water Area? Name of area _____
- within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low moderate high Highest (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Maps (by region) Needs"

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

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

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

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

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

- 5-year Progress Report Checkpoints (Years: _____)
- Other: _____

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

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

NOTES:

Extension "PFO" Dates
Mailing / Issuance Date: _____ Protest Deadline Date: _____ FO Issuance Date: _____

Reviewer's Name: _____ Date: _____



Water Availability Analysis

UNN STR > FLORAS L - AT MOUTH
SOUTH COAST BASIN
Water Availability as of 3/26/2018

Watershed ID #: 31730608 ([Map](#))
Date: 3/26/2018

Exceedance Level: 50%
Time: 11:06 AM

[\[Dark Blue Bar\]](#)

[Limiting Watersheds](#)

[Complete Water Availability Analysis](#)

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	31730602	NEW R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	31730608	UNN STR> FLORAS L- AT MOUTH	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

Instructions are in Attachment A.

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TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
 A separate extension application must be submitted for each permit as per
 OAR 690-315-0020(2).

I, Robert Mckenzie

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

PO Box 1362
 ADDRESS

Port Orford
 CITY

OR
 STATE

97465
 ZIP

5416701441
 PHONE

rmck@gmail.com
 E-MAIL ADDRESS

the permit holder of:

Application Number R-80646

Permit Number R-12114

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

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on Month:10 Day: 1 Year: 1999, be extended to October 1, 2023, [OAR 690-315-0020(3)(i)]

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

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on Month:10 Day: 1 Year: 2000, be extended to October 1, 2023. [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Marc Van Camp 3-21-2018
 Signature Date
Marc Van Camp Agent
 Printed Name Title

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Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

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

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



GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits **DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time
Please see the instruction sheet to help you answer these items.

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

For Groundwater Permits

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

Yes No

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

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: 2 Day: 1 Year: 1997

Details of construction and attach documentation:

4 Reservoirs built, infrastructure to divert water from surface water source under Permit R12114 to each reservoir, and wells drilled under now cancelled permit G13032. Construction also included installation of all necessary subgrade plumbing to deliver water from points of diversion and/or appropriation to storage facility thence +/-90 acres. Totalizing flowmeters were installed each POD when system was first constructed. However, constant fouling of the meters caused the owner to frequently replace meters. Eventually, maintaining flowmeters became uneconomical and was abandoned, this led to no flowmeters at the time of the initial Claim of beneficial use survey.

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input checked="" type="checkbox"/>	Installation of a totalizing flow meter (Installed at live flow POD)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1/1/2018
<input checked="" type="checkbox"/>	Installation a staff gauge (Installed in all 4 developed reservoirs)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1/1/2018
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	9/1/1999
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Maintain and submit a complete record of monthly use.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1/1/2019
<input checked="" type="checkbox"/>	Other (Specify): Weirs above and below reservoirs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A (See Section 2b.)
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

Totalizing flow meters were installed before the C-date of the permit(s). Due to the high iron content of water, meters were quickly clogged and inoperable. The owner eventually ceased trying to maintain a flow meter after every meter installed fouled and failed within a year of installation, multiple times. This led to a Claim of Beneficial Use being filed without flowmeters installed. Without fully functional flowmeters, records of monthly use were not accurate or feasible. Both permit conditions will be remedied by 1/1/2019, by use of acoustic doppler style totalizing meter that will not be fouled by iron content or debris. Since flow meters were installed 1/1/2018, 2019 is used to allow for the collection of 1 years' worth of monthly use records.

Also, weirs have not been installed above and below each reservoir as stipulated in the permit due to the nature of the reservoirs. There are no onstream reservoirs within the system, and every developed reservoir is an off-stream reservoir that has water delivered to it through a system of pipes, there are no channels to place weirs in.

Per discussion with District 19 Watermaster the flow monitoring requirements of both permit R12114 and S53011 will be satisfied by installing a totalizing flow meter at the surface water point of diversion for S53011 and a staff gauge in each of the 4 reservoirs R12114. This will monitor all flow diverted to storage, and be submitted for the first annual monthly use report after one year of use has been recorded.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
1/31/1997	Date the permit was signed - find date above signature on last page of permit.	
9/1/1999	Completion of 4 Reservoirs and all required plumbing for conveyance between PODs/POAs, storage facilities.	\$50,000.00
10/1/1999	Purchase and install all required flow meters	\$3,000.00
4/1/2000	replace flow meters	\$2,500.00

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10/1/2000	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <u>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME:</u> List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.	COST*
1/1/2003	Replace fouled and broken Flow meter on less than annual bases	\$4,000.00
1/1/2009	Begin discussion with watermaster (Mitch Lewis) on alternative flow monitoring plan due to extremely difficult flow monitoring environment.	\$1,000.00
1/1/2018	Purchase and install flowmeter for surface water diversion and staff plates for 4 reservoirs.	\$2,000.00
Total Cost for Chart-B	\$62,500.00 <u>61,500</u>	

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-C		

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

5. Cost of project to date: 61,500
\$62,500.00
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

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

Maximum rate used to date = 1.0 cfs (cubic feet per second)

Acre-feet stored to date = 36.4 AF, being 9.1 AF per each reservoir

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

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

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

Has the Permit Amendment been approved? Yes No

If yes, on what date was the Permit Amendment approved? _____

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

9. For Irrigation and Nursery Use Permits Extensions

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

a) Total acres irrigated to date:

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

Year	Acres Irrigated

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

Please see Attachment.

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

(POD/POA) #1 Acres (POD/POA) #2 Acres

(POD/POA) #3 Acres (POD/POA) #4 Acres

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

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
1/1/2019	Record and submit first annual water use report	\$500.00
Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$500.00

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

11. Estimated remaining cost to complete the project: 500.00

(The total cost from CHART-E)

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

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

The first task to apply water to beneficial use is an acoustic doppler totalizing flow meter at the surface water source. This will record all surface water diverted to storage. As mentioned in section 2b above, it is proposed that a staff gauge be installed in each reservoir. This is in lieu of the requirement requesting weirs upstream and downstream of the reservoirs and flow meters in each reservoir. Weirs bracketing the reservoirs are unfeasible for off stream reservoirs due to the lack of open channel inflow or outflow.

Next, is receiving and developing a new ground water permit to replace permit G13032 that was cancelled May of 2017. This is included in the extension of R12114 because R12114 references 4 wells as the source of water.

Once this new permit is received, it will be put to beneficial use as diligently as possible according to permit conditions. Once water is put to full beneficial use, 3 Claims of Beneficial Use (COBU) will be submit, 1 for each R12114, and S53011, and the new groundwater permit.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The time requested is dictated by the need to apply and perfect a new groundwater permit to replace cancelled permit G13032. This permit, R12114 & S53011, has four wells listed as a source that were covered under G13032.

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

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

Yes, the owner has spent many years developing and perfecting this cranberry operation, without water rights it would be useless. This water permit is an essential source of water for the cranberry operation.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)*

No, the original applications for the water permits pertaining to this property represent all the available water sources.

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

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

Yes, the cancelation of G13032 has added a significant amount of time. A COBU had once been submitted for G13032, and was very close to being complete, besides the lack of flowmeter. No flowmeter was installed at the time of the original COBU Survey due to the high mineral content of the groundwater fouling and breaking flowmeters multiple times a year. The operator eventually gave up on a flowmeter not knowing the ramifications related to his water permits. The owner is now aware of other types of totalizing flowmeter that can operate in this unusually difficult flow monitoring situation and satisfy the strict requirements of record keeping and reporting. The acoustic doppler flow meters were not readily available or cost feasible at the time of original C-date.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)

Other unforeseen delays include the lack of CWRE's and water right consultants in the south coast basin, this contributed to the owners misunderstanding of the importance of flowmeters. After the 2012 submittal of a Claim of Beneficial Use, Mr. Mckenzie was unable to find another CWRE or water rights consultant to assist him in perfecting his permits.

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

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

The excessive cost of flow monitoring is a significant cause for not applying water to full beneficial use. Mr. Mckenzie now understands the importance of totalizing flow meters to obtain permit compliance. Compliance will be achieved with the use of acoustic doppler flow meters that will not be fouled by debris or ion content of the water.

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

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

The cost estimates of chart B and C only reflect the investment made directly to the permit development. This is a fraction of the total time and monetary costs that have been invested into the maintenance of the cranberry bogs and cranberry operation over the last 22 years.

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

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

Yes, cranberry operations can be profitable but a reliable water source is essential.

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

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

N/A

Attach permit, and documentation to the application

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Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

April 12, 2002

ROBERT MCKENZIE III
MCKENZIE CRANBERRIES INC
PO BOX 1362
PORT ORFORD OR 97465

Application(s): G-14187, R-80646, S-80645

Permit Number(s): G-13032, R-12114, S-53011

Re: Best Management Practices

As you know, your water right permit(s) as referenced above require(s) use of best management practices to protect water quality. The "best management practices" condition was developed as part of a negotiated settlement of challenges to yours and other water right applications in the New River area. The best management practices were to be developed by a consensus process in which participation was available to a broad range of interests, and were to include mechanisms to ensure their effectiveness.

The Oregon Agricultural Water Quality Management Act, ORS 568.900 to 568.933 (SB 1010), provides a framework for the Oregon Department of Agriculture to develop watershed-based plans to address agricultural water quality issues. The Agricultural Water Quality Management Area Plan and the associated rules for the Coos and Coquille Watersheds (SB 1010 plan; OAR Chapter 603, Division 95 sec 1500 to 1560) were adopted by the State Board of Agriculture last month and the rules filed with the Secretary of State on March 7, 2002. The plan and rules were developed by a Local Advisory Committee consisting of stakeholders residing in the Coos and Coquille watershed. A copy of the plan and rules can be found at the following website:

"http://www.oda.state.or.us/Natural_Resources/agwqmpr.htm"

The plan identifies best management practices, - measures and strategies to prevent and control water pollution resulting from agricultural activities. The rules identify mechanisms to ensure the effectiveness of the best management practices - to address prohibited conditions with respect to management of sediment, nutrients, pesticides, riparian areas, irrigation and waste (OAR 690-095-1540). The Water Resources Department (WRD) proposes to rely on the SB 1010 plan and rules for the Coos and Coquille

April 12, 2002


Page 2

Watersheds to satisfy the best management practices permit condition for the New River water right permits, such that compliance with the SB 1010 plan and rules will constitute compliance with the permit condition.

The New River water right permits with the "best management practices" permit condition encompass an area that includes Coos, Coquille and Curry Counties. Within the next year the Department of Agriculture is scheduled to complete a similar plan and rules for the Curry watershed area. WRD proposes to rely on the Coos and Coquille plan for the Curry County permits as well, until the Curry County Agricultural Water Quality Management Plan and associated rule are adopted.

Thank you for your cooperation and assistance. If you have questions or concerns with this proposal, please contact Dwight French, Water Rights Manager, at 503-378-8455, ext. 268.

Sincerely,


Paul R. Cleary
Director

cc: Brad Howe, Croft Lake Association
Doug Richert
Eric Aasen
Lonnie Hull
Wayner Scherer, Bandon Cranberry Water Control District
Carol Russell, Oregon Cranberry Farmers Alliance
Karen Russell, WaterWatch of Oregon
Al Cook, WRD
Lloyd Vangordon, WRD
Ray Jaindl, Department of Agriculture
Pam Blake, Department of Environmental Quality
Todd Confer, ODFW
Jill Zarnowitz, ODFW
John Youngquist
Dan Carpenter, Bureau of Land Management

603-095-1500

Purpose

(1) These rules have been developed to implement a water quality management area plan for the Coos and Coquille Agricultural Water Quality Management Area pursuant to authorities vested in the department through ORS 568.900–568.933 and 561.190–561.191. The area plan is known as the Coos and Coquille Agricultural Water Quality Management Area Plan. Nothing in the Coos and Coquille Agricultural Water Quality Management Area Plan or in OARs 603-095-1500 through 603-095-1560 will allow the department to implement this plan or rules in a manner that is in violation of the U. S. Constitution, the Oregon Constitution or other applicable state laws.

(2) The purpose of these rules is to outline requirements for landowners in the Coos and Coquille Agricultural Water Quality Management Area to prevent and control water pollution from agricultural activities and soil erosion. Compliance with division 95 rules (OARs 603-095-1500 through 603-095-1560) is expected to aid in the achievement of applicable water quality standards in the Coos and Coquille Water Quality Management Area.

(3) Failure to comply with any provisions of the Coos and Coquille Agricultural Water Quality Management Area Plan:

(a) Does not constitute a violation of OAR 603-090-0000 to 603-090-0120, or of 603-095-0010 to 603-095-1560;

(b) Is not intended by the department to be evidence of a violation of any federal, state, or local law by any person.

(4) Nothing in the Coos and Coquille Agricultural Water Quality Management Area Plan shall be:

(a) Construed as an effluent limitation or standard under the federal Water Pollution Control Act, 33 USC § 1251–1376;

(b) Used to interpret any requirement of OAR 603-095-1500 to 635-095-1560.

Statutory/Other Authority: ORS 561.190 - 561.191 & 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933

History:

DOA 11-2002, f. & cert. ef. 3-7-02

603-095-1520

Geographic and Programmatic Scope

(1) The Coos and Coquille Agricultural Water Quality Management Area is comprised of the Coos and Coquille drainages, the Tenmile drainage, the Twomile drainage, the Fourmile drainage (including the headwaters of South Fork Fourmile Creek), and those lands within Coos County that lie north of the county line west of its junction with Bethel Mountain Road. The

physical boundaries of the Management Area are indicated on the map included as Appendix 1 of these rules.

(2) Operational boundaries for the land base under the purview of these rules include all lands within the Coos and Coquille Agricultural Water Quality Management Area in agricultural use, agricultural and rural lands that are lying idle or on which management has been deferred, and forested lands with agricultural activities, with the exception of public lands managed by federal agencies. These rules (OAR 603-095-1500 through 603-095-1560) will affect any lands in agricultural use on all non-Federal and non-Tribal lands in the Coos and Coquille Agricultural Water Quality Management Area.

(a) Agricultural use does not include the use of land for garden plots primarily used for the cultivation of vegetables, flowers, herbs or fruits for domestic or household use.

(b) The provisions of the Coos and Coquille Agricultural Water Quality Management Area Plan and OARs 603-095-1500 through 603-095-1560 shall not apply to any forest practice conducted on forestland as defined in ORS 527.620.

(3) Current productive agricultural use is not required for the provisions of these rules to apply. For example, highly erodible lands with no present active use are within the purview of these rules.

(4) For lands in agricultural use within other Designated Management Agencies' or state agency jurisdictions, the department and the appropriate Local Management Agency will work with these Designated Management Agencies to assure that provisions of these rules apply, and to assure that duplication of any services provided or fees assessed does not occur.

[ED. NOTE: Appendices referenced are available from the agency.]

Statutory/Other Authority: ORS 561.190 - 561.191 & 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933

History:

DOA 11-2002, f. & cert. ef. 3-7-02

603-095-1540

Prohibited Conditions

(1)(a) All landowners or operators conducting activities on lands in agricultural use will comply with the following criteria. A landowner is responsible for only those conditions resulting from activities caused by the landowner. A landowner is not responsible for conditions resulting from actions by another landowner. A landowner is not responsible for conditions resulting from unusual weather events or other exceptional circumstances that could not have been reasonably anticipated.

(b) Limited duration activities may be exempt from these conditions subject to prior written approval by the department.

(2) Sediment Management: Effective three years after rule adoption, soil erosion associated with agricultural cultivation shall not deliver sediment sufficient to violate water quality standards.

(3) Nutrient Management: Effective three years after rule adoption, application and storage of manure, commercial fertilizer, and other added nutrient inputs to agricultural lands will be done in a manner that minimizes the introduction of nutrients into waterways.

(4) Pesticide Management: Effective three years after rule adoption, in cranberry production, water storage systems that intercept agricultural drainage containing pesticides and that reapply this water will be designed to minimize percolation of drainage waters to groundwater or overflow of the impoundment to surface waters.

(5) Riparian Management:

(a) Effective three years after rule adoption, management activities in the riparian area will be conducted in a manner that allows the establishment, growth, and maintenance of riparian vegetation consistent with vegetative site capability so as to provide some combination of filtering capacity, sediment trapping, stream bank stability, and shade.

(b) Exemptions shall include stream crossings, access for irrigation equipment and other accepted water dependent agricultural uses when conducted in a manner that minimizes impacts on streambank stability.

(6) Irrigation Management: Effective three years after rule adoption, application (direct, chemigation, and fertigation) and irrigation systems will be managed to minimize runoff and the introduction of nutrients and farm chemicals into waterways.

(7) Waste Management: Effective upon adoption, no person subject to these rules shall violate any provision of ORS 468B.025 or 468B.050.

Statutory/Other Authority: ORS 561.190 - 561.191 & 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933

History:

DOA 11-2002, f. & cert. ef. 3-7-02

603-095-1560

Complaints and Investigations

(1) When the department receives notice of an apparent occurrence of agricultural pollution through a written complaint, its own observation, or through notification by another agency, the department may conduct an investigation. The department may, at its discretion, coordinate inspection activities with the appropriate Local Management Agency.

(2) Each notice of an alleged occurrence of agricultural pollution shall be evaluated in accordance with the criteria in ORS 568.900 to 568.933 or any rules adopted thereunder to determine whether an investigation is warranted.

(3) Any person allegedly being damaged or otherwise adversely affected by agricultural pollution or alleging any violation of ORS 568.900 to 568.933 or any rules adopted thereunder may file a complaint with the department.

(4) The department will evaluate or investigate a complaint filed by a person under section OAR 603-095-1560(3) if the complaint is in writing, signed and dated by the complainant and indicates the location and description of:

(a) The property and/or waters of the state allegedly being damaged or impacted; and

(b) The property allegedly being managed under conditions violating criteria described in ORS 568.900 to 568.933 or any rules adopted thereunder.

(5) Notwithstanding OAR 603-095-1560, the department may investigate at any time any complaint if the department determines that the violation alleged in the complaint may, is or impends to create an immediate threat to the public health or safety.

(6)(a) If the department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred, the landowner may be subject to the enforcement procedures of the department outlined in OARs 603-090-0060 through 603-090-0120.

(b) Enforcement action shall be pursued only when reasonable attempts at voluntary solutions have failed.

(7) The department may not impose a civil penalty on a landowner for a first violation of OAR 603-090-0000 through 603-090-0120, or of 603-095-1500 through 603-095-1560 unless the department:

(a) Has notified the landowner of the violation in writing that describes, with reasonable specificity, the factual basis for the department's determination that a violation has occurred; and

(b) has prescribed a reasonable time for the landowner to correct the violation that may not exceed 30 days after the first notice of violation, unless the violation requires more than 30 days to correct, in which case the department shall specify a reasonable period of time to correct the violation in a plan of correction issued to the landowner.

(8) No notice of violation or period to comply shall be required under subsection (8) of this section if:

(a) The violation is intentional; or

(b) The landowner has received a previous notice of the same or similar violation.

(9) The department, or a designee of the department shall periodically, and in no event less than once biennially, consult with the department of justice to ensure that the actions of the

department taken under ORS 568.915 are consistent with section 9, Article I of the Oregon Constitution, and the Fourth Amendment to the United States Constitution.

Statutory/Other Authority: ORS 561.190 - 561.191 & 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933

History:

DOA 11-2002, f. & cert. ef. 3-7-02

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New River Alternative Dispute Resolution Team Agreement

WATER RESOURCES DEPT.
SALEM, OREGON

THIS AGREEMENT between the New River applicants (see signature block below), the Oregon Cranberry Farmers Alliance, Oregon Department of Fish and Wildlife (ODFW), Department of Environmental Quality (DEQ), Water Resources Department (WRD), United States Bureau of Land Management (BLM), Kalmiopsis Audubon Society, Croft Lake Association and WaterWatch of Oregon (WaterWatch).

