

G5

Name
 By
 Address

Date filed
 Priority
 Action suspended until OK Cont

Return to applicant
 Date of approval 10/5/94

CONSTRUCTION

Date for beginning 10/5/95
 Date for completion 10/1/96
 Extended to

Date for application of water 10/1/97
 Extended to

PROSECUTION OF WORK

Form "A" filed 8/21/95
 Form "B" filed 8/21/95
 Form "C" filed

FINAL PROOF
MAR 22 2000

Blank mailed
 Proof received
 Date certificate issued **FEB 22 2001**

Application No. G12685Permit No. G-11826Certificate No. ~~70501~~

Coon
 Stream Index, Page No. 17

17-1560-0030V 3 CRASH LAKE & MISCSuperseded by
Cert No. 30526**FEES PAID**

Date	Amount	Receipt No.
<u>10-4-91</u>	<u>400.00</u>	<u>79475</u>
<u>4-29-05</u>	<u>25.00</u>	<u>74290</u>

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
<u>5/12/05</u>	<u>2500</u>	<u>8912112</u>

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>5-31-00</u>	<u>Brian + Amy Arriola</u>	<u>1365 Nutmeg St. - Coquille</u>	<u>8</u>	<u>704</u>
<u>and</u>	<u>+ Tony + Stephanie Arriola</u>	<u>1490 - Roseburg, OR 97470-0356</u>	<u>"</u>	<u>"</u>
	<u>NW Farm Cr Svcs, FLCA-POB</u>			

REMARKS

119 sent 8/22/95
permit G-11404 should be considered
superseded by G-11826
T-9005 AUSE V 58 p 430
T-14262 Withdrawal V. 131, P. 772

RECEIVED

Form A (690-9-77)

Application No. G-12685

NOTICE OF BEGINNING OF CONSTRUCTION

AUG 21 1995
WATER RESOURCES DEPT
SALEM, OREGON

Harry G. Spencer

the holder of Permit No. G-11826

to appropriate the public waters of the state of Oregon, began the actual construction of the works described

therein on the 15th day of November

1994

Jim Mack, Well driller

Remarks: We had the wells drilled

earlier (see Ralls Reports)

The appropriator must state the manner

We have now completed a

of work completed and the type of equipment
used and buried PVC

mainlines

authorized by your permit.

IN WITNESS WHEREOF

Harry G. Spencer

(Signature of Applicant)

Fill out, detach and mail to the
SP*35567-690

of November, 1994

91 Langlois, OR 97450

construction work is begun.

Marylyn
541-673-3248
G-11826 (Per)
Status of Cert

Mike Williams
date
G-12685

Form B (690-9-77)

NOTICE

Application No. G-12685

AUG 21 1995
WATER RESOURCES DEPT
SALEM, OREGON

I, Harry G. Spencer

Permit No. G-11826

to appropriate the public waters of the state of Oregon, began the construction of the works described

therein on the 15th day of November, 1994

Remarks: We now have bags built, all PVC underground installed,

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

sprinklers in, pumps in. We're ready to water

ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of November, 1994

Harry G. Spencer

(Signature of Applicant)

P.O. Box 291 Langlois, OR 97450

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

OK

RECEIVED

Form A (690-9-77)

Application No. G-12685

NOTICE OF BEGINNING OF CONSTRUCTION

AUG 21 1995
WATER RESOURCES DEPT.
SALEM, OREGON

I, Harry G. Spencer, the holder of Permit No. G-11826
to appropriate the public waters of the state of Oregon, began the actual construction of the works described
herein on the 15th day of November, 1994 Jim Mack, Well driller
Remarks: We had the wells drilled for testing earlier (see Ralls Reports)
We have now completed pump houses at both wells, and buried PVC
mainlines.
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment
acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as
authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of November, 1994
Harry G. Spencer P.O. Box 291 Langlois, OR 97450
(Signature of Applicant) (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.
SP*35567-690

Form B (690-9-77)

Application No. G-12685

NOTICE OF COMPLETION OF CONSTRUCTION

AUG 21 1995
WATER RESOURCES DEPT.
SALEM, OREGON

I, Harry G. Spencer, the holder of Permit No. G-11826
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the 15th day of November, 1994
Remarks: We now have the bogs built, all PVC underground installed,
sprinklers in, pumps in. We're ready to water.
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-
ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of November, 1994
Harry G. Spencer P.O. Box 291 Langlois, OR 97450
(Signature of Applicant) (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.



Oregon

Tina Kotek, Governor

App: G-12685

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

August 14, 2024

Roderick and Linda Fraser
1320 N Manzanita St.
Orange, CA 92867

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-14262

The above referenced transfer application was withdrawn from the record of the Water Resources Department on August 14, 2024, by Special Order Volume 131, Page 772 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Kim French, by telephone at (503) 979-9607 or by e-mail at Kim.r.french@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Right Services Support
Transfers and Conservation Section

cc: Susan M. Douthit, Watermaster Dist. # 15 (via email)
John A. Short, Agent
Coos County, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Water Right Transfer)	FINAL ORDER WITHDRAWING AN
Application T- 14262, Coos County, Oregon)	APPLICATION FOR A WATER RIGHT
)	TRANSFER

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

Applicant

RODERICK AND LINDA FRASER TRUST
1320 N MANZANITA ST
ORANGE, CA 92867

Findings of Fact

1. Transfer Application T-14262, in the name of Roderick and Linda Fraser Trust, was filed on June 7, 2023.
2. On August 1, 2024, the applicant's agent submitted a written request to withdraw Transfer T-14262, on behalf of the applicant.

Conclusions of Law

The Director of the Water Resources Department concludes the Transfer evidenced by number T-14262 has been withdrawn in accordance with the provisions of OAR 690-380-4010.

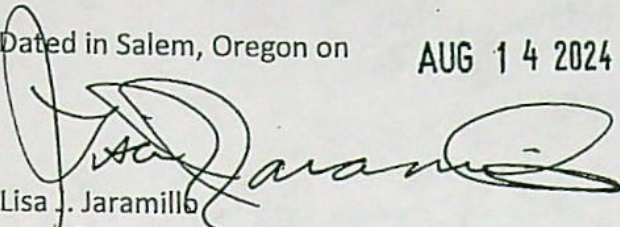
Now, therefore, it is ORDERED:

Transfer T-14262, in the name of Roderick and Linda Fraser Trust is withdrawn and is of no further force or effect.

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

Dated in Salem, Oregon on

AUG 14 2024


Lisa J. Jaramillo

Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: AUG 15 2024



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

August 15, 2024

RODERICK AND LINDA FRASER TRUST
1320 N MANZANITA ST
ORANGE, CA 92867

Reference: Transfer T-14262

Dear Applicant:

The above-mentioned transfer application has been withdrawn. A refund check in the amount of \$486.43 for unearned fees under reimbursement authority is being processed and will be sent separately.

If you have any questions, please contact me at Kim.R.French@water.oregon.gov.

Sincerely,

Kim French
Transfer Specialist

enclosures:

cc: Transfer Application file T-14262
John Short/Bryce Withers

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: August 1, 2024

FROM: Kim R. French

RE: Request for Refund

TRANSFER: T-14262

RECEIPT #: 141285

Please prepare a refund in the amount of \$486.43, made payable to:

RODERICK FRASER
dba FRASER FARMS
1320 N MANZANITA ST
ORANGE, CA 92867

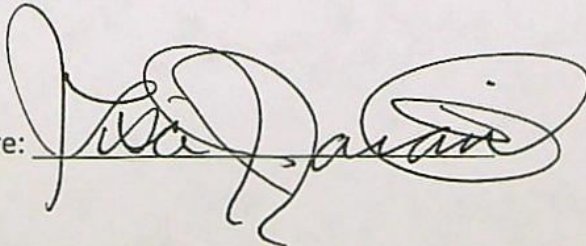
47124
0412

These funds are being paid or refunded as a result of (check one):

- ☒ X Unearned Reimbursement Authority fees (application withdrawn)
- ☐ Excess fees were collected for application
- ☐ Protest filing fees
- ☐ Standing fees
- ☐ Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

8-13-2024

RECEIVED

SEP 30 1997

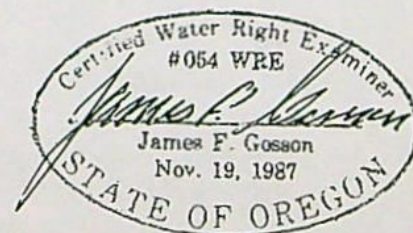
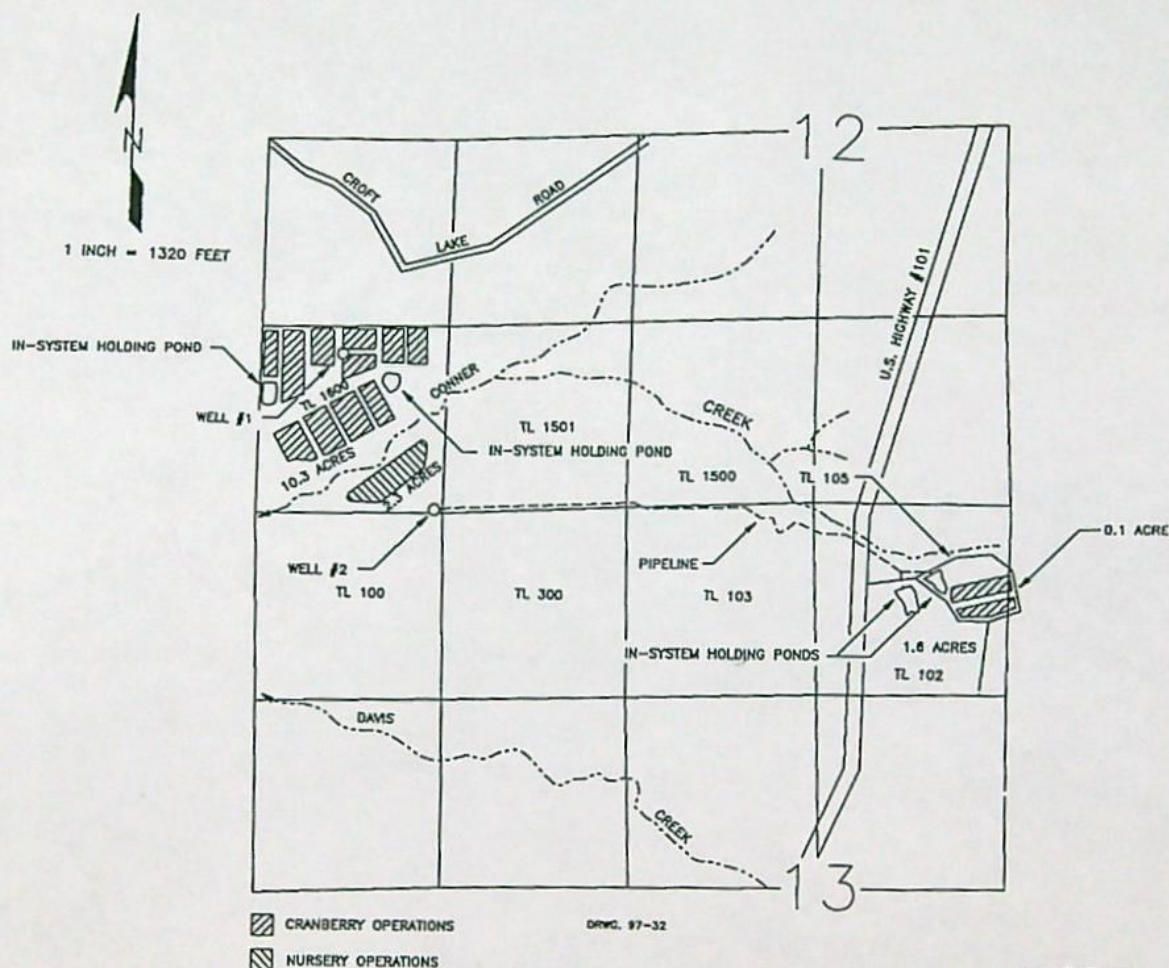
WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF SURVEY MAP IN THE NAME OF HARRY G. SPENCER

SECTIONS 11, 12, & 13, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

APPLICATION G-12685

PERMIT G-11826



WELL # 1 IS LOCATED 1100 FEET NORTH AND 660 FEET WEST; WELL #2 IS LOCATED 5 FEET NORTH AND 20 FEET WEST, BOTH BEING FROM THE SOUTHEAST CORNER OF SECTION 11 AND BOTH BEING WITHIN THE SE1/4 SE1/4 OF SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO PROPERTY OWNERSHIP BOUNDARY LINES.

RECEIVED

SEP 30 1997

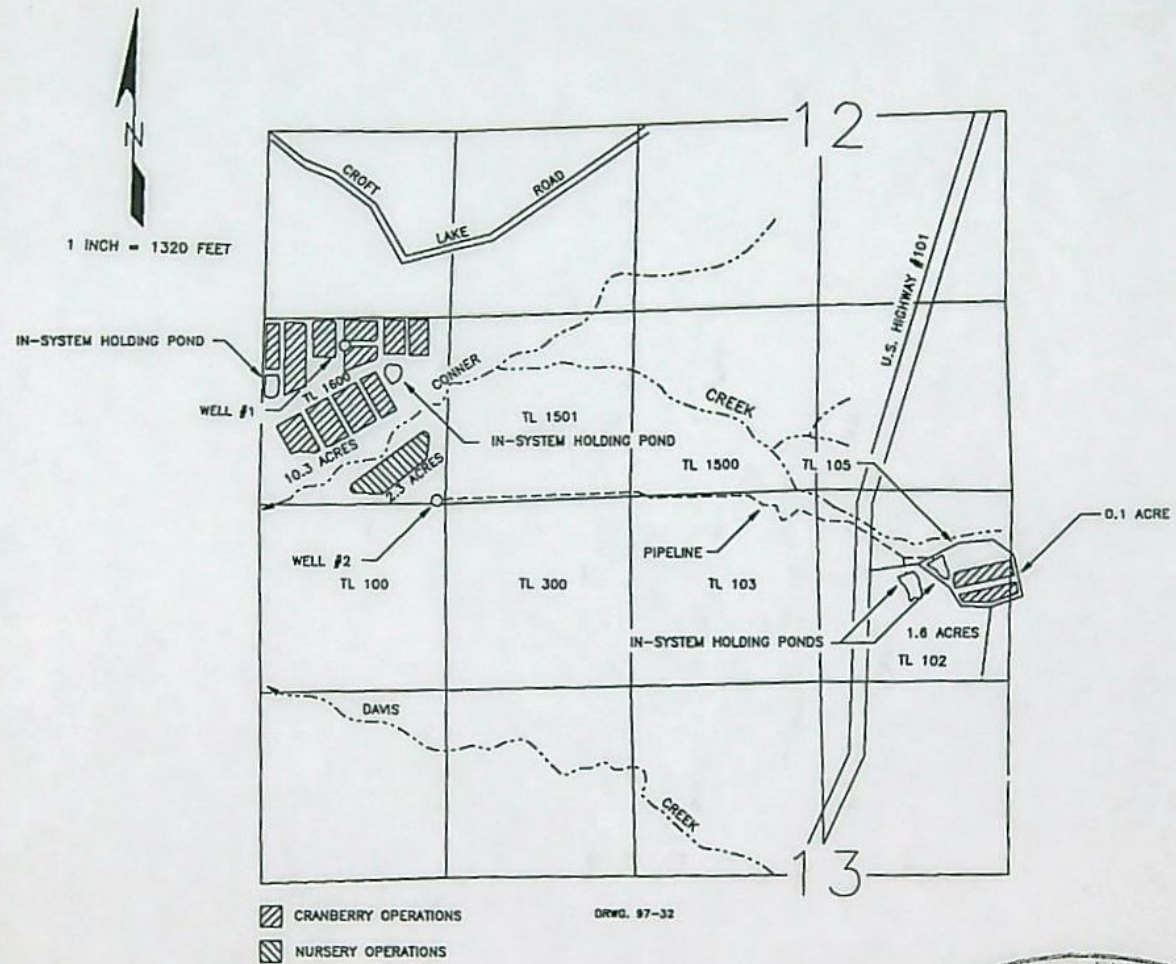
WATER RESOURCES DEPT.
SALEM, OREGON

FINAL PROOF SURVEY MAP IN THE NAME OF HARRY G. SPENCER

SECTIONS 11, 12, & 13, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

APPLICATION G-12685

PERMIT G-11826



Certified Water Right Examiner
#054 WRE
James F. Gosson
James F. Gosson
Nov. 19, 1987
STATE OF OREGON

WELL # 1 IS LOCATED 1100 FEET NORTH AND 660 FEET WEST; WELL #2 IS LOCATED 5 FEET NORTH AND 20 FEET WEST, BOTH BEING FROM THE SOUTHEAST CORNER OF SECTION 11 AND BOTH BEING WITHIN THE SE1/4 SE1/4 OF SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY.

