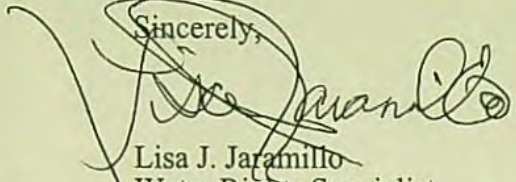


To date, the Department has not received this progress report from you. In order to maintain the ability to continue developing water under this permit, you should submit this progress report immediately. For your reference, I have enclosed a copy of the Extension of Time Final Order containing this condition.

If you have any questions concerning this matter, please feel free to contact me by telephone at (503) 986-0808.

Sincerely,



Lisa J. Jaramillo
Water Rights Specialist
Water Rights Section

Enclosure

cc: Application File #G-14238 (Permit #G-12806)
Mitch Lewis, Watermaster Dist. #19

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 14238

Final Order
Extension of Time for Permit Number G 12806

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.

Application History

On JULY 7, 2000, DANIEL FUGATE submitted an application to the Department for an extension of time for permit number G 12806. The Department issued Permit number G 12806 on SEPTEMBER 30, 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 AUGUST 29, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2006, and/or the time to fully apply water to beneficial use to October 1, 2007. The protest period closed OCTOBER 13, 2000. No protest was filed.

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

The permittee must submit a written progress report to the Department by October 1, 2005. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used

relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;

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

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

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

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

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

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

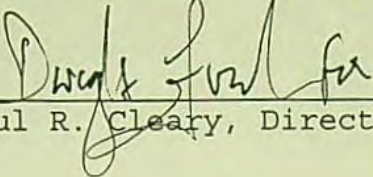
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

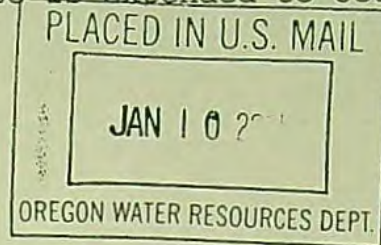
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

The extension of time for Application G 14238, Permit Number G 12806, therefore, is approved. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use ~~is extended to October 1, 2007.~~

DATED January 9, 2001


Paul R. Cleary, Director





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 15, 2002 - ASSIGNMENT SUMMARY

Application File Number(s): G-14238 Permit Number(s): G-12806

Application file in name of:

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470

FULL ASSIGNMENT TO:

RONALD S YOCKIM
PO BOX 2456
ROSEBURG, OR 97470

Original Request for Assignment returned to originator who paid fee \$40.00
with original receipt # 52868

cc: Watermaster District # 19
WRD Data Center
File # G-14238

1-12-2004

G-14238

REF-FILE.

- EXTENSION TO 10-01-2007 ✓
- UPDATE DATA BASE

jd



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
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Original Request for Assignment returned to originator who paid fee \$40.00
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cc: Watermaster District # 19
WRD Data Center
File # G-14238



RECEIVED

REQUEST FOR ASSIGNMENT

BY PROOF OF OWNERSHIP (IF PERMIT HOLDER IS NOT AVAILABLE) MAY 23 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Ronald S. Yockim, Successor Trustee

(Name of Party Requesting Assignment)

P.O. Box 2456 Roseburg OR 97470 (541) 957-5900
 (mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

- ☒ ...hereby request assignment in and to application/permit;
- ☐ ...hereby request assignment in and to a portion of application/permit;
(You must include a map showing the portion of the application/permit to be assigned.)
- ☒ ...I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly;
 (Remember to include \$5 for each additional page.)

Application # G-14238, Permit # G-12806;

-OR-

GR Statement # _____, GR Certificate of Registration # _____

Daniel H. Fugate

(Name of Permit Holder of Record)

9644 Garden Valley Road, Roseburg, OR 97470 (541) 440-6804
 (mailing address) (City) (State) (Zip) (Phone #)

NOTE: *If there are other owners of the property described in this Application, Permit or Certificate of Ground Water 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 or Certificate of Registration of this request for assignment.

Witness my hand this 20th day of May, 20 02.

Party Requesting Assignment

Ronald S. Yockim, Successor Trustee

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form
must be submitted to the Department along
 with the appropriate recording fees:

- This certifies assignment and record change at
 Oregon Water Resources Department effective
 8:00a.m. on date of receipt at Salem, Oregon.
 - Fee receipt # 52860
 - For Director by Jerry Sadler, Program Analyst in
 Water Rights Division

- ◆ \$25 for the first page, and
- ◆ \$5 for each additional page.
[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
 158 12TH STREET NE
 SALEM, OREGON 97301-4172

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **52868**

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

INVOICE # _____

RECEIVED FROM: Ronald S. Yockim
BY: _____

APPLICATION	G14238
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96-505 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 40.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

66111

MISCELLANEOUS

\$

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$ 40.00

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT # **52868**

DATED: 5/23/02 BY: Connie Vance

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

COOS COUNTY, COQUILLE REC \$36.00
TERRI L. TURI, COOS COUNTY CLERK

Ronald S. Yockim, Attorney

P.O. Box 2456

Roseburg, OR 97470

Trustee's Name and Address

Bally Bandon, L.P.,

Cascade Ranch, Inc., G.P.

3636 N. Broadway, Chicago, IL

Second Party's Name and Address

60613

After recording, return to (Name, Address, Zip):

Ronald S. Yockim, Attorney

P.O. Box 2456

Roseburg, OR 97470

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Bally Bandon, L.P.,

Cascade Ranch, Inc., G.P.

Michael Keiser

3636 N. Broadway, Chicago, IL

60613

RECEIVED
MAY 23 2002
WATER RESOURCES DEPT.
SALEM, OREGON
SPACE RESERVED
FOR
RECORDER'S USE

05/16/2002 #2002-6383

02:04:52PM 1 OF 3

STATE OF OREGON,

County of _____

} ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____, Deputy

TRUSTEE'S DEED

THIS INDENTURE, Made this _____ day of _____, May, 2002, ~~19XX~~, between Ronald S. Yockim called trustee, and Bally Bandon, L.P., Cascade Ranch, Inc., G.P., hereinafter called the second party; WITNESSETH:

RECITALS: Brent VanBuren and Rondi VanBuren, as grantor, executed and delivered to Ronald S. Yockim, as trustee, for the benefit of Daniel H. Fugate and Karen J. Fugate, as beneficiary, a certain trust deed dated January 21, 1997, recorded January 22, 1997, in the Records of Coos County, Oregon, in book/reel/volume No. _____ at page _____, and/or as fee/file/instrument/microfilm/reception No. 97010651 (indicate which). In that trust deed, the real property therein and hereinafter described was conveyed by the grantor to the trustee to secure, among other things, the performance of certain obligations of the grantor to the beneficiary. The grantor thereafter defaulted in performance of the obligations secured by the trust deed as stated in the notice of default hereinafter mentioned, and such default still existed at the time of the sale hereinafter described.

By reason of the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named, or the beneficiary's successor in interest, declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantor's obligations was recorded on December 13, 2001, ~~19XX~~, in the Records of Coos County, in book/reel/volume No. _____ at page _____, and/or as fee/file instrument/microfilm/reception No. 2001-14946 (indicate which), to which reference now is made.

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property, as fixed by the trustee and as required by law. Copies of the notice of sale were served pursuant to ORCP 7 D. (2) and 7 D. (3), or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons or their legal representatives, if any, named in ORS 86.740 (1) and 86.740 (2)(a), at least 120 days before the date the property was sold. A copy of the notice of sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary or personal representative of any person named in ORS 86.740 (1), promptly after the trustee received knowledge of the disability, insanity or death of any such person. Copies of the notice of sale were served upon occupants of the property described in the trust deed in the manner in which a summons is served pursuant to ORCP 7 D. (2) and 7 D. (3) at least 120 days before the date the property was sold, pursuant to ORS 86.750 (1). If the foreclosure proceedings were stayed and released from the stay, copies of an amended notice of sale in the form required by ORS 86.755 (6) were mailed by registered or certified mail to the last known addresses of those persons listed in ORS 86.740 and 86.750 (1) and to the address provided by each person who was present at the time and place set for the sale which was stayed within 30 days after the release from the stay. The trustee published a copy of the notice of sale in a newspaper of general circulation in each county in which the real property is situated once a week for four successive weeks. The last publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as having or claiming a lien on or interest in the real property, entitled to notice pursuant to ORS 86.740 (1)(b) or (1)(c).

The true and actual consideration for this conveyance is \$261,750.00. (Here comply with ORS 93.030.)

(OVER)

The undersigned trustee, on May 6, 2002, ~~XXXX~~, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, (which was the day and hour to which the sale was postponed as permitted by ORS 86.755 (2)) (which was the day and hour set in the amended notice of sale)* and at the place so fixed for sale, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$261,750.00, the second party being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.

NOW, THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the trust deed, the trustee does hereby convey unto the second party all interest which the grantor had or had the power to convey at the time of grantor's execution of the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed in and to the following described real property, to-wit:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same unto the second party and the second party's heirs, successors in interest and assigns forever.

In construing this instrument, and whenever the context so requires, the singular includes the plural; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor in interest of the beneficiary first named above; and "person" includes a corporation and any other legal or commercial entity.

IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

* Delete words in parentheses if inapplicable.

Ronald S. Yockim
Ronald S. Yockim, Trustee

STATE OF OREGON, County of Douglas

This instrument was acknowledged before me on May 13, 2002, 10 ss.
by Ronald S. Yockim

This instrument was acknowledged before me on _____, 19____

by _____

as _____

of _____



Barbara D. Griffin
Notary Public for Oregon
My commission expires 10/13/03

EXHIBIT "A"

The East half (E½) of the Northeast quarter (NE¼) of the Southeast quarter (SE¼) of Section 29, and the Northeast quarter (NE¼) of the Southeast (SE¼) of the Southeast quarter (SE¼) of Section 29, and the North half (N½) of the Southwest quarter (SW¼) of the Southwest quarter (SW¼) of Section 28, all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

TOGETHER WITH any and all agricultural contracts (i.e. Oceanspray Contract), air rights, development rights, water rights, water stock, and water service contracts, drainage rights, zoning rights, and other similar rights or interests that benefit or are appurtenant to the Property or the Improvements or both, and any of their proceeds, all of which are herein referred to as the "Property", and or "Trust Property".

