

ASSIGNED

FILE#: S 73424

RUSSELL S FRASER
FRASER, PATTI R
RT 1 BOX 1519
BANDON, OR

97411

Application No. 73424
Permit No. 52411
Certificate No. _____

Stream Index, Page No. _____

See R73423, G-13424

Volume 3 Sixes River + riparian

FEES PAID

Date	Amount	Receipt No.
6-1-93	318.00	10054
3/8/94	100.00	100028
1/20/99	100.00	27279
3-20-17	85.00	122959
2-5-2020	200.00 Cert. Fee	131876

FEES REFUNDED

Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until C62

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 6-12-97

Date for completion 10-1-98

Extended to 10-1-01

Date for application of water 10-1-99

Extended to 10-1-02

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received 2-5-2020

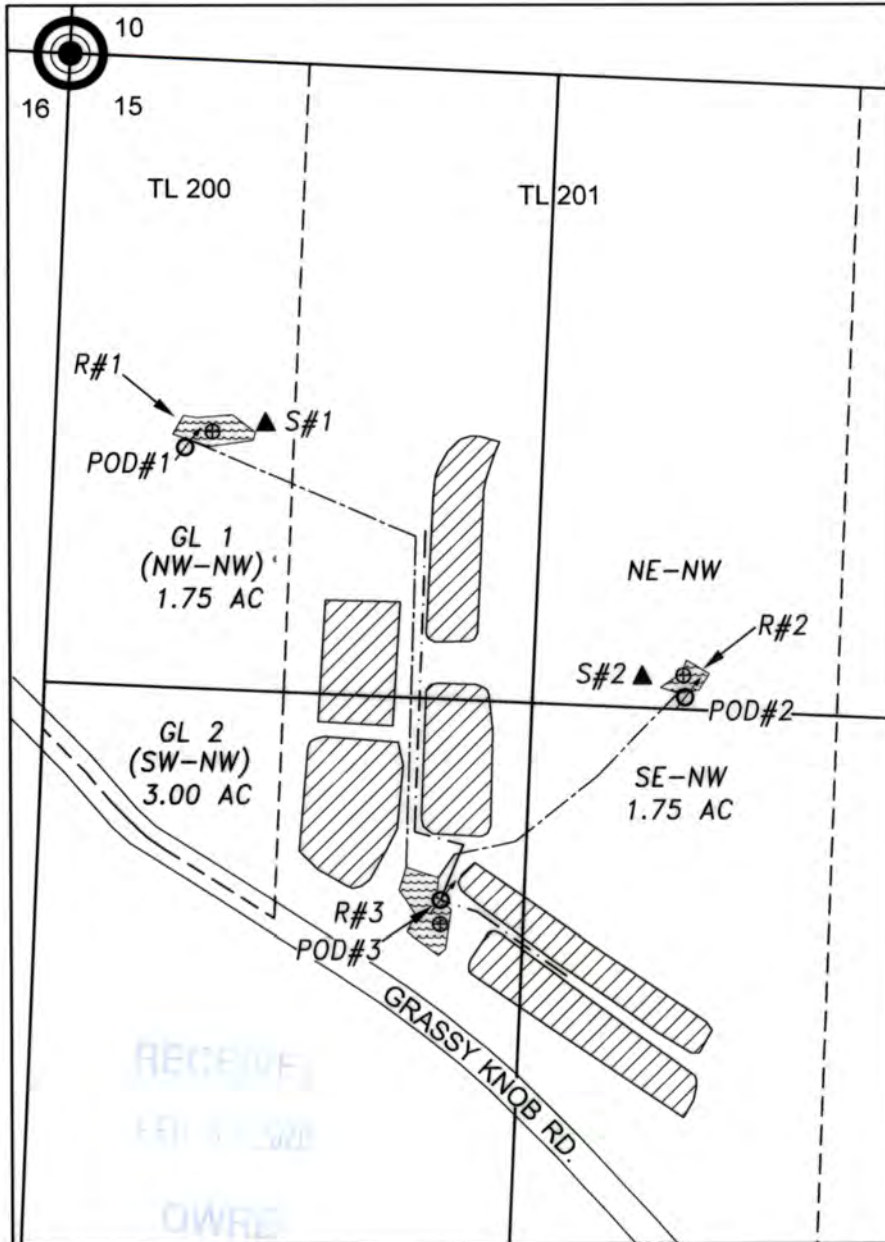
Date Certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
7-19-96	<u>James + Janet Dougherty</u>	<u>PB 316-Sixes, OR 97476</u>	<u>7</u>	<u>3214</u>
3/21/17	Michael Von Korff & Linda LeResche c/o Douglas Von Korff PO Box 222 Sixes, OR 97476			

REMARKS

CLAIM OF BENEFICIAL USE MAP
APPLICATION # S-73424 PERMIT # S-52411,
SECTION 15, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.
CURRY COUNTY, OREGON



POINT OF BEGINNING (POB)
NW COR. SEC.15 T32S. R15W.
W.M



POINT OF DIVERSION (POD)



STAFF GAUGE



SPRING



CONVEYANCE LINE



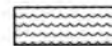
IRRIGATION MAINLINE



TAXLOT BOUNDARIES



PLACE OF USE



RESERVOIR

GL # GOVERNMENT LOT

SPRING	SOUTH	EAST
S#1	750'	400'
S#2	1280'	1180'

RESERVOIR	SOUTH	EAST
R#1	777'	212'
R#2	1312'	1313'
R#3	1775'	758'

POD	SOUTH	EAST
#1	808'	243'
#2	1336'	1247'
#3	1862'	727'

-DISTANCES FROM POB

DISCLAIMER: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DESCRIPTIONS OR LOCATIONS OF PROPERTY LINES.



NORTH
1"=400'



EXPIRES 06/30/2020

VCC

**VAN CAMP
CONSULTING**

P.O. Box 995
Coos Bay, OR 97420
(541) 297-1880
vancampconsulting@gmail.com

Prepared For:
MICHAEL VON KORFF
P.O. BOX 222
SIXES, OR 97476

Project:
CLAIM OF BENEFICIAL
USE MAP
PERMIT # S-52411

Date:
12/04/2019

Application No. 11724 **Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: Russell or Patti R. Fraser
 Address: Route 1, Box 1519
 City: Bandon State: Or Zip: 97411 Day Phone: (503) 347-2923

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
32/15 S15 TL 200	FORESTRY - GRAZING	X	X	X

WATER RESOURCES DEPT.
 SALEM, OREGON

JUN - 1 1993

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

The following section must be completed by a planning official from **each** county and city listed unless your project will be located **entirely within city limits**. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

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

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CCZO Sect 3.051 (7). Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: RUSSELL S. FRASER

RUSSELL S. FRASER

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: CHARLES E. NORDSTROM

Title: PLANNING DIRECTOR

Signature:

Date: 4/2/93

Date: 4/2/93
Phone: (503) 247-7011 x285

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

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



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

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

A separate form shall be completed for each permit.

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

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

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

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

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

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

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

SECTION 1 GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT #	PERMIT AMENDMENT #
S-73424	S-52411	NA

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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Michael Von Korff		PHONE NO. 206-459-5437	ADDITIONAL CONTACT NO.
ADDRESS PO Box 222			
CITY Sixes	STATE OR	ZIP 97476	E-MAIL Vonkorff.m@gmail.com

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

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

PERMIT HOLDER OF RECORD Michael Von Korff			
ADDRESS PO Box 222			
CITY Sixes	STATE OR	ZIP 97476	

ADDITIONAL PERMIT HOLDER OF RECORD Linda Le Reche c/o Douglas Von Korff			
ADDRESS PO Box 316			
CITY Sixes	STATE OR	ZIP 97476	

4. Date of Site Inspection: **8/26/2019,12/04/2019**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Michael Von Korff	8/26/2019	Owner

6. County: **Curry**

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

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

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

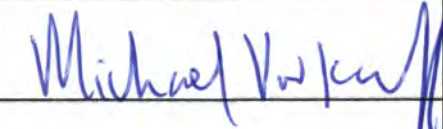
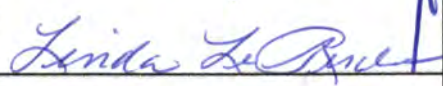
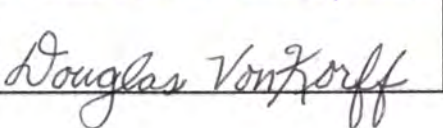


CWRE NAME Marc J. Van Camp		PHONE NO. 541-297-1880	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 995			
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL vancampconsulting@gmail.com

Permit Holder of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Michael Von Korff	Owner	2-1-2020
	Linda Le Resche	Owner	02/01/2020
	Douglas Von Korff	Owner	01-28-2020

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SECTION 3

CLAIM DESCRIPTION

1. Point of diversion name or number:

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

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD #1	Reservoir #1	Sixes River
POD #2	Reservoir #2	Sixes River
POD #3	Reservoir #3	Elk River

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

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD #1	Cranberry Operation	Cranberries	Live Flow: Dec. 1 – Mar. 30 Storage: Year Round	0.06 CFS
POD #2	Cranberry Operation	Cranberries	Live Flow: Dec. 1 – Mar. 30 Storage: Year Round	0.06 CFS
POD #3	Cranberry Operation	Cranberries	Live Flow: Dec. 1 – Mar. 30 Storage: Year Round	0.06 CFS
Total Quantity of Water Used				0.18 CFS

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

Both POD #1 and #2 divert water into Reservoir # 3. POD #3 then diverts water to 6.5 acres of cranberry bogs with subgrade 6" PVC mainline. Approximately 2.25 acres of cranberries are serviced by a 5hp pump, the remaining 4.25 acres are serviced by a 7.5 hp pump. Both of these pumps at POD #3 share a dedicated electrical meter which measures all of the water applied to the cranberry operation.

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

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5. Variations:

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

YES

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

- 1) The permit allowed 19.0 acres of cranberry operation, only 6.5 acres were developed.
- 2) The permit allowed for storage of 13.0 AF, only 3.4 AF of storage was developed.
- 3) The permit allowed for the development of four unnamed springs, four unnamed reservoirs, and Frasers Reservoir. Only two unnamed springs (Spring #1 and #2) and two unnamed reservoirs (Reservoir # 1 and #2), and Frasers Reservoir (renamed Reservoir #3) were developed.

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD#1	0.06 CFS	0.11 CFS	N/A	Cranberry Operation*	19	6.5
POD#2	0.06 CFS	0.11 CFS	N/A	Cranberry Operation*	19	6.5
POD#3	unspecified	0.33 CFS	N/A	Cranberry Operation*	19	6.5

* Cranberry Operation: including but not limited to temperature control, irrigations and flood harvest.