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RECEIVED

SEP 30 1987

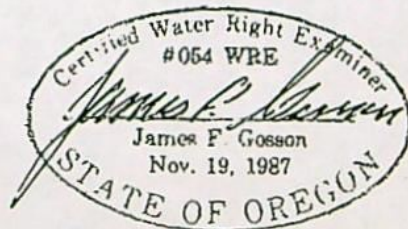
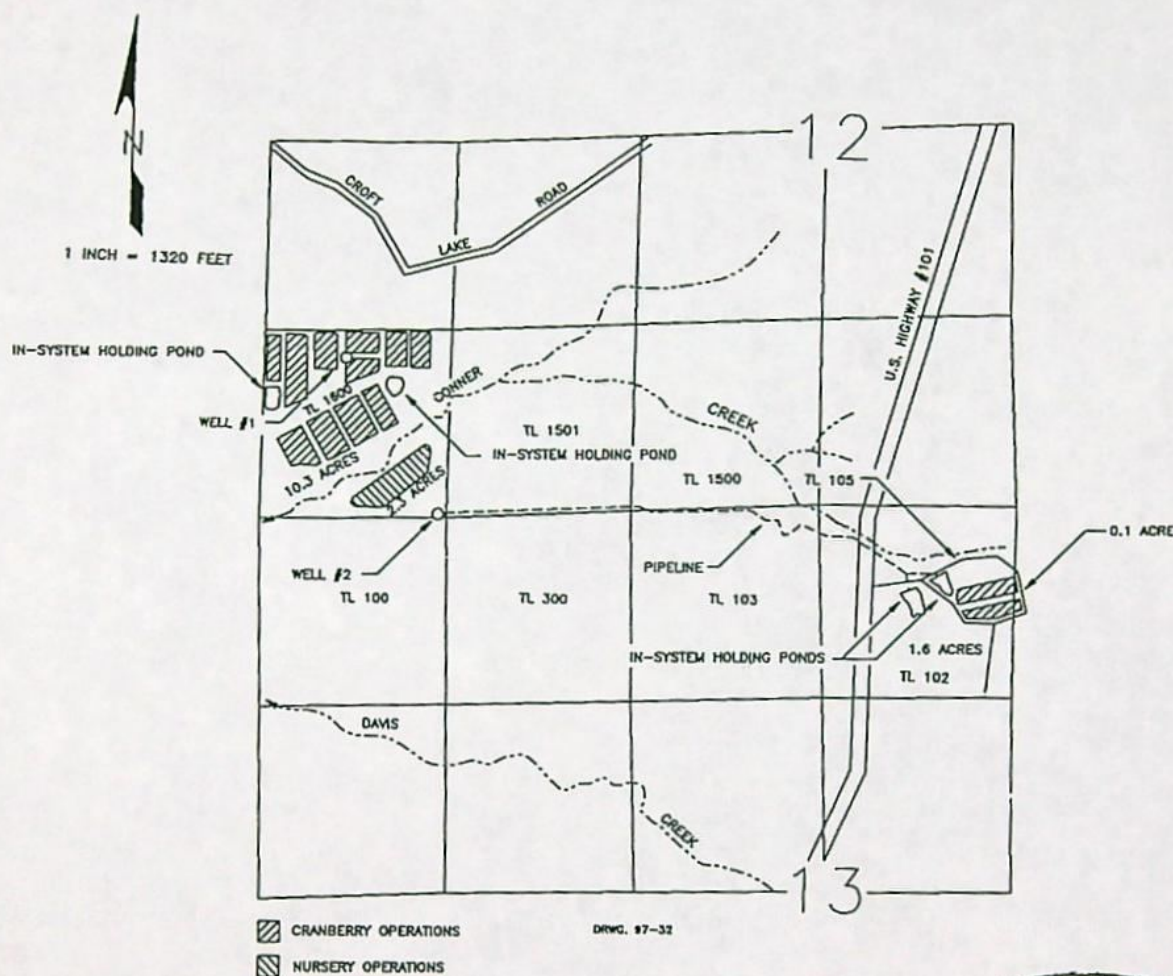
WATER RESOURCES DEPT
SALE OF OREGON

FINAL PROOF SURVEY MAP IN THE NAME OF HARRY G. SPENCER

SECTIONS 11, 12, & 13, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

APPLICATION G-12685

PERMIT G-11826



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THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO PROPERTY OWNERSHIP BOUNDARY LINES.

TO: Water Rights Section

11/12, 1991

FROM: Groundwater/Hydrology Section

Meyer
Reviewer's Name

SUBJECT: Application G-12485

1. ☒ **PER THE S. Coast** Basin rules, one or more of the proposed POA's is is not within 1/4 feet/mile of a surface water source (Conner Creek) and taps a groundwater source hydraulically connected to the surface water.
2. **BASED UPON OAR 690-09** currently in effect, I have determined that the proposed groundwater use
- a. ☒ will, or } have the potential for substantial interference with the nearest surface water
 - b. ☐ will not } source, namely Conner Creek; or
 - c. ☐ will, if properly conditioned, adequately protect the surface water from interference:
 - i. ☐ The permit should contain condition #(s) _____;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☐ The permit should be conditioned as indicated in item 4 below; or
 - d. ☐ will, with well reconstruction, adequately protect the surface water from substantial interference.
3. **BASED UPON** available data, I have determined that groundwater for the proposed use
- a. ☒ will, or } likely be available in the amounts requested without injury to prior rights and/or
 - b. ☐ will not } within the capacity of the resource; or
 - c. ☐ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
 - i. ☐ The permit should contain condition #(s) _____;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☐ The permit should be conditioned as indicated in item 4 below.
4. a. ☐ **THE PERMIT** should allow groundwater production from no deeper than _____ ft. below land surface;
- b. ☐ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
- c. ☐ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G-12685

DATE: 4/12 -91

FROM: SARAH C MEYER

SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

1305/ALSW 11
Coos County

The applicant seeks ^{160 gpm} .357 cfs from two wells for cranberry operations and
nursery operations

Per Division 9

Hydrogeological Report
on well #2

FACTS

The well locations and aquifer display the following:

1) Well #1 is located 630 from Conner Creek $\Delta = 35'$ and well #2 is located 500 from Conner Creek $\Delta = 39.36'$

2) Well #1 is 58' ~~58~~ deep and well #2 is 58' deep developing water in sands, gravels + interbeds of clay. The well logs are in the file.

3) The static water level for well #2 was 31 on 8-30-91 and for well #1 it was 25.6 on 3/13/90 from the log reports.

4) The approximate elevations of the wells are _____ for well #1 and _____ for well #2.

5) The nearby stream reach elevation is _____ feet.

6) _____ describes groundwater conditions in the area of the application.

7) A pump test on the well #1 produced 42 gpm with 6'd " feet drawdown in 1 hours. Well #2 produced 40 gpm w/ 11 feet d.d in 4 hours.

CONCLUSIONS 25% Stream Depletion = .79 days

1) The head at well #1 is _____' and at well #2, _____', indicating _____ standing with the nearby stream reach.

2) The well develops water from the Marine Terrace Fm

3) Based on requested rate, heads, distances, general geologic environment and logged materials, I conclude that the alluvial aquifer is un confined with 1/1/1 hydraulic connection to the nearby stream and 1/1/1 the potential to cause substantial interference.

Bedrock @ 55' below land surface - claystone, gray, hard
(aquatard)

overlying: Marine Terrace Fm.

$T = 827 \text{ ft}^2/\text{day}$ $\times 846 \text{ ft}^2/\text{day}$
 $S_c = .0083$ $\times .0062$
 $h = 22 \text{ ft}$

$K = .025 \text{ ft}/\text{min}$

1 gpd = .1337 ft³/day
840 ft³/day
11337 ft³/day
840 ft³/day
11337 ft³/day

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: October 6, 1992

From: MICHAEL ZWART

Subject: APPLICATION G-12685, HARRY SPENCER

Geologist Russell Ralls prepared a report, dated August 18, 1992, in support of this application. A copy was hand delivered to me by Kip Lombard at the August 28th Commission meeting. The principal conclusion of the report is that Conner Creek and its associated marsh are part of a perched water table which is separated from the marine terrace deposits developed by the applicant's wells. A review of the report prompted Donn Miller and me to review the file and earlier reports by Mr. Ralls, giving particular emphasis to the aquifer tests conducted at the two wells.

Mr. Ralls concludes in this latest report that Conner Creek and its marsh are perched on a layer of "ball clay." He believes that the clay acts as a confining bed for underlying confined aquifers that are actually in better hydraulic connection with the marine terrace deposits developed by the subject wells. He bases this conclusion on the prevalence of the clay encountered in many of the test borings and the deeper test well, and on one water level measurement in the deeper test well which indicated a lower head than Conner Creek for those confined aquifers.

I disagree with those conclusions. The aquifer developed by the subject wells is a water-table (unconfined) aquifer. This is supported by the aquifer tests covered in the earlier reports. The water levels in the wells has a higher head than Conner Creek, indicating a groundwater gradient toward the creek. Therefore, Conner Creek is likely in hydraulic connection with, and is a discharge area for, this water-table aquifer. The local presence of a clay layer, which appears to vary in thickness, may result in local steepening of the gradient and in a generally poor hydraulic connection with the creek. If the deeper confined aquifers encountered in the test well were actually hydraulically isolated from the creek, I would have expected the confined water level to have a higher head than the creek, resulting in a much lower groundwater gradient between the test well and the subject wells than is indicated in the cross-section in the report. I believe that the final water level reported for the test well may be depressed due to insufficient time (30 minutes) for the water level to equilibrate prior to measurement.

The aquifer test data were analysed to attempt to confirm or deny the presence of a recharge response. The data were not ideal for this purpose. In particular, the lack of any pre-test water level data and minimal water level recovery data required certain assumptions to be made regarding the test conditions. However, analysis of the drawdown data does not indicate that the wells are subject to a recharge response, at least during the first four days of pumping. Therefore, on this basis, it is tentatively concluded that the proposed use of groundwater may

have low potential for substantial interference with Conner Creek, despite the fact that the wells develop a water-table aquifer that is hydraulically connected to it. A superseding review form is included with this memo. Permit condition 4I is recommended.

The three reports prepared by Mr. Ralls were based on work performed by him in support of his client's application. In the case of the earlier two reports, no communication with the Groundwater/Hydrology Section took place prior to his work. Had this occurred, it would likely have resulted in additional data being collected, allowing additional analyses to better verify the lack of a recharge response at the wells. Prior to undertaking such work on their own, it is recommended that applicants confer with staff hydrogeologists regarding the types of additional information that could be provided to attempt to rebut the presumption of hydraulic connection and/or the potential for substantial interference.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: April 2, 1992

From: MICHAEL ZWART

Subject: APPLICATION G-12685, HARRY SPENCER

Geologist Russell Ralls called Donn Miller late on April 1st to request some of the material on file, including Sarah Meyer's notes and calculations with regard to the aquifer tests done by Ralls. He also wanted to know what sort of additional information could be provided to aid the applicant's chances of receiving a permit.

On April 2nd, Donn and I conferred about the requests and faxed him the information requested plus a copy of Division 9 rules. We also suggested the types of data that could be collected to rebut the Department's presumption of hydraulic connection. We both later spoke to Mr. Ralls by phone and answered some of his questions regarding hydrogeology and deferred some others to the Water Rights Section, if he wished to pursue them. These included the types of permit conditions, if one could be issued, that are possible or likely, and also whether permit issuance could be aided if it could be demonstrated that the consumptive use of the water is minimal, with the remainder providing groundwater recharge.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: April 21, 1992

From: MICHAEL ZWART

Subject: APPLICATION G-12685, HARRY SPENCER

Geologist Russell Ralls called me to request whether additional information or testing could be suggested to improve the chances of permit issuance. I informed him that I was not as familiar with the file as are Sarah Meyer and Donn Miller, and perhaps there was information already collected by him to support an alternate interpretation, although I stated that this was doubtful. I told him that I'd review his reports for such information. In a phone conversation today, I indicated that nothing in the reports appeared to be in need of further analysis. At the same time, I suggested that he may wish not to explore additional work to attempt rebuttal of the Department's presumption of hydraulic connection until some action is taken on the Application in its present form.

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT,
ELECTRONIC PAYMENTS, LOG-ON TO <http://egov.oregon.gov/DAS/SCD/SFMS/ach.shtml>
ON THE INTERNET. CLICK ON: FORMS AND BROCHURES THEN SELECT DIRECT
DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO. [REDACTED]

WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		74290 - G12685 REVENUE REFUND	690	VP022024	25.00

mailed 5/12/08

Records have been redacted or withheld pursuant to the exemption for financial transfer records specified in ORS 192.345(27).

VENDOR NAME: NORTHWEST FARM CREDIT SERVICES

ISSUE DATE: 05/10/05

WARRANT AMOUNT: 25.00

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK OF CHAIN-LINKED SHAPES WHEN HELD TO THE LIGHT

STATE OF OREGON

Dept of Administrative Services
To the State Treasurer, Salem, OR 97301-3896
WATER RESOURCES DEPARTMENT
(503) 986-0926 EXT.

96-10
1232
CHECK DATE
05/10/05



BANK WARRANT NO.
11 [REDACTED]

PAY THIS AMOUNT
\$25.00

DOCUMENT NO.
VP022024

*****TWENTY FIVE AND 00/100 DOLLARS

PAY TO THE ORDER OF:

NORTHWEST FARM CREDIT SERVICES
PO BOX 1490
ROSEBURG OR 97470

VOID AFTER 2 YEARS FROM DATE OF ISSUE

John J. Ford
AUTHORIZED SIGNATURE

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND ** EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE

PUBLIC INTEREST REVIEW

The proposed water use described in Application # G-12685 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of 0.357 cfs from ~~the/a~~ two wells ~~tributary to/within the~~ South Coast Basin for the purpose(s) of cranberry use and nursery operations. The Technical Review Report limits the proposed use to 0.357 cfs of water from two wells for cranberry use on 12 acres and nursery operations on 4.0 acres

The proposed use described in Application # G-12685 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

If satisfactory-

Water use Application # G-12685 Technical Review Report
of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or secondary waterway criteria;
- b)-is a classified use under the application basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

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The proposed water use described in Application # G-12685 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of 0.357 cfs from ~~the/a~~ two wells ~~tributary to~~ within the South Coast Basin for the purpose(s) of cranberry use and nursery operations. The Technical Review Report limits the proposed use to 0.357 cfs of water from two wells for cranberry use on 12 acres and nursery operations on 4.0 acres

The proposed use described in Application # G-12685 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

If satisfactory-

Water use Application # G-12685 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

If unsatisfactory-

Water use Application # _____ received an Unsatisfactory Report of Technical Review.

The Technical Review conducted according to OAR 690-11-160 on the water use application revealed that the proposed water use:

- a)-is prohibited by statute or scenic waterway criteria;
- b)-is not a classified use under the applicable basin program and an application for the use has not been filed under ORS 536.295 and OAR 690, Division 82;
- c)-cannot be modified to be consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-would conflict with (an) existing water right(s), or
- e)-water is not available from the source to support the proposed water use.

As the result of the above finding based on the Technical Review conducted on this water use Application, the Director concluded that the proposed water use would impair or be detrimental to the public interest.

na

PUBLIC INTEREST REVIEW
CHECKLIST

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application # G-12685, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

I. Existing claims to water from the same source.

SB There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

Comment: _____

II. Land use matters.

SB The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.

Comment: _____

SB

Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.

Comment: _____

SB

There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.

Comment: _____

n/a

If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.

Comment: _____

n/a

An applicant for municipal water use has submitted information showing the proposed water use is compatible with comprehensive plan policies concerning urban services, urban growth boundaries, and Public Facilities Plans.