EXCEPTING:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
2. An easement created by instrument, including the terms and provisions thereof,
Recorded: November 27, 1927, in Book 104, Page 68,
Records of Coos County, Oregon
3. An easement created by instrument, including the terms and provisions thereof,
Recorded: April 1, 1943, in Book 145, Page 444,
Records of Coos County, Oregon
4. An easement created by instrument, including the terms and provisions thereof,
Recorded: April 2, 1946, in Book 161, Page 45,
Records of Coos County, Oregon
5. An easement created by instrument, including the terms and provisions thereof,
Recorded: September 21, 1966, Microfilm Reel No. 66-9-12528,
Records of Coos County, Oregon
6. An easement created by instrument, including the terms and provisions thereof,
Recorded: August 26, 1980, Microfilm Reel No. 80-3-3695,
Records of Coos County, Oregon
7. All mineral and oil rights reserved in Deed Recorded November 10, 1927, in Book 104, Page 68, and Recorded September 2, 1966, in Microfilm Reel No. 66-9-12528, Coos County, Oregon.
8. A reservation created by reservation dated January 21, 1997 in favor of Daniel H. Fugate and Karen J. Fugate reserving the right to use the subject property as a landing site for the purpose of logging the adjoining property until August 15, 1998.

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT.
SALEM, OREGON

RONALD S. YOCKIM

Attorney at Law

548 S.E. Jackson
Suite #7
P.O. Box 2456
Roseburg, Oregon 97470

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(541) 957-5900
FAX (541) 957-5923

May 22, 2002

Water Resources Department
158 12th Street NE
Salem, OR 97301-4172

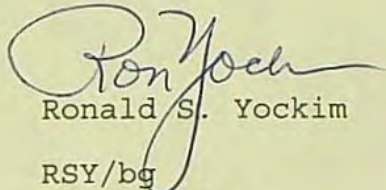
Re: Request for Assignment
Daniel H. Fugate, Application #G-14238; Permit #G-12806

Dear Sirs:

Enclosed please find a Request for Assignment along with our check
in the amount of \$40 for the recording fee.

If you have any questions, please don't hesitate to contact me.

Sincerely,



Ronald S. Yockim

RSY/bg
Enclosures

cc: Dan & Karen Fugate

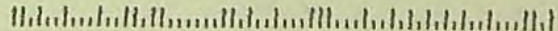
RONALD S. YOCKIM

Attorney at Law
548 S.E. Jackson St., Suite 7
P.O. Box 2456
Roseburg, Oregon 97470



WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM OR 97301-4172

97301+4172



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 14238

Final Order
Extension of Time for Permit Number G 12806

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.

Application History

On JULY 7, 2000, DANIEL FUGATE submitted an application to the Department for an extension of time for permit number G 12806. The Department issued Permit number G 12806 on SEPTEMBER 30, 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 AUGUST 29, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2006, and/or the time to fully apply water to beneficial use to October 1, 2007. The protest period closed OCTOBER 13, 2000. No protest was filed.

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

The permittee must submit a written progress report to the Department by October 1, 2005. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used

relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;

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

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- a) request the permittee to submit additional information with which to evaluate diligence;
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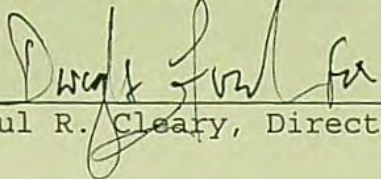
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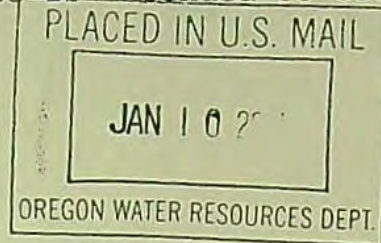
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

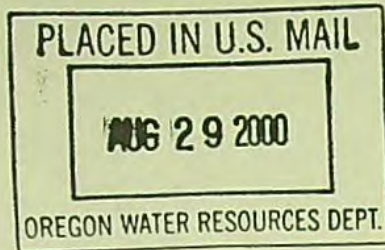
The extension of time for Application G 14238, Permit Number G 12806, therefore, is approved. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use ~~is extended to October 1, 2007.~~

DATED January 9, 2001


Paul R. Cleary, Director



**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number G 12806

Water Right Application Number G 14238

Proposed Final Order

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

This Proposed Final Order applies only to permit number
G 12806.

Summary of Recommendation

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2006, and
- grant the extension for complete application of water from October 1, 1999 to October 1, 2007.

Application History

Permit no. G 12806 was granted by the Water Resources Department on SEPTEMBER 30, 1996. The permit authorizes use of 0.9 CFS of water from 2 WELLS for CRANBERRY OPERATIONS ON 40 ACRES in the COQUILLE 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. G 12806 is attached.

On JULY 7, 2000, the Department received an application from DANIEL FUGATE for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2006 to complete construction of the water system and until October 1, 2007 to apply water to full beneficial use. This is the SECOND 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. Progress in perfecting the permit is being held up by financing problems, absence of one of the developers and the cranberry market. The applicant is having difficulty financing the project within the last extension time limit. The cranberry prices are low, and the applicant estimates 3-5 years for the market to recover. One of the developers of the project is absent and detained.
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 of sump, well and water system. Water has been applied to 7 acres of cranberry operations.
 - b) The applicant has invested approximately \$ 350,000 of an estimated total water system project cost of \$ 550,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system 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, 2006 and the length of time requested for completion of the application of water should be extended to October 1, 2007 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, 2006 to complete construction and until October 1, 2007 to complete the application of water.

Conditions

The permittee must submit a written progress report to the Department by October 1, 2005. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

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

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250. The Department will take into consideration annual reports submitted under OAR 690, Division 86, ORS 537.099, and any other reports that demonstrates diligence. Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

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

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

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

progress report.

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

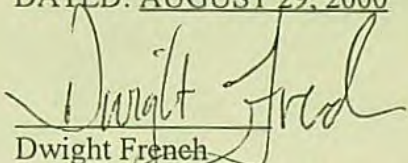
Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1998 to October 1, 2006 and

extend the permit time to complete application of water from October 1, 1999 to October 1, 2007.

DATED: AUGUST 29, 2000


Dwight French
Water Rights Section Manager

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

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$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 **OCTOBER 13, 2000**.
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.

This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Brendalee Wilson. Her extension number is 276.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.

Mailing List for Extension PFO Copies

Application #G 14238

PFO Date 8/29/00

Original mailed to:

Applicant: DANIEL FUGATE

For Extension PFO's - Copies sent to:

- ✓ 1. WRD - File #
- ✓ 2. WRD - Watermaster District #19:
- ✓ 3. WRD - Regional Manager: SW
- ✓ 4. ODFW District Biologist: REESE BENDER, CHARLESTON
- ✓ 5. DEQ Regional Office: TOM ROSETTA, PORTLAND

6. WRD - John Falk (for reservoir permit extensions only)

7. WRD - Regional Liaison

8. CWRE:

Other interested parties:

- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____

CASEWORKER: DSM

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

Daniel Fugate
9644 Garden Valley Rd.
Roseburg, Or 97470
541-440-6804

August 11, 2000

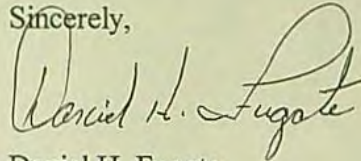
Water Resources Department
Commerce Building
Dallas Miller, Water Rights Specialist
158 12th Street NE
Salem, OR 97301-4172

RE: File G 14238, Permit G 12806

Dear Mr. Miller

In response to your letter dated July 13, 2000, we have confirmed that there has been a flow meter installed. We are sorry our response has taken so long. We are in the process of selling the property on contract with the condition that all requirements for the water rights be followed. Since we live in Roseburg and the property is in Bandon it has taken us a while to make contact to verify the exact type. It is a 400R Jennings Flow Meter on a 6" pipe. Mrs. Van Buren also has another one exactly like it to be installed when the well is put in.

Sincerely,



Daniel H. Fugate

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AUG 15 2000

WATER RESOURCES DEPT.
SALEM, OREGON

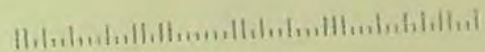
9644 Garden Valley Rd.
Roseburg, OR 97470



Water Resources Department
Commerce Building
Dallas Miller, Water Rights Specialist
158 12th Street NE
Salem, OR 97301-4172

G 14238
Dallas Miller
c-card
missing

97301-4172



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **38803**

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

INVOICE # _____

RECEIVED FROM: Daniel H. Fugate
BY: Raren Fugate

APPLICATION	G-14238
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X90-505 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

\$

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

RECORD FEE

WATER RIGHTS:

EXAM FEE

\$

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) Extension

4100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT # **38803**

DATED: 7/7/00

BY: Manda

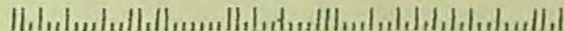
Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

Mr & Mrs Daniel Fugate
9644 Garden Valley Rd
Roseburg, OR 97470



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

97301/4172





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

July 13, 2000

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470

REFERENCE: File G 14238, Permit G 12806

Dear Mr. Fugate:

Regarding your application for an extension of time, we need more information before we can process the request.

This permit requires that a totalizing flow meter be installed before water is used. Has this been done? We cannot process the extension until the meter has been installed.

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

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 19

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Daniel Fugate

NAME	ADDRESS	CITY	STATE	ZIP	PHONE
	9644 Garden Valley Road,	Roseburg	Oregon	97470	(541) 440-6804

record owner of application No. G-14238 permit No. G-12806, do hereby request that the time in which to:

☐ 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, 19 2000, be extended to October 1, 2006, 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, XX 2001, be extended to October 1, 2007.

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 8 acres completed (additional acreage has been cleared and field construction started.

(b) prior to this past year One well (sump) constructed, 7 acres completed and planted. One holding pond constructed.

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JUL 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

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

7 acres have been planted and are raising cranberries. The 8th acre will produce next year.

4-Cost of project to date \$350,000. Projected cost for completion of project \$550,000.

5-Have there been any unforeseen events which delayed development of water system? _____

Yes - see supplemental sheet.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water ? [please explain] We lost a year (reason for last extension)

to transfer from a sump well to a drilled well.

7-What reasons was the project not completed within permit time limits ? _____

See Supplemental Sheet

8-Has there been any change in the demand for water or power since permit was issued? (please explain) _____

No

9-Has there been any change in the market for water or power since the permit was issued? (please explain) _____

Yes - the cranberry market fell significantly last year. It is anticipated that it will take 3-5 years for the market to recover. Price for the cranberries fell from \$55. - \$60. per barrel to \$11. - \$15. per barrel.

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)
Yes, income from the property will provide income for a single family and retire the debt. (additional comments on supplemental sheet).

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

No. If the request is denied, my investment as owner and the purchaser's investment is at considerable risk.