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SECTION 4 SYSTEM DESCRIPTION

Are there multiple PODs?

YES

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

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

POD #1

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SE C	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
32S	15W	W.M.	15	NWNW	1	N/A	CRANBERRY OPERATION	1.75	
32S	15W	W.M.	15	SWNW	2	N/A	CRANBERRY OPERATION	3.0	
32S	15W	W.M.	15	SEnw	N/A	N/A	CRANBERRY OPERATION	1.75	
Total Acres Irrigated								6.5	

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

B. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Illegible	Illegible	Illegible	Centrifugal	1.5"	1.5"

3. Motor Information

MANUFACTURER	HORSEPOWER
Illegible	2.5

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4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
2.5	20	0	40'	0.11

5. Provide pump calculations:

See attached Pump Capacity Calculation Sheet POD #1. Theoretical pump capacity exceeds permitted amount to meet permitted rate of G12089.

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

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

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

7. Is the distribution system piped?

YES

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

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2"	1200'	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
NA	NA	NA	NA

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
NA	NA	NA	NA	NA	NA

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA	NA	NA	NA	NA

12. Additional notes or comments related to the system:

POD #1 diverts water from Reservoir #1 to Reservoir #3, where it is then diverted to the place of use through POD #3. See Section 4 of POD #3 for place of use details.

C. Storage

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

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

If "YES" is it a: Storage Tank

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YES

NO

WR

Bulge in System / Reservoir

YES

*Complete appropriate table(s), unused table may be deleted.***3. Bulge in System / Reservoir:**

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Reservoir #1	6'	0.8 AC-FT
Reservoir #3	0'	2.2 AC-FT

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

*If "NO", items 2 through 4 relating to this section may be deleted.***E. Gravity Flow Canal or Ditch**

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

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

NO

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

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

POD #2

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SE C	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
32S	15W	W.M.	15	NWNW	1	N/A	CRANBERRY OPERATION	1.75	
32S	15W	W.M.	15	SWNW	2	N/A	CRANBERRY OPERATION	3.0	
32S	15W	W.M.	15	SEnw	N/A	N/A	CRANBERRY OPERATION	1.75	
Total Acres Irrigated								6.5	

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

B. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Illegible	Illegible	Illegible	Submersible	1.5"	2"

3. Motor Information

MANUFACTURER	HORSEPOWER
Illegible	2.5

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
2.5 HP	20	0	100'	0.11

5. Provide pump calculations:

See attached Pump Capacity Calculation Sheet POD #2. Theoretical pump capacity exceeds permitted amount to meet permitted rate of G12089.

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

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

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

7. Is the distribution system piped?

YES

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

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2"	700'	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
NA	NA	NA	NA

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
NA	NA	NA	NA	NA	NA

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

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11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA	NA	NA	NA	NA

12. Additional notes or comments related to the system:

POD #2 diverts water from Reservoir #2 to Reservoir #3, where it is then diverted to the place of use through POD #3. See Section 4 of POD #3 for place of use details.

C. Storage

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

YES

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

If "YES" is it a: Storage Tank

NO

Bulge in System / Reservoir

YES

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

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Reservoir #2	6.6'	0.4 AC-FT
Reservoir #3	0'	2.2 AC-FT

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

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

E. Gravity Flow Canal or Ditch

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

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

NO

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

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

POD #3

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SE C	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
32S	15W	W.M.	15	NWNW	1	N/A	CRANBERRY OPERATION	1.75	
32S	15W	W.M.	15	SWNW	2	N/A	CRANBERRY OPERATION	3.0	
32S	15W	W.M.	15	SEW	N/A	N/A	CRANBERRY OPERATION	1.75	
Total Acres Irrigated								6.5	

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

B. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
BERKELEY PUMPS (5HP)	B1-1/2TPM	M1108	Centrifugal	5.5"	6"
BERKELEY PUMPS (7.5HP)	B2TPM	M360	Centrifugal	5.625"	6"

3. Motor Information

MANUFACTURER	HORSEPOWER
MARATHON ELECTRIC	5
BALDOR INDUSTRIAL	7.5

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4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
5	60	8'	2'	0.20
7.5	60	8'	-8'	0.33

5. Provide pump calculations:

See attached Pump Capacity Calculation Sheet POD #3 – 5HP and POD #3 – 7.5HP. Theoretical pump capacity exceeds permitted amount to meet permitted rate of G12089.

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

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

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

7. Is the distribution system piped?

YES If

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

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6" (from 5HP pump)	400'	PVC	Buried
6" (from 7.5HP pump)	950'	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
(5HP) 3"	2200'	PVC	Buried
(7.5HP) 3"	4775'	PVC	Buried

10. Sprinkler Information

Type/Brand: Nelson Irrigation Corp. Model R2000 Rotator

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
3/32"	40	1.61	225	90	0.32

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA	NA	NA	NA	NA

12. Additional notes or comments related to the system:

Nelson Irrigation Corporation/ R2000 specifications used for sprinkler output.

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C. Storage

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

YES

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

If "YES" is it a: Storage Tank

NO

Bulge in System / Reservoir

YES

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

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Reservoir #1	6'	0.8
Reservoir #2	6.6'	0.4
Reservoir #3	0'	2.2 AC-FT

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

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NO

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

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E. Gravity Flow Canal or Ditch

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

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

NO

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

SECTION 5 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	6/12/1996		
BEGIN CONSTRUCTION (A)	6/12/1997	7/1/1996	Excavation of Reservoir #3
COMPLETE CONSTRUCTION (B)	10/1/1998	10/1/1997	All Reservoirs constructed and mainline distribution system functioning
COMPLETE	10/1/2002	3/1/2002	All 6.5 acres of cranberries in

APPLICATION OF WATER (C)			operation
-----------------------------	--	--	-----------

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

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

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? NO

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

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

The Permit states that a meter or other suitable measuring device *may* be required, owner has no record of that becoming a requirement. However, the system does have a dedicated electric meter that meters the total amount of water applied to the 6.5 acres of cranberries at POD #3.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? NO

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

5. Fish Screening

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

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

6. By-pass Devices

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

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

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

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

b. Was a fishway required? NO

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

d. Other conditions? NO

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

--

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SECTION 6
ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
COBU Map	Claim of Beneficial Use Map for Permit S-52411
Pump Capacity Calculation Sheet POD #1	Theoretical Pump Capacity Calculations
Pump Capacity Calculation Sheet POD #2	Theoretical Pump Capacity Calculations
Pump Capacity Calculation Sheet POD #3 – 5HP	Theoretical Pump Capacity Calculations
Pump Capacity Calculation Sheet POD #3 – 7.5HP	Theoretical Pump Capacity Calculations

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

The predominant survey method was GPS, however some traversing with chain and compass was done in areas of dense overbrush that degraded GPS accuracy.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

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

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Pump Capacity Calculation Sheet POD#1

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 2.5
Efficiency = 6.61
Lift = 50
PSI = 40

Results Calculated

$(hp)(\text{efficiency}) = 16.525$
Head based on psi = 101.6
Total dynamic head = 151.6
(head + lift)

Pump Capacity = 0.11 feet per second

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Pump Capacity Calculation Sheet POD#2

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 1.5
Efficiency = 6.61
Lift = 40
PSI = 20

Results Calculated

(hp)(efficiency) = 9.915
Head based on psi = 50.8
Total dynamic head = 90.8
(head + lift)

Pump Capacity = 0.11 feet per second

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Pump Capacity Calculation Sheet POD#3 - 5HP

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 5
Efficiency = 6.61
Lift = 10
PSI = 60

Results Calculated

(hp)(efficiency) = 33.05
Head based on psi = 152.4
Total dynamic head = 162.4
(head + lift)

Pump Capacity = 0.20 feet per second

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Pump Capacity Calculation Sheet POD#3 - 7.5HP

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 7.5
Efficiency = 6.61
Lift = 0
PSI = 60

Results Calculated

(hp)(efficiency) = 49.575
Head based on psi = 152.4
Total dynamic head = 152.4
(head + lift)

Pump Capacity = 0.33 feet per second

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FEB 05 2020

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Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <u>5-73424</u>	WRD Reviewer <u>Cay M.</u>
Transfer #	
Date Received <u>2-5-2020</u>	
CWRE Name <u>Marc J. Van Camp</u>	

Priority Date: 6-1-1993

Fees Required:

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

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

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

Map Review:

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

Report Review:

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

Fill in App or Transfer Number

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM: _____ APPLICATION PERMIT TRANSFER	
CASH ☐ CHECK ☐ OTHER (IDENTIFY) _____	TOTAL RECEIVED _____
TREASURY 4175 MISC CASH ACCT	
DATE _____	OTHER (IDENTIFY) _____
TREASURY 4270 WRD OPERATING ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES	4611
0410 RESEARCH FEES	
0408 MISC REVENUE (IDENTIFY)	
TC162 DEPOSIT LAB (IDENTIFY)	
0240 EXTENSION OF TIME	
WATER RIGHTS	EXAM FEE
0207 SURFACE WATER	0202
0202 GROUND WATER	0204
0205 TRANSFER	
WELL CONSTRUCTION	EXAM FEE
0216 WELL DRILL CONSTRUCTION	0219
LANDOWNER'S PERMIT	0220
OTHER (IDENTIFY)	
TREASURY 0407 HYDROELECTRIC	
0220 POWER LICENSE FEE (FWWRD)	LET NUMBER
0221 HYDRO LICENSE FEE (FWWRD)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	
☐ RETURN TO APPLICANT - LETTER ATTACHED	

Groundwater File Review:

Pump Test Required? YES ^{N/A} NO Pump Test Submitted? YES ^{N/A} NO*

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



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 7, 2020

Michael Von Korff
PO Box 222
Sixes, OR 97476

On February 5, 2020 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-73424 Permit S-52411

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

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

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

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$200.00 COBU recording fee

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

Cc: file
Marc J. Van Camp, CWRE.

COPY



Oregon

Kate Brown, 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.wrd.state.or.us

March 21, 2017

Linda A. LeResche
P.O. Box 222
Sixes, Oregon 97476

Reference: Application R-73423, Permit R-11841 – Application S-73424, Permit S-52411
Application G-13424, Permit G-12089

The assignment from James and Janet Dougherty to Michael Von Korff and Linda LeResche c/o Douglas Von Korff has been recorded in the records of the Water Resources Department.

The Departments records will now show Michael Von Korff and Linda LeResche c/o Douglas Von Korff as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 122954 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permits to be familiar with the conditions and timelines contained in the permits.