Comment: _____

III. Identified environmental concerns.

SB

The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

Comment: _____

- IV. The character and extent of other natural resources which are present in the water source basin.

SB

The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.

Comment: _____

SB

There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

Comment: _____

- V. Riparian characteristics.

SB

There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

Comment: _____

- VI. Recreational use and potential of the water source and its basin area.

SB

There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

Comment: _____

- VII. Agricultural potential of the area.

SB

There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

Comment: _____

VIII. Designated historic, cultural, or natural resource protection areas.

SB

There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

Comment: _____

IX. Identified health or safety requirements.

SB

There nothing in the record to indicate any identified health and safety requirements.

Comment: _____

PUBLIC INTEREST REVIEW
FINDINGS AND CONCLUSIONS

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).

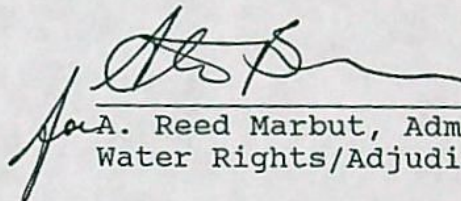
The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record

of the Department and has made the following public interest determination.

The Director has determined that the proposed water use described in Application # G-12685:

_____ WILL IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director hereby proposes rejection of the application and shall schedule a contested case hearing.

83 WILL NOT IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director shall issue a water use permit with appropriate conditions.


A. Reed Marbut, Administrator
Water Rights/Adjudication Division

Dated : September 1, 1994

MEMORANDUM

To: GINA BEAMAN, Fiscal
From: JERRY SAUTER, Water Rights Section
Subject: Request for Refund
Date: 5/02/2005

Please refund \$ 25⁰⁰ to Per Below (unless otherwise noted below)
Application 6-12685 <-----> Receipt 74290

These funds are refunded due to:

X Other.. ASSIGNMENT NOT NEEDED

Name : NORTHWEST FARM CREDIT SERVICES, FLCA

Address: P.O. Box 1490
ROSEBURG, OREGON 97470

AUTHORIZED BY:

[Signature] 9/3/05
Signature and title



Oregon

Theodore R. Kulongoski, Governor

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

May 2, 2005

Northwest Farm Credit Services, FLCA
P.O. Box 1490
Roseburg, Oregon 97470

Reference: Application G-12685, Permit G-11826, Certificate 80526

The assignment from Brian C. and Amy J. Arriola, and Tony K. and Stephanie J. Arriola, and Northwest Farm Credit Services, FLCA, to Brian C. Arriola and Amy J. Arriola, husband and wife, and Tony K. Arriola and Stephanie J. Arriola, husband and wife, is not necessary as a certificate has been issued for this right. According to Oregon Water Law, once a certificate is issued, the right is appurtenant to the land for which it is issued irregardless of ownership.

Therefore, I am returning your assignment request and refunding the \$25.00 you submitted. I will note in the file that the Arriola's are the owners of record.

The file has been marked accordingly and the original request is enclosed. Receipt number 74290 covering the recording fee of \$25.00 is also enclosed. I have also enclosed a refund check.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 74290, Assignment request, refund check

cc: Watermaster 19

Brian C. and Amy J. Arriola, and Tony K. and Stephanie J. Arriola
Gina Beaman - Fiscal



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

May 2, 2005

Northwest Farm Credit Services, FLCA
P.O. Box 1490
Roseburg, Oregon 97470

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Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 74290, Assignment request, refund check

cc: Watermaster 19

Brian C. and Amy J. Arriola, and Tony K. and Stephanie J. Arriola
Gina Beaman - Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **74290**

INVOICE # _____

RECEIVED FROM: Farm Credit Services

BY: _____

CASH: ☐ CHECK: # 47601530 OTHER: (IDENTIFY) ☐ _____

APPLICATION	
PERMIT	
TRANSFER	

TOTAL REC'D \$ 25.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) Assign \$ 25.00

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT

0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **74290**

DATED: 4/29/05 BY: X Allen

RECEIVED

RECEIVED JUL 18 2000

MAY 31 2000

REQUEST FOR ASSIGNMENT

WATER RESOURCES DEPT.
SALEM, OREGON

We, (permit holder, applicant) Harry G. Spencer

PO Box 291
(mailing address)

Langlois, OR 97450
(City, State, Zip)

(541) 347-4114
(Phone)

CHECK ONE

☒ [X] hereby assign all my interest in and to application/permit;

☐ [] hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);

☐ [] hereby assign a portion of my interest in and to the entire application/permit;

Application # G-12685, Permit # G-11826;

OR GR Statement # _____, GR Certificate of Registration # _____ as
filed in the office of the Water Resources Director. TO:

Northwest Farm Credit Services, FLCA and Brian C. Arriola and Amy J. Arriola, husband and wife and Tony K. Arriola and Stephanie J. Arriola, husband and wife
(name of new owner) (541) 673-3248 and (541) 396-7121
(phone #)

2222 Northwest Kline Street, PO Box 1490
(address)

Roseburg, OR 97470-0356
(city, state, zip)

RECEIVED

1365 Nutmeg Street
(address)

Coquille, OR 97423
(city, state, zip)

APR 29 2005

WATER RESOURCES DEPT.
SALEM, OREGON

(Note: If there are other owners of the property described in this Application, Permit of Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 23rd day of May, 2000

applicant/permit holder Harry G. Spencer

applicant/permit holder _____

PLEASE DO NOT WRITE IN THIS BOX

STATE OF OREGON,)

) ss

County of Marion.)

I certify that the within was
received by me on the 31st day of
May, 2000, at 8 o'clock

A. m., and was recorded in the
Miscellaneous Records, Vol. 8

Page 704

Water Resources Director

The completed assignment must be submitted to the Water Resources Department together with a recording fee of \$25. Additional pages will cost \$5 per page.

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97310-0210

OK
DS M

(42560-441)

G-12685



NORTHWEST

FARM CREDIT SERVICES

2222 N.W. Kline Street

P.O. Box 1490

Roseburg, Oregon 97470-0356

(541) 464-6700 / Fax (541) 464-6705

RECEIVED

APR 29 2005

WATER RESOURCES DEPT
SALEM, OREGON

April 28, 2005

Water Resources Department
725 Sumner NE Suite A
Salem, OR 97301-2430

RE: Application G-12685 Permit G-11826
Customer/Note 42560-441
Brian C. Arriola and Amy J. Arriola, Husband and Wife
Tony K. Arriola and Stephanie J. Arriola, Husband and Wife

To Whom It May Concern:

Northwest Farm Credit Services, FLCA, no longer has a security interest in the Application G-12685/Permit G-11826. Enclosed is the Request for Assignment, check 47001530 for \$25.00 and a copy of the original assignment dated May 31, 2000.

Please call if you have any questions.

Sincerely,

Linda Erickson
Financial Specialist

Enclosures

NOTE: CERTIFICATE ISSUED

Assignment Checklist

☒ Y ☐ N Is the request on the proper Form ?

☒ Y ☐ N Is the form completely filled out ? Name, all or partial assignment, App and permit #'s

☒ Y ☐ N Does the name match the name on the file ?

☒ Y ☐ N Has the form been dated and signed in ink ? Must be dated within 6 months.

☒ Y ☐ N If for standard assignment, is the signature the same name as on the permit ? If the permit is in more than one name, must have all signatures.

☐ Y ☐ N If for assignment in Absence of Permit Holder, has some kind of documentation of ownership been provided ?

☐ Y ☐ N If for partial assignment, is there a map showing what part is being assigned ?

☒ Y ☐ N Have the proper fees been submitted ? \$25 for the assignment and \$5 for each additional page of documentation.

NOTE: If any of the above is a NO answer, we send it back. *w/ letter, check*
4/29/05 C.U.

Control No.: 47001530

Paid To:

Water Resources Department

Comments:

Request for Water Assignment Fee/le
Application G-12685 and G-11826
Brian and Amy Arriola, Tony and Stephanie Arriola

Mail To:

Water Resources Department
725 Summer St. NE
Salem, Oregon 97301-2430

Customer No.
042560

Account No.
042560-441-150

Amount
\$25.00

RECEIVED

APR 29 2005

**WATER RESOURCES DEPT
SALEM, OREGON**

Date: 04/28/2005

Amount:

\$25.00

Memo:

DETACH BEFORE DEPOSITING

G-12685

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING A CHANGE IN USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves as conditioned or limited herein, TRANSFER 9005 submitted by

BRIAN C. AND AMY J. ARRIOLA, TONY K. AND STEPHANIE J. ARRIOLA
1365 NUTMEG STREET
COQUILLE, OREGON 97423.

The right to be modified, as evidenced by a portion of Certificate 76791, was perfected under Permit G-11826 with a date of priority of OCTOBER 4, 1991. The right allows the use of WELL No. 1 IN THE CROFT LAKE BASIN, for NURSERY OPERATIONS. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.008 cubic foot per second, if available at Well No. 1: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 1100 FEET NORTH AND 660 FEET WEST FROM THE SE CORNER OF SECTION 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water diverted for the irrigation of containerized nursery plants is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and shall be further limited to a

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

diversion of not to exceed 5.0 acre-feet per year. The amount of water diverted for the irrigation of in ground nursery plants is limited to ONE-EIGHTIETH of one cubic foot per second (or it's equivalent) and 2.5 acre feet per acre per year. The use of nursery operation may be made at anytime, during the period of allowed use specified above, provided that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or it's equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SE¼ SE¼ 2.3 ACRES
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the use to CRANBERRY OPERATIONS.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

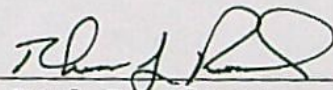
1. The proposed change shall be completed on or before October 1, 2004.
2. The use of water for cranberry operations shall be limited to the following amounts:
 - A. A maximum of ONE-FORTIETH of one cubic foot per second per acre not to exceed 0.008 cfs; further limited to no more than 3.0 acre-feet per acre for irrigating cranberries during the irrigation season of each year.

- B. This right together with the remaining right evidenced by Water Right Certificate 80526 may not exceed a total quantity of 0.178 cfs diverted from Well No. 1; further limited to a diversion of no more than a total quantity of 0.356 cfs from both Well No. 1 and Well No. 2.
3. Prior to diverting water the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Certificate 76791 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed DECEMBER 31, 2003.



Paul R. Cleary

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRIAN C. AND AMY J. ARRIOLA AND NORTHWEST FARM CREDIT SERVICES, FLCA
TONY K. AND STEPHANIE J. ARRIOLA P.O. BOX 1490
1365 NUTMEG STREET ROSEBURG, OREGON 97470-0356
COQUILLE, OREGON 97423

confirms the right to use the waters of WELLS No. 1 AND NO. 2 IN THE CROFT LAKE BASIN, for CRANBERRY OPERATIONS ON 12.0 ACRES.

This right was perfected under Permit G-11826. The date of priority is OCTOBER 4, 1991. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.348 CUBIC FOOT PER SECOND BEING 0.178 FOR CRANBERRY OPERATIONS FROM WELL NO. 1 AND 0.178 CUBIC FOOT PER SECOND FOR CRANBERRY OPERATIONS FROM WELL NO. 2 PROVIDED THE TOTAL QUANTITY OF WATER DIVERTED SHALL NOT EXCEED 0.348 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The points of appropriation are located as follows:

WELL NO.1-SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 1100 FEET NORTH AND 660 FEET WEST FROM THE SE CORNER OF SECTION 11; and

WELL NO. 2-SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 5 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 11.

The amount of water used for cranberry operations, together with the amount secured under any other right existing for the same lands, is limited to: 0.15 cubic foot per second per acre for temperature control; 0.05 cubic foot per second per acre for flood harvesting or pest control; and ONE-FORTIETH of one cubic foot per second per acre and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year for irrigating cranberries.

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

A description of the place of use to which this right is appurtenant is as follows:

SE¼ SE¼ 10.3 ACRES
SECTION 11
NE¼ NE¼ 0.1 ACRES
NW¼ NE¼ 1.6 ACRES
SECTION 13
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

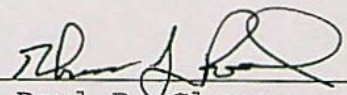
This certificate describes that portion of the water right confirmed by Certificate 76791, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 31 2003, approving Transfer Application 9005.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources

Director, affixed DECEMBER 31, 2003.



For Paul R. Cleary,



G12685

USER-ID 24775

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



Facility POD-ID	Well # 1 36443 <i>af/m</i>	Well # 2 36444 <i>af/m</i>			
October - 2000	4.8 AF	5.2 AF			
November - 2000	3.3 AF	4.8 AF			
December - 2000	0	0			
January - 2001	0	0			
February - 2001	0	0			
March - 2001	0	0			
April - 2001	0	1.4 AF			
May - 2001	0	0.8 AF			
June - 2001	0	2.8 AF			
July - 2001	0	3.8 AF			
August - 2001	0	5.2 AF			
September - 2001	0	4.6 AF			
TOTAL *	8.1 AF	28.6 AF			

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

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

Describe method of measuring the water used: Flow Meters. If use is irrigation, total number acres irrigated 14.25

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

Stephan Amble
Signatureowner
Title02-14-02
Reporting Entity Date

**RECEIVED**

JAN 04 2001

WATER RESOURCES DEPT.
SALEM, OREGON

App: G12685

USER-ID 26775

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

Facility POD-ID	Well #1 36443 CRNU	Well #2 36444 CRNU			
October - 1999	6.3 AF	6.5 AF			
November - 1999	3.1 AF	4.2 AF			
December - 1999	Ø	Ø			
January - 2000	Ø	Ø			
February - 2000	Ø	Ø			
March - 2000		3.8 AF			
April - 2000		5.5 AF			
May - 2000		3.3 AF			
June - 2000		3.9 AF			
July - 2000		6.2 AF			
August - 2000		6.5 AF			
September - 2000		6.3 AF			
TOTAL *	9.4 AF	46.2 AF			

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

Describe method of measuring the water used: Flow Meters. If use is irrigation, total number acres irrigated 14.25

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

Tony K Arriola
Signature

Title

Sea Mist Cranberries, LLC
Reporting Entity12-28-2000
DateTony K Arriola
Name - Please PrintPlease complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

FEBRUARY 22, 2001

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263, or toll free (within Oregon) at 1-800-624-3199, ext. 263.

Front Page of Certificate 76791.

M:\groups\wr\forms\certperm
original to certificate holder, copy to file



STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRIAN C. AND AMY J. ARRIOLA AND NORTHWEST FARM CREDIT SERVICES, FLCA
TONY K. AND STEPHANIE J. ARRIOLA PO BOX 1490
1365 NUTMEG STREET ROSEBURG, OR 97470-0356
COQUILLE, OR 97423

confirms the right to use the waters of WELLS NO. 1 AND NO. 2 in the CROFT LAKE BASIN for NURSERY OPERATIONS ON 2.3 ACRES AND CRANBERRY OPERATIONS ON 12.0 ACRES.

This right was perfected under Permit G-11826. The date of priority is OCTOBER 4, 1991. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.356 CUBIC FOOT PER SECOND(CFS); BEING 0.178 CFS FOR CRANBERRY OPERATIONS AND 0.008 CFS FOR NURSERY OPERATIONS FROM WELL NO. 1 AND 0.178 CFS FOR CRANBERRY OPERATIONS FROM WELL NO. 2 PROVIDED THE TOTAL QUANTITY OF WATER DIVERTED SHALL NOT EXCEED 0.356 CFS, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL NO. 1 - SE 1/4 SE 1/4, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 1100 FEET NORTH AND 660 FEET WEST FROM THE SE CORNER OF SECTION 11; AND

WELL NO. 2 - SE 1/4 SE 1/4, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 5 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 11.

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 amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

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

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

A description of the place of use to which this right is appurtenant is as follows:

	<u>Cranberry Operations</u>	<u>Nursery Operations</u>
SE 1/4 SE 1/4 SECTION 11	10.3 ACRES	2.3 ACRES
NE 1/4 NE 1/4	0.1 ACRE	
NW 1/4 NE 1/4 SECTION 13	1.6 ACRES	
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.		

Measurement, recording and reporting conditions:

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

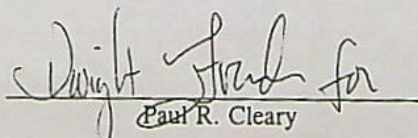
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 22, 2001.


Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76791.

RECEIVED

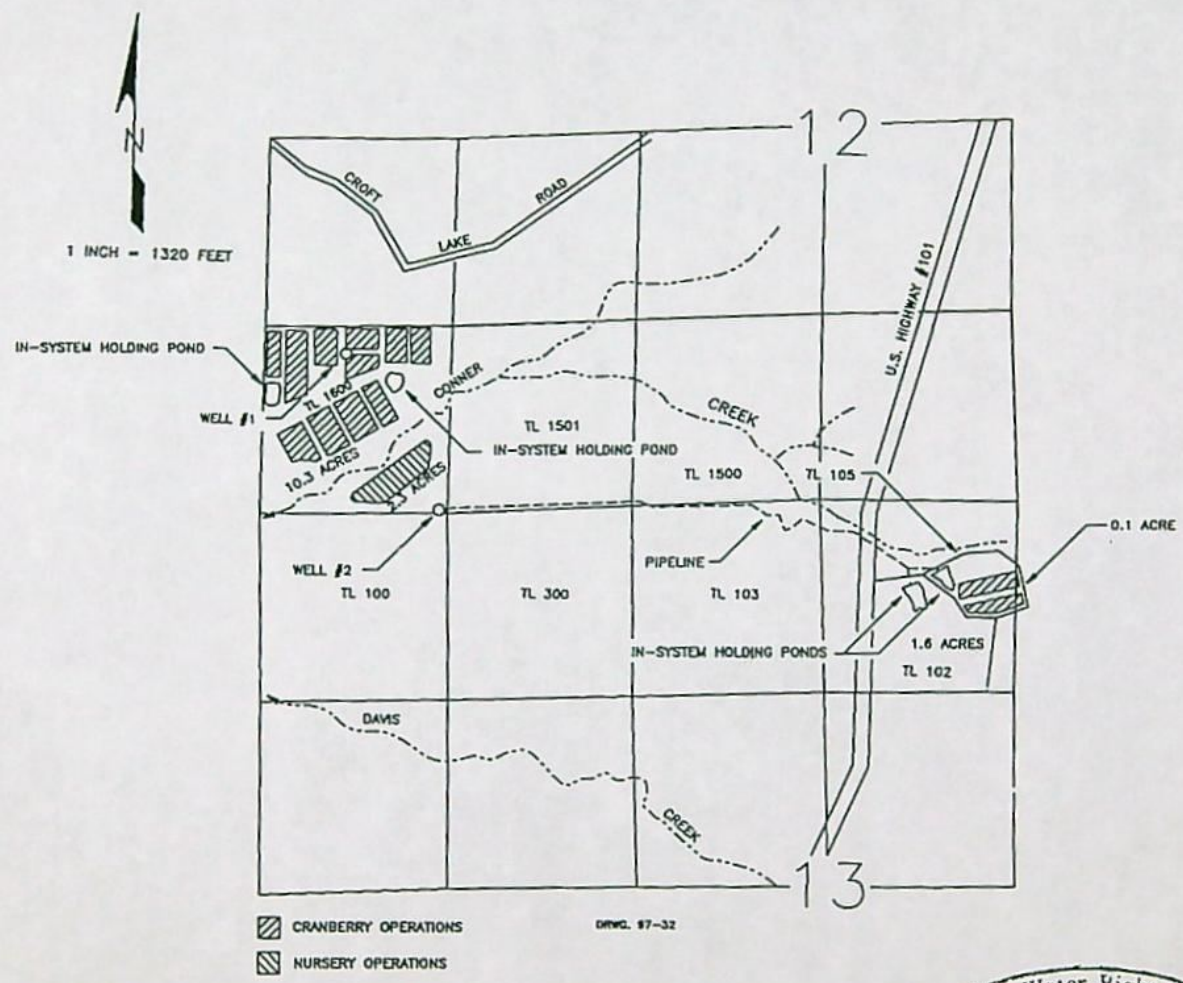
SEP 30 1997

WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF SURVEY MAP IN THE NAME OF HARRY G. SPENCER

SECTIONS 11, 12, & 13, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

APPLICATION G-12685 PERMIT G-11826



Certified Water Right Examiner
#054 WRE
James F. Gosson
James F. Gosson
Nov. 19, 1987
STATE OF OREGON

WELL # 1 IS LOCATED 1100 FEET NORTH AND 660 FEET WEST; WELL #2 IS LOCATED 5 FEET NORTH AND 20 FEET WEST, BOTH BEING FROM THE SOUTHEAST CORNER OF SECTION 11 AND BOTH BEING WITHIN THE SE1/4 SE1/4 OF SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO PROPERTY OWNERSHIP BOUNDARY LINES.

STATE OF OREGON

COUNTY OF COOS

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

~~HARRY G. SPENCER~~
~~c/o SEA MIST FARMS~~
~~P.O. BOX 239~~
~~LANGLOIS, OR 97450~~

confirms the right to use the waters of WELLS NO. 1 AND NO. 2 in the CROFT LAKE BASIN for NURSERY OPERATIONS ON 2.3 ACRES AND CRANBERRY OPERATIONS ON 12.0 ACRES.

This right was perfected under Permit G-11826. The date of priority is OCTOBER 4, 1991. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.356 CUBIC FOOT PER SECOND(CFS); BEING 0.178 CFS FOR CRANBERRY OPERATIONS AND 0.008 CFS FOR NURSERY OPERATIONS FROM WELL NO. 1 AND 0.178 CFS FOR CRANBERRY OPERATIONS FROM WELL NO. 2 PROVIDED THE TOTAL QUANTITY OF WATER DIVERTED SHALL NOT EXCEED 0.356 CFS, or its equivalent in case of rotation, measured at the well.

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

G-12685.SB

ISSUE TO:

NORTHWEST FARM CREDIT SERVICES, FLCA

P O Box 1490

ROSEBURG OR 97470 -0356 ; AND

BRIAN C. AND AMY J. ARRIOLA

TONY K. AND STEPHANIE J. ARRIOLA

1365 NUTMEG STREET

COQUILLE, OR 97423

OK,
FINAL
5/23/00
[Signature]

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

A description of the place of use to which this right is appurtenant is as follows:

	<u>Cranberry Operations</u>	<u>Nursery Operations</u>
SE 1/4 SE 1/4 SECTION 11	10.3 ACRES	2.3 ACRES
NE 1/4 NE 1/4	0.1 ACRE	
NW 1/4 NE 1/4 SECTION 13	1.6 ACRES	
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.		

Measurement, recording and reporting conditions:

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

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

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

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

June 19, 2000

BRIAN & AMY ARRIOLA
1365 NUTMET ST
COQUILLE OR 97423

REFERENCE: Files 69631 & G-12685

The assignments of Permits 50603 and G-11826 from Harry Spencer/Growth Unlimited Tree Farm to you, Tony and Stephanie Arriola, and Northwest Farm Credit Services, FLCA have been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original assignments are enclosed.

Our receipt number 37901 covering the \$50 recording fee has been sent to Northwest Farm Credit Services, FLCA.

If you have any questions, please contact me at the number above, or toll-free 1-800-624-3199.

Sincerely,

Dallas S. Miller
Water Rights Specialist

DSM:jh

enclosure

cc: Watermaster # 19
John Prahar, CWRE
Harry Spencer - PO Box 291 - Langlois, OR 97450
Tony & Stephanie Arriola - 1365 Nutmeg St. - Coquille, OR 97423
Northwest Farm Credit Services, FLCA - PO Box 1490 - Roseburg, OR 97470-0356



RECEIVED

MAY 31 2000

REQUEST FOR ASSIGNMENT

WATER RESOURCES DEPT.
SALEM, OREGON

We, (permit holder, applicant) Harry G. Spencer

PO Box 291 Langlois, OR 97450 (541) 347-4114
(mailing address) (City, State, Zip) (Phone)

CHECK ONE

- [X] hereby assign all my interest in and to application/permit;
[] hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);
[] hereby assign a portion of my interest in and to the entire application/permit;

Application # G-12685, Permit # G-11826;

OR GR Statement # _____, GR Certificate of Registration # _____ as
filed in the office of the Water Resources Director. TO:

Northwest Farm Credit Services, FLCA and Brian C. Arriola and Amy J. Arriola, husband and wife and Tony K. Arriola and Stephanie J. Arriola, husband and wife (541) 673-3248 and (541) 396-7121
(name of new owner) (phone #)

2222 Northwest Kline Street, PO Box 1490 Roseburg, OR 97470-0356
(address) (city, state, zip)

1365 Nutmeg Street Coquille, OR 97423
(address) (city, state, zip)

(Note: If there are other owners of the property described in this Application, Permit of Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 23rd day of May, 2000

applicant/permit holder Harry G. Spencer

applicant/permit holder _____

PLEASE DO NOT WRITE IN THIS BOX

STATE OF OREGON,)

) ss

County of Marion.)

I certify that the within was
received by me on the 31st day of
May, 2000, at 8 o'clock

A. m., and was recorded in the
Miscellaneous Records, Vol. 8

Page 704

Water Resources Director

The completed assignment must be submitted to the Water Resources Department together with a recording fee of \$25. Additional pages will cost \$5 per page.

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97310-0210

OK
PS M

(42560-441)

G-12685

G172495

G 172473

G 17056

MEMORANDUM

Water Rights and Adjudications Division
Oregon Water Resources Department
3850 Portland Road, NE, Salem, OR 97310
(503) 378-3739 FAX 5033788130

To: Karen Russell, Assistant Director
WaterWatch 921 SW Morrison, Suite 438, Portland, OR 97205

From: Laurie Beth English *LB* Water Rights Program Analyst

Date: November 26, 1993

Subject: Protest

=====

The Department has received the Protest filed on time by
WaterWatch of Oregon to Application File Number G-12685
pursuant to OAR 690-11-175(5).

The Director will refer the Application File with accompanying
Objections and Protest to the Water Resources Commission for
review.

If you have any questions, please call the Water Rights Division.

October 14, 1993

Karen Russell, Assistant Director
WaterWatch of Oregon
921 SW Morrison, Ste. 438
Portland OR 97205

WATER
RESOURCES
DEPARTMENT

Re: Denial Objections Application File # G-12685

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application # G-12685 submitted by Harry G. Spencer. As a result of the Director's assessment, your objections are hereby denied.

Your objections state that the Technical Report is defective because the Report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports. A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on Application # G-12685 did include consideration of the elements specified in OAR 690-11-160(1) as is documented by the information contained in the records of the Department, including the application file.

You also allege the use as proposed is not in the public interest. These objections do not meet the requirements set out in OAR 690-11-170(1). Your objections do not specify particular public interest standards or set forth facts which would support allegations that the proposed water use is prohibited.

These objections include an allegation that the deficiency in measuring and reporting is not in the public interest. It is the policy of the Director to require measuring and reporting conditions on all permits issued. If a permit were to be issued for Application # G-12685, it would include the following measuring, recording and reporting condition:

Before water use may begin under this permit, the permittee shall



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

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.

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.

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 under the permit. The Director may provide opportunity for the permittee to submit alternative reporting procedures for review and approval.

You have also alleged that the proposed water use will interfere with the surface waters of the basin. The records of the Department show there is sufficient evidence to support the determination that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source. Any permit issued on Application # G-12685 would contain the following condition:

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

Additional comments or amendments to proposed conditions may be made, at the discretion of the Director, at any time prior to the decision to issue a permit or recommend rejection of the application. No permit will be issued for an application which cannot be conditioned to adequately protect the resource and senior water rights.

The Director has determined that your objections do not contain facts which establish that the Technical Review was defective nor do they identify elements of the proposed water use that may impair or be detrimental to the public interest. Therefore, the Director has denied your objections.

You may protest this denial of your objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080 (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department in Salem, Oregon, **no later than 5:00pm on or before November 15, 1993**. Your protest must be in proper form and accompanied by a fee of \$25.

Protests received on time and in proper form as prescribed by the rules cited above will be referred to the Water Resources Commission for its review.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Reed Marbut".

A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: Harry G. Spencer
Encl.: WaterWatch 4/28/93 Objections

WaterWatch

O F O R E G O N

RECEIVED

NOV 15 1993

Hand Delivered

WATER RESOURCES DEPT
SALEM, OREGON

November 15, 1993

Water Rights Section
Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Re: Protest of Application File G-12685, Spencer, Coos Co.,
Cranberry Use & Nursery Operations

Dear Water Rights Section:

On April 28, 1993, WaterWatch filed objections to Mr. Spencer's proposed use which raised issues relating to deficiencies in the technical report for this application as well as public interest issues. On October 14, 1993, WaterWatch received the Department's denial of WaterWatch's objections. As we stated in our earlier filed protest of application G-12692, the pressure to develop the water resources in this area for economic gains for the cranberry industry **must** be balanced with the state's duty to protect Oregon's precious coastal resources. WaterWatch is not opposed to economic growth, **as long** as that growth is accomplished within the capacity of the water resource, and in a way that protects public uses of water. These public uses of water should be protected not only because we have a duty to act responsibly toward other creatures on this earth, but also because these resources also provide economic benefits for Oregon. For the reasons outlined below, and for other reasons, we file this protest and a \$25 fee pursuant to OAR 690-11-175(5) and 690-02-030 to 080:

A. Facts

Mr. Spencer's application is for use of .356 cfs of water from wells in the South Coast Basin. The proposed wells are located within 1/4 mile surface waters (Conner Creek) next to and within existing wetlands. This application is one of over 20 pending applications for a total of over 15 cfs of water for proposed cranberry bogs in the Bandon area.

The Resource

The proposed use is located in the Croft Lake Basin in the South Coast. Croft Lake is a major tributary of the New River. *New River, Area of Critical Environmental Concern*, June 1989, Bureau of Land Management at 2 (hereinafter BLM). The New River is a unique estuarine and freshwater ecosystem utilized by a wide diversity of fish and wildlife.

According to the BLM's study of the New River this River:

supports a unique mix of wildlife, fisheries, botanical, and cultural resources found in association with few other coastal rivers in the Pacific Northwest. Four species of wildlife that use the area are designated as either threatened or endangered on state or federal lists. One plant species has been identified as a candidate for federal listing, and is designated as threatened on the state list. A number of prehistoric cultural sites have been found along the banks of this drainage, and the river itself is thought to provide critical rearing habitat for juvenile salmonides.

... New River has received special attention from a variety of private, state, and federal conservation interests. The Nature Conservancy has examined New River as a candidate area for their conservation programs. . . the Oregon Natural Resources Council considers New River to be the single most important estuary in Oregon that currently is not under any comprehensive form of management. . . New River also has been identified by the U.S. Fish and Wildlife Service as a candidate site for establishing a National Wildlife Refuge. . . The Oregon Department of Fish and Wildlife has identified the area as critical habitat for the western snowy plover. . . (S)ince 1983, BLM has designated its ownership as an Area of Critical Environmental Concern (ACEC), giving the area special recognition and status for improved management of the unique resources that are present. . .

BLM at 1. Since publication of the BLM's report, the western snowy plover has listed as "threatened" under the Federal Endangered Species Act and nine additional wildlife species that utilize the New River system are either listed under the federal act, or are candidates for listing.¹

The New River supports chinook salmon, coho and other fish populations. Since this BLM report was written, coastal coho populations, which utilize coastal streams such as the New River, have been petitioned for listing under the federal Endangered Species Act. Coastal stocks of fall chinook and coastal cutthroat trout are identified by the state as species of concern. The New River provides important habitat for these species. For example, some of the best pools for fish rearing are found in the New River, below the rivers confluence with Croft Lake. *BLM* at 30. However, downstream fish migration coincides with periods of low flows which can result in high fish mortality. *BLM* at 30. For instance, juveniles trapped in isolated pools in the river:

may be subject to predation, suffocation, and heat stress. Local ranchers have observed great blue herons and kingfishers feeding on these juveniles in the shallower, isolated pools over a period of days in which the channel remained dry.

BLM at 30.

In addition to the resources identified in BLM's plan, Croft Lake and its tributaries provide habitat for a multitude of other fish and wildlife resources, including sensitive populations of searun cutthroat. Croft Lake and it's tributaries also provide recreational benefits to residents living and vacationing in the area. Streamflows into and out of the Lake maintain the water quality that is essential for these public uses of the lake.