12-Is there an alternative source of water available [yes/no please explain]? No - ground water is the only possibility at this site.

Storage is not an option as there is not sufficient room on the land to develop sufficient storage for the acreage needed to support a family.

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

Not to our knowledge. The well will be deep enough to not interfere with surface water and the sump well seems not to affect the creek.

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.

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 Amil N. Fugate

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

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WATER RESOURCES DEPT.
SALEM, OREGON

Daniel Fugate Extension of Time Application
Supplemental Sheet

No. 5, 7 & 10:

I own the property upon which this permit is appurtenant to. It is being purchased by Mr. and Mrs. Brent Vanburen. I have kept the permit in my name until all the land described on the permit is developed.

Things were going well and Mr. Vanburen was developing the land as described in the last extension of time request. Last year Mr. Vanburen was arrested on a felony charge. He was subsequently convicted for child molesting and is currently in prison. Naturally, this upset the family and little work was done during this trying period.

Mrs. Vanburen desires to finish the project. She will be assisted by her father, Mr. Allen Cram (another cranberry grower). They are in the process of planning the completion of the project and developing a schedule. They have been under a financial hardship for two reasons: first, the family has had their financial resources depleted because of the trial and second, her father has had to make arrangements because of the depressed cranberry market.

They intend to complete the project, however, because of these developments they need additional time. At this time, they believe the project can be completed by 2007.

Understandably, this was a shock to all involved and it has taken some time to recover. If Mrs. Vanburen and Mr. Cram are not able to complete the work, I wish to protect my investment. I would need the additional time (as they do) to line up the resources to complete the project.

Please contact either myself or Mr. Allen Cram @ 541-347-2026 if you have any questions.

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JUL 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 14238

Final Order
Extension of Time for Permit Number G 12806

Application History

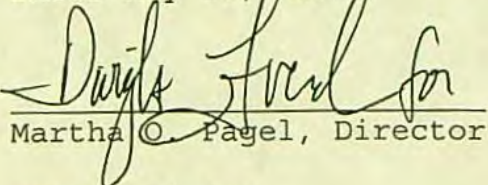
On September 10, 1998, Daniel Fugate submitted an application to the Department for an extension of time for permit number G 12806. The Department issued Permit number G 12806 on September 30, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on March 9, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2000, and the time to fully apply water to beneficial use to October 1, 2001. The protest period closed April 23, 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 G 14238, Permit Number G 12806, therefore, is approved. The deadline for completing construction is extended to October 1, 2000. The deadline for applying water to full beneficial use is extended to October 1, 2001.

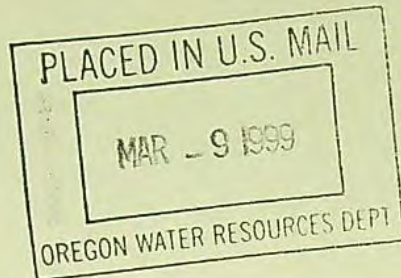
DATED May 18, 1999


Martha C. 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 G 12806

Water Right Application Number G 14238

Proposed Final Order

This Proposed Final Order applies only to permit number G 12806.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2000, and

grant the extension for complete application of water from October 1, 1999 to October 1, 2001.

Application History

Permit no. G 12806 was granted by the Water Resources Department on September 30, 1996. The permit authorizes use of 0.9 cfs of water from two wells for Cranberry operations on 40.0 acres in the Coquille 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. G 12806 is attached.

On September 10, 1998, the Department received an application from Daniel Fugate for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2000 to complete construction of the water system and until October 1, 2001 to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

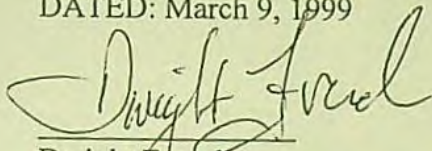
ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and 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 permittee reports that arranging the financing has delayed the project, financing could not be gotten until the permit was issued. Because of the size of the project it is taking longer than expected to complete. The applicant needs more time to amend the permit to change one sump well to a drilled well.
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 of a sump well, holding pond, and lines. Water has been applied to 7 acres, additional acreage has been cleared and bogs laid out.
 - b) The applicant has invested approximately \$ 300,000 of an estimated total water system project cost of \$ 600,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system 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. Perfection of the permit has been delayed by the size and scope of the project and the difficulty of obtaining financing.
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, 2000 and the length of time requested for completion of the application of water should be extended to October 1, 2001 as requested by the applicant.
8. By mutual consent, the applicant and the Water Resources Department agreed to defer processing of the permit extension request until such time as the Commission had adopted new permit extension rules.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1998 to October 1, 2000
and
extend the permit time to complete application of water from October 1, 1999 to October 1, 2001.

DATED: March 9, 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 23, 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.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Final Order

Application History

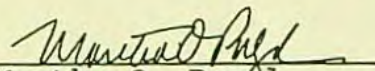
On January 18, 1996, DANIEL FUGATE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 16, 1996. The protest period closed August 30, 1996, and no protest was filed.

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

Order

Application G-14238 therefore is approved as proposed by the Proposed Final Order, and Permit G-12806 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 30, 1996


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 Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

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

Measurement, recording and reporting conditions:

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

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

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department.

The Director may require water level or pump test results every ten years thereafter.

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.

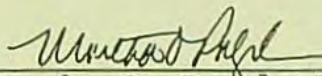
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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 of the well 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 September 30, 1996


Martha O. Pagel, Director
Water Resources Department

Mailing List for PFO Extension Copies

Application #

G 14238

PFO Date 3/9/99

Original mailed to:

Applicant:

Daniel Fogate

Mailed

(support staff)

on 3/9/99

(date)

Copies sent

Regional Manager SW

Watermaster 19

ODFW Rees Ponder, Charleston, Or

DEQ Tom Basetta, 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

10 copies
sent 6-1-99
gr

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Final Order

Application History

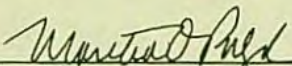
On January 18, 1996, DANIEL FUGATE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 16, 1996. The protest period closed August 30, 1996, and no protest was filed.

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

Order

Application G-14238 therefore is approved as proposed by the Proposed Final Order, and Permit G-12806 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 30, 1996


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 Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

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

Measurement, recording and reporting conditions:

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

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

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department.

The Director may require water level or pump test results every ten years thereafter.

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.

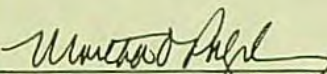
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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 of the well 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 September 30, 1996


Martha O. Pagel, Director
Water Resources Department

NOV 20 1998

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Daniel Fugate

<u>9644 Garden Valley Road,</u>	<u>Roseburg,</u>	<u>Oregon</u>	<u>97470</u>	<u>(541) 440-6804</u>
ADDRESS	CITY	STATE	ZIP	PHONE

record owner of application No. G-14238 permit No. G-12806, do hereby request that the time in which to:

☒ 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, 2000, 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, 2001.

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 7 acres completed. Additional acreage has been
partially cleared and bogs laid out.

(b) prior to this past year 7 acres in progress. One sump well
constructed and one holding pond constructed.

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

7 Acres

4-Cost of project to date \$300,000.. Projected cost for
completion of project \$600,000.

5-Have there been any unforeseen events which delayed development
of water system? Normal events of start up and arranging financing. We have
have also requested a permit transfer from one sumpwell to a drilled well. This is
currently being processed.

6-Have there been any significant government requirements that
have delayed the completion of construction or application of
water ? [please explain] The transfer process of going from a sumpwell
to a drilled well - permit transfer not approved prior to 10-1-98.

7-What reasons was the project not completed within permit time
limits ? Magnitude of project - uncertainty in process - we did not obtain
financing until permit issued.

8-Has there been any change in the demand for water or power
since permit was issued? (please explain) No

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

NOV 20 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 - income will allow repayment of debt and provide funds for the farm

and family.

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

No - 7 acres is not sufficient to repay debt or to support our family.

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 - the groundwater will be enhanced by the drilling of a

deep well.

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.

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 Daniel H. Fugate

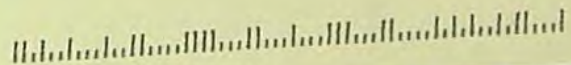
MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS.
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

Mr & Mrs Daniel Fugate
9644 Garden Valley Rd
Roseburg, OR 97470



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

37310/0700





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 29, 1998

FILE#: G 14238

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470-

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

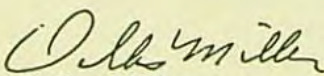
In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,


Dallas Miller
Water Rights Specialist



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

September 17, 1998

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OR 97470

Reference: Files G 14238, Permit G 12806

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect.

If it is necessary that you have an extension of time before that, it may be possible if you can make the statement that water can be fully used within one year.

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipt 24441 for the \$100 recording fee submitted.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller
Natural Resource Specialist 2

cc: Watermaster Dist 19

Application for Extension of Time

RECEIVED

TO THE WATER RESOURCES DIRECTOR OF OREGON

SEP 10 1998

WATER RESOURCES DEPT.
SALEM, OREGON

I. Daniel Fugate

Name

9644 Garden Valley Rd.

Mailing Address

Roseburg

City

OR

State

97470

Zip

record owner of water right permit No. G-12806, do hereby request that the time in which to:

☒ 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, ~~19~~ 2002, and/or the time in which to

☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19⁹⁹, be extended to October 1, ~~19~~ 2003

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year cleared land for construction of additional 6 acres of bog.

Sanded bogs constructed in prior year.

prior to this past year Constructed a sumpwell and 7 acres of cranberries. Began

construction of 2nd sumpwell. Constructed holding pond.

and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) 7 acres of cranberries

NOTE: Plan to replace sumpwell #1 with a drilled well when the permit amendment is approved.

(If additional space is required, attach separate sheet)

Daniel Fugate

(If signing for a corporation please identify your title)

Dated

9/4/98

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$~~100~~ FOR EACH PERMIT TO:

100.00

Water Resources Department
158 12th Street NE
Salem, Oregon 97310-0210

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8083 submitted by

DANIEL FUGATE
9644 GARDEN VALLEY ROAD
ROSEBURG, OREGON 97470.

The permit to be modified is Permit G-12806 with a date of priority of JANUARY 18, 1996. The permit allows the use of TWO SUMP WELLS, in the COQUILLE RIVER BASIN, for CRANBERRY OPERATIONS ON 40.0 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP 1 AND 0.5 CFS FROM SUMP 2, if available at the original sumps; SUMP 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29, SUMP 2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 28, T 27 S, R 14 W, W.M.; POD 1 - 960 FEET NORTH AND 530 FEET EAST, POD 2 - 980 FEET NORTH AND 760 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 28, or its equivalent in case of rotation, measured at the sump.