Please note that these permits require complete application of water to the proposed use by specific dates, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 122954

cc: Watermaster 19
James and Janet Dougherty
Data Center, OWRD (cover letter & request)
File



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

Request for Assignment

RECEIVED BY OWRD

MAR 20 2017

SALEM, OR

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

1. James Dougherty
(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

P.O. Box 316
(Mailing Address)

Sixes OR 97476 541-655-0845
(City) (State) (Zip) (Phone #)

- ☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # S 73424 ; Permit # S 52411 ; Transfer # _____
-OR-

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

As filed in the office of the Water Resources Director, to:

Michael VonKorff & Linda LeResche % Douglas VonKorff
(Name of New Owner)

P.O. Box 222
(Mailing Address)

Sixes OR 97476 206-459-5437
(City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 21 day of Feb, 20 17.

Applicant/Permit Holder James Dougherty

Applicant/Permit Holder X Janet Dougherty

ASSIGN
MAR 21/2017

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 122954
For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.



Oregon

Kate Brown, 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.wrd.state.or.us

November 18, 2016

James Dougherty
PO Box 316
Sixes, OR 97476

Reference: Application G-13424; Permit G-12089
Application R-73423; Permit R-11841
Application S-73424; Permit S-52411

James,

Thank you for taking the time this morning to discuss the Application for Extension of Time you submitted and the additional permits which are associated with your farm operation. As we discussed, I am returning the Application to you so you may determine what permits it will be necessary for you to maintain in order to operate the farm as you desire. You may wish to contact your district watermaster to discuss your water rights so you are best informed as to what you will need to do. Your district watermaster is Greg Wacker, 541-297-6157.

Once you have determined what permits you will need to maintain, you will need to submit your Applications for Extension of Time accordingly.

The compliance letters that were sent to you state that you need to submit either a Claim of Beneficial Use or Application for Extension of Time by December 16, 2016. In order to facilitate the time you will need to determine what you would like to do, this date will now be extended to January 20, 2017.

Sincerely,

Jeffrey D. Pierceall
Extension and Adjudication Specialist



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-73424

Final Order
Extension of Time for Permit Number 52411

Application History

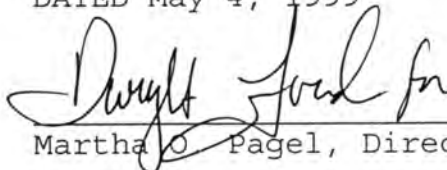
On December 14, 1998, Russell and Patti Fraser submitted an application to the Department for an extension of time for permit number 52411. The Department issued Permit number 52411 on June 12, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on February 16, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2001, and the time to fully apply water to beneficial use to October 1, 2002. The protest period closed April 2, 1999. No protest was filed.

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

Order

The extension of time for Application S-73424, Permit Number 52411, therefore, is approved. The deadline for completing construction is extended to October 1, 2001. The deadline for applying water to full beneficial use is extended to October 1, 2002.

DATED May 4, 1999

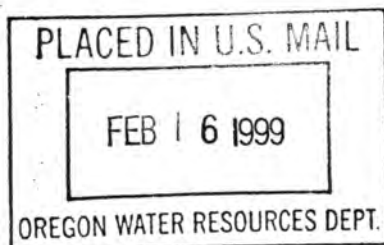

Martha O. Pagel, Director

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.



**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number 52411

Water Right Application Number 73424

Proposed Final Order

This Proposed Final Order applies only to permit number 52411.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2001, and

grant the extension for complete application of water from October 1, 1999 to October 1, 2002.

Application History

Permit no. 52411 was granted by the Water Resources Department on June 12 1996. The permit authorizes use of 13 acre-feet of water from four reservoirs, and 0.06 cfs from four springs for Cranberry Operations in the Elk River basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. 52411 is attached.

On December 14, 1998, the Department received an application from James and Janet Dougherty for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2001, to complete construction and to October 1, 2002 to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. The project has taken more time than the permittee anticipated. The applicant is changing his operation from cattle and sheep ranching to cranberry operations, and this has taken more time and expense than expected. Because of debt created by changing from cattle to cranberry farming the applicant has been building the project on a pay as you go basis, to prevent greatly increasing the debt.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction and installation of three of the four reservoirs, pumps, pipes and controls. Built 4.6 acres cranberry bogs, and cleared ground for more cranberry bogs. The reservoirs are storing about 2.5 acre-feet, and water has been applied to 4.6 acres if cranberries.
 - b) The applicant has invested approximately \$ \$59,400 of an estimated total water system project cost of \$ 140,400.
 - c) The work remaining to be completed consists of the remaining construction of the reservoirs, water system and cranberry bogs and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction should be extended to October 1, 2001, and the application of water should be extended to October 1, 2002 as requested by the applicant.

Conclusions of Law

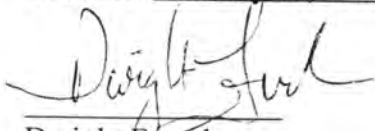
1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).

5. **The permit extension should be approved until October 1, 2001 to complete construction and until October 1, 2002 to complete the application of water.**

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1998 to October 1, 2001
and
extend the permit time to complete application of water from October 1, 1999 to October 1, 2002.

DATED: February 16, 1999



Dwight French
Water Rights Section Manager

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) If you are not the applicant, the \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **April 2, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUSSELL S OR PATTI R FRASER
RT 1 BOX 1519
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-73424

SOURCE OF WATER: FOUR SPRING AREAS, SPRINGS 1 AND 4, TRIBUTARIES OF ELK RIVER, AND SPRINGS 2 AND 3, TRIBUTARIES OF SIXES RIVER, AND FRASER RESERVOIR AND FOUR UNNAMED RESERVOIRS, CONSTRUCTED UNDER APPLICATION R-73423, PERMIT R-11841

PURPOSE OR USE: CRANBERRY USE, INCLUDING BUT NOT LIMITED TO TEMPERATURE CONTROL, IRRIGATION AND FLOOD HARVEST

VOLUME OF USE: 0.06 CUBIC FOOT PER SECOND FROM SPRINGS 1, 2, 3, AND 4, AND 13.0 ACRE-FEET STORED WATER ONLY, BEING 1.0 ACRE-FOOT FROM EACH SPRING AREA AND 9.0 ACRE-FEET FROM FRASER RESERVOIR.

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 30 FOR LIVE FLOW, AND YEAR ROUND FOR THE USE OF STORED WATER.

DATE OF PRIORITY: JUNE 1, 1993 FOR 0.06 CUBIC FOOT PER SECOND FROM SPRINGS 1, 2, 3 AND 4, AND 4.0 ACRE-FEET FROM FOUR SPRING AREAS; AND MARCH 8, 1994 FOR 9.0 ACRE-FEET FROM FRASER RESERVOIR.

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 15, T32S, R15W, W.M.; RESERVOIR - 1700 FEET SOUTH AND 280 FEET EAST; SPRING 1 - 1100 FEET SOUTH AND 220 FEET EAST; SPRING 2 - 1480 FEET SOUTH AND 1560 FEET EAST; SPRING 3 - 2460 FEET SOUTH AND 1950 FEET EAST; SPRING 4 - 2380 FEET SOUTH AND 710 FEET EAST, ALL FROM THE NW CORNER OF SECTION 12

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NW 1/4	2.0 ACRES
NW 1/4 NW 1/4	2.5 ACRES
SW 1/4 NW 1/4	7.5 ACRES
SE 1/4 NW 1/4	7.0 ACRES

SECTION 15

TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement recording and reporting conditions:

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

STANDARD CONDITIONS

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

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

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

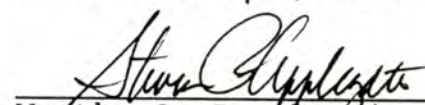
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued June 12, 1996


for Martha O. Pagel, Director
Water Resources Department

Mailing List for PFO Extension Copies

Application #

R 73423
S 73424

PFO Date 2/16/99

Original mailed to:

Applicant:

James & Janet Dougherty

Mailed (support staff) on: <u>TW 2/16/99</u> (date)
--

Copies sent

Regional Manager SW

Watermaster 19

ODFW Tad Conner, Gold Beach

DEQ Tom Rosetta, Portland

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

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



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

January 22, 1999

RUSSELL FRASER
RT 1, BOX 1519
BANDON, OR 97411

REFERENCE: File R 73423

Dear Mr. Fraser:

We received your request for assignment of permit R 11841. Before we can process this request it is necessary for Patti Fraser to sign the request. Also you may assign the surface water permit file 73424, permit 52411 on the same form for no extra cost, by showing those numbers on the request.

already assigned

I am returning the request for her signature. Enclosed are the receipts 27275, 27279 for the \$215 fees submitted.

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

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 19

RECEIVED

RECEIVED

JAN 20 1999

DEC 14 1998

WATER RESOURCES DEPT.
SALEM, OREGONWATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, James + Janet Dougherty
P.O. Box 316 Sixes OR 97476 541-332-8395
 ADDRESS CITY STATE ZIP PHONE

record owner of application No. R-77427 permit No. 52411, do
 hereby request that the time in which to: 6-12-97

[] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 2001, and/or the time in which to

[] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1999, be extended to October 1, 2002.

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

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

2-Have you put any water to use under this permit [yes/no]? yes
 If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? yes If no, please explain.
 Which terms and/or conditions have not been completely fulfilled at this time. _____

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

(a) within past year Constructed Reservoir, built 2 new acres of bogs - bought pumps, guages, controls etc. plus cleared ground for future expansion

(b) prior to this past year 2.6 Built 2.6 acres of cranberry bogs, developed two spring areas - bought pumps etc

© and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) 4.6 ACRES

4-Cost of project to date \$59,400. Projected cost for completion of project \$81,000. Total \$140,400

5-Have there been any unforeseen events which delayed development of water system? Time/money - being forced to change occupation from sheep/cattle ranching to construction & cranberries - with a resulting debt from livestock

6-Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] NO

7-What reasons was the project not completed within permit time limits? Again mostly time + money - Not wanting to create more debt I've been building on a pay as you go basis - which has taken longer than anticipated

8-Has there been any change in the demand for water or power since permit was issued? (please explain) NO other local demands except fish & wildlife who want every drop of water not already spoken for

9-Has there been any change in the market for water or power since the permit was issued? (please explain) NO

RECEIVED

JAN 20 1999

RECEIVED

DEC 14 1998

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

Yes, within three years of the completion of this project we should be grossing in excess of \$100,000 per year - enough for our family of 6 to live + prosper

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No!! 4.6 acres of cranberries is not a big enough base to live on. plus we already spent money on future expansion towards finishing this project. If given this extension → over

12-Is there an alternative source of water available [yes/no please explain]? No.

