

FILE#: S 74443

SHAMROCK ACRES
RT 2 BOX 1285 55965 Portland Rd.
BANDON, OR 97411

Application No. 74443

Permit No. BD 53082 (Due \$200⁰⁰)

Certificate No. _____

Stream Index, Page No. 17

See R-74442

FEES PAID

Date	Amount	Receipt No.
8-26-94	200.-	115964
Recording 1-9-97	100. ⁰⁰	9364
Ext 10-1-99	\$100. ⁰⁰	33503

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

Date filed _____

Priority _____

Action suspended until B08, C09

Return to applicant _____

Date of approval 2-12-97

CONSTRUCTION

Date for beginning 2-12-98

Date for completion 10-1-99

Extended to _____

Date for application of water 10-1-00

Extended to 10-1-09

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

See R-74442

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

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

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-74443

Final Order
Extension of Time for Permit Number S-53082

Appeal Rights

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

Application History

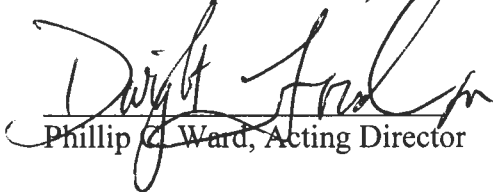
On September 29, 1999, Shamrock Acres submitted an application to the Department for an extension of time for permit number S-53082. The Department issued permit number S-53082 on February 12, 1997. The permit called for completion of construction of the water development project by October 1, 1999, and complete application of water to beneficial use by October 1, 2000. In accordance with OAR 690-320-0010(8), on July 20, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 1, 2008, and the time to fully apply water to beneficial use to October 1, 2009. The protest period closed September 3, 2004. No protest was filed.

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

Order

The extension of time for Application Number S-74443, Permit Number S-53082, therefore, is approved. The deadline for completing construction is extended to October 1, 2008. The deadline for applying water to full beneficial use is extended to October 1, 2009.

DATED: September 29, 2004



Phillip C. Ward, Acting Director

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

Mailing List for Extension FO Copies

Application #S-74443
Permit #S-53082

FO Date: September 29, 2004

Original mailed to:

Shamrock Acres ✓
55965 Portland Rd
Bandon, Oregon 97411

Copies Mailed

By: P
(SUPPORT STAFF)

on: 9-30-04
(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #S-74443 / Permit #S-53082 ✓
2. WRD - Watermaster District: #19 - Mitch Lewis, Coquille ✓
3. WRD - SW Region Manager ✓
4. ODFW - District #1 - Shannon Hurn, Charleston ✓
5. DEQ - Western Region - John Blanchard, Medford ✓
6. WRD - Support Staff, Salem ✓

Other interested parties:

7. NONE

CASEWORKER: LJJ/JJU

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SHAMROCK ACRES
ROUTE 2, BOX 1285
BANDON, OREGON 97411

(541) 347-3184

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74443

SOURCE OF WATER: AN UNNAMED RESERVOIR CONSTRUCTED UNDER PERMIT R-12148,
A TRIBUTARY OF COQUILLE RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 2.0 ACRES

MAXIMUM VOLUME ALLOWED: 3.0 ACRE-FEET OF STORED WATER ONLY

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: AUGUST 26, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 20, T28S, R14W,
W.M.; 2100 FEET SOUTH & 250 FEET WEST FROM THE NORTH 1/4 CORNER OF
SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 2.0 ACRES
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.



Application S-74443 Water Resources Department

PERMIT S-53082

Measurement, recording and reporting conditions:

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

STANDARD CONDITIONS

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

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

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

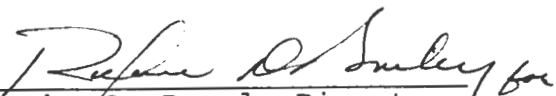
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued February 12, 1997


Martha O. Pagel, Director
Water Resources Department

Extension "Final Order" Checklist

Application # 5-74443 / Permit # 5-53082

Permit Holder's Name Shamrock Acres

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

- ☒ 1. Date Extension Request submitted: 9-29-99
- ☒ 2. Date permit was issued: 2-12-97
- ☒ 3. Original "B" Date from permit: 10-1-99
(Date for completion of construction)
- ☒ 4. Original "C" Date from permit: 10-1-2000
(Date for complete application of water)
- ☒ 5. Extension PFO Date: 7-20-04
- ☒ 6. WRD recommends extending "B" Date to: 10-1-2008
and extending the "C" Date to: 10-1-2009
- ☒ 7. Protest Deadline Date from PFO: 9-2-04
- ☒ 8. Any written Protests or written Comments received within the Protest period? Yes / No

Reviewer's Name: [Signature]

Date: 9/28/04

jd 9/28/04

Mailing List for Extension PFO Copies

Application #S-74443
Permit #S-53082

PFO Date: July 20, 2004

Original mailed to:

Applicant: Shamrock Acres
55965 Portland Rd
Bandon, OR 97411

Copies Mailed
By: <u>[Signature]</u> (SUPPORT STAFF)
on: <u>7-22-04</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #S-74443 / Permit #S-53082 ✓
2. WRD - Watermaster District: #19 - Mitch Lewis, Coquille ✓
3. ODFW - District #1 - Shannon Hurn, Charleston ✓
4. DEQ - Western Region - John Blanchard, Medford ✓

Other interested parties:

5. NONE

CASEWORKER: LJJ/JJU

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application)	
for an Extension of Time for)	
Permit #S-53082, Water Right)	PROPOSED FINAL ORDER
Application #S-74443)	
(Shamrock Acres))	

Permit Information

Application File #S-74443 / Permit #S-53082

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

Date of Priority: August 26, 1994

Authorized Use of Water

Source of Water:	An Unnamed Reservoir constructed under Permit R-12148, a tributary of Coquille River
Purpose or Use:	Cranberry Operations on 2.0 acres
Maximum Volume:	3.0 acre-feet (af) of stored water only

**This Extension of Time request is being processed in accordance
with Oregon Administrative Rule Chapter 690, Division 320.**

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #S-53082, water right Application #S-74443. A copy of Permit #S-53082 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1999, to October 1, 2008; and
- grant the extension for complete application of water from October 1, 2000, to October 1, 2009.

AUTHORITY

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

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

OAR 690-320-0010(6) provides in pertinent part that the Water Resources Department may extend the time limits to complete construction or to apply the water to a beneficial use upon showing of good cause for the untimely completion.

FINDINGS OF FACT

Background

1. Permit #S-53082 was granted by the Water Resources Department on February 12, 1997. The permit authorizes the appropriation of 3.0 af of stored water only from an unnamed reservoir constructed under Permit #R-12148, a tributary of Coquille River for cranberry operations on 2.0 acres. It specified that completion

of construction was to be accomplished by October 1, 1999, and that application of water was to be made on or before October 1, 2000.

2. On September 29, 1999, the Department received a complete extension of time application requesting the time in which to complete construction of the project be extended from October 1, 1999, to October 1, 2003, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #S-53082 be extended from October 1, 2000, to October 1, 2004. This is the first extension of time request for Permit #S-53082.
3. On June 25, 2004, the Department received a written request from the permit holder to add five additional years to the extension request, resulting in the date for completion of construction being extended to October 1, 2008, and full beneficial use of water under Permit #S-53082 being extended to October 1, 2009.

Review Criteria [OAR 690-320-0010(6)]

As set forth under OAR 690-320-0010(6), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

4. Delay of full beneficial use of water under Permit #S-53082 was caused, in part, by the U.S. Department of Agriculture imposing a 35 percent reduction of cranberry yields beginning September 1, 2001, in an effort to reduce surplus and to help mend the ailing cranberry market.

Start of Construction [ORS 537.230(1)]

5. Construction of the water system began within the time specified in the permit, being February 12, 1998.

Financial Investment [ORS 539.010(5)]

6. As of September 29, 1999, the permit holder had invested a total of \$15,000 into the project, consisting of construction of two cranberry bogs and the purchase of a pump and irrigation system materials. An additional \$25,000 investment is anticipated for the completion of this project.

¹ ORS 537.248 applies to reservoir permits only.

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

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-320-010(9)].

7. Delay of full beneficial use of water was due to an extended illness of the permit holder and a lack of funds to continue the project as a result of industry-wide price declines in the cranberry market.

The Market and Present Demands for Water *[ORS 539.010(5)]*

8. The permit holder does not hold any other water rights and needs the water under Permit #S-53082 in order to maintain cranberry operations on the 2.0 acres.
9. Permit #S-53082 has a priority date of August 26, 1994, and is junior to instream water rights located on the Coquille River.
10. Permit #S-53082 is conditioned to provide regulation for senior water rights.

Fair Return Upon Investment *[ORS 539.010(5)]*

11. Use and income from the permitted water development will result in reasonable returns upon the investment made in the project to date.

Duration of Extension *[OAR 690-320-0010(7), ORS 539.010(5)]*

As set forth under OAR 690-320-0010(7), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

12. As of September 29, 1999, the remaining work to be completed consists of completion of construction and complete application of water to beneficial use.
13. Unforeseen events extended the length of time needed to fully develop and perfect Permit #S-53082, caused by an extended illness of the permit holder and a lack of funds to continue the project as a result of industry-wide price declines in the cranberry market.
14. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2008, to complete construction and October 1, 2009, to complete the application of water to beneficial use under the terms of Permit #S-53082 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230.
2. The applicant has submitted a complete extension application form and the fee required by ORS 536.050(1)(k).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause for an extension to complete construction and complete application of water to full beneficial use pursuant to ORS 537.230(2).
5. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2008, to complete construction and until October 1, 2009,² to complete the application of water to beneficial use under the terms of Permit #S-53082 is both reasonable and necessary.

Proposed Order


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

Extend the time for complete construction of the water system under Permit #S-53082 from October 1, 1999, to October 1, 2008; and

Extend the time for complete application of water to beneficial use under Permit #S-53082 from October 1, 2000, to October 1, 2009.

² Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

DATED: July 20, 2004



Dwight French
Water Rights Section Manager

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

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8), you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a. Your name, mailing address and telephone number;
 - b. Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action in the proposed final order would impair or be detrimental to your 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 your protest, if known; and
 - f. The \$250 protest fee required under ORS 536.050(1).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **Friday, September 3, 2004.**
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503) 986-0801. Address all other correspondence to:

**Water Rights Section
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503) 986-0901**

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

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her telephone number is (503)986-0824.

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

EXTENSION REVIEW CHECKLIST for PFO... per Div. 320 Rules

Application #: 5 - 74443 / Permit #: 5 - 53082

Permittee's Name: Shamrock Acres

55965 Portland Rd.

Permittee's Mailing Address: Route 2, Box 1285, Bandon, OR 97411

POD Location: Township 28 S Range 14 W Section 20 $\frac{1}{4}$ $\frac{1}{4}$ SE NW

Drainage Basin: 17 - South Coast County: Coos Watermaster District #: 19

1. Has the applicant submitted the appropriate fee? Yes / No
***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
2. Has the applicant completely filled out the Extension Application form? Yes / No
***If "No".... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
3. Date Permit was issued: 2-12-97 Priority Date: 8-26-94
4. Source: An Unnamed Reservoir constructed under Permit R-12148,
A tributary of Coquille River.
5. Use: Cranberry Operations on 2.0 acres
6. "Q": 3.0 Acre-Foot of stored water only
7. Orig "A" Date: 2-12-98 Orig "B" Date: 10-1-99 Orig "C" Date: 10-1-2000
8. Conditions of Permit: Before Water Use Begins → shall install a meter
9. Extension request received: 9-29-99 Request Number (...1st 2nd, 3rd): 1st
10. Last Authorized "B" Date: 10-1-99 Last Authorized "C" Date: 10-1-2000
11. Proposed "B" Date: 10-1-2008 Proposed C Date: 10-1-2009

• See letter 6-25-04

___12. Amount Invested to date: 15,000 ⁰⁰ Estimated Total Cost: 40,000 ⁰⁰
(***Estimated Remaining Cost: 25,000 ⁰⁰)

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

"A" date met — see form A 1-5-98
Meter OK no water used

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

- construction of two cranberry bogs
- purchase of pump

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

- complete construction of water system
- install flow meter

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

- Ailing Cranberry market
- Illness - cancer

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

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

- Instream Certificate # 59863 = date of priority = November 3, 1983

___19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

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

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

___20. Conditions to be included in the Extension of Time PFO (if applicable)? Yes / No
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☐ 5-Year Progress report Checkpoints

☐ Other: _____

___21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

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

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

☒ **COBU Requirement - Surface Water - post July 9, 1987**

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

☐ **COBU Requirement - Ground Water - post July 9, 1987**

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

NOTES:

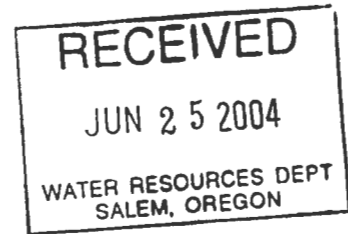
Extension "PFO" Dates

Checklist Last Revised: 3/11/2004

Mailing / Issuance Date: _____ WRD Project Manager: 

Protest Deadline Date: _____ Date: 7/9/04

June 23, 2004



Water Resources Department
Commerce Building
158 12th St NE
Salem, OR 97310-0210

Referenc: File R 74442, 74443 Permits: R 12148, S53082

ATTN: Ken Wilcke

Sorry for the delay in responding to your telephone call.