In 1995 there were over 70 applications pending before the Oregon WRD for permits to use water from groundwater and surface water sources in the New River Basin. In late 1995, the interested parties and applicants entered into an alternative dispute resolution process in an attempt to resolve issues raised as to the individual and cumulative impacts of the proposed uses on the resources and declining fish populations in the New River system. The New River Alternate Dispute Resolution Team was formed consisting of representatives from the OWRD, ODFW, DEQ, BLM, Cranberry Farmers Alliance, Bandon Cranberry Water Control District, WaterWatch, Croft Lake Association, and the Audubon Society and individual applicants. The parties to the team have discussed their differences over the pending applications and wish to settle the matter as set forth in this agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth below, the parties agree as follows:

1. ODFW, DEQ, BLM, WaterWatch of Oregon, Kalmiopsis Audubon Society, Croft Lake Association and the New River applicants agree not to protest the proposed final orders (PFO) for applications listed in this Agreement as long as the PFO contains the permit conditions as agreed upon during the New River Alternate Dispute Resolution process.
2. The parties agree that, for purposes of the permit conditions relating to "best management practices", those practices shall be specified in writing and be developed by consensus process that includes representatives of and local growers in the cranberry industry, other

agricultural interests, ODFW, WRD, Oregon Department of Environmental Quality, Oregon Department of Agriculture, BLM, Croft Lake Association, Kalmiopsis Audubon Society, and WaterWatch. The "best management practices" shall contain mechanisms to ensure their effectiveness. If consensus is not reached by August 31st, 1998, the parties shall submit differences to an arbitrator from Oregon State University for resolution. A complete set of "best management practices" must be submitted to the Department of Agriculture for approval by January 31, 1999.

3. The parties also agree to work together to pursue funding for a "hydrologic-technician" for the New River basin to help in management of water use in the basin.
4. The parties agree to "hold" applications S71046, G12341, G13910, G12809, G12655, G12701, G13731 and G13732 until a ground water study, relevant to the applications, is completed and the parties have a reasonable opportunity to review the results of the study. The parties further agree that WRD will then reconvene the negotiation team within 45 days after the study is final to try and resolve any issues relating to these applications.
5. The parties agree to "hold" applications G12973, G13731, G13732, S71084, S71363, S72442, S72443, and G12705 until the applicants have taken the steps agreed to in these negotiations. The parties will then have a reasonable opportunity to review and comment, and if necessary, reconvene, to ensure that the applications are consistent with the New River Alternative Dispute Resolution agreements before the proposed final orders are issued.

This document can be signed in duplicate originals.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

New River Area Applicant

Signature

date _____

Application #(s)

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SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

ATTACHMENT

MEASUREMENT RECORDING AND REPORTING CONDITIONS:

Before water use may begin under this permit, a totalizing flow meter, or other suitable measuring device as approved by the Watermaster, must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report 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.

MODIFIED 7B INTERFERENCE CONDITION

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

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

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Instructions are in Attachment A.

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TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).

I, Robert Mckenzie

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

PO Box 1362
ADDRESS

Port Orford
CITY

OR
STATE

97465
ZIP

5416701441
PHONE

rmck@gmail.com
E-MAIL ADDRESS

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the permit holder of: Application Number R-80646
Permit Number R-12114
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: 10 Day: 1 Year: 1999**, be extended to October 1, _____, [OAR 690-315-0020(3)(i)]
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: 10 Day: 1 Year: 2000**, be extended to October 1, 2023.
[OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

<u>Marc Van Camp</u> Signature	<u>3-9-2018</u> Date
<u>Marc Van Camp</u> Printed Name	<u>Agent</u> Title

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

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

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

**GENERAL TIPS:**

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

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

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

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

 Yes NoDate construction began Month: Day: Year: Details of construction and attach documentation: **For Surface/Reservoir Permit**Has construction of the water system begun? Yes NoDate construction began Month: 2 Day: 1 Year: 1997Details of construction and attach documentation:

4 Reservoirs built, infrastructure to divert water from surface water source under Permit S53011 to each reservoir, and wells drilled under now cancelled permit G13032. Construction also included installation of all necessary subgrade plumbing to deliver water from points of diversion and/or appropriation to storage facility thence +/-90 acres. However, constant fouling of the meter caused the owner to frequently replace meters. Eventually, maintaining a flow meter became uneconomical and was abandoned, this led to no flow meter at the time of Claim of beneficial use survey.

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1/1/2018
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	9/1/1999
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Maintain and submit a complete record of monthly use.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1/1/2019
<input checked="" type="checkbox"/>	Other (Specify): Weirs above and below reservoirs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A (See Section 2b.)
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

Totalizing flow meters were installed before the C-date of the permit(s). Due to the high iron content of water, meters were quickly clogged and inoperable. The owner eventually ceased trying to maintain a flow meter after every meter installed fouled and failed within a year of installation, multiple times. This led to a Claim of Beneficial Use being filed without flowmeters installed. Without fully functional flowmeters, records of monthly use were not accurate or feasible. Both permit conditions will be remedied by 1/1/2019, by use of acoustic doppler style totalizing meter that will not be fouled by iron content or debris. Since flow meters were installed 1/1/2018, 2019 is used to allow for the collection of 1 year's worth of monthly use records.

Also, weirs have not been installed above and below each reservoir as stipulated in the permit due to the nature of the reservoirs. There are no onstream reservoirs within the system, and every developed reservoir is an off-stream reservoir that has water delivered to it through a system of pipes, there are no channels to place weirs in.

Per discussion with District 19 Watermaster the flow monitoring requirements of both permit R12114 and S53011 will be satisfied by installing a totalizing flow meter at the surface water point of diversion for S53011 and a staff gauge in each of the 4 reservoirs R12114. This will monitor all flow diverted to storage, and be submitted for the first annual monthly use report after one year of use has been recorded.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
1/31/1997	Date the permit was signed - find date above signature on last page of permit.	
9/1/1999	Completion of 4 Reservoirs, 90+/- acres of cranberry bogs, and all required plumbing for conveyance between PODs/POAs, storage facilities, and place of use	\$50,000.00
10/1/1999	Purchase and install all required flow meters	\$3,000.00
4/1/2000	replace flow meter	\$2,500.00

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10/1/2000	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
1/1/2003	Replace fouled and broken Flow meter on less than annual bases	\$8,000.00
9/1/2003	Hire Stuntzner Engineering and Forestry for claim of beneficial use	\$1,500.00
7/15/2017	Hire Stuntzner engineering and forestry as water right consultant	\$2,000.00
Total Cost for Chart-B	\$67,000.00	

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-C		

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

5. Cost of project to date: \$67,000.00

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

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

Maximum rate used to date = 1.0 cfs (cubic feet per second)

Acre-feet stored to date = 63.7 AF

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

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

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

If yes, identify Transfer No. T- _____

Has the Permit Amendment been approved? Yes No

If yes, on what date was the Permit Amendment approved? _____

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

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

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

a) Total acres irrigated to date: 90

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

Year	Acres	Year	Acres	Year	Acres
1995	+/-20	2003	+/-90	2011	+/-90
1996	+/-30	2004	+/-90	2012	+/-90
1997	+/-40	2005	+/-90	2013	+/-90
1998	+/-60	2006	+/-90	2014	+/-90
1999	+/-90	2007	+/-90	2015	+/-90
2000	+/-90	2008	+/-90	2016	+/-90
2001	+/-90	2009	+/-90	2017	+/-90
2002	+/-90	2010	+/-90		

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

Please see Attachment.

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

(POD/POA)#1 Acres +/-30

(POD/POA) #2 Acres +/-20

(POD/POA) #3 Acres +/-50

(POD/POA) #4 Acres +/-20

Note: Total acreage irrigated by each reservoir surpasses the total acreage of +/- 90 irrigated land due to operational overlap of each reservoirs place of use. For example, reservoir 2 is used to irrigate some of the same bogs that reservoir 3 can irrigate.

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

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
4/1/2018	Install new totalizing flow meters at surface water POD and begin keeping monthly diversion records, submitting at whatever interval/frequency requested by OWRD.	\$5,000.00
10/1/2018	Receive new ground water permit to replace canceled permit G13032.	\$6,000.00
10/1/2023	Fully develop new groundwater permit and apply water to full beneficial use. Submit 3 claims of beneficial use.	\$5,000.00

Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
		Total Cost \$16,000.00

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

11. Estimated remaining cost to complete the project: \$16,000.00
(The total cost from CHART-E)

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

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

The first task to apply water to beneficial use is an acoustic doppler totalizing flow meter at the surface water source. This will record all surface water diverted to storage. As mentioned in section 2b above, it is proposed that a staff gauge be installed in each reservoir. This is in lieu of the requirement requesting weirs upstream and downstream of the reservoirs and flow meters in each reservoir. Weirs bracketing the reservoirs are unfeasible for off stream reservoirs due to the lack of open channel inflow or outflow.

Next, is receiving and developing a new ground water permit to replace permit G13032 that was cancelled May of 2017. This is included in the extension of R12114 because R12114 references 4 wells as the source of water.

Once this new permit is received, it will be put to beneficial use as diligently as possible according to permit conditions. Once water is put to full beneficial use, 3 Claims of Beneficial Use (COBU) will be submit, 1 for each R12114, and S53011, and the new groundwater permit.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The time requested is dictated by the need to apply and perfect a new groundwater permit to replace cancelled permit G13032. This permit, R12114 & S53011, has four wells listed as a source that were covered under G13032.

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

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

Yes, the owner has spent many years developing and perfecting this cranberry operation, without water rights it would be useless. This water permit is an essential source of water for the cranberry operation.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail)

No, the original applications for the water permits pertaining to this property represent all the available water sources.

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

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

Yes, the cancelation of G13032 has added a significant amount of time. A COBU had once been submitted for G13032, and was very close to being complete, besides the lack of flowmeter. No flowmeter was installed at the time of the original COBU Survey due to the high mineral content of the groundwater fouling and breaking flowmeters multiple times a year. The operator eventually gave up on a flowmeter not knowing the ramifications related to his water permits. The owner is now aware of other types of totalizing flowmeter that can operate in this unusually difficult flow monitoring situation and satisfy the strict requirements of record keeping and reporting. The acoustic doppler flow meters were not readily available or cost feasible at the time of original C-date.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)

Other unforeseen delays include the lack of CWRE's and water right consultants in the south coast basin, this contributed to the owners misunderstanding of the importance of flowmeters. After the 2012 submittal of a Claim of Beneficial Use, Mr. Mckenzie was unable to find another CWRE or water rights consultant to assist him in perfecting his permits.

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

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

The excessive cost of flow monitoring is a significant cause for not applying water to full beneficial use. Mr. Mckenzie now understands the importance of totalizing flow meters to obtain permit compliance. Compliance will be achieved with the use of acoustic doppler flow meters that will not be fouled by debris or ion content of the water.

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

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

The cost estimates of chart B and C only reflect the investment made directly to the permit development. This is a fraction of the total time and monetary costs that have been invested into the maintenance of the cranberry bogs and cranberry operation over the last 22 years.

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

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

Yes, cranberry operations can be profitable but a reliable water source is essential.

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

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

N/A

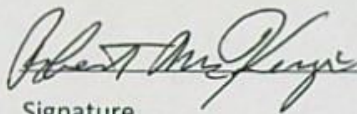
Attach permit, and documentation to the application

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I Robert Mckenzie, authorize Marc Van Camp of Stuntzner Engineering and Forestry to act as my agent regarding the Extension of Time for water right permits S53001 and R12114on behalf of Mckenzie Cranberries Inc.



Signature

Robert McKenzie

Printed Name

March-09-2018

Date

Robert Mckenzie
Mckenzie Cranberries Inc.
P.O. Box 1362
Port Orford, OR 97465
(541) 670-1441

Marc Van Camp
Stuntzner Engineering and Forestry
P.O. Box 118 (705 S. 4th St.)
Coos Bay, OR 97420
(541)267-2872 Ex. 218
Fax: (541)267-0588

Application: R-80646

Permit: R-12114

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

Applicant/Permit

Holder(s)

McKenzie Cranberries, Inc ✓

P.O. Box 1362

Port Orford OR 97465

WRIG...Money Received on: March 15-2018

Extension Specialist ...

Added to tracking spreadsheet

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

Stacy Phillips...

N/A Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 3-27-18

Update WRIS Database

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

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

Yes or No: Return file to Extension Specialist after PN

Jeffrey

NOTES: Agent

Marc Van Camp
Stuntner Engineering
P.O. Box 118
Coos Bay OR 97420

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **126093**

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

INVOICE # _____

RECEIVED FROM: Mckenzie Cranberries, APPLICATION R-80646
 BY: INC. PERMIT _____
 TRANSFER _____

CASH: CHECK # 8541 OTHER: (IDENTIFY) _____
 TOTAL REC'D \$ 670.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
 0240 EXTENSION OF TIME \$ 670.00

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

TREASURY OTHER / RDX

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

RECEIPT: **126093**

DATED: 3-15-18 BY: [Signature]



Oregon
Kate Brown, Governor

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

March 26, 2018

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-80646 (Permit R-12114)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

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MAR 15 2018

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THIS PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES INCORPORATED
92619 AIRPORT ROAD
SIXES, OREGON 97476

(541)348-2217

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

APPLICATION FILE NUMBER: R-80646

SOURCE OF WATER: FOUR WELLS AND AN UNNAMED STREAM, TRIBUTARIES OF
FLORAS LAKE

STORAGE FACILITY: SEVEN UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER
APPLICATION S-80645, PERMIT 53011 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 63.7 ACRE-FEET (AF) PER YEAR, BEING 9.1 AF IN
EACH OF SEVEN UNNAMED RESERVOIRS

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE FROM
NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 20, 1995

The area submerged by Reservoirs 1, 2, 3, and 4, when full, will be 1.7
acres and the maximum depth of water will be 10.0 feet. The maximum
height of the dams shall not exceed 6.0 feet.

The area submerged by Reservoirs 5, 6 and 7, when full, will be 3.0
acres and the maximum depth of water will be 10.0 feet. The maximum
height of the dam shall not exceed 9.9 feet.

DAM LOCATION: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 29,
NW 1/4 NE /14, SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.;
RESERVOIR 1 - 200 FEET NORTH & 3640 FEET EAST; RESERVOIR 2 - 110 FEET
NORTH & 4780 FEET EAST; RESERVOIR 3 - 200 FEET SOUTH & 2900 FEET EAST;
RESERVOIR 4 - 1110 FEET NORTH & 2880 FEET EAST; RESERVOIR 5 - 1540 FEET
NORTH & 3980 FEET EAST; RESERVOIR 6 - 2070 FEET NORTH & 4200 FEET EAST;
RESERVOIR 7 - 2550 FEET NORTH & 4270 FEET EAST; ALL FROM NORTHWEST
CORNER, SECTION 32

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

NE 1/4 SE 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

SECTION 29

Application R-80646 Water Resources Department

PERMIT R-12114

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NW 1/4 NE 1/4
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

MAR 15 2018

Measurement, recording and reporting conditions:

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- A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report 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.

Weirs must be installed and maintained to the Watermaster's specifications above and below the reservoirs.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

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

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

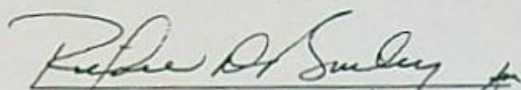
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997



Martha O. Pagel, Director
Water Resources Department

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Application R-80646 Water Resources Department
Basin 17

PERMIT R-12114
District 19

Application No. *K80646*
 Permit No. *R12114*

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OCT 26 1995

APPLICATION MAP WATER RESOURCES DEPT.
 SALEM, OREGON

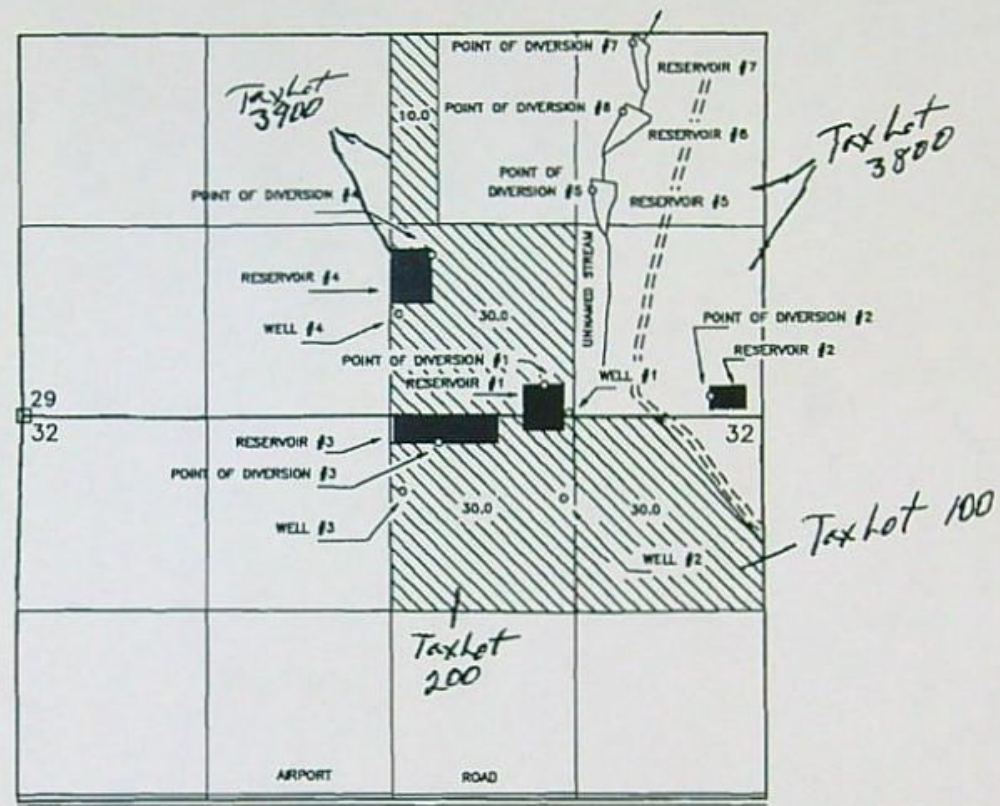
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IN THE NAME OF Mc KENZIE CRANBERRIES, INCORPORATED

SEP 26 1995

SECTIONS 29 & 32, T 31 S, R 15 W, W.M.

WATER RESOURCES DEPT.
 SALEM, OREGON



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	P.O.D.	FEET N/S	FEET E/W	¼ ¼	SECTION
RESERVOIR #1	No. 1	200' NORTH	3640' EAST	SW¼SE¼	29
RESERVOIR #2	No. 2	110' NORTH	4780' EAST	SE¼SE¼	29
RESERVOIR #3	No. 3	200' SOUTH	2900' EAST	NW¼NE¼	32
RESERVOIR #4	No. 4	1110' NORTH	2880' EAST	SW¼SE¼	29
RESERVOIR #5	No. 5	1540' NORTH	3980' EAST	NE¼SE¼	29
RESERVOIR #6	No. 6	2070' NORTH	4200' EAST	NE¼SE¼	29
RESERVOIR #7	No. 7	2550' NORTH	4270' EAST	NE¼SE¼	29
WELL #1		10' NORTH	3812' EAST	SW¼SE¼	29
WELL #2		580' SOUTH	3780' EAST	NW¼NE¼	32
WELL #3		530' SOUTH	2640' EAST	NW¼NE¼	32
WELL #4		690' NORTH	2630' EAST	SW¼SE¼	29

RECEIVED

MAR 15 2018

OWRD



ALL FROM THE NORTHWEST CORNER OF SECTION 32, AND WITHIN TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

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.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of a Request for
Reconsideration of Order of Certification in
the Matter of Cancellation of Permit
R-12114 in the name of McKenzie
Cranberries, Inc.

) ORDER GRANTING
) RECONSIDERATION, REVERSING
) CANCELLATION ORDER AND
) REINSTATING PERMIT R-12114

Findings of Fact

1. On July 24, 2015, the Department issued Special Order Volume 96, Page 650, cancelling Permit R-12114 pursuant to OAR 690-320-0020.
2. On September 11, 2015, the Department received a request for reconsideration from the permit holder.
3. The Department has reconsidered the order canceling the permit
4. Based on evidence presented to the Department, the Department on its own motion elects to reconsider its Final Order of July 24, 2015.