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area? (please explain)

No. We also recapture all the runoff water from the bogs during the growing + harvest season to get the most benefit from the water plus contain fertilizer + chemical residues

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed. over → please

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

Signature James C. Dore

MAIL COMPLETED APPLICATION TO:

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

we could make this a self supporting farm. We've put a lot of money & effort into this project & it would create a hardship for our family if were not allowed to finish it.

Dear Sirs.

We are counting on finishing this project as this farm will most likely be our main source of income in the future. as well as provide for our retirement down the road

thank you for your consideration
Jim Dorsett



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 16, 1998

JAMES AND JANET DOUGHERTY
PO BOX 316
SIXES, OR 97476

REFERENCE: Files G 13424, R 73423, and 73424

Dear Applicant:

We received your request for extension of time for permits G 12089, R 11841, and 52411. To apply for an extension, it is necessary to submit an application for each permit and submit a \$100 fee for each permit extension. You need to describe the construction and answer the questions on the forms that are specific to each permit. I am returning the form you submitted with some new forms so you can complete an application for each permit.

In November of 1997 you submitted \$110 for an extension application. We can apply that to the total extension fee of \$300 for three permits. Please submit another \$190 to cover the cost of processing the three extension applications.

It also comes to my attention that when you assigned permit 52411 in July of 1996, you did not assign the reservoir permit R 11841. That permit should also be assigned to you if you own the land, enclosed is an assignment form.

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

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 19

RECEIVED

DEC 14 1998
WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, James + Janet Dougherty
P.O. Box 316 Sixes Or 97476 541-332-8395
ADDRESS CITY STATE ZIP PHONE

record owner of application No. R-73423 permit No. R-11841, do
hereby request that the time in which to: 6-12089

[] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 2001, and/or the time in which to

[] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1999, be extended to October 1, 2002.

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

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

2-Have you put any water to use under this permit [yes/no]? yes
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? yes If no, please explain.
Which terms and/or conditions have not been completely fulfilled at this time. _____

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

(a) within past year Constructed Reservoir, built 2 new acres of bigs-bought pumps, gages, controls etc. plus cleared ground for future expansion

(b) prior to this past year Built ^{2.6} ~~9.6~~ acres of cranberry bays, developed two spring areas-bought pumps etc

© and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) 4.6 acres

4-Cost of project to date \$59,400. Projected cost for completion of project \$81,000. Total \$140,400

5-Have there been any unforeseen events which delayed development of water system? Time/money - being forced to change occupation from sheep/cattle ranching to construction & cranberries - with a resulting debt from livestock

6-Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] NO

7-What reasons was the project not completed within permit time limits? Again mostly time & money - Not wanting to create more debt I've been building on a pay as you go basis - which has taken longer than anticipated

8-Has there been any change in the demand for water or power since permit was issued? (please explain) NO other local demands except fish & wildlife who want every drop of water not already spoken for.

9-Has there been any change in the market for water or power since the permit was issued? (please explain) NO

RECEIVED

DEC 14 1998

WATER RESOURCES DEPT.
SALEM, OREGON

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

yes, within three years of the completion of this project we should be grossing in excess of \$100,000 per year - enough for our family of 6 to live + prosper

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No!! 4.6 acres of cranberries is not a big enough base to live on. plus line already spent money on future expansion towards finishing this project. If given this extension → over

12-Is there an alternative source of water available [yes/no please explain]? No.

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area? (please explain)

No. We also recapture all the runoff water from the bogs during the growing + harvest season to get the most benefit from the water plus contain fertilizer + chemical residues

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed. over → please

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

Signature

James C. Dargatzis

MAIL COMPLETED APPLICATION TO:

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

we could make this a self supporting farm. We've put a lot of money & effort into this project & it would create a hardship for our family if were not allowed to finish it.

Dear Sirs,

We are counting on finishing this project as this farm will most likely be our main source of income in the future. as well as provide for our retirement down the road

thank you for your consideration

Jim Dorsett

January 27, 1997

Oregon

JAMES AND JANET DOUGHERTY
PO BOX 316
SIXES OR 97476

WATER
RESOURCES
DEPARTMENT

REFERENCE: FILES R-73423, S-73424, G-13424

Enclosed are application forms you requested for extensions of time for Permits R-11841, 52411, and G-12089. You explained that additional time was need to complete construction. Please note that the deadlines established by the permits are October 1, 1997 for work associated with the three sumps (Permit G-12089) and October 1, 1998 for the surface water and reservoir permits. Given the amount of time remaining before those deadlines, especially for the two most recent ones, it may be somewhat premature for the department to consider a request for more time.

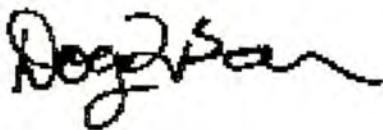
It is obvious that planning the completion of this project is important to you. It is also important for the department to provide you with all the information needed to manage your permits to your best benefit. If you have any questions regarding extensions or the length of time needed to process your request, please contact Dallas Miller, our extension specialist. He can be reached by mail at the address listed below, or phone (503)378-8455, x272.

Regarding the assignment of Application 73424, Permit 52411, from Russell and Patti Fraser to you, there are two ways to do it. One way is to have them both sign the enclosed "Request for Assignment" form. You could then submit the form, together with the \$10 recording fee, to the office here in Salem.

The other way to do it would require a copy of the deed, a land sales contract, or other proof that the property is now in your name. You could send that in, along with a note asking that all interest in the Permit be assigned to you, as deeded owners of the property. The fee to do it that way depends on how many pages are required. They would be \$10 for the first page and \$5 for each additional page. Dallas Miller also happens to be our assignment expert, so any questions about the assignment should also be directed to him.

If you need anything further from me, please contact me at the address listed below or phone (503)378-3739 x264.

Sincerely,



Douglas L. Baer
Senior Water Rights Technician

enclosures- ext, assign forms

CC: Watermaster #19



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

July 31, 1996

WATER
RESOURCES
DEPARTMENT

JAMES & JANET DOUGHERTY
PO BOX 316
SIXES OR 97476

REFERENCE: Files G-13424 & 73424

The assignment of Permits G-12089 and 52411 from Russell and Patti Fraser to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipt number 4488 covering the recording fee of \$10 you submitted.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

Enclosure

cc: John Drolet, Watermaster
James Gosson, CWRE
Russell & Patti Fraser



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

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-73424

WATERMASTER # 19

REGIONAL MANAGER: AL COOK, SW REGION

ODF&W - Curry County:

CWRE (if agent): JAMES GOSSON

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

WATERWATCH OF OREGON

RON YOCKIM, PO BOX 218, ROSEBURG, OR 97470

KALMIOPSIS AUDUBON SOCIETY, PO BOX 1265, PORT ORFORD, OR 97465

JIM AND JANET DOUGHERTY, 93477 GRASSEY KNOB ROAD, PORT ORFORD, OR 97465

CASEWORKER : CSS

APPLICATION MAP

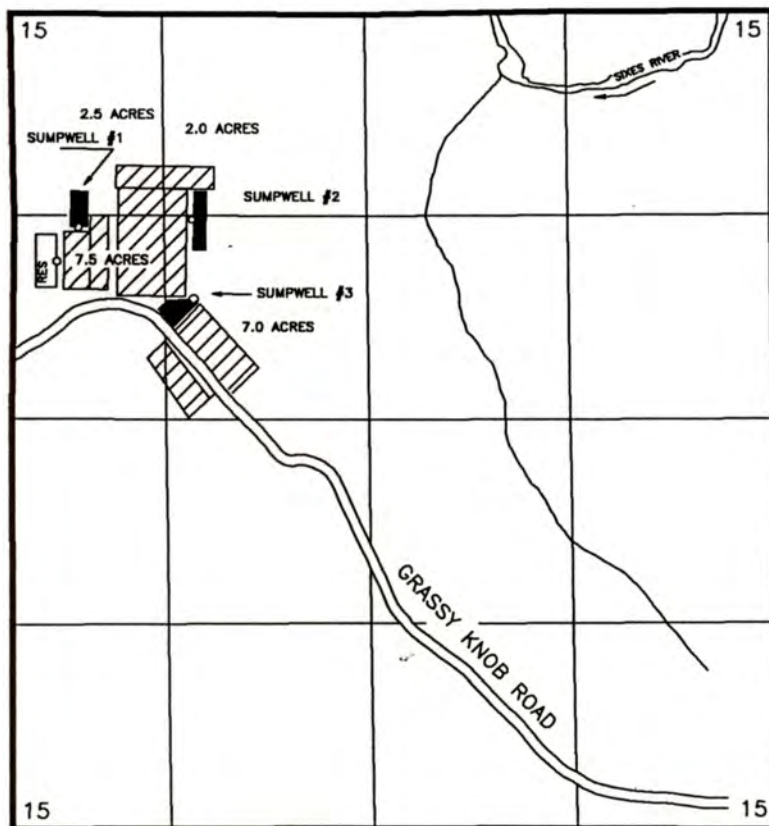
IN THE NAME OF RUSSELL S. OR PATTI R. FRASER

SECTION 15, T 32 S, R 15 W, W.M.

RECEIVED

MAR 8 1994

WATER RESOURCES DEPT
SALEM, OREGON



1 INCH = 1320 FEET

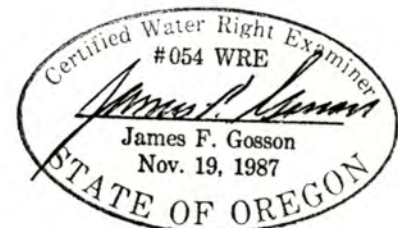
Application No. 73424
Permit No. 52411

THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	FEET SOUTH	FEET EAST	¼ ¼ SECTION
RESERVOIR	1,700 FEET	280 FEET	SW¼ NW¼
SUMPWELL No. 1	1,470 FEET	450 FEET	SW¼ NW¼
SUMPWELL No. 2	1,390 FEET	1,240 FEET	SE¼ NW¼
SUMPWELL No. 3	1,950 FEET	1,250 FEET	SE¼ NW¼

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

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



APPLICATION MAP

IN THE NAME OF RUSSELL S. OR PATTI R. FRASER

SECTION 15, T 32 S, R 15 W, W.M.