The BLM has identified the Croft Lake area as part of the management area in the ACEC and has looked at purchasing access to the lake. *BLM* at 1 and Table 1. However, Croft lake has been shrinking over the past several years. *BLM* at 2. Existing use of water for irrigation has had significant effects on the current habitat of the New River and it's tributaries. *BLM* at 17.

The BLM has recognized that actions by state agencies, such as the Water Resource Commission have significant effects on management within this ACEC. *BLM* at 7. Commission actions on protecting minimum flows and other water use policies greatly affect the viability of this ecosystem. One of the management objectives identified by the BLM is to maintain minimum flows because:

¹ These include the Brown Pelican, Peregrine Falcon, Leatherback Sea Turtle, Aleutian Canada Goose, American Bald Eagle, Loggerhead Sea Turtle, Pacific Ridley Sea Turtle, Letherback Sea Turtle, and the red legged frog.

New River provides important rearing habitat for juvenile salmonids during summer. Channel drying during summer may coincide with downstream migration of juveniles. This may result in high mortality if juveniles become trapped in isolated pools, where they are subject to predation, temperature stress, and suffocation. Losses of juveniles during migration may preclude full use of more stable rearing habitat present downstream in estuarine portions of the ACEC.

Lack of water in the middle section of New River during summer also precludes full use of marshlands by waterfowl. During most years, water is absent from early July to early September in the areas immediately south of the ACEC. This eliminates potential habitat for rearing broods, in turn reducing the prey available to peregrine falcons and bald eagles.

BLM at 35.

Ground water in the area contributes to surface water flows needed for the above mentioned fish and wildlife species. However, the Commission's South Coast Basin Program admits that little is known about ground water in the basin and expresses doubt as to the ability of ground water supplies to support irrigation. Basin Program Finding 5, 19. Increased ground water withdrawals, under existing water rights have caused declines in both ground and surface water levels. This past summer, water level in domestic wells used by BLM and well levels at Storm Ranch dropped dramatically as a result of pumping of ground water for cranberry bogs.

The Commission's Program also recognizes that ground water is a significant factor in the maintenance of natural lakes in the basin. Program Finding 5. Ground water also contributes to wetlands and other surface waters that provide critical habitat for wildlife and fish in the basin. Finding 42. The Program recognizes the importance of lakes and streams to recreation use in the basin, a major contributor to the economy of the South Coast Basin. Program Finding 39, 40. Ground water and surface water also contribute to wetlands which are critical to the ecological integrity of the area. To date, instream water rights have been set for Croft lake or it's feeder streams, Conner and Davis Creek, or the New River. There is a pending instream water right for Floras Creek, a tributary of the New River, with a senior priority date of 11/08/90 (Mr. Spencer's application date is 10/4/91).

Proposed Use

Mr. Spencer proposes to use approximately .178 cfs for cranberry use and .1 cfs for nursery operations from two wells yearround. These wells produce water from an unconfined aquifer within a quarter mile of Conner Creek, a tributary to Croft Lake. Memo to file from Mike Zwart, October 6, 1992 and Application. The Department has concluded that "Conner Creek is likely in hydraulic connection with, and is a discharge area for this

water table." Id. There has been no analysis as to the exact amount of streamflow depletion these wells will have on Conner Creek. In addition, there are no actual measurements of streamflows in Conner Creek. WRD estimated streamflows from a model using one years worth of measurements taken at Ferry Creek. Review of this estimate by the Water Rights Section assumed that existing rights were taken into account. According to the model estimates, flows in Conner Creek are below 2 cfs during the month of May through September.

In addition to withdrawing water from the ground and surface waters, the proposed use will change the drainage patterns in the area, effecting the hydrology of the system. It will also likely involve removal of diverse native plant life found in wetlands. The proposed use will also involve the application of fertilizers and other chemicals to aid in cranberry growth. Runoff from the bogs into surface waters, and/or percolation of the chemicals into ground water will pollute waters in the area, adversely affecting public use of the water resource.

Summary

This proposed use will deplete ground and surface water quantity and water quality needed to support public uses of this sensitive coastal river system. This application is the second of many applications for use in this area. Cumulatively these applications propose to divert large quantities of water, change drainage patterns over a large area and introduce additional chemicals and fertilizers into this system. To date, there is no legal protection for flows needed to support the fish and wildlife that rely on this unique system for survival. There is also no protection for the recreational values of the resource. However, this proposed use, and others waiting to be approved, will adversely effect both individually and cumulatively on this important coastal system.

B. Relief Requested

WaterWatch requests that this application be denied, or in the alternative, sent to contested case. If this application is not denied outright, any proceeding should require that further information be developed about the characteristics of the ground water and surface waters in the area prior to the commencement of a contested case. If a contested case is scheduled, we request that review of this application be consolidated with review of other pending applications for cranberry use in this area.

C. Name and address of Persons having Interest in Proceeding

The following people are known to WaterWatch as having an interest in this proceeding:

Harry G. Spencer
P.O. Box 291
Langlois, OR 97450

Alfred C. Walsh, Jr.
Trustee owner of 220 acres surrounding Croft Lake
280 Collier
P.O. Box 99
Coquille, Oregon 97423

D. Legal Authority and Basis for Claim

This protest is filed pursuant to OAR 690-11-175(5) and 690-01-030 to 080. The Ground Water Act of 1955 requires the Department/Commission to deny permit applications unless the agency can ensure that the "public welfare, safety and health" is protected. ORS 537.620. The policies of the Ground Water Act require, among other things, that use of water be without waste and within the capacity of the resource and that "reasonably stable ground water levels be determined and maintained." ORS 537.525(3), (7). The statute also calls for protection of ground water supplies for a variety of uses (including recreation) and calls for the determination of ground water characteristics. ORS 537.525(5)(6). The Division 11, Division 9, Division 400 and Division 410 rules further refine the public welfare standards set out in the statute.

When considering this application, the agency has a duty to ensure that the proposed use will not harm either the quantity or quality of ground and surface waters. ORS 537.17-5(a) & (c), ORS 537.525(9), (11), ORS 468B.155, and ORS 468B.015. There was inadequate review of the effects on water quantity and no review of the effects on water quality. New uses of water must also be scrutinized for possible impacts on wetlands. ORS 196.669, ORS 196.672 (1). No such scrutiny has occurred.

The federal and state Endangered Species Acts also place a burden on the Commission. Under the state act the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species, or, if no plan is in place, that the action will not "reduce the likelihood of the survival or recovery" of the state listed species. ORS 496.182(2). Under the federal Act, there is a prohibition against "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Listing under these Acts is a sign, not only of the health of a particular species, but also a warning signal for the health of the human environment.

The proposed use will harm the public interest in the ground and surface water resource because:

- given the proximity of the wells, the presence of an unconfined aquifer and the hydraulic connection, OAR 690-090-030(4)(a). requires an assumption of substantial interference. There are two different staff determinations in the

application file which are apparently based on the same data.² The first determination concluded there was potential for substantial interference. See Memo to File G-12685 from Sarah Meyer, 12/5/91. The subsequent determination back tracked slightly, although not completely, and "tentatively" concluded that the proposed use "may have low potential for substantial interference". Memo to File from Mike Zwart, 10/6/92. Staff acknowledged that this conclusion was "a tentative conclusion, and strong permit conditions were suggested." Memo to Carol Spence from Mike Zwart, 1/16/93. However, the permit conditions do nothing to eliminate interference or protect the public uses of the surface water resource. In addition, Department staff acknowledged that the data used to make this tentative determination failed to contain "pre-test water level data", had "minimal water level recovery data," and required "assumptions to be made regarding test conditions." Memo to File from Mike Zwart, 10/6/92. Thus, the information provided by the applicant is insufficient to rebut this assumption.

In addition, there has been no determination as to the exact extent of hydraulic connection as required in ORS 690-09. Given the fragile ecosystem and the low flows in this area, the proposed use, will have effects on the hydrology of the system, both in terms of ground water withdrawals and in terms of changes in drainage patterns. This use, in connection with other pending applications and existing permitted uses will significantly impair, both on the ground water resource and the surface waters.

- There is insufficient water in the system to support this proposed use together with other pending applications, existing water rights and other public uses of water in this area. OAR 690-11-195(3).
- The water availability analysis was defective. OAR 690-11-160(1)(f). The modeled flows for Conner Creeks were based upon extensions of only one years worth of data from a different Creek. In addition, the analysis was assumed to have taken only existing water rights into account. Existing water rights total approximately 2.16 cfs, essentially all of the modeled streamflows from April to October, and a large percentage of modeled flows during the rest of the year. Given the importance of this stream system, and the already existing overappropriation, these estimates are inadequate to protect the public's interest in the resource.

² After the initial review, the applicant submitted additional data on the issue of confinement. The Department rejected that data and no additional data was submitted on the issue of interference. See Memo to File from Michael Zwart, 10/6/92

- This use will harm designated cultural areas and the BLM's Area of Critical Environmental Concern, water quality, fish, aquatic life, wildlife, and recreational use in the area. OAR 690-11-195(4)(c)(A), (d), (e), (f), (h).
- The Department failed to consult with the Oregon Department of Fish and Wildlife as required by law. In addition, there was no analysis of the effects of the proposed use on harm fish and wildlife listed under the state and federal endangered species acts.
- The proposed conditions fail to protect water resources needed for water quality, fish, aquatic life, wildlife and recreational uses and designated cultural and resource protection areas. OAR 690-11-195(4)(c)(A), (d), (e), (f), (h). For example, requiring this use to be shut off if it interferes with senior rights does nothing to protect these public uses which do not have senior water rights.
- The proposed use is contrary to ground water policies articulated in the statutes cited above and in the Commission's Ground Water Management Policy which requires prevention of ground water/surface water interference and calls for conjunctive management of the resource to protect the public's interest in the resource. OAR 690-410-010. The proposed use is contrary to other Oregon policies including the Statewide Allocation Policy which requires use within the capacity of the resource and requires that instream flow needs be considered when reviewing applications for new uses. OAR 690-410-070. The proposed use is contrary to other statewide policies including those that require protection of native fish, water quality, wetlands, and other public uses of water and call for integrated and coordinated water management. ORS 496.435, OAR 690-410-030, OAR 690-410-070, ORS 536.220(1), (2) and statutes and rules cited above.

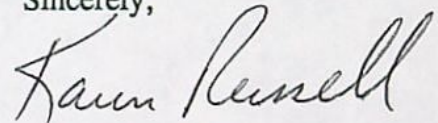
In addition, the following requirements of Division 11 and other procedural requirements were not followed:

- The Department processed this application out of order, contrary to Commission direction.
- The technical report failed to contain many of the elements and evaluations required in OAR 690-11-160(1). The Department's response in the denial letter, these elements were not included in the report in order to "maintain clarity and simplicity" is not supported in the rules. The purpose of the technical report is to give interested parties information that is crucial in order to evaluate whether or not the application is of concern.

- The Department's denial stated that the Director may "at any time prior to the decision to issue" this permit make "additional comments or amendments to" the proposed conditions for this application. This statement essentially makes it impossible for an interested party to determine whether or not their concerns have been addressed - or - if their concerns are addressed, whether or not their concerns will continue to be addressed if and when a permit is issued. This "moving target" approach to public participation does not provide the public with the ability to participate meaningfully in water allocation decisions. There is nothing in the rules that allow the Department to make changes to conditions without notice to interested parties. While we agree that as new information comes forward, the agency has a duty to ensure that conditions are modified to protect the resource, the Department should give parties in the proceeding notice and an opportunity to comment on any changes.

For the reasons outlined above, we file this protest.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Russell".

Karen Russell
Assistant Director

c. Burchfield, ODFW

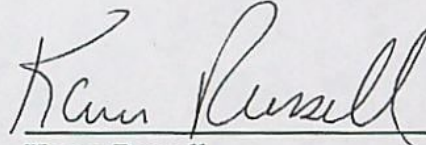
Certificate of Service

I certify that on this 15th day of November, 1993, a copy of WaterWatch's Protest of Application G-12685 was served on each of the following by first class mail, postage paid, in the United States Mail from Portland, Oregon, enclosed in a sealed envelope and addressed as follows:

Harry G. Spencer
P.O. Box 291
Langlois, OR 97450

Alfred C. Walsh, Jr.
280 Collier
P.O. Box 99
Coquille, Oregon 97423

Signed this 15 day of November, 1993


Karen Russell

PROTESTS

G12685 - HARRY SPENSER
R71841 - RUSSELL FRASER
71842 - RUSSELL FRASER

Coos County - Croft Lake Basin

- More than 20 applications for 15 cfs for cranberry use in the Bandon area
- Croft Lake is now used principally for recreation and wildlife, there are apparently a number of homes/cabins around the lake
- Croft Lake is a tributary to the New River
- New River
 - Candidate for establishing Nat. Wildlife Refuge
 - "Critical habitat for the Western Snowy Plover" ODFW
 - BLM lands "Area of Critical environmental concern"
 - Supports chinook, coho and other fish populations
 - Provides rearing habitat for salmonids during summer
- Conner Creek
 - One of two main tributaries to Croft Lake
 - "Has resident and anadromous fish populations" WW
 - No actual streamflow measurements
 - Streamflow data from one year used to model streamflow

G 12685 - Harry Spenser

Not hydraulically connected
Year around use
.356 cfs
Cranberry operations - 12 acres
Nursery operations - 4.0 acres
Objections by WW

- TR is defective
- Use not in Public Interest
- Measuring and reporting
- Surface water interference
- Use violates statewide policies

R 71841 - Russell Fraser

Store water
Oct. 1 thru April 30
9.2 acre-feet
Water from Conner Creek

71842 - Russell Fraser

Use of stored water
9.2 acre-feet
Supplemental cranberry use
Year around use

Objections to R 71841 and 71842 by WW
In Croft Lake Basin
TR is defective
Use not in Public Interest
Measuring and reporting
No water available

Protests to G 12685, R 71841 and 71842
restate issues raise in objections

5-12685

MEMORANDUM

TO: Reed Mabunt
FROM: Danielle Clair
RE: Correspondence Contact # 179

Today's date: 6-8

Draft due: 6-17

Request for review of correspondence to addressed to:

Governor Roberts

Martha Pagel

Anne Squier

Please prepare a draft response to the attached correspondence to go out under

☐ The Governor's signature.

☒ Martha's signature.

☐ Anne's signature.

Steve B

6/13

This is a Craft Lake
area. Aw for Ann Henry
lets' discuss the plan
for these App's.

Reed

Particulars for signature blocks--

Martha O. Pagel
Director

OR

Barbara Roberts
Governor

MOP: (your initials) (letter id #)

BR: (your initials) (letter id #)

OR

Anne W. Squier
Senior Policy Advisor
Natural Resources

AWS: (your initials) (letter ID#)"

And as per usual, letters addressed to the Governor for Anne's or Martha's response should begin, "On behalf of the Governor..."

6-12685

MEMORANDUM

TO: Reed Mambert
FROM: Danielle Clair
RE: Correspondence Contact # 179

Today's date: 6-8

Draft due: 6-17

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Martha Pagel

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Anne W. Squier
Senior Policy Advisor
Natural Resources

AWS: (your initials) (letter ID#)"

And as per usual, letters addressed to the Governor for Anne's or Martha's response should begin, "On behalf of the Governor..."

RECEIVED

cc: appl file

Martha Pagel, Director
Water Resources Dept.
3850 Portland Rd. NE
Salem, Oregon 97310

JUN - 7 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Harry and Doug Spencer
P.O. Box 291
Langlois, Oregon 97450
June 4, 1994

Dear Martha:

Re: Application G-12685, Draft Permit G-11404

Your time is valuable, so I will be concise. I feel that the delay and uncertainty in bringing our contested application for water rights before the water rights Commission is not reasonable or fair.

I feel that holding up our permit due to Water Watch objections is unfair also, though I know you must go through due process, which leads back to the above procedural concern.

Why is it not reasonable or fair?

1. We submitted 2 hydrologic studies and a geologic study, all done by a geologist recommended by your department, that conclude there is no substantial hydrologic connection between our wells and Conner Creek, which flows through our property. We do not affect the stream nor the level of Croft Lake below us. At least seventy-five percent of our irrigation water returns to the aquifer. Water losses are miniscule.

