

REMARKS

Prosper Sub District of the
Bandon Cranberry Water
Control District

P.O. Box 1384
Bandon OR 97411

Attention Ted Freitag

Ted Freitag

cell 541-290-0719

office 541-347-9594

fax 541-347-9594

alt fax 541-347-9811

If you have sold the property, please ask the new owner to file an
property to contact the Department about the need to file an
assignment. Alternatively let the Department know the file number,
name(s) and addresses of the new owner.

Postcard #1

paul & alene Kent
rt. 2, box 1285
bandon or 97411

✓ paid \$10 - cc: them

Waiting for P&S - See Letter dated 8-19-94
Do not issue Permit. *F* Dam Safety

According to letter from John Youngquist (2/11/02) the applicant desires to keep dam height less than 10'.
∴ Thus, P&S not required. See letter dated 2/14/02 for requested permit conditions. *F*

RA Mailing List for Certificate

Scheduled Mailing Date:

Application: R-74289

Permit: R-14855

Certificate: 99106

Water Right Holder:

Copies Mailed
by: <u>TM</u> (STAFF)
on: MAY 01 2026 (DATE)

PROSPER SUBDISTRICT OF THE BANDON CRANBERRY WATER CONTROL DISTRICT
PO BOX 1832
BANDON OR 97411

Copies of Final Certificate to be sent to:

1. Watermaster District 15 (include copy of map)
2. Water Availability
3. Vault
4. File

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records?

YES – Map taxlots 28S1419-00-00302, 28S1419-DA-00100, 28S1419-DA-00200, 28S1419-DA-00201, 28S1420-BC-02002, 28S1420-CB-01000, and 28S1420-CB-01101 owned by Bandon Cranberry Water Control District per COOS County Assessor

NO – Map taxlot 28S1419-DA-00300 owned by Peter A. Braun per COOS County Assessor

NO – Map taxlot 28S1420-CB-01100 owned by Oleh Z. Lysiak & Christina A. Peterson per COOS County Assessor

Other persons to receive copies: (include map):

1. Dennis Terzian, CWRE,
2. Bandon Cranberry Water Control District, PO Box 1832, Bandon OR 97411
3. Bandon Cranberry Water Control District, c/o Wayne Scherer, PO Box 503, Bandon OR 97411-assessor
4. Peter A. Braun, 1140 Ferry Rd, Bandon OR 97411
5. Oleh Z. Lysiak & Christina A. Peterson, PO Box 1571, Bandon OR 97411
6. Gary W. Pullen, 14122 E. Lay Lane, Medimont ID 83842



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

DATE MAILED: MAY 01 2026

NOTICE OF CERTIFICATE ISSUANCE

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

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

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

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

If you have any questions, please contact Kerry Kavanagh at 503-979-3208.

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PROSPER SUBDISTRICT OF THE BANDON CRANBERRY WATER CONTROL DISTRICT
PO BOX 1832
BANDON OR 97411

confirms the right to store water perfected under the terms of Permit R-14855. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: PROSPER RESERVOIR, ENLARGED FORMERLY AMOS RESERVOIR, ORIGINALLY CONSTRUCTED UNDER PERMIT R-8647

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-86225, PERMIT S-54683 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME: 69.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
28 S	14 W	WM	19	SE NE	5	40 FEET NORTH AND 570 FEET WEST FROM W 1/4 CORNER, SECTION 20

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot
28 S	14 W	WM	19	SE NE	5
28 S	14 W	WM	19	NE SE	
28 S	14 W	WM	20	NW SW	

The water user shall maintain a staff gage that measures the entire range and stage between full reservoir level and dead pool in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, or I.

The minimum pool of 9.0 acre feet shall be left in the reservoir at all times.

The water user shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by Oregon Fish and Wildlife (ODFW).

The water user shall maintain and operate the fishway approved by the Oregon Department of Fish and Wildlife.

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

The storage of water allowed herein is subject to the installation and maintenance of fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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

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

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

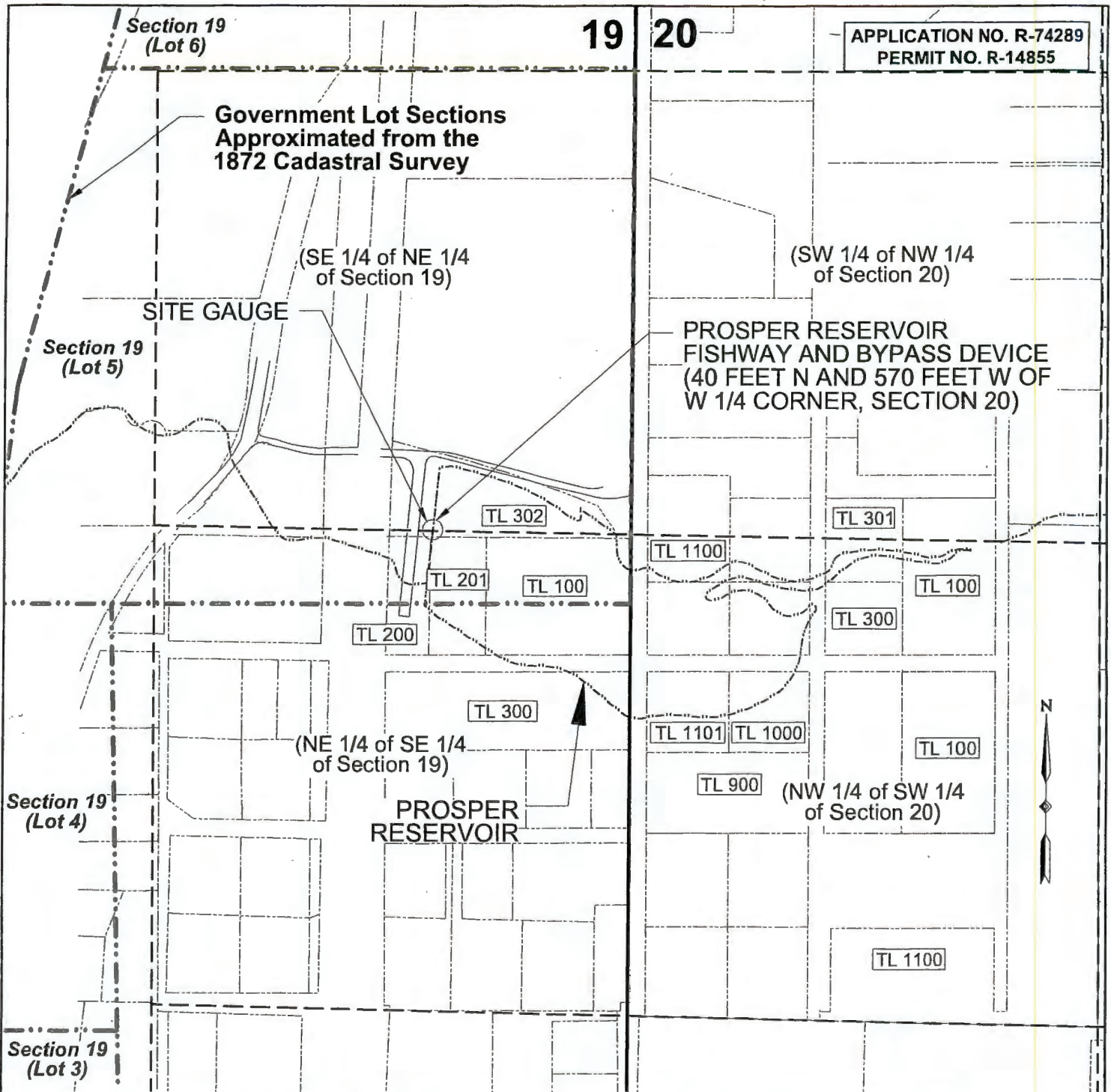
The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued **MAY 01 2026**



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

I:\Client\Prosper SBC\WCD\Bandon\19-250048\10 01_02 (Site Plan, Section).dwg Modified 1/12/2026 by JPoore

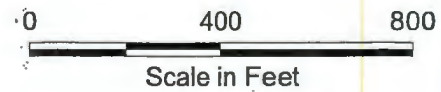


NOTE: THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.

Received

FEB 02 2026

OWRD



CLAIM OF BENEFICIAL USE MAP

Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon

 Apex Companies, LLC
4412 S Corbett Avenue
Portland, Oregon 97239

Project Number: 19-25004810	Drawn: JP	Approved: DT
January 2026		

Figure
1

Section 19
(Lot 6)

19 20

APPLICATION NO. R-74289
PERMIT NO. R-14855

Government Lot Sections
Approximated from the
1872 Cadastral Survey

(SE 1/4 of NE 1/4
of Section 19)

(SW 1/4 of NW 1/4
of Section 20)

SITE GAUGE

Section 19
(Lot 5)

PROSPER RESERVOIR
FISHWAY AND BYPASS DEVICE
(40 FEET N AND 570 FEET W OF
W 1/4 CORNER, SECTION 20)

TL 302

TL 301

TL 1100

TL 201

TL 100

TL 100

TL 200

TL 300

TL 300

TL 1101

TL 1000

TL 100

(NE 1/4 of SE 1/4
of Section 19)

TL 900

(NW 1/4 of SW 1/4
of Section 20)

Section 19
(Lot 4)

PROSPER
RESERVOIR

TL 1100

Section 19
(Lot 3)

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Received

FEB 02 2026

OWRD

0 400 800
Scale in Feet



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Bandon, Oregon

Apex Companies, LLC
4412 S Corbett Avenue
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Project Number: 19-25004810
Drawn: JP
Approved: DT
January 2026

Figure
1

Re: R13161-25 AP #R74289 Permit #R14855 related to R13044-25 AP #S86225 Permit #S54683

From Terri Pullen <pacifichreads@yahoo.com>

Date Thu 3/12/2026 5:21 PM

To KAVANAGH Kerry L * WRD <kerry.l.kavanagh@oregon.gov>; Terri & Gary Pullen <pacifichreads@yahoo.com>

Hi Kerry

The BCWCD box is 1832.

tlp

On Thursday, March 12, 2026 at 12:25:57 PM PDT, KAVANAGH Kerry L * WRD <kerry.l.kavanagh@oregon.gov> wrote:

Hello Terri,

I have placed a copy of the proposed certificate for Application R-74289 to Gary Pullen, 14122 E Lay Lane, Medimont ID 83842 in the mail.

Please confirm which PO Box is correct for Prosper Sub District of the Bandon Cranberry Water Control District – is it PO Box 1384 or PO Box 1832?

Thank you,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator

Certificate Section, Water Rights Services Division

725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208

kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Terri Pullen <pacifichreads@yahoo.com>

Sent: Thursday, March 12, 2026 5:38 AM

To: KAVANAGH Kerry L * WRD <kerry.l.kavanagh@oregon.gov>; Terri & Gary Pullen <pacifichreads@yahoo.com>

Subject: Re: R13161-25 AP #R74289 Permit #R14855 related to R13044-25 AP #S86225 Permit #S54683

Hi Kerry

The mailing address has not changed. Gary Pullen
14122 E Lay Lane
Medimont, ID 83842

KAVANAGH Kerry L * WRD

From: Terri Pullen <pacifictreads@yahoo.com>
Sent: Thursday, March 12, 2026 5:21 PM
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Thank you,
Kerry

[Kerry Kavanagh](#)

Certificate Reimbursement Authority Program Coordinator

Certificate Section, Water Rights Services Division

725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208

kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

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Subject: Re: R13161-25 AP #R74289 Permit #R14855 related to R13044-25 AP #S86225 Permit #S54683

Hi Kerry

The mailing address has not changed. Gary Pullen
14122 E Lay Lane
Medimont, ID 83842

The proposed certificate for R13044-25 was sent to 14112, not the above address. But it was postmarked 2/17 and delivered to our mailbox. There is no 14112 address on E Lay Lane. The rural delivery carrier knows us. If it was remailed on 3/2/26, it should have been delivered by now.

tip

On Wednesday, March 11, 2026 at 10:13:14 AM PDT, KAVANAGH Kerry L * WRD <kerry.l.kavanagh@oregon.gov> wrote:

Hello,

The proposed certificate for Application R-74289 was re-sent on March 2, 2026.

If you did not receive the proposed certificate in the recent mailing, perhaps we have the wrong address.

Please provide a mailing address and I will prepare a mailing to go out tomorrow when I will be in the office.

Kerry

[Kerry Kavanagh](#)

Certificate Reimbursement Authority Program Coordinator

RA Mailing List for PROPOSED Certificate

Scheduled Mailing Date:

Application: R-74289

Permit: R-14855

Certificate: PROPOSED

Water Right Holder:

Copies Mailed	
by:	<u>TM</u> (STAFF)
on:	FEB 13 2026 (DATE)

PROSPER SUBDISTRICT OF THE BANDON CRANBERRY WATER CONTROL DISTRICT
PO BOX ~~1832~~ **1384**
BANDON OR 97411

Copies of Final Certificate to be sent to:

1. Watermaster District 15 (include copy of map)
2. Water Availability
3. Vault
4. File

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records?

YES – Map taxlots 28S1419-00-00302, 28S1419-DA-00100, 28S1419-DA-00200, 28S1419-DA-00201, 28S1420-BC-02002, 28S1420-CB-01000, and 28S1420-CB-01101 owned by Bandon Cranberry Water Control District per COOS County Assessor

NO – Map taxlot 28S1419-DA-00300 owned by Peter A. Braun per COOS County Assessor

NO – Map taxlot 28S1420-CB-01100 owned by Oleh Z. Lysiak & Christina A. Peterson per COOS County Assessor

Other persons to receive copies: (include map):

1. Dennis Terzian, CWRE,
2. Bandon Cranberry Water Control District, PO Box 1832, Bandon OR 97411
3. Bandon Cranberry Water Control District, c/o Wayne Scherer, PO Box 503, Bandon OR 97411-assessor
4. Peter A. Braun, 1140 Ferry Rd, Bandon OR 97411
5. Oleh Z. Lysiak & Christina A. Peterson, PO Box 1571, Bandon OR 97411

6. Gary W. Pullen, 14122 E. Lay Lane, Medemont ID 83842 - Agent
Unmailed 3-13-2026 by KZK



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/cwrtd

FEB 13 2026

Reference: Application R-74289 Permit R-14855

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Mary Bjork at 503-979-9895.

If you have any questions please contact Kerry Kavanagh at kerry.l.kavanagh@water.oregon.gov or 503-979-3208.

Sincerely,

Katherine Ratcliffe
Administrator
Water Right Services Administrator

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PROSPER SUBDISTRICT OF THE BANDON CRANBERRY WATER CONTROL DISTRICT
PO BOX 1832
BANDON OR 97411

confirms the right to store water perfected under the terms of Permit R-14855. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: PROSPER RESERVOIR, ENLARGED FORMERLY AMOS RESERVOIR, ORIGINALLY CONSTRUCTED UNDER PERMIT R-8647

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-86225, PERMIT S-54683 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME: 69.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
28 S	14 W	WM	19	SE NE	5	40 FEET NORTH AND 570 FEET WEST FROM W 1/4 CORNER, SECTION 20

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent to priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot
28 S	14 W	WM	19	SE NE	5
28 S	14 W	WM	19	NE SE	
28 S	14 W	WM	20	NW SW	

The water user shall maintain a staff gage that measures the entire range and stage between full reservoir level and dead pool in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, or I.

The minimum pool of 9.0 acre feet shall be left in the reservoir at all times.

The water user shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by Oregon Fish and Wildlife (ODFW).

The water user shall maintain and operate the fishway approved by the Oregon Department of Fish and Wildlife.

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

The storage of water allowed herein is subject to the installation and maintenance of fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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

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

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

The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued _____.

PROPOSED

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

Section 19
(Lot 6)

19

20

APPLICATION NO. R-74289
PERMIT NO. R-14855

Government Lot Sections
Approximated from the
1872 Cadastral Survey

(SE 1/4 of NE 1/4
of Section 19)

(SW 1/4 of NW 1/4
of Section 20)

SITE GAUGE

Section 19
(Lot 5)

PROSPER RESERVOIR
FISHWAY AND BYPASS DEVICE
(40 FEET N AND 570 FEET W OF
W 1/4 CORNER, SECTION 20)

TL 302

TL 301

TL 1100

TL 201

TL 100

TL 200

TL 300

TL 100

TL 300

(NE 1/4 of SE 1/4
of Section 19)

TL 1101

TL 1000

TL 100

TL 900

(NW 1/4 of SW 1/4
of Section 20)

Section 19
(Lot 4)

PROSPER
RESERVOIR

TL 1100

Section 19
(Lot 3)

NOTE: THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.

Received

FEB 02 2026

OWRD

0 400 800
Scale in Feet



CLAIM OF BENEFICIAL USE MAP

Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon



Apex Companies, LLC
4412 S Corbett Avenue
Portland, Oregon 97239

Project Number:
19-2504810

Drawn:
JP

Approved:
DT

Figure
1

January 2026

19 20

APPLICATION NO. R-74289
PERMIT NO. R-14855

ment Lot Sections
oximated from the
Cadastral Survey

(SE 1/4 of NE 1/4
of Section 19)

(SW 1/4 of NW 1/4
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UGE

PROSPER RESERVOIR
FISHWAY AND BYPASS DEVICE
(40 FEET N AND 570 FEET W OF
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TL 302

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PROSPER
RESERVOIR

TL 1100

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Received

FEB 02 2026

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0 400 800
Scale in Feet



CLAIM OF BENEFICIAL USE MAP

Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon



Apex Companies, LLC
4412 S Corbett Avenue
Portland, Oregon 97239

Project Number: 19-25004810
Drawn: JP
Approved: DT

January 2026

Figure
1



Memorandum

DATE: January 28, 2026

TO: Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

FROM: Dennis Terzian *dnt*

PROJECT: 90295.000

REGARDING: Prosper Reservoir COBU Figure 2

Kerry, I have enclosed a revised claim of beneficial use map for Application R-74289.

Received
FEB 02 2026
OWRD

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

**A fee of ~~\$230~~ \$345 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

Claims received without the correct fee of \$345 will be returned.

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

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

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

If you have questions regarding the completion of this form, please call 503-979-9103.

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

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

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
R-74289	R-14855	

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Prosper Subdistrict of the Bandon Cranberry Water Control District		PHONE NO. 541.404.8147	ADDITIONAL CONTACT No. 541.404.3890
ADDRESS P.O. Box 1832			
CITY Bandon	STATE OR	ZIP 97411	E-MAIL pacifictreads@yahoo.com garywpullen@gmail.com

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

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

PERMIT HOLDER OF RECORD Prosper Subdistrict of the Bandon Cranberry Water Control District		
ADDRESS P.O. Box 1832		
CITY Bandon	STATE OR	ZIP 97411

ADDITIONAL PERMIT HOLDER OF RECORD NA		
ADDRESS NA		
CITY NA	STATE NA	ZIP NA

4. Date of Site Inspection:**NA****5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
Terri and Gary Pullen	Multiple	Permit Holder

6. County**Coos**

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7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD NA		
ADDRESS NA		
CITY NA	STATE NA	ZIP NA

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SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature



CWRE NAME Dennis Terzian		PHONE NO. 503.417.7601	ADDITIONAL CONTACT NO. NA
ADDRESS 4412 S Corbett Avenue			
CITY Portland	STATE OR	ZIP 97217	E-MAIL dennis.terzian@apexcoss.com

Permit Holder's of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	GARY PULLEN		7.31.2025

SECTION 3 CLAIM DESCRIPTION

1. Reservoir source and, if from surface water, the tributary:

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Prosper Reservoir	Coquille River	Simpson Creek

2. Developed use(s), period of use, and acre foot (af) for each use:

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Prosper Reservoir	Irrigation - Cranberries	Nov 1 - Mar 31	80 AF
Total Quantity of Water Stored			80 AF

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:

Water is diverted from Simpson Creek and stored in Prosper Reservoir. It is then distributed via an underground piping system to irrigate cranberry bogs. The Prosper Reservoir dam is the point of diversion for the reservoir.

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

4. Variations:

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

YES

NO

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

NA

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Prosper Reservoir	80 AF	80 AF

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SECTION 4
SYSTEM DESCRIPTION

Are there multiple reservoirs?

YES ☐ NO ☒

If "YES" you will need to copy and complete Sections A through E for each reservoir.

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

NA

A. Reservoir Location

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1. Is the reservoir on-channel?

YES ☐ NO ☒

2. Provide dam outlet location and/or point of diversion(s).

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TWP	RNG	MER	SEC	QQ	GLot	DLC	MEASURED DISTANCES
28S	14W	W.M.	19	NESE			2680 FEET S & 570 FEET W FROM NE CORNER, SECTION 19

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

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

YES ☐ NO ☒

If "NO" items 2 through item 5 may be deleted.

6. Additional notes or comments related to the system:

Prosper Reservoir is an on-channel reservoir located on Simpson Creek, a tributary of the Coquille River. Water flows directly into the reservoir through the natural stream channel. There are no additional diversion structures, pipelines, or pumps transporting water to the reservoir.

C. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

YES ☐ NO ☒

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

D. Gravity Flow Canal or Ditch

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

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

YES ☐ NO ☒

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

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

YES ☐ NO ☒

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
9 ft	7.5 ft	10.4 acres	78 acre-feet

4. Provide reservoir volume calculations:

$V = \text{average depth} \times \text{acres}$

$V = 7.5\text{ft} \times 10.4 \text{ acres} = 78 \text{ acre-feet}$

Amos Pond (R-8647) was permitted to 9 acre-feet so $78 \text{ AF} - 9 \text{ AF} = 69 \text{ added AF}$

5. Provide the following information concerning the physical characteristics of the dam:

CREST WIDTH (W)	DAM HEIGHT AT CENTERLINE (H)	DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L)	DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U)	WATER LEVEL AT INSPECTION	DOWN-STREAM SLOPE	UP-STREAM SLOPE
15 ft	10 ft	18 ft	10 ft	8.05 ft	29	45

6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

Attached as Figure 2.

7. Describe the outlet works (size and type of the outlet conduit and location):

The dam outlet consists of a concrete culvert structure approximately 4 feet wide, fitted with a heavy-duty metal grating cover. A vertical steel slide gate or stoplog rack is in place above the grate. The outlet structure discharges directly into the downstream channel and is located near the center of the dam.

8. Describe the emergency spillway (dimensions and location):

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
3 ft	3 ft	1.5 ft (est.)

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SECTION 5 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	November 24, 2010		
BEGIN CONSTRUCTION (A)	NA	November 25, 2010	Pond structure, fish ladder and piping were already in place as a component of the existing structure. Once the permit was issued, piping was adjusted to allow for a higher level in the reservoir to meet the increased capacity.
COMPLETE CONSTRUCTION (B)	NA	NA	
COMPLETE APPLICATION OF WATER (C)	October 1, 2014	November 25, 2010	Increased documented fill level occurred following permit issuance.

* must be within period between permit or any extension final order issuance and the date to completely apply water

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

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YES ☒ NO

3. Measurement Conditions:

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a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

☒ YES ☐ NO

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

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

b. Has a meter been installed?

YES ☒ NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
NA					

If a meter has been installed, items d through f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

☒ YES ☐ NO

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
NA		

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Staff Gauge	Working	At time of expansion

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES ☒ NO

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

5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit?

YES ☒ NO

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

6. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES ☒ NO

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

7. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES ☒ NO

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

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

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

a. Was the water user required to restore the riparian area if it was disturbed?

YES ☒ NO

b. Was a fishway required?

☒ YES ☒ NO

c. Was submittal of a letter from an engineer required prior to storage of water?

YES ☒ NO

d. Was submittal of a water management and conservation plan required?

YES ☒ NO

e. Other conditions?

YES ☒ NO

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

ODFW Staff determined that existing fishway is compliant with conditions for permit R-14855 in a letter dated June 17, 2025 (Attached)

SECTION 6 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Figure 1	COBU Map
Figure 2	Dam Cross Section
ODFW Documentation	Letter dated June 17, 2025 including May 12, 2025 attachment

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

Apex prepared the COBU map using publicly available tax lot maps, in-person measurements completed by Christopher W. Claire of ODFW in May 2025 and aerial photograph to determine approximate boundaries of reservoir (2025 Airbus Aerial presented on Google Earth).

Map Checklist

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

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

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

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Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6201

FAX (503) 947-6202

www.dfw.state.or.us/

June 17, 2025

Gary Pullen
Bandon Water Control District Prosper Sub District
P.O. Box 1384
Bandon, OR 97411



RE: Fish Passage Requirements for application R-74289 (permit R-14855)

To whom it may concern,

The Oregon Department of Fish and Wildlife (ODFW) is submitting this letter regarding the fish passage conditions in application R-74289 (permit R-14855) in the name of the Prosper Sub District. This permit allows for the storage of 80 acre-feet each year from Simpson Creek, a tributary to the Coquille River.