Due to the poor price of cranberries, we had to temporarily suspend work on this project, because of lack of funds. Presently, the market looks good and our cash flow is improving, so we are resuming construction. Based on the above request five years extension of time.

Thank You.

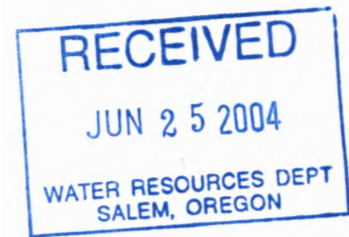
Paul R Kent
Paul Kent
Shamrock Acres
55965 Portland Rd
Bandon, OR 97411
541-347-3184

Add 5 years to proposed B and C dates per LJJ.

A handwritten signature in blue ink, appearing to read "Paul R. Kent".

June 23, 2004

Water Resources Department
Commerce Building
158 12th St NE
Salem, OR 97310-0210



Referenc: File R 74442, 74443 Permits: R 12148, S53082

ATTN: Ken Wilcke

Sorry for the delay in responding to your telephone call.

Due to the poor price of cranberries, we had to temporarily *suspend* work on this project, because of lack of funds. Presently, the market looks good and our cash flow is improving, so we are resuming construction. Based on the above request five years extension of time.

Thank You.

Paul R Kent
Paul Kent
Shamrock Acres
55965 Portland Rd
Bandon, OR 97411
541-347-3184

Paul O Alene Kent
55965 Portland Rd
Bandon, OR 97411



Water Resources Department
Commerce Building
158 12th St NE
Salem, OR 97310-0210

ATTN: Ken Wilcke

97301+4172



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT #

33503

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

INVOICE #

74443

RECEIVED FROM: Paul R. Kent
BY: _____

APPLICATION	<u>S-53082</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ✓ 96-455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

\$

0219

\$

0218 WELL DRILL CONSTRUCTOR

0220

\$

LANDOWNER'S PERMIT

0240 OTHER (IDENTIFY) EXT. OF TIME \$100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

0210 MONITORING WELLS

\$

OTHER (IDENTIFY)

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT #

33503

DATED: 10-1-99

BY: Roger Wright

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **33503**

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

INVOICE # _____

RECEIVED FROM: Paul R. Kent
BY: _____

APPLICATION	5-53082
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

0240 OTHER (IDENTIFY) EXT. OF TIME \$100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT #

33503

DATED: 12-1-99

BY: Royce Wright

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

RECEIVED
SEP 29 1999
WATER RESOURCES DEPT.
SALEM, OREGON

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

I, Shamrock Acres
NAME

Route 2, Box 1285 Bandon Oregon 97411 (541) 347 - 3184
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. S74443, Permit No. S53082, do hereby request that the time in which to:

☐ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1999, be extended to October 1, 2003,

and/or the time in which to:

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2000, be extended to October 1, 2004.

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

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

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

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

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

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

Project not completed sufficiently to affect permit conditions.

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

Permit conditions assume use of water is occurring, or is about to occur. Before water is applied to beneficial use, all permit conditions will have been met.

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

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

Moved 1,000 yards of material - the two bogs are well formed and ready for installation of the irrigation system, peat, sand and plants.

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

Moved up to 3,000 yards of material to create area for cranberry bogs.
Have pump and material to pump water from reservoir - when completed.

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated): Water has not yet been applied to acreage.

4-Cost of project to date \$15,000 . Estimated remaining cost to complete the project \$25,000 .

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

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

N/A

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

Cash flow and/or financing is described under 6,6A & 6B.

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

N/A

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. My work was affected this year because of cancer treatments that started in

April and continued for 13 weeks.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. The raising of cranberries is contingent upon obtaining a contract from
Ocean Spray (purchaser of the berries).

A) Has there been any change in this market since the permit was issued? _____
Yes - the price declined 48% between 1997 and 1998 and is expected to drop an
additional 5 - 10% this year. This drop in our price has been caused by an excess
of fruit on a national scale. This has affected my cash flow. In addition, Ocean
Spray will wait 2 - 3 years before taking on new acreage.

B) Have these changes, if any, affected the economic feasibility of your project? _____
In the short term - yes. This market condition is expected to last 3 - 6 years.
When the market improves, this project is most feasible.

7-Are there other present competing demands for water in your community? _____
Yes, however, not on Simpson Creek. All the users on this creek have developed
Ground Water or Storage.

A) Has there been any change in these demands for water since the permit was issued? _____
Not to my knowledge.

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands? _____
On my property, I can only develop storage.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent
changes in use of water in your community? _____
There should be none. My storage is being developed off channel to minimize
surface water impacts.

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

Yes - with minimal recovery of the market.

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

No.

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

Paul R Kent
Signature

Sep 26th 1999
Date

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

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

Paul & Alene Kent

347-3184

Rt. 2, Box 1285

Bandon, OR 97411



Water Right Permit Extensions
Water Resources
158 12th ST NE
Salem, OR 97310

97310+0700





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 7, 1999

SHAMROCK ACRES
ROUTE 2, BOX 1285
BANDON, OR 97411

REFERENCE: File R 74442, 74443

Dear Mr. Kent:

I apologize for the confusion on our part about the extension fees. The checks got separated from the files and I thought we had not received them. We have the fees and will process your requests in the near future.

Enclosed are receipts for the \$200 you submitted. If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 19



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **33503**

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

INVOICE # _____

RECEIVED FROM: Dwight R. Kent
BY: _____

APPLICATION	S-5308
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96-455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

0417 WATER RIGHTS ADJUSTMENT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

PCA AND OBJECT CLASS

0462 MISCELLANEOUS

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

*PLA #6011
Ref #33525*

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$	0206	\$

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

EXAM FEE
\$
EXAM FEE
\$

RECORD FEE

LICENSE FEE

0240 OTHER (IDENTIFY) E.V.T. OF TIME \$100.00

0437 WELL CONST. START FEE

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

1302 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

LIC NUMBER

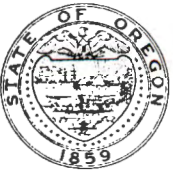
0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$

HRDRO APPLICATION

RECEIPT # **33503**

DATED: 12-1-99 BY: Royce Wright

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



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 5, 1999

SHAMROCK ACRES
ROUTE 2, BOX 1285
BANDON, OR 97411

REFERENCE: Files R 74442, 74443

Dear Applicants:

Regarding your request for an extension of time for permits R 12148, and 53082, before we can process the extension we must receive the required \$100 fee for each permit.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 19



Application S-74443

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-74443 /

WATERMASTER # 19: John Drolet

REGIONAL MANAGER: Al Cook

ODF&W - Curry County: Reese Bender, ODFW, P.O. Box 5430; Charleston, OR 97420

CWRE (if agent): Stuntzner Engineering; P.O. Box 118; Coos Bay, OR 97420

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; KEN STAHR

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

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

Ellen Warring
Kalmiopsis Audobon Society

PO Box 1265 - Port Orford, OR 97465

Ron Yockim
P.O. Box 218
Roseburg, OR 97470

~~PAUL R. BENT~~
~~RT. 2 Box 1285~~
~~BARBON OR 97411~~

STUNTZNER ENG.
705 S. 4th
Coos Bay OR 97420

CASEWORKER : BW

Water Rights Application Map

Portions of the NW1/4

RECEIVED

AUG 23 1994

Section 20 Township 28S Range 14W W.M. SALEM, OREGON

18 17
9 20

NOTE:

The P.O.D. and Waterline is entirely located on property owned by the applicant.

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.

P.O.B.

N.1/4 COR.
SEC. 20

NW1/4 NW1/4

NE1/4 NW1/4

(.5 AC.)
(.5 AC. - PERMIT 34497)

R-3
PERMIT #5489

1.13 AC.

SW1/4 NW1/4

(1.73 AC.)
(1.6 AC. - PERMIT 34497)

RES.-1
6.55 AC.FT.

SW1/4 NE1/4

12 1 AC.
13 1 AC.

15HP PUMP
4" PIPE
P.O.D.

7 1/2 HP PUMP

SIMPSON CREEK

SE1/4 NW1/4
(10.82 TOTAL)

(BOGS 3-9 : 7.6 AC. - PERMIT 34497)
(BOGS 10&11 : 1.22 AC. - PERMIT 69717)
(1.0 AC. NEW BOG 12)
(1.0 AC. NEW BOG 13)

LEGEND:

— DITCH OR CONTROL CANAL
--- WATER LINES



POINT OF DIVERSION SOUTH 2100', WEST 250 FROM N 1/4 COR SEC 20 PER PERMIT #R-5489, #3449, #31757, #2503.

NEW (BOGS) TO USE STORED WATER FROM RESERVOIRS AND SIMPSON CREEK PER PERMIT #34497, #31757, #25032 AND PERMIT R-5489, R-69716 AND ATTACHED RESERVOIR APPLICATION (1-B)



BOGS TO USE STORED WATER FROM RESERVOIRS AND SIMPSON CREEK PER ATTACHED RESERVOIR APPLICATION #R-5489, #R-69716 AND PERMIT #34497, #31757, #25032, #69717.



OLD RESERVOIRS PER PERMIT R-5489, R-69716. (R.1, R.2, R.3)

NEW RESERVOIR PER ATTACHED APPLICATION (R1-B)

Application No. 74443

Permit No. 53082

Stuntzner Engineering & Forestry

705 So. 4th Street
P.O. Box 118

Coos Bay, Oregon 97420

Phone (503) 267-2872

Fax (503) 267-0588

A-# 74443

RECEIVED

JAN - 9 1997

**WATER RESOURCES DEPT.
SALEM, OREGON**

January 7, 1997

Adam Sussman Program Analyst
Oregon Water Resources Department
150 12th Avenue, N.E.
Salem, Oregon 97310

Re: R-74442 & S-74443

Dear Mr. Sussman:

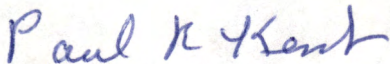
Although, I still have some concern regarding the language used in citing the source of water in "DRAFT PERMIT TO STORE PUBLIC WATERS" Application file number R-74442. I can live with it, providing it will have no bearing on future water-right applications I may file.

Request both Draft Permits where it reads: "COUNTY OF CURRY" be amended to read: "COUNTY OF COOS." Also on the Draft Permit to Store Public Waters where it reads: "PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-74442" be corrected to read S-74443.

Enclosed is my check to cover the permit recording fees: Check number 17299, in the amount of \$110.00, dated January 7th, 1997.

I want thank you for your cooperation and patience in this matter.