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 acres; 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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 ACRES
SECTION 28

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 17.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.5 ACRES
SECTION 29

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

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

The applicant proposes to change the point of appropriation for Sump 1 to a well located at:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 29, T 27 S, R 14 W, W.M.; 725 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29.

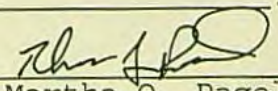
THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-12806, in the name of DANIEL FUGATE is amended as described herein.

WITNESS the signature of the Water Resources

Director, affixed NOV 19 1998


For Martha O. Pagel, Director

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

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DANIEL FUGATE
9644 GARDEN VALLEY ROAD
ROSEBURG, OREGON 97470.

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

The authorized place of use is as follows:

SW¼ SW¼ 15.0 ACRES
SECTION 28

NE¼ SE¼ 17.5 ACRES
SE¼ SE¼ 7.5 ACRES
SECTION 29

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

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

The applicant proposes to change the point of appropriation for Sump 1 to a well located at:

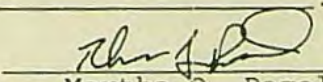
SE¼ SE¼, SECTION 29, T 27 S, R 14 W, W.M.; 725 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 29.

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1. The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-12806, in the name of DANIEL FUGATE is amended as described herein.

WITNESS the signature of the Water Resources
Director, affixed NOV 19 1998


for Martha O. Pagel, Director



Oregon Water Resources Department Land Use Information Form

RECEIVED

SEP 10 1989

WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Daniel FugateAddress: 9644 Garden Valley RoadCity: Roseburg State: Or. Zip: 97470 Day Phone: (541) 440-6804

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

T27S., R.14W., Sect. 28 and 29

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
S. 28 1300	T/A: 7675.01 Forest (M/u)	☒ Diverted	☒ Conveyed	☒ Used
S. 29 1800	T/A: 7686.01 + 7686.91 Forest (M/u)	☒ Diverted	☒ Conveyed	☒ Used
S. 29 800	T/A: 7687.01 Forest (M/u)	☐ Diverted	☒ Conveyed	☒ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Coos

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Cranberry UseBriefly describe: Water used for irrigation, temperature control and
Flood harvesting of cranberries

D. Source

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require.

0.90 ☒ CFS ☐ GPM ☐ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ Go to section B "Approval" below

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Theda L. Underhill Date: 9-4-98
 Title: Planner Phone: (541) 396-3121 ext 492
 Signature: Theda L Underhill

C. Additional Comments

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

Agricultural uses are permitted in a Forest
(riper-use) zone.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: Brent + Rondi Van Buren

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: Cass County
 Staff contact: Theda L Underhill Phone: (541) 396-3121 ext 492
 Signature: Theda L Underhill Date: 9-4-98

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Final Order

Application History

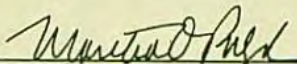
On January 18, 1996, DANIEL FUGATE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 16, 1996. The protest period closed August 30, 1996, and no protest was filed.

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

Order

Application G-14238 therefore is approved as proposed by the Proposed Final Order, and Permit G-12806 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 30, 1996


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 Coos

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

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

Measurement, recording and reporting conditions:

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

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

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department.

The Director may require water level or pump test results every ten years thereafter.

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.

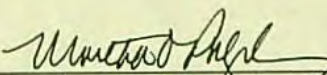
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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 of the well 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 September 30, 1996


Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Final Order

Application History

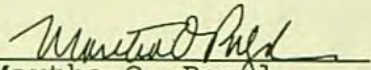
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The proposed use would not impair or be detrimental to the public interest.

Order

Application G-14238 therefore is approved as proposed by the Proposed Final Order, and Permit G-12806 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 30, 1996


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 Coos

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APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND (CFS), BEING 0.4 CFS FROM SUMP #1 AND 0.5 CFS FROM SUMP #2

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SUMP #1 - SE 1/4 SE 1/4, SECTION 29, T 27 S, R 14 W, W.M.; 760 FEET NORTH & 310 FEET WEST; SUMP #2 - SE 1/4 SE 1/4, T 27 S, R 14 W, W.M.; SECTION 28, 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760 FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 15.0 ACRES
SECTION 28

NE 1/4 SE 1/4 17.5 ACRES
SE 1/4 SE 1/4 7.5 ACRES
SECTION 29

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

Measurement, recording and reporting conditions:

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

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

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department.

The Director may require water level or pump test results every ten years thereafter.

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.

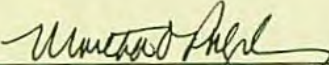
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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 of the well 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 September 30, 1996


Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14238

Proposed Final Order

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

Application History

On January 18, 1996, DANIEL FUGATE submitted an application to the Department for the following water use permit:

- Amount of Water: 0.9 cubic foot per second, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2
- Use of Water: Cranberry Operations on 40.0 acres
- Source of Water: Two Sumps in Coquille River Basin
- Area of Proposed Use: Coos County within
SW 1/4 SW 1/4
SECTION 28

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

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

On APRIL 2, 1996, the Department mailed the applicant notice of its Initial Review, determining that water is available year round for Agriculture use and March 1 through October 31 for Irrigation use. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On APRIL 16, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, written comments were received from John Drolet.

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

- comments by or consultation with another state agency
- any applicable basin program

- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The South Coast Basin Program allows the following uses: Cranberry Operations

Senior water rights exist on the two sumps or on downstream waters.

The two sumps are not within or above a State Scenic Waterway.

Water is available for further appropriation for the period year round.

The Department finds that no more than 6.0 cfs would be necessary for the proposed use. The amount of water requested, 0.9 cfs, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, is allowable.

The two sumps are not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

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

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.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

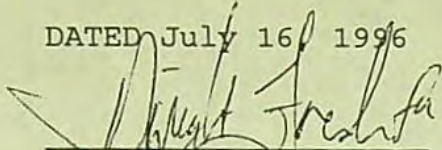
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

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

DATED July 16, 1996


Steven R. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than August 30, 1996.

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

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

GH

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF Coos

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

(541) 440-6804

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

APPLICATION FILE NUMBER: G-14238

SOURCE OF WATER: TWO SUMP WELLS IN COQUILLE RIVER BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.9 CUBIC FOOT PER SECOND, BEING 0.4 CFS FROM SUMP #1 AND
0.5 CFS FROM SUMP #2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 18, 1996

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 29, SW 1/4 SW 1/4,
SECTION 28, T27S, R14W, W.M.; SUMP #1 - 760 FEET NORTH & 310 FEET WEST,
SUMP #2 - 960 FEET NORTH & 530 FEET EAST (POD #1), 980 FEET NORTH & 760
FEET EAST (POD #2) ALL FROM SW CORNER, SECTION 28

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4	15.0 ACRES
SECTION 28	
NE 1/4 SE 1/4	17.5 ACRES
SE 1/4 SE 1/4	7.5 ACRES
SECTION 29	
TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.	

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-14238
Basin 17
GH

Water Resources Department
Volume 2 CUT CREEK AND MISC.
MGMT.CODE

PERMIT DRAFT
District 19

TO: Dwight French
FM: J P Drolet

G-14238

G-14238

Sub: Permit Conditions, this Application
Require totalizing Meter for both P.O.B.'s

Oregon

APRIL 2, 1996

WATER
RESOURCES
DEPARTMENT

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

RECEIVED

APR 15 1996

WATER RESOURCES DEPT.
SALEM OREGON

Reference: File G-14238

Dear Applicant:

THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for Irrigation and Agriculture use is allowed under OAR 517, the South Coast Basin Program.
4. Water for the use of 0.9 cubic foot per second, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, is available year round.
5. The irrigation season is March 1 through October 31 set by Department policy.

NOTE TO PFO:

Honor suggestion from Drolet.
Dwight



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

file

Oregon

APRIL 2, 1996

WATER
RESOURCES
DEPARTMENT

DANIEL FUGATE
9644 GARDEN VALLEY RD
ROSEBURG, OREGON 97470

Reference: File G-14238

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5. The irrigation season is March 1 through October 31 set by Department policy.



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

Summary of Initial Determinations

The use of 0.9 cfs, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, for Irrigation of 40.0 acres may be allowed from March 1 through October 31 of each year.

The use of 0.9 cfs, being 0.4 cfs from Sump #1 and 0.5 cfs from Sump #2, for Agriculture use of 40.0 acres may be allowed year round.

The cumulative use of Sump #1 and Sump #2 shall not exceed 0.9 cfs.

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

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by APRIL 16, 1996. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. You may be required to measure the amount of water used and report that use annually.
2. The priority date for this application is January 18, 1996.

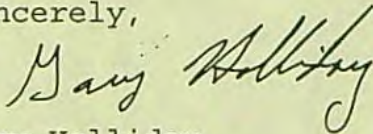
3. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
4. 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.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

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

Sincerely,



Gary Holliday
Initial Reviewer

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

TO: Water Rights Section

MAR 26, 1996

FROM: Groundwater/Hydrology Section Doug Woodcock

Reviewer's Name

SUBJECT: Application G- 14238

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Basin rules, one or more of the proposed POA's is/is not within feet/mile of a surface water source () and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely ; or
 - c. ☒ will if properly conditioned, adequately protect the surface water from interference:
 - i. ☒ The permit should contain condition #(s) 7B;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ☒ will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) ;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
4.
 - a. THE PERMIT should allow groundwater production from no deeper than ft. below land surface;
 - b. The permit should allow groundwater production from no shallower than ft. below land surface;
 - c. The permit should allow groundwater production only from the groundwater reservoir between approximately ft. and ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ☒ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

14238

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199____.
(Signature)

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

_____, 199____.
(Signature)

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14238

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 27S/14W-28,29

CONDITIONS ATTACHED? [☒]yes [☐]no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Doug Woodcock

INTEROFFICE MEMORANDUM
Water Rights Section

TO: Fred

FROM: Dwight French, x268 DWF

DATE: March 4, 1996

RE: G14238

First page in the file is a letter from the applicant asking for some expedited processing.

I can expedite if the the Div 9 review is "no potential for...."

Could one of your staff do a Div 9 review so that we might expedite the processing of his application.

Thanks.

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files Date MAR 26 1996

FROM: Doug Woodcock

SUBJECT: Groundwater Application G- 14238 Phone: _____

Name: _____

Applicant(s) seek _____ gpm (0.90 cfs) from 2 sump well(s) in the Cut CR basin

Proposed use CRANBERRY OPS sub basin

sub basin.