This permit has a priority date of 1994 and contains a condition stating that the permittee shall *"not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by ODFW. The required fishway is to be in place and functional prior to storage of any water. Fish passage requirements may be waived if the permittee and the State Fish and Wildlife Commission enter into a memorandum of understanding pursuant to the process set out in House Bill 2607, (1997, Legislative Session)."*

According to information provided by landowners and other local sources, the fishway was installed at the time of dam construction, which occurred around 1996. However, no documentation from the landowner or ODFW files has been found to verify ODFW's involvement or approval at that time. Therefore, ODFW conducted a fish passage assessment on May 12, 2025 (see attached). During the site visit, ODFW verified the presence of a fish passage structure at the dam. Observations made during the visit are consistent with reports that the structure was installed at the time of dam construction, estimated to be around 1996. **Based on the observations made on site, ODFW concludes that the fish passage conditions for permit R-14855 have been met.**

It should be noted that while permit conditions have been met, the current configuration of the fishway does not meet fish passage criteria as outlined in OAR 635-412-0035. Any future construction, repairs or structural modifications, as per OAR 365-412-0005(10) to the dam or culverts may trigger modern fish passage requirements requiring upgrades or replacement to bring the fishway into compliance with current standards and design criteria.

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ODFW has developed several recommendations that the landowner or the Prosper Sub District may wish to explore to improve fish passage and support long-term site sustainability.

- Fish passage at the site could be improved by adding baffles to the lower plastic culvert, which would create water depth at low flows and slow velocities during high flows.
- Evaluate the effectiveness of the current fish passage by scheduling an ODFW spawning survey during November-December.
- Consider pursuing a voluntary fish passage project. Grant programs and financial aid may be accessible to support voluntary fish passage improvements. However, such funding is typically not available for projects that are required to meet regulatory compliance.

Please contact Chris Claire at Christopher.W.Claire@odfw.oregon.gov or (541) 857-2391 to discuss these recommendations further.

Sincerely,



Katherine Nordholm
Fish Screens and Passage Coordinator

CC:

Greg Apke, ODFW Fish Screens and Passage Manager
Mac Barr, ODFW Fish Passage Coordinator
Chris Claire, ODFW Assistant District Fish Biologist
Greg Huchko, ODFW Watershed Manager

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Simpson Creek "Amos" Reservoir Fishway Evaluation

Christopher W. Claire

ODFW

On Site with John Freitag, Bandon Cranberry Water Control Board
and Ray a cranberry grower in the District

05/12/25

Note: ODFW Coos-Coquille staff in coordination with Salem Fish Passage/Screening, as part of the certification of the Simpson (Amos) Reservoir water right were on site to evaluate the existence and function of the fishway at Simpson Creek "Amos" reservoir on 05/12/25. None of the historical paperwork regarding the fishway/designs/other have been able to be located by the owners, OWRD, or ODFW in archival files from when the original structure was built in the mid 1990's ~1996-1997. The sum of information in this document is compiled and drawn from on site inspection by C.W. Claire on 05/12/25 and conversations with John Freitag, of the Bandon Cranberry Water Control District Board and another of the other original individuals who installed the structure (Ray, last name not documented).

The reservoir is located just north of Bandon (Figure 1) on Simpson Creek, which is fish bearing. Historically, the reservoir was named "Amos" reservoir in honor of one of the local cranberry growers or local citizen. There are cutthroat trout and likely adult/juvenile coho using Simpson Creek, although coho use has not been documented recently and the stream is not shown as salmon bearing in the current digital layers. The reservoir does have a fishway that was originally installed in 1996 or 1997. The fishway is a series of weir steps inside a 3.0ft diameter 1" wall HDPE smoothbore culvert (Figures, 2, 3 and 4). The fishway pipe is ~35ft in length. The upstream intake is located under a pier platform system (Figure 2). The Cranberry District Water Board manager (John Freitag) indicated that the fishway was built by a company in Portland, OR and confirmed the date of installation as 1996 or 1997. The Pullen's (cranberry growers within the district) indicated the fishway was originally designed by ODFW, although that cannot be confirmed. The fishway culvert drops ~8.0ft in the 35ft horizontal distance to a water collection gallery with an overall slope of 22.9%. Fishway weir slots are estimated at 12" wide (not measured) and have a drop of ~6" between steps. The pool length between steps was measured at 38" (Figure 5). As with any steep fishway, velocities are moving fast due to the steep slope.

The fishway outfall enters a concrete water collection gallery just south of the intake (Figures 6, 7, and 8). ODFW was able to enter the water collection gallery and take a photo looking upstream into the fishway (Figure 9). From the water collection gallery, the flow is carried under the Simpson Creek "Amos" reservoir dam to the creek below through a 4.0ft x 40ft smoothbore double walled plastic culvert (Figure 10). The smooth bore culvert under the dam has two steps at the endpoint outfall that allows water to drop with 6" steps into the stream below (Figure 11). There are not baffles in the 4.0ft x 40ft culvert under the reservoir dam and at high flows the velocities in this culvert are likely >6ft/sec (Figure 12). Overall improvement in fish passage could be made in the 4.0ft x 40ft culvert under the dam through installation of a baffle at the endpoint of this culvert and others at specified intervals inside to provide some velocity management. Once through the smoothbore culvert and the outfall steps the stream enters a 7ft or 8.0ft (not measured) culvert under Hwy 101 that is likely over 100ft in length (Figure 13).

There are two other culverts downstream of Hwy 101 prior to Simpson Creek entering the main Coquille River Estuary at River Mile 1.9.

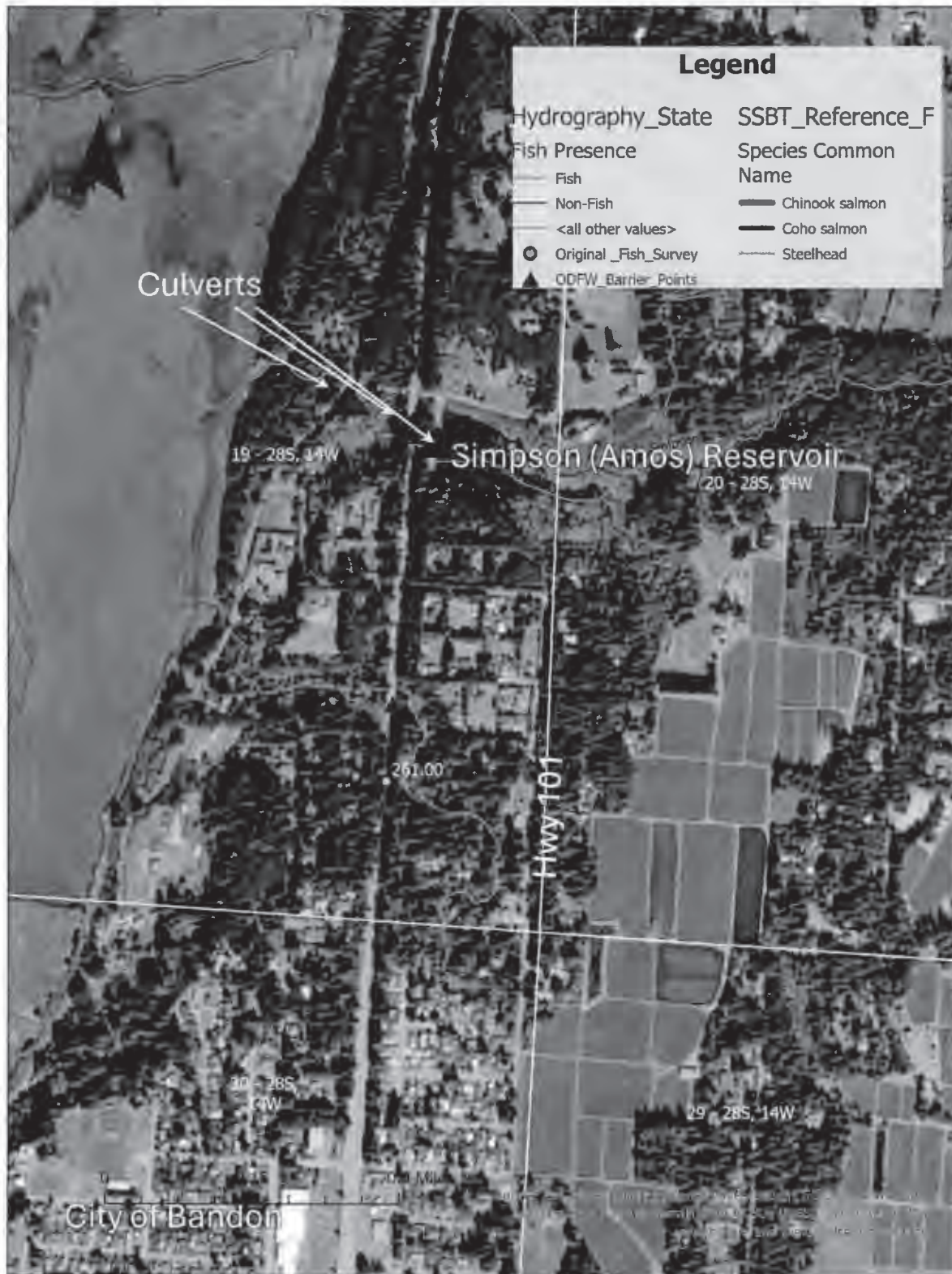


Figure 1). Simpson Creek "Amos" reservoir location north of Bandon, OR just upstream from Hwy 101.

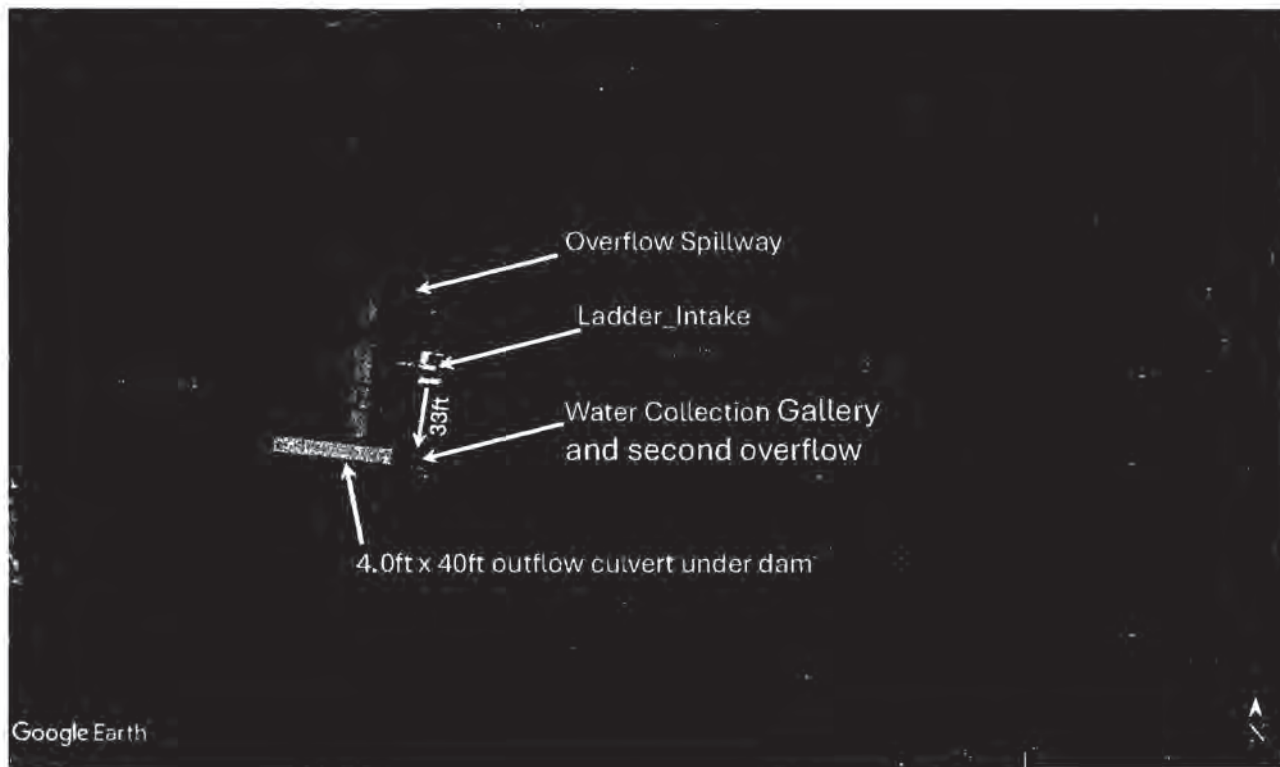


Figure 2. Aerial image of Simpson Creek "Amos" reservoir dam, spillover locations, and fish ladder intake. Data collected ODFW 05/12/25.

19 20

APPLICATION NO. R-74289
PERMIT NO. R-14855

SITE GAUGE

PROSPER RESERVOIR
FISHWAY AND BYPASS DEVICE
(2,631 FT N, 585 FT W OF SE
CORNER OF SECTION 20)

SIMPSON CREEK

PROSPER
RESERVOIR

HIGHWAY 101

NOTE: THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.

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0 400 800
Scale in Feet

OWRD



CLAIM OF BENEFICIAL USE MAP

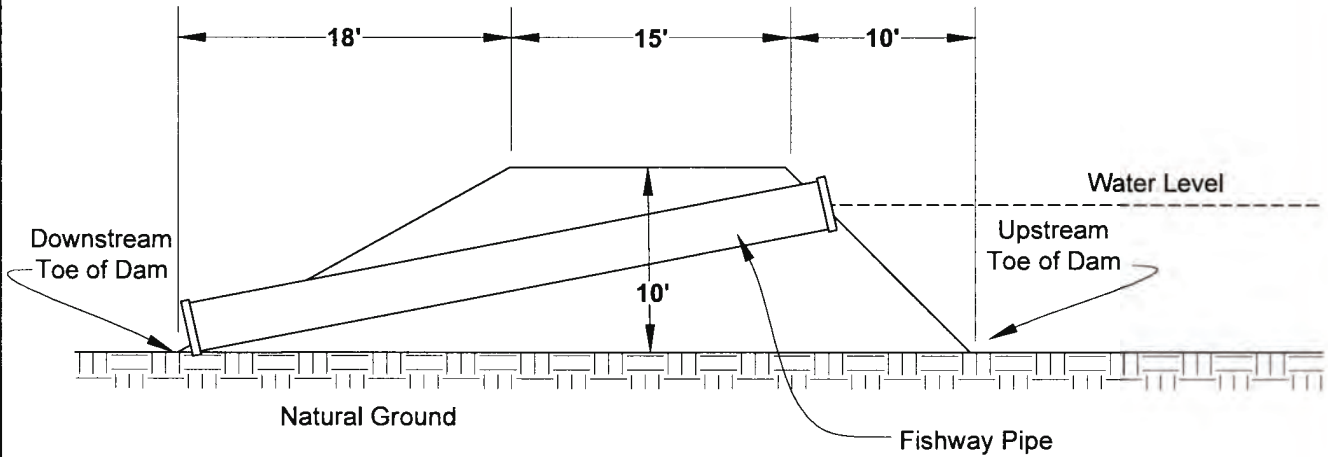
Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon



Apex Companies, LLC
4412 S. Corbett Avenue
Portland, Oregon

Project Number: 19-25004810	Drawn: JP	Approved: DT
July 2025		

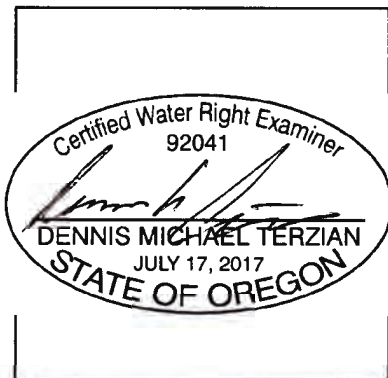
Figure
1



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AUG 18 2025
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**NOTE: THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.**

0 10 20
Scale in Feet



DAM PROFILE

Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon

APEX Apex Companies, LLC
4412 S. Corbett Avenue
Portland, Oregon

Project Number: 19-25004810
Drawn: JP
Approved: DT
July 2025

Figure
2



Figure 3. Simpson "Amos" reservoir fishway intake. Data collected ODFW 05/12/25.



Figure 4. Simpson Creek "Amos" reservoir fishway intake image #2. Data collected ODFW 05/12/25.



Figure 5. Simpson Creek "Amos" reservoir fishway. Imaging looking into fishway from upstream intake. Data collected ODFW 05/12/25.

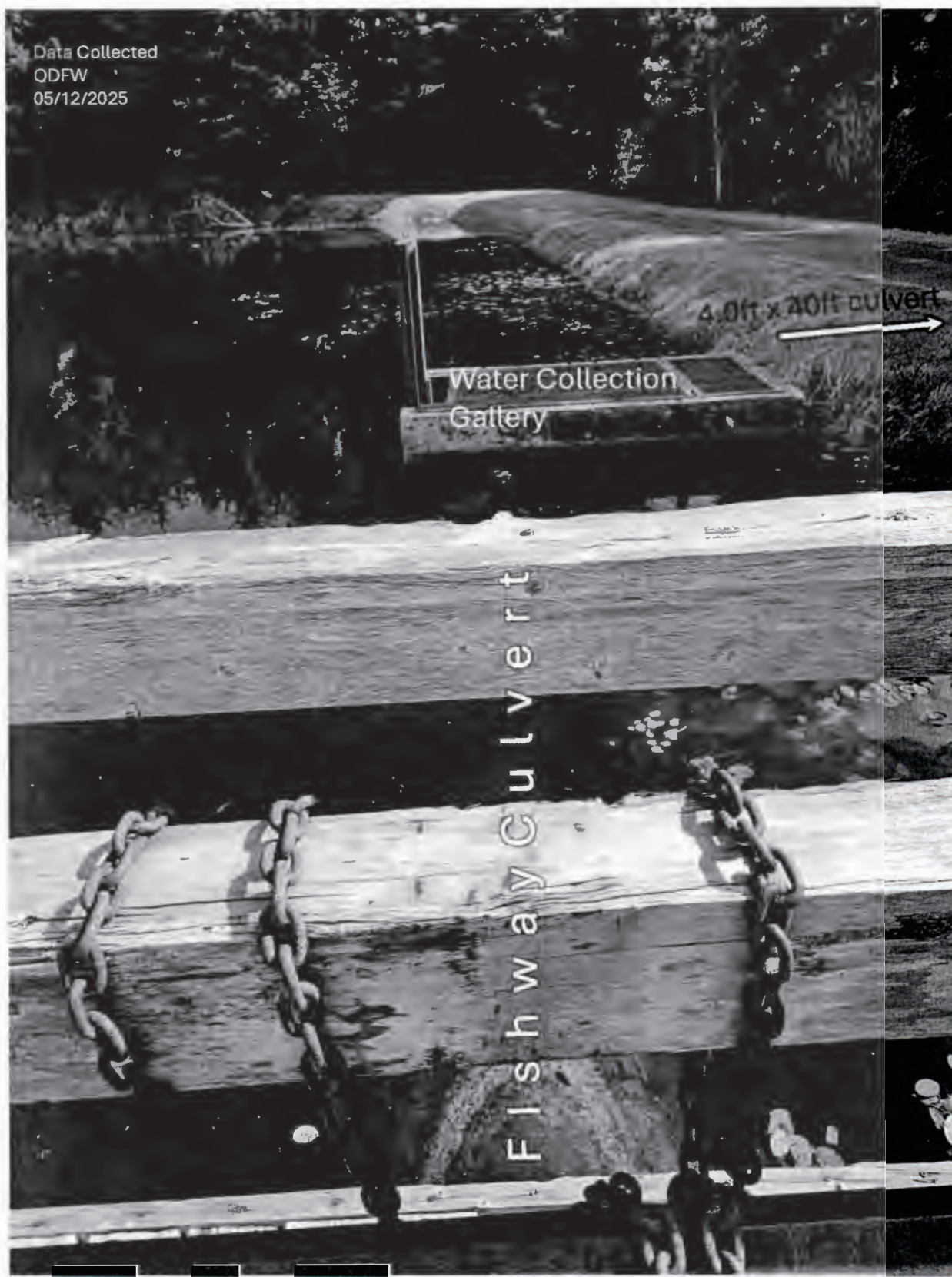


Figure 6. Simpson "Amos" reservoir fishway culvert shown with entry into water collection gallery to south.

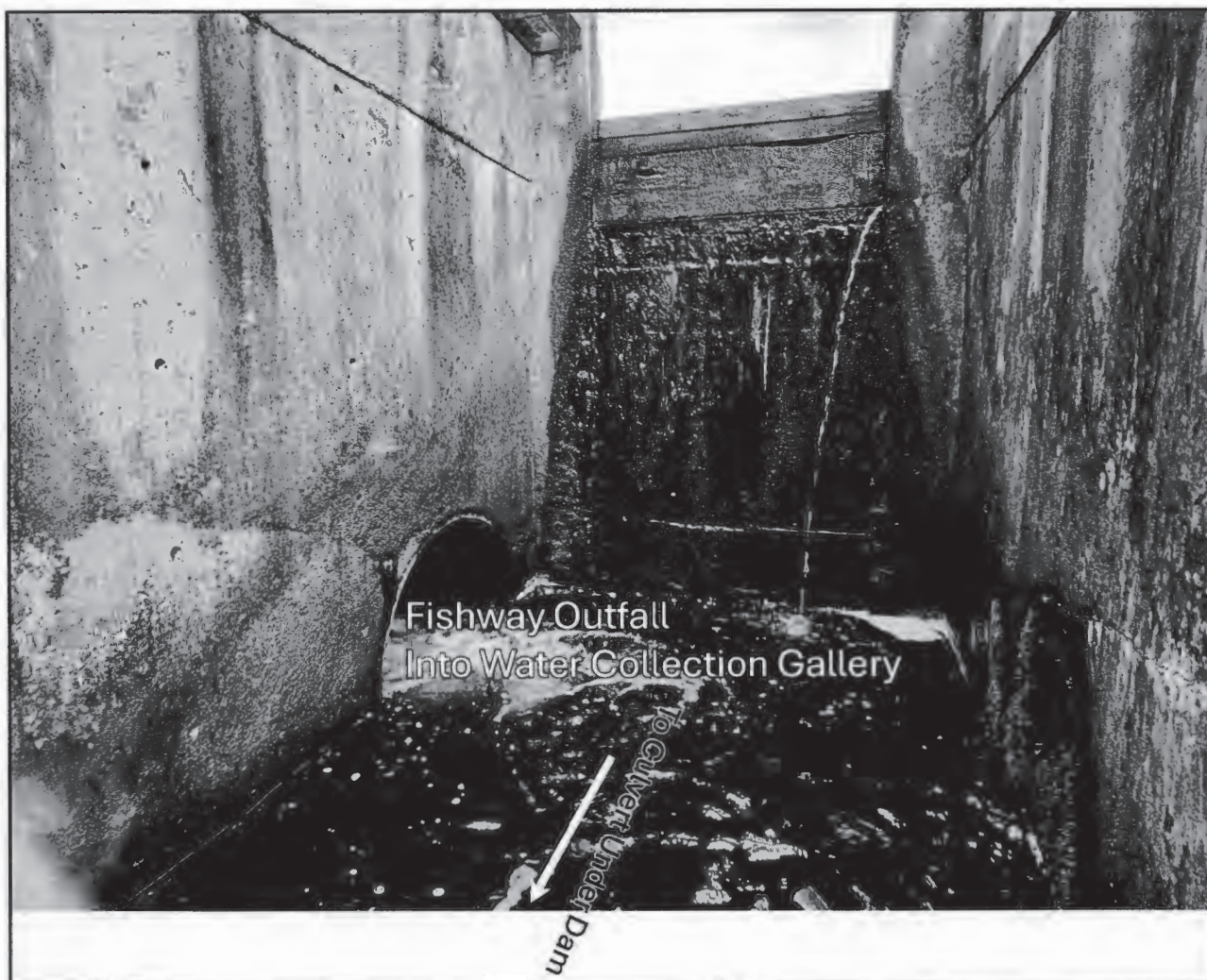


Figure 7. Simpson Creek "Amos" reservoir water control structure collection gallery. Data collected ODFW 05/12/25.