Sincerely,



Paul R Kent
Rt 2, Box 1285
Bandon, OR 97411
541-347-3184

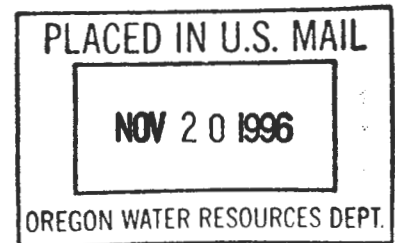
Paul & Alene Kent
347-3184
Rt. 2, Box 1285
Bandon, OR 97411



Oregon Water Resources Dept.
158 12th Avenue, N.E.
Salem, Oregon 97310
ATTN: Adam Sussman



Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number S-74443

Final Order

Application History

On August 26, 1994, SHAMROCK ACRES submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 25, 1996. The protest period closed August 9, 1996; the applicant protested the Proposed Final Order on August 7, 1996, but did not request a contested case hearing. On October 21, 1996, the applicant withdrew the protest and amended the application to remove Simpson Creek as a source.

The Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the location of use, and to remove Simpson Creek as a source. Since the proposed use has been amended to stored water only, the conditions requiring installation of a totalizing flow meter, fish screening and bypass facilities, and a condition prohibiting construction of in-channel obstructions shall be removed.

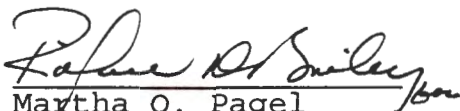
The proposed use, as conditioned, would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application S-74443 shall be approved as modified above and as conditioned in the attached draft permit.

Permit recording fees are required in the amount of \$100.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-74443.

DATED October 29, 1996


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

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SHAMROCK
ROUTE 2, BOX 1285
BANDON, OREGON 97411

(541) 347-3184

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74443

SOURCE OF WATER: AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-74442, PERMIT R-_____, A TRIBUTARY OF COQUILLE RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 2.0 ACRES

MAXIMUM VOLUME ALLOWED: 3.0 ACRE-FEET OF STORED WATER

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: AUGUST 26, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 20, T28S, R14W, W.M.; 2100 FEET SOUTH & 250 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 2.0 ACRES
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

SEE NEXT PAGE

Measurement, recording and reporting conditions:

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

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

{DATE}

Martha O. Pagel, Director
Water Resources Department

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **9364**

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

INVOICE # _____

RECEIVED FROM: Paul R. Kent
BY: _____

APPLICATION	74443
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 96455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 110.5

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

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

WATER RIGHTS:

0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$

OTHER (IDENTIFY)

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

0202
0204
0206

RECORD FEE

\$ 100.00

LICENSE FEE

\$
\$
\$

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$
0210	MONITORING WELLS	\$

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
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0467 HYDRO ACTIVITY

LIC NUMBER

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

RECEIPT # **9364**

DATED: 1-9-97 BY: D. Bushnell

Date: Mon, 16 Dec 1996 15:33:59 -0800 (PST)
X-Sender: frenchdw@mailhub.wrd.state.or.us
To: Darlene.P.CASTLE@wrд.state.or.us
From: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
Subject: tracking #38

>Date: Mon, 16 Dec 1996 16:30:27
>To: John Drolet
>From: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
>Subject: application 74443
>
>John,
>
>This is in response to your note to me received here in Salem on 11/26/96
regarding Shamrock Acres. (reminder: 3AF of water for 2 acres of bogs)
>
>You asked if we could "have the applicant complete and sign the standard
form acknowledging that water allowed may be inadequate?"
>
>Although we can not (at this point) require the applicant to do anything
else since we've issued a final order, we could (or you could) send these
folks a letter warning them of what appears to be a problem and maybe even
some thoughts on how to fix the situation.
>
>Let me know what you think.
>
>Dwight
>
>

=====
Dwight French
Water Right Section Manager
Oregon Water Resources Department
1 800 624 3199 ext. 268
=====

WORKING

RECEIVED

PROTEST TO PROPOSED FINAL ORDER

AUG - 7 1996

Application No. S-74443

COPY

Applicant's Name: Shamrock Acres

WATER RESOURCES DEPT.
SALEM, OREGON

Protestant's name: Shamrock Acres
(Paul and Rosetta Kent)

Address: Route 2, Box 1285
Bandon, Oregon 97411

Phone: (541) 347 - 3184

Interest in the Proposed Final Order:

Paul and Rosetta Kent own and operate Shamrock Acres..

How the Proposed Final Order will impair or be detrimental to our interest:

④

As written, the Proposed Final Order does not allow any natural flow of Simpson Creek to be used past March 31 each year. This may impair our ability to raise the 2.0 acres of cranberries.

Describe how the Proposed Final Order is deficient or in error, and how to correct it:

The Proposed Final Order (PFO) is in error because of the following reasons:

① OK

1. The location of the two acres is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 28 South, Range 14 West, W.M. The PFO describes the acreage as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20.

FIX

② OK

2. The PFO for my reservoir application (file no. R-74442) correctly indicates that the permittee may be required to install a meter. The PFO for S-74443 requires a meter be installed prior to use under the proposed permit. It also requires that a totalizing flow meter be installed at each diversion point.

ADD
WORDING
FROM
SIMPSON
CRK #

The way the wording is stated, I would be required to install a meter in the reservoir. It is understood that meters are being required on all applications utilizing over 0.10 cubic feet/second (cfs) at the raw water source. I do not believe it necessary to install a meter in the reservoir which also receives return flow from my fields. This water need not be measured for distribution as it does not affect the flow of Simpson Creek.

③

3. The reservoir does not lie within the channel of Simpson Creek. I do not have a structure in Simpson Creek which impedes the movement of fish, therefore, I should not be required to install and maintain a fishway.

The language for this condition should read: "If necessary, the permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish."

REMOVE 2ND SENTENCE FROM
SCREENS 9

4. 4.

My use of water from Simpson Creek could be reduced from the 0.33 cfs originally requested. I could use water on the following schedule:

Through March each year: 0.30 cfs
April through October each year: 0.05 cfs

RECEIVED

AUG - 7 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Cite any legal authority that supports your protest: None cited.

Comment:

The Prosper Sub District of the Bandon Cranberry Water Control District has an impoundment below my diversion. It is my understanding that Stephanie Burchfield, Biologist from the Oregon Department of Fish and Wildlife in Portland, has indicated that fish passage will not be necessary on their reservoir. If this is the case, there should be minimum restrictions on my diversion.

If the quantities on my application are lowered, a totalizing flow meter should not be required for the use under this application as the quantity of water will be well below the 0.10 cfs threshold.

Contested Case Hearing:

I desire to discuss this with a representative from the Department to resolve these issues. If these items cannot be resolved, as applicant a contested case hearing is requested.

Paul Kent

Shamrock Acres
by Paul Kent

NO CLUE WHERE THE
".1 CFS THRESHOLD" COMES
FROM

TRIAGE
REQUIRES
TOTALIZING
FLOW
METERS
ANY HOW

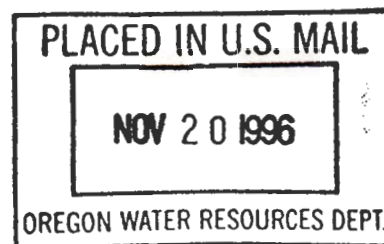
TO: Dwight French
FM: J.P. Drolet

11-23-76

✓ file 12/3/96
12/17/96

Oregon Water Resources Department
Water Rights Division

38



Water Rights Application
Number S-74443

RECEIVED

NOV 26 1996

Final Order

Application History

WATER RESOURCES DEPT.
SALEM, OREGON

On August 26, 1994, SHAMROCK ACRES submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 25, 1996. The protest period closed August 9, 1996; the applicant protested the Proposed Final Order on August 7, 1996, but did not request a contested case hearing. On October 21, 1996, the applicant withdrew the protest and amended the application to remove Simpson Creek as a source.

The Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the location of use, and to remove Simpson Creek as a source. Since the proposed use has been amended to stored water only, the conditions requiring installation of a totalizing flow meter, fish screening and bypass facilities, and a condition prohibiting construction of in-channel obstructions shall be removed.

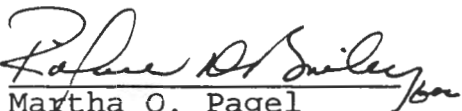
The proposed use, as conditioned, would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application S-74443 shall be approved as modified above and as conditioned in the attached draft permit.

Permit recording fees are required in the amount of \$100.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-74443.

DATED October 29, 1996


Martha O. Pagel
Director

S-74443 (2AC)
R-74442 (3AF)

Dwight,

I AM concerned that the quantity of water allowed (NO surface water flow AND 3AF of stored water only) is INADEQUATE for the 2AC of bogs applied for.

CAN we have the applicant complete & sign the standard form acknowledging that water allowed MAY be INADEQUATE?

JPD

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.

September 16, 1996

SHAMROCK ACRES
ROUTE 2, BOX 1285
BANDON, OREGON 97411

Dear Paul and Rosetta Kent:

REFERENCE: File S-74443

The purpose of this letter is to address and resolve the issues raised in the protest received in the office of the Water Resources Department on August 7, 1996, so that a contested case hearing will not be necessary. The issues are listed in the order they appear in the protest and have been numbered for ease of reference.

1) The location of the 2.0 acres has been changed from the SE 1/4 NW 1/4 to the SW 1/4 NE 1/4, to more accurately reflect the actual location of use as described by the application and accompanying map.

2) The condition pertaining to totalizing flow meters has been changed in the attached draft permit as follows, to limit the requirement to Simpson Creek diversions only:

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point from Simpson Creek. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

3) There are two conditions in the attached draft permit pertaining to obstructions to fish. The first condition has to do with screening of the diversion on Simpson Creek. The second condition specifically refers to obstructions in the channel of Simpson Creek. I believe that the conditions as modified below address your concerns.

I) The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The required screens are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.



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

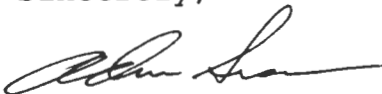
II) The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Simpson Creek without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

4) The limited season and the requirement for totalizing flow meters is a result of an interagency team review of this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. The interagency team recommended the limited season and the metering requirement be imposed on this application. The limitation and condition will remain whether the rate of use is reduced to 0.3 CFS through March or not. The Department finds that the use of live flow from Simpson Creek after March 31 is not in the public interest.

If you find the above listed modifications and attached Draft Permit are agreeable, please submit, in writing, a withdrawal of your protest and request for hearing within 2 weeks. Once the withdrawal of your protest is received I will forward a final order and permit, consistent with the changes described above, to the Director for approval. If your protest and request for hearing are not withdrawn within the time period, your protest will be forwarded to the Department Administrative Law Judge for scheduling of a contested case hearing.

Feel free to call me at (503) 378-8455 ext. 262 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Adam Sussman
Program Analyst, Water Rights Section

cc:
enclosures:

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SHAMROCK

ROUTE 2, BOX 1285

BANDON, OREGON 97411

(541)347-3184

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74443

SOURCE OF WATER: SIMPSON CREEK AND AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-74442

TRIBUTARIES OF: COQUILLE RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 2.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.3 CUBIC FOOT PER SECOND (CFS) OF LIVE FLOW AND 3.0 ACRE-FEET (AF) OF STORED WATER

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 31 FROM LIVE FLOW AND YEAR ROUND FROM STORED WATER

DATE OF PRIORITY: AUGUST 26, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 20, TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.; 2100 FEET SOUTH & 250 FEET WEST FROM NORTH 1/4 CORNER, SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 2.0 ACRES

SECTION 20

TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

Application S-74443 Water Resources Department

PERMIT DRAFT

Measurement, recording and reporting conditions:

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

~~Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point from Simpson Creek. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.~~

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The required screens are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

~~The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Simpson Creek without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.~~

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the 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

FO CHECKLIST

PFO TO FO CONVERSION

FILE # 5-74443
WEEK # 48

REVIEW DATE: 10/29/96
INITIALS: CE

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
Protest resolved
2. ✓ List names and addresses of ALL commentors (regardless of comment date) on the PFO CC list.
3. need \$100.00 Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees
(2) Issue FO w/o permit if fees are lacking
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / ~~N~~ Has ODFW asked for self certification on screening condition?
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?
8. 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 COMMENTS
LARRY CORY JERRY DOUG

9. Y / N Is further processing possible? If not state reason: _____
10. ✓ Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

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

Once FO document is completed:

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

M. JOHN YOUNGQUIST
WATER RESOURCES CONSULTANT

827 SE MOSHER
ROSEBURG, OREGON 97470
PHONE/FAX: (541) 672-5692

RECEIVED

OCT 21 1996

WATER RESOURCES DEPT.
SALEM, OREGON

PROJECT MANAGEMENT

PERMITS/LICENSING

RESEARCH

PLANNING

October 15, 1996

Adam Sussman, Program Analyst
Oregon Water Resources Department
158 12th Avenue, N.E.
Salem, Oregon 97310

Re: File No. S-74443
In the Name of Shamrock Acres

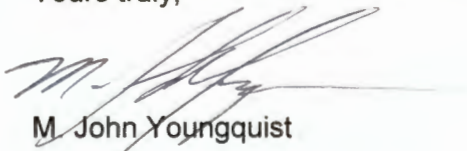
Dear Mr. Sussman:

In response to your letter of October 8, 1996, Mr. Kent, owner of Shamrock Acres, would like to conditionally withdraw his protest to the Proposed Final Order on the above referenced application if the following changes may be made. Mr. Kent will accept the proposed language relating to use of water from the reservoir or holding pond.