Water Watch has made no studies in our area, and has no evidence to dispute these conclusions.

2. Your department, after 3 years of study and processing, has approved our application through satisfactory technical review.

Water Watch submits generalized statements and concerns without documentation. Your department denied their objection.

3. No one else objected to our permit; the Department of Fish and Wildlife has not filed on our stream (Conner or Davis Creek) and do not consider our stream suitable or important for migratory fish.

Water Watch, and now I understand BLM after the period for objections is over, are throwing in concerns about migratory fish.

4. The priority date for our application is early amongst the 21 applications pending in the Croft Lake drainage. We have no quarrel with the applications of Robinson and Fraser that precede us, nor Warnock that has the same priority date. Our application is for ground water with our studies proving adequate supply with no affect on surface water. Some of the other applications are for surface water. A 3 year history of actual water use by all the above parties in the drainage is the best evidence that water supply is adequate. During these last 3 years, Croft Lake water level has not been affected; there have been no complaints about existing water levels from the Croft Lake Club, who zealously monitor the lake (which they have artificially dammed and raised the natural level of).

My understanding is that your departments policy is to consider applications in order of priority, and to issue permits up to the calculated allowable supply in the drainage. You would have issued us a permit by this time, were it not for the objection solely of Water Watch a year ago. Mr. Gabriel of your department told us in March that we, along with other early priority applicants in the Croft drainage, would be considered at the Commission Meeting in Klamath Falls June 3, 1994. Three weeks later when I called, the plan had been changed. There is no date set. The feeling is that probably all the applications in the drainage will be processed to the same stage, and considered as a group by the commission.

What happened to processing by order of priority date? Where is the justice in throwing all later requests in with ours for consideration by

the Commission? Why can't we get on with the process? I feel that time delay only works against us, and it's a very uncomfortable feeling. We, a small family operation, have spent \$175,000 on well drilling, testing, showing feasibility of water supply without adverse environmental impact, and finally after your draft permit virtually promised us a permit, building the irrigation facilities and cranberry bogs. We will be harvesting cranberries on 2 acres this Fall, 8 acres the following Fall.

Could you please re-schedule those of us who have early application priority, and are complete through the Department's denial of Water Watch objection, for the next Commission Meeting?

Sincerely yours,

Harry Spencer Doug Spencer

Harry Spencer and Doug Spencer

REVISED

Keed
cc: Ed

MEMORANDUM

TO: Commission Report Review Team
FROM: Danielle Clair
DATE: April 27, 1994

Attached is a REVISED Issues Session cover page, an outline for the Placer Mining item (page 16) and two new title sheets with corresponding outlines. The Issues Session is *still* scheduled this Thursday, April 28, in Room B from 1 to 5pm. Authors will distribute (or hand out at the Issues Session itself) outlines that didn't make it into this supplement.

<u>Author/Presenter</u>	<u>Title</u>	<u>PAGE</u>
Lissner/Brown	Status Report on GW Conditions and Water Use Application Processing in the Bonanza Area, Klamath County	1
Marbut/Gabriel	Consideration of App# 72998--Port of Portland for use of surface water from Willamette & Columbia Rivers	3
Parrow/Wahab/ Fujii	Proposed Process for Basin Program Revision, Planning and Coordination	7
McCord	Request for Approval of the Stream Restoration Action Program for Upper South Fork of the John Day River	9
Rice	Lower Columbia Rulemaking and Response to a Petition for Temporary Emergency Rulemaking in the North, Mid and South Coast, Rogue and Umpqua Basins and Clackamas Subbasin	11
Patrino	Legislative Concepts 1994 (no outline expected)	14
Applegate	1993 Regulatory and Enforcement Activities	15
Applegate	Request for Repeal of Rule Definition of Placer Mining	16
Parrow	Request for Approval & Request for Authorization of Water Management and Conservation Planning Rules	17
Marbut	Request for Adoption of Proposed Amendments to Div 11 to Implement HB 2970 (Road Watering)	18
Marbut	Request for Authorization to Conduct Rulemaking to Amend Div 11 to Implement HB 2344 (de minimis uses)	19
Mize	Mount Hood Meadows exceptions	20
Marbut/Gabriel	Consideration of App. # G-12685 (Spenser) and R-71841 & 71842 (Fraser)	22

Attention: Steve Applegate
Oregon Water Resources Department
Salem, Or

APR - 6 1992
WATER RESOURCES DEPT.
SALEM, OREGON

4/1/92

cc: ^{OK} → Don Miller
(-orig back to me)

Subject: re: Application G-12685
Permit G-11404 unsigned

Dear Mr. Applegate,

We talked by phone this morning about my permit, and what could be done to resolve it's relegation to an uncertain status. As suggested, I am having Russell Rolls re-contact your hydrologic section to try to resolve their differences about hydrologic connection of my wells. Mr. Rolls pumps tests showed that the curve of depression between main wells and test wells spaced toward the creek, did not intercept the creek, and would not interfere if one pumped at 100 gpm from the first well and 84 gpm from the second. We applied for considerably less gpm from these wells, i.e., 70 gpm for the first and 50 gpm for the second, feeling we'd be ultra safe. I would like to review the series of events that led us to our untenuous present circumstances.

About a year ago we consulted the local watermaster about getting additional water rights in our Conner Creek piece. He advised us that additional surface water could be a problem with present and proposed uses on the creek. However, if we drilled wells well back from the creek and if we were able to substantiate that the well or wells had negligible hydrologic connection with the creek, then we would probably be able to get water rights that would be independent of limited stream flow cut-offs.

Such evidence would require a recognized geologist or hydrologist such as Russell Rolls, or others on the Water Resource Department's list. We proceeded along these lines. We hired Mr. Rolls last Fall. His reports of Sept. 10 and Oct. 5, 1991 were submitted with our application. Based on this affirmative support of the reports from an authority recognized by the Water Resources Dept., we proceeded with investments in cranberry bog development; i.e., clearing, sanding, water systems, holding pond, purchase of cranberry vines, and payments to get into the cranberry association totaling over \$50,000. On December 28, 1991 we were pleased to get a draft copy of our permit G-11404 granting the rights for which we had applied. I signed and returned the draft permit Jan. 2, 1992 without change. The letter from Water Resources that accompanied this draft permit did not discuss rejection. Excerpts from it are as follows: "We are now ready to recommend the issuance of a permit approving your request to use water."....."When we receive your signed draft, we will issue your permit as quickly as possible."

I discussed the draft permit with my Water Rights Examiner, Jim Gosson, who had prepared my application. (By the way, he had been recommended to me by our watermaster as being a very competent examiner, and conversation with other people in Salem indicated he is competent and clear in his presentations.) Jim assured me that once I received and signed the draft permit that issuance was assured, although it might take a couple of months. We then went ahead with more development and commitments on purchase and installation of equipment, and planting the vines in the first 2 acres of bogs. Our investment being on these rights is now up over \$60,000.

With our last payment of \$15,000 due on one purchase connected to these rights April 1, I called water rights in Salem last week just to be sure they would be issued. On 3/23/92 I was told by Mr. Dave Marko they were issued Jan. 13. I said I had not received a copy, so he promised to send me one. Later that day he called back to say they were not yet issued, but were on the director's desk for signing, and were pending a review by Mr. Brown. The next day I tried to reach Mr. Brown but could not. I was informed he was out until Friday. I waited until Monday, 3/30/92 to call again, and was informed I could not talk to him until Tuesday morning. I called Tuesday morning and was told he was unavailable until after 3:00 pm, but perhaps Mr. Applegate, his superior, would talk to me at 10:00.

So, Mr. Applegate, you returned my call at 10:15 and you know the rest. To paraphrase, "Timing of any action on my permit is indefinite. Any imminent action would require a re-statement from the hydrologic section. Without that, my permit, if issued, would probably not be as stated in the draft permit, but would probably contain further restrictions on water use in the summer months."

Mr. Applegate, I feel that we have been misled by the department. We have made logical investments in excess of \$60,000 at present (it takes me several years to make \$60,000) based on recommendations and assurances both verbal and written from the Department and from Water Rights Examiners trained and authorized by the Department. At this point I request, implore, and beseech you to consider the merits of my permit; if Mr. Rolls studies mean anything, (and they should, since your agency recommended him) the hydrologic connection of my wells to Conner Creek is very slight. Mr. Rolls cites studies demonstrating a 75% or greater return, of the water we irrigate with, to the drainage. We plan to recycle water from the bogs back to the in-system storage ponds, thus minimizing water needs.

Beyond the merits of the application, the economic hardship of a turn-about by your Department at this point should be considered. Would you please favor me with a reply stating what the department will do regarding my permit within the next 10 working days?

Sincerely,

Harry Spencer

Harry Spencer



**GROWTH UNLIMITED
TREE FARM NURSERY**

HARRY SPENCER, Proprietor
P.O. BOX 291
LANGLOIS, OR 97450

Reforestation stock and
ornamental plantings. Research
in growth and species adaptation.
(503) 347-4114

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JAN - 3 1992

WATER RESOURCES DEPT.
SALEM, OREGON

1/1/92

Oregon Water Resources Department

3850 Portland Rd. NE

Salem, Or. 97310

Attention: File 6-12685

Gentlemen:

I thank you for your letter of Dec. 27, 1991
enclosing a draft copy of a permit to use
the public waters for which I applied.

It appears to grant me adequate water to
develop the 12 acres of cranberry operations
and 4 acres of nursery for which I applied.
This will complete development of my existing
land, and hopefully thereby provide an
adequate economic base for both myself
and wife, as well as our son Doug and Family
in business with me.

For this I thank you from the bottom
of my heart.

My signed copy of the "draft" permit is
enclosed as requested. We will anxiously await
issuance of our permit, and proceed on our
development.

Sincerely yours,
Harry Spencer

October 11, 1991

HARRY G SPENCER
PO BOX 291
LANGLOIS, OR 97450

REFERENCE: File(s) G-12685

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

SUPERSEDED

Spencer

Presented To

TO: Water Rights Section

11/2

1991

9/19/94

FROM: Groundwater/Hydrology Section

Meyer

Reviewer's Name:

SUBJECT: Application G-12685

1. ✓ PER THE S. Coast Basin rules, one or more of the proposed POA's is/is not within 4 feet/mile of a surface water source (Conner Creek) and taps a groundwater source hydraulically connected to the surface water.

1 630 } Conner Creek
2 Sec. }

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

Treat as surface water

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. ☒ will, or
 - b. ☐ will not
 - c. ☐ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☐ The permit should contain condition #(s) _____;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☐ The permit should be conditioned as indicated in item 4 below.

- 4.
- a. ☐ THE PERMIT should allow groundwater production from no deeper than 100 ft. below land surface;
 - b. ☐ The permit should allow groundwater production from no shallower than 100 ft. below land surface;
 - c. ☐ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

0303293942

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit. _____, 1991.

(Signature)

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

(Signature)

_____, 1991.



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TREE FARM NURSERY**

HARRY SPENCER, Proprietor
P.O. BOX 291
LANGLOIS, OR 97450

Reforestation stock and
ornamental plantings. Research
in growth and species adaptation.
(503) 347-4114

RECEIVED

OCT - 3 1991

WATER RESOURCES DEPT.
SALEM, OREGON

9/30/91

Water Resources Dept.
3850 Portland Road N.E.
Salem, Or. 97310

Application No. G-12685
Permit No.

Gentlemen:

Enclosed is my application for water rights in Secs 11 and 13 of Twp. 30S R. 15W, W.M. as drawn up by C W R E Jim Sosson. I enclose a copy of his letter to me, and on pg. 2 you will see a checklist for enclosures which accompany the report.

2 footnotes on Jim's letter explain where additional reports will be forthcoming.

Please call me if there are any questions.

Sincerely yours,

Harry Spencer

RECEIVED

580 South State Street
Sutherlin, Oregon 97479

JAMES E. GOSSON Consulting Engineer

OCT 3 1991

(503) 459-2243

CIVIL ENGINEER
LAND SURVEYOR
WATER RIGHTS EXAMINER

WATER RESOURCES DEPT.
SALEM, OREGON

September 20, 1991

Application No 6-12685
Permit No.

Harry G. Spencer
P. O. Box 291
Langlois, Oregon 97450

Dear Harry,

Enclosed are the documents pertaining to your application for a Permit to Appropriate Groundwater. The extra map is for your records.

The application is for water from two wells for 12.0 acres of cranberry use and 4.0 acres of nursery operations. Also enclosed is a copy of the current Administrative Rules defining each use.

I have prepared the application such that well #2 can also be used to provide water for the 10.0 acres of cranberry use and 0.3 acres of nursery operations in the SW1/4 SW1/4 of Section 11, in the event that is desirable. If you want to prove up on it as such you must use it as such.

The distribution pipeline to the 2.0 acres of cranberries in Section 13 must pass through either the SE1/4 SW1/4 of Section 12, or the ~~NW1/4 NW1/4 of Section 13~~. ^{Don't} No I have listed both property owners. You can modify it to reflect the actual location of the pipeline. As we discussed, affidavits from all of the affected property owners will serve to simplify the processing in Salem. I would suggest that you contact the district engineer's office of the Oregon Highway Division in Coos Bay and schedule a meeting at the crossing site, as you will need a permit from them, unless the existing pipeline crossing is under permit. If that is the case, include a copy of it in the package.

The "Land Use Information Form" will have to be modified, depending on the actual location of the pipeline, as I mentioned. It and the "Description of Water Use Form" must be processed by the County Planning Department prior to submitting the application to Salem.

I have identified the wells on the application by their respective "start card" numbers. You will have to enter the start card number for well #2, as I don't have it.

Harry Spencer
September 20, 1991
Page 2

Don't forget to include copies of the legal descriptions of the parcels where appropriation and/or use is shown.

The completed package should contain:

✓ = Enclosed with applications

- ✓ - the completed application, signed and dated,
- ✓ - the supplemental sheet with corrections,
- ✓ - the map,
- ✓ - the water well reports,
- ✓ - the Land Use Information Form, with corrections, (Coos County)
- ✓ - the ~~Record of Land Use Form~~, water use description (Coos County)
- ✓ - the legal descriptions,
- ✓ - the affidavits, (private parties right of way agreements)
- * - the groundwater geologist's report, *
- * - the copy of State Highway Pipeline Crossing Report, *
- ✓ - a check in the amount of \$400.

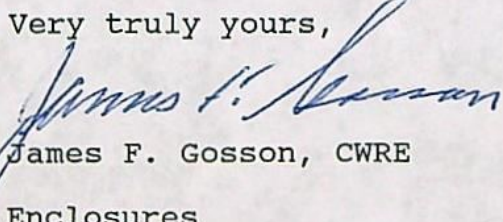
* If a permit doesn't exist, you can either make application now or later. We can discuss this in more detail if it's necessary.

The breakdown of State fees, as I see it, is as follows:

Examination fee	\$200
Recording fee (cranberry use)	100
(nursery operations)	<u>100</u>
Total	\$400

Give me a call if you have any questions.

Very truly yours,


James F. Gosson, CWRE

Enclosures

JFG/p

* The geologists hydrologic report for well #1 is included.

The " " " for well #2 will be forthcoming shortly. All main well and Test well measurements have been taken for well #2 and forwarded for analysis by Russell Ralls, Geologist.

* * The Highway Engineer in Coos Bay has been contacted, and after inspection of our highway crossing a permit should follow.

December 12, 1991

INTER-OFFICE MEMO

TO: Tom Shook

FROM: E. George Robison

Subject: Flows for Davis Cr. basin

Here are the flows for the Davis Cr. basin. I gave you flows derived from both the model and from basin ratios with nearby Ferry Cr. near Bandon. I recommend that you use the model flows because the Ferry Cr. data was based on data taken during the 1976-77 season and then extended out. While the extension gets rid of the drought effect in general, I think the distribution of flows generated from it was flattened somewhat by the drought.