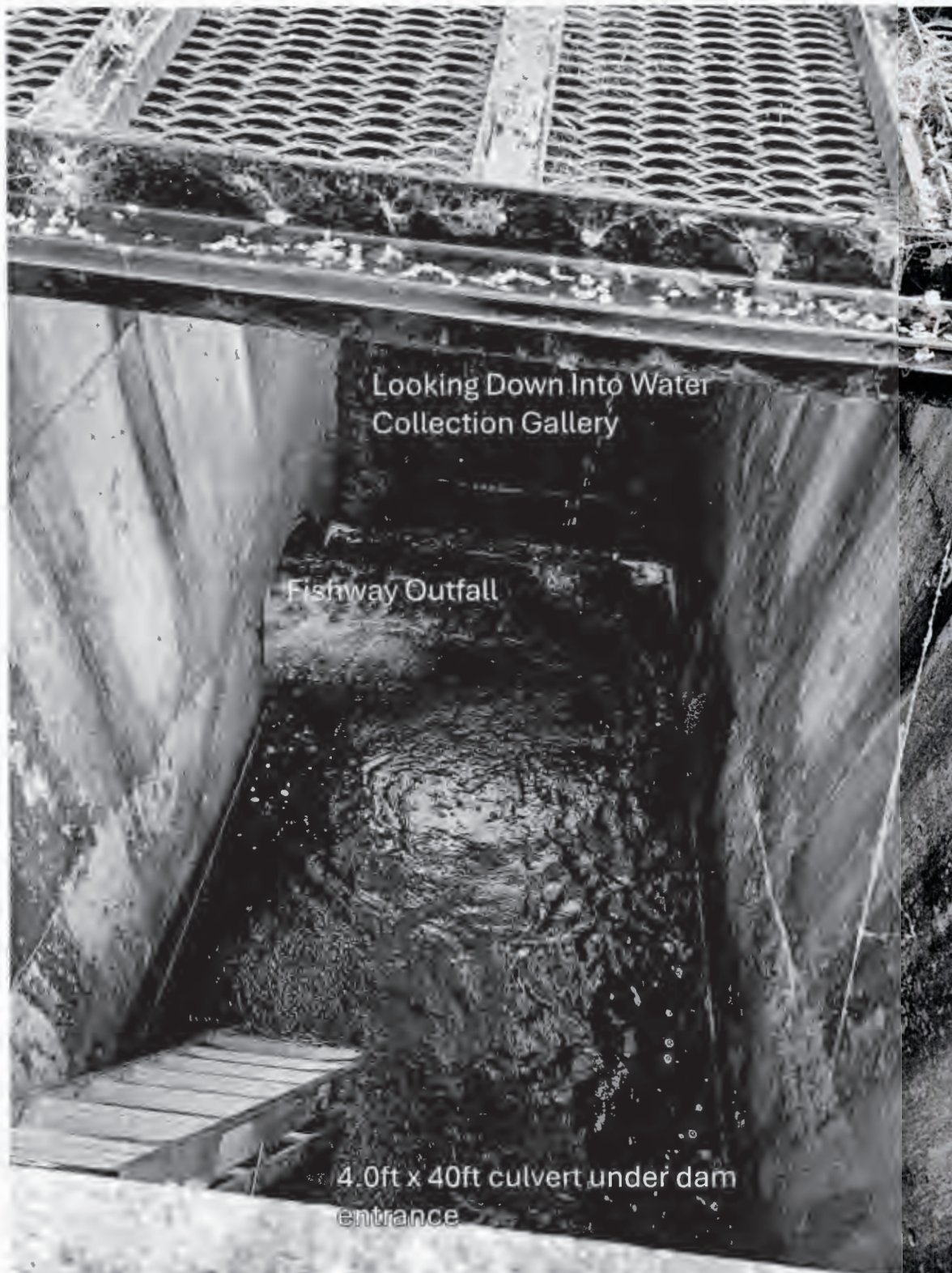


Figure 8. Simpson Creek "Amos" reservoir water control structure collection gallery, top down view. Data collected ODFW 05/12/25.



Figure 9. Simpson Creek "Amos" reservoir fishway outflow into the water collection gallery.



Figure 10. Simpson Creek "Amos" reservoir dam, with denotation of culvert moving water from fishway under dam.



Figure 11. Simpson Creek "Amos" reservoir dam, with denotation of culvert moving water from fishway under dam.



Figure 12. Simpson Creek "Amos" reservoir water conveyance culvert under the dam. Image is view looking upstream from downstream end.



Figure 13. Simpson Creek 7.0ft or 8.0ft (not measured) culvert under Hwy 101, downstream of Simpson Creek "Amos" reservoir.

SUPERSEDED
19 20

APPLICATION NO. R-74289
PERMIT NO. R-14855

SITE GAUGE

PROSPER RESERVOIR
FISHWAY AND BYPASS DEVICE
(2,631 FT N, 585 FT W OF SE
CORNER OF SECTION 20)

SIMPSON CREEK

TL 302
TL 201
TL 100
TL 200
TL 300
TL 1100
TL 301
TL 100
TL 300
TL 1101
TL 1000
TL 900
TL 1100

PROSPER
RESERVOIR

HIGHWAY 101

NOTE: THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.



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0 400 800
Scale in Feet

CLAIM OF BENEFICIAL USE MAP

Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon

 Apex Companies, LLC
4412 S. Corbett Avenue
Portland, Oregon

Project Number: 19-25004810
Drawn: JP
Approved: DT
July 2025

Figure
1

**REIMBURSEMENT AUTHORITY PERMIT
APPLICATION R-74289 PERMIT R-14855**

CERTIFICATE 99106 issued 5-1-2026

Application # R-74289

Permit # R-14855

Transfer #

Bandon Cranberry

RA# R13161-25

Reimbursement Authority Process Itemized Estimate Sheet

for
Certificates

	New Est. Time (hr)	Multiplie r	Total Est Hours	Individual	New Hourly Rate	New Est. Cost	Date/Act. Time
1. Review COBU report & map	2.00	32%	2.65	Kerry	\$84.90	\$ 224.96	
2. Conflict Check	0.25	32%	0.33	Kerry	\$84.90	\$ 28.12	
3. Prep of def. letter - contingency time	0.00	32%	0.00	Kerry	\$84.90	\$ -	
4. Enter pump test data -	0.00	32%	0.00	Kerry	\$84.90	\$ -	
5. Prep of 1 cert-enlargement-80.0 AF for CRANBERRY	3.25	32%	4.31	Kerry	\$84.90	\$ 365.56	
6a. Peer review - consultation	0.00	32%	0.00	Gerry	\$81.02	\$ -	
6b. Peer review	0.30	32%	0.30	Katie	\$109.64	\$ 32.89	
6c. Peer review	1.00	32%	1.32	Gerry	\$81.02	\$ 107.34	
7. Project Management	3.50	32%	4.64	Kerry	\$84.90	\$ 393.69	
7. Project Management	1.00	32%	1.32	Kerry	\$86.81	\$ 115.01	
8a. Water right data record update	0.75	32%	0.99	Support- Tonya	\$49.45	\$ 49.14	
8b. Water right data record update	2.00	32%	2.65	Data Tech- Chloe	\$53.03	\$ 140.52	
9. NEED review of PT -N/A	0.00	32%	0.00	Shauna Yeh	\$52.79	\$ -	
10. NEED review of PT - N/A	0.00	32%	0.00	Travis Brown	\$84.03	\$ -	
Total	14.05		18.52		Sub Total	\$1,457	

10% Overhead \$145.72
TOTAL **\$1,603**

\$10 over (estimated cost = \$1593)

Permit R-14855 issued 6-30-2010. C Date = 10-1-2014.

80.0 AF to enlarge "Amos Reservoir" constructed under Permit R-8647

- install staff gage

- minimum pool of 9.0 feet remain in reservoir at all times

water user shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of subject stream unless fishway provided by ODFW

Cert 75233 for Permit R-8647 - authorized storage of 9.0 AF for IS under Permit S-47492

NOTE: Claimed 80.0 AF in one part of COBU report, 78.0 AF total (includes 9.0 AF under Cert 75233) in other part of COBU report

BANDON CRANBERRY WATER DISTRICT

Completion Checklist for Claims of Beneficial Use for POST JULY 1, 2004 Claims

PROP CERI
- smaller volume

Application # <u>R-74289 / R-14855</u>	WRD Reviewer <u>Kerry Kavanagh</u>
Transfer # <u> </u>	Claim Logged <u>YES</u>
Date Received <u>8-18-2025</u>	Oversized Map # <u>N/A</u>
CWRE Name <u>Dennis Terzian</u>	

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014-0170(4))
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Permit R-14855 issued 6-30-2010
A date = 6-30-2010. C date = 10-1-2014
enlargement of Amos Res
constructed under Permit R-8647

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial number, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)

- ☒ Calculated capacity of system (required)
- ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
- ☒ Time limits
- ☒ Initial water level measurements
- ☒ Annual static water level measurements
- ☒ Measurement, recording, and reporting
- ☒ Meter/measuring device
- ☒ Water use reporting
- ☒ Fish screening and/or by-pass
- ☒ Pump test (ground water)
- ☒ Other

on-channel reservoir
no pumps, no diversion structures, pipeline

COBU:
reservoir calculation
max depth = 9 ft Ave depth = 7.5 AF
surface area = 10.4 ac
Vol (AF) = 78.0 AF
Amos Pond = 9.0 AF - under Permit R-8647
→ Cert 75233

78.0 AF - 9.0 AF = 69 add'l AF
Emergency Spillway

N/A Conditions from Extension Final Order and/or Water Management Conservation Plan

☒ CWRE stamp and signature (OAR 690-014-0100)

☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100) Gary Pullen

DEF = deficient
N/A = Not Applicable

App R-74289

PROP CERT
-smaller volume

Certificate Issuance Processing Checklist

Map and COBU reviewed
Conflict check Any Conflicts? NO
Check for ownership

Check Area of Interest ☐ YES ☒ NO

Identified Party _____

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: lower volume

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

_____ Send letter requesting the following items/information: _____

_____ Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed

_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

10-2-2025 Revised Color Map

APPLICATION NO. R-74289
PERMIT NO. R-14855

19 20

SITE GAUGE

PROSPER RESERVOIR
FISHWAY AND BYPASS DEVICE
(2,680 FT N, 570 FT W OF SE
CORNER OF SECTION 20)

TL 302
TL 201
TL 100
TL 200

TL 301
TL 100
TL 300

TL 1101
TL 1000
TL 900

TL 100

TL 1100

PROSPER
RESERVOIR

HIGHWAY 101

SIMPSON CREEK

NOTE: THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.

0 400 800
Scale in Feet

Certified Water Right Examiner
92041
DENNIS MICHAEL TERZIAN
JULY 17, 2017
STATE OF OREGON

CLAIM OF BENEFICIAL USE MAP

Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon

Apex Companies, LLC
4412 S. Corbett Avenue
Portland, Oregon

Project Number: 19-25004810
Drawn: JP
Approved: DT
July 2025

Figure
1

I:\Client\Prosper SBC\WCD\Bandon\19-25004810_01_02 (Site Plan, Section).dwg Modified: 7/30/2025 by JPhore

KAVANAGH Kerry L * WRD

From: Dennis Terzian <dennis.terzian@pbsusa.com>
Sent: Thursday, October 2, 2025 4:34 PM
To: KAVANAGH Kerry L * WRD
Subject: RE: [EXT] FW: Certificate RA Estimate R13161-25 for Bandon Cranberry Water Control District involving Application R-74289
Attachments: 19-25004810 01 (Beneficial Use Map) loc update.pdf

Kerry, sorry we've been playing phone tag. I've revised the figure to reflect the same location data as presented on the COBU application. If these works to address the issue you noted, I can sign and drop in the mail.



Dennis Terzian, RG, LG

Principal Geologist
Apex Companies, LLC
4412 S Corbett Ave, Portland, OR 97239
Office: 503-417-7601
Mobile: 971-506-3555

From: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Sent: Wednesday, August 27, 2025 11:15 AM
To: Terri Pullen <pacifichreads@yahoo.com>
Cc: Gary W. Pullen <garywpullen@gmail.com>; Dennis Terzian <dennis.terzian@pbsusa.com>; KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Subject: [EXT] FW: Certificate RA Estimate R13161-25 for Bandon Cranberry Water Control District involving Application R-74289

CAUTION

Here are the three documents.

From: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Sent: Tuesday, August 26, 2025 3:35 PM
To: Gary W. Pullen <garywpullen@gmail.com>; Terri Pullen <pacifichreads@yahoo.com>
Cc: Dennis Terzian <dennis.terzian@pbsusa.com>; KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Subject: Certificate RA Estimate R13161-25 for Bandon Cranberry Water Control District involving Application R-74289

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you and the water user, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



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19 20

APPLICATION NO. R-74289
PERMIT NO. R-14855

SITE GAUGE

PROSPER RESERVOIR
FISHWAY AND BYPASS DEVICE
(2,680 FT N, 570 FT W OF SE
CORNER OF SECTION 20)

SIMPSON CREEK

TL 302
TL 201
TL 100
TL 200
TL 300
TL 1100
TL 301
TL 100
TL 300
TL 1101
TL 1000
TL 900
TL 100
TL 1100

PROSPER
RESERVOIR

HIGHWAY 101

**NOTE: THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.**

0 400 800
Scale in Feet



CLAIM OF BENEFICIAL USE MAP

Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon

APEX Apex Companies, LLC
4412 S. Corbett Avenue
Portland, Oregon

Project Number: 19-25004810
Drawn: JP
Approved: DT
July 2025

Figure
1

19 20

APPLICATION NO. R-74289
PERMIT NO. R-14855

T28S R14W, W.M.

SUPERSEDED 570

PROSPER RESERVOIR
FISHWAY AND BYPASS DEVICE
(2,631 FT N, 585 FT W OF SE
CORNER OF SECTION 20)

2600

NESE
Sec 19

19

SITE GAUGE

SENE
Lot 5

SIMPSON CREEK

TL 302

TL 301

TL 1100

TL 201

TL 100

TL 100

TL 300

TL 200

TL 300

TL 1101

TL 1000

TL 100

PROSPER
RESERVOIR

TL 900

WNSW

TL 1100

HIGHWAY 101

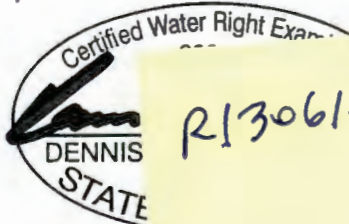
NOTE: THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.

Received

AUG 18 2025

OWRD

0 400 800
Scale in Feet



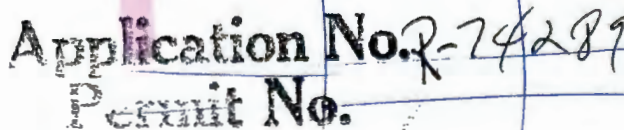
CLAIM OF BENEFICIAL USE MAP

Sections 19 and 20, Township 28 South
Range 14 West, W.M.
Bandon, Oregon

Apex Companies, LLC 4412 S. Corbett Avenue Portland, Oregon	Project Number: 19-25004810	Drawn: JP	Approved: DT	Figure 1
	July 2025			

App map

SECTIONS 19 & 20, T 28 S, R 14 W, W.M.



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

KAVANAGH Kerry L * WRD

From: Terri Pullen <pacifichreads@yahoo.com>
Sent: Thursday, July 17, 2025 6:33 AM
To: KAVANAGH Kerry L * WRD; Dennis Terzian; Terri & Gary Pullen
Cc: Gary W. Pullen; Bret Waldron
Subject: Re: [EXT] Re: Bandon Cranberry District BUD Application: EXT] Certificate RA Project R13044-25 involving Application S-86225, Permit S-54683 - associated with Permit R-14855 (Application R-74289) PBS PR90295.000

Good morning to all

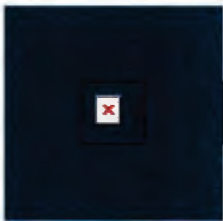
Let's get this prioritized and completed. The date speaks to another extended time and no progress. Kerry needs the COBU to complete the expedited review contract. I need the contract information to collect the necessary funds from the affected farms, gather signatures, etc. Once these steps are completed, Kerry can work the 2 together. Bret, you used the language "BUD application" - what does that stand for?

Thank-you in advance.

GW & tlp

On Thursday, June 26, 2025 at 12:08:18 PM PDT, Dennis Terzian <dennis.terzian@pbsusa.com> wrote:

Kerry and Terry, I'm back in the office on the 2nd and will prioritize this. As Terry noted, the form is nearly complete and was pending fish passage info which we have now.



Dennis Terzian, RG, LG

Principal Geologist

Apex Companies, LLC

4412 S Corbett Ave, Portland, OR 97239

Office: 503-417-7601

Mobile: 971-506-3555

From: Terri Pullen <pacifichreads@yahoo.com>
Sent: Wednesday, June 25, 2025 10:53:45 PM
To: Dennis Terzian <dennis.terzian@pbsusa.com>; KAVANAGH Kerry L * WRD <kerry.l.kavanagh@water.oregon.gov>; Terri & Gary Pullen <pacifichreads@yahoo.com>
Cc: Gary W. Pullen <garywpullen@gmail.com>; Bret Waldron <bret.waldron@apexcos.com>
Subject: [EXT] Re: Bandon Cranberry District BUD Application

CAUTION

Hi Kerry & Dennis

We just spoke by phone. Thank-you for stopping the return to sender form and fee letter, a waste of both our postages, time and effort. The work by Dennis's predecessor was nearly completed. Recall that Dennis submitted the COBU for the earlier Application S-86225, which was at the final review when we discovered that R-74289 had not been completed.

You explained that Bret contacted you by email today to advise that Dennis is out over the 4th of July holiday. We agreed you would get a certificate number assigned, as we are certain that the COBU will be completed quickly. You also advised that the reservoir application expedited fee is subject to a fee increase, possibly effective 7/1/2025.

The incorrect box on the form that a COBU had already been submitted was my error. Please accept my apology.

tip for GWP as representative of the BCWCD, Prosper Subdistrict.

On Wednesday, June 25, 2025 at 01:17:48 PM PDT, KAVANAGH Kerry L * WRD <kerry.l.kavanagh@water.oregon.gov> wrote:

Hello Dennis,

The Department recently received the one page Certificate Reimbursement Authority Estimate Application form along with the non-refundable fee of \$125 for Application R-74289, Permit R-14855 from Gary Pullen. The form indicated that a claim of beneficial use (COBU) had previously been submitted to the Department. I cannot find record of receipt of the COBU report and map for Application R-74289, Permit R-14855.

Dennis, what is the status of the COBU report and map for Application R-74289, Permit R-14855?

I am unable to accept the Certificate Reimbursement Authority Estimate Application form without the submittal of a COBU.

I will prepare a "return to sender" letter and return the Certificate Reimbursement Authority Estimate Application form and check #3240 in the amount of \$125.00 to Gary Pullen.

Please call me to discuss if you have any questions or concerns.

Thank you,

Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator

Certificate Section, Water Rights Services Division

725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208



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From: Bret Waldron <Bret.Waldron@apexcos.com>
Sent: Wednesday, June 25, 2025 1:03 PM
To: Dennis Terzian <Dennis.Terzian@apexcos.com>
Cc: KAVANAGH Kerry L * WRD <kerry.l.kavanagh@water.oregon.gov>
Subject: Bandon Cranberry District BUD Application
Importance: High

Apex Cos. You don't often get email from bret.waldron@apexcos.com. [Learn why this is important](#)

Hi Dennis,

Kerry Kavanagh at the Oregon Water Resources Department called me this afternoon regarding the Prosper Subdistrict of the Bandon Cranberry Water Control District's application for Claim of Beneficial Use. Kerry indicated that OWRD received the permit fee from Terry and Gary Pullen but indicated that the Claim of Beneficial Use form, report, and accompanying map are not on file for her review. Kerry indicated that she can only hold permit fee checks for the period of a week before she must issue a refund to the applicant. I've copied Kerry on this thread for your convenience. Can you respond to her regarding the status of this? It sounds like you were working with Kyle Johnson on this project.

Let me know if I can help facilitate submittal of any documents.

Thank you,



Bret Waldron, RG, LG

Sr Geologist

He/Him

Apex Companies, LLC

4412 S Corbett Ave, Portland, OR 97239

Office: 503-935-5514

Mobile: 971-808-7707

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OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: **R13161-25**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Bandon Cranberry Water Control District**, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Project Contact: Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department

725 Summer Street NE
Salem OR 97301-1271
Phone: 503-979-3208

Email: Kerry.L.Kavanagh@water.oregon.gov

Applicant's Information

Name: Gary W. Pullen

Company: Bandon Cranberry Water
Control District

Address: Prosper Subdistrict
Bandon OR 97411

Applicant's Representative

Name: Gary W. Pullen

Address: 14122 E Lay Lane
Medimont ID 83842
Phone: 541-404-8147

Email*: garywpullen@gmail.com

*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

- 1. Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (Application Number: **R-74289**)
- 2. Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 3. Restrictions.** Bandon Cranberry Water Control District and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 4. Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- 5. Consideration.** Bandon Cranberry Water Control District shall pay OWRD in advance for actual costs incurred by OWRD. Bandon Cranberry Water Control District agrees to pay the full amount of **\$1593** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 6. Confidentiality.** Bandon Cranberry Water Control District agrees acquired by OWRD under this Agreement will be subject to the Oregon Public Records Act and shall be considered public records.
- 7. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify OWRD, its officers, employees, and agents from and against all claims, damages, liabilities, costs and expenses of any nature resulting from or arising out of the use of the expedited service of Applicant or its representatives, officers, employees, contractors, or subcontractors with respect to the expedited service. The Applicant acknowledges that OWRD cannot and does not guarantee a favorable review under the subject regulatory process.

Received
SEP 04 2025
OWRD

PCA 47123

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: *Gary W. Puller*
Name: Gary W. Puller
Company: Bandon Cranberry Water Control District
Date: _____

For OWRD: *K Kavanagh*
Name: Kerry Kavanagh
Water Right Services Division
Date: *9-10-2025*

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47123

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

145983

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

INVOICE #

RECEIVED FROM:

Spring Acres
Cranberries, INC

BY:

APPLICATION

PERMIT

TRANSFER

CASH:

☐

CHECK:#

☒ 3246

OTHER: (IDENTIFY)

☐

TOTAL REC'D

\$ 1,593.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

47123

R13161-25

\$

0413

OTHER:

(IDENTIFY)

Certificate RA

\$ 1,593.00

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)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

WELL CONSTRUCTION

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD#

0210

MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

145983

DATED:

9-4-25

BY:

m-mills

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

145983

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

INVOICE #

RECEIVED FROM:

Spring Acres

BY:

Chatterbox, Inc.

APPLICATION

PERMIT

TRANSFER

CASH:

☐

CHECK: #

☒

3246

OTHER: (IDENTIFY)

☐

TOTAL REC'D

\$

1,593.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

47123

R13161-25

\$

0413

OTHER:

(IDENTIFY)

Certificate RA

\$

1,593.00

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)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD#

0210

MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

145983

DATED:

9-4-25

BY:

m. miller

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Tuesday, August 26, 2025 3:35 PM
To: Gary W. Pullen; Terri Pullen
Cc: Dennis Terzian; KAVANAGH Kerry L * WRD
Subject: Certificate RA Estimate R13161-25 for Bandon Cranberry Water Control District involving Application R-74289
Attachments: RA contract_R-74289.pdf; RA estimate request_R-74289.pdf; RA estimate receipt_R-74289.pdf

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you and the water user, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **145436** **5 Summer St. N.E. Ste. A**
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM Spring Across Creek, Inc.
BY: _____

APPLICATION	R-77289
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 3240 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47123 R13161-25 \$
0413 OTHER: (IDENTIFY) Certificate R.A \$ 125.00

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) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

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

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	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: **145436** DATED: 6-20-25 BY: Land

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **145436** 5 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Spring Acres Landscaping, Inc.
BY: _____

APPLICATION	R-77489
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 3240 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47123 R13161-25 \$ _____
0413 OTHER: (IDENTIFY) Certificate A \$ 125.00

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) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **145436** DATED: 6-20-25 BY: Luc D. [Signature]



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
☒	Certificate Request	Application Number R74289 Permit Number R14855 Transfer Number/Permit Amendment (if applicable) _____

	Applicant Information	Applicant's Representative/Contact
Name:	Bandon Cranberry Water Control District	Gary W Pullen
Address:	Prosper Subdistrict Bandon, OR 97411	14122 E Lay Lane Medimont, ID
Phone:		541-404-8147
Fax:		
E-Mail Address:		garywpullen@gmail.com

I certify that I (check one):

- ☒ I have previously filed a Claim of Beneficial Use
☐ I am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- For a groundwater permit, a pump test or exemption request must be submitted to OWRD prior to this request.
- The fee covers reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:
**Oregon Water Resources Department
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271**

I certify that I am the (check one):

- ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Gary W Pullen _____

Signature: Gary W Pullen

Received
JUN 20 2025
OWRD

OWRD USE ONLY: Reimbursement Authority Number: R13161- 25



Gary Pullen
14122 E. Lay Ln.
Medimont, ID 83842

SPOKANE WA 990

2 AUG 2025 PM 1 L



1775★



Received
AUG 04 2025
OWRD

OR Water Resources Dept.
725 Summer St. NE Ste A
Salem, OR 97301-1266

Attn: K. Kavanaugh

97301-126673



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **145770**

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

INVOICE # _____

RECEIVED FROM: Spring Acres Cranberries, Inc.
BY: _____

APPLICATION	<u>R-74289</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3241 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 345.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY) _____

\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE
\$
\$
\$

0202

RECORD FEE
\$
\$

0203 GROUND WATER

\$

0204

0205 TRANSFER

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE
\$
\$

LANDOWNER'S PERMIT

0220

0200 OTHER (IDENTIFY) Cobu

\$ 345.00

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: **145770**

DATED: 8-4-25

BY: Lucy D Miller

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT #

145770

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

INVOICE #

RECEIVED FROM:

Spring Acres Landscaping, Inc.