There is no benefit to use any water from Simpson Creek given the period of use this application is limited to. The conditions for the limited use from Simpson Creek are not acceptable, therefore, the use of water from Simpson Creek should be deleted from the application.

I had occasion to discuss this application with Mr. Kent on Monday, October 14, 1996 and we appreciate your efforts in resolving this matter.

Yours truly,



M. John Youngquist

cc: Shamrock Acres
c/o Paul and Rosetta Kent
Route 2, Box 1285
Bandon, Oregon 97411

October 8, 1996

SHAMROCK ACRES
ROUTE 2, BOX 1285
BANDON, OREGON 97411

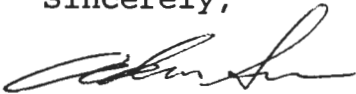
Dear Paul and Rosetta Kent:

REFERENCE: File S-74443

On September 16, 1996, a letter was sent to you from this office regarding the file referenced above. The letter requested a response from you within 2 weeks. I have not received any correspondence from you as of the date of this letter. Please respond within the next week so that the Department can continue the processing of your application.

Thank you for your prompt attention to this matter. Feel free to call me at (503) 378-8455 ext. 262 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

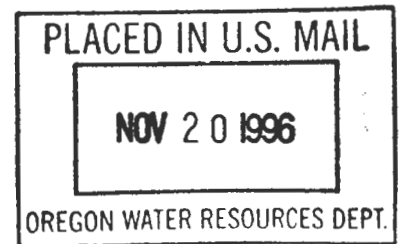


Adam Sussman
Program Analyst, Water Rights Section



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

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number S-74443

Final Order

Application History

On August 26, 1994, SHAMROCK ACRES submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 25, 1996. The protest period closed August 9, 1996; the applicant protested the Proposed Final Order on August 7, 1996, but did not request a contested case hearing. On October 21, 1996, the applicant withdrew the protest and amended the application to remove Simpson Creek as a source.

The Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the location of use, and to remove Simpson Creek as a source. Since the proposed use has been amended to stored water only, the conditions requiring installation of a totalizing flow meter, fish screening and bypass facilities, and a condition prohibiting construction of in-channel obstructions shall be removed.

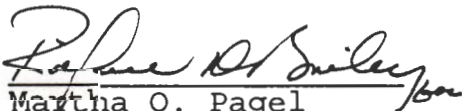
The proposed use, as conditioned, would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application S-74443 shall be approved as modified above and as conditioned in the attached draft permit.

Permit recording fees are required in the amount of \$100.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-74443.

DATED October 29, 1996


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

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SHAMROCK

ROUTE 2, BOX 1285

BANDON, OREGON 97411

(541) 347-3184

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74443

SOURCE OF WATER: AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-74442, PERMIT R-_____, A TRIBUTARY OF COQUILLE RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 2.0 ACRES

MAXIMUM VOLUME ALLOWED: 3.0 ACRE-FEET OF STORED WATER

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: AUGUST 26, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 20, T28S, R14W, W.M.; 2100 FEET SOUTH & 250 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 2.0 ACRES

SECTION 20

TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

SEE NEXT PAGE

Measurement, recording and reporting conditions:

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

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

{DATE}

Martha O. Pagel, Director
Water Resources Department

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SHAMROCK

ROUTE 2, BOX 1285

BANDON, OREGON 97411

(541) 347-3184

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74443

SOURCE OF WATER: SIMPSON CREEK AND AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-74442

TRIBUTARIES OF: COQUILLE RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 2.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.3 CUBIC FOOT PER SECOND (CFS) OF LIVE FLOW AND 3.0 ACRE-FEET (AF) OF STORED WATER

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 31 ^{FROM} ~~FOR~~ LIVE FLOW AND YEAR ROUND ~~FOR~~ STORED WATER _{FROM}

DATE OF PRIORITY: AUGUST 26, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 20, TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.; 2100 FEET SOUTH & 250 FEET WEST FROM NORTH 1/4 CORNER, SECTION 20

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

Application S-74443 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW NE
~~SE~~ 1/4 ~~NW~~ 1/4 2.0 ACRES
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. *FROM SIMPSON CREEK*

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. ~~The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish.~~ The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

Measurement recording and reporting conditions:

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

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 United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

The permittee shall not construct, operate or maintain any dam or artificial obstruction greater than 12 inches in height in the channel of the subject stream.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permittee may be required in the future to install, maintain, and operate fish screening devices to prevent fish from entering the proposed diversion.

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

SHAMROCK ACRES
ROUTE 2, BOX 1285
BANDON, OREGON 97411

(541) 347-3184

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-74442

SOURCE OF WATER: SIMPSON CREEK

TRIBUTARY OF: COQUILLE RIVER

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-74442 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 3.0 ACRE-FEET ONCE EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: AUGUST 26, 1994

The area submerged by the reservoir, when full, will be 0.3 acre and the maximum depth of water will be 12.0 feet.

DAM LOCATION: SE 1/4 NW 1/4, SECTION 20, TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.; 2100 FEET SOUTH & 250 FEET WEST FROM NORTH 1/4 CORNER, SECTION 20

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

SE 1/4 NW 1/4
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number S-74443

Proposed Final Order

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

Application History

On August 26, 1994, SHAMROCK ACRES submitted an application to the Department for the following water use permit:

- Amount of Water: 0.3 CUBIC FOOT PER SECOND (CFS) AND 3.0 ACRE-
FEET (AF)
- Use of Water: CRANBERRY OPERATIONS ON 2.0 ACRES
- Source of Water: SIMPSON CREEK AND AN UNNAMED RESERVOIR, TO BE
CONSTRUCTED UNDER APPLICATION R-74442, TRIBUTARIES OF COQUILLE
RIVER
- Area of Proposed Use: Curry County within SECTION 20, TOWNSHIP
28 SOUTH, RANGE 14 WEST, W.M.
- Water Delivery System: The applicant proposes to divert water
using a 7-1/2 horsepower pump on Simpson Creek that is
connected to the reservoir via 300 feet of four inch diameter
pipe. The water is distributed to the new bogs via four inch
diameter pipe and three inch diameter pipe. The new bogs will
be approximately 200 feet northeast of the reservoir. The bogs
will be irrigated by a total of fifty 14V Rainbird sprinklers
on a 35'x35' spacing. Three inch diameter pipe will be used for
the lateral lines in the bogs.

On AUGUST 2, 1995, the Department mailed the applicant notice of its Initial Review, determining that the USE OF 0.3 CFS FROM SIMPSON CREEK IS AVAILABLE NOVEMBER 1 THROUGH JULY 31. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On AUGUST 22, 1995, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, written comments were received from the Oregon Department of Fish and Wildlife (8/30/95).

On June 12, 1996, Stuntzner Engineering (acting on behalf of the applicant) sent a letter clarifying the proposed amount of water to be appropriated. The applicant is applying for 3.0 af of stored water from an Unnamed Reservoir (to be constructed under application R-74442) and 0.33 cfs of live flow from Simpson Creek; both are for cranberry operations.

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

Based on continued evaluation, the Department finds the determinations of the Initial Review require modification to clarify the proposed source and amount of water to be appropriated, further restrict the period of allowed use, and incorporate additional conditions set by an interagency team to protect the resource.

The South Coast Basin Program allows the following uses: CRANBERRY OPERATIONS

Senior water rights exist on SIMPSON CREEK AND AN UNNAMED RESERVOIR, TRIBUTARIES OF COQUILLE RIVER or on downstream waters.

SIMPSON CREEK AND AN UNNAMED RESERVOIR, TRIBUTARIES OF COQUILLE RIVER is not within or above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) for the period NOVEMBER 1 THROUGH JULY 31.

The Department finds that no more than 0.3 CFS FROM SIMPSON CREEK AND 3.0 AF FROM AN UNNAMED RESERVOIR would be necessary for the proposed use. The amount of water requested, 0.3 CFS FROM SIMPSON CREEK AND 3.0 AF FROM AN UNNAMED RESERVOIR is allowable.

An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The period of use has been limited to DECEMBER 1 THROUGH MARCH 31 FOR LIVE FLOW AND YEAR ROUND FOR STORED WATER.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

Conclusions of Law

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

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

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

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

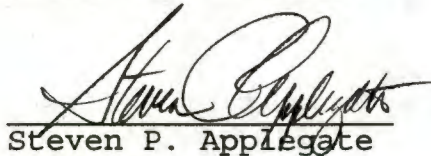
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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

Recommendation

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

DATED June 25, 1996



Steven P. Applegate
Administrator
Water Rights Division

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 **August 9, 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!!!

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SHAMROCK

ROUTE 2, BOX 1285

(541)347-3184

BANDON, OREGON 97411

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74443

SOURCE OF WATER: SIMPSON CREEK AND AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-74442

TRIBUTARIES OF: COQUILLE RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 2.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.3 CUBIC FOOT PER SECOND (CFS) OF LIVE FLOW AND 3.0 ACRE-FEET (AF) OF STORED WATER

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 31 FOR LIVE FLOW AND YEAR ROUND FOR STORED WATER

DATE OF PRIORITY: AUGUST 26, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 20, TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.; 2100 FEET SOUTH & 250 FEET WEST FROM NORTH 1/4 CORNER, SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4 2.0 ACRES
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

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

Before water use may begin under this permit, a totalizing flow meter 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 install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the 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

Application S-74443 Water Resources Department
Basin 17 Volume 3 Simpson Creek & Misc.
BW MGMT.CODE

PERMIT DRAFT
District 19

PROTEST TO PROPOSED FINAL ORDER

Application No. S-74443

Applicant's Name: Shamrock Acres

Protestant's name: Shamrock Acres
(Paul and Rosetta Kent)

Address: Route 2, Box 1285
Bandon, Oregon 97411

Phone: (541) 347 - 3184

Interest in the Proposed Final Order:

Paul and Rosetta Kent own and operate Shamrock Acres..

How the Proposed Final Order will impair or be detrimental to our interest:

As written, the Proposed Final Order does not allow any natural flow of Simpson Creek to be used past March 31 each year. This may impair our ability to raise the 2.0 acres of cranberries.

Describe how the Proposed Final Order is deficient or in error, and how to correct it:

The Proposed Final Order (PFO) is in error because of the following reasons:

1. The location of the two acres is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 28 South, Range 14 West, W.M. The PFO describes the acreage as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20.
2. The PFO for my reservoir application (file no. R-74442) correctly indicates that the permittee may be required to install a meter. The PFO for S-74443 requires a meter be installed prior to use under the proposed permit. It also requires that a totalizing flow meter be installed at each diversion point.

The way the wording is stated, I would be required to install a meter in the reservoir. It is understood that meters are being required on all applications utilizing over 0.10 cubic feet/second (cfs) at the raw water source. I do not believe it necessary to install a meter in the reservoir which also receives return flow from my fields. This water need not be measured for distribution as it does not affect the flow of Simpson Creek.