RECEIVED

APR 2 1993

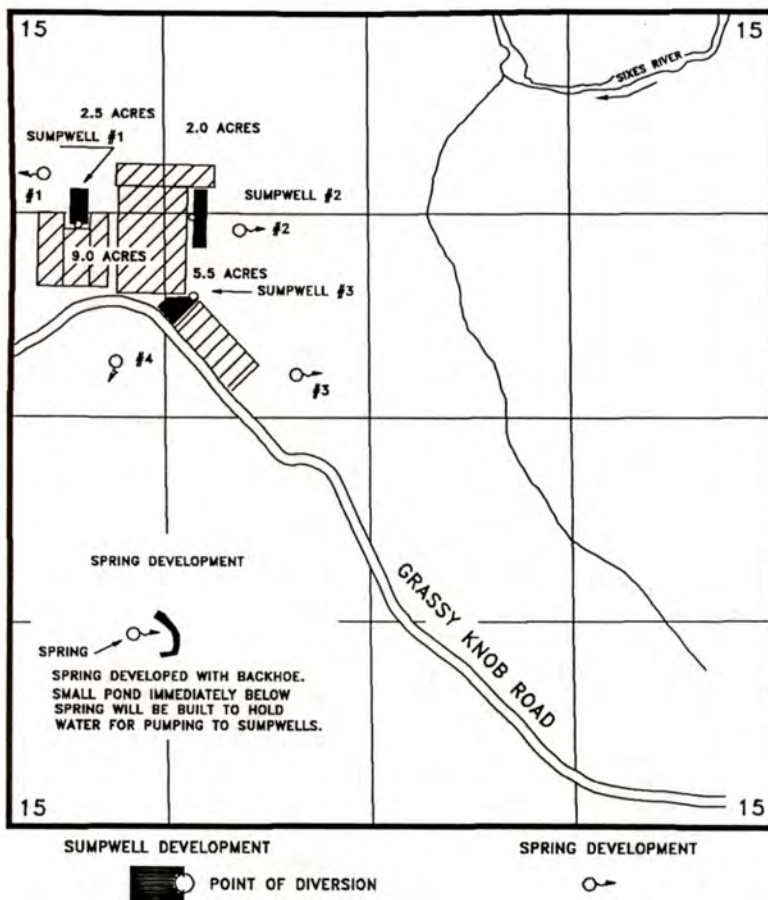
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUN - 1 1993

WATER RESOURCES DEPT.
SALEM, OREGON

1 INCH = 1320 FEET



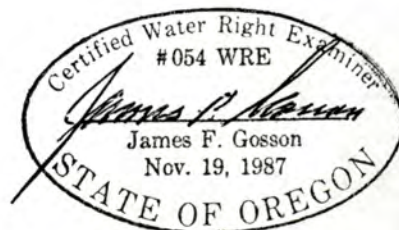
THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	SOUTH	EAST	$\frac{1}{4}$ $\frac{1}{4}$
SPRING #1:	1100 FEET	220 FEET	NW $\frac{1}{4}$ NW $\frac{1}{4}$
SPRING #2:	1480 FEET	1560 FEET	SE $\frac{1}{4}$ NW $\frac{1}{4}$
SPRING #3:	2460 FEET	1950 FEET	SE $\frac{1}{4}$ NW $\frac{1}{4}$
SPRING #4:	2380 FEET	710 FEET	SW $\frac{1}{4}$ NW $\frac{1}{4}$
SUMPWELL #1:	1470 FEET	450 FEET	SW $\frac{1}{4}$ NW $\frac{1}{4}$
SUMPWELL #2:	1390 FEET	1240 FEET	SE $\frac{1}{4}$ NW $\frac{1}{4}$
SUMPWELL #3:	1950 FEET	1250 FEET	SE $\frac{1}{4}$ NW $\frac{1}{4}$

ALL FROM THE NORTHWEST CORNER OF SECTION 12 AND ALL DIVERSIONS WITHIN SECTION 12, TOWNSHIP 32 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 THE LOCATION OF
PROPERTY OWNERSHIP BOUNDARY LINES.

Application No. 73 424
Permit No.



Oregon

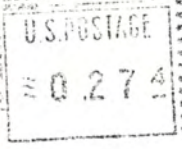
WATER RESOURCES
DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97310-0274

RETURNED TO SENDER
REASON CHECKED
Unclaimed
Attempted-Not known
Insufficient Address
No such street
No such office in state
number
Do not re-mail in this envelope



PRESORTED
FIRST CLASS



RECEIVED

Jim & Janet Dougherty
93477 Grassey Knob Rd
Port Orford OR 97455

MAY 28 1996

WATER RESOURCES DEPT.
SALEM, OREGON

RETURNED TO SENDER
REASON CHECKED
Unclaimed
Attempted-Not known
Insufficient Address
No such street
No such office in state
number
Do not re-mail in this envelope

73423
+73424

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-73424

Final Order

Application History

On June 1, 1993, RUSSELL S AND PATTI R FRASER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 31, 1995. The protest period closed December 15, 1995, and no protest was filed.

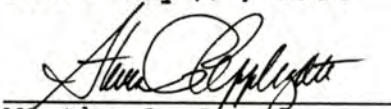
An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions of use be imposed on this application.

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

Order

Application S-73424 shall be approved concurrently with Application R-73423 as provided in the attached DRAFT PERMIT.

DATED May 14, 1996

for 
Martha O. Pagel
Director

Appeal Rights

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

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

RUSSELL S OR PATTI R FRASER
RT 1 BOX 1519
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-73424

SOURCE OF WATER: FOUR SPRING AREAS, SPRINGS 1 AND 4, TRIBUTARIES OF ELK RIVER, AND SPRINGS 2 AND 3, TRIBUTARIES OF SIXES RIVER, AND FRASER RESERVOIR AND FOUR UNNAMED RESERVOIRS

PURPOSE OR USE: CRANBERRY USE, INCLUDING BUT NOT LIMITED TO TEMPERATURE CONTROL, IRRIGATION AND FLOOD HARVEST

VOLUME OF USE: 0.06 CUBIC FOOT PER SECOND FROM SPRINGS 1, 2, 3, AND 4, AND 13.0 ACRE-FEET STORED WATER ONLY, BEING 1.0 ACRE-FOOT FROM EACH SPRING AREA AND 9.0 ACRE-FEET FROM FRASER RESERVOIR.

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 30 FOR LIVE FLOW, AND YEAR ROUND FOR THE USE OF STORED WATER.

DATE OF PRIORITY: JUNE 1, 1993 FOR 0.06 CUBIC FOOT PER SECOND FROM SPRINGS 1, 2, 3 AND 4, AND 4.0 ACRE-FEET FROM FOUR SPRING AREAS; AND MARCH 8, 1994 FOR 9.0 ACRE-FEET FROM FRASER RESERVOIR.

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 15, T32S, R15W, W.M.; RESERVOIR - 1700 FEET SOUTH AND 280 FEET EAST; SPRING 1 - 1100 FEET SOUTH AND 220 FEET EAST; SPRING 2 - 1480 FEET SOUTH AND 1560 FEET EAST; SPRING 3 - 2460 FEET SOUTH AND 1950 FEET EAST; SPRING 4 - 2380 FEET SOUTH AND 710 FEET EAST, ALL FROM THE NW CORNER OF SECTION 12

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NW 1/4	2.0 ACRES
NW 1/4 NW 1/4	2.5 ACRES
SW 1/4 NW 1/4	7.5 ACRES
SE 1/4 NW 1/4	7.0 ACRES

SECTION 15

TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement recording and reporting conditions:

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

FO CHECKLIST

PFO TO FO CONVERSION

FILE # 73424

OCT 31

REVIEW DATE: 04/23/1996

WEEK # WEEK 32

INITIALS: LLS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid Prepare refund request for excess fees
 - (2) Issue FO w/o permit if fees are lacking
 - (3)
4. Y / N Has the applicant signed an oath of accuracy for the application?

2x9
200 10 AC
100 18
100 1 CFS
5. Y / N Has ODFW asked for self certification on screening condition?

418
6. Y / N Is water use prohibited for one or more months of the normal use period?

OK PER OWSHT
7. Y / N If #6 = "Y", is short season letter on file?
8. Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

DO w/ R73423 - fees

		Route to: (circle one)		
DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS	
LARRY	CORY	JERRY	DOUG	

Modify FO as needed to:

INITIALS: LLS

9. Respond to significant comments, issues, or disputes related to the proposed use of water
10. Include or exclude permit conditions and management codes
11. Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
12. Correct PFO errors (such as POD or POU location (verify from map), Permit format)
13. Y / N Is further processing possible? If not state reason:

Once FO document is completed:

14. Save WordPerfect document in M:\T\FO\WEEK 34 & delete duplicates
15. Print final draft of document and submit to team leader for review
16. Y / N Team leader review completed

ASX

73424

Application No. _____



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) Russell or Patti R. Fraser
(Please print or type - use dark ink)

Mailing Address: Route 1, Box 1519
Bandon, Oregon 97411 (503) 347-2923
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Fraser Reservoir,
a tributary of _____.
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: _____ cubic feet per
second, OR _____ gallons per minute. If water is to be used from more than one source,
give the quantity of water from each: 9.0 acre feet

3. **INTENDED USE(s) OF WATER:** Cranberry Use

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; _____

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served,
and an estimate of the future requirements; (List population projections, water needs, anticipated areas
to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed
under each use;

Irrigation

Other (describe)

Cranberry Use: 19.0 acres

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

Water will be delivered by electric motor/pump via a buried plastic line.

Water will be applied by sprinkler.

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

Proposed date construction work will begin October, 1994

Proposed date construction work will be completed October, 1996

Proposed date water use will be completed October, 1998

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

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

 Applicant XX CWRE Other (Identify in REMARKS section)

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

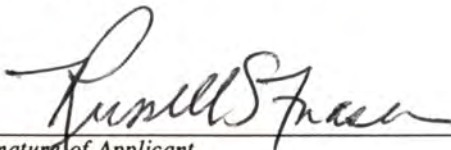
 Applicant XX CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: I have enclosed an agreement which allows me to farm the lands described.