Pertinent 7 1/2 - minute quads BULLARDS RIVERTON

Sump
Well 1 WRD# _____ T 27S R 14W S 29 QQ SESE County COO

Legal Description 760' N & 310' WEST FROM SE COR SEC 29

Well is 2000 ft from WHISKEY CR (river/stream)

Well is 2000 ft from CUT CR (river/stream)

Well elevation _____ ft. River/stream elevation _____ ft.

Well elevation - river/stream elevation _____

Well depth _____ SWL _____ on _____

Sealed to _____ Depth first water found _____

Cased to _____ Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types _____

Confined or unconfined? UNCONFINED Hydraulically connected? YES

Potential to cause substantial interference? NO

Sump
Well 2 WRD# _____ T 27S R 14W S 28 QQ SWSW County _____

Legal Description 960' N & 530' E OF SW COR SEC 28

Well is 2000 ft from CUT CR (river/stream)

Well is 1800 ft from WHISKEY CR (river/stream)

Well elevation _____ ft. River/stream elevation _____ ft.

Well elevation - river/stream elevation _____

Well depth _____ SWL _____ on _____

Sealed to _____ Depth first water found _____

Cased to _____ Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types _____

Confined or unconfined? UNCONFINED Hydraulically connected? YES

Potential to cause substantial interference? NO

Conditioned water rights in area: SEE ATTACHED

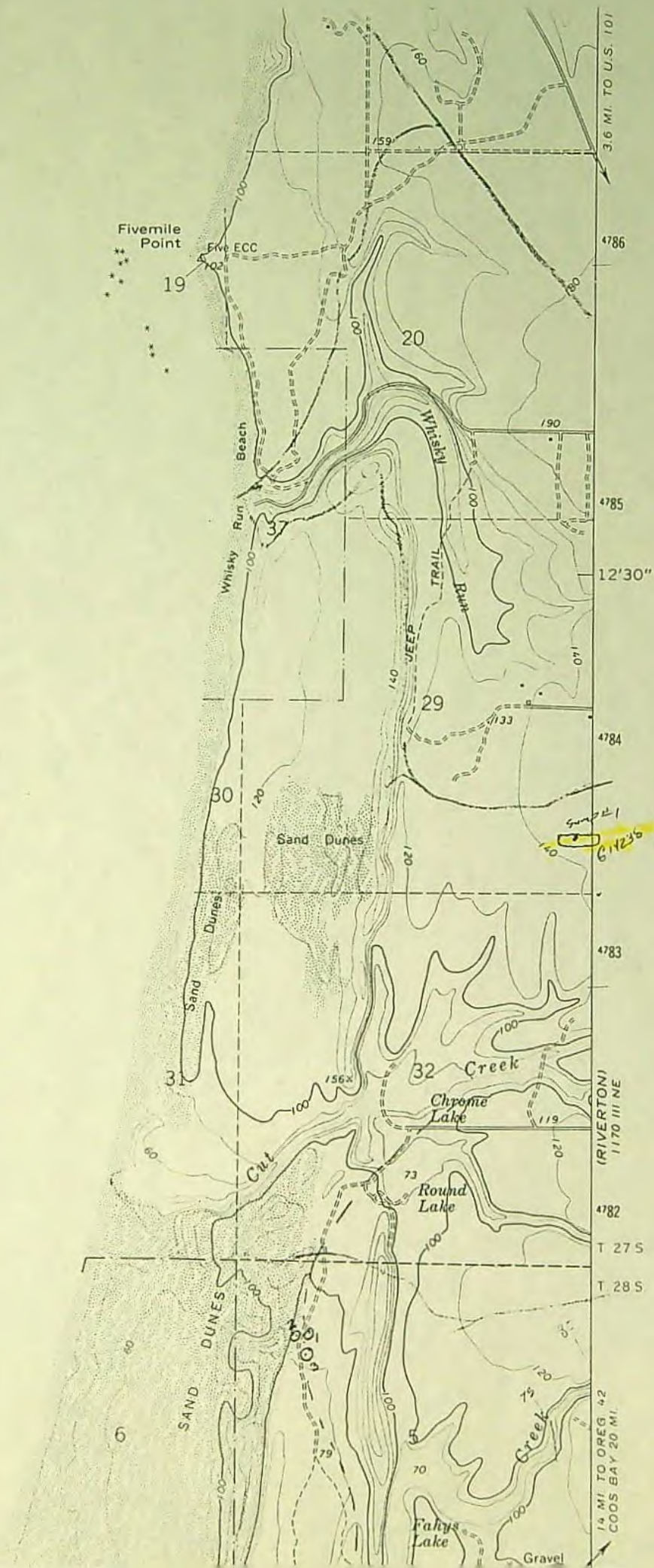
Other nearby water rights of record: _____

Density of nearby wells of record: _____

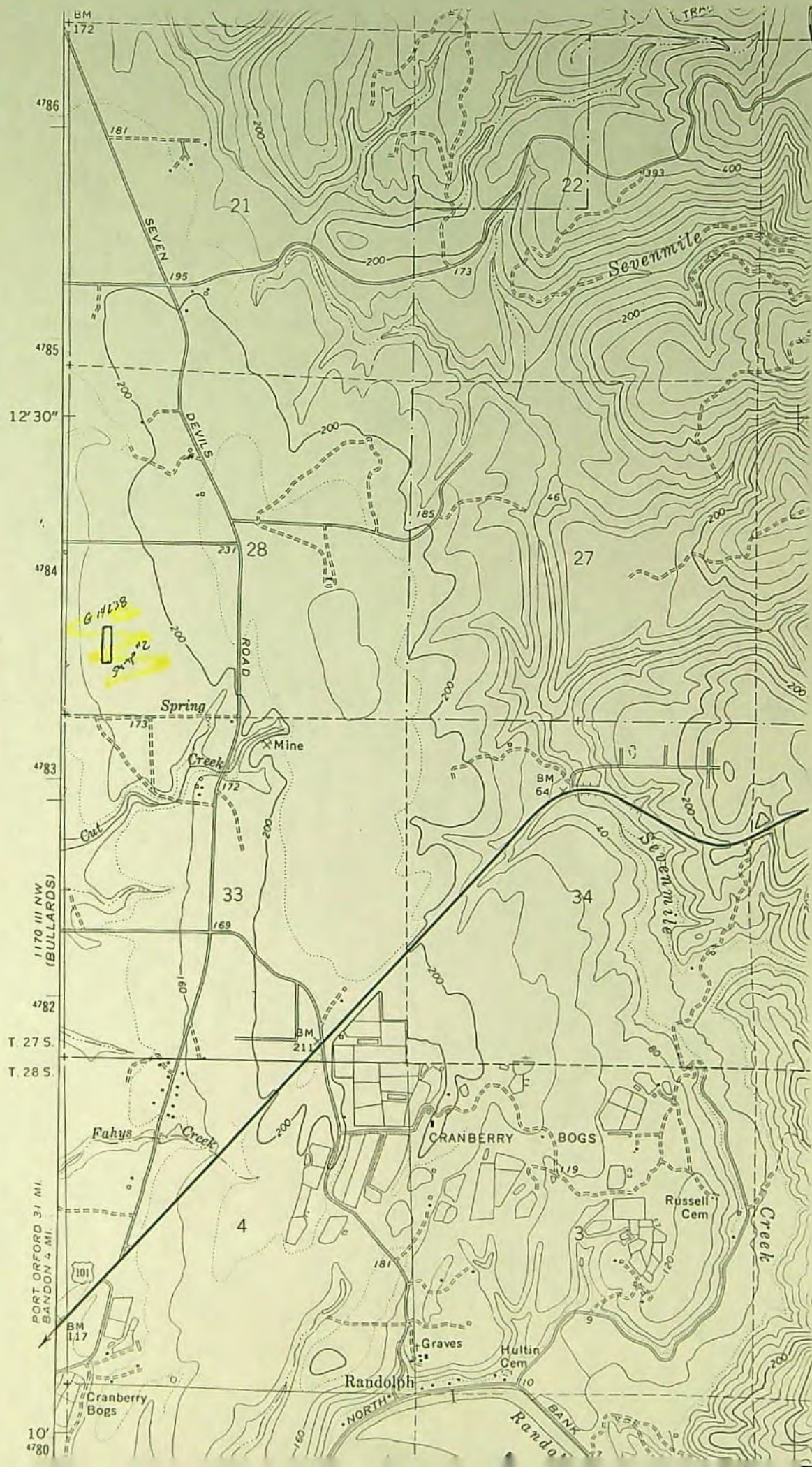
Comments SUMP WELLS DEVELOPED IN MARINE TERRACES 1800 + 2000 FT FROM SURFACE WATER. DUE TO LARGE STORAGE IN WELLS, ANALYTIC MODELS (AVAILABLE) DO NOT APPLY. LOW TRANSMISSIVITY OF MARINE DEPOSITS AND DISTANCE TO SURFACE WATER REDUCE POTENTIAL FOR SUBSTANTIAL INTERFERENCE

References used: _____

+



BULLARDS
W



Please
rush

REVIEW CHECKLIST

FOR G- 14238

Cook City

(17)

Riverton 200

Charleston 41

- ☒ Xerox appropriate parts of the stream index.
- ☒ Estimate number of wells within one mile radius and identify types.
- ☐ Verify that the well log is in application file. If not, provide one. — not found
- ☒ List of state observation wells within five mile radius.
- ☒ List groundwater permits within five mile radius with extraordinary conditions.