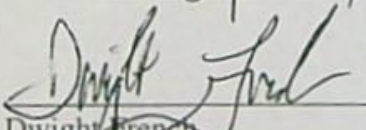
Conclusions of Law

The Department may reconsider pursuant to OAR 137-004-0080.

Now, therefore, it is ORDERED:

The Department reconsiders its previous Final Order of July 24, 2015, and reinstates Permit R-12114.

Issued Sept 15, 2015.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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



Oregon
Kate Brown, Governor

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

Date Mailed:

NOTICE OF RECONSIDERATION ORDER

The attached order withdraws a final order previously issued by the Department cancelling a water right a permit issued by this Department.

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

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for RECONSIDERATION, REVERSING CANCELLATION ORDER AND REINSTATING

Scheduled Mailing Date:

Application: R-80646

Permit: R-12114

Permit Holder:

MCKENZIE CRANBERRIES INC
P.O. BOX 1362
PORT ORFORD, OR 97465

Copies Mailed

by: JH
(STAFF)

on: 9/23/15
(DATE)

Copies of Order to be sent to:

- Watermaster District 19 (Order):
- Data Center (include copy of map)
- Water Availability
- Vault
- File

Other persons to receive copies: (include map):

Stuntzner Engineering & Forestry LLC
Attn: Chris Hood
PO Box 118
Coos Bay OR 97420

September 4, 2015

Dwight French
Water Right Services Division Administrator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: CANCELLATION RECONSIDERATION
APPLICATION R-80646, PERMIT R-12114

Dear Mr. French,

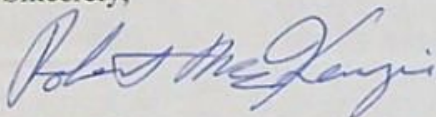
On behalf of McKenzie Cranberries, Inc., I am petitioning for Judicial Review and for Reconsideration by the Director regarding the cancellation of Permit R-12114.

According to the Order of Certification, the permit is being cancelled because certain conditions of the permit were not adequately addressed in the Claim of Beneficial Use (COBU) received by the Department on September 14, 2003. Specifically, a totalizing flow meter had not been installed at the time the COBU was performed and Weirs had not been installed.

In fact, totalizing flow meters had been installed in the past, however the mineral content in the water clogs the meters to the extent that they no longer functioned and they restrict flow. The meters were therefore removed. As for the placement of weirs, the reservoir is not located in-channel and therefore installing weirs will serve no purpose.

It is now our intent to request an extension that will allow us the time to resolve these issues prior to resubmitting a revised Claim of Beneficial Use. Therefore, please reconsider the cancellation of our permit and allow us the time necessary to resolve these issues.

Sincerely,



Robert McKenzie, McKenzie Cranberries, Inc.

RECEIVED BY OWRD

SEP 11 2015

SALEM, OR

Stuntzner

Engineering
& Forestry, LLC



TELEPHONE (541) 267-2872
FAX (541) 267-0588
www.stuntzner.com

705 South 4th Street – PO Box 118
Coos Bay, Oregon 97420

COOS BAY • FOREST GROVE • DALLAS

September 4, 2015

Robert Mckenzie
Po Box 1362
Port Orford, Oregon 97465

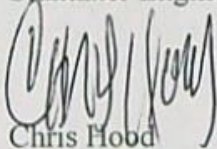
RE: RECONSIDERATION (WATER RESOURCES)

Robert,

Enclosed is a letter to the Oregon Water Resources Department requesting a reconsideration of their July 24, 2015 Final Order. Please sign the letter and send it to the Department in the enclosed envelope.

If you have any questions, please let me know.

Sincerely,
Stuntzner Engineering & Forestry L.L.C.



Chris Hood

RECEIVED BY OWRD

SEP 11 2015

SALEM, OR

MEMO

TO: File R-80646
FROM: Mary Bjork
DATE: August 12, 2015
SUBJECT: Conference Call (App R-80646 Permit R-12114)

On August 12, 2015, Gerry Clark and I had a conference call with CWRE, Chris Hood, concerning the Final Order to Cancel Permit R-12114, in the name of MCKENZIE CRANBERRIES INC.

After discussing the following points (4-7), we suggested a Reconsideration Request from the Permit Holder and an Extension.

It should be noted that related files App S-80645 Permit S-53011 and App G-14187 Permit G-13032, were briefly discussed as no Claim has been received and Extension dates have passed.

4. The permit contained the conditions that a totalizing flow meter be installed at each diversion point and that the permittee shall submit annual water use reports.
5. In the claim it states during the time of the survey a totalizing flow meter had not been installed. Also, in the review of the Department's records there is no evidence that any water use reporting has been made.
6. The permit contained a condition that the water user install and maintain weirs to the Watermasters' specifications above and below the reservoirs.
7. The claim noted because there were no obvious stream channel with flow near the point of diversion that the area appears to be marsh and none were installed.

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

Order of Certification in the Matter of
Cancellation of Permit R-12114

)
)
)

FINAL ORDER

Findings of Fact

1. Application R-80646, in the name of McKenzie Cranberries Inc, was received October 20, 1995. Permit R-12114 was issued January 31, 1997, approving the application to construct seven reservoirs.
2. Permit R-12114 allowed the use of water from Four Wells and An Unnamed Stream, tributaries of Floras Lake, for cranberry operations to be appropriated under application S-80645, Permit S-53011. The date for the complete application of water was set for October 1, 2000.
3. The Department received a Claim of Beneficial Use on September 24, 2003.
4. The permit contained a condition requiring a totalizing flow meter be installed at each diversion point and that the permittee shall submit annual water use reports.
5. In the claim, it states that at the time of the survey, a totalizing flow meter had not been installed. Also, in the review of the Department's records there is no evidence that any water use reports have been made.
6. The permit contained a condition that required the water user to install and maintain weirs to the Watermasters' specifications above and below the reservoirs.
7. The claim indicated that there was not any obvious stream channel with flow near the point of diversion and that the area appears to be a marsh and no weirs were installed.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Permit R-12114 is lost. The permit should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

Now, therefore, it is ORDERED:

Permit R-12114 is cancelled and is of no further force or effect.

Issued _____.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing List for Order of Certification

Scheduled Mailing Date:

Application: R-80646

Permit: R-12114

Permit Holder:

MCKENZIE CRANBERRIES INC
P.O. BOX 1362
PORT ORFORD, OR 97465

Copies of Order to be sent to:

1. Watermaster (Proposed Order): #19
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

5. Thomas M. Hoshall, CWRE
Stuntzner Engineering & Forestry, LLC
6. CURRENT LANDOWNER 3115-32-00100
ROBERT MCKENZIE
GLORIA MCKENZIE
PO BOX 1362
PORT ORFORD OR 97465

Copies Mailed

by: _____

(STAFF)

on: _____

(DATE)

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

Order of Certification in the Matter of)
Cancellation of Permit R-12114)

FINAL ORDER

Findings of Fact

1. Application R-80646, in the name of McKenzie Cranberries Inc, was received October 20, 1995. Permit R-12114 was issued January 31, 1997, approving the application to construct seven reservoirs.
2. Permit R-12114 allowed the use of water from Four Wells and An Unnamed Stream, tributaries of Floras Lake, for cranberry operations to be appropriated under application S-80645, Permit S-53011. The date for the complete application of water was set for October 1, 2000.
3. The Department received a Claim of Beneficial Use on September 24, 2003.
4. The permit contained a condition requiring a totalizing flow meter be installed at each diversion point and that the permittee shall submit annual water use reports.
5. In the claim, it states that at the time of the survey, a totalizing flow meter had not been installed. Also, in the review of the Department's records there is no evidence that any water use reports have been made.
6. The permit contained a condition that required the water user to install and maintain weirs to the Watermasters' specifications above and below the reservoirs.
7. The claim indicated that there was not any obvious stream channel with flow near the point of diversion and that the area appears to be a marsh and no weirs were installed.

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

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Permit R-12114 is lost. The permit should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

Now, therefore, it is ORDERED:

Permit R-12114 is cancelled and is of no further force or effect.

Issued JUL 24 2015



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing List for Proposed Order of Certification

Scheduled Mailing Date:

Application: R-80646

Permit: R-12114

Permit Holder:

MCKENZIE CRANBERRIES INC
P.O. BOX 1362 ✓
PORT ORFORD, OR 97465

Copies of Order to be sent to:

1. Watermaster (Proposed Order): #19 ✓
2. ~~Data Center (include copy of map)~~ e-mail ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

6. Thomas M. Hoshall, CWRE ✓
Stuntzner Engineering & Forestry, LLC
7. CURRENT LANDOWNER 3115-32-00100
ROBERT MCKENZIE
GLORIA MCKENZIE ✓
PO BOX 1362
PORT ORFORD OR 97465

Copies Mailed

by:

Cornie Vance
(STAFF)

on:

JUL 24 2015

(DATE)

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>R 80646</u>	Permit # <u>R 12119</u>	Transfer #
WRD Reviewer <u>C. Holmes</u>	Date	
WRD Peer Reviewer <u>J Skaug</u>	Date <u>4-20-15</u>	

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

- N/A Fish Conditions
- NO Meter/measuring device - SHALL
- NO Water Use Reporting - SHALL
- N/A Pump Test (post December 19, 1988)
- NO/NO Other Conditions WEIRS, OUTLET
- N/A SWL
- NO C-Date Oct. 1 2000

A date 1/31/1998
B 10/1/1999
C 10/1/2000

___ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)
*doesn't give top head or PSI; SHOW PES CALCULATIONS

NOTES:

- Only 4 of 7 Reservoirs completed; all off channel
- unnamed stream: 15 HP centrifugal 1047' E + 9'S of 4125' of 8" diameter pipe
- No meter no water use (see email) no weirs at P.O.D.
- outlet not needed by design -
- Weirs required per ADR agreement w/ water watch for on stream channel Reservoirs.

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): * NO meter installed @ P.O.D or groundwater sources
* NO water use reporting per email from Dorothy P.

Adding weirs to order per Gerry

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.

<input type="checkbox"/> Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

* **OUTLETS** not needed on ~~sump~~ excavator dug sump "RESERVOIRS"
WEIRS were required per agreement w/ applicant, water watch on in channel RESERVOIR. However, Res 5, 6, 7 were not developed. -per gerry wanted this included on the the proposed to cancel

2/25 Called & confirmed ownership for:

T.L. Sec 33 00500 ; 401

Sec 32 100 ; ~~400~~ ; 1000 ; 300 → (BOGGS NOT ASSOCIATED)

Sec 29 4002 ; 3900 ; 3800

Robert & Gloria McKenzie

P.O. Box 1362 Por + Orford OR

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

R-80646
 MCKENZIE CRANBERRIES INC
 P.O. BOX 1362
 PORT ORFORD OR 97465

2. Article Number

(Transfer from service label)

70142120000459932579

WRlew

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Gloria McKenzie

 Agent Addressee

B. Received by (Printed Name)

Gloria McKenzie

C. Date of Delivery

5-11-15

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

MAY 13 2015

OWRD

3. Service Type

 Certified Mail® Priority Mail Express™ Registered Return Receipt for Merchandise Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

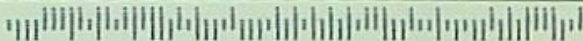
UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPARTMENT
WATER RIGHT SERVICES DIVISION
725 SUMMER ST NE, STE A
SALEM OR 97301-1266



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage

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Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

R-80646

Street & Apt. No.,
or PO Box No.

City, State, ZIP+4

7014 2120 0004 5993 2579

Mailing List for Proposed Order of Certification

Scheduled Mailing Date:

Application: R-80646

Permit: R-12114

Permit Holder:

MCKENZIE CRANBERRIES INC
P.O. BOX 1362
PORT ORFORD, OR 97465 ✓

Copies of Order to be sent to:

1. Watermaster (Proposed Order): #19 ✓
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

6. Thomas M. Hoshall, CWRE ✓
Stuntzner Engineering & Forestry, LLC
7. CURRENT LANDOWNER 3115-32-00100 ✓
ROBERT MCKENZIE
GLORIA MCKENZIE
PO BOX 1362
PORT ORFORD OR 97465

Copies Mailed

by:

Connie Vance
(STAFF)

on: MAY 08 2015

(DATE)

PROPOSED

4

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

Order of Certification in the Matter of
Cancellation of Permit R-12114

)
)
)

FINAL ORDER

PROPOSED

Findings of Fact

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Conclusions of Law

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Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

Now, therefore, it is ORDERED:

Permit R-12114 is cancelled and is of no further force or effect.

Issued _____.

PROPOSED

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified # 7012 2120 0004 5993 2579

Date Mailed: MAY 08 2015

NOTICE

Reference: Application R-80646, Permit R-12114

Enclosed is a proposed order of certification. The order proposes to cancel Permit G-13011. If you do not agree with the proposed order, Oregon Administrative Rule 690-330-010(2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed order.

If you agree with the proposed order no response to this notice is required. Sometime after the 60 day period, the recorded order will be mailed to the permittee.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Division Administrator

Oregon Water Resources Department
Water Rights Mapping Tool

User Guide OWRD Only

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots [OR Map](#)

Off
 On

County: Curry
Taxlot: 3115-32-00100
Owner1: MCKENZIE, ROBERT G III ET AL
Owner2: Null
Owner Address: P O BOX 1362 PORT ORFORD, OR 97465 PORT ORFORD OR 97465
Site Address: Null
Acres: 0
TRSQ: WM0.00X0.00X0000X
Effective Date: September 1, 2013

Note: Tax lot information provided here is for general inquiry purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.
It is recommended to zoom to a detailed extent before inquiry.

Tools

Layers

Print

Bookmarks

POD POU **Irrigation Districts AOI** WR By Time

Q: All Fields Search...

ID (select)	Organization	Website	Data Source

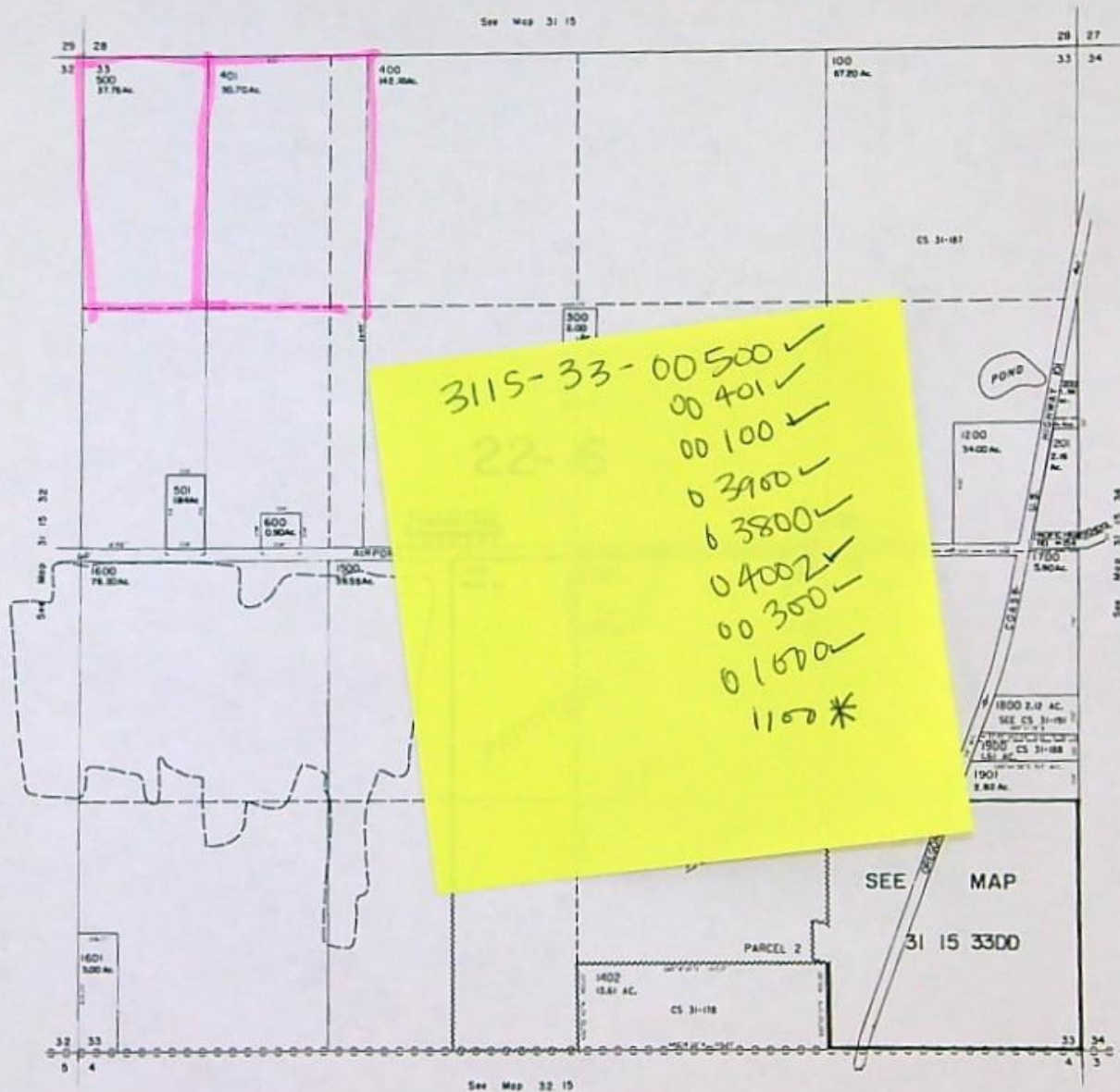
Search took 0 sec

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 33 T.31S. R.15W. W.M.
CURRY COUNTY
1" = 400'

31 15 33

Cancelled No's
2000 THRU 3000
1401
1000



3115-33-00500 ✓
00 401 ✓
00 100 ✓
0 3900 ✓
0 3800 ✓
0 4002 ✓
00 3500 ✓
0 1600 ✓
1100 *

31 15 33

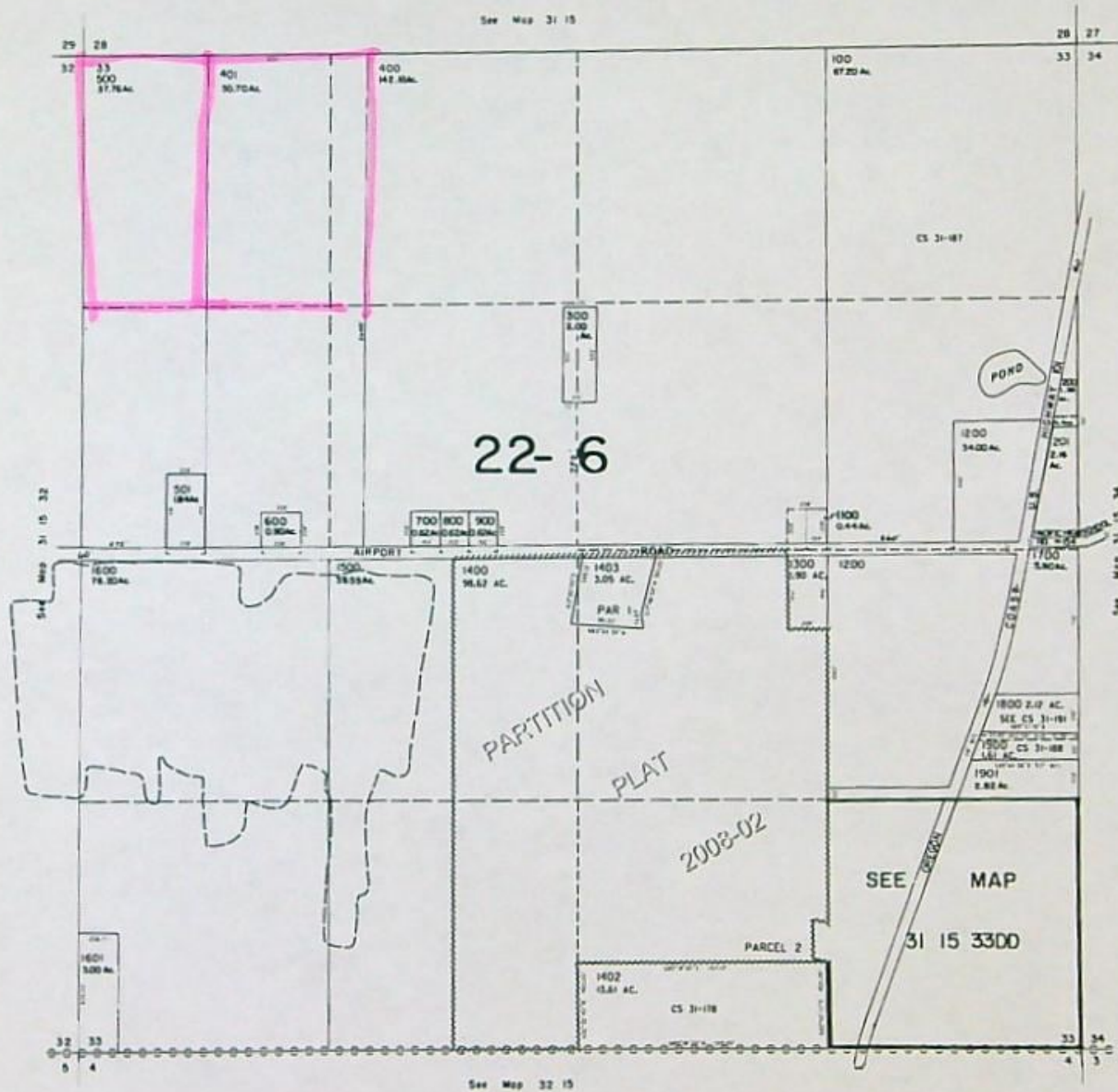
Revised 3/5/2008, RA

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 33 T.31S. R.15W. W.M.
CURRY COUNTY
1" = 400'