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

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


Signature of Applicant

4/7/94
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____,
Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: _____

PERMIT NO: _____

Fish District: Lower Rogue/South Coast

WAB # _____

Application # S-73424Applicant Name R. Fraser

Date: March 26, 1996

AREA

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

INFORMATION/CONDITIONS

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

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

2. Are there adequate flows to protect salmon/steelhead/trout? Y ☒ NShould the application be denied? Y ☒ NShould the application be restricted? ☒ Y ☐ N☒ Based on water availability

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

3. Domestic

Should domestic use be conditioned to human consumption? Y ☐ N ☐ Based on water availability

4. Fish Screening and Passage

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

** No Screening Required*

5. Miscellaneous

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

6. Measurement and Reporting

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

FINDINGS

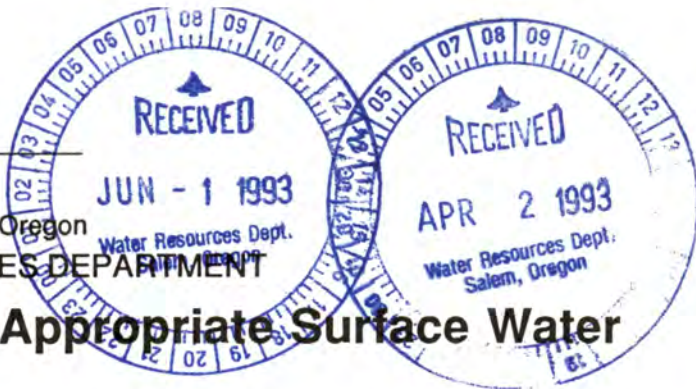
- ☐ Permit is proposed for denial prior to interagency team review for fishery concerns.
- ☐ Deny permit due to fishery concerns, except for
- ___ A. Domestic (which may be limited to human consumption, see above)
- ___ B. Livestock
- ___ C. Unless water is from storage
- ☐ Do not condition further due to fishery concerns.
- ☒ Condition permit due to fishery concerns listed above.

Application No.

73424

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water



Applicant(s) Russell S. or Patti R. Fraser

(Please print or type - use dark ink)

Mailing Address: Route 1, Box 1519

Bandon,

City

Oregon

State

97411

Zip

(503) 347-2923

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: 4 spring areas,
a tributary of #1 & 4 trib. Elk River; #2 & 3, trib. Sixes River.
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.06 cubic feet per second, OR 27 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: Spring area #1-0.0125; No. 2-0.0125; No. 3-0.0125 and No. 4-0.0225 cfs. and 4.0 a.f.
3. **INTENDED USE(s) OF WATER:** Agricultural Use (Cranberrys)

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; _____

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation

Other (describe)

Cranberry use - 19 acres

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

Spring area will be developed to provide the flows requested in the summer.

Water will be diverted to holding ponds below development and pumped to

Cranberry fields via electric pumps through plastic pipeline.

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

Proposed date construction work will begin October, 1993

Proposed date construction work will be completed October, 1996

Proposed date water use will be completed October, 1998

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

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

 Applicant XX CWRE Other (Identify in REMARKS section)

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

 Applicant XX CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: Water from spring areas will not reach rivers described, in the summer.

Note: Property being leased from:

Jim and Janet Dougherty

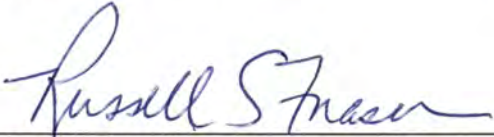
93477 Grassey Knob Road

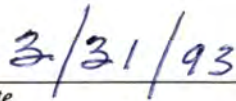
Port Orford, Oregon 97465

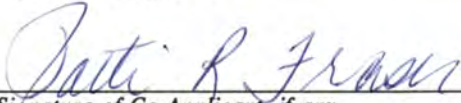
Cranberry use includes all uses associated with raising of cranberries, including but not limited to temperature control, irrigation and flood harvest.

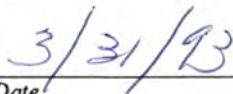
I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

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


Signature of Applicant


Date


Signature of Co-Applicant, if any


Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 1 day of June, 19 93, at 8 o'clock, A M.

APPLICATION NO: 73424

PERMIT NO: _____

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of	)	PROPOSED
Surface Water Application	)	FINAL
S-73424 submitted by	)	ORDER
RUSSELL S FRASER		

FINDINGS OF FACT

Water Use Request

1. RUSSELL S FRASER requested use of water for CRANBERRY USE OF 19.0 ACRES, INCLUDING BUT NOT LIMITED TO TEMPERATURE CONTROL, IRRIGATION AND FLOOD HARVEST from FOUR SPRING AREAS, SPRING 1 - 0.0125 CFS AND SPRING 4 - 0.0225 CFS, BOTH TRIBUTARIES OF ELK RIVER, SPRING 2 - 0.0125 CFS AND SPRING 3 - 0.0125 CFS, BOTH TRIBUTARIES OF SIXES RIVER, 9.0 ACRE FEET FROM FRASER RESERVOIR AND FOUR UNNAMED RESERVOIRS - 4.0 ACRE FEET, BEING 1.0 ACRE FEET EACH within the South Coast Basin.
2. The area of proposed use is in Curry County within SECTION 15, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.
3. The water delivery system is described by the applicant as follows: Spring area will be developed to provide the flows requested in the summer. Water will be diverted to holding ponds below development and pumped to Cranberry fields via electric pumps through plastic pipeline.
4. The request was made in Application S-73424 which was received by the Water Resources Department on June 1, 1993 and amended on March 8, 1994.

Affected Waters

1. FOUR SPRING AREAS, SPRINGS 1 AND 4 TRIBUTARIES OF ELK RIVER AND SPRINGS 2 AND 3, TRIBUTARIES OF SIXES RIVER AND FRASER RESERVOIR AND FOUR UNNAMED RESERVOIRS are not within or above a State Scenic Waterway.
2. There are senior water rights on FOUR SPRING AREAS, SPRINGS 1 AND 4 TRIBUTARIES OF ELK RIVER AND SPRINGS 2 AND 3, TRIBUTARIES OF SIXES RIVER AND FRASER RESERVOIR AND FOUR UNNAMED RESERVOIRS and on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. A unsatisfactory technical review of the application was completed and a report of the results of that review was mailed to the applicant on December 29, 1993.

3. The unsatisfactory technical review determined:
 - a. CRANBERRY USE, INCLUDING BUT NOT LIMITED TO TEMPERATURE CONTROL, IRRIGATION AND FLOOD HARVEST is allowed under the South Coast Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water is not available for further appropriation (at an 80 percent exceedance probability) for the period year round.
 - d. The use would not injure existing water rights.
4. The report of unsatisfactory technical review listed these determinations and identified areas the applicant could pursue to present evidence that the technical review was defective or otherwise incorrect.

Assessment

1. In proceeding with evaluation of Application S-73424, the following criteria were found to be relevant by the Department.
 - a. The South Coast Basin Program (OAR Chapter 690, Division 517)
 - b. The Curry County Comprehensive Plan and Zoning Ordinance
 - c. The amount of water available in FOUR SPRING AREAS, SPRINGS 1 AND 4 TRIBUTARIES OF ELK RIVER AND SPRINGS 2 AND 3, TRIBUTARIES OF SIXES RIVER AND FRASER RESERVOIR AND FOUR UNNAMED RESERVOIRS
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received

CONCLUSIONS OF LAW

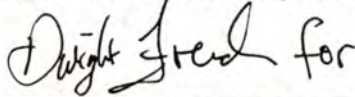
1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification as follows: Season of use and water availability.
2. Based on comments and data received, the Department has determined that the proposed use can be allowed as conditioned.
3. Period of allowed use: December 1 through March 31 for live flow from four springs. Water legally stored can be used at anytime for beneficial from the reservoir.
4. The Department finds that no more than 0.06 CUBIC FOOT PER SECOND would be necessary for the proposed use. The amount of water requested, 0.06 CUBIC FOOT PER SECOND, BEING 0.0125 CFS FROM SPRING 1, 0.0125 CFS FROM SPRING 2, 0.0125 CFS FROM SPRING 3 AND 0.0225 CFS FROM SPRING 4 AND 13.0 ACRE FEET, BEING 1.0 ACRE-FOOT FROM EACH SPRING AND 9.0 ACRE-FOOT FROM FRASER RESERVOIR OF STORED WATER ONLY, is allowable.

5. Curry County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Curry County Comprehensive Land Use Plan.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application S-73424 in the name of RUSSELL S FRASER be approved for CRANBERRY USE, INCLUDING BUT NOT LIMITED TO TEMPERATURE CONTROL, IRRIGATION AND FLOOD HARVEST as provided in the attached draft permit.

DATED October 31, 1995



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 15, 1995.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF Curry

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

RUSSELL S FRASER
RT 1 BOX 1519
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-73424

SOURCE OF WATER: FOUR SPRING AREAS, SPRINGS 1 AND 4 TRIBUTARIES OF ELK RIVER AND SPRINGS 2 AND 3, TRIBUTARIES OF SIXES RIVER AND FRASER RESERVOIR AND FOUR UNNAMED RESERVOIRS

PURPOSE OR USE: CRANBERRY USE, INCLUDING BUT NOT LIMITED TO TEMPERATURE CONTROL, IRRIGATION AND FLOOD HARVEST

VOLUME OF USE: (Priority date - June 1, 1993) 0.06 CUBIC FOOT PER SECOND from Springs 1 and 4, tributary to Elk River and Springs 2 and 3, tributary to Sixes River. The use of 4.0 acre-feet, being 1.0 acre-foot from each spring. (Priority date - March 8, 1994) 9.0 acre-feet from Fraser Reservoir for stored water only.

PERIOD OF USE: December 1 through March 30 for live flow and the use of stored water year round.

DATE OF PRIORITY: JUNE 1, 1993 AND MARCH 8, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 12, T32S, R15W, W.M.; 1100 FEET SOUTH & 220 FEET EAST FROM NW CORNER, SECTION 12 SE 1/4 NW 1/4, SECTION 12, T32S, R15W, W.M.; 1480 FEET SOUTH & 1560 FEET EAST FROM NW CORNER, SECTION 12 SE 1/4 NW 1/4, SECTION 12, T32S, R15W, W.M.; 2460 FEET SOUTH & 1950 FEET EAST FROM NW CORNER, SECTION 12 SE 1/4 NW 1/4, SECTION 12, T32S, R15W, W.M.; 1950 FEET SOUTH & 1250 FEET EAST FROM NW CORNER, SECTION 12, SW 1/4 NW 1/4, SECTION 12, T32S, R15W, W.M.; 1700 FEET SOUTH & 280 FEET EAST FROM NW CORNER.

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one

cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NW 1/4 2.0 ACRES
NW 1/4 NW 1/4 2.5 ACRES
SW 1/4 NW 1/4 9.0 ACRES
SE 1/4 NW 1/4 5.5 ACRES

SECTION 15

TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Measurement recording and reporting conditions:

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

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

RECEIVED

JUL - 8 1993

COMMENT FORM

WATER RESOURCES DEP

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

Application #s R-73423, 73424, _____, _____

Send to:

Kalmiopsis Audubon Society
PO Box 1205
Port Orford, Ore 97465

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

*See
attached
letter*

Return to:

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the JUN/ 9/1993 Public Notice.