WELLS:

2 sump wells

	DO	MO	IR						
27S 14W 28	8								7
29	8								8
21	7								7
20	3								3
22	none found								
27		8							8
34/19	2	1	1						3
33/30	7	none found							7
32/31	1	none found							1

OBSERVATION WELLS:

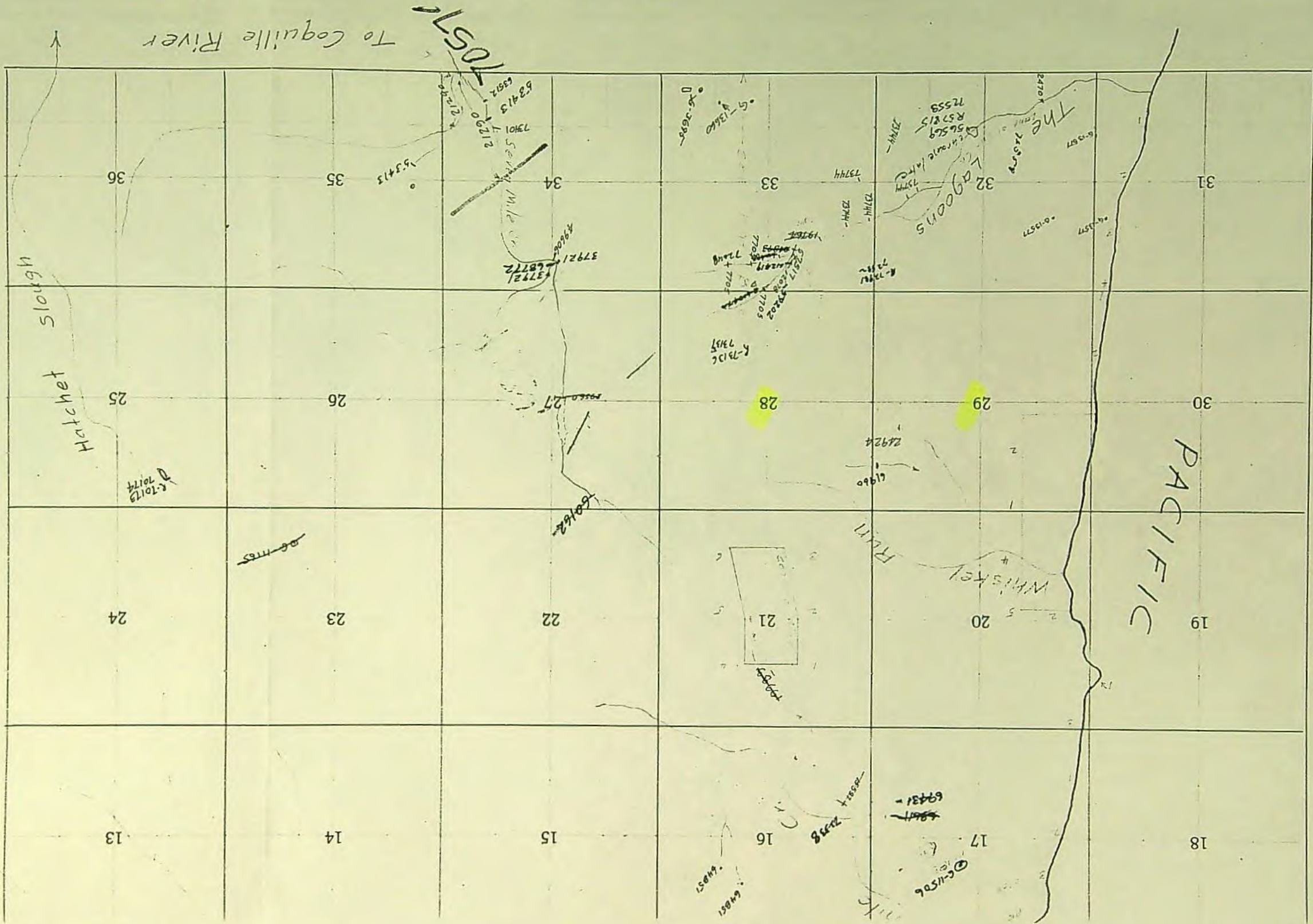
86

APPLICATIONS WITH PERMIT CONDITIONS:

G 13577 G 13413
 13577 13250
 12333 13077
 12359 13776
 12497
 12612
 13164
 13171

RVW.CKLST

27S, 14W



Fish District: Lower Rogue/South Coast

WAB #

Application # G-14238

Applicant Name D. Fugate

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 ☒ N

Should the application be denied? Y N

Should 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
			X				NO	LIVE	Flow			X	

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.

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)
☒ T. Totalizing

FINDINGS

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

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

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

IR CHECKLIST

Application #: 6 14238 Vol _____ Subbasin _____
 Basin: 17 WAB: _____ POU-WAB 7900
 Township _____ Range _____ Section _____ 1/4 1/4 _____

- ☒ 1. Items have been verified on Completeness Checklist.
- ☒ 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- ☒ 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - ☒ a. Is the well located in a groundwater limited area?
 - ☒ b. A B C D
 - ☒ c. SWW _____
- ☒ 4. Is the Proposed Use located in or above a Scenic Waterway?
- ☒ 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ☒ 6. Is the use allowed or limited by the Basin Program? _____ OAR(s) _____
- ☒ 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ☒ 8. Basin Maps (metal cabinet) have been checked and River Mile (_____) has been identified
- ☒ 9. Water Availability Data has been verified (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) _____
10. Rate _____ Duty _____ Season _____
- ☒ 11. Use Irrig. Agr. Period of Allowed Use _____
- ☒ 12. Priority Date(s) Jan 18, 1996
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? _____
- ☒ 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) _____
- ☒ 15. Plat cards have been checked and a copy of the map is attached showing the conflict with _____
- ☒ 16. Land use approval OK'd needs approval county notified NA
- ☒ 17. conditions? (BOR, GW, etc.) _____
- ☒ 18. Watermaster District #: 19
- ☒ 19. Regional Office (NWR, NCR, ER, SCR, or SWR)
20. IR has been saved to m:\tir\sent\app # from m:\tir\work\app #

Name: R. H. Date: 3-1-96

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 517
SOUTH COAST BASIN PROGRAM

Classifications

690-517-001

(1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:

- (a) Bradley Lake 4900
- ✓(b) Eel Lake 01010
- ✓(c) Garrison Lake 00

(3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.

(4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife.

- ✓(a) Glenn Creek (tributary to the East Fork Millicoma River) 070142
- ✓(b) Brush Creek 2500

✓(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8). 161123410

✓(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. 0701310 to 07013123

✓ 3400 ✓ 1601

(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.

(8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

(9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.

(10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

X
Reservations

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- ✓ (1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- ✓ (2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

Minimum Perennial Streamflows

690-517-003

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:

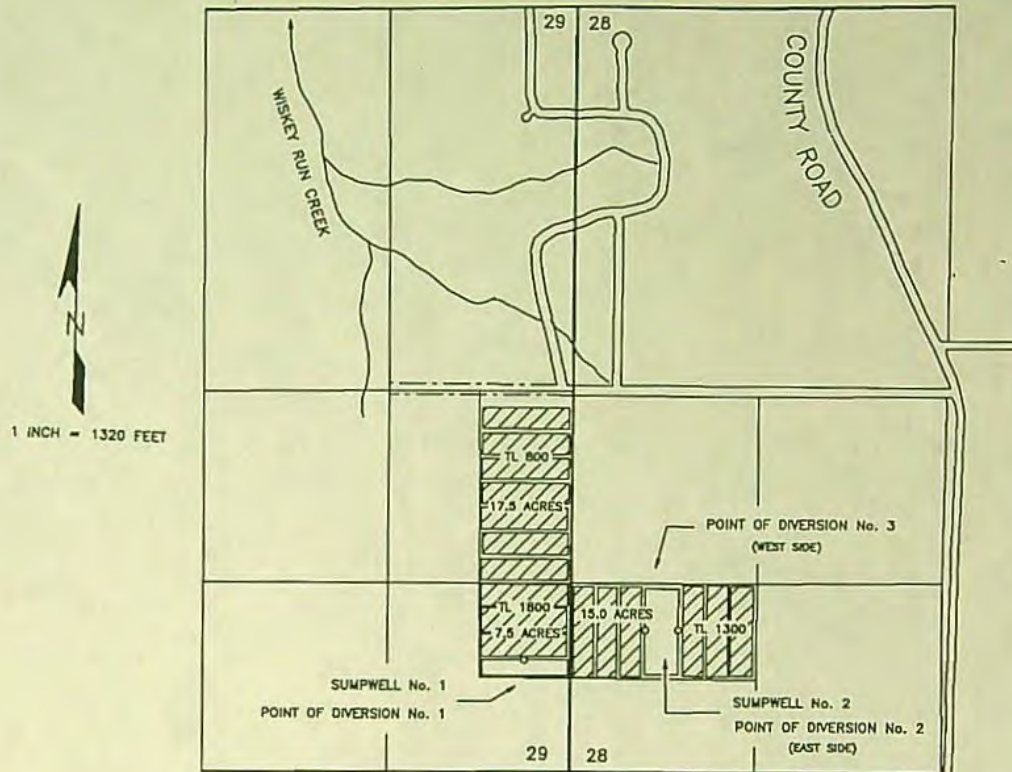
- (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

JUN 18 1998

APPLICATION MAP

IN THE NAME OF DANIEL FUGATE

T 27 S, R 14 W, W.M, SECTIONS 28 & 29



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

DIVERSION	SOURCE	NORTH	EAST/WEST	$\frac{1}{4} \frac{1}{4}$	Sec.	Twp.	Rng.
No. 1	SUMPWELL No. 1	760 FEET	310 FEET WEST	SE $\frac{1}{4}$ SE $\frac{1}{4}$	29	27S	14W
No. 2	SUMPWELL No. 2	960 FEET	530 FEET EAST	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28	27S	14W
No. 3	SUMPWELL No. 2	980 FEET	760 FEET EAST	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28	27S	14W

ALL FROM THE SOUTH WEST SECTION CORNER OF SECTION 28, TOWNSHIP 27 SOUTH, RANGE 14 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.

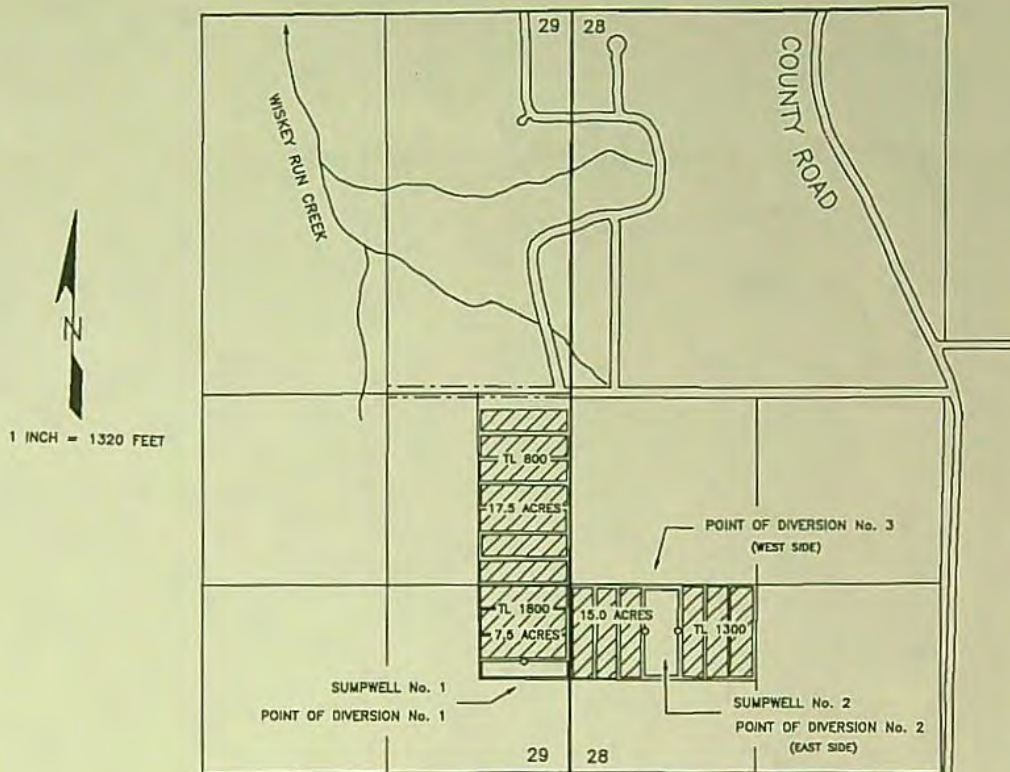
Application No. G-14238
Permit No. G12806