31 15 33

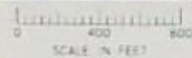
Canceled No's
2000 THRU 3000
1401
1000



31 15 33

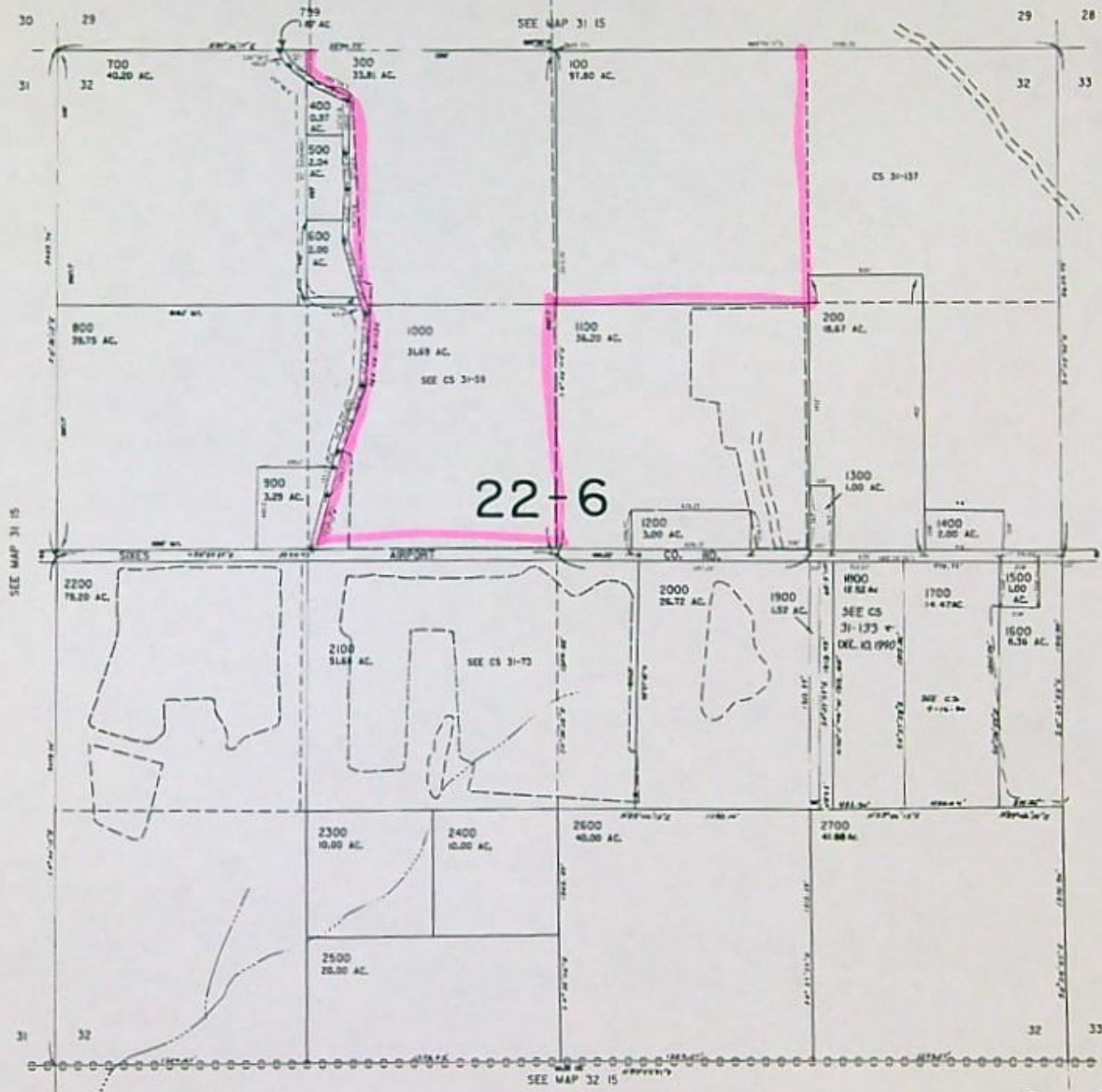
Revised 3/5/2008, RA

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SECTION 32 T.31S. R.15W. W.M.
CURRY COUNTY
1" = 400'

31 15 32



CANCELLED NO.
1801

T.31S. R.15W. W.M.
CURRY COUNTY
1" = 2000'

31 15
& INDEX

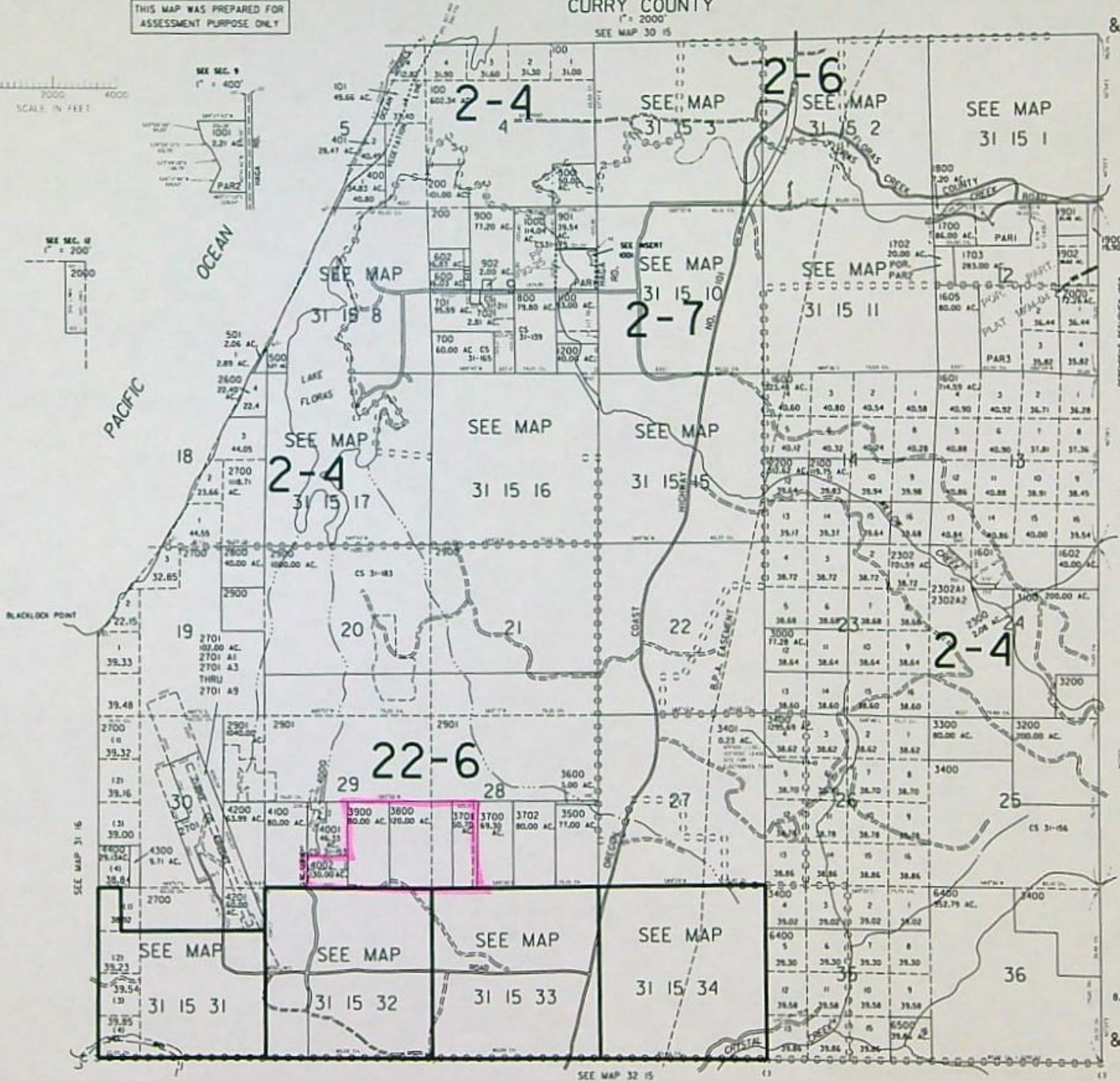
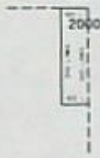
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SCALE IN FEET
0 2000 4000

SEE SEC. 9
1" = 400'



SEE SEC. 18
1" = 200'



CANCELLED
NO.
703
1201
1202
1300
1501
1400 THRU
1403
1500
1603
1701
1604
1701
1801
1903
2301
2400
2500 THRU
2504
2700A1
2701A2
2702
3899
3901
4101
4102
4500 THRU
5200
5300 THRU
6300

SEE MAP 31 14

Revised
8/25/2011, RAA
31 15
& INDEX

Water Rights Platcard Report

Meridian: Township: Range: Section: Records per Page:

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Water Right	Channing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Select Permit: S 53312 CN <u>Additional Info:</u> ROY PETERS App: S81004 Permit: S53312		12/29/1995	AGRICULTURE USES	CN																				
Select Cert:42396 OR * <u>Additional Info:</u> ROBERT G MCKENZIE JR App: R45820 Permit: R5433 Cert: 42396		2/28/1969	AGRICULTURE USES																					
Select Cert:42397 OR * <u>Additional Info:</u> ROBERT G MCKENZIE JR App: S45821 Permit: S34192 Cert: 42397		2/28/1969	AGRICULTURE USES									12.3			11.5									
Select Cert:42479 OR * <u>Additional Info:</u> CHARLES ELLS App: S46226 Permit: S34536 Cert: 42479		7/15/1969	AGRICULTURE USES															12.7						
Select App: S 84313 RJ <u>Additional Info:</u> ART POTTER App: S84313		12/22/1999	CRANBERRY (Suppl'mtl)	RJ																				
Select Permit: G 11295 * <u>Additional Info:</u> ROY PETERS App: G12290 Permit: G11295		11/9/1990	CRANBERRY																					12
Select Permit: G 12195 * <u>Additional Info:</u> RODERICK FRASER II App: G12658 Permit: G12195		9/18/1991	CRANBERRY											25										
Select Permit: G 12643 * <u>Additional Info:</u>		5/26/1994	CRANBERRY							21.5														

<p><u>Additional Info:</u> SIXES BOGS INC. App: G13697 Permit: G12643</p>																				
<u>Select</u>	Permit: G 12643 *	5/26/1994	CRANBERRY (Suppl'mtl)		12.5															
<p><u>Additional Info:</u> SIXES BOGS INC. App: G13697 Permit: G12643</p>																				
<u>Select</u>	Permit: G 12993 *	9/18/1991	CRANBERRY					12.4	12.7							7	30			
<p><u>Additional Info:</u> BLANCO BOGS App: G12660 Permit: G12993</p>																				
<u>Select</u>	Permit: G 13032 *	10/20/1995	CRANBERRY		30	30														
<p><u>Additional Info:</u> MCKENZIE CRANBERRIES INC. App: G14187 Permit: G13032</p>																				
<u>Select</u>	Permit: R 12114 *	10/20/1995	CRANBERRY																	
<p><u>Additional Info:</u> MCKENZIE CRANBERRIES INC. App: R80646 Permit: R12114</p>																				
<u>Select</u>	Permit: R 12694 CN	11/6/1998	CRANBERRY CN																	
<p><u>Additional Info:</u> JUSTON POTTER App: R84000 Permit: R12694</p>																				
<u>Select</u>	Permit: R 12880 *	11/6/1998	CRANBERRY																	
<p><u>Additional Info:</u> ART POTTER App: R84002 Permit: R12880</p>																				
<u>Select</u>	Permit: S 51475 *	11/20/1991	CRANBERRY (Suppl'mtl)																	
<p><u>Additional Info:</u> ROY PETERS App: S72032 Permit: S51475</p>																				
<u>Select</u>	Permit: S 52904 *	9/19/1991	CRANBERRY					12.4	16.7	5						7	30			
<p><u>Additional Info:</u> BLANCO BOGS App: S71874 Permit: S52904</p>																				
<u>Select</u>	Permit: S 53011 *	10/20/1995	CRANBERRY		30	30														
<p><u>Additional Info:</u> MCKENZIE CRANBERRIES INC. App: S80645 Permit: S53011</p>																				

Related (c date 2009)

Working

Related c date 2001

<u>Select</u> Cert:86210 OR *	6/27/1997	CRANBERRY								11.5				
<u>Additional Info:</u> ALEX ELLS App: G14563 Permit: G13621 Cert: 86210														
<u>Select</u> Cert:37550 OR CN	5/12/1967	FROST PROTECTION	CN											
<u>Additional Info:</u> ROY PETERS App: S43592 Permit: S32671 Cert: 37550														
<u>Select</u> Cert:42479 OR *	7/15/1969	FROST PROTECTION								12.7				
<u>Additional Info:</u> CHARLES ELLS App: S46226 Permit: S34536 Cert: 42479														
<u>Select</u> Cert:37550 OR CN	5/12/1967	HARVESTING OF CRANBERRIES	CN											
<u>Additional Info:</u> ROY PETERS App: S43592 Permit: S32671 Cert: 37550														
<u>Select</u> Cert:42478 OR *	7/15/1969	HARVESTING OF CRANBERRIES												
<u>Additional Info:</u> CHARLES ELLS App: R46225 Permit: R5500 Cert: 42478														
<u>Select</u> Cert:88298 CF *	12/28/1983	HARVESTING OF CRANBERRIES												
<u>Additional Info:</u> ROY PETERS App: S67992 Permit: S48310 Cert: 88298														
<u>Select</u> Permit: S 53312 CN	12/29/1995	IRRIGATION	CN											
<u>Additional Info:</u> ROY PETERS App: S81004 Permit: S53312														
<u>Select</u> Cert:42397 OR *	2/28/1969	<u>IRRIGATION</u>				12.3		11.5						
<u>Additional Info:</u> ROBERT G MCKENZIE JR App: S45821 Permit: S34192 Cert: 42397														
<u>Select</u> Cert:42479 OR *	7/15/1969	IRRIGATION								12.7				
<u>Additional Info:</u> CHARLES ELLS														

NC

Water Rights Platcard Report

Meridian: Township: Range: Section: Records per Page:

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Water Right	Channing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Permit: G 11295 * <u>Additional Info:</u> ROY PETERS App: G12290 Permit: G11295		11/9/1990	CRANBERRY													*	*	*	*					
Select Permit: G 13023 * <u>Additional Info:</u> ARRIOLA BOGS LLC App: G12889 Permit: G13023		4/24/1992	CRANBERRY						20	20		20		20										
Select Permit: R 11511 * <u>Additional Info:</u> DANIEL LOSHBAUGH App: R73610 Permit: R11511		8/31/1993	CRANBERRY													*					*	*		
Select Permit: R 12416 CN <u>Additional Info:</u> ROY PETERS App: R81003 Permit: R12416		3/7/1996	CRANBERRY		CN														*					
Select Permit: S 51475 * <u>Additional Info:</u> ROY PETERS App: S72032 Permit: S51475		11/20/1991	CRANBERRY (Suppl'mtd)													*	*	*	*					
Select Permit: S 51557 * <u>Additional Info:</u> NORTHWEST FARM CREDIT SERVICES ACA App: S73611 Permit: S51557		8/31/1993	CRANBERRY													4						12.5	11.5	
Select Permit: S 53312 CN <u>Additional Info:</u> ROY PETERS App: S81004 Permit: S53312		12/29/1995	AGRICULTURE USES		CN											*	*	*	*					
Select Permit: S 53312 CN <u>Additional Info:</u> ROY PETERS App: S81004 Permit: S53312		12/29/1995	IRRIGATION		CN											12.85	24.95	43.64	9.44					
Select Cert: 14619 OR * <u>Additional Info:</u> F. A. MEHL		2/25/1938	IRRIGATION														1.4	0.6						

Select Cert:89071 CR * <i>Additional Info:</i> COVENTRY FARMS LLC App: R81916 Permit: R12464 Cert: 89071	2/4/1997	FISH CULTURE			*																
Select Cert:89072 CR * <i>Additional Info:</i> COVENTRY FARMS LLC App: G14839 Permit: G13794 Cert: 89072	9/21/1998	CRANBERRY	17.8	0.6	6.2																
Select Cert:89073 CR * <i>Additional Info:</i> COVENTRY FARMS LLC App: S87023 Permit: S54781 Cert: 89073	10/31/2007	CRANBERRY	17.8	0.6	6.2																
Select Cert:89074 CR * <i>Additional Info:</i> COVENTRY FARMS LLC App: R87020 Permit: R14876 Cert: 89074	10/31/2007	MULTIPLE PURPOSE			*																
Select Cert:89075 CR * <i>Additional Info:</i> COVENTRY FARMS LLC App: R87021 Permit: R14877 Cert: 89075	10/31/2007	MULTIPLE PURPOSE			*																
Select Cert:89076 CR * <i>Additional Info:</i> COVENTRY FARMS LLC App: R87022 Permit: R14878 Cert: 89076	10/31/2007	MULTIPLE PURPOSE			*																
Select Cert:89784 OR * <i>Additional Info:</i> GEORGE BUSSMANN App: R69982 Permit: R11243 Cert: 89784	7/3/1989	CRANBERRY																	*		
Select Cert:89784 OR * <i>Additional Info:</i> GEORGE BUSSMANN App: R69982 Permit: R11243 Cert: 89784	7/3/1989	STORAGE																	*		
Select Cert:89783 OR * <i>Additional Info:</i> DIANE BUSSMANN App: S69983 Permit: S51053 Cert: 89783	7/3/1989	CRANBERRY																		9.3	4.2

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) [12.25] Acreage has been suspended * Acreage is not specified