3. The reservoir does not lie within the channel of Simpson Creek. I do not have a structure in Simpson Creek which impedes the movement of fish, therefore, I should not be required to install and maintain a fishway.

The language for this condition should read: "If necessary, the permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish."

4. My use of water from Simpson Creek could be reduced from the 0.33 cfs originally requested. I could use water on the following schedule:

Through March each year:	0.30 cfs
April through October each year:	0.05 cfs

Cite any legal authority that supports your protest: None cited.

Comment:

The Prosper Sub District of the Bandon Cranberry Water Control District has an impoundment below my diversion. It is my understanding that Stephanie Burchfield, Biologist from the Oregon Department of Fish and Wildlife in Portland, has indicated that fish passage will not be necessary on their reservoir. If this is the case, there should be minimum restrictions on my diversion.

If the quantities on my application are lowered, a totalizing flow meter should not be required for the use under this application as the quantity of water will be well below the 0.10 cfs threshold.

Contested Case Hearing:

I desire to discuss this with a representative from the Department to resolve these issues. If these items cannot be resolved, as applicant a contested case hearing is requested.

Paul Kent

Shamrock Acres
by Paul Kent

RECEIVED

AUG - 7 1996

WATER RESOURCES DEPT.
SALEM, OREGON

PROTEST TO PROPOSED FINAL ORDER

Application No. S-74443

Applicant's Name: Shamrock Acres

Protestant's name: Shamrock Acres
(Paul and Rosetta Kent)

Address: Route 2, Box 1285
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Phone: (541) 347 - 3184

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AUG - 7 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Cite any legal authority that supports your protest: None cited.

Comment:

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If the quantities on my application are lowered, a totalizing flow meter should not be required for the use under this application as the quantity of water will be well below the 0.10 cfs threshold.

Contested Case Hearing:

I desire to discuss this with a representative from the Department to resolve these issues. If these items cannot be resolved, as applicant a contested case hearing is requested.

Paul Kent

Shamrock Acres
by Paul Kent

July 18, 1996

Oregon Water Resources Department
Water Rights Division

Reference: R-74442 and S-74443

Request copies of the comments made by John Drolet, District
19 Watermaster, (8/21/95) and ODF&W (8/30/95) and (9/27/95)
on the reference applications.

Thanks!

Done
7/19/96
BW

Paul R Kent
Shamrock Acres
Rt 2, Box 1285
Hendon, OR 97411
541-347-3184

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. ^{\$2000 reading fee due!} 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. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow ~~or~~ 50% storage after July 17, 1992)☒ 11. Rate cranberry operations Duty _____ Irrigation Season _____☒ 12. Period of Allowed Use live flow ~ year round
December 1 ~ March 31☐ 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: Barnadette Date: 6/17/97 BW

Fish District: Coos/Coquille

WAB # _____

Application # 5-74443Applicant Name Shamrock Acres

Date: March 27, 1996

AREA

☐ Source Watershed☐ Senior instream water right application to junior out-of-stream application☐ No water availability information

INFORMATION/CONDITIONS

1. Are there water quality concerns related to salmon/steelhead/trout? Y (N)Should the application be denied? Y NShould the application be restricted? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

2. Are there adequate flows to protect salmon/steelhead/trout? Y (N)Should the application be denied? Y (N)Should the application be restricted? Y (N) N~~Based on water availability~~

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec
			X			NO	LIVE	FLOW				X	

3. Domestic Local knowledge indicates that water is not available to support BOTH the requested use and the instream habitat.
 Should domestic use be conditioned to human consumption? Y N ☐ Based on water availability

4. Fish Screening and Passage

- X A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).
X B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).
X C. No dam or obstruction without a fishway.
M screening may be required

5. Miscellaneous

- A. Reservoir Filling _____
— B. Water Quality Permits _____
— C. Return Flow _____
— D. Time Limited Water Right _____
— E. Other _____

6. Measurement and Reporting

- A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)
— B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)
— C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)
X T. Totalizing

FINDINGS

☐ Permit is proposed for denial prior to interagency team review for fishery concerns.☐ Deny permit due to fishery concerns, except for

- A. Domestic (which may be limited to human consumption, see above)
— B. Livestock
— C. Unless water is from storage

☐ Do not condition further due to fishery concerns.X Condition permit due to fishery concerns listed above.

Stuntzner**Engineering****& Forestry, LLC**TELEPHONE (541) 267-2872
FAX (541) 267-0588705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY • BROOKINGS • WILSONVILLE

RECEIVED

JUN 14 1996

WATER RESOURCES DEPT.
SALEM, OREGON

MEMORANDUM

TO: Bernidett WilliamsDATE: June 12, 1996FROM: Dennis GoudeRE: R-74442 / S-74443**Bernidett:**

As per our conversation on June 10, 1996, Mr. Kent of Shamrock Acres is applying for 3Acre/Feet for storage and .33 CFS live flow from Simpson Creek for cranberry usage.

The center of the new portion of the reservoir is approximately 1650 feet south and 100 feet west of the N 1/4 corner of Sec. 20, Township 28 South, Range 14 West, W.M. If you have any other questions, please call.

Sincerely,

Dennis Goude

RECEIVED

AUG 26 1994

Water Resources Dept.
Salem, Oregon

Application for a Permit to Appropriate Surface Water

(Please print or type - use dark ink)

BANDON

OR

97411

347-3184

City

State

Zip

Daytime Phone No. _____

C a b e r r y l, e

RECEIVED

AUG 26 1994

WATER RES. C.
SALEM, OREGON

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

The P.O.D. (a ^{7 1/2} ~~15~~ HP pump) is located on Simpson Creek and is connected to reservoir #1 through 300 feet of 4 inch diameter pipe. The water is distributed to the new bogs via 4 inch diameter pipe and 3 diameter inch pipe. The new bogs will be approximately 200 feet Northeast of the reservoir. The bogs will be irrigated by a total of fifty 14V Rainbird sprinklers on a 35' X 35' spacing. 3" diameter pipe will be used for the lateral lines in the bogs.

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

Proposed date construction work will begin SEPTEMBER 1994

Proposed date construction work will be completed SEPTEMBER 1995

Proposed date water use will be completed SEPTEMBER 1996

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

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

RECEIVED

AUG 26 1994

WATER RESOURCES DIVISION
SALEM, OREGON

REMARKS:

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

x Paul R Kent
Signature of Applicant

8/17/94
Date

x Rosetta A Kent
Signature of Co Applicant, if any

8-17-94
Date

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 26th day of August, 1994, at 8:00 o'clock, A M.

APPLICATION NO: 74443

PERMIT NO: _____

Water Rights Application Map

Portions of the NW1/4

RECEIVED

AUG 26 1994

Section 20 Township 28S Range 14W W.M.

WATER RESOURCES DIVISION
SALEM, OREGON

NOTE:

The P.O.D. and Waterline is entirely located on property owned by the applicant.

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.

P.O.B.

N.1/4 COR.
SEC. 20

Scale 1" = 400 Feet

NW1/4 NW1/4

(.5 AC.)
(.5 AC. - PERMIT 34497)

NE1/4 NW1/4

SW1/4 NE1/4

R-3
PERMIT #5489

1.13 AC.

SW1/4 NW1/4

(1.73 AC.)
(1.6 AC. - PERMIT 34497)

R-2
RES.-1
6.55 AC.FT.

.30

12
13
1 AC.
1 AC.

15HP PUMP
4" PIPE
P.O.D.

8" PVC
6" PVC

SIMPSON CREEK

SE1/4 NW1/4
(10.82 TOTAL)

(BOGS 3-9 : 7.6 AC. - PERMIT 34497)
(BOGS 10&11 : 1.22 AC. - PERMIT 69717)
(1.0 AC. NEW BOG 12)
(1.0 AC. NEW BOG 13)

LEGEND:

--- DITCH OR CONTROL CANAL

--- WATER LINES



POINT OF DIVERSION SOUTH 2100', WEST 250 FROM N 1/4 COR SEC 20 PER PERMIT #R-5489, #3449, #31757, #2503.



NEW (BOGS) TO USE STORED WATER FROM RESERVOIRS AND SIMPSON CREEK PER PERMIT #34497, #31757, #25032 AND PERMIT R-5489, R-69716 AND ATTACHED RESERVOIR APPLICATION (1-B)



BOGS TO USE STORED WATER FROM RESERVOIRS AND SIMPSON CREEK PER ATTACHED RESERVOIR APPLICATION #R-5489, #R-69716 AND PERMIT #34497, #31757, #25032, #69717.



OLD RESERVOIRS PER PERMIT R-5489, R-69716. (R.1, R.2, R.3)

NEW RESERVOIR PER ATTACHED APPLICATION (R1-R)

Application No. _____

Permit No. _____

Stuntzner Engineering & Forestry

705 So. 4th Street
P.O. Box 118
Coos Bay, Oregon 97420

Phone (503) 267-2872
Fax (503) 267-0588

A# 74443

August 2, 1995

Shamrock Acres
Rt. 2 Box 1285
Bandon, Oregon 97411

Reference: File S74443

Dear Shamrock Acres:

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for Agriculture is allowed under OAR 516, the South Coast Basin Program.
4. The use of 0.3 cubic foot per second is available November 1 through July 31.

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

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



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

S74443

August 2, 1995

Page 2

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by August 16, 1995. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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


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

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

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday, Water Rights

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

INITIAL REVIEW CHECKLIST

APPLICATION # S 74443
WAB # 160

☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
☒ BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

☒ BASIN PLAN
☒ LEGISLATIVE WITHDRAWAL
☒ RULES
☐ SCENIC WATERWAY
☐ OTHER _____

☒ WATER AVAILABILITY HAS BEEN CHECKED
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE
AFTER JULY 17, 1992

☒ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER
AVAILABILITY SHEETS

☒ USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN
THE FILE

DIVISION 33 HAS BEEN ADDRESSED...

☒ SEASON FOR DIRECT FLOW
☐ WATER QUALITY PARAGRAPH
☐ EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)

☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP SHOWING
THE CONFLICT HAS BEEN ATTACHED

☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER

☒ SPELL CHECK HAS BEEN COMPLETED

☒ WATERMASTER # 19

☒ REGIONAL MANAGER (NW, SW, NC, SC, E)

☐ LETTER WAS SAVED FROM M:\T\IRWORK95 TO M:\T\IRSENT95

NAME D. R.
DATE 8-1-95

✓
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.

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.