Kalmiopsis Audubon Society
of Curry County
P.O. Box 1265
Port Orford, Oregon 97465

July 6, 1993

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the Jun/9/1993 Public Notice

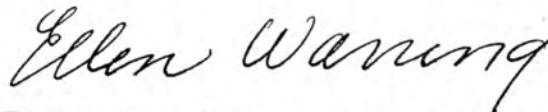
Re:R 73423 Russell Fraser
 RT. 1 Box 1519
 Bandon, Ore. 97411 and:

Re: 73424 Russell S Fraser
 Rt 1 Box 1519
 Bandon, Ore. 97411

We have concerns about the withdrawal of water from tributaries and springs of the Elk and Sixes Rivers. These are very important anadromous river systems and we are concerned that this water withdrawal may be detrimental to those fish rivers.

We wish to have the opportunity to see your technical reports on these applications and retain the ability to comment.

Sincerely,



Ellen Warring, Conservation Chair
For Land Use and Ocean Issues
Kalmiopsis Audubon Society

WaterWatch

O F O R E G O N

RECEIVED

JUN 17 1993

June 17, 1993

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #R73423, 73424, R. Fraser
Elk & Sixes R., Curry Co., Cranberry Use

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 80% exceedence level?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

Jim Myron

bc:
WaterWatch of Oregon, Inc. 921 S.W. Morrison. Suite 438 Portland, Oregon 97205 (503) 295-4039

JUN 11 1993

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

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

Application #s 73424, R-73423, G-13424

Send to:

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

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

Return to:

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the JUN/ 9/1993 Public Notice.

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

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

Applicant Name: Russell or Patti R. Fraser
 Address: Route 1, Box 1519
Bandon, Oregon 97411
 Phone: (503) 347-2923

RECEIVED

JUN - 1 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☒ Other (Name and list key characteristics): Cranberry Use

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>4 spring areas</u> _____ _____	<u>0.06</u> Cubic feet per second. (Surface Water) <u>150</u> Gallons per minute. (Ground water) _____ Acre-Feet
☐ Reservoir or pond	
☒ Ground Water <u>3 sumpwells</u>	

Basin:

Sixes River

Detailed Report for Water Availability Subbasin 2202000000000000
 Water Availability By Month for Exceedance Level 80
 09:59 12/27/1993

MO	Gross Water Avail	Consumptive Use		Storage Rights		Net Min Flow	Instream Water Rights		Net Water Avail
		Applic	Permit	Applic	Permit		Applic	Permit	
1	523	0	0	0	0	523	0	325 215	198 308
2	610	0	0	0	0	610	0	325 215	285 395
3	575	0	0	0	0	575	0	325 190	250 385
4	378	0	0	0	0	378	0	325 190	53 188
5	218	0	0	0	0	218	0	325 190	-107 28
6	129	0	0	0	0	129	0	190 120	-61 9
7	86	0	0	0	0	86	0	125 40	-39 46
8	64	0	0	0	0	64	0	125 25	-61 39
9	60	0	0	0	0	60	0	125 25	-65 35
10	57	0	0	0	0	57	0	125 215	-68 -158
11	184	0	0	0	0	184	0	325 215	-141 -31
12	501	0	0	0	0	501	0	325 215	176 286
Stor	302000	0	0	0	0	303000	0	62900	240000

Basin: ELK RIVER

Detailed Report for Water Availability Subbasin 2300000000000000
 Water Availability By Month for Exceedance Level 80
 14:30 12/23/1993

MO	Gross Water Avail	Consumptive Use		Storage Rights		Net Min Flow	Instream Water Rights		Net Water Avail
		Applic	Permit	Applic	Permit		Applic	Permit	
1	427	0	0	0	0	427	0	380 300	47 127
2	504	0	0	0	0	504	0	380 900	124 204
3	477	0	0	0	0	477	0	380 225	97 252
4	314	0	0	0	0	314	0	380 225	-66 -89
5	179	0	0	0	0	179	0	380 225	-201 -46
6	105	0	0	0	0	105	0	225 80	-120 -25
7	64	0	0	0	0	64	0	150 45	-86 19
8	45	0	0	0	0	45	0	150 45	-105 -0
9	44	0	0	0	0	44	0	150 45	-106 -1
10	48	0	0	0	0	48	0	150 150	-102 -102
11	168	0	0	0	0	168	0	380 300	-212 -132
12	419	0	0	0	0	419	0	380 900	39 119
Stor	250000	0	0	0	0	250000	0	85300	165000

December 29, 1993

RUSSELL S. FRASER
PATTI R. FRASER
ROUTE 1, BOX 1519
BANDON, OR 97411

Reference: File 73424

Hello:

This letter informs you of the current status of your application for a water right and accompanies the Unsatisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of the application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION DOES NOT SATISFY THE REQUIREMENTS OF THE TECHNICAL REVIEW AND THEREFORE, THE DIRECTOR OF THE WATER RESOURCES DEPARTMENT PROPOSES THAT YOUR APPLICATION FOR A WATER USE PERMIT BE REJECTED.

If you disagree with any of the analyses contained in the Report, you may object to them. You must submit your objections to the Water Resources Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objections must allege that the technical review is defective. You may also submit evidence that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon



Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before March 11, 1994** or the Department may presume there is no opposition to the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted no later than the above time and date, the Director will evaluate each issue raised in the objections and will either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If your objections are accepted and the technical issues are resolved in satisfaction of the technical review requirements, the Department will move your application to the next phase of processing. This phase will include a full public interest assessment of your proposed water use. No final action may be taken on your application until the public interest review is completed.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions about any of the requirements described above or about any of the findings contained in the Report of Technical Review, please feel free to telephone me or any the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Brown', with a long horizontal line extending to the right.

STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: December 29, 1993

OREGON WATER RESOURCES DEPARTMENT

UNSATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED REJECTION OF WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: March 11, 1994

1. APPLICATION FILE NUMBER - 73424

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

RUSSELL S. FRASER
PATTI R. FRASER
ROUTE 1, BOX 1519
BANDON, OR 97411
CURRY COUNTY 503-347-2923

Date application received for filing and/or tentative date of priority: 6/1/1993

SOURCE: SPRING 1	TRIBUTARY TO: SIXES RIVER
SPRING 2	SIXES RIVER
SPRING 3	SIXES RIVER
SPRING 4	ELK RIVER

Purpose and/or use: IRRIGATION
AGRICULTURAL USES

Flow: SPRING 1 - 0.0125 cfs
SPRING 2 - 0.0125 cfs
SPRING 3 - 0.0125 cfs
SPRING 4 - 0.0125 cfs

Point of Diversion Location:

SPRING 1 - NW 1/4 NW 1/4 SECTION 15, T 32 S, R 15 W, W.M.; 1100 FEET SOUTH AND 220 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 15

SPRING 2 - SE 1/4 NW 1/4 SECTION 15, T 32 S, R 15 W, W.M.; 1480 FEET SOUTH AND 1560 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 15

SPRING 3 - SE 1/4 NW 1/4 SECTION 15, T 32 S, R 15 W, W.M.; 2460 FEET SOUTH AND 1950 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 15

SPRING 4 - SW 1/4 NW 1/4 SECTION 15, T 32 S, R 15 W,
W.M.; 2380 FEET SOUTH AND 710 FEET EAST FROM THE
NORTHWEST CORNER OF SECTION 15

Place of use:

NENW	2.0	Acres
NWNW	2.5	Acres
SWNW	9.0	Acres
SEnw	5.5	Acres
Section	15	
T 32 S,	R 15 W,	W.M.

SURFACE WATER AVAILABILITY

Water is not likely available in excess of needs for all existing rights 80% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There **are no** existing rights from this point of diversion.

There **are no** existing water rights appurtenant to the lands described in the application.

WATER AVAILABILITY

Surface water streamflows have been evaluated against all surface water rights including consumptive out-of-stream uses, non-consumptive out-of-stream rights and instream water rights. As a result of this evaluation the Department has determined that water is **not** available for additional appropriation. The water availability tables are on file and available for review at the Water Resources Department.

THEREFORE, THE DIRECTOR FINDS THAT WATER IS NOT AVAILABLE IN SUFFICIENT AMOUNT DURING THOSE PERIODS OF TIME WHICH WOULD REASONABLY SUPPORT THE PROPOSED USE.

Based on findings set out above, the Director will recommend rejection of the application unless the applicant can provide evidence that the **(proposed use)** use of water for less than the full **(use)** season will not result in wasteful, uneconomic, impracticable or unreasonable use of the waters involved.

The applicant can overcome a proposed rejection by demonstrating that an alternative source of water is available during the period water is not available from the proposed source.

In the alternative, the applicant may submit evidence that the proposed use is of high public interest.

In determining whether the public interest in the proposed use is high and whether the application should be granted an exception under OAR 690-410-070(2)(a), the Commission and/or Director will weigh the relative value of the proposed use in accordance with the public interest standards set out in ORS 537.170 (5) and OAR 690-11-195.

If the Commission and/or Director find that the proposed use should be granted such an exception, a finding will be prepared stating that water is available for the proposed use if the permit can be conditioned to protect instream uses.

THE APPLICANT MAY PRESENT EVIDENCE THAT THE FINDINGS AND/OR CONCLUSIONS SET OUT IN THE TECHNICAL REVIEW ARE DEFECTIVE OR OTHERWISE INCORRECT.

COMPLETED

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
S-73424	10/4/95	GERRY

MC 10-4-95
200 Exam
118 19 ACR

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

318 Total
418 Received
\$100 Refund

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

SECTION 15SP*35621-690

no

December 29, 1993

RUSSELL S. FRASER
PATTI R. FRASER
ROUTE 1, BOX 1519
BANDON, OR 97411

Reference: File 73424

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

permit fees in the amount of \$100.00;

a corrected map prepared by a Certified Water Rights Examiner which lists the points of diversion and reference point as being in Section 15 and not Section 12;

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

a copy of written authorization or easement permitting access to land not owned by you, the applicant;

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

SB\eg

cc: James F. Gosson, CWRE



10

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

✓ CC: FILE # 73424

✓ WATERWATCH

✓ ODF&W - 2 copies

✓ WATERMASTER # 19

✓ REGIONAL MANAGER - SW

✓ CWRE - James F Gooson

✓ DEQ

✓ KEN STAHR

OTHER ADDRESSES:

✓ Kalmiopsis Audubon Society PO Box 1265, Port Orford 97465
✓ Ron Yockim, PO Box 218, Roseburg 97470

CASEWORKER

ORIGINAL TO APPLICANT 11/15/93

WaterWatch

O F O R E G O N

MAR 11 1994

Hand Delivered

March 11, 1994

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

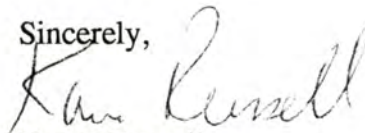
Re: Technical Reports for:
71713, Crabtree, Domestic, Lewis & Clark River
73596, Bergquist, Irrigation, Meyers Crk
G 13344, Fraser, Cranberry, Crooked Crk
70483, Christiansen, Cranberry, Crooked Crk
73115, Lent, Irrigation, Cunningham Crk/Coquille
G 13511, City of Garibaldi, Municipal, Miami
G 12528, Kilchis Water District, Quasi-municipal, Kilchis
73024, Knapp Ranches Inc., Irrigation, Elk River
73424, Fraser, Irrigation & Ag, Sixes & Elk River

Dear Water Rights Section:

WaterWatch supports the proposed rejection of these applications for the reasons outlined in the technical reports and other reasons. We request notification and copies of any objections that are filed to these technical reports, copies of the Department's response to objections and notice and opportunity to file protests if the Department decides to recommend issuance of any of these applications.