Flow evaluation for Davis and Conner Cr. South Coast Basin

Streamflows in 50% Exceedence Mean monthly flows CFS

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Davis Mod.	23.9	20.3	17.2	11.2	5.6	5.3	3.3	2.4	2.5	3.9	10.3	28.2
Davis Rat.	15.2	14.1	12.8	10.2	6.9	4.0	2.5	2.0	2.3	3.8	10.4	17.1
Conn. Mod.	8.2	6.8	5.8	3.9	1.9	1.6	1.0	0.7	0.7	1.3	3.6	10.0
Conn. Rat.	5.4	5.0	4.6	3.6	2.4	1.4	0.9	0.7	0.8	1.4	3.7	6.1

cc Fred Lissner
Barry Norris
Steve Applegate

MEMO

December 10, 1991

TO: E. GEORGE ROBISON
FROM: TOM SHOOK
SUBJECT: FLOWS FOR CONNER CREEK

YOU RECENTLY PUT TOGETHER A REPORT FOR US FOR FOURMILE CREEK.

APPLICANT HARRY SPENCER IS ANXIOUS FOR US TO WORK ON HIS FILE SO THAT HE CAN USE WATER NEXT SEASON. HIS PROJECT IS A FEW MILES SOUTH OF THE FOURMILE CREEK BASIN. I HAVE ATTACHED A MAP PRINT OF THE AREA IN QUESTION.

WILL YOU GIVE US A FLOW REPORT FOR DAVIS CREEK AND THE TRIBUTARY CONNER CREEK? JOHN DROLET, WATERMASTER AT COQUILLE, FAXED US A MISCELLANEOUS MEASUREMENTS REPORT. IT IS ATTACHED ALSO.

IF YOU CAN COME UP WITH AN ANSWER FOR US WITHIN A WEEK, GREAT. IF YOU ARE INUNDATED WITH REQUESTS AS A RESULT OF YOUR E MAIL MSG, WE WILL USE FOURMILE CREEK INFO.

THANKS

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

DATE : 12-5-91

TO: File G12685

FROM: Sarah Meyer *slm*

SUBJECT: Hydraulic Connection and Potential for Substantial Interference

As a result of Harry Spencer's inquiry on the status of his water right application, a repeat investigation was done on the hydraulic connection and potential for substantial interference from his two proposed pumping wells. Mr. Spencer had hired a geologist, R.J. Ralls, to investigate the situation and Mr. Ralls concluded that there was no hydraulic connection or potential for substantial interference. However, the initial evaluation from the groundwater section showed hydraulic connection and the potential for substantial interference in accordance with the WRD Administrative Rules 690-09-040. Because the two wells are unconfined and within one-fourth mile from Conner Creek, they are defined in the rules as being both hydraulically connected and having the potential for substantial interference. The existence of a hydraulic gradient between the creek and the wells is irrelevant in this kind of analysis because the wells are still intercepting groundwater that would have eventually added to the creek flow. There is flexibility in the rules that provide the applicant leverage to refute this method of evaluation. Since the applicant provided additional hydrogeological information from a licensed geologist, the Department felt a second, more in depth, review was justified.

The second review involved an analysis of Mr. Ralls hydrogeological reports of the two wells. According to Mr. Ralls, the two wells were tapping into an unconfined aquifer but the amount of withdrawal would not be seen in Conner Creek. Using parameters calculated from the results of two four day pump tests, Mr. Ralls based this conclusion on the amount of drawdown seen one hundred feet from each pumping well. At one hundred feet, well #1, pumping at 144 gpm for 100 days, would cause 5.58 feet of drawdown and well #2, pumping at 84 gpm for half a day, would cause 3.9 feet of drawdown. By extending this drawdown the distance to the creek, he concluded no effects would be seen.

As a double check, the data obtained from the pump tests was redrawn into graphs and hydraulic parameters were recalculated. The range of recalculated transmissivities included those calculated by Mr. Ralls as did the values of storativity for well # 2. However, Mr. Ralls storativity value for well #1 fell outside of our recalculated range of storativities.

		TRANSMISSIVITY	STORATIVITY
R.J. Ralls	well #1	16,982 gpd/ft	.174
	well #2	6,187-6,329 gpd/ft	.0062-.0083
WRD	well #1	8,280-22,770 gpd/ft	.107-.023
	well #2	2,708-34,065 gpd/ft	.0066

Plugging these values into Jenkins' Model gives the following results for the time at 25% stream depletion:

R.J. Ralls	well #1	7.24 days
	well #2	1.18-1.61 days
WRD	well #1	0.71-9.13 days
	well #2	0.23-2.93 days

All these values are well within the guidelines outlined in the rules which refer to the 25% depletion within 30 days of pumping (with respect to substantial interference). Ralls' hydrogeological report was very informative and it presented a lot of valid data, yet, there was nothing in the report to suggest that no hydraulic connection was occurring and that there was not a potential for substantial interference. Due to the proximity of the wells to the creek and the aquifer characteristics gained from the Ralls geological report, I think it is accurate to assume both hydraulic connection to Conner Creek and that the potential for substantial interference exists.

SUPERSEDED

TO: Water Rights Section

11/12, 1991

FROM: Groundwater/Hydrology Section

Meyer

Reviewer's Name

SUBJECT: Application G- 12685

1. ✓ PER THE S. Coast Basin rules, one or more of the proposed POA's is/is not within 1/2 feet/mile of a surface water source (Conner Creek) and taps a groundwater source hydraulically connected to the surface water.

D 1 630 } Conner Creek
2 500 }

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

Treat as surface water

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

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

REMARKS:

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

5. **THE WELL** which is the point of appropriation for this application does not meet current well construction standards based upon:
- _____ review of the well log;
 - _____ field inspection by _____;
 - _____ report of CWRE _____;
 - _____ other: (specify) _____.
6. **THE WELL** construction deficiency:
- _____ constitutes a health threat under Division 200 rules;
 - _____ commingles water from more than one groundwater reservoir;
 - _____ permits the loss of artesian head;
 - _____ permits the de-watering of one or more groundwater reservoirs;
 - _____ other: (specify) _____.
7. **THE WELL** construction deficiency is described as follows: _____

 _____.
8. **THE WELL**
- _____ was, or _____ constructed according to the standards in effect at the time of
 - _____ was not _____ original construction or most recent modification.
 - _____ I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
 _____, 1991.

(Signature)

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

 _____.

_____, 1991.

(Signature)

(WRFORM8\91)

Tom Shook

October 29, 1991

INTER-OFFICE MEMO

TO: Steve Brown

FROM: E. George Robison

Subject: Flows for Fourmile Cr.

Steve here are the flows for Fourmile Cr. I must caution you that I estimated the precipitation and the soils index as best I could from maps. There were no gages and no significant miscellaneous measurements so I used the water availability model to do the calculation.

Streamflows for Fourmile Cr. and tributary.

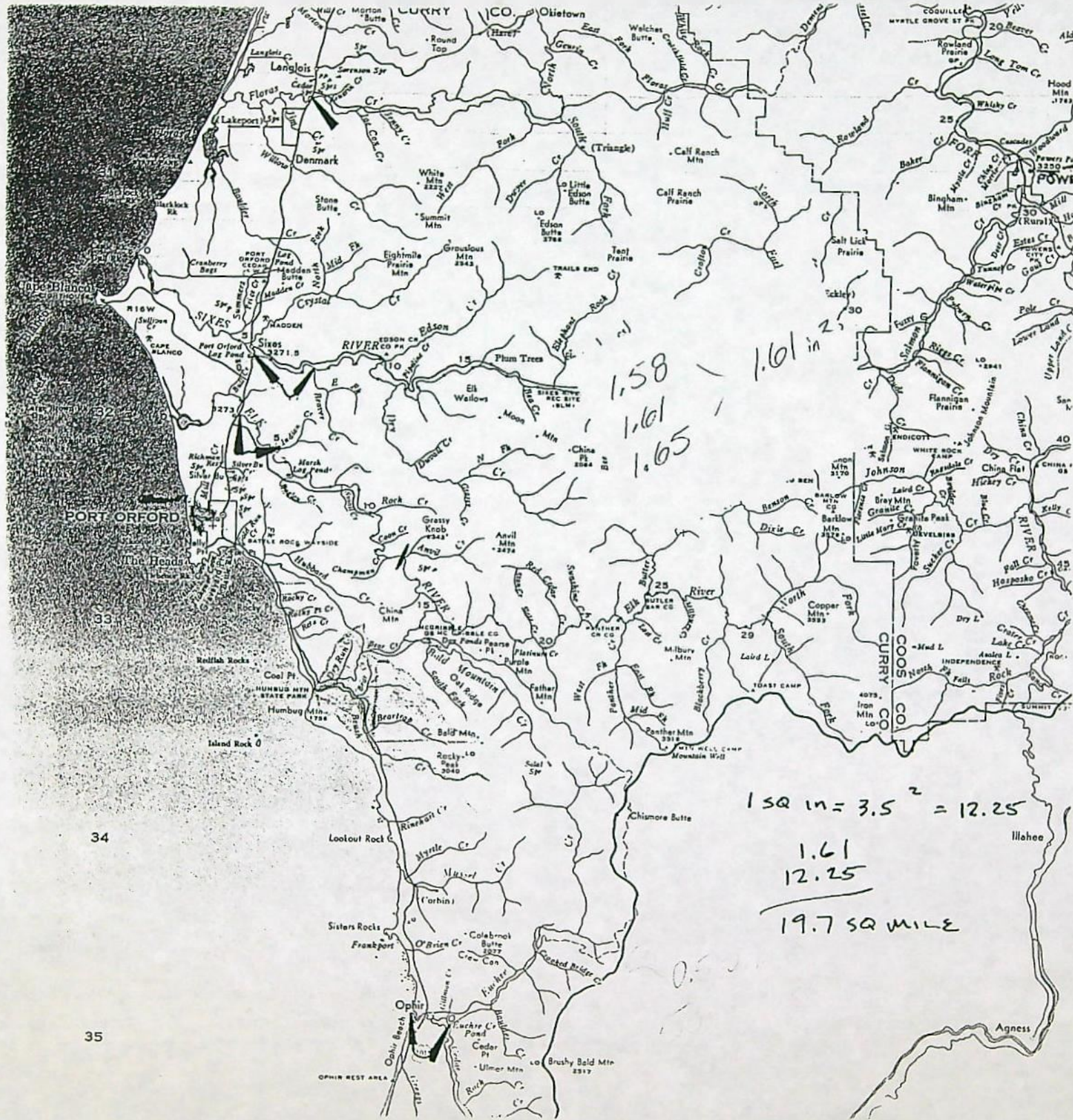
All flows are 50% exceedence mean monthly flows based on the water avail. model

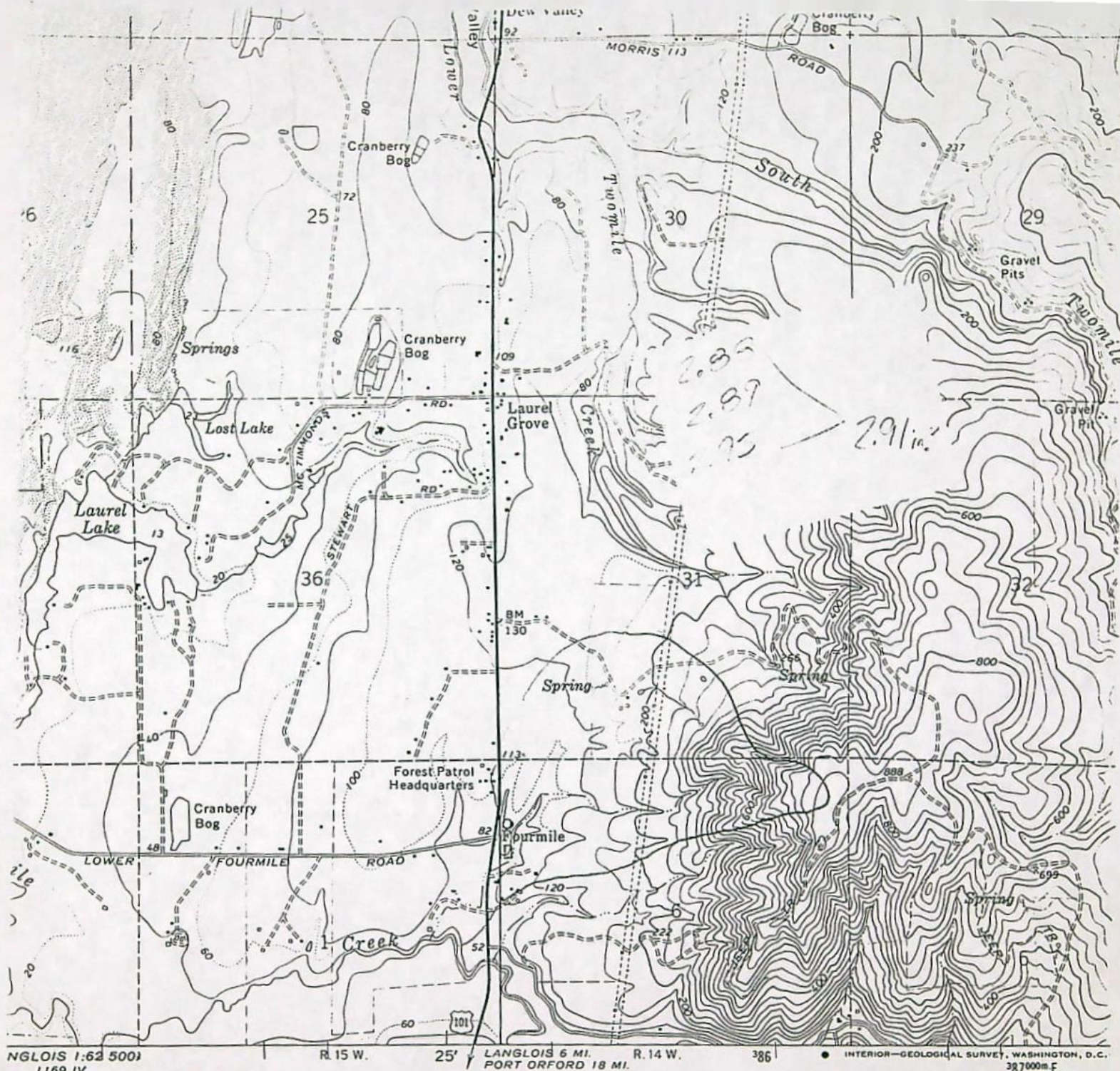
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Fourmile Cr.	137	120	100	64	33	15	6.3	3.8	4.5	11	58	156
Fourmile Cr. trib.	2.6	2.1	1.8	1.2	0.5	0.2	0.1	0.05	0.1	0.2	1.3	3.5

Basin Characteristics for Fourmile trib.	Basin Characteristics for Fourmile Cr.
17 = Basin No.	17 = Basin No.
0.44 = Drainage Area	19.7 = Drainage Area
70 = Precipitation	68 = Precipitation
3 = SI Index	3 = SI Index

All basin characteristics were estimated from maps not determined.

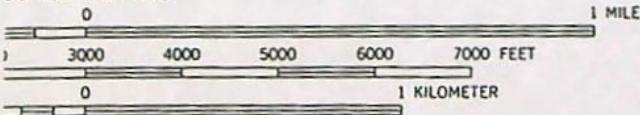
cc Fred Lissner
Steve Applegate





NGLOIS 1:62 5001

SCALE 1:24000



IR INTERVAL 40 FEET
 REPRESENT 20-FOOT CONTOURS
 1 IS MEAN SEA LEVEL
 S IN FEET—DATUM IS MEAN LOWER LOW WATER
 ENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
 AGE OF TIDE IS APPROXIMATELY 5 FEET



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard surface _____
 Secondary highway, hard surface _____ Unimproved road _____
 Interstate Route U. S. Route S

BANDON

SW/4 BANDON 15
 N4300—W12

197

AMS 1170 III SW

DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
 HIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

$$1 \text{ sq in} = 2000 \text{ ft}^2$$

$$3 \text{ in}^2 = 0.44 \text{ sq mi}^2$$

MEMORANDUM

TO:
FROM:
RE:

Reed Mautnt
Danielle Clair
Correspondence Contact # 229
CALL

61-12685

Today's date: 9-7

Draft due: ASAP, before Friday, 9-9

Request for review of correspondence to addressed to:

Governor Roberts

Martha Pagel

Please prepare a draft response to the attached corre

☐ The Governor's signature.

☐ Martha's signature

229

Am 3/1
Call Home
665-9242

11/12/95

Reed - re WRC meeting.
Said he called all/outcome.