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). 161123440

✓(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 07013123

WATER AVAILABILITY TABLE

Basin: SOUTH COAST

Exceedance Level: 80

Water Availability Subbasin: 1600000000000000 (and Nested Subbasins)

Time: 12:32

Date: 08/01/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	1600000000000000	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES

STREAM NAMES

Basin: SOUTH COAST

Water Availability Subbasin: 1600000000000000 (and Nested Subbasins)

Time: 12:32

Date: 08/01/1995

WAB #	Stream Name	Tributary to
1600000000000000	COQUILLE R	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 1600000000000000

Basin: SOUTH COAST

Exceedance Level: 80

Time: 12:32

Date: 08/01/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	1600000000000000	COQUILLE R	YES	1800.0
2	1600000000000000	COQUILLE R	YES	2530.0
3	1600000000000000	COQUILLE R	YES	2280.0
4	1600000000000000	COQUILLE R	YES	1160.0
5	1600000000000000	COQUILLE R	YES	362.0
6	1600000000000000	COQUILLE R	YES	93.9
7	1600000000000000	COQUILLE R	YES	6.8
8	1600000000000000	COQUILLE R	NO	-55.9
9	1600000000000000	COQUILLE R	NO	-36.8
10	1600000000000000	COQUILLE R	NO	-301.0
11	1600000000000000	COQUILLE R	YES	119.0
12	1600000000000000	COQUILLE R	YES	1510.0
Stor	1600000000000000	COQUILLE R	YES	1490000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: COQUILLE R

> PACIFIC OCEAN

Water Availability Subbasin: 1600000000000000

Exceedance Level: 80

Time: 12:32

Date: 08/01/1995

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	2180.00	20.00	2160.00	3.42	2160.00	360.00	1800.00
2	2890.00	20.00	2870.00	3.61	2870.00	340.00	2530.00
3	2630.00	10.00	2620.00	3.30	2620.00	340.00	2280.00
4	1520.00	20.00	1500.00	2.58	1500.00	340.00	1160.00
5	731.00	26.00	705.00	2.92	702.00	340.00	362.00
6	350.00	52.00	298.00	4.06	293.90	200.00	93.90
7	156.00	73.20	82.80	4.97	77.83	71.00	6.83
8	79.80	62.10	17.70	2.57	15.10	71.00	-55.90
9	71.10	34.80	36.30	2.13	34.20	71.00	-36.80
10	95.20	15.50	79.70	0.37	79.00	380.00	-301.00
11	515.00	14.00	501.00	2.23	499.00	380.00	119.00
12	1890.00	20.00	1870.00	2.68	1870.00	360.00	1510.00
Stor	1700000	22000	1680000	2090	1670000	195000	1490000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: COQUILLE R

> PACIFIC OCEAN

Water Availability Subbasin: 1600000000000000

Time: 12:32

Date: 08/01/1995

ISWRs								RESULTANT	
APP # :	384A	0	0	0	0	0	0		
STATUS:	Cert.								
1	360.0	0.0	0.0	0.0	0.0	0.0	0.0	360.0	C
2	340.0	0.0	0.0	0.0	0.0	0.0	0.0	340.0	C
3	340.0	0.0	0.0	0.0	0.0	0.0	0.0	340.0	C
4	340.0	0.0	0.0	0.0	0.0	0.0	0.0	340.0	C
5	340.0	0.0	0.0	0.0	0.0	0.0	0.0	340.0	C
6	200.0	0.0	0.0	0.0	0.0	0.0	0.0	200.0	C
7	71.0	0.0	0.0	0.0	0.0	0.0	0.0	71.0	C
8	71.0	0.0	0.0	0.0	0.0	0.0	0.0	71.0	C
9	71.0	0.0	0.0	0.0	0.0	0.0	0.0	71.0	C
10	380.0	0.0	0.0	0.0	0.0	0.0	0.0	380.0	C
11	380.0	0.0	0.0	0.0	0.0	0.0	0.0	380.0	C
12	360.0	0.0	0.0	0.0	0.0	0.0	0.0	360.0	C

59863 - Exempt Domestic, livestock, and irrig. of 5-acre non-commercial gardens

DUTY OF WATER TO BE USED WHEN ISSUING PERMITS

STREAMS	DUTY	STREAMS	DUTY	STREAMS	DUTY	MISC. DUTIES	
BASIN No. 1		BASIN No. 7		BASIN No. 12		FROST PROTECTION	0.15 cts PER AC.
ALL WATER	1/80 2 1/2	WEST PRONG LITTLE WALLA WALLA RIVER	1/40 3	COFFIE POT CREEK	1/40 2 1/2	HARVESTING OF CRANBERRIES	0.50 cts FOR 10 AC. OF BOGS
BASIN No. 2		UMATILLA RIVER BELOW AND WEST OF PENDLETON	1/40 4 1/2	RATTLE SNAKE CR. AND DANNER UND BLITZEN R.	1/40 3	IRR. OF CRANBERRIES	1/40 3
ALL WATER	1/80 2 1/2	WALLA WALLA RIVER	3/80 -	SILVER CREEK	1/60 3		
BASIN No. 3		BUTTER CREEK	1/50 4	SILVIES RIVER	1/80 2 1/2		
ALL WATER	1/80 2 1/2	PINE AND WILLOW CREEKS	1/60 3	BLACK CANYON, N.L., HOME, ROARING SPRINGS, ROCK, SKULL, AND THREE MILE CREEKS	1/80 3		
BASIN No. 4		TRIBS. OF WALLA WALLA RIVER FOR UPLAND EARLY IRRIGATION	1/80 2 1/2	GROUND WATER	1/80 3		
CHENOWITH, HOLMAN OR THREE MILE, MILL, AND MOSIER CREEKS	1/60 3	DUGGAR CREEK, MUD CREEK AND BRANCHES, AND UMATILLA RIVER ABOVE AND EAST OF PENDLETON	1/80 3	BASIN No. 13		DOMESTIC - L. & G	0.01
FIFTEEN MILE AND NEAL CREEKS AND HOOD RIVER	1/80 3	JOHNSON CREEK	1/80 4	CRANE CR. AND GOOSE LAKE	1/40 2 1/2	1-2 HOUSES	0.02
GROUND WATER	1/80 3	GROUND WATER IN MILTON-FREEWATER GRAVEL AREA	1/40 4 1/2	BACK AND SILVER CREEKS AND HART, SUMMER, AND WARNER LAKES	1/40 3	3-5 HOUSES	0.03
BASIN No. 5		OTHER GROUND WATER	1/80 3	CHEWAWCAN RIVER	1/40 4	DOMESTIC ONLY	0.005
HAY CREEK AND WHITE R.	1/40 3	BASIN No. 8		BRIDGE CREEK	1/80 3	1 HOUSE	0.01
CROOKED AND DESCHUTES RIVERS	1/40 4	GRANDE RONDE RIVER	1/40 3	GROUND WATER	1/80 3	STOCK, UNLESS INFO ON STOCK AND DISTRIBUTION SYSTEM JUSTIFIES MORE	0.005
TRONT CREEK	1/40 6	HURRICANE CREEK AND WALLOWA RIVER AND SOUTH FORK	1/40 3 1/2	BASIN No. 14			
SQUAW CREEK	1/50 4 1/2	IMNANA AND SNAKE RIVERS	1/40 4	WILDHORSE CREEK; TRIBS. TO LOST RIVER; KLAMATH, SPRAGUE, AND WILLIAMSON RIVERS; KLAMATH AND SWAN LAKES	1/40 3		
WILLOW CREEK	1/60 2	MILL CREEK	1/80 3	FOUR AND SEVEN MILE CREEKS AND WOOD R.	1/50 5		
METOLIOUS RIVER	1/60 3	GROUND WATER	1/80 3	LOST RIVER	1/80 2 1/2		
TUMALO CREEK	1/70 2 1/2	BASIN No. 9		ANNA AND CHERRY CR.	1/80 3		
PAULINA LAKE AND CREEK	1/70 4	BURNT RIVER	1/40 3	GROUND WATER	1/80 3		
SNOW AND THREE CREEKS	1/80 2 1/2	POWDER RIVER	1/40 3 1/2	BASIN No. 15			
ANTELOPE CREEK	1/80 3	NORTH POWDER AND SNAKE RIVERS	1/40 4	ROGUE RIVER TRIBS. IF REQUESTED	1/40 4 1/2		
GROUND WATER	1/80 3	PINE CREEK	1/40 4 1/2	ALTHOUSE CREEK AND ILLINOIS RIVER	1/50 3 1/2		
BASIN No. 6		GROUND WATER	1/80 3	LITTLE BUTTE CREEK AND ROGUE RIVER	1/80 4 1/2		
CHERRY CREEK	1/40 3	BASIN No. 10		GROUND WATER	1/80 2 1/2		
BRIDGE CREEK, SOUTH FORK JOHN DAY RIVER, AND TRIBS. JOHN DAY R.	1/40 4	WILLOW CREEK AND MALHEUR RIVER	1/40 3	BASIN No. 16			
JOHN DAY RIVER, NORTH FORK, AND MIDDLE FORK	1/40 5	SNAKE RIVER	1/40 4	COW CREEK	1/70 3 1/2		
COCHRAN (CUPPER) CREEK	1/50 4	COTTONWOOD CREEK	1/80 3	OTHER STREAMS	1/80 2 1/2		
GABLE CREEK	1/80 4	GROUND WATER	1/80 3	GROUND WATER	1/80 2 1/2		
GROUND WATER	1/80 3	BASIN No. 11		BASINS No. 17 & 18			
		SNAKE RIVER	1/40 4	ALL	1/70 2 1/2		
		WILDHORSE CREEK	1/60 2 1/2				
		JORDAN CR. AND DUYHEE R.	1/60 4				
		GROUND WATER	1/80 3				

TOWNSHIP 28 S. RANGE 14 W. W.M. Card No. 1 SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
																4226	2435	1284
(Reservoir - City of Bandon)																501	R-28	9755
																15244	11171	12095
																16149	11966	11592
																16502	12300	CANCELLED
																16519	12316	CANCELLED
																16328	12346	CANCELLED
																17421	13117	14625
																HE Proj. No. 48	Expired	Lics. Issued 5-29-34
																HE Proj. No. 78	Expired	Lics. Issued 9-11-36
																20891	16363	27432
																21551	16941	CANCELLED
																22245	17546	21440

TOWNSHIP 28 S. RANGE 14 W. W.M. Card No. 2 SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
																22319	17598	21898
																22326	17604	CANCELLED
																13309	9550	21841
																31700	25032	31941
																P-33040	R-2238	33047
																32829	26056	35721
																33076	R-2240	28546
																33077	26157	28547
																34672	27232	
																34673	27233	
																Pro Sp. Dr. No. 51		
																38263	28512	36157

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 28 S. RANGE 14 W. W.M. #3 SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																42041	31470	35937
																42459	31757	35820
																I-16	V-11p51	33787
																43461	32507	35821
																43327	32397	36626
																43599	32599	35724
																R-44978	R-5309	39531
																44979	33619	39532
																P-99	C-21715	50469
																45246	34059	51063
																45246	34059	51063
																G-4529	G-4266	50965
																P-99	X-18P-15	50663
																R-46202	R-5496	50663

TOWNSHIP 28 S. RANGE 14 W. W.M. Card No. 4 SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																46203	34520	50664
																46203	34520	50664
																G-4934	G-4668	39939
																46528	34762	56406
																R-46159	R-5489	40758
																46557	34497	40759
																48066	35958	45479
																R-48308	R-5809	50665
																48309	35941	50666
																48309	35941	50666
																46203	34520	29941
																R-51625	R-6050	50962
																51626	37294	50963
																51626	37294	50963
																G-7263	G-6783	50662

TOWNSHIP 28S RANGE 14W W. M. Card No. 5 SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																51614	40581	50667
																48442	42567	56410
																48442	42567	56410
																R-48441	R-6751	56409
																G-5571	67861	56405
																G-5571	67861	56405
																62328	REJECT	
																60812	47352	266779
																R-63974	R-8603	
																63975	47417	2
																G-10801	G-9941	
																cranberry production uses (supplemental)		
																63195	47493	
																cranberry production uses (primary)		
																63195	47493	
																G-10664	G-9986	66778

TOWNSHIP 28S RANGE 14W W. M. Card No. 6 SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																57072	47492	2
																G-11584	G-10542	
																R-68348	R-10587	
																68349	49555	
																69287	REJECT	
																R-69508		
																69509		
																G-11761		
																R-67640	R-11364	
																67641	51204	
																R-69716	R-11342	
																69717	51140	
																G-12390		
																G-13154		

TOWNSHIP 28S RANGE 14W W. M. Card # 7 SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																R-74289		
																G-13770		
																G-13764		
																G-13764		
																R-74442		
																74443		

Complete
7/21/95

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer Initials
S - 74443	7/21/95	MWM

A checkmark (✓) indicates that the item is incomplete or defective.

- 2.0 Ac + .33 cfs
1. Examination fees. \$100 + \$100 = \$200 Needs recording fee.
2. ✓ Name and address of the applicant, and title if applicable.
3. ✓ Source of water.
4. ✓ Use of water.
5. ✓ Amount of water.
6. ✓ Location & description of delivery system.
7. ✓ Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
8. ✓ A statement declaring the existence of written authorization or easement permitting access to lands involved, but not owned by the applicant.
9. ✓ Proposed dates of beginning and completion of construction, and complete application of water.
10. If for **municipal use**, the present population to be served and expected future water requirements.
11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
12. If for a **reservoir**:
- _____ The height of the dam and the storage capacity.
- _____ The area submerged and the maximum depth.
- _____ The construction method (earthfill, concrete, flashboard, etc.).
- _____ A description of the outlet conduit and spillway.
13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
14. If the application was made under HB 2107:
- _____ Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
- _____ A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
- _____ The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
15. ✓ An oath that the application information is true and correct.
16. ✓ The signature of the applicant(s).
17. ✓ A satisfactory map of the proposed POD & POU.
18. ✓ A Land Use Information Form or receipt signed by appropriate planning official.