BY:

APPLICATION

R-74289

PERMIT

TRANSFER

CASH:

☐

CHECK:#

☒

3241

OTHER: (IDENTIFY)

☐

TOTAL REC'D

\$ 345.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

\$

0202

0203 GROUND WATER

\$

0204

0205 TRANSFER

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

\$

0219

LANDOWNER'S PERMIT

0220

EXAM FEE

RECORD FEE

\$

\$

EXAM FEE

LICENSE FEE

\$

\$

0200

OTHER

(IDENTIFY)

Cobu

\$ 345.00

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:

145770

DATED:

8-7-25

BY:

Lisa D. Miller

CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)

Received

AUG 04 2025

OWRD



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

A fee of ~~\$230~~ \$345 must accompany this form for permits
with priority dates of July 9, 1987, or later.

Claims received without the correct fee of \$345 will be returned.

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

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

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

If you have questions regarding the completion of this form, please call 503-979-9103.

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

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

SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
R-74289	R-14855	

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Wednesday, June 25, 2025 1:18 PM
To: Dennis Terzian
Cc: Terri Pullen; Gary W. Pullen; Bret.Waldron@apexcos.com; KAVANAGH Kerry L * WRD
Subject: RE: Bandon Cranberry District BUD Application
Attachments: R-74289_RA estimate _request for Bandon Cranberry Water Control District by Gary Pullen.pdf

Hello Dennis,

The Department recently received the one page Certificate Reimbursement Authority Estimate Application form along with the non-refundable fee of \$125 for Application R-74289, Permit R-14855 from Gary Pullen. The form indicated that a claim of beneficial use (COBU) had previously been submitted to the Department. I cannot find record of receipt of the COBU report and map for Application R-74289, Permit R-14855.

Dennis, what is the status of the COBU report and map for Application R-74289, Permit R-14855?

I am unable to accept the Certificate Reimbursement Authority Estimate Application form without the submittal of a COBU.

I will prepare a "return to sender" letter and return the Certificate Reimbursement Authority Estimate Application form and check #3240 in the amount of \$125.00 to Gary Pullen.

Please call me to discuss if you have any questions or concerns.

Thank you,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



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WATER
RESOURCES
DEPARTMENT

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From: Bret Waldron <Bret.Waldron@apexcos.com>
Sent: Wednesday, June 25, 2025 1:03 PM
To: Dennis Terzian <Dennis.Terzian@apexcos.com>
Cc: KAVANAGH Kerry L * WRD <kerry.l.kavanagh@water.oregon.gov>
Subject: Bandon Cranberry District BUD Application
Importance: High

You don't often get email from bret.waldron@apexcos.com. [Learn why this is important](#)

Hi Dennis,

Return to sender NOT sent
per Terri Pullen
clear to receipt
6/25 to check
6-25-2025

Terri Pullen
541-404-3890

Kerry Kavanagh at the Oregon Water Resources Department called me this afternoon regarding the Prosper Subdistrict of the Bandon Cranberry Water Control District's application for Claim of Beneficial Use. Kerry indicated that OWRD received the permit fee from Terry and Gary Pullen but indicated that the Claim of Beneficial Use form, report, and accompanying map are not on file for her review. Kerry indicated that she can only hold permit fee checks for the period of a week before she must issue a refund to the applicant. I've copied Kerry on this thread for your convenience. Can you respond to her regarding the status of this? It sounds like you were working with Kyle Johnson on this project.

Let me know if I can help facilitate submittal of any documents.

Thank you,



Bret Waldron, RG, LG

Sr Geologist

He/Him

☐ Apex Companies, LLC

4412 S Corbett Ave, Portland, OR 97239

Office: 503-935-5514

Mobile: 971-808-7707



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

June 25, 2025

Gary Pullen
14122 E Lay Lane
Medimont ID 83842

RE: Bandon Cranberry Water Control District for Application R-74289 (Permit R-14855)
- Claim of Beneficial Use (COBU) report and map were not submitted

On June 20, 2025, the Water Resources Department (Department) received check #3240 in the amount of \$125 along with the Certificate Reimbursement Authority Estimate Application for Application R-74289 (Permit R-14855). The Certificate Reimbursement Authority Estimate Application form indicated that the claim of beneficial use (COBU) had previously been submitted to the Department. However, I cannot find record of receipt of the COBU report and map. I am unable to accept the Certificate Reimbursement Authority Estimate Application without the COBU.

Please find enclosed the check #3240 in the amount of \$125 and the Certificate Reimbursement Authority Estimate Application form.

If you wish to apply for the expedited review of the COBU through the Department's certificate RA program, you will need to submit the certificate RA estimate application form, the estimate RA application fee of \$125, the COBU map and report and the COBU fee.

Please note that on July 1, 2025, the claim of beneficial use (COBU) fee will likely increase. Please call to confirm what the new COBU fee will be before you submit the COBU map and report.

Please contact me at kerry.l.kavanagh@water.oregon.gov or 503-979-3208 if you have any questions.

Sincerely,

Kerry Kavanagh
Reimbursement Authority, Certificates, Water Right Services Division

cc: File R-74289
Dennis Terzian, CWRE, Apex Companies, LLC, 4412 S Corbett Avenue, Portland OR 97239

Enclosures



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
☒	Certificate Request	Application Number R74289 Permit Number R14855 Transfer Number/Permit Amendment (if applicable)

	Applicant Information	Applicant's Representative/Contact
Name:	Bandon Cranberry Water Control District	Gary W Pullen
Address:	Prosper Subdistrict	14122 E Lay Lane
	Bandon, OR 97411	Medimont, ID
Phone:		541-404-8147
Fax:		
E-Mail Address:		garywpullen@gmail.com

I certify that I (check one):

- ☒ have previously filed a Claim of Beneficial Use
☐ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- For a groundwater permit, a pump test or exemption request must be submitted to OWRD prior to this request.
- The fee covers reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:
Oregon Water Resources Department
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

I certify that I am the (check one):

- ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Gary W Pullen _____

Signature: Gary W Pullen

Received
JUN 20 2025
OWRD

OWRD USE ONLY: Reimbursement Authority Number: R13 25

MONEY SLIP

DATE: <u>6-20-25</u>	RECEIPT #: <u>175436</u>
----------------------	--------------------------

RECEIVED FROM <u>Spring Acres Cranberries Inc.</u>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">APPLICATION</td><td style="width: 50px;"></td></tr> <tr><td style="padding: 2px;">PERMIT</td><td></td></tr> <tr><td style="padding: 2px;">TRANSFER</td><td></td></tr> </table>	APPLICATION		PERMIT		TRANSFER	
APPLICATION							
PERMIT							
TRANSFER							

CASH	CHECK #	OTHER (IDENTIFY)	
☐	☒ <u>3240</u>	☐	

TOTAL REC'D	\$ <u>125.00</u>
-------------	------------------

1083 TREASURY	4170 MISC CASH ACCT.
---------------	----------------------

0407	COPIES				
	OTHER: (IDENTIFY)			\$	

0243 Instream Lease	0244 Muni. Water Mgmt. Plan	0245 Cons. Water
---------------------	-----------------------------	------------------

1083 TREASURY	4270 WRD OPERATING ACCT.
---------------	--------------------------

MISCELLANEOUS					
0407	COPY & TAPE FEES				
0410	RESEARCH FEES			\$	
0408	MISC REVENUE (IDENTIFY)			\$	
TC182	DEPOSIT LIAB. (IDENTIFY)			\$	
0240	EXTENSION OF TIME			\$	

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

WELL CONSTRUCTION					
		EXAM FEE		RECORD FEE	
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$	
	LANDOWNER'S PERMIT		0220	\$	
	OTHER (IDENTIFY)				

0607 TREASURY	0467 HYDROELECTRIC
---------------	--------------------

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

LIC NUMBER	

HYDRO APPLICATION	\$
-------------------	----

SPECIAL INSTRUCTIONS:

☐ RETURN TO APPLICANT -- LETTER ATTACHED



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

June 25, 2025

Gary Pullen

14122 E Lay Lane

Medimont ID 83842

RE: Bandon Cranberry Water Control District for Application R-74289 (Permit R-14855)

- Claim of Beneficial Use (COBU) report and map were not submitted

On June 20, 2025, the Water Resources Department (Department) received check #3240 in the amount of \$125 along with the Certificate Reimbursement Authority Estimate Application for Application R-74289 (Permit R-14855). The Certificate Reimbursement Authority Estimate Application form indicated that the claim of beneficial use (COBU) had previously been submitted to the Department. However, I cannot find record of receipt of the COBU report and map. I am unable to accept the Certificate Reimbursement Authority Estimate Application without the COBU.

Please find enclosed the check #3240 in the amount of \$125 and the Certificate Reimbursement Authority Estimate Application form.

If you wish to apply for the expedited review of the COBU through the Department's certificate RA program, you will need to submit the certificate RA estimate application form, the estimate RA application fee of \$125, the COBU map and report and the COBU fee.

Please note that on July 1, 2025, the claim of beneficial use (COBU) fee will likely increase. Please call to confirm what the new COBU fee will be before you submit the COBU map and report.

Please contact me at kerry.l.kavanagh@water.oregon.gov or 503-979-3208 if you have any questions.

Sincerely,

Kerry Kavanagh

Reimbursement Authority, Certificates, Water Right Services Division

cc: File R-74289

Dennis Terzian, CWRE, Apex Companies, LLC, 4412 S Corbett Avenue, Portland OR 97239

Enclosures

Gary and Teresa Pullen
14122 E Lay Lane
Medimont, ID 83842-9705



SPOKANE WA 990

18 JUN 2025 PM 3 L

OR Water Resources Dept
Certificate Reimbursement Authority Program
425 Summer St. NE Ste A
Salem, OR 97301-1271

97301-126673



• BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Monday, September 20, 2021 8:34 AM
To: tntfreitag@frontier.com
Cc: BJORK Mary F * WRD
Subject: RE: Request for continued extension

Hi Ted,

I haven't received a response from Dennis on the other two permits.

Best Regards,

Mary F. Bjork

Water Rights Program Analyst
Oregon Water Resources Department
725 Summer St NE, Suite A, Salem OR 97301 | Cell 503-979-9895



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From: tntfreitag@frontier.com <tntfreitag@frontier.com>
Sent: Friday, September 17, 2021 2:22 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: Re: Request for continued extension

Hi Mary-

The response to this query should have been for all 3 permits. Did Dennis get back to you on it?

Thanks,
Ted Freitag

On Thursday, September 9, 2021, 02:48:55 PM PDT, BJORK Mary F * WRD <mary.f.bjork@oregon.gov> wrote:

Hi Dennis,

Thanks for your correspondence on this matter. I'm attaching a copy of the June 24, 2021, letter that provided until August 15, 2021 to submit the necessary CBUs. It references two additional permits. Are you requesting additional time to complete the CBUs on all three of the files listed below? Or are you only requesting additional time on Permit R-14855?

Application R-74289, Permit R-14855

Application S-86225, Permit S-54683

Application G-13770, Permit G-12722

Best Regards,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Dennis Terzian <Dennis.Terzian@pbsusa.com>

Sent: Thursday, September 9, 2021 2:12 PM

To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>

Cc: tntfreitag@frontier.com

Subject: Request for continued extension

Mary, per our discussion, I'm requesting an extension for completion of water rights for a client until the end of the year (12/31/2021) due to unexpected circumstances and change in staff within my department here at PBS. This is in reference to Permit-14855, Application-74289.

Dennis Terzian RG

Senior Geologist

PBS

4412 S Corbett Ave., Portland, OR 97239

office: 503.248.1939 | direct: 503.417.7601 cell: 971.506.3555

dennis.terzian@pbsusa.com

pbsusa.com

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Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

June 24, 2021

Ted Freitag
Friday Farms Inc.
P.O. Box 1384
Bandon, OR 97411

REFERENCE: File G-13770 (Permit #G-12722)

Dear Mr. Freitag:

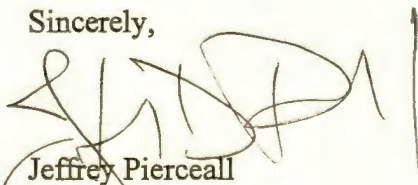
On June 18, 2021, you submitted an Application for Extension of Time for Permit G-12722 on behalf of Friday Farms, Inc, along with their check in the amount of \$670.

Upon review of the extension request and our subsequent telephone conversation, it is apparent that an extension of time request for Permit G-12722 is not necessary. Therefore, I am returning the Application and fees submitted.

Additionally, we discussed the submittal of the Claim of Beneficial Use (CBU) for this permit as well as Permit R-14855, and Permit S-54683. As discussed, these three permits are related, and you are working to have the CBUs prepared at the same time. I will include a copy of this letter in each of the related folders, and provide until August 15, 2021 to submit the necessary CBUs. If something comes up that will delay the completion of the CBUs, please keep the Department informed, and we will do what we can to work with you to provide limited additional time to have them completed.

If you have any further questions concerning this matter, please feel free to contact me by telephone at (503) 986-0802.

Sincerely,



Jeffrey Pierceall
Extensions Specialist
Water Rights Section



PIERCEALL Jeffrey D * WRD

From: PIERCEALL Jeffrey D * WRD
Sent: Thursday, June 24, 2021 10:58 AM
To: BJORK Mary F * WRD
Subject: R-74289; G-13770

Mary,

I have the two files listed above. I am working with the permit holder to allow for the to have the CBU prepared for these and S-86225 at the same time, as they are all related permits. I spoke with Ted this morning, and told him I would place a letter in each of these files allowing until August 15, 2021, for the CBUs to be submitted.

Jeffrey D. Pierceall
Extension Specialist
Oregon Water Resources Department
503-986-0802
Jeffrey.D.Pierceall@oregon.gov



BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, June 23, 2021 10:01 AM
To: tntfreitag@frontier.com
Cc: BJORK Mary F * WRD
Subject: Reinstatement Permit R-14855
Attachments: Permit R-14855 Reinstatement.pdf

Hi Ted,

Thanks for taking my call. Please find attached the special order reinstating Permit R-14855.

Best Regards,

Mary

[Mary F. Bjork](#)

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-986-0817



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RESOURCES
DEPARTMENT



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Mailing List for Reinstatement Order

Volume ____, Page ____

Application: R-74289

Permit: R-14855

Copies Mailed

by: _____
(STAFF)

on: _____
(DATE)

Permit Holder(s):

Bandon Cranberry Water Control District
Prosper Sub District
C/O Ted Freitag
PO Box 1384
Bandon OR 97411

Copies of Reinstatement Order to be sent to Permit Holder and following:

1. Watermaster District #: 15
2. Water Availability
3. Vault
4. File

Other persons to receive copies:

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT R-14855) ORDER

Findings of Fact

1. On April 16, 2021, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The permittee requested reconsideration of the April 16, 2021, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and the necessary re-instatement fee required under ORS 536.050 was received.

PERMIT(S) TO CONSTRUCT RESERVOIRS AND STORE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
PROSPER SUB DISTRICT	17	15	R-74289	R-14855

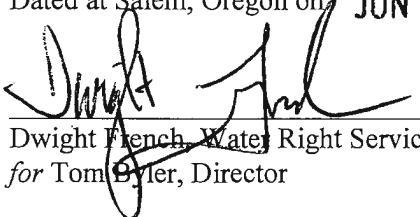
Conclusions of Law

1. Permits may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit listed above is reinstated.
2. The Department will take no action to cancel this permit until 120 Days, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on **JUN 23 2021**


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL **JUN 23 2021**
BY OREGON WATER RESOURCES DEPARTMENT

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

Mailing List for Reinstatement Order

Volume ____, Page ____

Application: R-74289

Permit: R-14855

Copies Mailed

by: Tony
(STAFF)

on: 6-23-2021
(DATE)

Permit Holder(s):

Bandon Cranberry Water Control District
Prosper Sub District
C/O Ted Freitag
PO Box 1384
Bandon OR 97411

Copies of Reinstatement Order to be sent to Permit Holder and following:

1. Watermaster District #: 15
2. Water Availability
3. Vault
4. File

Other persons to receive copies:

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **135280**

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

INVOICE # _____

RECEIVED FROM:

Bandon Cranberry Water

APPLICATION

R-74289

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

1773

☐

TOTAL REC'D

\$ 520.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

0251

OTHER

(IDENTIFY)

Reinstatement

\$520.00

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:

135280

DATED:

5-17-2021

BY:

[Signature]

Oregon Water Resources Dept.
725 Summer St NE Suite A
Salem Or 97301
\$520 Reinstatement Fee

RECEIVED

MAY 17 2021

OWRD

To Mary Bjork:

Prosper Sub District is requesting reconsideration of the cancelled water permit R 14855; file # 74289. The fee of \$520.00 is included, ch # 1773, of the BCWCID. Signed by Scott Urick chairman and Ted Freitag treasure.

I will also send a copy of the original request with the Prosper Sub District as the requesting Party. To mary.f.bjork@oregon.gov

RECEIVED

MAY 17 2021

OWRD

Ted Freitag
Scott Urick

OK - Reinstated
HBB 6-15-2021

Ted Freitag
Prosper Sub ~~Dist~~ District
PO Box 1384
Bandon Or 97411

EUGENE OR 974

15 MAY 2021 PM 4 L



Oregon Water Resources Dept.
Attn: Mary Bjork
725 Summer St NE Suite A
~~St~~ Salem Or 97301

97301-126673



Days Calculator: Days Between Two Dates

How many days, months, and years are there between two dates?

Count Days Add Days Workdays Add Workdays Weekday Week No

From and including: **Friday, April 16, 2021**
To and including: **Monday, May 17, 2021**

Result: 32 days

It is 32 days from the start date to the end date, end date included.
Or 1 month, 2 days including the end date.

Alternative time units

32 days can be converted to one of these units:

- 2,764,800 seconds
- 46,080 minutes
- 768 hours
- 32 days
- 4 weeks and 4 days
- 8.77% of 2021

Advertising

April 2021						
15 days included						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2021						
17 days included						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



timeanddate.com

- New calculation, with both date and time included



timeanddate.com

© Time and Date AS 1995–2021



Time & Date Calculator App for iOS

See how long remains before a deadline or exactly when those 30 days are up.

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Thursday, May 13, 2021 11:52 AM
To: BJORK Mary F * WRD
Subject: Answered by phone FW: Bandon Cranberry Water Control District (Amos Pond)

Answered by phone

[Mary F. Bjork](#)

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-986-0817



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RESOURCES
DEPARTMENT



MASK UP.



STAY HOME. SAVE LIVES.

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From: tntfreitag@frontier.com <tntfreitag@frontier.com>
Sent: Tuesday, May 11, 2021 4:43 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: Re: Bandon Cranberry Water Control District (Amos Pond)

Hello Mary-

The Prosper Sub District is a part of the Bandon Cranberry Water Control District and the Prosper Sub District can make the request for reinstatement. I, Ted L. Freitag, am the project manager.

Is the claim you mentioned the claim of beneficial use or something else?

Is there a form for a request for reinstatement, or was my letter sufficient?

I will send the \$520 check; are there any other fees I should be aware of?

Do I also need to file for an extension?

We are having a Water Board meeting Wednesday, May 12th @ 9am. I will discuss this matter with the board members.

Ted Freitag

On Wednesday, May 5, 2021, 02:35:32 PM PDT, BJORK Mary F * WRD <mary.f.bjork@oregon.gov> wrote:

Hi Ted,

Thank you for your attention to this matter. Your request for the reinstatement of Permit R-14855 was submitted within the 60-day time period.

The \$520 reinstatement fee may be submitted to the Department at the following address, please include a copy of your request for reinstatement with the fee.

Oregon Water Resources Department

Attn: Mary Bjork

725 Summer St NE, Suite A

Salem, OR 97301

As Jonnine mentioned, the permit is in the name of Prosper Sub District, and requests for reinstatement must be made by the permit holder of record. It appears to me that Prosper Sub District is part of Bandon Cranberry Water Control District. If this is true and you can make the request in the name of Prosper Sub District, then an assignment might not be needed. The Claim would need to be submitted from Prosper Sub District, and any resulting certificate would be issued in the same name.

If Prosper Sub District is not part of Bandon Cranberry Water Control District, and/or you would like any resulting certificate in name of Bandon Cranberry Water Control District, then an assignment will be needed.

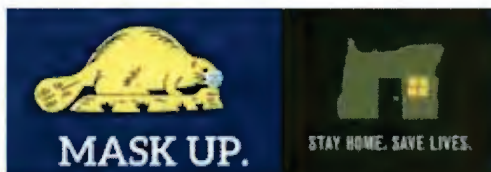
Please let me know. I can accept your request, but will need to wait on processing the order to reinstate pending fee submittal, and confirmation on the naming points covered above.

Hope this helps, and please let me know if you have additional questions.

Mary

Mary F. Bjork

Water Rights Program Analyst



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From: SKAUG Jonnine L * WRD <Jonnine.L.Skaug@oregon.gov>
Sent: Monday, May 03, 2021 10:34 AM
To: tntfreitag@frontier.com
Cc: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Bandon Cranberry Water Control District (Amos Pond)

Good morning,

I am forwarding this email to Mary Bjork who handles requests for reconsideration of a cancelled water rights. Currently this water right is in the name of Prosper Sub District so an assignment will need to be submitted to the Department (I have attached the assignment request form). You will also need to send this letter via mail with your signature and a check for the reinstatement fee. Once your permit has been reinstated you can work with the CWRE to turn in the Claim of Beneficial Use report.

If you have any other questions, please let me or Mary know.

Thank you,

Jonnine Skaug

From: tntfreitag@frontier.com <tntfreitag@frontier.com>
Sent: Thursday, April 29, 2021 5:43 PM
To: SKAUG Jonnine L * WRD <Jonnine.L.Skaug@oregon.gov>
Subject: Bandon Cranberry Water Control District (Amos Pond)

In reference to: Application R-74289, permit R-14855

To Jonnine Skaug:

In regards to Amos Pond, we are requesting reconsideration.

The first notice, sent November 10, 2020, was sent to P.O. Box 530, which belonged to a deceased board member. It was passed to a neighbor who forgot about it until the cancelation notice was given to him yesterday. The official address for the Bandon Cranberry Water Control District has always been P.O. Box 1832, Bandon, OR 97411. All of my correspondence sent to OWRD would have my personal address (P.O. Box 1384) or BCWCD P.O. Box 1832. Had I received it personally, I would have responded immediately.

This project started with

1- a fish ladder,

2- *City of Bandon providing us with electricity,

*pump house and pump,

*7,200 feet of pipe (4,200' of 6" PVC, 3000' of 5" PVC) installation, rental of excavator (4 wks),

labor cutting a path through forested land with thick underbrush,

*approximately 14 weeks of man labor,

totaling \$175,000.00

I contracted with PBS Engineering to file the Application of Beneficial Use. The CWR examiner was Marsha; she visited our farms in order to have a better idea of the project. I took her to the reservoir (Amos Pond) at our diversion point, then followed the path of our pipeline, 4,200 feet to Friday Farms, Inc.'s delivery point then another 800 feet to Red Harvest, Inc.'s delivery point. The third delivery point was 3,000 feet, ending at Spring Acre's, Inc.'s closest pond. At that point, she was satisfied with the integrity of the project. She then requested maps of all the fields to be irrigated with pump house locations, piping routes, size of pipes, number of heads, pump sizes and total output per pump. Shortly after that, Marsha retired and Dennis Terzian took her place. A few weeks later, I sent all of the maps to PBS Engineering.