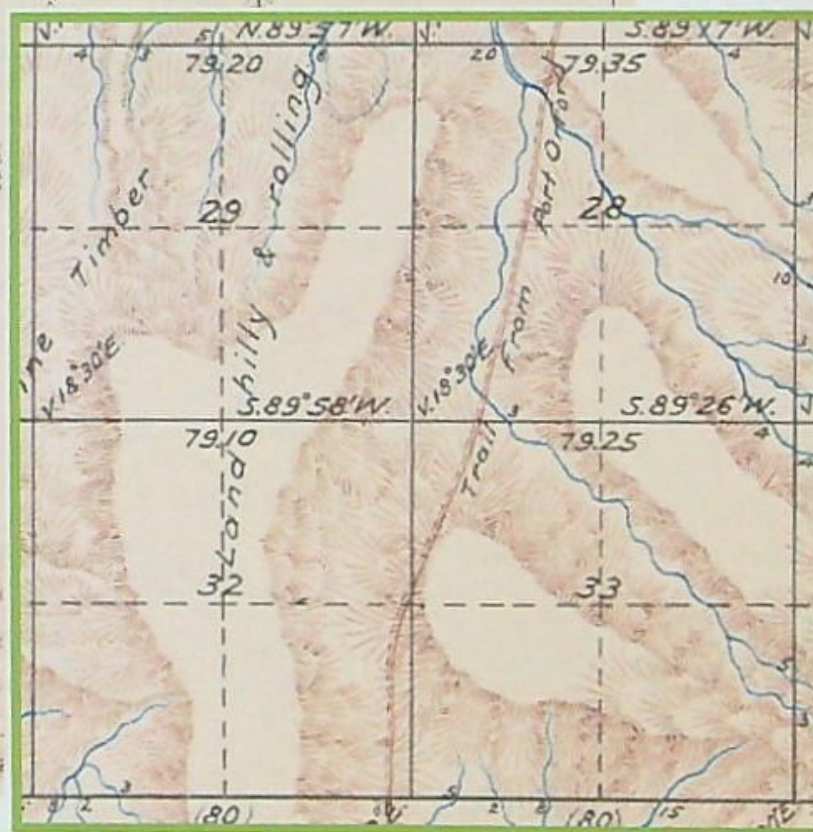
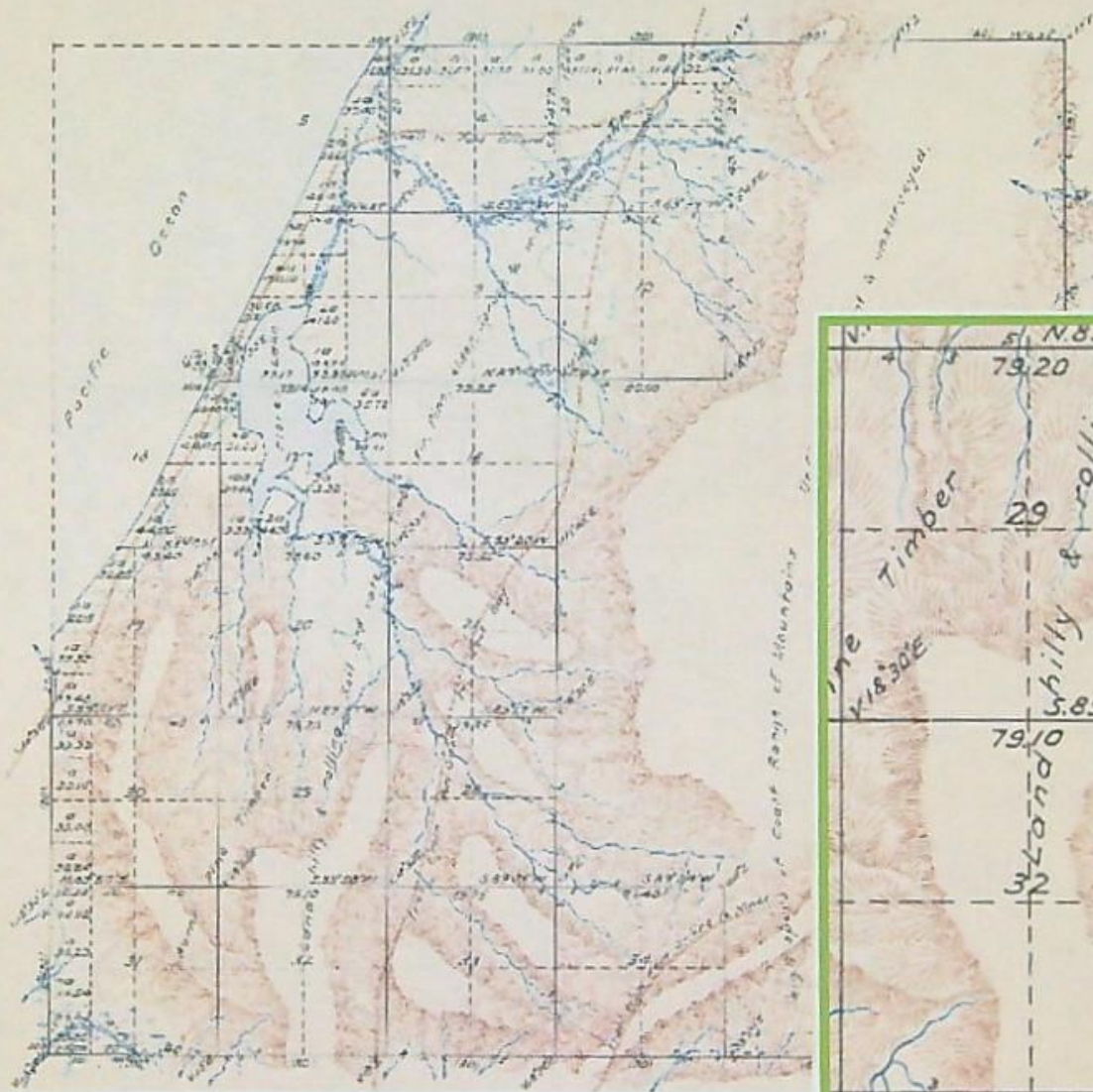
Water Rights Platcard Report

Meridian: Township: Range: Section: Records per Page:

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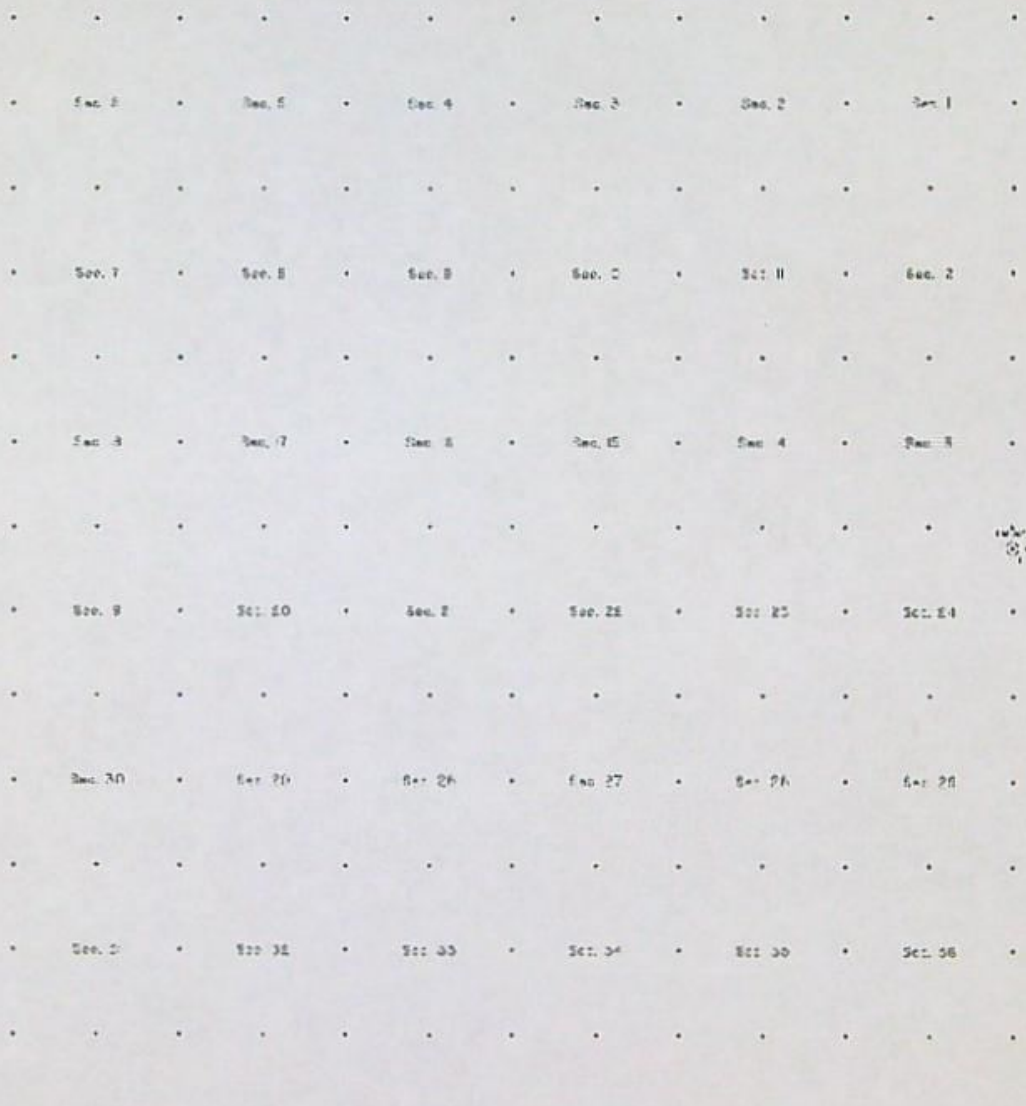
Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ	
Select Permit: G 13032 * Additional Info: MCKENZIE CRANBERRIES INC. App: G14187 Permit: G13032		10/20/1995	CRANBERRY																				10	30	
<i>Related (c date '09)</i>																									
Select Permit: G 13598 * Additional Info: SEA WINDS FARMS INC.; ANDERSSON, KNUTE App: G14722 Permit: G13598		3/31/1998	CRANBERRY									2.7	7.9												
Select Permit: R 12095 * Additional Info: SEA WIND FARMS INC. App: R73733 Permit: R12095		10/13/1993	CRANBERRY (Suppl'mtl)																						
Select Permit: R 12114 * Additional Info: MCKENZIE CRANBERRIES INC. App: R80646 Permit: R12114		10/20/1995	CRANBERRY																						
<i>working</i>																									
Select Permit: S 52993 * Additional Info: SEA WIND FARMS INC. App: S73734 Permit: S52993		10/13/1993	CRANBERRY (Suppl'mtl)									2.7	7.8												
Select Permit: S 53011 * Additional Info: MCKENZIE CRANBERRIES INC. App: S80645 Permit: S53011		10/20/1995	CRANBERRY																				10	30	
<i>Related (c date '2011)</i>																									
Select Cert:64873 OR * Additional Info: ROBERT G MCKENZIE JR App: G10867 Permit: G10027 Cert: 64873		1/12/1983	CRANBERRY																19.74						
Select Cert:64874 OR * Additional Info: ROBERT G MCKENZIE JR App: R64419		10/7/1982	CRANBERRY																						

Township No. 31 South, Range No. 15 West, Willamette Meridian, Oregon.



TOWNSHIP 31 SOUTH, RANGE 15 WEST, OF THE WILLAMETTE MERIDIAN, OREGON

CORNER REMONUMENTATION / REHABILITATION WITHOUT SURVEY



Declaration:
 This document is not an official
 record. It is subject to the
 provisions of the Public Access Law
 and may not be used for any
 purpose other than the one
 for which it was prepared.

- COMMON CORNER
- COMMON EYE CORNER
- ◐ CORNER AS TRUCK
- ◑ CORNER TREE
- ◒ CORNER POST
- ◓ CORNER NAIL
- ◔ CORNER NAIL
- ◕ STEEL FENCE POST

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES INCORPORATED
92619 AIRPORT ROAD
SIXES, OREGON 97476

(541)348-2217

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

APPLICATION FILE NUMBER: R-80646

SOURCE OF WATER: FOUR WELLS AND AN UNNAMED STREAM, TRIBUTARIES OF
FLORAS LAKE

STORAGE FACILITY: SEVEN UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER
APPLICATION S-80645, PERMIT 53011 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 63.7 ACRE-FEET (AF) PER YEAR, BEING 9.1 AF IN
EACH OF SEVEN UNNAMED RESERVOIRS

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE FROM
NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 20, 1995

The area submerged by Reservoirs 1, 2, 3, and 4, when full, will be 1.7
acres and the maximum depth of water will be 10.0 feet. The maximum
height of the dams shall not exceed 6.0 feet.

The area submerged by Reservoirs 5, 6 and 7, when full, will be 3.0
acres and the maximum depth of water will be 10.0 feet. The maximum
height of the dam shall not exceed 9.9 feet.

DAM LOCATION: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 29,
NW 1/4 NE /14, SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.;
RESERVOIR 1 - 200 FEET NORTH & 3640 FEET EAST; RESERVOIR 2 - 110 FEET
NORTH & 4780 FEET EAST; RESERVOIR 3 - 200 FEET SOUTH & 2900 FEET EAST;
RESERVOIR 4 - 1110 FEET NORTH & 2880 FEET EAST; RESERVOIR 5 - 1540 FEET
NORTH & 3980 FEET EAST; RESERVOIR 6 - 2070 FEET NORTH & 4200 FEET EAST;
RESERVOIR 7 - 2550 FEET NORTH & 4270 FEET EAST; ALL FROM NORTHWEST
CORNER, SECTION 32

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

NE 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 29

Application R-80646 Water Resources Department

PERMIT R-12114

NW 1/4 NE 1/4
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, a ~~totalizing flow meter or other suitable measuring device(s)~~ as approved by the watermaster ~~must be installed at each diversion point.~~ The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. ~~The permittee shall keep a complete record of the amount of water used each month.~~ The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report 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.

~~Weirs must be installed and maintained to the Watermaster's specifications above and below the reservoirs.~~

Required per
ADP w/
Waterwater
Agreement signed
by applicant

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

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

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

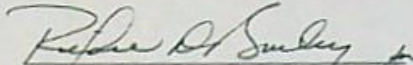
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997


Martha O. Pagel, Director
Water Resources Department

Application R-80646 Water Resources Department
Basin 17

PERMIT R-12114
District 19

Application No. *K80646*
 Permit No. *R12114*

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OCT 20 1995

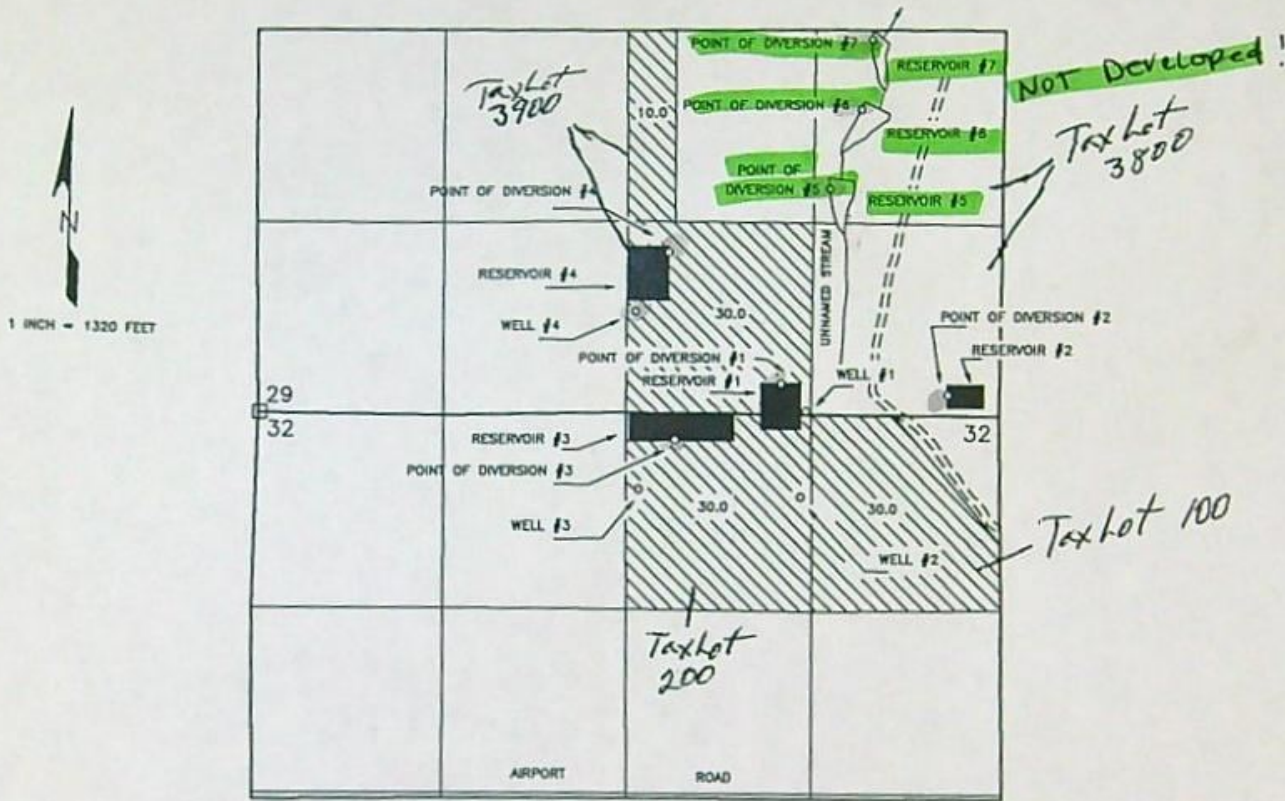
APPLICATION MAP WATER RESOURCES DEPT.
 SALEM, OREGON

RECEIVED

IN THE NAME OF Mc KENZIE CRANBERRIES, INCORPORATED SEP 26 1995

WATER RESOURCES DEPT.
 SALEM, OREGON

SECTIONS 29 & 32, T 31 S, R 15 W, W.M.



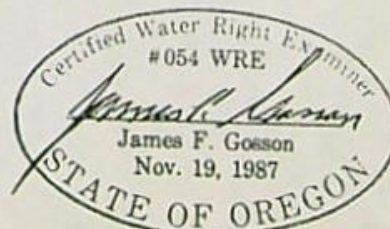
THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	P.O.D.	FEET N/S	FEET E/W	¼ ¼	SECTION
RESERVOIR #1	No. 1	200' NORTH	3640' EAST	SW¼SE¼	29
RESERVOIR #2	No. 2	110' NORTH	4780' EAST	SE¼SE¼	29
RESERVOIR #3	No. 3	200' SOUTH	2900' EAST	NW¼NE¼	32
RESERVOIR #4	No. 4	1110' NORTH	2880' EAST	SW¼SE¼	29
RESERVOIR #5	No. 5	1540' NORTH	3980' EAST	NE¼SE¼	29
RESERVOIR #6	No. 6	2070' NORTH	4200' EAST	NE¼SE¼	29
RESERVOIR #7	No. 7	2550' NORTH	4270' EAST	NE¼SE¼	29
WELL #1		10' NORTH	3812' EAST	SW¼SE¼	29
WELL #2		580' SOUTH	3780' EAST	NW¼NE¼	32
WELL #3		530' SOUTH	2640' EAST	NW¼NE¼	32
WELL #4		690' NORTH	2630' EAST	SW¼SE¼	29

NW¼NW (28)

ALL FROM THE NORTHWEST CORNER OF SECTION 32, AND WITHIN TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

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.





TELEPHONE (541) 267-2872
FAX (541) 267-0588
dennisgoude@stuntzner.com

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

COOS BAY - BROOKINGS - WILSONVILLE

CLAIM OF BENEFICIAL USE AND SITE REPORT

Located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 29,
NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32 & NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33,
Township 31 South, Range 15 West, W.M.

Curry County, Oregon

Application #R-80646 Permit #R-12114

INFORMATION:

Permittee: McKenzie Cranberries Incorporated
P.O. Box 1362
Port Orford, Oregon 97465

All systems and places of use were operational and in use at the time of the survey.

SOURCE:

The source of water is an unnamed stream (marsh) and four wells.

DIVERSION POINT: Measurements are from the northeast corner of Section 32.

The Point of Diversion is an in-stream 15 horsepower centrifugal pump that is located 1047 feet east and 9 feet south from the northeast corner of Section 32. 4125 feet of eight-inch diameter pipe connect the Point of diversion to four reservoirs.

APPROPRIATION POINT: All wells are located from the northeast corner of Section 32.

Well #1 is located 1332 feet west and 97 feet south.

Well #2 is located 1830 feet west and 125 feet south.