Part

Mart
Direc

Bradley Howe from

MOP:

Home - he

ira Roberts
rnor

OR

Anne W
Senior F
Natural

Will check his

your initials) (letter id #)

AWS: (y

home phone rds

And as pe
should beg

Re: Croft Lake

s or Martha's response

RECEIVED

SEP - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

229

September 1, 1994

State of Oregon
Water Resources
3850 Portland Rd. NE
Salem, OR 97310

Dear Sir or Madam: *(Mrs. Pagel)*

On behalf of the Croft Lake Association, I would like to express my deepest concerns regarding additional water use permits within the watershed of Croft Lake. Our association has found many difficulties trying to communicate our observations of water availability within the watershed. We feel that our objections have not been taken seriously in the past, and being notified about the permit process has been lacking.

It has been brought to our attention that upcoming hearings regarding water use applications for Spencer (G 12341 and G 12685) and Warnock (G 12692) will be held possibly September 8 or 9. We are unable to have a representative at this hearing and we feel strongly that this is our concern. We request that these issues not be discussed until we are fairly notified of a hearing.

Currently, the summer of 1994 has been a very dry one. The streams within the Croft Lake watershed are extremely low. We are in the process of taking flow measurements to determine if our association is obtaining our established water appropriation. We are conducting this with the help of John Drolet, the watermaster for the south coast basin. Measurements will undoubtedly show that our water rights are not being fulfilled. The lowest stream flows are yet to come.

Enclosed with this letter is a copy of phase 1 of a large watershed/ecosystem management project we are carrying out with the help of the Oregon Graduate Institute's department of Environmental Science and Engineering. Phase 1 encompasses a detailed analysis of the hydrologic cycle of the Croft Lake watershed. Phase 2 will look at the ecosystem of the three salmonid species of this watershed. Phase 3 will look at the role of agriculture in the area. These three phases will be conducted simultaneously. If you are interested in taking part in this study, please let us know, but at the very least, please consider our position and we request better communication in the future.

Bradley R. Howe

Bradley R. Howe
Croft Lake Association
Croft Rd.
Bandon, OR 97411

Home Address

1980 SW Lake Pl.
Gresham, OR 97080

503-665-9242

HYDROLOGY, AGRICULTURE, AND SALMON

*A Research Proposal for the Study of the Hydrologic Cycle
in the
New River Watershed on Oregon's South Coast*

Bradley Robert Howe

Oregon Graduate Institute of Science and Technology
Department of Environmental Science and Engineering
20000 NW Walker Rd
Beaverton, OR 97006

August 3, 1994

BACKGROUND

A unique river and estuary system, known as New River, is located about 25 miles south of Coos Bay along the southern Oregon coast. Human inhabitation of the area dates back more than eight thousand years, with the first European settlers arriving to the area in the late 1850's. Alterations to this watershed have occurred throughout this period, with the majority of the changes happening in the last half century.

New River begins as Floras Creek at the headwaters in the coastal foothills. As Floras Creek flows west and approaches the Pacific Ocean, the creek's course veers northward, becoming New River. New River flows north for about eight miles separated from the sea by a narrow foredune before emptying into the ocean. Along New River's stretch, many tributaries merge. Most tributaries are streams, with several draining small coastal lakes.

Within the watershed of New River, human activities consist of agriculture, a small amount of timber harvesting, residential, recreational use, and wildlife habitat. The major agricultural activities consist of cranberry production, and sheep and cattle grazing. The majority of the watershed is in private ownership, while the BLM owns much of New River and its immediate riparian zone. New River has been designated by the BLM as an Area of Critical Environmental Concern (ACEC). This area is home to a diverse amount of fish and wildlife. Fourteen endangered or threatened animal species inhabit this land, or utilize the area during seasonal migration.

Four anadromous fish species start their life cycle within this watershed: coho salmon, fall chinook salmon, winter steelhead, and sea-run cutthroat trout. These are native runs with viable populations present. As with everywhere else, these populations are severely depressed from historical numbers. As we are learning, many factors contribute to the decline of the salmon. Within the New River watershed, clearing of the land for timber or farmland, ditching and/or diking to turn wetlands into agriculture or grazing land, as well as changes to the hydrologic cycle due to irrigation, have had negative impacts on the salmon. Poor ocean conditions and overharvesting of our resources have also caused negative impacts.

SURFACE WATER HYDROLOGY

A closer examination of one tributary system that merges with New River will provide a more detailed picture of the current condition of the watershed (see Fig 1 on page 8). Conner Creek merges with Davis Creek, then Davis Creek flows into Croft Lake, one of the small coastal lakes in the watershed. Croft Lake then flows through sand dunes vegetated with coastal pine and European beachgrass, on into New River. This sub-

watershed covers 4.5 square miles, or five percent of New River's watershed area. The grazing of sheep on grass covered hills, and cranberry production on the coastal plane encompass activities along the upper and middle sections of the Croft Lake watershed. The lower watershed is managed by private land owners and the BLM with a goal of maintaining the native ecosystem. Steelhead, coho salmon, and sea-run cutthroat use Davis and Conner Creeks to spawn. However, these are some of the most depressed runs in all the New River watershed.

Stream surveys from 1962 of Conner and Davis Creeks show Conner Creek to be 4.5 miles in length with 4.0 miles of suitable salmonid habitat, and 10 percent of this area to be good spawning grounds. Davis Creek was found to be 5.0 miles with 4.0 miles of suitable habitat, and 40 percent of this was good spawning habitat. This is only speculation from observation, but surveys today would more than likely reveal only a fraction of the habitat that once existed. The Oregon Department of Fish and Wildlife has recently conducted fish sampling within the New River watershed and within Davis and Conner Creeks, and coho, steelhead and sea-run cutthroat juveniles are present throughout the watershed. Proper management of our water and salmon resources is vital. Understanding how much of the resource and habitat actually exists should be the first step.

With the enormous acreage of pasture lands for sheep, significant run-off can occur and it is believed that streams rise quickly with usually a higher maximum and a lower minimum flow rate as compared to the native forested ecosystem where run-off is slow and water storage capacity is much higher. The higher run-off rate (ROFF) of the disturbed ecosystem will lower the infiltration rate (INF) as well. The hydrologic cycle would take longer to recover after disturbances such as high irrigation demand. The ROFF:INF ratio increases with this changed watershed, and a higher ROFF:INF ratio indicates a less healthy ecosystem.

Salmon are thought to be quite sensitive to changes in their aquatic environment. The macro-changes in watershed land use, stream flow, and overall habitat reduction are easily contributors to the decline of the salmon. Relatively small changes in the environment with regard to water chemistry more than likely play a large part in the decline as well.

Large organic debris such as tree trunks, branches, and root wads were a larger part of the stream structure when the land was more forested. Storage capacity of the watershed was greater and groundwater made a more significant contribution to minimum stream flows. Groundwater is the water stored by the soil, and water contained within underground aquifers. Groundwater flows and healthy riparian areas help keep water temperatures down within the survival range for salmonid species. Surface temperatures

of Croft Lake measured 70° F in early September 1993, and New River's temperature measured 75° F. These temperatures are near lethal limits for salmonid species. There is some speculation that the New River subspecies of salmonid may have a higher tolerance for increased temperatures. Increased temperatures also alter water chemistry which has an effect on all that is connected with the aquatic ecosystem. This in my opinion is the major problem the salmon of New River face, and one that must be addressed for restoration efforts to have success. Other negative factors will be addressed with future research, but water quantity and temperature overshadow all other problems.

TIMBER HARVEST/LAND CLEARING

Logging has not been a significant part of this watershed for many decades, but some still occurs in parts of the New River watershed. Clearing the vegetation from the land to develop new agricultural lands is still prevalent. Salmon runs remained strong but decreasing into the 1960's. Conversations over the years with long-time area residents indicate a great deal more fish at the turn of the century and into the 1930's than even thirty years ago. The hydrology also has been altered for irrigation and drainage. It is believed that higher surface water temperature and lower minimum flows have resulted due to these land use practices. Riparian zones have been degraded with these activities, and stream morphology has been altered by water diversions. Soil and water chemistry have changed due to these activities. These are some of the factors that will need to be addressed when watershed restoration begins.

IRRIGATION

Irrigation plays a major role in the ecosystem of New River today. The majority of the irrigation water used is for the production of cranberries. Irrigation of pastures and other crops make up the balance. For irrigation of these crops, water is obtained from a combination of surface and groundwater sources. The groundwater sources consist of drilled wells, sump wells, and reservoirs or storage ponds filled from run-off or groundwater movement into the ponds. Existing water permits from the Oregon Water Resources Board total just over 28 cubic feet per second in the Croft Lake watershed. This figure is for all water sources combined. This is the total amount of water that can be legally extracted for use from the watershed. Probably very rarely is this figure of consumption being attained at any given time. It has been said that the 28 cfs is not ever fully utilized by the permit holders.

For the cranberry industry, water is used to irrigate the crops, cool the crops on days the temperature exceeds a given maximum, protection from the cold when

temperatures fall below a given minimum, and during harvesting of the crop in the fall. The fall harvest diverts large amounts of water from the areas hydrologic cycle. It is said that 70 percent of the diverted irrigation water is returned to the hydrologic cycle. Changes that occur to the hydrology will be examined shortly.

The cranberry industry has a water use factor of just over 6 ac-ft/acre, which is high by agricultural industry standards. Water use figures for irrigated pasture land are on the order of 1.4 ac-ft/acre. The return water from agriculture certainly can be a precious commodity, even if it is less than perfectly "fresh" water. Low precipitation years are not uncommon, and the stresses following the initial impact that aquatic populations experience are felt for many years.

WATER BALANCE

This area of the south Oregon Coast receives between 55 and 75 inches of precipitation per year (Coos County Soil Survey). The watershed for Croft Lake measures roughly four and one-half square miles (USGS Topographical Map). Table 1 (next page) was derived from daily measurements of potential evapotranspiration rates (ET) and precipitation from a US Bureau of Reclamation measurement site about four miles north of Croft Lake. Evapotranspiration is the combination of evaporation and moisture transpired from vegetation. Due to the close proximity of the measurements, with nothing present in the local environment to influence climate, ET rates and precipitation were assumed to be the same in the Croft Lake area. The measurements were taken for the calendar years 1987-1993.

Not one of the years recorded precipitation is within the supposed normal precipitation range. The last column represents the amount of water that was available to the watershed after potential ET figures were subtracted. This amount of water drives groundwater recharge, stream flows, and irrigation needs. In 1987 and 1993, an abundance of water was present. However, 1991 and 1992 figures show only 75 and 134 million gallons of water per year respectively to drive all these processes. These figures are also equivalent to only 0.97 and 1.79 inches of precipitation per year after ET figures were subtracted. In these years, stream flows in late summer and early fall were extremely low. Late summer and early fall is also when the cranberry industry has its greatest need for water. Groundwater is utilized heavily, lessening potential base flow of water from aquifers to streams and lakes.

TABLE 1: Estimated Water Balance for Croft Lake Watershed, 1987-1993

Total Area: 4.5 square miles

YEAR	Precipitation	Potential Evapo- transpiration	Precip Minus evapotrans.	Net Runoff and Groundwater Recharge
Avg Ppt / Year for Croft Lake	60.00 (in/yr)	35.00 (in/yr)	25.00 (in/yr)	1959 (Millions of Gallons/yr)
1987	50.06	30.85	19.21	1496
1988	46.72	31.00	15.72	1227
1989	39.09	33.10	5.99	464
1990	53.31	35.28	18.03	1406
1991	39.69	38.72	0.97	75
1992	39.45	37.66	1.79	134
1993	54.79	35.57	19.22	1496
(Average precipitation for south Oregon Coast= 55-75 inches—Coos County Soil Survey)				

The remaining surface waters are also heavily utilized, resulting in low flows at higher temperatures. Residence time of water is that time which it takes water to flow through a given system. When water is diverted, residence time increases. In the case of storage ponds, this residence time increase could be substantial. An increase in residence time can lead to increased temperatures of the water via more time for solar input.

GROUNDWATER PUMPING

Moving water from deep storage in groundwater to the surface creates a multitude of effects that need to be examined. The removal of a volume of water from the ground creates a reduced localized pressure in the aquifer. The pressure is compensated for by water moving back into the aquifer from other areas with higher pressure. Water from adjacent aquifers can move to compensate if there is interaction between aquifers. Several aquifer layers are thought to exist in the ground below the Croft Lake watershed. Little data is available to substantiate this, nor are there figures for total ground water storage capacity in the area. If there is a hydraulic connection to the surface water of nearby streams or lakes, pressure gradients can be compensated with flow changes to or from these sources. This certainly must have an impact on the hydrologic flows between the ground and the surface when large quantities of water are pumped from the groundwater of a small area. Relationships between surface and groundwater, riparian areas, bank storage, channel

changes, flow changes, water quality and quantity are definitely crucial for the salmon and the ecosystem, and must be better understood.

During the fall harvest of cranberries, shallow domestic wells in the lower watershed dropped six feet in a 48 hour period in 1991. Muddy Lake, a small lake adjacent to Croft Lake, which has no surface inlet or outlet, showed a marked drop in surface level in conjunction with cranberry harvest. Flow through the upper reaches of New River sometimes cease in association with low precipitation and heavy irrigation demand. High predation of juvenile salmon trapped within isolated pools resulting from discontinuous flows has been observed. Suffocation and temperature stress can also add to mortality and stunted growth of the juvenile salmon.

Currently, additional water use permits in the Croft Lake watershed for over 30 cfs are now pending for review by the Water Resource Board. These water use permits are primarily for additional cranberry production. Given the fact that the 28 cfs of existing water rights that may not be fully utilized at the present and the demonstrated drop in groundwater levels during fall harvest, more precise data should be obtained about this water resource before giving more away.

In the particular case of the Croft Lake watershed, studies will undoubtedly show an over-utilization of the water resource under the presently uncoordinated diversions. With the added demand for water and an abundance of winter run-off, methods must be developed to capture more of this water source. This must be done with health for the aquatic ecosystem as the prime beneficiary. Private citizens, government, and environmental groups need to come together on this for optimal success.

PROPOSED RESEARCH ACTIVITIES-overview

The two stages of this research project are to 1) quantify detailed hydrologic cycles of a watershed and 2) begin defining and implementing restoration activities that will be as efficient as possible. With an understanding of the hydrologic cycles, diversion of water can be optimized while maintaining watershed health. With the salmon, this also equates to ecosystem health.

Factual data that will be gathered to help reach these goals will shed some understanding of the aquifers underlying the watershed, their capacity, and interactions with area surface waters. Stream flow, precipitation, evapotranspiration, water temperatures, stream morphology in connection to flows, and water quality measurements will all be tracked. Since irrigation is now a major component of the hydrologic cycle, this too will have to be factored in. The ultimate goal of course, is to maximize our ability to utilize the water resource while we minimize our alteration to the hydrologic cycle.

The hydrologic cycle for any watershed begins with the input of precipitation. When precipitation hits the ground, either infiltration into the soils occur, evaporation or transpiration by vegetation, or under saturated conditions, run-off can take place. Evaporation and plant transpiration, collectively known as evapotranspiration, can account for as much as 75% of the yearly precipitation being returned to the atmosphere. The remainder of the precipitation recharges groundwater, is held in soils, or is present as surface water ultimately headed for the ocean. This part of the hydrologic cycle not only gives rise to the freshwater ecosystem of the salmon, but it is also that which provides needs for municipal, industrial, agricultural, residential, and recreational water use. Providing for all needs will require better understanding of watershed hydrologic cycles.

Figure 1 depicts the hydrologic cycle in the Croft Lake watershed. The following formula represents a yearly water budget for watersheds;

$$P = Q + E + \Delta \text{Surf} + \Delta \text{Ground} + \Delta \text{Soil Storage}$$

where,

P= precipitation in millions of gallons/year

Q= stream flow

E= evapotranspiration

ΔSurf = change in surface water storage

ΔGround = change in groundwater storage

$\Delta \text{Soil Storage}$ = change in water content of soils.

Precipitation will be measured directly in the upper, middle and lower watershed via rain gauges monitored daily. Actual evapotranspiration will be measured via a lysimeter also at the three sites in the watershed. Data for both precipitation and evapotranspiration should differ even for the small distances involved. Stream flows will be measured directly at several sites throughout the watershed. This is necessary since,

$$\text{Stream Flow} = \text{Exfiltration} + \text{Run-off} + \text{Irrigation Run-off} - \text{Stream Bed Infiltration}$$