•
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I feel I have acted in good faith to follow the guidelines given to me by professionals. Due to Dennis Terzian's heavy work load and the Covid-19 situation it has taken more time than normal and I apologize for missing the deadline.

There are 3 family farms that rely heavily on the Amos Pond water to get us through each year. Without it, our livelihoods will be jeopardized.

Please grant us reconsideration of the final order and reinstate our permit. The fees you mentioned are reasonable.

Thank you,

Ted Freitag,

Friday Farms, Inc.

member of Bandon Cranberry Water Control District

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Oregon Water Resources Department

Ted Freitag
Bandon Cranberry

541-290-0719

App R-74289

Cancel / Question
about assignment

Attn: Mary Bjork

725 Summer St NE, Suite A

Salem, OR 97301

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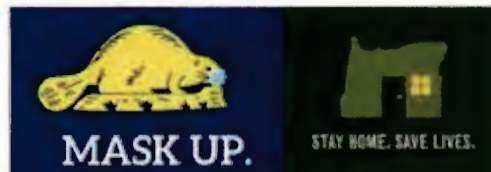
Hope this helps, and please let me know if you have additional questions.

Mary

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-986-0817



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Sent: Monday, May 03, 2021 10:34 AM
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Cc: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
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member of Bandon Cranberry Water Control District

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, May 5, 2021 2:36 PM
To: tntfreitag@frontier.com
Cc: SKAUG Jonnine L * WRD; BJORK Mary F * WRD
Subject: RE: Bandon Cranberry Water Control District (Amos Pond)

Hi Ted,

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The \$520 reinstatement fee may be submitted to the Department at the following address, please include a copy of your request for reinstatement with the fee.

Oregon Water Resources Department
Attn: Mary Bjork
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Salem, OR 97301

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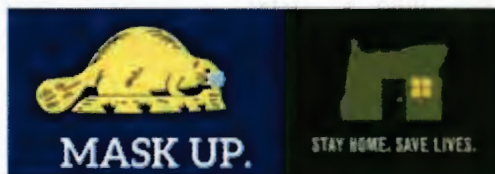
Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-986-0817



OREGON
WATER
RESOURCES
DEPARTMENT



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From: SKAUG Jonnine L * WRD <Jonnine.L.Skaug@oregon.gov>

Sent: Monday, May 03, 2021 10:34 AM

To: tntfreitag@frontier.com

Cc: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Bandon Cranberry Water Control District (Amos Pond)

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In reference to: Application R-74289, permit R-14855

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 - 2- *City of Bandon providing us with electricity,
 - *pump house and pump,
 - *7,200 feet of pipe (4,200' of 6" PVC, 3000' of 5" PVC) installation, rental of excavator (4 wks),
 - labor cutting a path through forested land with thick underbrush,
 - *approximately 14 weeks of man labor,
- totaling \$175,000.00**

I contracted with PBS Engineering to file the Application of Beneficial Use. The CWR examiner was Marsha; she visited our farms in order to have a better idea of the project. I took her to the reservoir (Amos Pond) at our diversion point, then followed the path of our pipeline, 4,200 feet to Friday Farms, Inc.'s delivery point then another 800 feet to Red Harvest, Inc.'s delivery point. The third delivery point was 3,000

feet, ending at Spring Acre's, Inc.'s closest pond. At that point, she was satisfied with the integrity of the project. She then requested maps of all the fields to be irrigated with pump house locations, piping routes, size of pipes, number of heads, pump sizes and total output per pump. Shortly after that, Marsha retired and Dennis Terzian took her place. A few weeks later, I sent all of the maps to PBS Engineering.

In February, 2020 I talked to Dennis about our application progress. Due to the heavy demand he had been unable to complete it but would do his best. In March, 2021 we visited by email, he indicated he would be working on it. I also talked with a county water master in February, 2021 about filing an extension; she asked if we had made complete application of our water, which we had. She told me I would not need to file an extension, just to find a CWR Examiner, which we had already done. She said just to get it done as quickly as possible.

I feel I have acted in good faith to follow the guidelines given to me by professionals. Due to Dennis Terzian's heavy work load and the Covid-19 situation it has taken more time than normal and I apologize for missing the deadline.

There are 3 family farms that rely heavily on the Amos Pond water to get us through each year. Without it, our livelihoods will be jeopardized.

Please grant us reconsideration of the final order and reinstate our permit. The fees you mentioned are reasonable.

Thank you,
Ted Freitag,
Friday Farms, Inc.
member of Bandon Cranberry Water Control District

7a
Oregon

Water Resources Department

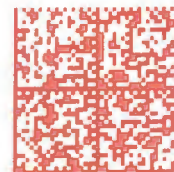
Water Right Services Division

725 Summer St NE Ste A

Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

Presort
First Class Mail
CombAsPrice



U.S. POSTAGE >> PITNEY BOWES



ZIP 97301 \$ 000.39⁸
02 4W
0000361800 APR 16 2021

R-74289
PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON OR 97411

RECEIVED

APR 21 2021

OWRD

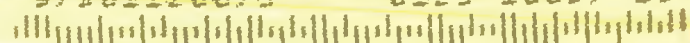
NIXIE 971 DE 1 0004/20/21

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

IA

97301>1266
9741189999

BC: 97301126673 *0129-18057-16-44



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO CONSTRUCT RESERVOIRS AND STORE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
PROSPER SUB DISTRICT	17	15	R-74289	R-14855

Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on APR 16 2021


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL APR 16 2021
BY OREGON WATER RESOURCES DEPARTMENT

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



Oregon
Kate Brown, Governor

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

DATE MAILED: April 16, 2021
NOTICE

Enclosed is an order that cancels a permit for failure to submit proof of the completion of appropriation as required by ORS 537.260.

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

If you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

If you agree with the order, no response to this notice is required.

If you have any questions, please contact Jonnine Skaug at Jonnine.L.Skaug@oregon.gov or by telephone at 503-986-0813. Due to Covid-19, email may be the best way to reach her.

Mailing List for Cancellation Order

Volume 120, Page 149

Application: R-74289

Permit: R-14855

Copies Mailed

by: La
(STAFF)

on: 4-16-21
(DATE)

Permit Holder(s):

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON OR 97411

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #: 15
2. Water Availability
3. Vault
4. File

Other persons to receive copies:

Current Landowner

5. Bandon Cranberry Water Control District
PO Box ~~1832~~ 503
Bandon OR 97411
6. Bandon Cranberry Water Control District
PO Box 1832
Bandon OR 97411

OK
to Cancel
JS 2.2-21

COMPLETENESS PROJECT

Page 1

60 Day Letter

PERMIT STATUS REVIEW BY: **Jonnine Skaug** DATE: **September 29, 2020** FILE # **R-74289**

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if: update WRIS if appropriate

Extension pending Yes / No _____
Assignment is pending Yes / No _____
Cancellation has been requested Yes / No _____
Claim of Beneficial Use received Yes / No _____
Date information received _____

N/A Dept. has already sent a certified 60-Day Compliance letter (date _____, Cert mail # _____)

Was **60 days notice** allowed? Y N If No, How Much Time ? _____
Was mail deliverable as addressed? Y N date _____
If mail returned, online/www check? Y N date _____ successful? Y N
Re-send Cert. Letter? Y N date _____
Send cancellation order Y N

2. IF NONE OF THE ABOVE APPLY

Yes Send **certified** "C" date notice packet to permit holder.
"C" DATE 10/1/2014 BASIN NUMBER 17 WM # 19

CWRE or AGENT Yes / No _____

3. AOI Yes NO If Yes, name(s) of AOI _____

4. Current Landowner(s) and Mailing Address

If new owner: Bandon Cranberry Water Control Dist, PO Box 503, Bandon, OR

County of Place of Use COOS Tax Lot(s) multiple taxlots - see mapper 97411
? also

Attach copy of email from County Assessor or Printout from Assessor's Site

Contacts regarding 60 Day Letter:

Hold Action Request from Permit/Landowner - Date of Request _____ Requesting Parties Name _____

Hold Action Until (Date) _____

No more than 60 days beyond original deadline to submit an extension, assignment, or Alt Res CBU

Hold Action Request from CWRE - Date of Request _____ CWRE Name _____

Hold Action Until (Date) _____

No more than 6 months beyond original deadline to submit a CBU

97411
PO Box 1832
Bandon, OR
97411

COMPLETENESS PROJECT

Page 2

Final Cancellation Review

PERMIT STATUS REVIEW BY Jf SKang DATE 2-2-21

1. C Date 10 / 1 / 2014
2. Certified Letter Date 11 / 10 / 20
3. Return Receipt Rcvd. / / — undelivered as addressed
4. Return Receipt Signed By
5. Other Communication: / / 60 day = 1-19-21
we contacted current owner by regular mail

Recommend Cancellation ☒ or
Hold Action until / /



R-74289

Tax Lots

Identify Tax Lots [QR Map](#)

☐ Off
☒ On

County: Coos
Taxlot: 28S14W19TL0030200
Owner1: BANDON CRANBERRY WATER CONTROL DIST
Owner2:
Owner Address: PO BOX 1832, BANDON OR 97411-1832
Site Address: , , OR
Acres: 0
TRSQQ: WM28.00514.00W19300X
Effective Date: January 1, 2019

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

It is recommended to zoom to a detailed extent before query.

Tax Lots

Identify Tax Lots [QR Map](#)

☐ Off
☒ On

County: Coos
Taxlot: 28S14W20CTL0100000
Owner1: BANDON CRANBERRY WATER CONTROL DIST
Owner2:
Owner Address: PO BOX 503 @ SCHERER, WAYNE, BANDON OR 97411-0503
Site Address: , , OR
Acres: 0
TRSQQ: WM28.00514.00W20HWSW
Effective Date: January 1, 2019

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

It is recommended to zoom to a detailed extent before query.

Tax Lots

Identify Tax Lots [QR Map](#)

☐ Off
☒ On

County: Coos
Taxlot: 28S14W19D0ATL0020100
Owner1: BANDON CRANBERRY WATER CONTROL DIST
Owner2:
Owner Address: PO BOX 503 @ SCHERER, WAYNE, BANDON OR 97411-0503
Site Address: , , OR
Acres: 0
TRSQQ: WM28.00514.00W19NESE
Effective Date: January 1, 2019

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

It is recommended to zoom to a detailed extent before query.

Tax Lots

Identify Tax Lots [QR Map](#)

☐ Off
☒ On

County: Coos
Taxlot: 28S14W19D0ATL0010000
Owner1: BANDON CRANBERRY WATER CONTROL DIST
Owner2:
Owner Address: PO BOX 503 @ SCHERER, WAYNE, BANDON OR 97411-0503
Site Address: , , OR
Acres: 0
TRSQQ: WM28.00514.00W19NESE
Effective Date: January 1, 2019

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

It is recommended to zoom to a detailed extent before query.

Tax Lots

Identify Tax Lots [QR Map](#)

☐ Off
☒ On

County: Coos
Taxlot: 28S14W20CTL0110100
Owner1: BANDON CRANBERRY WATER CONTROL DIST
Owner2:
Owner Address: PO BOX 503 @ SCHERER, WAYNE, BANDON OR 97411-0503
Site Address: , , OR
Acres: 0
TRSQQ: WM28.00514.00W20HWSW
Effective Date: January 1, 2019

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

It is recommended to zoom to a detailed extent before query.

Tax Lots

Identify Tax Lots [QR Map](#)

☐ Off
☒ On

County: Coos
Taxlot: 28S14W20CTL0200200
Owner1: BANDON CRANBERRY WATER CONTROL DIST
Owner2:
Owner Address: PO BOX 503 @ SCHERER, WAYNE, BANDON OR 97411-0503
Site Address: , , OR
Acres: 0
TRSQQ: WM28.00514.00W20SWWW
Effective Date: January 1, 2019

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

It is recommended to zoom to a detailed extent before query.

Tax Lots

Identify Tax Lots [QR Map](#)

☐ Off
☒ On

County: Coos
Taxlot: 28S14W20CTL0050100
Owner1: BANDON CRANBERRY WATER CONTROL DIST
Owner2:
Owner Address: PO BOX 503 @ SCHERER, WAYNE, BANDON OR 97411-0503
Site Address: , , OR
Acres: 0
TRSQQ: WM28.00514.00W20HWSW
Effective Date: January 1, 2019

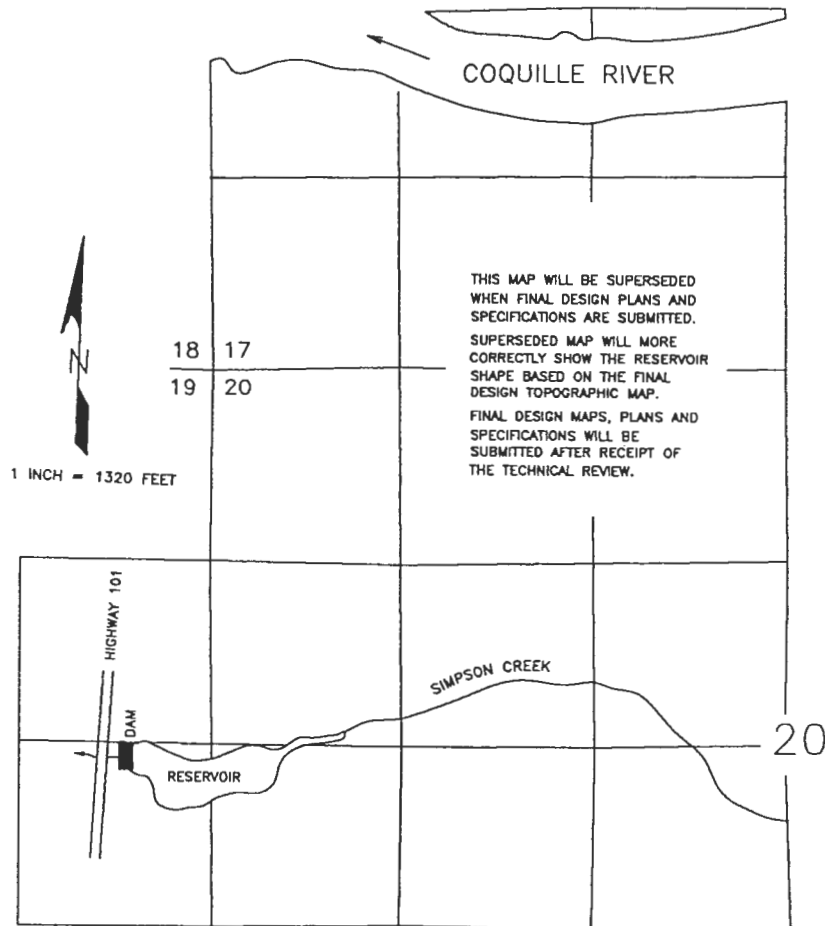
Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

APPLICATION MAP

IN THE NAME OF PROSPER SUB DISTRICT

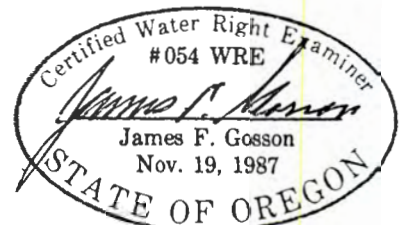
SECTIONS 19 & 20, T 28 S, R 14 W, W.M.



Application No. R-74289
Permit No.

THE POINT OF DIVERSION (DAM) IS TO BE LOCATED 2,680 FEET SOUTH AND 570 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 19, BEING WITHIN THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 28 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.



COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 14, 2020 4:06:34 pm

Account # 961002
Map # 28S14190000302
Code - Tax # 5401-961002

Tax Status NONASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name BANDON CRANBERRY WATER CONTROL DIST

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of

Appraiser

Mailing Address PO BOX 1832
BANDON, OR 97411-1832

Prop Class 994 MA SA NH Unit
RMV Class 000 06 27 RRL 17341-1

Situs Address(s)		Situs City					
Code Area		RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception CPR %
5401	Land	21,980					Land
	Impr.	0					Impr.
Code Area Total		21,980	0	0	0	0	0
Grand Total		21,980	0	0	0	0	0

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC
5401	10	☒	1	EFU	Exempt	100	A	2.41	MV	001
Grand Total								2.41		

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS	Acct #	Trended RMV
Grand Total								0		0

Exemptions/Special Assessments/Potential Liability										
Code Area	Type									

NOTATION(S):

- EXEMPT- MUNICIPALITY ORS 307.090 ADDED 1996

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 14, 2020 4:08:15 pm

Account # 3135400
Map # 28S1419DA00100
Code - Tax # 5400-3135400

Tax Status NONASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name BANDON CRANBERRY WATER CONTROL DIST

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of @ SCHERER, WAYNE

Appraiser

Mailing Address PO BOX 503
BANDON, OR 97411-0503

Prop Class 994 MA SA NH Unit
RMV Class 000 06 25 CBN 28719-1

Situs Address(s)		Situs City					
Code Area	RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception	CPR %
5400 Land	15,930					Land	0
Impr.	0					Impr.	0
Code Area Total	15,930	0	0	0	0	0	0
Grand Total	15,930	0	0	0	0	0	0

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
5400	10	☒	1	R-1	Exempt	100	A	2.87	MV	15,930
Grand Total								2.87		15,930

Code Area	Yr Built	Stat Class	Improvement Breakdown		Total	Trended	
ID#			Description	TD%	Sq. Ft.	Ex% MS Acct #	RMV
Grand Total					0	0	

Code Area	Type	Exemptions/Special Assessments/Potential Liability
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NOTATION(S):

- EXEMPT- MUNICIPALITY ORS 307.090 ADDED 1996

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 14, 2020 4:09:07 pm

Account # 3135300

Tax Status NONASSESSABLE

Map # 28S1419DA00201

Acct Status ACTIVE

Code - Tax # 5400-3135300

Subtype NORMAL

Legal Descr See Record

Mailing Name BANDON CRANBERRY WATER CONTROL DIST

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of @ SCHERER, WAYNE

Appraiser

Mailing Address PO BOX 503

BANDON, OR 97411-0503

Prop Class 994 MA SA NH Unit
RMV Class 000 06 25 CBN 28718-1

Situs Address(s)		Situs City						
		Value Summary						
Code Area		RMV	MAV	AV	SAV	MSAV	RMV Exception	CPR %
5400	Land	5,060					Land	0
	Impr.	0					Impr.	0
Code Area Total		5,060	0	0	0	0	0	
Grand Total		5,060	0	0	0	0	0	

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
5400	10	☒	1	R-1	Exempt	100	A	0.92	MV	5,060
Grand Total								0.92		5,060

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS	Acct #	Trended RMV
Grand Total								0		0

Exemptions/Special Assessments/Potential Liability										
Code Area	Type									

NOTATION(S):

- EXEMPT- MUNICIPALITY ORS 307.090 ADDED 1996

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 14, 2020 4:10:21 pm

Account # 3128500

Tax Status NONASSESSABLE

Map # 28S1420CB01000

Acct Status ACTIVE

Code - Tax # 5403-3128500

Subtype NORMAL

Legal Descr See Record

Mailing Name BANDON CRANBERRY WATER CONTROL DIST

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of @ SCHERER, WAYNE

Appraiser

Mailing Address PO BOX 503

BANDON, OR 97411-0503

Prop Class 994 MA SA NH Unit
RMV Class 000 06 27 RRL 28674-1

Situs Address(s) Situs City

		Value Summary						RMV Exception	CPR %
Code Area		RMV	MAV	AV	SAV	MSAV			
5403	Land	32,970					Land	0	
	Impr.	0					Impr.	0	
Code Area Total		32,970	0	0	0	0		0	
Grand Total		32,970	0	0	0	0		0	

		Land Breakdown						Trended RMV
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	
5403	10	☒	1	RR-2, F	Exempt	100	A	32,970
		Grand Total						32,970

		Improvement Breakdown						Trended RMV
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex% MS Acct #	
		Grand Total						0

Code Area	Type	Exemptions/Special Assessments/Potential Liability
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NOTATION(S):

- EXEMPT- MUNICIPALITY ORS 307.090 ADDED 1996

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 14, 2020 4:11:14 pm

Account # 3131401

Tax Status NONASSESSABLE

Map # 28S1420CB01101

Acct Status ACTIVE

Code - Tax # 5401-3131401

Subtype NORMAL

Legal Descr See Record

Mailing Name BANDON CRANBERRY WATER CONTROL DIST

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of @ SCHERER, WAYNE

Appraiser

Mailing Address PO BOX 503
BANDON, OR 97411-0503

Prop Class 994 MA SA NH Unit
RMV Class 000 06 27 RRL 28688-1

Situs Address(s)		Situs City					
Code Area		RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception CPR %
5401	Land	32,970					0
	Impr.	0					0
Code Area Total		32,970	0	0	0	0	0
Grand Total		32,970	0	0	0	0	0

Code Area		ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown TD% LS		Size	Land Class	LUC	Trended RMV
5401	10	☒	1	RR-2, EFU	Exempt		100	A	2.14	MV	001	32,970
Grand Total									2.14			32,970

Code Area	Yr Built	Stat Class	Improvement Breakdown		Total	Ex% MS Acct #		Trended
ID#			Description	TD%	Sq. Ft.			RMV
Grand Total					0			0

Code Area	Type	Exemptions/Special Assessments/Potential Liability										
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NOTATION(S):

- EXEMPT- MUNICIPALITY ORS 307.090 ADDED 1996

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 14, 2020 4:12:04 pm

Account # 3128702

Tax Status NONASSESSABLE

Map # 28S1420BC02002

Acct Status ACTIVE

Code - Tax # 5401-3128702

Subtype NORMAL

Legal Descr See Record

Mailing Name BANDON CRANBERRY WATER CONTROL DIST

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of @ SCHERER, WAYNE

Appraiser

Mailing Address PO BOX 503

BANDON, OR 97411-0503

Prop Class 994 MA SA NH Unit
RMV Class 000 06 27 RRL 28677-1

Situs Address(s)		Situs City					
Code Area		RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception CPR %
5401	Land	10,990					Land
	Impr.	0					Impr.
Code Area Total		10,990	0	0	0	0	0
Grand Total		10,990	0	0	0	0	0

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC
5401	10	☒	1	EFU	Exempt	100	A	1.00	MV	001
Grand Total								1.00		

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS	Acct #	Trended RMV
Grand Total								0		0

Code Area	Type	Exemptions	Special Assessments	Potential Liability
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NOTATION(S):

- EXEMPT- MUNICIPALITY ORS 307.090 ADDED 1996

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 14, 2020 4:13:36 pm

Account # 3127601

Tax Status NONASSESSABLE

Map # 28S1420CB00301

Acct Status ACTIVE

Code - Tax # 5401-3127601

Subtype NORMAL

Legal Descr See Record

Mailing Name BANDON CRANBERRY WATER CONTROL DIST

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of @ SCHERER, WAYNE

Appraiser

Mailing Address PO BOX 503

BANDON, OR 97411-0503

Prop Class 994 MA SA NH Unit
RMV Class 000 06 27 RRL 28668-1

Situs Address(s) Situs City

Code Area	RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception	CPR %
5401 Land	10,990					Land	0
Impr.	0					Impr.	0
Code Area Total	10,990	0	0	0	0		0
Grand Total	10,990	0	0	0	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown TD% LS	Size	Land Class	LUC	Trended RMV
5401	10	☒	1	EFU	Exempt	100 A	1.00	MV	001	10,990
Grand Total							1.00			10,990

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
Grand Total								0

Code Area	Type	Exemptions/Special Assessments/Potential Liability
-----------	------	--

NOTATION(S):

- EXEMPT- MUNICIPALITY ORS 307.090 ADDED 1996

30
Oregon

Water Resources Depart
Water Right Services Division
725 Summer St NE Ste A
Salem, OR 97301-1266

ADDRESS SERVICE REQUEST

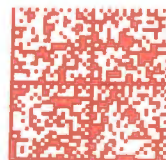
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R-74289
PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OR 97411

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article

R-74289
PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OR 97411



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2. Article Number (Transfer from service label)

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

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☐ Agent

☐ Addressee

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C. Date of Delivery

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

3. Service Type

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- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
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Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE Ste A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

NOTE: For water rights information and useful forms, please see our web site at

www.oregon.gov/OWRD

Certified mail number 7018 0360 0000 1345 4514

Return receipt requested

November 10, 2020

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OR 97411

Reference: Application R-74289, Permit R-14855

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2014.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2014. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (January 19, 2021) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Jonnine.L.Skaug@oregon.gov, the address above or by telephone at 503-986-0813. Due to Covid-19, email may be the best way to reach me.