Well #3 is located 2929 feet west and 2171 feet south

Well #4 is located 2243 feet west and 127 feet south.

RESERVOIRS: All reservoirs are located from the northeast corner of Section 32.

Reservoir #1 is located 45 feet east and 76 feet south with 3.4 surface acres and a storage capacity of 19.1 acre-feet.

Reservoir #2 is located 1355 feet west and 62 feet south with 2.6 surface acres and a storage capacity of 14.5 acre-feet.

Reservoir #3 is located 2538 feet west and 91 feet south with 4.0 surface acres and storage capacity of 22.4 acre-feet.

Reservoir #4 is located 3075 feet west and 238 feet south with 1.8 surface acres and a storage capacity of 10.1 acre-feet.

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SEP 24 2003

WATER RESOURCES DEPT.
SALEM, OREGON

MOTOR/PUMP:

U.S. Electric 15 HP
Volts 230/460
Frame 215 JP
RPM 3250

Muller Pump

Intake 8"
Discharge 8"

Pumps at the wells are in the process of being replaced with 3-5 horsepower submersibles.

PIPE:

N/A

HEADS:

N/A

USES:

Storage for 63.7 acre-feet of water in four reservoirs to be appropriated under Application S-80645, Permit 53011 for cranberry operations.

HEAD:

N/A

CALCULATIONS:

Q-reservoir

Reservoirs are excavator dug sumps. The formula used to calculate the volume in each reservoir is:
 $V = \text{Surface area} \times \text{maximum depth} \times 0.8$. The 0.8 multiplication factor is more consistent with the true volume for excavator-dug reservoirs than 0.4 or 0.6 multiplication factor commonly used for dammed reservoirs.

$$\text{Reservoir \#1 } 148,104\text{ft}^2 \times 7' \times 0.8 = \frac{829,382}{43,560} = 19.1 \text{ ac/ft.}$$

$$\text{Reservoir \#2 } 113,256\text{ft}^2 \times 7' \times 0.8 = \frac{634,234}{43,560} = 14.5 \text{ ac/ft.}$$

$$\text{Reservoir \#3 } 174,240\text{ft}^2 \times 7' \times 0.8 = \frac{975,744}{43,560} = 22.4 \text{ ac/ft}$$

$$\text{Reservoir \#4 } 78,407\text{ft}^2 \times 7' \times 0.8 = \frac{439,079}{43,560} = 10.1 \text{ ac/ft}$$

$$\text{Calculated total capacity} \qquad \qquad \qquad 66.1 \text{ ac/ft}$$

RECEIVED
SEP 24 2003
WATER RESOURCES DEPT.
SALEM, OREGON

SUMMARY:

Permit R-12114 authorizes storage of not more than 63.7 acre-feet. The reservoirs storage capacity is 66 acre- feet.

Based on the permit the Claim of Beneficial Use is 63.7 acre-feet.

POINT OF BEGINNING:

The Point of Beginning is the Northeast corner of Section 32, Township 31 South, Range 15 West, W.M. Curry County, Oregon. The survey ties were made using conventional survey equipment, Laser distance measure & Suunto compass.

REMARKS:

This is an unusual permit as that it has both Surface and Ground water on the same permit.

The reservoirs are excavator dug sump reservoirs that serve as storage points for surface, ground and reclaimed water. At the time of the survey a totalizing flow meter had not been installed. Mr. McKenzie stated that he would install one at the point of diversion. Addressing permit conditions to install and maintain weirs above and below the P.O.D. There is no obvious stream channel with flow near the P.O.D. the area appears to be a marsh. Addressing outlet pipe: these are sumps without constructed dam structure.

CONCLUSION/REMARKS:

The Final Proof Survey and Site Inspection of Permit # R-12114 was completed June 16, 2003. The facts contained in this report and accompanying map are correct to the best of my knowledge.



EXPIRES 06/30/2005

I, Robert McKenzie, agree to the findings of the CWRE and do submit this site report and map as claim of Beneficial Use of the water as provided under the terms and conditions of Permits R-12114. I hereby request a certificate be issued per this report.

Robert McKenzie
Robert McKenzie

Sept. 22nd - 03
Date

RECEIVED

SEP 24 2003

WATER RESOURCES DEPT.
SALEM, OREGON

HOLMES Codi N

From: PEDERSEN Dorothy I
Sent: Tuesday, February 17, 2015 1:20 PM
To: HOLMES Codi N
Subject: RE: WATER USE REPORTING

Codi,

Both of these permits carry the following condition:

- A. Before water use may begin under this permit, a flow meter or other suitable measuring devices by the watermaster must be installed at each diver. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall maintain a complete record of the amount of water used each month. The permittee shall submit a report which includes the water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. The Director may require the permittee to report general information, including the place and nature of use under the permit.

Because the condition states that a report shall be submitted "to the Department at its request". The person who coded the right conditions in 2000 may have been confused in whether to select the code for "reporting may be required", versus the code for "reporting is required".

Permit R-12114 has been set up for water use reporting (the code for "reporting is required" was selected), and the Department has sent out requests for reporting, but no reports have been submitted.

Permit S-53011 has not been set up for water use reporting, because the code for "reporting may be required" was selected. Because of that coding, a "request for reporting" letter has not been triggered during this time period, whenever we have queried the database for a mailing list for reminders about reporting.

Dorothy I. Pedersen
Water Measurement Analyst
Hydrographics Section
Oregon Water Resources Department
725 Summer St. NE
Salem, OR 97301-1266
(503) 986-0824

From: HOLMES Codi N
Sent: Tuesday, February 17, 2015 09:11
To: PEDERSEN Dorothy I
Subject: WATER USE REPORTING

I am unable to locate any water use reporting for R-80646, McKenzie Cranberries Inc. There is an associated file S-80645. Can you do a double check for me?

Thanks.

Codi Holmes

Water Right Services Support
Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301
503-986-0807

4. The permit contained the conditions that a totalizing flow meter be installed at each diversion point and that the permittee shall submit annual water use reports.
5. In the claim it states during the time of the survey a totalizing flow meter had not been installed. Also, in the review of the Department's records there is no evidence that any water use reporting has been made.
6. The permit contained a condition that the water user install and maintain weirs to the Watermasters' specifications above and below the reservoirs.
7. The claim noted because there were no obvious stream channel with flow near the point of diversion that the area appears to be marsh and none were installed.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-80646

Final Order

Application History

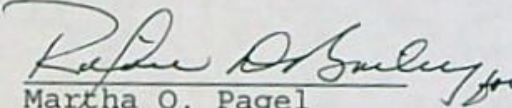
On October 20, 1995, MCKENZIE CRANBERRIES INC submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 15, 1996. The protest period closed November 29, 1996, and no protest was filed.

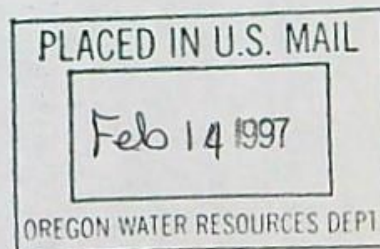
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe measurement and reporting conditions and weir requirements.

Order

Application R-80646 therefore is approved as modified above, and Permit R-12114 is issued as limited by the conditions contained therein.

DATED January 31, 1997


Martha O. Pagel
Director



Hearing and Appeal Rights

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

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES INCORPORATED
92619 AIRPORT ROAD
SIXES, OREGON 97476

(541) 348-2217

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

APPLICATION FILE NUMBER: R-80646

SOURCE OF WATER: FOUR WELLS AND AN UNNAMED STREAM, TRIBUTARIES OF
FLORAS LAKE

STORAGE FACILITY: SEVEN UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER
APPLICATION S-80645, PERMIT 53011 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 63.7 ACRE-FEET (AF) PER YEAR, BEING 9.1 AF IN
EACH OF SEVEN UNNAMED RESERVOIRS

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE FROM
NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 20, 1995

The area submerged by Reservoirs 1, 2, 3, and 4, when full, will be 1.7
acres and the maximum depth of water will be 10.0 feet. The maximum
height of the dams shall not exceed 6.0 feet.

The area submerged by Reservoirs 5, 6 and 7, when full, will be 3.0
acres and the maximum depth of water will be 10.0 feet. The maximum
height of the dam shall not exceed 9.9 feet.

DAM LOCATION: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 29,
NW 1/4 NE /14, SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.;
RESERVOIR 1 - 200 FEET NORTH & 3640 FEET EAST; RESERVOIR 2 - 110 FEET
NORTH & 4780 FEET EAST; RESERVOIR 3 - 200 FEET SOUTH & 2900 FEET EAST;
RESERVOIR 4 - 1110 FEET NORTH & 2880 FEET EAST; RESERVOIR 5 - 1540 FEET
NORTH & 3980 FEET EAST; RESERVOIR 6 - 2070 FEET NORTH & 4200 FEET EAST;
RESERVOIR 7 - 2550 FEET NORTH & 4270 FEET EAST; ALL FROM NORTHWEST
CORNER, SECTION 32

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

NE 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 29

Application R-80646 Water Resources Department

PERMIT R-12114

NW 1/4 NE 1/4
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report 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.

Weirs must be installed and maintained to the Watermaster's specifications above and below the reservoirs.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

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

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

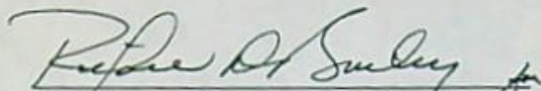
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997


Martha O. Pagel, Director
Water Resources Department

Application R-80646

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-80646

WATERMASTER # 19: John Drolet

REGIONAL MANAGER: Al Cook

ODF&W - Curry County: YES

CWRE (if agent): N/A

DEQ: YES

OTHER STATE AGENCY IF NECESSARY: N/A

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

CASEWORKER : BW

ww-fo



TELEPHONE (541) 267-2872
FAX (541) 267-0588
dennisgoude@stuntzner.com

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

COOS BAY - BROOKINGS - WILSONVILLE

CLAIM OF BENEFICIAL USE AND SITE REPORT

Located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 29,
NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32 & NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33,
Township 31 South, Range 15 West, W.M.
Curry County, Oregon
Application #R-80646 Permit #R-12114

INFORMATION:

Permittee: McKenzie Cranberries Incorporated
P.O. Box 1362
Port Orford, Oregon 97465

All systems and places of use were operational and in use at the time of the survey.

SOURCE:

The source of water is an unnamed stream (marsh) and four wells.

DIVERSION POINT: Measurements are from the northeast corner of Section 32.

The Point of Diversion is an in-stream 15 horsepower centrifugal pump that is located 1047 feet east and 9 feet south from the northeast corner of Section 32. 4125 feet of eight-inch diameter pipe connect the Point of diversion to four reservoirs.

APPROPRIATION POINT: All wells are located from the northeast corner of Section 32.

Well #1 is located 1332 feet west and 97 feet south.
Well #2 is located 1830 feet west and 125 feet south.
Well #3 is located 2929 feet west and 2171 feet south
Well #4 is located 2243 feet west and 127 feet south.

RESERVOIRS: All reservoirs are located from the northeast corner of Section 32.

Reservoir #1 is located 45 feet east and 76 feet south with 3.4 surface acres and a storage capacity of 19.1 acre-feet.
Reservoir #2 is located 1355 feet west and 62 feet south with 2.6 surface acres and a storage capacity of 14.5 acre-feet.
Reservoir #3 is located 2538 feet west and 91 feet south with 4.0 surface acres and storage capacity of 22.4 acre-feet.
Reservoir #4 is located 3075 feet west and 238 feet south with 1.8 surface acres and a storage capacity of 10.1 acre-feet.

RECEIVED

SEP 24 2003

WATER RESOURCES DEPT.
SALEM, OREGON

SUMMARY:

Permit R-12114 authorizes storage of not more than 63.7 acre-feet. The reservoirs storage capacity is 66 acre- feet.

Based on the permit the Claim of Beneficial Use is 63.7 acre-feet.

POINT OF BEGINNING:

The Point of Beginning is the Northeast corner of Section 32, Township 31 South, Range 15 West, W.M. Curry County, Oregon. The survey ties were made using conventional survey equipment, Laser distance measure & Suunto compass.

REMARKS:

This is an unusual permit as that it has both Surface and Ground water on the same permit. The reservoirs are excavator dug sump reservoirs that serve as storage points for surface, ground and reclaimed water. At the time of the survey a totalizing flow meter had not been installed. Mr. McKenzie stated that he would install one at the point of diversion. Addressing permit conditions to install and maintain weirs above and below the P.O.D.. There is no obvious stream channel with flow near the P.O.D. the area appears to be a marsh. Addressing outlet pipe: these are sumps without constructed dam structure.

CONCLUSION/REMARKS:

The Final Proof Survey and Site Inspection of Permit # R-12114 was completed June 16, 2003. The facts contained in this report and accompanying map are correct to the best of my knowledge.



EXPIRES 06/30/2005

I, Robert McKenzie, agree to the findings of the CWRE and do submit this site report and map as claim of Beneficial Use of the water as provided under the terms and conditions of Permits R-12114. I hereby request a certificate be issued per this report.

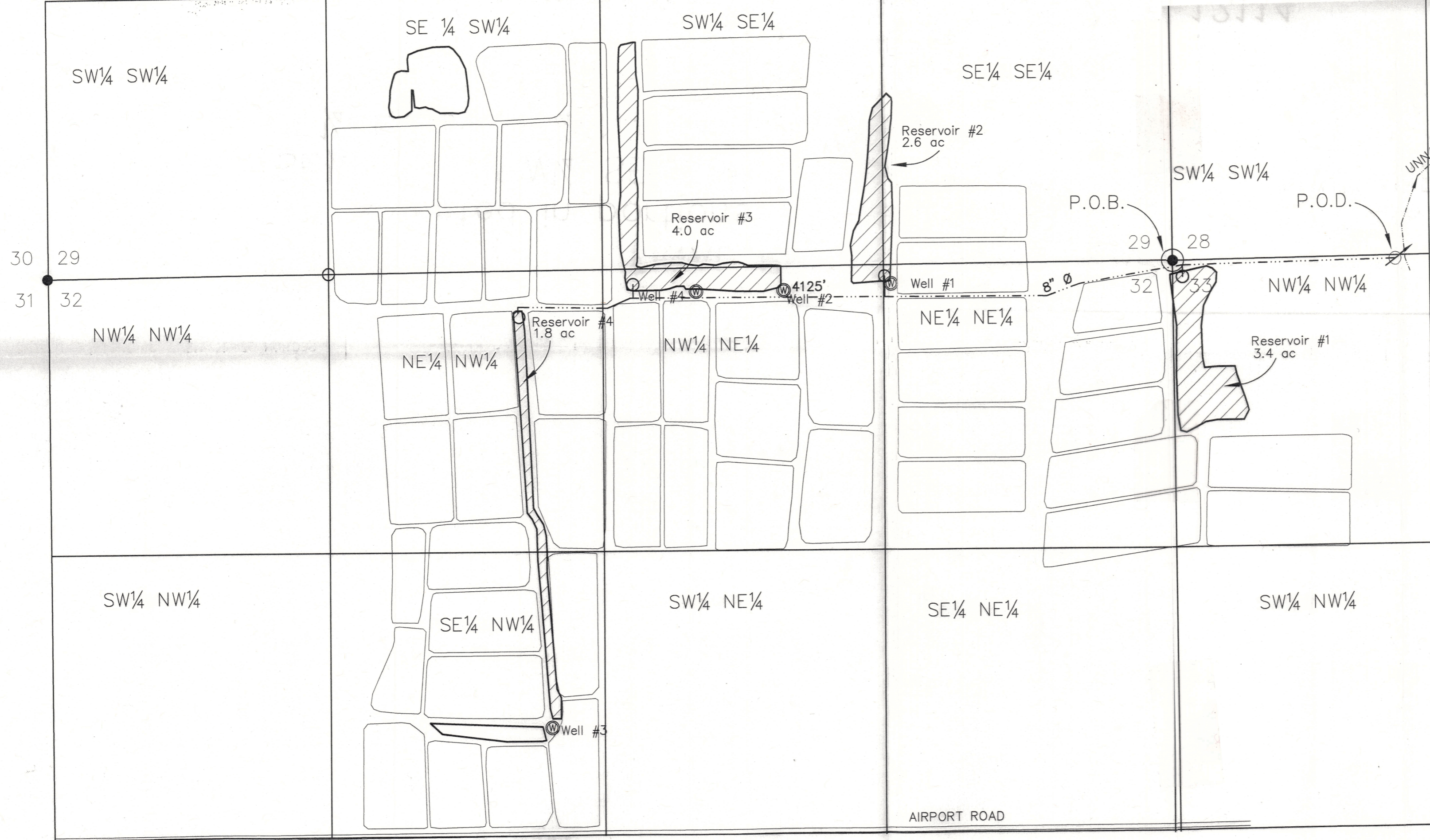
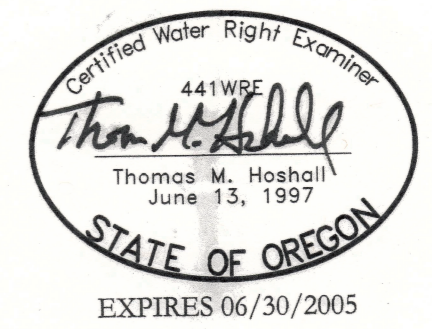
Robert McKenzie
Robert McKenzie

Sept. 22nd 03
Date

RECEIVED

SEP 24 2003

WATER RESOURCES DEPT.
SALEM, OREGON



NOTE:
P.O.D. IS LOCATED 1047 FEET EAST & 9 FEET SOUTH.
RESERVOIR #1 IS LOCATED 45' EAST & 76' SOUTH.
RESERVOIR #2 IS LOCATED 1355' WEST & 62' SOUTH.
RESERVOIR #3 IS LOCATED 2538' WEST & 91' SOUTH.
RESERVOIR #4 IS LOCATED 3075' WEST & 238' SOUTH.
ALL ARE LOCATED FOR THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

NOTE:
ALL WELLS ARE LOCATED FROM THE NORTHEAST CORNER OF SECTION 32.
WELL #1 1332 FEET WEST & 97 FEET SOUTH.
WELL #2 1830 FEET WEST & 125 FEET SOUTH.
WELL #3 2929 FEET WEST & 2171 FEET SOUTH.
WELL #4 2243 FEET WEST & 127 FEET SOUTH.

LEGEND

- P.O.D.
- P.O.B.
- RES. POINT
- PIPE
- RESERVOIR

Stuntzner Engineering & Forestry, L.L.C.
 ENGINEERING * LAND SURVEYING * FORESTRY
 PLANNING * WATER RIGHTS

Application No. *K80646*
 Permit No. *R12114*

RECEIVED

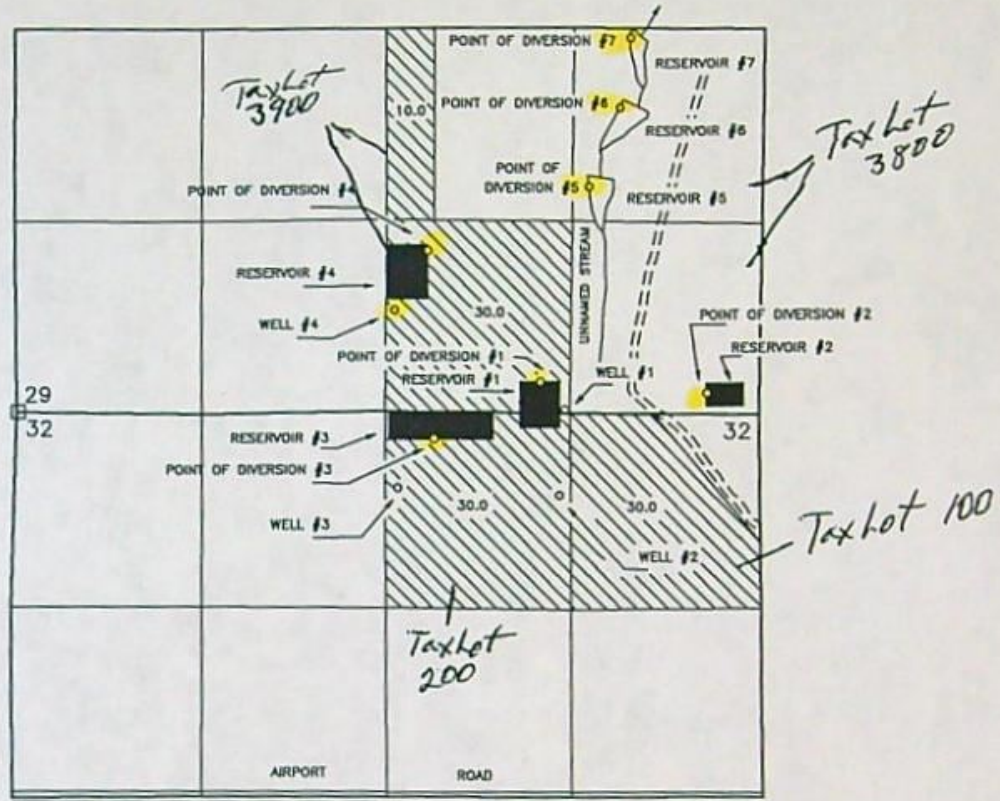
OCT 20 1995

APPLICATION MAP WATER RESOURCES DEPT. RECEIVED
 SALEM, OREGON

IN THE NAME OF Mc KENZIE CRANBERRIES, INCORPORATED SEP 26 1995

WATER RESOURCES DEPT.
 SALEM, OREGON

SECTIONS 29 & 32, T 31 S, R 15 W, W.M.