Thank you. Please call if you have any questions.

Sincerely,



Karen Russell
Assistant Director

RECEIVED

MAR 11 1994

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

March 9, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #R-73423 and 73424; Reports of
Technical Review

Because there are no fish in the immediate area of the
subject appropriation, no fish screening or passage
facilities are to be required.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati Jr.", written in dark ink.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: R-73423.TEC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459

June 8, 1993

RUSSELL S FRASER
FRASER, PATTI R
RT 1 BOX 1519
BANDON, OR 97411

REFERENCE: File(s) S-73424

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

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

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

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - S-73424

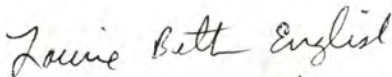
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application.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

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

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

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Beth English".

Laurie Beth English *by CAC*
Water Rights Program Analyst

cc:CWRE

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: S-73424

(2) Review Date: 12/27/93

S Indicates information was completed or adequately addressed.
 U Indicates information is needed, or incomplete, or inadequately addressed
 N/A Indicates Not Applicable

SUMMARY	
<u>U</u>	Completeness <i>map error</i>
<u>S</u>	Land Use
<u>N/A</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts
<u>U</u>	Water Availability

Fees legal

(3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

(4) N/A No oath is required because application was filed before June 5, 1992.

(5) U Application fees:

Examination fee:	\$ 200.00
Recording fee:	\$ 18.00
TOTAL REQUIRED	\$ 418.00
TOTAL SUBMITTED	\$ 318.00
AMOUNT DUE prior to issuance of permit	\$ 100
AMOUNT OVERPAID	
refund due applicant	\$ —

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

(7) S MAP: X Prepared by a CWRE
 — Exempt under OAR 690-11-150(3)
 — A map or drawing included (non-CWRE)
 — No map or drawing in file

- (8) S A CWRE map is not required for applications filed before November 9, 1987.
- (9) U A written copy of the legal description of the property on which the water is to be used.
- (10) U A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S IRR + ASR use(s) is/are classified uses(s) under the S Coast Basin Program, OAR 690 -517-0018
- (14) U The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of CURRY Co.
- (16) S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section CC 20 3.051 (7)).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) - A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) - The report from groundwater section has been received.

For reservoir applications:

- (22) - Plans, specifications and supporting information for the dam and impoundment area.

DESCRIPTION OF SPRING.

Spring Area #1

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owners. _____
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline and other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 5 gpm.
(Gallons per minute or
cubic feet per second)
- What is the minimum flow? 5 gpm.
- Is flow measured or estimated? Estimated
6. Does the stream flowing from spring form a well defined natural channel? No - dissipates in: GROUND
7. Does the water flow off the lands on which it first arises? No (spring/summer)
8. Give the name of the stream or other body of water into which water from the spring flows. None
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
100-150 feet
10. Remarks My wife and I are leasing the property from Jim and Janet Dougherty.

Russell S. Mason
Signature of Applicant

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APR 2 1993

WATER RESOURCES DEPT.
SALEM, OREGONWATER RESOURCES DEPT.
SALEM, OREGON

JUN - 1 1993

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DESCRIPTION OF SPRING.

Spring Area #2

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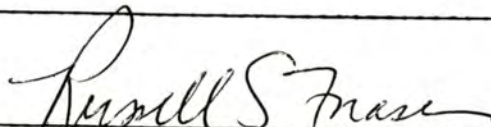
APR 2 1993

WATER RESOURCES DEPT.
SALEM, OREGONWATER RESOURCES DEPT.
SALEM, OREGON

JUN - 1 1993

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1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owners. _____
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline and other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 5 gpm.
(Gallons per minute or
cubic feet per second)
What is the minimum flow? 5 gpm.
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? No-dissipates in Ground
7. Does the water flow off the lands on which it first arises? No (spring/summer)
8. Give the name of the stream or other body of water into which water from the spring flows. None
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
100-150 feet
10. Remarks My wife and I are leasing the property from Jim and Janet Dougherty.


Signature of Applicant

DESCRIPTION OF SPRING.

Spring Area #3

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owners. APR 2 1993
WATER RESOURCES DEPT
SALEM, OREGON
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline and other works? WATER RESOURCES DEPT.
SALEM, OREGON
4. If you do not have such consent, do you expect to secure right of way through condemnation? JUN - 1 1993
5. What is the maximum flow from spring? 5 gpm.
(Gallons per minute or
cubic feet per second)
- What is the minimum flow? 5 gpm.
- Is flow measured or estimated? Estimated
6. Does the stream flowing from spring form a well defined natural channel? No-dissipates in GROUND
7. Does the water flow off the lands on which it first arises? No (spring/summer)
8. Give the name of the stream or other body of water into which water from the spring flows. None
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
100-150 feet
10. Remarks My wife and I are leasing the property from Jim and Janet Dougherty.

Russell S. Mason
Signature of Applicant

DESCRIPTION OF SPRING.

Spring Area #4

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owners. ADD 2 1993
3. Have you secured consent of owner to appropriate water from this spring
and for construction of pipeline and other works? WATER RESOURCES DEPT.
SALEM, OREGON
4. If you do not have such consent, do you expect to secure right of way
through condemnation? WATER RESOURCES DEPT.
SALEM, OREGON
5. What is the maximum flow from spring? 25 gpm.
(Gallons per minute or
cubic feet per second)
- What is the minimum flow? 15 gpm.
- Is flow measured or estimated? Estimated
6. Does the stream flowing from spring form a well defined natural
channel? YES WITH ABOUT A 2 to 1 AND 3 to 1 SLOPE.
7. Does the water flow off the lands on which it first arises? Yes
8. Give the name of the stream or other body of water into which water from the
spring flows. NO-NAME
9. If the water from the spring sinks or evaporates before reaching other
water, give distance water flows from spring before vanishing.
THE SPRING WATER REACHES ANOTHER SPRING DOWN THE HILL
AND ENDS UP RUNNING INTO A NO-NAME STREAM.
10. Remarks My wife and I are leasing the property from Jim and
Janet Dougherty.

Russell S. Fraser
Signature of Applicant

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JUN - 1 1993

REMARKS: _____

NUMBER

90324

Check

650⁰⁰

Cash

200 exam

X

118 Record

~~_____~~

40 exam

X

92 Record.

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

APPLICATION MAP

IN THE NAME OF RUSSELL S. OR PATTI R. FRASER

SECTION 15, T 32 S, R 15 W, W.M.

*Superseded
3-894*

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APR 2 1993

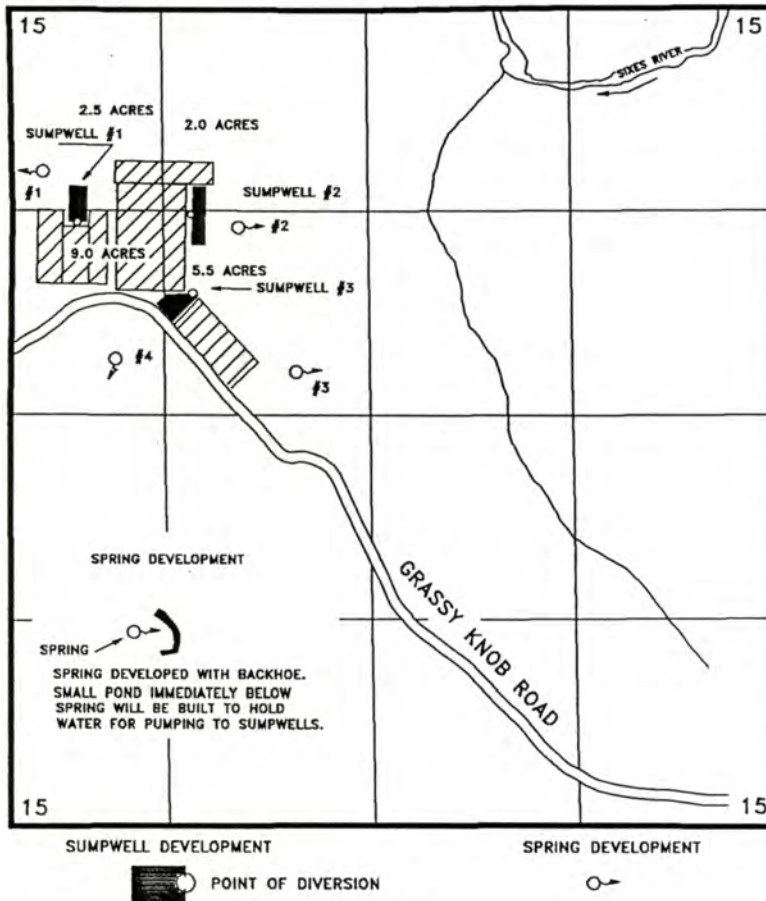
WATER RESOURCES DEPT.
SALEM, OREGON

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JUN - 1 1993

WATER RESOURCES DEPT.
SALEM, OREGON

1 INCH = 1320 FEET



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE	SOUTH	EAST	¼ ¼
SPRING #1:	1100 FEET	220 FEET	NW¼NW¼
SPRING #2:	1480 FEET	1560 FEET	SE¼NW¼
SPRING #3:	2460 FEET	1950 FEET	SE¼NW¼
SPRING #4:	2380 FEET	710 FEET	SW¼NW¼
SUMPWELL #1:	1470 FEET	450 FEET	SW¼NW¼
SUMPWELL #2:	1390 FEET	1240 FEET	SE¼NW¼
SUMPWELL #3:	1950 FEET	1250 FEET	SE¼NW¼

ALL FROM THE NORTHWEST CORNER OF SECTION 12 AND ALL DIVERSIONS WITHIN SECTION 12, TOWNSHIP 32 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 THE LOCATION OF
PROPERTY OWNERSHIP BOUNDARY LINES.

Application No. 73424
Permit No.