August 30, 1995

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

RECEIVED

SEP 01 1995

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

CHARLESTON
DISTRICT OFFICE

RE: Water Rights Application #S-74443

From the limited information provided in your Public Notice of Water Right Application Processing dated 8/8/95, there is a high probability that one or more species of game fish are present at the described POD.

Simpson Creek appears to be substantially overappropriated. Under current appropriations this stream becomes intermittent during the late spring and summer months. Appropriation should not be allowed during the May through October period to protect the cutthroat trout population.

ODFW supports the inclusion of a condition requiring screening of the intake. Since the subject diversion is less than 0.5 cfs, ODFW will not request requiring inspection and approval of the fish screening device by ODFW personnel as a condition of the permit. Instead, we request the applicant be given (and required to complete) the enclosed self-certification form to be returned to WRD as proof of compliance. The reverse side of the form contains information that should ease the task of screening the diversion.

ODFW requests the following condition relating to in-channel obstructions also be included as a permit condition:

The permittee shall not construct, operate, or maintain any dam or artificial obstruction greater than 12 inches in height in the channel of the subject stream.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, reading "Reese E. Bender".

Reese E. Bender
Assistant District Fishery Biologist

Enclosure
c: ODFW--HCD



4475 Boat Basin Drive
PO Box 5430
Charleston, OR 97420
(503) 888-5515
FAX (503) 888-6860



OREGON DEPARTMENT OF FISH AND WILDLIFE
HABITAT CONSERVATION DIVISION
2501 SW FIRST P.O. BOX 59 PORTLAND 97207

**Requirements
for Small Pump Screens**

RECEIVED
SEP 01 1995
WATER RESOURCES DEPT.
SALEM, OREGON

In accordance with ORS 469.371, 498.248, and other rules, pump screens must be installed on all pumps where the possibility of game fish ingestion exists. Technical requirements for pump screens of less than 0.5 cfs (225 gpm) are summarized in simplified form below:

1 Screen Construction & Materials:

- 1.1 The minimum amount of wetted (submerged) screen surface area required is 1 square inch of screen for each gallon per minute (gpm) of flow. In terms of cubic feet per second (cfs), 3 square feet of screen area are required for cfs). The screen shall be designed so as to uniformly admit water through it, without a disproportionate amount of the water coming through any localized portion of the screen.
- 1.2 The screen mesh shall have 1/8" maximum size holes or slots, measured in their smallest dimension. There is no restriction on the length of slits or slots.
- 1.3 The screen surface shall have a minimum of 40% open area.
- 1.4 The screen material may be wire mesh, perforated plate, or other suitable material.
- 1.5 Any gaps in the screen assembly through which fish might pass shall not exceed 1/8".
- 1.6 There shall be no sharp edges or surfaces exposed which could injure fish. Sharp edges are herein defined as edges of less than .010 inches radius.
- 1.7 Durable material (plastic, stainless steel, brass, etc) is recommended to ensure continued usefulness and ease of maintenance.

2 Larger Screens: For all other screens (i.e. dams, gravity diversions), and for all pump screens larger than 0.5 cfs, contact the ODFW Fish Passage Program at 229-5410 x466 for further information.

3 Self-Certification: ODFW does not usually inspect small pump screens of less than 225 gpm (0.5 cfs), but simply furnishes the above screening information to the water right applicant.

After required fish screening has been installed, sign the certification below and present this letter to the OREGON WATER RESOURCES DEPARTMENT, 158 12th St, NE, Salem, OR, 97310 as evidence of meeting ODFW screening requirements.

Certification: I certify that my small pumped diversion of less than 225 gallons per minute meets the fish screening criteria stated above, and that I will maintain it to comply with regulatory criteria. I also understand that should fish screening standards change, I may be required to modify my installation to meet applicable standards.

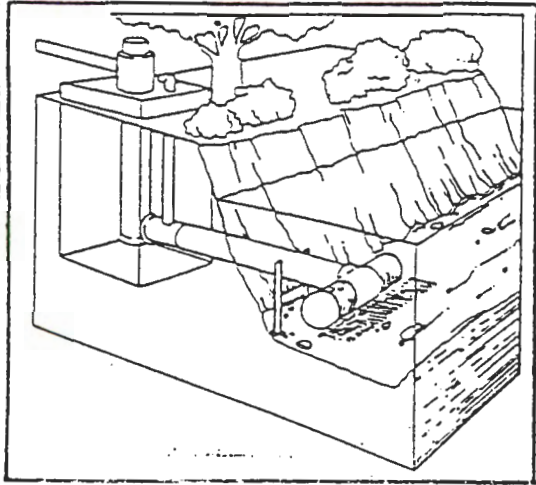
Signature of Applicant

Date

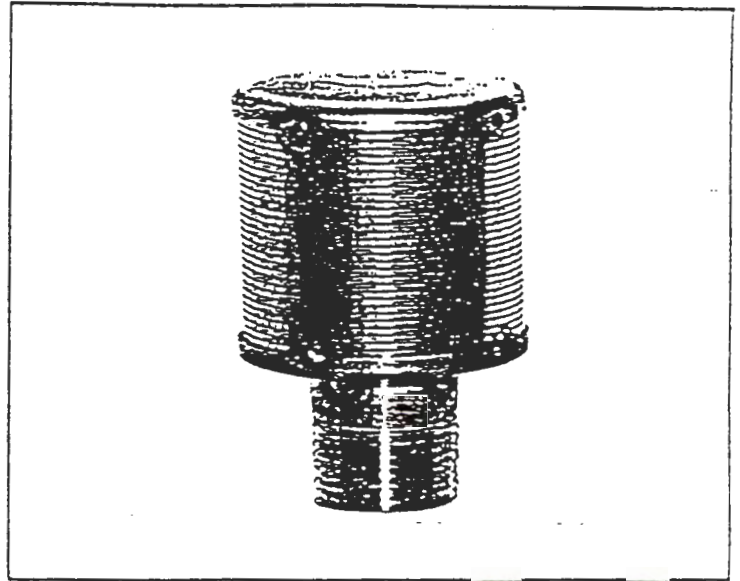
WR Application #

Printed Name, Address, City, State, Zip Code

Revised: October 31, 1994



CYLINDRICAL INTAKE FOR LARGE PUMP



STRAINER FOR SMALL PUMP

SOURCES

Local irrigation supply businesses are usually aware of screen suppliers. ODFW does not endorse any particular manufacturer's product. However the following manufacturers do make pump screening products. Phone them for a local distributor's address and number. Local distributors also usually carry a number of competing products which also may be suitable:

Cook Screen Technologies, Cincinnati, OH 513-771-9192
 Custom Technology, Yakima, WA 509-965-3333
 Johnson Screens, St. Paul, MN 612-636-3900
 Perfection Sprinkler, Ann Arbor, MI 313-761-5110
 Plum Creek Manufacturing, Ainsworth, NE 402-387-0347

September 27, 1994

Steve Brown, Manager
Water Rights Division
Water Resources Department
158 12th Street, Northeast
Salem, Oregon 97310

RECEIVED

SEP 30 1994
WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Re: Response to Technical Evaluation of Water Right Application

File Number: 74443
Source: Simpson Creek and unnamed reservoir
Tributary To: Coquille River
Proposed Flow: 2.0 Acre Feet

Dear Mr. Brown:

The Department has completed its review of the above referenced Technical Review of a water right application. The drainage basin in which this application is located has been identified as water quality limited by the Department. As a result of extensive analysis, Total Maximum Daily Load (TMDL) has been set for this basin. The TMDL are based in part on the estimated low flows, which normally occur during the summer period of May 1st to October 31st of each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exist. On August 5, 1993, the Department submitted application for instream water rights to protect the public's interest to provide pollution abatement flows in the above referenced basin.

No they
did NOT
my
8/17/93

Application 74443 proposes additional out of stream use of water which could reduce available instream flows during the seasonal low flow period, thus, increasing the likelihood of exacerbating identified water quality problems in this drainage basin. The Department does not believe that it is in the public's interest to further reduce the instream flows during the seasonal low flow period in this drainage basin.

If you have questions or wish to further discuss this issue please feel free to contact either Bob Baumgartner (503-229-5877) or Barbara Priest (503-229-5945) of my staff.

Sincerely,



Michael Downs
Administrator
Water Quality Division

MD:bjp:crw
SA\WC12\WC12944.5



811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
TDD (503) 229-6993
DEQ-1



PROPOSED FINAL ORDER REQUEST FORM

Please list below the Application Number of the water use application(s) that interest you and are marked "IR". If you would like a copy of the Proposed Final Order, enclose a check for \$10.00. When the Proposed Final Order is completed, you will be sent a copy.

Application #'s 574079, 574737, 574443, _____, _____

Send to:

REESE BENDER

OREGON FISH AND WILDLIFE
PO BOX 5430
CHARLESTON OR 97420

Return to:

PFO Requests
Proposed Final Order Team
Oregon Water Resources Department
158 12th ST NE
Salem, OR 97310

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SEP 01 1995
WATER RESOURCES DEPT.
SALEM, OREGON

REC-100

MAR - 6 1995

WATER RESOURCES DEPARTMENT
SALEM, OR 97310

March 3, 1995

Oregon Water Resources Department
158 12th ST NE
Salem, OR 97310

REFERENCE: Files R-74289, R-74442 and S-74443

Request a copy of Application (File R74289) for a water use permit, together with all the supporting data and documentation. Please include any and all letters of objection.

Also, I would appreciate a copy of the technical review upon its completion.

Reference files: R-74442 and S-74443. Please send me copies of any and all objections to this application.

Sincerely,

Paul R. Kent

Paul R. Kent
Rt 2, Box 1285
Bandon, OR 97411

RECEIVED

SEP 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s R74440 R74441 R74442 74439 7443 T-7215

Send to:

Kalmiopsis Audubon Society
P.O. Box 1265
Port Orford, OR 97465

to Ellen Warming

Please include specific comments or concerns. Use additional sheets if necessary.

Insufficient flow

Return to:

Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the SEP/ 7/1994 Public Notice.

RECEIVED

SEP 15 1994

WATER RESOURCES DEPT
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s R-74440, R-74441, R-74442, 74439, 74443

Send to:

Ron Yocher
P.O. BOX 218
Roseburg, OR 97470

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:

Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the SEP/ 7/1994 Public Notice.

September 6, 1994

SHAMROCK ACRES
RT 2 BOX 1285
BANDON, OR 97411

REFERENCE: File(s) R-74442,S-74443

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, applications are processed in the order in which they are received. However, Department staff work through Oregon's 18 river basins on a rotation basis often completing work on all applications within a single basin, then proceeding to the next basin.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



REFERENCE: File(s) - R-74442,S-74443

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

Water Rights Application Map

Portions of the NW1/4

RECEIVED

AUG 27 1994

Section 20 Township 28S Range 14W W.M.

17

20

NOTE:

The P.O.D. and Waterline is entirely located on property owned by the applicant.

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.

P.O.B.

N.1/4 COR.
SEC. 20

Scale 1" = 400 Feet

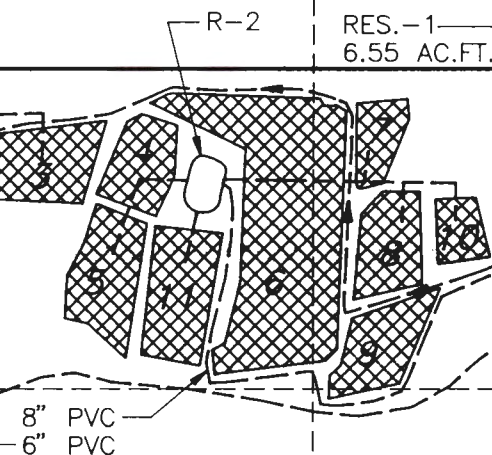
NW1/4 NW1/4
(.5 AC.)
(.5 AC. - PERMIT 34497)

NE1/4 NW1/4

R-3
PERMIT #5489

1.13 AC.

SW1/4 NW1/4
(1.73 AC.)
(1.6 AC. - PERMIT 34497)



SW1/4 NE1/4

1 AC.

1 AC.

15HP PUMP
4" PIPE
P.O.D.