Sincerely,

for 
Jonnine Skaug
Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 15



Oregon
Kate Brown, Governor

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

November 10, 2020

Bandon Cranberry Water Control District
PO Box 1832
Bandon, OR 97411

Reference: Application #: R-74289 Permit#: R-14855

Dear Property Owner,

You have been identified as the owner of lands covered in part or in whole by the above referenced permit.

Please see the enclosed 'Resource Sheet' to access the assignment form if you wish to continue using this water.

Should you have any questions, please contact me at Jonnine.L.Skaug@oregon.gov, the address above or by telephone at 503-986-0813. Due to Covid-19, email may be the best way to reach me.

Sincerely,

for Jonnine Skaug
Certificate Specialist



Oregon
Kate Brown, Governor

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

November 10, 2020

Bandon Cranberry Water Control District
PO Box 503
Bandon, OR 97411

Reference: Application #: R-74289 Permit#: R-14855

Dear Property Owner,

You have been identified as the owner of lands covered in part or in whole by the above referenced permit.

Please see the enclosed 'Resource Sheet' to access the assignment form if you wish to continue using this water.

Should you have any questions, please contact me at Jonnine.L.Skaug@oregon.gov, the address above or by telephone at 503-986-0813. Due to Covid-19, email may be the best way to reach me.

Sincerely,

Leona Allin
for Jonnine Skaug
Certificate Specialist

Mailing List for 60-Day Letter

Application: R-74289

Permit: R-14855

Permit Holder(s):

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON OR 97411

Copies Mailed	
by: <u>La</u>	(STAFF)
on: <u>11/10/20</u>	(DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES **NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #15
2. File

Other persons to receive copies:

Bandon Cranberry Water Control District
PO Box 503
Bandon, OR 97411

Bandon Cranberry Water Control District
PO Box 1832
Bandon, OR 97411

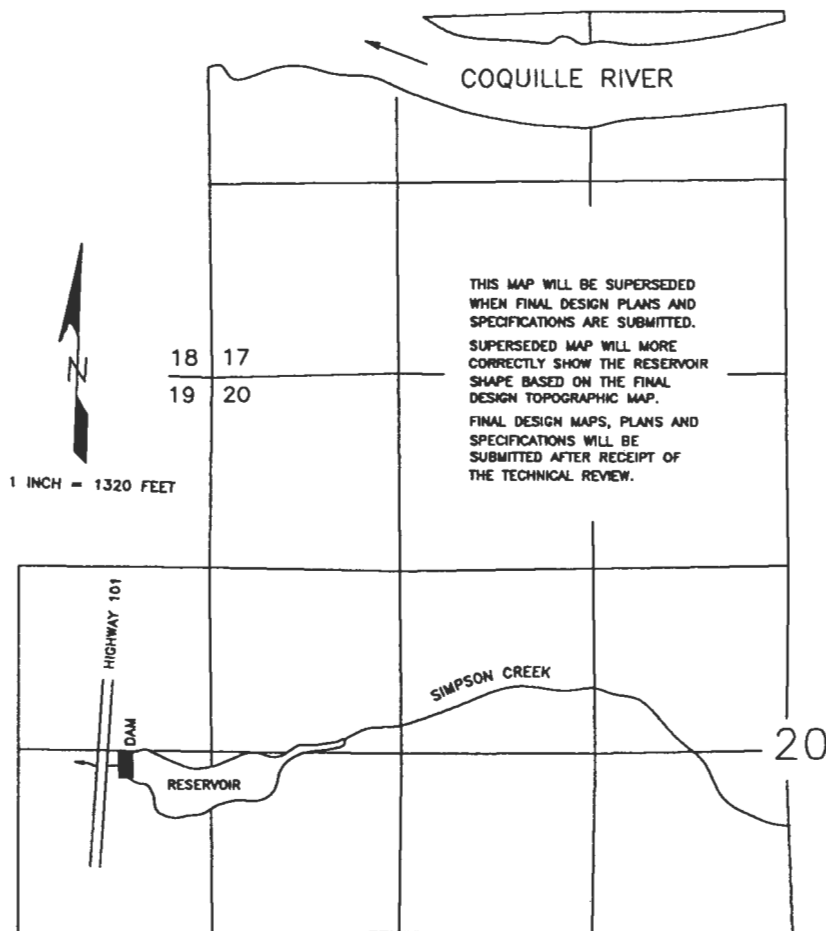
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☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
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City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

APPLICATION MAP

IN THE NAME OF PROSPER SUB DISTRICT

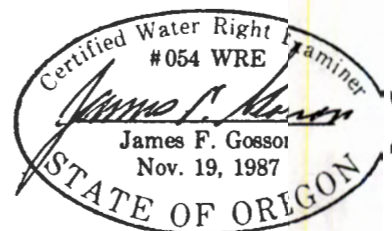
SECTIONS 19 & 20, T 28 S, R 14 W, W.M.



Application No. R-74289
Permit No.

THE POINT OF DIVERSION (DAM) IS TO BE LOCATED 2,680 FEET SOUTH AND 570 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 19, BEING WITHIN THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 28 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.



STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PROSPER SUB DISTRICT
P.O. BOX 1384
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: ENLARGED AMOS RESERVOIR, ORIGINALLY CONSTRUCTED
UNDER PERMIT R-8647

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER
APPLICATION S-86225 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME: 80.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

THE HEIGHT OF THE DAM SHALL BE LESS THAN 10.0 FEET.

DAM LOCATION: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 19, T28S, R14W, W.M.; 2680 FEET SOUTH
& 570 FEET WEST FROM NE CORNER, SECTION 19

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 19

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 20

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

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

A minimum pool of 9.0 acre feet shall be left in the reservoir at all times.

The permittee shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by ODFW. The required fishway is to be in place and functional prior to storage of any water. Fish passage requirements may be waived if the permittee and the State Fish and Wildlife Commission enter into a memorandum of understanding pursuant to the process set out in House Bill 2607 (1997, Legislative Session).

STANDARD CONDITIONS

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.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

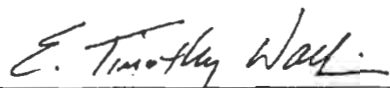
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

Actual construction work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2014.

Issued June 30, 2010

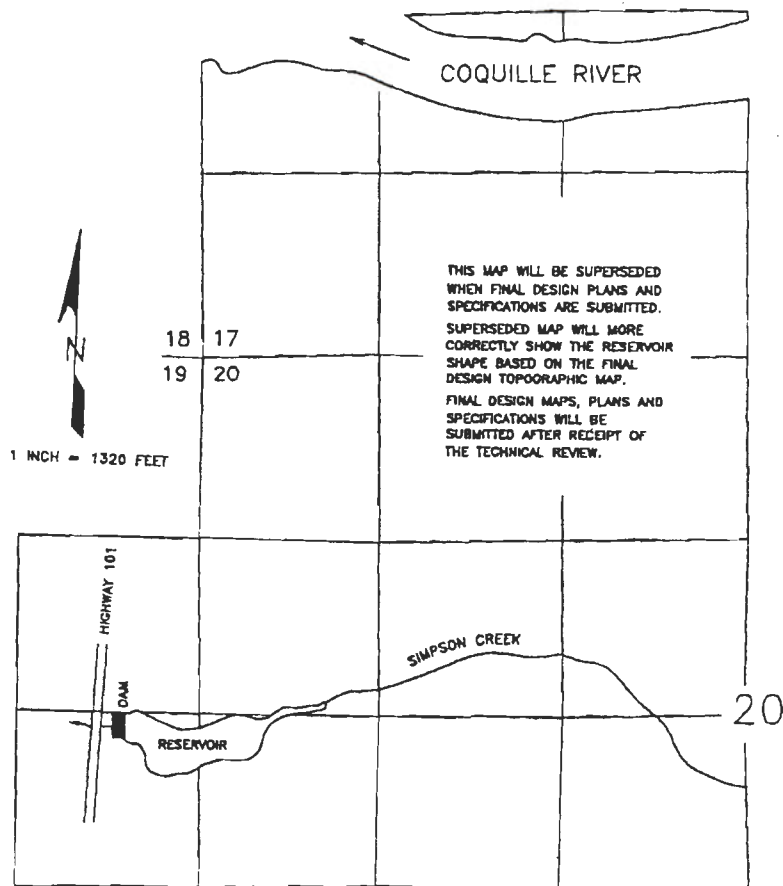


for Phillip C. Ward, Director
Water Resources Department

APPLICATION MAP

IN THE NAME OF PROSPER SUB DISTRICT

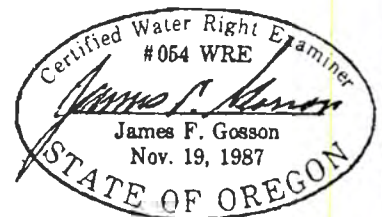
SECTIONS 19 & 20, T 28 S, R 14 W, W.M.



Application No. R-74289
Permit No.

THE POINT OF DIVERSION (DAM) IS TO BE LOCATED 2,680 FEET SOUTH AND 570 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 19, BEING WITHIN THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 28 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.



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App R-74289 / 7-23-10
Jonnie—

Please update WRIS
to reflect new address:

P.O. Box 1384
Bandon, OR 97411

Ted Freitag is the
contact.

Thanks!
Kerry

ADJ & WR
Vital Resources Department

Oregon

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PROSPER SUB DISTRICT
P.O. BOX 1384
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: ENLARGED AMOS RESERVOIR, ORIGINALLY CONSTRUCTED
UNDER PERMIT R-8647

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER
APPLICATION S-86225 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME: 80.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

THE HEIGHT OF THE DAM SHALL BE LESS THAN 10.0 FEET.

DAM LOCATION: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 19, T28S, R14W, W.M.; 2680 FEET SOUTH
& 570 FEET WEST FROM NE CORNER, SECTION 19

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 19

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 20

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

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

A minimum pool of 9.0 acre feet shall be left in the reservoir at all times.

The permittee shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by ODFW. The required fishway is to be in place and functional prior to storage of any water. Fish passage requirements may be waived if the permittee and the State Fish and Wildlife Commission enter into a memorandum of understanding pursuant to the process set out in House Bill 2607 (1997, Legislative Session).

STANDARD CONDITIONS

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.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

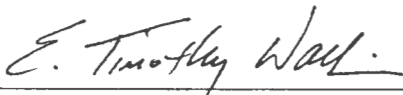
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

Actual construction work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2014.

Issued June 30, 2010



for Phillip C. Ward, Director
Water Resources Department

INTEROFFICE MEMORANDUM

Water Rights Section

TO: Application R-74289 Prosper Sub District of the
Bandon Cranberry Water Control District

FROM: Kerry Kavanagh

DATE: 5-11-10

RE: Processing notes – issue permit

Background

- On July 11, 1994, applicant submitted application proposing to enlarge the 9.0 AF Amos Reservoir, constructed under Permit R-8647, an additional 200.0 AF from Simpson Creek, a tributary of Coquille River.
- On July 16, 1996, the Department issued a Proposed Final Order (PFO) conditionally approving the application to appropriate 200.0 AF of water for storage from December 1 through March 31.
- On August 26, 1996, the applicant filed a timely protest.
- On November 4, 1997, the Department issued an Agreement and Stipulated Final Order (FO) with a draft permit for the appropriation of 200.0 AF of water for storage during the period November 1 through March 31. The Agreement was signed by all parties by November 3, 1997.
 - The FO indicated that upon submission and approval of plans and specifications of the reservoir, submission of a secondary application to use the stored water for out-of-reservoir use, and submission of evidence demonstrating that the applicant either owns all the lands or has written authorization or easement to access all lands to be inundated by the reservoir, that a permit would be issued.
 - The FO included a condition that a 9.0 AF pool must remain in the reservoir at all times.
- On February 11, 2002, the applicant amended the application by reducing the proposed capacity of the reservoir from 200.0 AF to 80.0 AF and by modifying the proposed dam structure to be less than 10.0 feet in height.

- On April 1, 2005, the Department received documentation demonstrating that the applicant owns all lands to be inundated by the reservoir.
- On April 1, 2005, the Department received a secondary application from Prosper proposing the use of 250.0 AF from the Prosper Reservoir (formerly Amos Reservoir) for cranberry use on 192.6 acres.
- On May 10, 2010, George Robinson, WRD Dam Safety Engineer, determined that no special conditions are necessary.

ACTIONS

On May ___, 2010 the Department issued Permit R- _____ consistent with the November 4, 1997 Final Order modified for the appropriation of 80.0 AF for storage per the applicant's February 11, 2002 amendment.

RECEIVED

NOV 03 1997

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
Water Resources Department

In the matter of Water Right)
Application R-74289)
Prosper Sub District)

**Agreement and
Stipulated Final Order**

Application History

On May 3, 1991, Prosper Sub District submitted an application to the Department for a water use permit. The request proposes to store an additional 200 acre-feet of water from Simpson Creek, a tributary of the Coquille River. The original permit, R-8647, authorizes the storage of 9.0 acre-feet.

On July 16, 1996, the Department issued a Proposed Final Order conditionally approving Application R-74289. The Department found that water is available for appropriation except in July and August. The use, pursuant to the South Coast Basin Program, OAR 690-517, is allowable as requested. However, based on input from an interagency review of the application and a preliminary public interest review conducted by the Department, the Department found that in order to establish the public interest presumption under ORS 537.153(2), the appropriation of water for storage shall be conditioned and shall be allowed December 1 through March 31 of each year.

The protest period closed August 30, 1996. On August 26, 1996, the applicant submitted a protest and request for contested case hearing. On October 29, 1996, Administrative Law Judge Weisha Mize set the matter for hearing on April 1, 1997. At the request of the Department the hearing was reset for July 15, 1997. The hearing was again postponed pending settlement.

The applicant and the Department agree that the issue(s) in this case may be settled on the following terms and conditions, and hereby stipulate to the following:

- 1) Applicant waives the right to file exceptions to this order and the right to judicial review under ORS 536.075(2) and 183.482.
- 2) Entry of this stipulated final order by the Administrative Law Judge.
- 3) Issuance of a permit based on the analysis which follows.

Department _____

Applicant M. R. M.

- 4) Issuance of the permit, a draft of which is attached and incorporated herein by reference is contingent upon submittal and approval of plans and specifications for the reservoir, submittal of a secondary application to use the stored water for irrigation, and for lands not owned by the applicant, submittal of written authorization, or easement permitting access to all lands to be inundated by the reservoir.

Findings of Fact and Conclusions of Law

In response to declining coastal fish runs, and the prospect of a federal listing, Governor Kitzhaber launched a "Coastal Salmon Recovery Initiative." As part of that initiative the Department convened a multi-disciplinary, multi-agency review team to evaluate coastal water right applications with respect to fishery impacts. Application R-74289 was reviewed by the team March 27, 1996. The review team found that the proposed use would adversely impact streamflows necessary for fishery resources during the period April 1 through November 30. The Director, in evaluating the public interest under ORS 537.153(2) and ORS 537.170(8) found that in order to establish the public interest presumption under ORS 537.153(2) the use shall not be allowed during the period April 1 through November 30. The Proposed Final Order proposed to conditionally allow the use December 1 through March 31.

Based upon further discussion with the applicant and the Oregon Department of Fish and Wildlife (ODFW) the Department now finds that appropriation of water for storage during the period November 1 through March 31 may be allowed without detriment to the public interest. Adequate fish passage, a requirement of the attached draft permit, will be enhanced if water can be appropriated for storage beginning November 1 of each year.

The applicant also protested the proposed conditions regarding measuring devices and fish screens for application R-74289. The Department now finds that totalizing flow meters and fish screens are neither practical nor necessary for the appropriation of water under R-74289. Measuring devices that measure the range and stage of the storage in the reservoir shall still be required. Fish screens and measuring devices shall be addressed during review of the secondary applications that will allow the stored water to be pumped from the reservoir. Therefore, the conditions regarding meters and fish screens have been removed from the attached draft permit.

The Department now finds and the applicant agrees that the proposed use may be allowed as follows and as conditioned in the attached draft permit without detriment or impairment to the public interest. The Department may determine that additional conditions are necessary for public safety after submittal of the final plans and specifications for the dam.

VOLUME: 200 ACRE-FEET

USE: CRANBERRY OPERATIONS

Department _____

Applicant M. R. M.

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD:
NOVEMBER 1 THROUGH MARCH 31

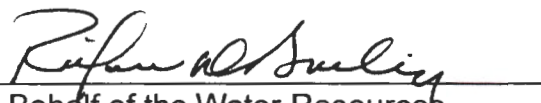
A MINIMUM POOL OF 9.0 ACRE-FEET SHALL BE LEFT IN THE RESERVOIR AT ALL
TIMES.

THE PERMITTEE SHALL NOT OPERATE OR MAINTAIN ANY DAM OR ARTIFICIAL
OBSTRUCTION TO FISH PASSAGE IN THE CHANNEL OF THE SUBJECT STREAM
UNLESS A FISHWAY IS PROVIDED AS REQUIRED BY ODFW. THE REQUIRED
FISHWAY IS TO BE IN PLACE AND FUNCTIONAL PRIOR TO STORAGE OF ANY
WATER. FISH PASSAGE REQUIREMENTS MAY BE WAIVED IF THE PERMITTEE
AND THE STATE FISH AND WILDLIFE COMMISSION ENTER INTO A
MEMORANDUM OF UNDERSTANDING PURSUANT TO THE PROCESS SET OUT IN
HOUSE BILL 2607 (1997, LEGISLATIVE SESSION).

ADDITIONAL CONDITIONS MAY BE DETERMINED TO BE NECESSARY FOR
PUBLIC SAFETY AFTER SUBMITTAL OF THE FINAL PLANS AND SPECIFICATIONS
FOR THE DAM.

The Department and the applicant agree that all other aspects of the attached draft permit and
therefore agree to the entry of this Stipulated Final Order. Therefore, the Department finds and
the applicant agrees that, if exercised in accordance with the attached draft permit, the
proposed use will not impair or be detrimental to the public interest.


On Behalf of Applicant


On Behalf of the Water Resources
Department

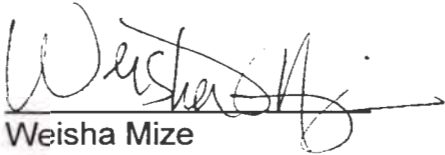
Dated 10/31/97

Dated 11/3-97

Stipulated Final Order

Pursuant to the Agreement described above, Application R-74289 therefore is approved with
the above modifications to the Proposed Final Order. Issuance of the attached draft permit is
contingent upon submittal and approval of plans and specifications for the reservoir, submittal
of a secondary application to use the stored water for irrigation, and for lands not owned by
the applicant, submittal of written authorization, or easement permitting access to all lands to
be inundated by the reservoir.

DATED November 4, 1997

A handwritten signature in black ink, appearing to read 'Weisha Mize', with a long horizontal stroke extending to the right.

Weisha Mize
Administrative Law Judge

RECEIVED

NOV 03 1997

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF COOS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OREGON 97411

(541) 347-3032

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

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: ENLARGED AMOS RESERVOIR (ORIGINALLY CONSTRUCTED
UNDER PERMIT R-8647)

PURPOSE OR USE: TO BE APPROPRIATED UNDER APPLICATIONS TO BE SUBMITTED
FOR CRANBERRY OPERATIONS.

VOLUME OF USE: 200 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

The area submerged by the reservoir, when full, will be 15.0 acres and the maximum depth of
water will be 28.0 feet. The maximum height of the dam shall not exceed 23.0 feet.

DAM LOCATION: NE 1/4 SE 1/4, SECTION 19, T28S, R14W, W.M.; 2680 FEET SOUTH &
570 FEET WEST FROM NW CORNER, SECTION 19

Application R-74289
Department _____

Water Resources Department

Applicant M.B.H.

PERMIT DRAFT

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

NE 1/4 SE 1/4
SECTION 19
NW 1/4 SW 1/4
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

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

A minimum pool of 9.0 acre-feet shall be left in the reservoir at all times.

The permittee shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by ODFW. The required fishway is to be in place and functional prior to storage of any water. Fish passage requirements may be waived if the permittee and the State Fish and Wildlife Commission enter into a memorandum of understanding pursuant to the process set out in House Bill 2607 (1997, Legislative Session).

ADDITIONAL CONDITIONS MAY BE DETERMINED TO BE NECESSARY FOR PUBLIC SAFETY AFTER SUBMITTAL OF THE FINAL PLANS AND SPECIFICATIONS FOR THE DAM.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

Application R-74289

Department _____

Water Resources Department

Applicant MB/11/11

PERMIT DRAFT

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

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

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

Actual construction work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 1997

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Basin 17

Volume 3 SIMPSON CREEK AND MISC.
MGMT.CODE

District 19

Application R-74289

Department _____

Water Resources Department

Applicant M.B.M.

PERMIT DRAFT

TL 300

$$I^{\text{th}} = 100'$$

SEE MAP 28 14 19

1/4 COR.

AVE.

AUSTIN

AVE.

FAHY

AVE.

AVE.

1102
1.15 A

SUBDIVISION

SUBDIVIS

PROSPER

ST

PROSPER

AVE

JOHNSON

ST.

JOHNSON

(PERRY ST.)

TOILET

1/16

SEE MAP 28S 14W 20C

1/16 COF

SEE MAP 28S 14W 20C

5)

CODY

128
115.1°
N 89° 51' 30" E
FAHY
WHEELER

SW1/4 NW1/4 SEC. 20 T28S R14W W.M.
COOS COUNTY

SEE MAP 285 14W 208B

CANCER

SEE MAP 28S 14W 19

ST

54-03F

54-01

Only

FO Checklist

Application #: R-74289 Applicant: PROSPER SUB DISTRICT

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

If new: _____

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A Agreement

☒ Affected landowner(s) have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee. ☐ N/A

Barlon C WCD owns lands

Paul & Alene Kent, Rt 2, Box 1285, Barlon, OR 97411

☐ Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** ☐ N/A ☐ Yes ☐ No

☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☒ Yes ☐ No

If so: See Nov 1997 Agreement & Stipulated FO - signed by all parties

Δ 200.0 AF $\rightarrow$ 80.0 AF ; dam ht < 10 ft $\rightarrow$ no plans & specs req.

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

☒ SWW If GW and interference, copy form for Stahr. ☒ N/A

☒ Fees

Base Fee

Water Amount (Q)

\$300 / \$500

\$700 / \$1000

1st CFS/AF

Add'l @ _____

Add'l @ _____

Add'l ☐ POD/POA ☐ use + _____

Agreement reflects incorrect priority date in app history - but draft permit is correct.

Recording \$100 1st \$5 AF
25¢/each $\times$ 150 = 37.50
\$ 137.50

(base)

+

(Q)

=

(total exam fee)

EXAM FEE REQUIRED

200

RECORDING FEE REQUIRED

~~\$250 / \$300 / \$400~~

EXAM FEE PAID

200

RECORDING FEE PAID

137.50

STILL OWED

0

STILL OWED

137.50

☐ FO w/ draft permit; still needed:

☐ FO w/ permit # R-14855

☐ FO to deny

refund \$ _____

☐ fees

☐ easement

☐ st water contract

☐ approved dam plans & specs

☐ land use approval

☐ well construction approval

Name: Kerry Kavanagh Date: 5/5/2010

Peer Reviewer: Joel Plahn

App R-74289

Kenny's notes
4-29-10

- 4-1-05 WRD rec'd memorandum of contract — HR Amos, seller of Bandon Cranberry WCD, Buyer & Warranty Deed
- 1-5-05 WRD letter approving admin hold until 3-31-05
- 10-13-04 BWCD — John Youngquist authorized agent
- 9-15-04 WRD cert letter
 - ¹¹⁻⁴⁻⁹⁷ WRD issued Agreement of Stipulated FD w/draft permit
 - 2-11-02 application amended 200 AF → 80 AF of dam ht < 10 ft → plans & specs NOT required
 - Need 3 things to complete app:
 - 1) John Youngquist as authorized agent
 - 2) submission of secondary app
 - 3) proof of ownership or written auth/consent for all lands to be inundated by reservoir

[illegible]

7-24-2008
29S 14W 20

*different
scale*



STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PROSPER WATER DISTRICT
C/O ALLEN CONVERSE
1295 PROSPER ROAD
BANDON, OREGON 97411

confirms the right to store the waters of SIMPSON CREEK, a tributary of COQUILLE RIVER, in A RESERVOIR, appropriated under Permit 47492, for SUPPLEMENTAL IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-8647. The date of priority is FEBRUARY 1, 1979. The amount of water entitled to be stored each year under this right is NOT MORE THAN 9.0 ACRE-FEET.