APPLICATION MAP

IN THE NAME OF DANIEL FUGATE

T 27 S, R 14 W, W.M, SECTIONS 28 & 29

REC'D
JAN 18 1996
WATER RESOURCES
SALEM, OREGON



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

DIVERSION	SOURCE	NORTH	EAST/WEST	¼ ¼	Sec.	Twp.	Rng.
No. 1	SUMPWELL No. 1	760 FEET	310 FEET WEST	SE¼SE¼	29	27S	14W
No. 2	SUMPWELL No. 2	960 FEET	530 FEET EAST	SW¼SW¼	28	27S	14W
No. 3	SUMPWELL No. 2	980 FEET	760 FEET EAST	SW¼SW¼	28	27S	14W

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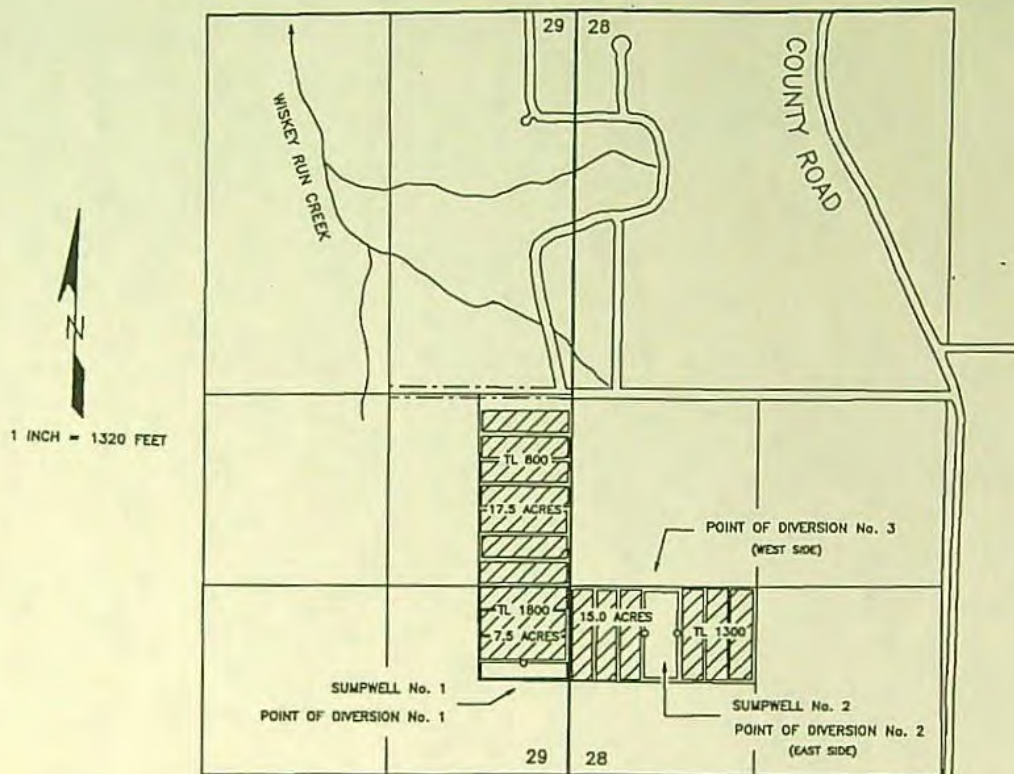
Application No. G-14238
Permit No. G12806

APPLICATION MAP

IN THE NAME OF DANIEL FUGATE

T 27 S, R 14 W, W.M, SECTIONS 28 & 29

JAN 18 1996



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

DIVERSION	SOURCE	NORTH	EAST/WEST	$\frac{1}{4} \frac{1}{4}$	Sec.	Twp.	Rng.
No. 1	SUMPWELL No. 1	760 FEET	310 FEET WEST	SE $\frac{1}{4}$ SE $\frac{1}{4}$	29	27S	14W
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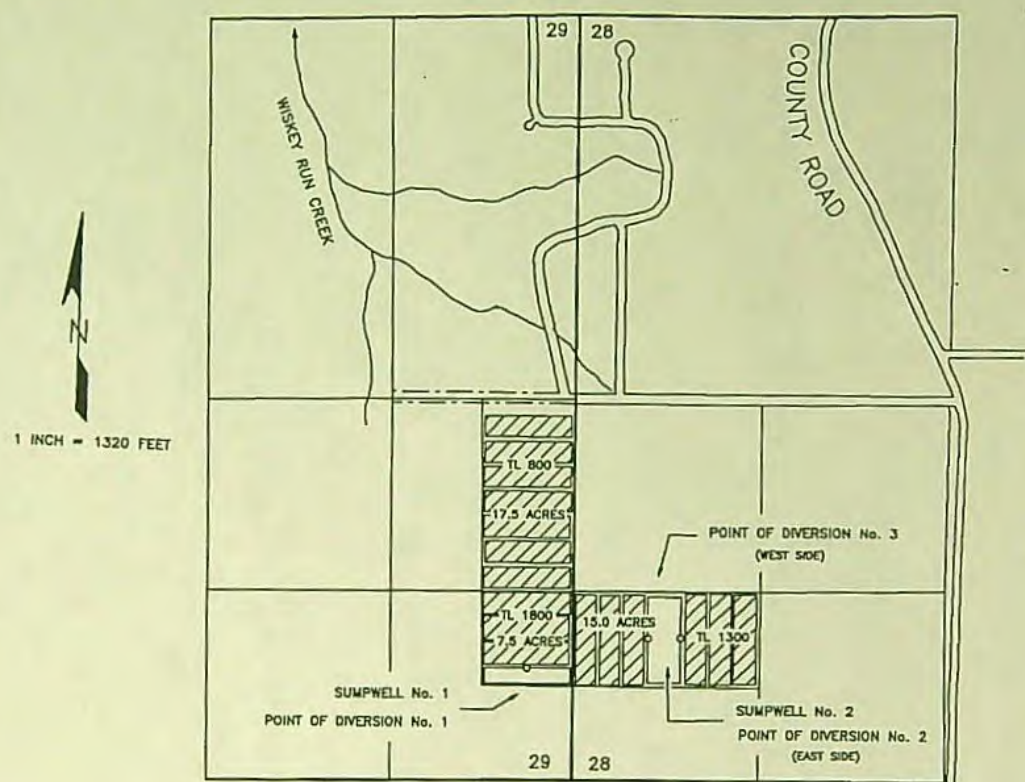
ALL FROM THE SOUTH WEST SECTION CORNER OF SECTION 28, TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY.

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. G-14238
Permit No. G12806

JAN 13 1996

APPLICATION MAP
 IN THE NAME OF DANIEL FUGATE
 T 27 S, R 14 W, W.M, SECTIONS 28 & 29



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

DIVERSION	SOURCE	NORTH	EAST/WEST	¼ ¼	Sec.	Twp.	Rng.
No. 1	SUMPWELL No. 1	760 FEET	310 FEET WEST	SE¼SE¼	29	27S	14W
No. 2	SUMPWELL No. 2	960 FEET	530 FEET EAST	SW¼SW¼	28	27S	14W
No. 3	SUMPWELL No. 2	980 FEET	760 FEET EAST	SW¼SW¼	28	27S	14W

ALL FROM THE SOUTH WEST SECTION CORNER OF SECTION 28, TOWNSHIP 27 SOUTH, RANGE 14 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. G-14238
 Permit No. G12806

Application No.

G-4238

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

RECEIVED

JAN 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant(s) Daniel Fugate

(Please print or type - use dark ink)

Mailing Address: 9644 Garden Valley Road

Roseburg

Oregon

97470

(541) 440-6804

City

State

Zip

Daytime Phone No.

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

1. THE DEVELOPMENT (number of wells, tile lines, infiltration galleries, etc.):

Two Sump Wells (See Supplemental Sheet)

If development is less than one mile from a natural stream, give the following:

Distance from development to stream:

Elevation difference between streambed and development:

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: Depth in feet:

Type and size of well casing: No. of feet:

Estimated depth to water:

Type of access port or measuring device:

Wells to be drilled by:

Address:

If the water well is flowing artesian, describe your water control and conservation works:

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.90 cubic feet per second, OR 400 gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each:

#1-0.40 cfs. #2-0.50 cfs.

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 Cranberry use - 40 acres

Other (describe) _____

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 from sump wells to place of use by electric motors/pumps via buried PVC pipe. Water will be applied by rainbird sprinklers

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

Proposed date construction work will begin Spring, 1997

Proposed date construction work will be completed October, 1998

Proposed date water use will be completed October, 1999

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):*

XX Applicant 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):

XX Applicant CWRE Other (Identify in REMARKS section)

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

NOTE: Prior to receiving a certificate of water right, the permit holder must submit to the Water Resources Department the results of a pump test meeting the department's standards. The Director will require water level or pump test results every ten years thereafter.

REMARKS: _____

8. If you answered "NO" to question #7 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES NO

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

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:

Signature

Daniel H. Fugate

Date

1/17/96

Signature

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 18th day of January, 1996, at 8 o'clock, A M.

APPLICATION NO: G14238

Daniel Fugate Application

Supplemental Sheet

No. 1:

The development will consist of two sumpwells.

Number	Distance from Stream	Elevation Difference	Size	Depth	Casing	Depth to Water	Developer
No. 1	2100 ft	10' - 15'	120' x 520'	15 - 20 ft.	none	5 - 10 ft.	Owner
No. 2	1600 ft	10' - 15'	200' x 550'	15 - 20 ft.	none	5 - 10 ft.	Owner

Application No. 614238
Permit No.