7 1/2 HP PUMP

LEGEND:

--- DITCH OR CONTROL CANAL

--- WATER LINES

▽ POINT OF DIVERSION SOUTH 2100', WEST 250 FROM N 1/4 COR SEC 20 PER PERMIT #R-5489, #3449, #31757, #2503.

NEW (BOGS) TO USE STORED WATER FROM RESERVOIRS AND SIMPSON CREEK PER PERMIT #34497, #31757, #25032 AND PERMIT R-5489, R-69716 AND ATTACHED RESERVOIR APPLICATION (1-B)



BOGS TO USE STORED WATER FROM RESERVOIRS AND SIMPSON CREEK PER ATTACHED RESERVOIR APPLICATION #R-5489, #R-69716 AND PERMIT #34497, #31757, #25032, #69717.

OLD RESERVOIRS PER PERMIT R-5489, R-69716. (R.1, R.2, R.3)

NEW RESERVOIR PER ATTACHED APPLICATION (R1-R)

Application No. _____

Permit No. _____

Stuntzner Engineering & Forestry

705 So. 4th Street
P.O. Box 118
Coos Bay, Oregon 97420

Phone (503) 267-2872
Fax (503) 267-0588

A# 74443

Water Rights Application Map
Portions of the NW1/4

RECEIVED

406 7 1994

Section 20 Township 28S Range 14W W.M.

17

20

NOTE:

The P.O.D. and Waterline is entirely located on property owned by the applicant.

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.

P.O.B.

N.1/4 COR.
SEC. 20

Scale 1" = 400 Feet

NW1/4 NW1/4

(.5 AC.)
(.5 AC. - PERMIT 34497)

NE1/4 NW1/4

R-3
PERMIT #5489

1.13 AC.

SW1/4 NW1/4

(1.73 AC.)
(1.6 AC. - PERMIT 34497)

R-2
RES.-1
6.55 AC.FT.

SW1/4 NE1/4

1 AC.

1 AC.

15HP PUMP

4" PIPE
P.O.D.

7 1/2 HP
PUMP

SIMPSON CREEK

SE1/4 NW1/4
(10.82 TOTAL)

(BOGS 3-9 : 7.6 AC. - PERMIT 34497)
(BOGS 10&11 : 1.22 AC. - PERMIT 69717)
(1.0 AC. NEW BOG 12)
(1.0 AC. NEW BOG 13)

LEGEND:

--- DITCH OR CONTROL CANAL
--- WATER LINES



POINT OF DIVERSION SOUTH 2100', WEST 250 FROM
N 1/4 COR SEC 20 PER PERMIT #R-5489, #3449,
#31757, #2503.

NEW (BOGS) TO USE STORED WATER FROM RESER-
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BOGS TO USE STORED WATER FROM RESERVOIRS
AND SIMPSON CREEK PER ATTACHED RESERVOIR
APPLICATION #R-5489, #R-69716 AND PERMIT
#34497, #31757, #25032, #69717.

OLD RESERVOIRS PER PERMIT R-5489, R-69716.
(R.1, R.2, R.3)

NEW RESERVOIR PER ATTACHED APPLICATION (R1-B)

Application No. _____

Permit No. _____

**Stuntzner Engineering
& Forestry**

705 So. 4th Street

P.O. Box 118

Coos Bay, Oregon 97420

Phone (503) 267-2872

Fax (503) 267-0588

A# 74443

**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in
Addition to Classified Uses**

RECEIVED

AUG 26 1994

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: SHAMROCK ACRES
Address: RT. 2 BOX 1285
City: BANDON State: OR Zip: 97411 Day Phone: 347-3184

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
28-1A ZCA TL 1285	VA-06 F	x	x	x
9639.00				

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Coos

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 planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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): _____ 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: SHAMROCK ACRES / Paul + Rosette Kent

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 cannot provide the above requested land use information while the applicant waits.

City or County: Coos County
Staff Contact: Theda L. Kerns, Planning Tech Phone: 396-3121
Signature: Theda L. Kerns Date of Information Request: 7/27/94 St. 2.10

Application No. 74443
Permit No.

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: _____

Title: _____

Date: _____

Phone: _____

Signature: _____

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.

Additional Comments:

[illegible]

Description of Water Use

RECEIVED

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.

WATER RESOURCES
SALEM, OREGON

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: SHAMROCK ACRES
 Address: RT. 2 BOX 1285
BANDON, OR 97411
 Phone: 347-3184

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 2 ac.
- ☐ 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>Simpson Creek</u>	<u>.33</u> <u>.05</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

RECEIVED

Vol 272 No 696

AUG 26 1994

20051

WATER RESOURCES
SALEM, OREGON

DEED

KNOW ALL MEN BY THESE PRESENTS, That I, ROZETTA ALBANE KENT, formerly Rozetta Alene Biescke, of Coos County, State of Oregon, in consideration of the sum of Ten and No/100 (\$10.00) Dollars, to me paid by PAUL RICHARD KENT, of Coos County, State of Oregon, have bargained and sold, and by these presents do grant, again, sell and convey unto said PAUL RICHARD KENT an undivided one-half interest in all the following bounded and described real property, retaining to myself a like undivided one-half interest therein, situated in the County of Coos and State of Oregon, for the purpose of creating an estate in entirety between myself, the grantor herein, and my husband, the grantee herein:

Lots 35, 36, 53, 54, and 55, Wheeler's Subdivision, of Coos County, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of Coos County, Oregon.

The North Half of the Southwest quarter of the Northeast quarter of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, containing 20 acres of land, more or less.

Together with a water right privilege reserved in that certain deed to Nelson E. Jennings dated June 24, 1916, recorded in the office of the County Clerk of Coos County, Oregon, in Book 73, Deed Records of Coos County, on pages 442 and 443.

(Actual consideration herein less than \$100.00).

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also my estate, right, title and interest, in and to the same.

TO HAVE AND TO HOLD the above described and granted premises unto the said PAUL RICHARD KENT forever.

Application No. 74443
Permit No.

RECEIVED

AUG 26 1994

WATER RESOURCES
SALEM, OREGON

Vol 272 Page 697

IN WITNESS WHEREOF, I the grantor above named hereby do
set my hand and seal this 22nd day of July, 1959.

Rozetta Alene Kent
Rozetta Alene Kent

Executed in the
presence of:

Jean B. James

STATE OF OREGON)
COUNTY OF COOS } ss.

July 22, 1959.

Personally appeared the above named Rozetta Alene Kent, formerly
Rozetta Alene Biescke, and acknowledged the foregoing instrument
to be her voluntary act and deed. Before me:

Jean B. James
Notary Public for Oregon
My Comm. Expires Oct. 7, 1959

(Notarial Seal)



RECORDED JUL 22 1959

155 72
GEORGE W. VANCE, JR., CLERK

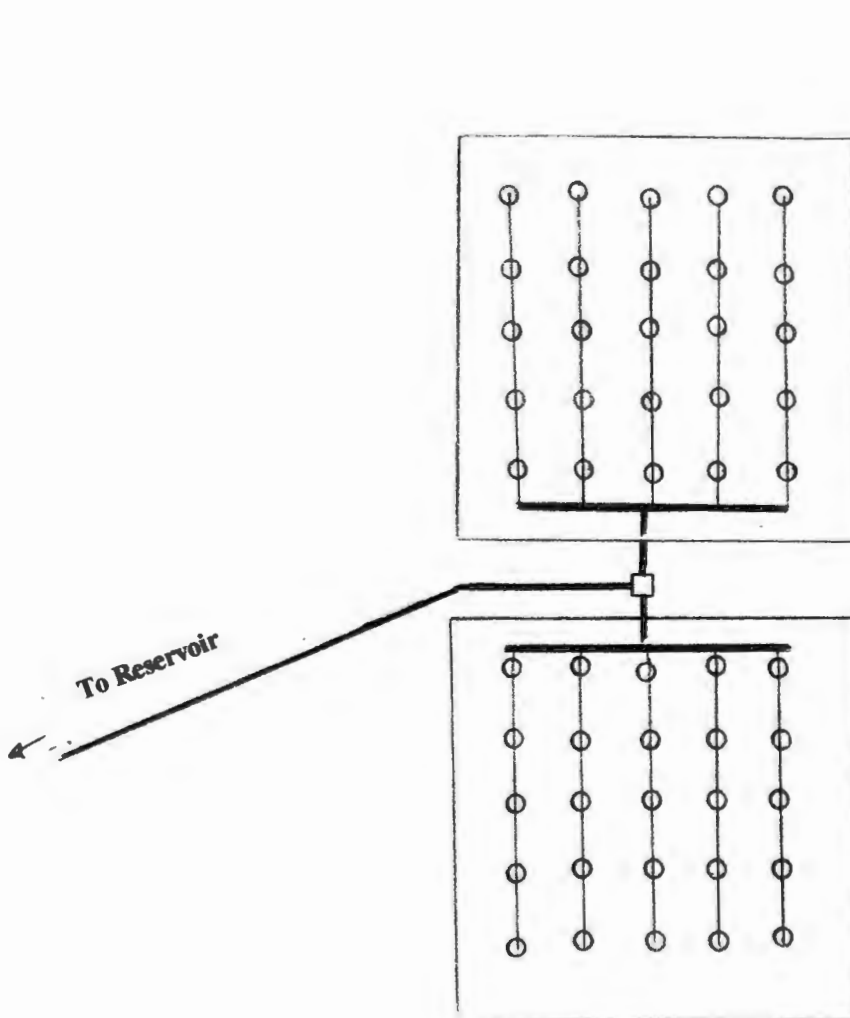
RECEIVED

AUG 26 1994

WATER RESOURCES
SALEM, OREGON

ATTACHMENT "A"

IRRIGATION DIAGRAM
BOGS 12 & 13



1" = 100'

Note: Total amount of pipe \pm .

3" diameter 1600 \pm Feet.

4" diameter 750 \pm Feet.

LEGEND

3" Dia. Laterals

4" Dia. Pipe

4" "T" Gate Valve

14V Rainbird Sprinkler



Application No. 74443
Permit No.

PRE-TR APPLICATION PROCESSING OUTLINE

Application File #

74413

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE INITIAL

8/26/94

CS

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved _____ pending _____ ?

If reservoir < 5 AF \$_____, if > 5 AF ~~\$____~~

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____

Entered into WRIS

SUPPORT SERVICES

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calender card

APPLICATION SECTION

Stream Indexed Basin # 17

Plat Carded and copy made

YES NO

If dam is over 10 feet or storage exceeds 9.2

AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete

YES NO

Within Irrigation District

District Notified

District excerpt received

TR Mailed DATE

Public Interest Checklist complete

Management Codes

REMARKS:

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter
if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before
January 1, 1993 (one or more of the following: dated aerial
photo, NOTARIZED affidavit, dated map from agency, construction
receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before
routing to Data Center, change priority date to 1/1/1993. Also,
confirm the following:

Receipt of evidence that reservoir existed
before January 1, 1993 (one or more of the following: dated
aerial photo, NOTARIZED affidavit, dated map from agency,
construction receipts or other documentation)

**HB 2107 - wetland, stream restoration and storm water
management**

Complete Minimum Requirements to File on reverse EXCEPT DO NOT
ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the
following:

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

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **115964**

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

INVOICE # _____

RECEIVED FROM: Paul R. Kent
BY: _____

APPLICATION	74443
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 940.-

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	\$	842.002	\$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
	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	\$
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07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

RECEIPT # **115964**

DATED: 8-26-94

BY: D. Bushnell

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