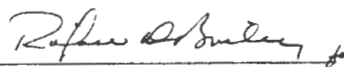
The reservoir is located as follows:

SE 1/4 NE 1/4
NE 1/4 SE 1/4
SECTION 19

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

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed OCTOBER 28, 1997.

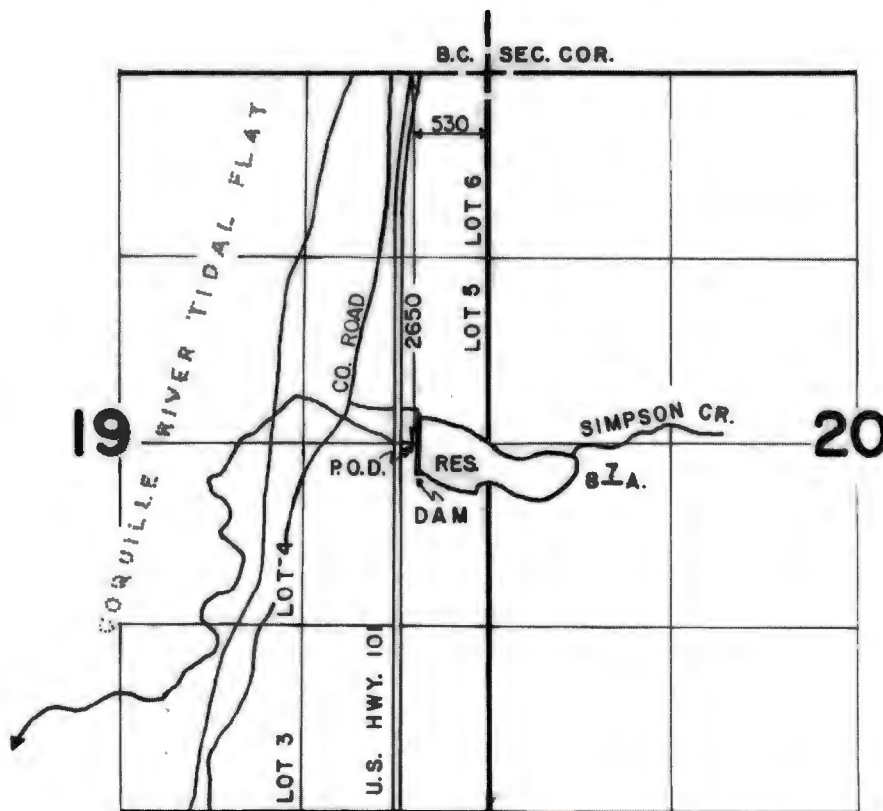


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75233.

R-58295.DM

T.28S., R.14 W., W.M.



SCALE 4" = 1 MILE

FINAL PROOF SURVEY

UNDER

Application No. **R-58295** Permit No. **R-8647**
IN NAME OF

PROSPER WATER DISTRICT

Surveyed OCT. 23 1985, by J. M. SCHMORDE



STATE OF OREGON

County of COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 63195 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Friday Farms, Inc., of PO Box 1384, Bandon, Oregon 97411, phone 347-9594, for the use of the waters of Simpson Creek, two unnamed streams, Ferry Creek, a tributary of Coquille River, and reservoir to be constructed under Application R-58295, Permit R-58295. for the PURPOSE of cranberry irrigation, heat control, temperature control and flood harvesting, being Bogs 14 and 15 - 0.24 cubic foot per second from Unnamed Stream 1 supplemented by Simpson Creek and Ferry Creek, 0.04 cfs irrigation, 0.24 cfs temperature control and 0.08 cfs* that the PRIORITY OF THE RIGHT dates from March 14, 1983 for primary use from Ferry Creek on Bog 38D; November 10, 1982 for supplemental use from Ferry Creek on Bogs 14 and 15; December 30, 1981 for the balance

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 10.095 cfs.

The POINT OF DIVERSION is to be LOCATED: Reservoir - 2600 feet North and 660 feet West from the SW Corner of Section 20, being within the NE 1/4 SE 1/4 of Section 19; Point of Diversion 1 (Simpson Creek) - 2620 feet North and 980 feet East from the SW Corner of Section 20, being within the NW 1/4 SW 1/4 of Section 20; Point of Diversion 2 (Unnamed Stream 1) - 2225 feet North and 1160 feet East from the SW Corner of Section 20, being within the NW 1/4 SW 1/4 **

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

- * flood harvesting Bogs 19A and 19B - 0.405 cfs from Simpson Creek supplemented by the use of water from Ferry Creek and Unnamed Stream 1, 0.068 cfs irrigation, 0.405 cfs temperature control and 0.135 cfs flood harvesting Bogs 19C and 22 - 1.095 cfs from Simpson Creek supplemented by the use of water from Ferry Creek and Unnamed Stream 2, 0.183 cfs irrigation, 1.095 cfs temperature control, 0.365 cfs flood harvesting Bogs 27A, 27B and 38D - 1.800 cfs from Ferry Creek supplemented by the use of water from Unnamed Stream 2 and Simpson Creek, 0.301 cfs irrigation, 1.800 cfs temperature control and 0.600 cfs flood harvesting Bogs 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38A, 39 and 40 - 3.840 cfs from Unnamed Stream 2 and Simpson Creek, 0.592 cfs supplemental irrigation, 3.840 cfs temperature control, 1.280 cfs flood harvesting Bogs 18 and 25 - 0.405 cfs from Simpson Creek for heat control, 0.405 cfs from Ferry Creek 0.68 cfs supplemental irrigation, 0.405 temperature control, 0.135 cfs flood harvesting Bogs 16, 17, 20, 21, 23 and 24 - 1.5 cfs from Simpson Creek for heat control, 1.5 cfs from Ferry Creek and reservoir 0.25 cfs supplemental irrigation, 1.5 cfs temperature control, 0.5 cfs flood harvesting Bog 26 - 0.81 cfs from Simpson Creek for heat control, 0.81 cfs from Unnamed Stream 2 and Ferry Creek, 0.135 cfs supplemental irrigation, 0.81 cfs temperature control and 0.27 cfs flood harvesting

SEE NEXT PAGE

Actual construction work shall begin on or before June 13, 1984 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 85.

Complete application of the water to the proposed use shall be made on or before October 1, 19 86.

Witness my hand this 13th day of June, 19 83.

/s/ JAMES E. SEXSON

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 63195

PERMIT

47493

** of Section 20; Point of Diversion 3 (Unnamed Stream 2) - 1470 feet North and 820 feet East from the SW Corner of Section 20, being within the NW 1/4 SW 1/4 of Section 20; Point of Diversion 4 (Ferry Creek) - 3180 feet South and 290 feet East from the SW Corner of Section 20, being within the NW 1/4 SW 1/4 of Section 29; all within Township 28 South, Range 14 West, WM, in the County of Coos.

Township 28 South, Range 14 West, WM	Section 20	NE 1/4 SW 1/4	4.9 acres
		NW 1/4 SW 1/4	4.0 acres
		SW 1/4 SW 1/4	23.0 acres
		SE 1/4 SW 1/4	7.3 acres
	Section 29	NW 1/4 NW 1/4	20.1 acres
		SW 1/4 NW 1/4	8.0 acres

If for irrigation, this appropriation shall be limited to $1/40$ of one cubic foot per second of its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, for cranberries. If for the irrigation of any other crop, this appropriation shall be limited to $1/80$ of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 sf per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The permittee shall record and submit annually to the Water Resources Department all pertinent data pertaining to use of water for temperature control on forms furnished.

APPLICATION 63195

PERMIT

47493

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PROSPER WATER DISTRICT
C/O ALLEN CONVERSE
1295 PROSPER ROAD
BANDON, OREGON 97411

confirms the right to use the waters of SIMPSON CREEK AND A RESERVOIR, CONSTRUCTED UNDER PERMIT R-8647, tributaries of COQUILLE RIVER, for SUPPLEMENTAL IRRIGATION OF 40.11 ACRES.

This right was perfected under Permit 47492. The dates of priority are FEBRUARY 10, 1978, FOR USE OF 0.48 CUBIC FOOT PER SECOND FROM SIMPSON CREEK AND RESERVOIR; FEBRUARY 1, 1979, FOR USE OF 0.33 CFS FROM SIMPSON CREEK; AND AUGUST 16, 1982, FOR USE OF 0.19 CFS FROM SIMPSON CREEK.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 19, T 28 S, R 14 W, W.M.; 2650 FEET SOUTH AND 530 FEET WEST FROM THE NE CORNER OF SECTION 19.

If for irrigation of cranberries, this appropriation shall be limited to ONE-FORTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. If for the irrigation of any other crop, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir to be constructed under permit R-8647, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

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

SW 1/4 SW 1/4 9.36 ACRES
SE 1/4 SW 1/4 14.60 ACRES
SW 1/4 SE 1/4 6.40 ACRES
SECTION 17

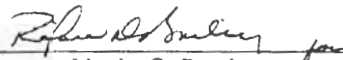
NE 1/4 NW 1/4 9.00 ACRES
NW 1/4 NW 1/4 0.75 ACRE
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

SEE NEXT PAGE

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.

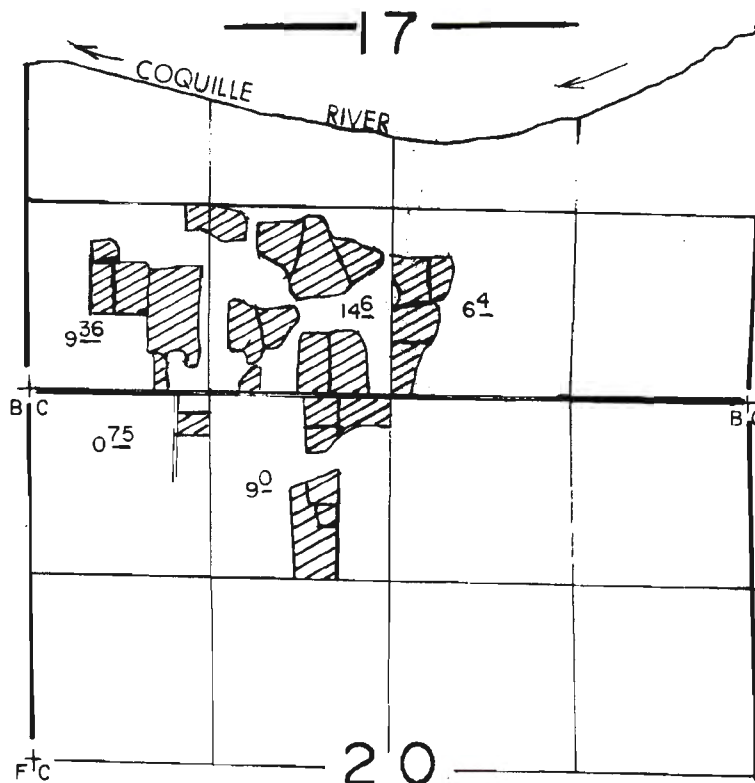
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed OCTOBER 28, 1997.


Martha O. Pagel

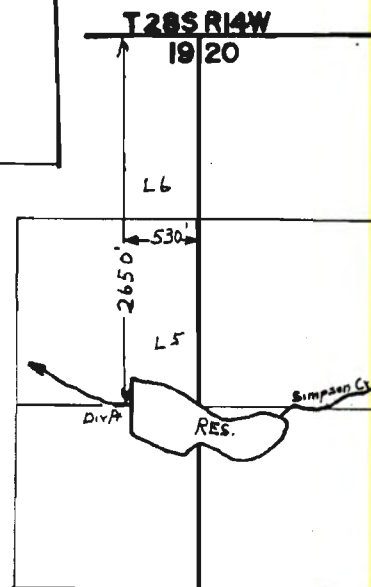
Recorded in State Record of Water Right Certificates numbered 75232.

T.28S., R.14W., W. M.



SCALE: 1"=1320'

**FINAL PROOF SURVEY
UNDER**



Application No. 57072... Permit No. 47492.....
IN NAME OF

.....PROSPER...WATER...DIST.....

Surveyed SEPT. 20. 1989., by B.S. JAMES.....

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-74289

Proposed Final Order

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

Additional Information: A secondary application will need to be submitted to appropriate the additional water to be stored under this application for Cranberry Operations. Also, approved plans and specifications for the reservoir and dam have not yet been approved and no permit will be issued until such is provided.

Application History

On July 11, 1994, PROSPER SUB DISTRICT submitted an application to the Department for the following water use permit:

- Amount of Water: 200.0 acre-feet, enlargement of Amos Reservoir constructed under permit R-8647
- Use of Water: Cranberry Operations
- Source of Water: Simpson Creek, tributaries of Coquille River
- Area of Proposed Use: Coos County within
NE 1/4 SE 1/4
SECTION 19

NW 1/4 SW 1/4
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.
- Water Delivery System: The reservoir is in channel and is controlled by an 8 inch valved conduit.

On JANUARY 29, 1996, the Department mailed the applicant notice of its Initial Review, determining that water is available November 1 through July 31. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On FEBRUARY 13, 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.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

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

A secondary application needs to be submitted to appropriate the additional water being stored under this application for Cranberry Operations.

Senior water rights exist on Amos Reservoir and Simpson Creek or on downstream waters.

Amos Reservoir and Simpson Creek are not within or above a State Scenic Waterway.

Water is available for further appropriation (at a 50 percent exceedance probability) for the period November 1 through July 31 and during the month of September.

The Department finds that no more than 200 acre-feet would be necessary for the proposed use. The amount of water requested, 200.0 acre-feet, is allowable.

There is no evidence in the record of the presence of game fish at the described point of diversion.

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

The period of use from natural flow is not allowed during the period April 1 through November 30.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and

fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

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

Conclusions of Law

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

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

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

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

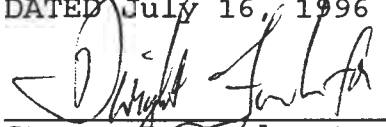
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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

Recommendation

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

DATED July 16, 1996



Steven P. Applegate
Administrator

Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

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

Your protest must be received in the Water Resources Department no later than **August 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 STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OREGON 97411

(541) 347-3032

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

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: ENLARGE AMOS RESERVOIR CONSTRUCTED UNDER PERMIT R-8647

PURPOSE OR USE OF THE

STORED WATER: TO BE APPROPRIATED UNDER APPLICATION TO BE SUBMITTED
FOR CRANBERRY OPERATIONS.

VOLUME OF USE: 200 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR

STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

The area submerged by the reservoir, when full, will be 15.0 acres and the maximum depth of water will be 28.0 feet. The maximum height of the dam shall not exceed 23.0 feet.

DAM LOCATION: NE 1/4 SE 1/4, SECTION 19, T28S, R14W, W.M.; 2680 FEET SOUTH & 570 FEET WEST FROM NW CORNER, SECTION 19

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

NE 1/4 SE 1/4
SECTION 19

NW 1/4 SW 1/4
SECTION 20

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

Measurement, recording and reporting conditions:

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

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

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

Approved plans and specifications for the reservoir need to be submitted before a permit will be issued.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best

practical technologies or conservation practices to achieve this end.

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

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

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application R-74289 Water Resources Department
Basin 17 Volume 3 SIMPSON CREEK AND MISC.
GH MGMT.CODE

PERMIT DRAFT
District 19



Oregon

John A. Kitzhaber, M.D., Governor

February 14, 2002

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

M. John Youngquist
827 SE Mosher
Roseburg, OR 97470

Re: Existing Dam and Reservoir on Simpson Creek
Application R-74289

Dear Mr. Youngquist:

Thank you for your letter dated 2/11/02 informing us of the applicant's desire to maintain the existing structure, essentially in its present configuration. As you are aware, the existing dam impounds more water than for which it has a legal right (Permit R-8647, 9.0 acre-feet). At one time, the intent was to enlarge the embankment from its present height of ± 9.5 feet up to 23 feet, thus increasing reservoir storage significantly. Based on information contained in your letter, we now understand that the original proposal has been discarded in favor of the applicant instead choosing to modify the application form (lines 2 & 4) for both a lesser height and storage. Once we have received those documented changes, and the physical dam remains less than 10 feet vertical height, then this structure would not require a professional design, i.e. engineered plans and specifications.

look!
A review of the Riley drawings you provided show the maximum water surface elevation to equal 14.0 feet (USGS MSL datum), corresponding to 71 acre-feet storage at the crest of the emergency spillway. The drawings also appear to indicate the top of the concrete masonry units (flashboard dividers) are equal to elevation 17.1 feet. This value does not agree with the elevation on the 1998 Stuntzner topographic survey shown for the *Concrete Spillway Structure Lip* (17.91). Therefore, we agree with your recommendation that a revised area-capacity diagram be prepared as part of the final proof survey, and have requested the water rights section to condition the permit in such fashion. We ask that the area capacity diagram be drawn to include reservoir capacity at the following elevations:

- ▶ Maximum centerline elevation of the earthen embankment dam (top of dam)
- ▶ Normal water surface elevation (permitted reservoir capacity)
- ▶ Upstream invert elevation of the low level outlet conduit

If you have any questions, please do not hesitate to let me know.
Sincerely,

John Falk, PE
Safety of Dams

c: Water Rights Section
Prosper Sub District - Applicant
Lloyd Van Gordon - Watermaster #19

M. JOHN YOUNGQUIST
WATER RESOURCES CONSULTANT
827 SE MOSHER
ROSEBURG, OREGON 97470
PHONE/FAX: (541) 672-5692
Email: mjiwater@sorcom.com

February 11, 2002

John Falk, P. E.
Oregon Water Resources Department
158 12th Street, NE
Salem, Oregon 97301

RE: File R-74289 in the name of Prosper Sub District

Dear Mr. Falk:

The Draft Permit has been issued on this application subject to the filing of acceptable final design plans and specifications prepared by a registered engineer. Based on the information enclosed, the applicant desires to modify the application to reflect a reservoir which would not require engineered plans and specifications.

The application is to be modified as follows:

1. Dam height not to exceed 9.5 feet in height. When Edward Riley, P. E. prepared the enclosed topographic map of the dam and reservoir, the dam height did not exceed 8.8 feet. This dam also acts as an access road to a residence. The 0.7 foot difference between Riley's contour map and 9.5 feet requested is to allow for road maintenance surfacing.

Stuntzner Engineering and Forestry's map shows the top of concrete flash board structure to be 17.91' and the downstream outlet to be 8.70' making a maximum depth of 9.2 feet. The road surface varies from 16.7' to 17.3 feet in the center of the dam. While done separately, both drawings demonstrate that the maximum dam height is less than 10 feet.

2. The storage is to be modified from 200 acre feet to 80 acre feet. Riley's area/capacity curve shows 71 acre feet, however, there has been some excavation along and within the reservoir area. I propose that a new area/capacity curve be developed during the final proof survey.
3. For Your Information: Fish passage will not be an issue. The owners are installing an Oregon Department of Fish and Wildlife designed fish passage facility in the structure.

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SALEM OREGON**

4. The secondary for use of water will be filed within 30 days. The use of water will remain cranberry use on the secondary.

If you agree with the dam height and that engineered plans and specifications need not be approved by the Department, these changes should allow the permit to be issued.

Please contact me if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'M. John Youngquist', with a stylized, cursive script.

M. John Youngquist

cc: Ted Freitag, Chairman, Prosper Sub District
encl.

associated secondary application



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

CERTIFIED MAIL Return Receipt Requested

September 22, 2006

PROSPER SUB DISTRICT OF THE BANDON CRANBERRY
WATER CONTROL DISTRICT
ATTENTION: TED FREITAG
PO BOX 1384
BANDON, OR 97411

Reference: File S-86225

Dear Mr. Freitag:

The Department is currently in the process of preparing a Proposed Final Order (PFO) for the above referenced application. However, based upon continued review, the Department has determined that additional information is necessary in order to complete your application.

On May 19, 2006, the Department received the information you submitted in response to the April 26, 2006 letter. However, there is still more information we need prior to preparing the PFO. Please submit the following:

- Names and addresses of owners of land affected by the application not included in your original application. You indicated on the application form that you own all the land where you propose to divert, transport, and use water. Based on review of the information you submitted as well as information from the Coos County Assessor's webpage, there are several landowners besides Bandon Cranberry Water Control District (BCWCD). Please submit the name and address for the following parcels:

Please provide the address of Gino Vranau and Delores Dils.

Lands inundated by the reservoir not owned by BCWCD:

Owner Name	Account #	Map #
Gonet, James D & Judy E	9609.02	28S 14W 19 100
Lyman, Lloyd G & Lea M.	9609.00	28S 14W 19 200
Sparks, Doris R., Trustee	9609.04	28S 14W 19 201
Bazzini, Carol	9610.00	28S 14W 19 300
Friday Farms, Inc.	31278.00	28S 14W 19 400

Lands included in the place of use not owned by BCWCD:

Owner Name	Account #	Map #	
Pullen, William J, etal, Trustee	9609.02	28S 14W 20A	1000
Freitag, Gerald J & Jeanette L	9655.00	28S 14W 20C	100
Friday Farms, Inc.	9651.01	28S 14W 20C	700
Friday Farms, Inc.	9660.00	28S 14W 20C	1100
Friday Farms, Inc.	9660.00	28S 14W 20D	500
Pullen, Rose J, Trustee	9685.90	28S 14W 21	2300
Pullen, Rose J, Trustee	9696.00	28S 14W 21	2400
Friday Farms, Inc.	9673.01	28S 14W 29A	700
Gardner, Raymond & Barbara	9859.03	28S 14W 29A	800
Ritchey, Charles S & Mary K	9859.10	28S 14W 29A	1000
Gardner, Raymond & Barbara	9860.04	28S 14W 29A	1400
Gardner, Raymond & Barbara	9872.90	28S 14W 29B	100
Gardner, Raymond & Barbara	9871.90	28S 14W 29B	600
Gardner, Raymond & Barbara	9864.00	28S 14W 29B	700
Friday Farms, Inc.	9876.00	28S 14W 29BB	200
Friday Farms, Inc.	9888.03	28S 14W 29BC	500

- Please show the number of acres in the NE1/4 SW1/4 in Section 20, Township 28 South, Range 14 West, W.M. remaining after deletion of Tax Lot 900. The application map shows 5.9 acres in Tax Lots 1100 and 900 located in NE1/4 SW1/4 in Section 20, Township 28 South, Range 14 West, W.M.

Please submit this information no later than October 23, 2006. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the item requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

PROSPER SUB DISTRICT OF THE
BANDON CRANBERRY WATER CONTROL DISTRICT
September 22, 2006

Application S-86225
Page 3

Should you have any questions regarding your application or the requested materials listed above,
please call me at 503-986-0816.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kavanagh", followed by a horizontal line extending to the right.

Kerry Kavanagh
Water Rights Application Caseworker

cc: Watermaster District #19
File

from App 5-86225

95 06 0546

MEMORANDUM OF CONTRACT

HANFORD R. AMOS aka H.R. AMOS, Seller, has heretofore sold to BANDON CRANBERRY WATER CONTROL DISTRICT, Buyer, under a certain Contract of Sale dated June 14, 1995, for and in consideration of the sum of \$85,000 that certain real property more particularly described by Exhibit "A", attached hereto and by this reference incorporated herein.

NOTICE

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 HIS 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.

This instrument is intended as a Memorandum of said Contract.

DATED this 14th day of June, 1995.

Hanford R. Amos
Seller: HANFORD R. AMOS aka
H.R. AMOS

Wayne R. Scher
Buyer: BANDON CRANBERRY WATER
CONTROL DISTRICT

STATE OF OREGON,)
) ss.
County of Coos)

June 14, 1995

(Date)

BEFORE ME PERSONALLY APPEARED the above-named H.R. AMOS and acknowledged the foregoing instrument to be his voluntary act and deed.



Carla Lacombe
Notary Public for Oregon
My Commission Expires: _____

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

Bandon Cranberry Water Control District
P.O. Box 1832
Bandon, OR 97411

After recording, return to: Same
RETURN TO KEY TITLE & ESCROW

Page 1 - MEMORANDUM OF CONTRACT

2462239/cl
25-1398

RECORDING # 95060546

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



2:56 ON 06/15/1995
M. BRIGHT

By _____ Deputy

pages 3 Fee \$ 43.00

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SALEM, OREGON

EXHIBIT A

Parcel A:

All of Seller's interest in Tracts 32, 57, 58, 67, 68, 69, 97, 98, 134, 135, 136, 137, 138 of Wheeler Subdivision as situated in Sections 19 & 20 of Township 28 South, Range 14 West, Willamette Meridian (WM), Coos County, Oregon.