RECEIVED
JAN 18 1996
WATER RESOURCES
SALEM, OREGON

RECEIVED

JAN 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Daniel H. Fugate
9644 Garden Valley Rd.
Roseburg, OR 97470
Phone 541-440-6804

Jan. 18, 1996

State of Oregon
Water Resources Department
Attention: Martha Pagel, Director
158 12th St. N.E.
Salem, OR 97310

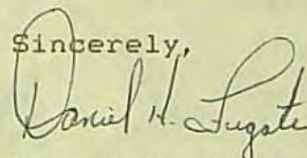
Dear Ms. Pagel:

I have filed an application for a permit to appropriate groundwater in S28 & S29, T27, R14W of Coos County and would appreciate it if you could initiate the processing of the application promptly for hardship reasons as we have a sale pending on the property with water rights being a contingency.

I understand there is a temporary hold on all applications along the Oregon coast. I would urge you to reconsider this stay, particularly those areas not involving streams critical to fish habitat. The cranberry growers may have a short window of opportunity to expand in the Bandon area. Without water they will not be able to take advantage of the opportunity Ocean Spray is extending to them to add additional acreage. If they are not able to do this, Ocean Spray may look to other areas to fulfill their needs.

Thank you for your consideration.

Sincerely,



Daniel H. Fugate

DF/kj

CC: Al Cook,
Regional Manager

RECEIVED
Oregon

WATER RESOURCES
SALEM, OREGON

WATER

RESOURCES

DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



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

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: Daniel Fugate
 Address: 9644 Garden Valley Road
Roseburg, Oregon 97470
 Phone: (541) 440-6804

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

Indicate sources for the proposed water use below:

Indicate the estimated quantity of water the use will require.

☐ Surface Water
 Name sources: _____

0.90 Cubic feet per second.

400 Gallons per minute.

_____ Acre-Feet

☐ Reservoir or pond

☒ Ground Water 2 Sump Wells

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

JAN 18 1996

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: Daniel Fugate
Address: 9644 Garden Valley Road
City: Roseburg State: Oregon Zip: 97470 Day Phone: (541) 440-6804

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.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING Rural Residential/RR-5) (e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
27/14 S.29 TL-1800	F (Forest)	X	X	X
27/14 S.28 TL-1300	F (Forest)	X	X	X

27/14 S.29 TL-800 F (Forest)

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

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

For Local Government Use Only

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

Application No. 614238
Permit No.

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

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

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

Receipt for Request for Land Use Information

WRD Applicant Name: Daniel Fugate

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: Coos County Planning Dept.
Staff Contact: Matt Laird Phone: 396-3121 X2K
Signature: [Signature] Date of Information Request: 1/17/96

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: _____ Date: _____

Title: _____ Phone: _____

Signature: _____

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

Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

NE

PERSONAL REPRESENTATIVE'S DEED

95 05 0501

THIS INDENTURE Made this 1st day of MAY, 1995, by and between SHARON MOON the duly appointed, qualified and acting personal representative of the estate of HOWARD D. HILL, deceased, hereinafter called the first party, and DANIEL H. FUGATE AND KAREN J. FUGATE, Husband and Wife, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said second party and second party's heirs, successors-in-interest and assigns all the estate, right and interest of the said deceased at the time of decedent's death, and all the right, title and interest that the said estate of said deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situate in the County of COOS, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

Application No. B-14238
Permit No.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

TO HAVE AND TO HOLD the same unto the said second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 105,000.00.
① However, the actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which).①

IN WITNESS WHEREOF, the said first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Sharon Moon
SHARON MOON
Personal Representative
of the Estate of HOWARD D. HILL Deceased.

NOTE—The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.

STATE OF Florida County of Ocala ss.
This instrument was acknowledged before me on May 12, 1995,
by Sharon Moon
This instrument was acknowledged before me on _____, 19____,
by _____
as _____
of _____

PATTI DENISE THEODALIX
NOTARY PUBLIC, STATE OF FLORIDA
00487700
EXP. 2-1-00

Patti Denise Theodaux
Notary Public for Oregon
My commission expires 2-1-98

ESTATE OF HOWARD HILL

GRANTOR'S NAME AND ADDRESS

DANIEL AND KAREN FUGATE
9644 Garden Valley Road
Roseburg, OR 97470

GRANTEE'S NAME AND ADDRESS

After recording return to:

FUGATE: SAME AS ABOVE

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

FUGATE: SAME AS ABOVE

RETURN TO KEY TITLE & ESCROW

NAME, ADDRESS, ZIP

RECORDING # 95050501

I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at



SPACE R
FC
RECORD

2:57 ON 05/15/1995
J. WILSON

By _____ Deputy

pages 2 Fee \$ 38.00

RECEIVED
JAN 18 1996
CLERK OF COUNTY
SALEM, OREGON

The East half (E1/2) of the Northeast quarter (NE1/4) of the Southeast quarter (SE1/4) of Section 29, and the Northeast Quarter (NE1/4) of the Southeast (SE1/4) of the Southeast quarter (SE1/4) of Section 29, and the North half (N1/2) of the Southwest quarter (SW1/4) of the Southwest quarter (SW1/4) of Section 28, all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.
Excepting all mineral and oil rights Reserved in Deed Recorded November 10, 1927, in Book 104, Page 68, and Recorded September 2, 1966, in Microfilm Reel No. 66-9-12528, Coos County, Oregon.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.

(AFFECTS T.L. 27S 14W 28 1300)

2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

3. An easement created by instrument, including the terms and provisions thereof,

Recorded: November 27, 1927, in Book 104, Page 68,
Records of Coos County, Oregon

In favor of: Pacific States Lumber Co.

For: Access

4. An easement created by instrument, including the terms and provisions thereof,

Recorded: April 1, 1943, in Book 145, Page 444,
Records of Coos County, Oregon

In favor of: Humphrays Gold Corporation

For: Power line

5. An easement created by instrument, including the terms and provisions thereof,

Recorded: April 2, 1946, in Book 161, Page 45,
Records of Coos County, Oregon

In favor of: Coos County

For: Right of way for Road purposes

6. An easement created by instrument, including the terms and provisions thereof,

Recorded: September 21, 1966, Microfilm Reel Number 66-9-12528,
Records of Coos County, Oregon

In favor of: Reserved Easement for road for public use.

7. An easement created by instrument, including the terms and provisions thereof,

Recorded: August 26, 1980, Microfilm Reel Number 80-3-3695,
Records of Coos County, Oregon

In favor of: Franklin G. West and Mildred B. Wet

For: Easement for access

WATER RESOURCES DEPT.

Commerce Building

158 12th Street N.E.

SALEM, OREGON 97310

FIRST CLASS

IMPORTANT MESSAGE

1998

FOR F 499 DATE 8-28 TIME 12 A.M.
M. RS. DANIEL / FUGATE P.M.

OF _____ ☒ PHONED

PHONE ☐ FAX 541-440-6804 ☐ RETURNED
☐ MOBILE AREA CODE NUMBER EXTENSION YOUR CALL

MESSAGE A B C ☒ PLEASE CALL

JOHN YOUNGQUIST MAG ☐ WILL CALL AGAIN

FILE # ☐ CAME TO SEE YOU

G-14238 ☐ WANTS TO SEE YOU

SIGNED

TOPS FORM 4006

Herb

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **24441**

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

INVOICE # _____

RECEIVED FROM: Daniel H Fugate
BY: Ruben Fugate

APPLICATION	G14238
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96-505 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

~~0408-0240~~ MISC REVENUE: (IDENTIFY)

\$ 100.00

(New) TC165 DEPOSIT LIAB. (IDENTIFY)

\$

(Existing) TC168

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **24441**

DATED: 9-10-98 BY: M. Mingo

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

C01

Duplicate

Application No.

G-14238

Permit No.

G12806

Name

Daniel Fugate

Address

9644 Garden Valley Rd

Assigned

Roseburg OR 97470

Address

Beginning construction

Sept 30, 1997

Completion of construction

Oct 1, 1998

Extended to

Complete application of water

Oct 1, 1999

Extended to

C 67

614238

Daniel Fugate

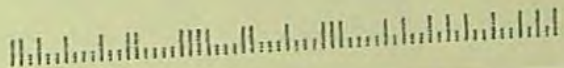
date of completion: 10-1-03 ^{ext to}
date for application of water: 10-1-03 ^{ext to}
duplicate

Mr & Mrs Daniel Fugate
9644 Garden Valley Rd
Roseburg, OR 97470



Water Resources Dept.
Commerce Bldg, 158 12th Street NE
Salem, Or 97310

97310/0703 32



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **131672**

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

INVOICE # _____

RECEIVED FROM: Daniel Fugate
BY: _____

APPLICATION	G14238
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96-505 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3000

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

	MISCELLANEOUS	
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	\$	842.002	\$
842.003	GROUND WATER	\$ <u>2000</u>	842.004	\$ <u>100</u>
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
	LANDOWNER'S PERMIT		842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

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

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

LIC NUMBER

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

RECEIPT #

131672

DATED:

1-18-96

BY:

J. H. Kisser

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **98362**

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

INVOICE # _____

RECEIVED FROM: _____

BY: Cynthia & Ronald Bleger

APPLICATION	<u>514238</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK # 11016 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 25.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	
0244 Muni Water Mgmt. Plan	
0246 Cons. Water	

**RECEIVED
OVER THE COUNTER**

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$ <u>25.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

46111
Assignment

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: **98362**

DATED: 10-27-09 BY: LB

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **98336**

INVOICE # _____

RECEIVED FROM: Bandon Dunes

BY: _____

APPLICATION	G14238
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 56187 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$5000

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) Assignment \$5000

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$

0203 GROUND WATER \$

0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$

LANDOWNER'S PERMIT \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: **98336**

DATED: 10/23/09 BY: LSB

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14238

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 27S/14W-28,29

CONDITIONS ATTACHED? [☒]yes [☐]no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Doug Woodcock

TO: Water Rights Section

MAY 26, 1996

FROM: Groundwater/Hydrology Section Doug Woodcock

Reviewer's Name

SUBJECT: Application G- 14238

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Basin rules, one or more of the proposed POA's is/is not within feet/mile of a surface water source () and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely ; or
 - c. ☒ will if properly conditioned, adequately protect the surface water from interference:
 - i. ☒ The permit should contain condition #(s) 7B;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ☒ will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) ;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
4.
 - a. THE PERMIT should allow groundwater production from no deeper than ft. below land surface;
 - b. The permit should allow groundwater production from no shallower than ft. below land surface;
 - c. The permit should allow groundwater production only from the groundwater reservoir between approximately ft. and ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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