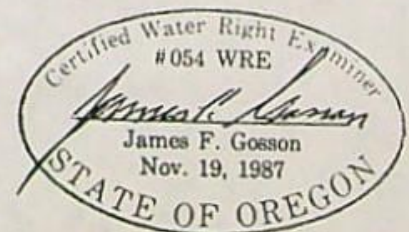


THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	P.O.D.	FEET N/S	FEET E/W	¼ ¼	SECTION
RESERVOIR #1	No. 1	200' NORTH	3640' EAST	SW¼SE¼	29
RESERVOIR #2	No. 2	110' NORTH	4780' EAST	SE¼SE¼	29
RESERVOIR #3	No. 3	200' SOUTH	2900' EAST	NW¼NE¼	32
RESERVOIR #4	No. 4	1110' NORTH	2880' EAST	SW¼SE¼	29
RESERVOIR #5	No. 5	1540' NORTH	3980' EAST	NE¼SE¼	29
RESERVOIR #6	No. 6	2070' NORTH	4200' EAST	NE¼SE¼	29
RESERVOIR #7	No. 7	2550' NORTH	4270' EAST	NE¼SE¼	29
WELL #1		10' NORTH	3812' EAST	SW¼SE¼	29
WELL #2		580' SOUTH	3780' EAST	NW¼NE¼	32
WELL #3		530' SOUTH	2640' EAST	NW¼NE¼	32
WELL #4		690' NORTH	2630' EAST	SW¼SE¼	29

ALL FROM THE NORTHWEST CORNER OF SECTION 32, AND WITHIN TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

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.



TRANSMISSION VERIFICATION REPORT

TIME : 02/02/2009 17:31
NAME : WRD 1ST FL
FAX : 5039860901
TEL : 5039860901
SER.# : BROJ5J339815

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

02/02 17:28
LEWIS-COQUILLE
00:02:47
11
OK
STANDARD
ECM

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

TRAVELING TO
DIST- 19

FAX TRANSMITTAL

TO: SHAWON FAX NUMBER: DIRECT
DATE: 2-2-2009 PAGES: _____, INCLUDING COVER SHEET
FROM: HERB PHONE: (503) 986-0 _____
COMMENTS: Copy of PIECES of
FINAL DRAFT
Herb TH Herb's

- WATER RIGHTS**
- Water Rights information
 - Adjudications
 - Hydroelectric

- TECHNICAL SERVICES**
- Hydrographer
 - Ground Water
 - Information Services

- FIELD SERVICES**
- Regional Liaisons
 - Transfers

Herb

Herb Mosgar

From: Shavon Haynes
Sent: Monday, February 02, 2009 4:16 PM
To: Herb Mosgar
Cc: Mitch Lewis
Subject: COB report

Herb,

I am in the process of doing some SIG PODS in District 19 and I am having a bit of trouble with one particular set. It was recommended that I contact you to see if you could send me the COBU report for application R-80646. I am going to be in the District 19 office in Coquille tomorrow and was wondering if you could fax it there. The fax number is 541-396-1906.

Thanks for your help Mr. Mosgar,

Shavon L. Haynes
Assistant Watermaster
Southwest Region
942 SW 6th Street, Suite E
Grants Pass, Oregon 97526
(541) 471-2886 Ext. 225

X-Sender: harristg@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Mon, 11 Dec 2000 09:35:27 -0800
To: salem@wrd.state.or.us
From: Treasure Harris <Treasure.G.HARRIS@wrd.state.or.us>
Subject: New Address

I received a call at the front desk from a gentleman who is on some of our mailing lists. His address has changed and he has not been receiving any mail from us. Please update his address on all mailing lists and files. From what he said it sounded like most of his dealings are with Water Rights and Enforcement.

NEW ADDRESS

Robert Mckenzie Cranberries
P.O. Box 1362
Port Orford, OR 97465

OLD ADDRESS

92619 Airport
Sixes, OR 97476

MCKENZIE CRANBERRIES INC. County: CURR Cert#: 0
Permit#: G 13032 App#: G 14187 Status: V WELL 1

MCKENZIE CRANBERRIES INC. County: CURR Cert#: 0
Permit#: R 12114 App#: R 80646 Status: V WELL 1/RES 1

MCKENZIE CRANBERRIES INC. County: CURR Cert#: 0
Permit#: S 53011 App#: S 80645 Status: V UNN STR

FILE # R 20646
WEEK # 64

FO CHECKLIST

REVIEW DATE: 11, 27, 96
INITIALS: DB

PFO TO FO CONVERSION

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received? If so, from whom and when?
WATERWATCH 11/22/96
2. On the PFO CC list, verify names and addresses of ALL commentors (regardless of comment date), affected landowners, and those who paid the \$10 fee.
3. Y / N Have affected landowners been notified?
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. Verify payment of recording fees (circle the appropriate option)
 (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 (2) Issue FO w/o permit if fees are lacking
$$\begin{array}{r} \text{SOAP} = 100 \\ 2 \times 14 = 28 \\ \hline 102.5 \end{array}$$

\$303.50
9. Y / N Is further processing possible? If not state reason: _____
10. NA Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)
11. _____ Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)
DENIAL FO w/o PERMIT

FO & PERMIT

Respond to Requested changes
COMMENTS
Incorporated into fo/permit wording

Initials DB

Modify FO as needed to:

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

Once FO document is completed:

15. Save WordPerfect document in M:\T\FO\WEEK 64 & delete duplicates
16. Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed

NOV 22 1996

WATER RESOURCES DEPT.
SALEM, OREGON

November 20, 1996

Dwight French
Water Resources Department
158 12th St. NE
Salem, OR 97310

Re: PFO for Application No. R-80646, Wells & Unnamed Stream,
Floras Lake, McKenzie Cranberries Inc.

Dear Mr. French,

We reviewed this Proposed Final Order (PFO) to ensure that was consistent with the agreements reached by all the parties, including the Water Resources Department, in the New River Alternate Dispute Resolution process (ADR). Our comments below outline where the PFO does not reflect the agreements reached in the ADR. We are not protesting or filing a standing statement on this application because we have been assured that this and other PFO's for applications in the New River Basin will be processed consistent with the New River ADR and that the applicant has agreed to these conditions.

We can support this applicants use as proposed in the PFO with the following specific changes which are consistent with the ADR:

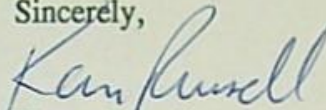
- To be consistent with the agreements reached in earlier ADR meetings and as specified in the November 6th meeting the condition in the PFO relating to weirs should be changed to require weirs to be installed and maintained both up and downstream of the reservoir. This condition should read:

Weirs must be installed and maintained to the Watermaster's specifications above and below the reservoirs.

- As agreed in the ADR, the applicant, McKenzie Cranberries Inc., has signed the New River Alternative Dispute Resolution Team Agreement (which was faxed to our offices today), prior to the issuance of any final order issuing a permit.

Thanks in advance for your attention to this letter. Please call if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Karen Russell". The signature is written in a cursive style with a large initial "K".

Karen Russell
Assistant Director

- c. McKenzie Cranberries Inc.
Al Cook, WRD
Todd Confer, ODFW

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-80646

Proposed Final Order

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

Additional Information Required: Prior to the issuance of a permit, the applicant must submit a new map showing the correct location of the wells and the Unnamed Stream.

Application History

On October 20, 1995, MCKENZIE CRANBERRIES INCORPORATED submitted an application to the Department for the following water use permit:

- Amount of Water: 63.7 ACRE-FEET (AF), BEING 9.1 AF IN EACH OF SEVEN UNNAMED RESERVOIRS
- Use of Water: CRANBERRY OPERATIONS
- Source of Water: FOUR WELLS AND AN UNNAMED STREAM, TRIBUTARIES OF FLORAS LAKE
- Area of Proposed Use: Curry County within SECTIONS 29 AND 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

The New River Alternate Dispute Resolution group reviewed this proposed use for potential adverse impacts on declining fish populations. This group consisted of representatives from the Oregon Department of Water Resources, Oregon Department of Fish and Wildlife, U.S. Bureau of Land Management, Cranberry Association, WaterWatch, Croft Lake Association, and the Audubon Society. No objections have been received.

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 OPERATIONS

Senior water rights exist on FOUR WELLS AND AN UNNAMED STREAM, TRIBUTARIES OF FLORAS LAKE or on downstream waters.

FOUR WELLS AND AN UNNAMED STREAM, TRIBUTARIES OF FLORAS LAKE are not within or above a State Scenic Waterway.

Water is available for further appropriation (at a 50 percent exceedance probability) for the period NOVEMBER 1 THROUGH APRIL 30.

The Department finds that no more than 63.7 AF, BEING 9.1 AF IN EACH OF SEVEN UNNAMED RESERVOIRS, would be necessary for the proposed use. The amount of water requested, 63.7 AF, BEING 9.1 AF IN EACH OF SEVEN UNNAMED RESERVOIRS, is allowable.

There is no evidence in the record of the presence of game fish at the described point of diversion.

The New River Alternate Dispute Resolution team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Department of Water Resources, Oregon Department of Fish and Wildlife, U.S. Bureau of Land Management, Oregon Cranberry Association, WaterWatch of Oregon, Croft Lake Association, the Audubon Society, and the Bandon Water Control District. In addition, individual applicants participated in the ADR process when issues relevant to their applications were addressed. The ADR team recommended that the following limitations or conditions of use be imposed on this application:

Water may be appropriated for storage during the period NOVEMBER 1 THROUGH APRIL 30.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument and be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M.

If it is the opinion of the Watermaster that weirs are required either above or below the reservoirs, then weirs shall be installed and maintained to the Watermaster's specifications.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established

pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

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

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

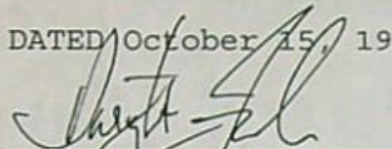
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount of water 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 October 15, 1996



Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

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

Your protest must be received in the Water Resources Department no later than November 29, 1996.

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.

BW

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF CURRY

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MCKENZIE CRANBERRIES INCORPORATED
92619 AIRPORT ROAD
SIXES, OREGON 97476

(541)348-2217

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-80646

SOURCE OF WATER: FOUR WELLS AND AN UNNAMED STREAM

TRIBUTARIES OF: FLORAS LAKE

STORAGE FACILITY: SEVEN UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-80645 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 63.7 ACRE-FEET (AF), BEING 9.1 AF IN EACH OF SEVEN UNNAMED RESERVOIRS

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 20, 1995

The area submerged by Reservoirs 1, 2, 3, and 4, when full, will be 1.7 acres and the maximum depth of water will be 10.0 feet. The maximum height of the dams shall not exceed 6.0 feet.

The area submerged by Reservoirs 5, 6 and 7, when full, will be 3.0 acres and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 9.9 feet.

DAM LOCATION: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 29, NW 1/4 NE /14, SECTION 32, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 200 FEET NORTH & 3640 FEET EAST; RESERVOIR 2 - 110 FEET NORTH & 4780 FEET EAST; RESERVOIR 3 - 200 FEET SOUTH & 2900 FEET EAST; RESERVOIR 4 - 1110 FEET NORTH & 2880 FEET EAST; RESERVOIR 5 - 1540 FEET NORTH & 3980 FEET EAST; RESERVOIR 6 - 2070 FEET NORTH & 4200 FEET EAST; RESERVOIR 7 - 2550 FEET NORTH & 4270 FEET EAST; ALL FROM NORTHWEST CORNER, SECTION 32

Application R-80646 Water Resources Department

PERMIT DRAFT

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

NE 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 29
NW 1/4 NE 1/4
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument and be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. The permittee shall take a reading from the gage once a month and keep a record of these measurements and shall be responsible for maintaining the gage. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to measure water use more frequently or report annually or more frequently as may be required by the Director. Further, the Director may be require the permittee to report general water use information, including the place and nature of use of water under the permit.

If it is the opinion of the Watermaster that weirs are required either above or below the reservoirs, then weirs shall be installed and maintained to the Watermaster's specifications.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

A98

Application No. R-80646

Permit No. R12114

Name MCKENZIE CRANBERRIES INC.
~~92619 AIRPORT RD~~

Address ~~SIXES, OR 97676~~

Assigned

Address

Beginning construction 1-31-98

Completion of construction 10-1-99

Extended to

Complete application of water 10-1-00

Extended to

A5
R-80646

MCKENZIE CRANBERRIES INC

P.O. BOX 1362

PORT ORFORD OR 97465

R-80646

MCKENZIE CRANBERRIES INC

P.O. BOX 1362

PORT ORFORD OR 97465

WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 50
 Water Availability Subbasin: 5006000000000000 (and Nested Subbasins)
 Time: 11:23 Date: 02/01/1996

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	5000000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	5006000000000000	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES

STREAM NAMES

Basin: SOUTH COAST
 Water Availability Subbasin: 5006000000000000 (and Nested Subbasins)
 Time: 11:23 Date: 02/01/1996

WAB #	Stream Name	Tributary to
5000000000000000	NEW R	PACIFIC OCEAN
5006000000000000	UNN STR 17-1560-0130-0010	FLORAS L

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 5006000000000000
 Basin: SOUTH COAST
 Exceedance Level: 50
 Time: 11:23 Date: 02/01/1996

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	5006000000000000	UNN STR 17-1560-0130-0010	YES	1.4
2	5006000000000000	UNN STR 17-1560-0130-0010	YES	1.4
3	5006000000000000	UNN STR 17-1560-0130-0010	YES	1.3
4	5006000000000000	UNN STR 17-1560-0130-0010	YES	0.4
5	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.6
6	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.8
7	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.2
8	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.2
9	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.1
10	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.9
11	5006000000000000	UNN STR 17-1560-0130-0010	YES	0.2
12	5006000000000000	UNN STR 17-1560-0130-0010	YES	1.3
Stor	5006000000000000	UNN STR 17-1560-0130-0010	YES	355.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
 Stream: NEW R > PACIFIC OCEAN
 Water Availability Subbasin: 5000000000000000
 Exceedance Level: 50
 Time: 11:23 Date: 02/01/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	623.00	1.00	622.00	10.30	612.00	0.00	612.00
2	725.00	2.00	723.00	11.90	711.00	0.00	711.00
3	642.00	0.00	642.00	10.20	632.00	0.00	632.00
4	356.00	1.00	355.00	5.35	350.00	0.00	350.00
5	118.00	3.00	115.00	4.39	111.00	0.00	111.00
6	99.00	8.90	90.10	4.97	85.10	0.00	85.10
7	56.90	13.70	43.20	5.32	37.90	0.00	37.90
8	34.90	11.20	23.70	4.19	19.50	0.00	19.50
9	21.30	4.80	16.50	4.41	12.10	0.00	12.10
10	32.20	0.70	31.50	3.17	28.30	0.00	28.30
11	308.00	1.00	307.00	4.20	303.00	0.00	303.00
12	660.00	1.00	659.00	10.10	649.00	0.00	649.00
Stor	220000	2890	217000	4700	213000	0	213000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST
 Stream: NEW R > PACIFIC OCEAN
 Water Availability Subbasin: 5000000000000000
 Time: 11:23 Date: 02/01/1996

APP # :	0	0	0	0	0	0	RESULTANT
STATUS:							
1	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST
 Stream: UNN STR 17-1560-0130-0010 > FLORAS L
 Water Availability Subbasin: 5006000000000000
 Exceedance Level: 50

Time: 11:23

Date: 02/01/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	4.14	0.06	4.08	2.73	1.36	0.00	1.36
2	4.97	0.08	4.89	3.51	1.38	0.00	1.38
3	4.22	0.00	4.22	2.93	1.29	0.00	1.29
4	1.93	0.01	1.92	1.51	0.41	0.00	0.41
5	0.51	0.09	0.42	1.00	-0.58	0.00	-0.58
6	0.49	0.26	0.23	1.00	-0.77	0.00	-0.77
7	0.26	0.41	-0.15	0.00	-0.15	0.00	-0.15
8	0.13	0.33	-0.20	0.00	-0.20	0.00	-0.20
9	0.07	0.14	-0.07	1.00	-1.07	0.00	-1.07
10	0.09	0.01	0.08	1.00	-0.92	0.00	-0.92
11	1.17	0.02	1.15	1.00	0.15	0.00	0.15
12	4.02	0.06	3.96	2.62	1.34	0.00	1.34
Stor	1320	88	1250	1100	355	0	355

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST
 Stream: UNN STR 17-1560-0130-0010 > FLORAS L
 Water Availability Subbasin: 5006000000000000
 Time: 11:23

Date: 02/01/1996

APP # :	ISWRs						RESULTANT
STATUS:	0	0	0	0	0	0	
1	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C

IR CHECKLIST

Application #: R 90646 Vol _____ Subbasin _____

Basin: 17 WAB: 570600 POU-WAB: 500600
Township _____ Range _____ Section _____ 1/4 1/4 _____

- 1. Items have been verified on Completeness Checklist.
- 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- N/A 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - a. Is the well located in a groundwater limited area?
 - b. A B C
- NO 4. Is the Proposed Use located in or above a Scenic Waterway?
- NO 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- 6. Is the use allowed or limited by the Basin Program? _____ OAR(s) _____
- NO 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- 8. Basin Maps (metal cabinet) have been checked and River Mile (_____) has been identified
- 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) _____
- N/A 10. Rate _____ Duty _____ Season _____
- 11. Use Storage Period of Allowed Use _____
- 12. Priority Date(s) Oct. 20, 1995
- NO 13. Is use from a B.O.R. project and if so, is a signed contract in the file? _____
- N/A 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) _____
- 15. Plat cards have been checked and a copy of the map is attached showing the conflict with _____
- 17. Land use approval OK'd needs approval county notified
- 19. conditions? (BOR, GW, etc.) _____
- 20. Watermaster District #: 12
- 21. Regional Office (NWR, NCR, ER, SCR, or SWR)
- 22. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

Name: [Signature] Date: 1-25-96

October 27, 1995

MCKENZIE CRANBERRIES INC.
92619 AIRPORT RD
SIXES, OR 97476

REFERENCE: File(s) G-14187,R-80646,S-80645

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

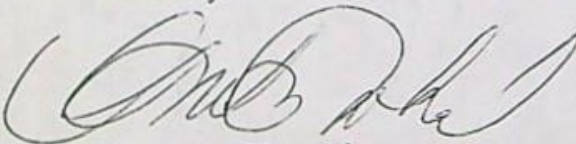
This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group—Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,



Ms. Anita McLoud
Water Rights Specialist
Water Rights Division



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

Application No. R-80646
Permit No.

SUPPLEMENTAL SHEET

APPLICATION FOR A PERMIT TO CONSTRUCT A RESERVOIR
IN THE NAME OF MC KENZIE CRANBERRIES INCORPORATED

RECEIVED

OCT 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

ITEM 1

Reservoirs #1, 2, 3, and 4 will be located off-channel and will be predominately excavated reservoirs with low berms around the perimeters. They will be filled by pumping from the wells adjacent to each reservoir. Reservoirs #5, 6, and 7 will be located in-channel and will be filled from an un-named stream, a tributary of Floras Lake.

ITEM 2

The embankment height at reservoirs #1, 2, 3, and 4 will not exceed 6 feet. No outlet conduits are planned at these reservoirs. The embankment height at reservoirs #5, 6, and 7 will not exceed 9.9 feet. Valved conduits will be installed under the center of these reservoirs (minimum size 8" diameter).

ITEM 4

Each reservoir will store a maximum of 9.1 acre feet. The areas submerged by reservoirs #1, 2, 3, and 4 will be approximately 1.7 acres each. The areas submerged by reservoirs #5, 6, and 7 will be approximately 3.0 acres each.

ITEM 5

Spillways for reservoirs #1, 2, 3, and 4 will be 12" diameter culvert pipes placed 2 feet below the top of the berms. Spillways for reservoirs #5, 6 and 7 will be trapezoidal earthen spillways excavated in original ground around the right abutments of the dams.

RECEIVED

SEP 26 1995

WATER RESOURCES DEPT.
SALEM, OREGON

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

REMARKS: _____

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

Robert DeFoy III
Signature of Applicant

Sept 25 1995
Date

Signature of Co-Applicant, if any

Date

RECEIVED
SEP 26 1995
WATER RESOURCES DIV.
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 20th day of October, 1995, at 8 o'clock, A M.

APPLICATION NO: R80646

Application No. R-80646
 Permit No. _____

RECEIVED

OCT 20 1995

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses, and
 Addition to Classified Uses

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, and/or used only on federal lands.

Applicant's Name: MC KENZIE CRANBERRIES INCORPORATED
 Address: 92619 Airport Road
 City: Sixes State: OR Zip: 97476 Day Phone: 503/348-2217

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
T31S.R15W.S29	TL3800 (AFD) AGRICULTURE	X	X	
T31S.R15W.S29	TL3900 (AFD)	X	X	X
T31S.R15W.S32	TL 100 (AFD)		X	X
T31S.R15W.S32	TL 200 (AFD)	X	X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry County

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Sec. 3.061. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOW

Date: 10/19/92

Title: PLANNER

Phone: 247-7411

Signature: Dianne L. Snow

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

- IRRIGATION FOR CRANBERRIES
- AN OUTRIGHT USE IN AFD ZONE

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WATER RESOURCES DEPT.
SALEM, OREGON

Application No. R-80646
Permit No.

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OCT 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

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

Robert McHenry III
Name

Pres.
Title

Oct. 15 1995
Date

Name

Title

Date

Name

Title

Date

Name

Title

Date

Application No. R 80686

Description of Water Use

Permit No.

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

RECEIVED

Applicant Name: MC KENZIE CRANBERRIES INCORPORATED
Address: 92619 Airport Road
Sixes, Oregon 97476
Phone: 503/348-2217

OCT 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): cranberries
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>un-named stream</u>	<u>4.38</u> Cubic feet per second. <u>1966</u> Gallons per minute. <u>63.7</u> Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

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WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department, 3850 Portland Rd. NE, Salem, OR 97310
Phone: 378-3671

Version: 8/30/90

Application No. R-80644
Permit No.

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OCT 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON

OTE 91-0547

EXHIBIT "A"

PARCEL 1:

The West half of the Southeast quarter, Section 29, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

PARCEL 2:

Northwest quarter of the Northeast quarter, Section 32, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon. ALSO: A parcel of land beginning at the Southwest corner of the Southeast quarter of the Northeast quarter of Section 32, Township 31 South, Range 15 West, Willamette Meridian; thence North 1452.0 feet; thence East 600.0 feet; thence South 1452.0 feet to the Airport Road; thence West 600.0 feet to the Point of Beginning.

EXCEPTING THEREFROM that parcel sold to Robert J. Crossman, et ux, by Deed recorded January 9, 1961 in Volume 60, Page 429, Curry County Deed Records.

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SALEM, OREGON

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PARCEL II:

WATER RESOURCES DEPT.
SALEM, OREGON

The West half of the West half of the Southwest quarter of Section 28; and the East half of the Southeast quarter of Section 29, all in Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

2-4 31-15 TL 3800 UID 56559

PARCEL III:

The East half of the Northeast quarter of Section 32, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon. EXCEPT that portion conveyed by Deeds recorded in Volume 49, Pages 35 and 513, Curry County Deed Records.

2-4 31-15-32 TL 100 UID 170035

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WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **129601**

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

INVOICE # _____

RECEIVED FROM: <i>McKenzie Cranberry</i>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH: CHECK: # *96-292* OTHER: (IDENTIFY)

TOTAL REC'D \$ *1263.50*

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE \$ <i>200</i>	842.002	RECORD FEE \$ <i>103.50</i>
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$	842.023	LICENSE FEE \$
_____	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

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

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **129601**

DATED: *10-20-95* BY: *Elaine Lissner*

PFO CHECKLIST

Application #: _____

Basin: _____ WAB: _____
Township _____ Range _____ Section _____ 1/4 1/4 _____

- A1. Public Interest Screen Criteria
1. Is the file complete by the Completeness Checklist?
2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)
3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other)
4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- a. Is second groundwater review necessary? (objection)
- b. Is HB 1033 review complete?
5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
6. Is the Proposed Use located in or above a Scenic Waterway?
7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
8. Is the use allowed or limited by the Basin Program?
9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
10. New River AOR Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
11. Rate _____ Duty _____ Irrigation Season _____
12. Period of Allowed Use Nov 1 ~ April 30
13. Is use from a B.O.R. project and if so, is a signed contract in the file?
14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
15. Have conflicts been identified, verified and/or addressed?
16. 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)? _____
17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
18. Fill out Accuracy Checklist
19. Spell Check
20. Documents used in determination are attached and highlighted
21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
22. Final PFO report hard copy check (format, margins, etc.)
23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Baradette Date: 10/10/96 BW

Application No. R80646

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OCT 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Hold until April

*Nov 1 1995
St. J. G.*

Applicant(s) MC KENZIE CRANBERRIES INCORPORATED

(Please print or type - use dark ink)

Mailing Address: 92619 Airport Road

<u>Sixes</u>	<u>Oregon</u>	<u>97476</u>	<u>503/348-2217</u>
<small>City</small>	<small>State</small>	<small>Zip</small>	<small>Daytime Phone No.</small>

I (We) make application for a permit to construct 7 un-named
the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: un-named stream and 4 we
a tributary of Floras Lake
If not in channel of a stream, state how it is to be filled: see supplemental

2. THE DAM: The maximum height of the structure will be _____
or ground surface at the centerline.
The dam will be (check one) _____ earthfill, _____ concrete, _____ flashboard, _____ other.
If "other" give description: see supplemental sheet

Give the location, description, and dimensions of the outlet conduit: _____
see supplemental sheet

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: supplemental cranberry use

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WATER RESOURCES DEPT.
SALEM, OREGON

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OCT 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. R80646

Hold
until April

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

*Nov 1 April 30
Staff*

Applicant(s) MC KENZIE CRANBERRIES INCORPORATED

(Please print or type - use dark ink)

Mailing Address: 92619 Airport Road

Sixes
City

Oregon
State

97476
Zip

503/348-2217
Daytime Phone No.

I (We) make application for a permit to construct 7 un-named reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: un-named stream and 4 wells,
a tributary of Floras Lake.
If not in channel of a stream, state how it is to be filled: see supplemental sheet

2. THE DAM: The maximum height of the structure will be _____ feet above stream bed or ground surface at the centerline.
The dam will be (check one) _____ earthfill, _____ concrete, _____ flashboard, _____ other.
If "other" give description: see supplemental sheet

Give the location, description, and dimensions of the outlet conduit: _____
see supplemental sheet

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: supplemental cranberry use

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WATER RESOURCES DEPT.
SALEM, OREGON

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

REMARKS: _____

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

Robert M. [Signature]
Signature of Applicant

Sept 25 1995
Date

Signature of Co-Applicant, if any

Date

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SEP 26 1995
WATER RESOURCES DIV
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19__.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 20th day of October, 1995, at 7 o'clock, A.M.

APPLICATION NO: R80646

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 4900

✓(b) Eel Lake 01010

✓(c) Garrison Lake 00

(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) 070142

✓(b) Brush Creek 2500

✓(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). 161123470

✓(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. 0701310 to 0701312

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OCT 20 1995

Application No. R-80646
Permit No.

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses, and
Addition to Classified Uses

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, and/or used only on federal lands.

Applicant's Name: MC KENZIE CRANBERRIES INCORPORATED
Address: 92619 Airport Road
City: Sixes State: OR Zip: 97476 Day Phone: 503/348-2217

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
T31S.R15W.S29	TL3800 (AFD) AGRICULTURAL	X	X	
T31S.R15W.S29	TL3900 (AFD)	X	X	X
T31S.R15W.S32	TL 100 (AFD)	X	X	X
T31S.R15W.S32	TL 200 (AFD)	X	X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry County

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

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a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Sec. 3.061. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOL

Title: PLANNER

Date: 10/19/92

Phone: 247-7011

Signature: Dianne L. Snol

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

- IRRIGATION FOR CRANBERRIES
- AN OUTRIGHT USE IN AED ZONE

SALEM, OREGON
WATER RESOURCES DEPT.

SEP 26 1995

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Application No. R-80646
Permit No.

SUPPLEMENTAL SHEET

APPLICATION FOR A PERMIT TO CONSTRUCT A RESERVOIR
IN THE NAME OF MC KENZIE CRANBERRIES INCORPORATED

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OCT 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

ITEM 1

Reservoirs #1, 2, 3, and 4 will be located off-channel and will be predominately excavated reservoirs with low berms around the perimeters. They will be filled by pumping from the wells adjacent to each reservoir. Reservoirs #5, 6, and 7 will be located in-channel and will be filled from an un-named stream, a tributary of Floras Lake.

ITEM 2

The embankment height at reservoirs #1, 2, 3, and 4 will not exceed 6 feet. No outlet conduits are planned at these reservoirs. The embankment height at reservoirs #5, 6, and 7 will not exceed 9.9 feet. Valved conduits will be installed under the center of these reservoirs (minimum size 8" diameter).

ITEM 4

Each reservoir will store a maximum of 9.1 acre feet. The areas submerged by reservoirs #1, 2, 3, and 4 will be approximately 1.7 acres each. The areas submerged by reservoirs #5, 6, and 7 will be approximately 3.0 acres each.

ITEM 5

Spillways for reservoirs #1, 2, 3, and 4 will be 12" diameter culvert pipes placed 2 feet below the top of the berms. Spillways for reservoirs #5, 6 and 7 will be trapezoidal earthen spillways excavated in original ground around the right abutments of the dams.

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SEP 26 1995

WATER RESOURCES DEPT.
SALEM, OREGON

IR CHECKLIST

Application #: R 80646 Vol _____ Subbasin _____

Basin: 17 WAB: 500600 POU-WAB 500600

Township _____ Range _____ Section _____ 1/4 1/4 _____

- 1. Items have been verified on Completeness Checklist.
- 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - a. Is the well located in a groundwater limited area?
 - b. A B C
- 4. Is the Proposed Use located in or above a Scenic Waterway?
- 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- 6. Is the use allowed or limited by the Basin Program? _____ OAR(s) _____
- 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- 8. Basin Maps (metal cabinet) have been checked and River Mile (_____) has been identified
- 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) _____
- 10. Rate _____ Duty _____ Season _____
- 11. Use Storage _____ Period of Allowed Use _____
- 12. Priority Date(s) Oct. 20, 1995 _____
- 13. Is use from a B.O.R. project and if so, is a signed contract in the file? _____
- 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) _____
- 15. Plat cards have been checked and a copy of the map is attached showing the conflict with _____
- 17. Land use approval OK'd needs approval county notified
- 19. conditions? (BOR, GW, etc.) _____
- 20. Watermaster District #: 17
- 21. Regional Office (NWR, NCR, ER, SCR, or SWR)
- 22. IR has been saved to m:\tir\sent\app # from m:\tir\work\app #

Name: [Signature] Date: 1-25-96

WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 50
 Water Availability Subbasin: 5006000000000000 (and Nested Subbasins)
 Time: 11:23 Date: 02/01/1996

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	5000000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	5006000000000000	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES

STREAM NAMES

Basin: SOUTH COAST
 Water Availability Subbasin: 5006000000000000 (and Nested Subbasins)
 Time: 11:23 Date: 02/01/1996

WAB #	Stream Name	Tributary to
5000000000000000	NEW R	PACIFIC OCEAN
5006000000000000	UNN STR 17-1560-0130-0010	FLORAS L

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 5006000000000000

Basin: SOUTH COAST

Exceedance Level: 50

Time: 11:23

Date: 02/01/1996

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	5006000000000000	UNN STR 17-1560-0130-0010	YES	1.4
2	5006000000000000	UNN STR 17-1560-0130-0010	YES	1.4
3	5006000000000000	UNN STR 17-1560-0130-0010	YES	1.3
4	5006000000000000	UNN STR 17-1560-0130-0010	YES	0.4
5	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.6
6	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.8
7	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.2
8	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.2
9	5006000000000000	UNN STR 17-1560-0130-0010	NO	-1.1
10	5006000000000000	UNN STR 17-1560-0130-0010	NO	-0.9
11	5006000000000000	UNN STR 17-1560-0130-0010	YES	0.2
12	5006000000000000	UNN STR 17-1560-0130-0010	YES	1.3
Stor	5006000000000000	UNN STR 17-1560-0130-0010	YES	355.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: NEW R

> PACIFIC OCEAN

Water Availability Subbasin: 5000000000000000

Exceedance Level: 50

Time: 11:23

Date: 02/01/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	623.00	1.00	622.00	10.30	612.00	0.00	612.00
2	725.00	2.00	723.00	11.90	711.00	0.00	711.00
3	642.00	0.00	642.00	10.20	632.00	0.00	632.00
4	356.00	1.00	355.00	5.35	350.00	0.00	350.00
5	118.00	3.00	115.00	4.39	111.00	0.00	111.00
6	99.00	8.90	90.10	4.97	85.10	0.00	85.10
7	56.90	13.70	43.20	5.32	37.90	0.00	37.90
8	34.90	11.20	23.70	4.19	19.50	0.00	19.50
9	21.30	4.80	16.50	4.41	12.10	0.00	12.10
10	32.20	0.70	31.50	3.17	28.30	0.00	28.30
11	308.00	1.00	307.00	4.20	303.00	0.00	303.00
12	660.00	1.00	659.00	10.10	649.00	0.00	649.00
Stor	220000	2890	217000	4700	213000	0	213000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: NEW R

> PACIFIC OCEAN

Water Availability Subbasin: 5000000000000000

Time: 11:23

Date: 02/01/1996

APP # :	0	0	0	0	0	0	RESULTANT
STATUS:							
1	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0 C

October 27, 1995

MCKENZIE CRANBERRIES INC.
92619 AIRPORT RD
SIXES, OR 97476

REFERENCE: File(s) G-14187,R-80646,S-80645

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

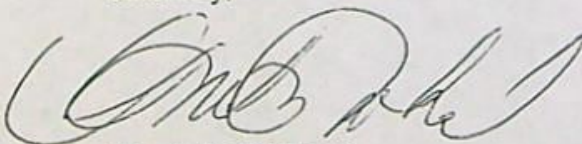
This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group—Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,



Ms. Anita McLoud
Water Rights Specialist
Water Rights Division



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

Application No. *P-80646*
Permit No.

RECEIVED

OCT 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

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

Robert M. Longi III
Name

Pres.
Title

Oct. 15 1995
Date

Name

Title

Date

Name

Title

Date

Name

Title

Date

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
R - 80646	10/20/95	<i>[Signature]</i>

COMPLETED

A checkmark (✓) indicates that the item is Incomplete or defective.

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used.

Application No. 280686
 Permit No. _____

Description of Water Use _____

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If additional information is needed, please make a separate copy for your records.

RECEIVED

Applicant Name: MC KENZIE CRANBERRIES INCORPORATED
 Address: 92619 Airport Road
Sixes, Oregon 97476
 Phone: 503/348-2217

OCT 20 1995
 WATER RESOURCES DEPT.
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): cranberries
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>un-named stream</u>	<u>4.38</u> Cubic feet per second.
	<u>1966</u> Gallons per minute.
	<u>63.7</u> Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

RECEIVED

SEP 26 1995

WATER RESOURCES DEPT.
 SALEM, OREGON

Application No. *R-80644*
Permit No.

RECEIVED

OCT 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON

OTE 91-0547

EXHIBIT "A"

PARCEL 1:

The West half of the Southeast quarter, Section 29, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

PARCEL 2:

Northwest quarter of the Northeast quarter, Section 32, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon. ALSO: A parcel of land beginning at the Southwest corner of the Southeast quarter of the Northeast quarter of Section 32, Township 31 South, Range 15 West, Willamette Meridian; thence North 1452.0 feet; thence East 600.0 feet; thence South 1452.0 feet to the Airport Road; thence West 600.0 feet to the Point of Beginning.

EXCEPTING THEREFROM that parcel sold to Robert J. Crossman, et ux, by Deed recorded January 9, 1961 in Volume 60, Page 429, Curry County Deed Records.

RECEIVED

SEP 26 1995
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 20 1995

PARCEL II:

WATER RESOURCES DEPT.
SALEM, OREGON

The West half of the West half of the Southwest quarter of Section 28; and the East half of the Southeast quarter of Section 29, all in Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

2-4 31-15 TL 3800 UID 56559

PARCEL III:

The East half of the Northeast quarter of Section 32, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon. EXCEPT that portion conveyed by Deeds recorded in Volume 49, Pages 35 and 513, Curry County Deed Records.

2-4 31-15-32 TL 100 UID 170035

RECEIVED

SEP 26 1995

WATER RESOURCES DEPT.
SALEM, OREGON

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

10/31/95

[Signature]

Name and mailing address of applicant
Source of water
Quantity of water
Map showing location of POD & POU
Use of water
Names and addresses of legal owners
Signature of applicant
HB 2153/HB 2107 APPLICATION -- SEE REVERSE
Oath
Application date stamped per money receipt date
Land use approved _____ pending _____

If reservoir < 5 AF \$_____, if > 5 AF \$200-

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____
Entered into WRIS _____

SUPPORT SERVICES

10/31/95

[Signature]

Stamp contents with application number
Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
Place label on file and calendar card

APPLICATION SECTION

Stream Indexed Basin # _____
Plat Carded and copy made YES NO
If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete YES NO
Within Irrigation District _____
District Notified _____
District excerpt received _____

TR Mailed DATE _____

Public Interest Checklist complete _____

Management Codes _____

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

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

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 129601

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

INVOICE # _____

RECEIVED FROM: M. Kenzie Cranberry APPLICATION
 BY: _____ PERMIT
 TRANSFER

CASH: CHECK: # 96-292 OTHER: (IDENTIFY)
 TOTAL REC'D \$ 1263.50

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. # _____ \$ _____
 VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE \$ <u>200.00</u>	842.002	RECORD FEE \$ <u>103.50</u>
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$	842.023	LICENSE FEE \$
_____	LANDOWNER'S PERMIT	\$	842.024	\$
_____	OTHER (IDENTIFY)	_____	_____	_____

06-00-0 WELL CONST. START FEE

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

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	_____	\$
_____	HYDRO APPLICATION	_____	\$

RECEIPT # **129601** DATED: 10-20-95 BY: M. Kenzie Cranberry

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 4900

✓(b) Eel Lake 01010

✓(c) Garrison Lake 00

(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) 070142

✓(b) Brush Creek 2500

✓(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). 161123410

✓(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. 0701210 to 0701312

✓ 3400

✓
1601

(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.

X

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.