EXCEPTING THEREFROM: The North 66.4 feet of Lot 32, and the East 125 feet of the North 66.4 feet of Lot 57, WHEELER SUBDIVISION, Coos County, Oregon.

ALSO EXCEPTING THEREFROM; That portion of Lot 134 of WHEELER SUBDIVISION conveyed to the State of Oregon, by and through its State Highway Commission in Deed recorded November 8, 1957 in Volume 261, Page 384, Records of Coos County, Oregon.

Parcel B:

All of that portion of TL 300 in Sec. 19, Township 28 South, Range 14 West WM, lying south of the existing access line all as more fully described as:

Beginning at a point on the north line of Lot 138, Wheeler Subdivision, Coos County Town Plat Records; said point being located N89°58'36"W, 65.00 feet from the northeast corner of said Lot 138; thence N43°18'46"W, 38.22 feet; thence N39°33'59"W, 75.44 feet; thence N65°59'25"W, 199.07 feet; thence N76°55'20"W, 246.09 feet; thence N87°25'40"W 79.33 feet to the easterly right of way of Highway 101; thence S1°39'19"W along said easterly right of way, 226.06 feet to the north line of said Wheeler Subdivision; thence S89°58'36"E, 581.06 feet to the point of beginning.

Including a nonexclusive access easement on the existing roadway in TL 300 to allow for access to perform all activities necessary to maintain the reservoir, power lines, utility poles, pumps and all other functions of the Buyer related to the storage and use of the stored water.

all located in Coos County, Oregon.

Parcel C:

A flowage easement to store water and flood Seller's lands in Tracts 56, 59, 70, & 96 of the Wheeler Subdivision in Section 20, Township 28 South, Range 14 West, W.M. all according to the following elevation line:

A line not to exceed 20.85 feet in elevation referenced to the National Geodetic Vertical Datum on 1929, the lands subject to said flowage easement are more particularly described as follows:

Lot 96, Wheeler Subdivision

Beginning at the southwest corner of said Lot 96; thence North along the west line of Lot 96, 43.48 feet to the 20.85 feet elevation mark; thence S71°38'28"E, 101.65 feet; thence N72°13'52"E, 90.04 feet; thence N42°30'37"E, 60.6 feet to the east line of said Lot 96; thence South, 82 feet to the southeast corner of said Lot 96; thence West, 225 feet to the point of beginning.

Lot 70, Wheeler Subdivision

Beginning at the southeast corner of said Lot 70; thence north along the east line of said Lot 70, 67.17 feet to the 20.85 feet elevation mark; thence S60°51'21"W, 20.28 feet; thence S45°53'57"W,

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WATER RESOURCES DEPT
SALEM, OREGON

67.76 feet; thence S76°48'57"W, 50.5 feet to the south line of said Lot 70; thence East, 114.15 feet to the point of beginning.

Lot 59, Wheeler Subdivision

Beginning at the northwest corner of said Lot 59; thence south along the west line of said Lot 59, 117 feet to the 20.85 feet elevation mark; thence N35°59'54"E, 144.6 feet to the north line of said Lot 59; thence West, 85 feet to the point of beginning.

Lot 56, Wheeler Subdivision

That portion of the east 1/2 of the west 100 feet of Lot 56, Wheeler Subdivision lying below the 20.85 feet elevation mark, National Geodetic Vertical Datum.

including an additional 20 foot access easement for maintenance, inspection, power lines, utility poles, pumps and all other functions related to the use of the stored water for cranberry and agricultural production, such access easement shall abut the flowage easement described herein.

As used herein, the term "flowage easement" is defined as the right to flood and store water on the lands described for the purposes of creating or maintaining a storage reservoir, and to withdraw and utilize the water for agricultural and any other purposes.

SUBJECT TO: Limited access provisions contained in the following Deeds to the State of Oregon: Recorded: September 27, 1957, Volume 260, Page 571; and Deed Recorded: November 8, 1957, Volume 261, Page 384, all within the records of Coos County, Oregon.

ALSO SUBJECT TO: An easement created by document recorded January 25, 1978, Microfilm Reel Number 78-1-01285, Records of Coos County, Oregon.

ALSO SUBJECT TO: An easement created by document recorded March 22, 1979, Microfilm Reel Number 79-1-3912, Records of Coos County, Oregon; which easement was clarified by instrument recorded September 25, 1980 in Microfilm Reel Number 80-4-5820, Records of Coos County, Oregon.

ALSO SUBJECT TO: An easement created by document recorded January 20, 1984, Microfilm Reel Number 84-1-07227, Records of Coos County, Oregon.

all located in Coos County, Oregon.

11/88

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WATER RESOURCES DEPT
SALEM, OREGON

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That HANFORD R. AMOS, aka H.R. AMOS, hereinafter called the Grantor, for the consideration hereinafter stated to Grantor, paid by BANDON CRANBERRY WATER CONTROL DISTRICT, hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the Grantee, its heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, more particularly described in Exhibit "B".

NOTICE

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.

TO HAVE AND TO HOLD the above-described and granted premises unto the said Grantee, its heirs, successors and assigns forever.

And Grantor hereby covenants to and with Grantee, and its heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above-granted premises, free from all encumbrances, and that Grantor will warrant and forever defend the said premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, except those claiming under the above-described encumbrances, if any.

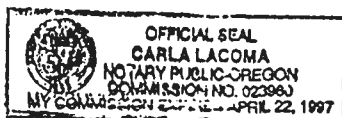
The true and actual consideration paid for this transfer, stated in terms of dollars is \$85,000.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 14th day of June, 1995.

Hanford R. Amos
Grantor: HANFORD R. AMOS aka
H.R. AMOS

STATE OF OREGON,)
COUNTY OF Coos) ss. June 14, 1995
(Date)

BEFORE ME PERSONALLY APPEARED the above-named HANFORD R. AMOS aka H.R. AMOS and acknowledged the foregoing instrument to be his voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission expires: _____

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

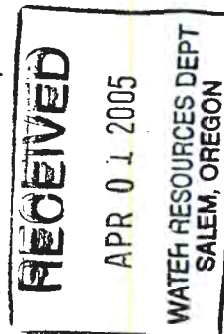
Bandon Cranberry Water Control District
c/o Wayne Scherer
P.O. Box 503
Bandon OR 97411

After recording, return to: Same
RETURN TO KEY TITLE & ESCROW

RECORDING # 95060547
I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at

2:56 PM 06/15/1995
H. BRIGHT

By _____ Deputy
pages 3 Fee \$ 43.00



24-62239/CL
25-1398
7/18/95

EXHIBIT A

Parcel A:

All of Seller's interest in Tracts 32, 57, 58, 67, 68, 69, 97, 98, 134, 135, 136, 137, 138 of Wheeler Subdivision as situated in Sections 19 & 20 of Township 28 South, Range 14 West, Willamette Meridian (WM), Coos County, Oregon.

EXCEPTING THEREFROM: The North 66.4 feet of Lot 32, and the East 125 feet of the North 66.4 feet of Lot 57, WHEELER SUBDIVISION, Coos County, Oregon.

ALSO EXCEPTING THEREFROM: That portion of Lot 134 of WHEELER SUBDIVISION conveyed to the State of Oregon, by and through its State Highway Commission in Deed recorded November 8, 1957 in Volume 261, Page 384, Records of Coos County, Oregon.

Parcel C:

A flowage easement to store water and flood Seller's lands in Tracts 56, 59, 70, & 96 of the Wheeler Subdivision in Section 20, Township 28 South, Range 14 West, W.M. all according to the following elevation line:

A line not to exceed 20.85 feet in elevation referenced to the National Geodetic Vertical Datum on 1929, the lands subject to said flowage easement are more particularly described as follows:

Lot 96, Wheeler Subdivision

Beginning at the southwest corner of said Lot 96; thence North along the west line of Lot 96, 43.48 feet to the 20.85 feet elevation mark; thence $S71^{\circ}38'28"E$, 103.65 feet; thence $N72^{\circ}13'52"E$, 90.04 feet; thence $N42^{\circ}30'37"E$, 60.6 feet to the east line of said Lot 96; thence South, 82 feet to the southeast corner of said Lot 96; thence West, 225 feet to the point of beginning.

Lot 70, Wheeler Subdivision

Beginning at the southeast corner of said Lot 70; thence north along the east line of said Lot 70, 67.17 feet to the 20.85 feet elevation mark; thence $S60^{\circ}51'21"W$, 20.28 feet; thence $S45^{\circ}53'57"W$, 67.76 feet; thence $S76^{\circ}48'57"W$, 50.5 feet to the south line of said Lot 70; thence East, 114.15 feet to the point of beginning.

Lot 59, Wheeler Subdivision

Beginning at the northwest corner of said Lot 59; thence south along the west line of said Lot 59, 117 feet to the 20.85 feet elevation mark; thence $N35^{\circ}59'54"E$, 144.6 feet to the north line of said Lot 59; thence West, 85 feet to the point of beginning.

Lot 56, Wheeler Subdivision

That portion of the east 1/2 of the west 100 feet of Lot 56, Wheeler Subdivision lying below the 20.85 feet elevation mark, National Geodetic Vertical Datum.

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SALEM, OREGON

including an additional 20 foot access easement for maintenance, inspection, power lines, utility poles, pumps and all other functions related to the use of the stored water for cranberry and agricultural production, such access easement shall abut the flowage easement described herein.

As used herein, the term "flowage easement" is defined as the right to flood and store water on the lands described for the purposes of creating or maintaining a storage reservoir, and to withdraw and utilize the water for agricultural and any other purposes.

SUBJECT TO: Limited access provisions contained in the following Deeds to the State of Oregon: Recorded: September 27, 1957, Volume 260, Page 571; and Deed Recorded: November 8, 1957, Volume 261, Page 384, all within the records of Coos County, Oregon.

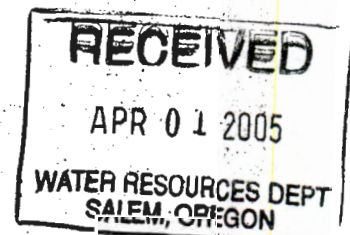
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ALSO SUBJECT TO: An easement created by document recorded March 22, 1979, Microfilm Reel Number 79-1-3912, Records of Coos County, Oregon; which easement was clarified by instrument recorded September 25, 1980 in Microfilm Reel Number 80-4-5820, Records of Coos County, Oregon.

ALSO SUBJECT TO: An easement created by document recorded January 20, 1984, Microfilm Reel Number 84-1-07227, Records of Coos County, Oregon.

all located in Coos County, Oregon.

EXHIBIT "A" Page 2



EASEMENT

78 1 01285

KNOW ALL MEN BY THESE PRESENTS, that we, H. R. AMOS and IRENE E. do hereby grant an easement to maintain existing impoundment facility, ditch and pumping facilities and pipeline on Simpson Creek as the same now exist also the right to back up water from the impoundment facility on all or part the following described property, to-wit:

The NE 1/4 and the N 1/2 of the SE 1/4 of Section 19, Township 28 South, Range 14 West Willamette Meridian and Lots 95, 70, 57, 32, 69, 58, 31, 134, 135, 136, 137 and 138 of Wheelers Subdivision, B Coos County, Oregon.

This easement is for the express purpose of impounding and appropriating water for farm irrigation purposes and includes rights of ingress and egress, the construction and maintenance of power lines to pump locations and such other reasonable use of Grantors' described property as necessary to effectuate the purpose of the easement.

This easement is appurtenant to and attaches separately to each of the described properties of the following Grantees:

Roger Winters and Edith Winters, as to 9 acres of cranberry bogs located on

A parcel of land situated in the SW 1/4 of Section 17, Township 2 South, Range 14 West of the Willamette Meridian, Coos County, Oregon Beginning at a 5/8" Iron Rod, which is N 89° 30' W 1192.2 feet and N 00° 16' E 20 feet from the SE corner of said SW 1/4; thence N 00° E 714.9 feet to a 5/8" Iron Rod Post; thence S 88° 51' E 200 feet to a 1 1/2" Pipe Post; thence N 1° 26' W 225 feet to a 1/2" Pipe Post; thence S 88° 34' W 810 feet to a pipe post; thence S 840 feet to a pipe post which is N 89° 30' W 1775.2 feet and N 00° 16' E 20 feet from the SE corner of said SW 1/4; thence S 89° 30' E 583 feet to place of beginning. (Less 1 acre m/l)

Also

A parcel of land in Block 44 and in the N half of Block 43, Wheelers Sub-Division, located in the NW 1/4 of the NW 1/4 of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

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WATER RESOURCES DEPT
SALEM, OREGON

79-1 2912

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That HANFORD R. AMOS, also known as H. R. AMOS, surviving spouse of Irene E. Amos, hereinafter known as the Grantor, does hereby sell, grant and convey unto F. EARL BISSETT and RUTH L. BISSETT, husband and wife, hereinafter known as the Grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments, and appurtenances, situated in the County of Coos, State of Oregon, bounded and described as follows, to-wit:

Lots 105, 106, 113 and 114, Wheeler's Subdivision in the City of Bandon, Coos County, Oregon, except that part of Lot 114 deeded to the State Highway.

ALSO granting and conveying to grantees the water rights described in instrument dated January 23, 1978, recorded January 25, 1978 as No. 78-1-1285, in favor of Roger Winters, Edith Winters, et al, for water and irrigation purposes.

EXCEPTING and reserving to grantor and his assigns, a similar non-exclusive water and irrigation right as described above and as may be impounded on the property herein conveyed.

ALSO granting non-exclusive right to use platted roadway located at Southern boundary of Lot 134, Wheeler Subdivision, in the City of Bandon, Coos County, Oregon.

SUBJECT TO:

(1) Limited access in deeds to State of Oregon, by and through its Department of Transportation, Highway Department, which provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property, Recorded: November 8, 1957 and September 26, 1957 Books: 261, page 384; and 260, page 571.

TO HAVE AND TO HOLD the above described and granted premises unto the said Grantees, their heirs and assigns, forever as tenants by the entirety with the right of survivorship between them.

The Grantor above named does covenant to and with the above named Grantees, their heirs and assigns, that he is lawfully seized in fee simple of the above granted premises; that the

MCMUTT, GANT, DRHEBEC
CORRIGALL & GOULD
ATTORNEYS AT LAW
285 SOUTH 4TH STREET
COOS BAY, OREGON 97421

Warranty Deed - 1

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

Prosper Sub District
Attn: Ted Freitag
PO Box 1384
Bandon, OR 97411

January 5, 2005

Reference: File R-74289

Dear Mr. Freitag:

On January 3, 2005, the Department received your request for an additional administrative hold on the processing of the above referenced application.

Your additional request for administrative hold with the Department is longer than the 180 days allowed under OAR 690-310-270. However, also under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary.

Based upon the review of the information you have provided, the Department has determined that a longer administrative hold on the processing of the above referenced application is reasonable and necessary. The Department has approved your request for an additional administrative hold. The Department will not take any action on this application until **March 31, 2005**. Please let us know if you are ready to proceed sooner.

If you need to request additional time your request will again need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please call me at 503-986-0819 or Jeana Eastman at 503-986-0859.

Sincerely,

Dwight French
Water Rights Section Manager

cc: John Falk
Watermaster # 19
M. John Youngquist, 827 SE Mosher, Roseburg OR 97470
File

Bandon Cranberry Water Control District
Prosper Sub District
Ted Freitag
PO Box 1354 Bandon Or 97411

Reference File R 74289

Att. Jeanna Eastman
Water Rights Case Worker

RECEIVED

JAN 03 2005

WATER RESOURCES DEPT
SALEM, OREGON

Prosper Sub district has experienced some unexpected delays in processing our application and therefor is requesting an extension to March 31 2005 or whatever is allowed

Ted Freitag

10/13/04

Oregon Dept of Water Resources
Application R 74289 - Prosper Sub District
Attention - Jeana Eastman Fax 986 0901

I authorize John Youngquist to act on behalf of the Prosper Sub district in the filing of modifications, the Secondary permit, proof of ownership and any other documents need to complete Application R 74289.

I also request an extension until 12/31/04. We are harvesting and will need extra time to complete the process.

Jed Freitag

Jeana Eastman

From: John Youngquist [mjywater@wizzards.net]
Sent: Thursday, September 23, 2004 8:26 AM
To: Jeana Eastman
Subject: Re: Application R-74289

Hi Jeana:

I did not request a "hold" at this time. I will talk to Ted and see how he wants to handle things. Not only is it harvest time, Ted is currently on Jury Duty.

The secondary is not so simple. The guys have to decide exactly who is in the sub district and who is not. This has been going around for some time. For example: Marvin lost most his farm to the bank and the bank wanted out. Those lands are now out of the sub district. Too bad because the bank is having a hard time selling the land.

We will be in contact.

John

----- Original Message -----

From: Jeana Eastman
To: John Youngquist
Sent: Wednesday, September 22, 2004 3:17 PM
Subject: RE: Application R-74289

Hello John,

I appreciate your reply and the information you've given me.

I will send a copy of the original letter to the current contact, Mr. Freitag.

In regards to the November 15, 2004 deadline and your mention the applicant would need until December 31, 2004, I am unsure if you are requesting an administrative hold or not. If so, I am not able to grant the administrative hold until I receive a statement from the current contact, Mr. Freitag, that allows you to act on his behalf, or until I receive a request from Mr. Freitag directly.

Again, thank you for your help and I will continue to copy you on all correspondence.

Have a nice day,

-Jeana

09/23/2004

-----Original Message-----

From: John Youngquist [mailto:mjywater@wizzards.net]

Sent: Wednesday, September 22, 2004 2:51 PM

To: Jeana.M.EASTMAN@wrd.state.or.us

Subject: Application R-74289

Dear Ms. Eastman:

I am in receipt of your letter of September 15, 2004. I believe you have sent the letter to the wrong individual. Mr. Manes is no longer connected with the project.

The current chairman for the Prosper Sub District is:

Ted Freitag

P. O. Box 1384

Bandon, Oregon 97411 Phone: (541) 347 - 9594

The Sub District has purchased the whole property the dam and water is on.

The secondary application will be forthcoming. There have been some changes and I believe the Sub District has settled down and we could file the secondary now.

I will contact Mr. Freitag and begin working on the material you need. I believe we would need until December 31 to submit the secondary application. October will be lost because it is the time the farmers harvest the cranberries. Little gets done from September 25 - November 15 because of the harvest.

John

09/23/2004



Oregon

Theodore R. Kulongoski, Governor

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

CERTIFIED MAIL
Return Receipt Requested

Prosper Sub District
Attn: Ted Freitag
PO Box 1384
Bandon, OR 97411

September 23, 2004

RE: Application R-74289

Dear Mr. Freitag:

On September 15, 2004, I sent a certified letter to Prosper Sub District, Attention Marvin Manes, requesting necessary information be submitted to the Department or a request for an administrative hold on the above referenced application. Shortly after, John Youngquist informed me via E-mail you are the current chairman for this project. Mr. Youngquist also stated the November 15, 2004 deadline from the original letter would not likely be met and you would need until December 31, 2004. I was unsure if Mr. Youngquist was requesting an administrative hold but in order for him to have the authority to do so, the Department would need to receive a statement from you that he may act on your behalf in regards to Application R-74289.

The information requested in the original letter dated September 15, 2004, still stands, as does the November 15, 2004 deadline. Please find a copy of the original letter attached, read it carefully and contact me at 503-986-0859 or via E-mail at Jeana.M.Eastman@wrdd.state.or.us if you have any questions.

Sincerely,

Jeana Eastman
Water Right Application Caseworker

cc: John Falk
Watermaster # 19
M. John Youngquist, 827 SE Mosher, Roseburg OR 97470
File

enclosure (to applicant only)

Jeana Eastman

From: John Youngquist [mjywater@wizzards.net]
Sent: Wednesday, September 22, 2004 2:51 PM
To: Jeana.M.EASTMAN@wrd.state.or.us
Subject: Application R-74289

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John

09/22/2004

plans & specs - John Falk

2nd app for cr use

agreement for land not owned - was buying
property -
h. r. & Irene Amos
Show copy of
Sale

2/11/02 letter - applicant
dam less than 10'
now 80.0 af (no longer 200 af)

2/14/02 - letter from John Falk
receive documented changes ✓ w/ 2/11/02 letter
condition permit - revised area capacity @
final proof

REAL ESTATE TRANSACTIONS: Pursuant for the conveyance of real estate t described in this permit, the sel accepting an offer to purchase purchaser in writing whether any certificate evidencing the water ri will deliver any permit, transfer purchaser at closing, if the p certificate is available.

CULTURAL RESOURCES PROTECTION LAI disturbing activities should be a resources protection laws. ORS 358. destruction or alteration of an arc of archeological objects from pu archeological permit issued by the 16 USC 470, Section 106, National requires a federal agency, prior to the effect of the undertaking th

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PROSPER WATER DISTRICT
C/O ALLEN CONVERSE
1295 PROSPER ROAD
BANDON, OREGON 97411

confirms the right to use the waters of SIMPSON CREEK AND A RESERVOIR, CONSTRUCTED UNDER PERMIT R-8647, tributaries of COQUILLE RIVER, for SUPPLEMENTAL IRRIGATION OF 40.11 ACRES.

This right was perfected under Permit 47492. The dates of priority are FEBRUARY 10, 1978, FOR USE OF 0.48 CUBIC FOOT PER SECOND FROM SIMPSON CREEK AND RESERVOIR; FEBRUARY 1, 1979, FOR USE OF 0.33 CFS FROM SIMPSON CREEK; AND AUGUST 16, 1982, FOR USE OF 0.19 CFS FROM SIMPSON CREEK.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 19, T 28 S, R 14 W, W.M.; 2650 FEET SOUTH AND 530 FEET WEST FROM THE NE CORNER OF SECTION 19.

If for irrigation of cranberries, this appropriation shall be limited to ONE-FORTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. If for the irrigation of any other crop, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir to be constructed under permit R-8647, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

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

SW 1/4 SW 1/4 9.36 ACRES
SE 1/4 SW 1/4 14.60 ACRES
SW 1/4 SE 1/4 6.40 ACRES
SECTION 17

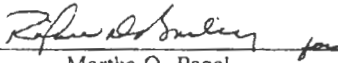
NE 1/4 NW 1/4 9.00 ACRES
NW 1/4 NW 1/4 0.75 ACRE
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

SEE NEXT PAGE

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

WITNESS the signature of the Water Resources Director, affixed OCTOBER 28, 1997.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75232.

WATER AVAILABILITY TABLE

Water Availability as of 9/13/2004 for
COQUILLE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 384 Basin: SOUTH COAST Exceedance Level: 50
Time: 14:10 Date: 09/13/2004

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	384	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES

STREAM NAMES

Water Availability as of 9/13/2004 for
COQUILLE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 384 Basin: SOUTH COAST Exceedance Level: 50
Time: 14:10 Date: 09/13/2004

Item Watershed ID Stream Name

1	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH
---	-----	---------------------------------------

LIMITING WATERSHEDS

Water Availability as of 9/13/2004 for
COQUILLE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 384 Basin: SOUTH COAST Exceedance Level: 50
Time: 14:10 Date: 09/13/2004

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	4750.0
2	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	5240.0
3	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	4830.0
4	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	2250.0
5	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	820.0
6	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	383.0
7	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	141.0
8	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	7.9
9	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	19.4
10	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	NO	-195.0
11	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	1960.0
12	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	4610.0
Stor	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	1500000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 9/13/2004 for

COQUILLE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

384

Basin: SOUTH COAST

Exceedance Level: 50

Time: 14:10

Date: 09/13/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	5140.00	15.80	11.70	5110.00	0.00	360.00	4750.00
2	5610.00	16.00	12.50	5580.00	0.00	340.00	5240.00
3	5190.00	13.50	10.60	5170.00	0.00	340.00	4830.00
4	2610.00	15.50	5.57	2590.00	0.00	340.00	2250.00
5	1190.00	26.00	3.65	1160.00	0.00	340.00	820.00
6	637.00	52.40	1.83	583.00	0.00	200.00	383.00
7	287.00	73.20	1.51	212.00	0.00	71.00	141.00
8	142.00	62.10	0.98	78.90	0.00	71.00	7.88
9	126.00	34.80	0.84	90.40	0.00	71.00	19.40
10	201.00	15.40	0.38	185.00	0.00	380.00	-195.00
11	2360.00	14.50	3.35	2340.00	0.00	380.00	1960.00
12	5000.00	15.70	10.10	4970.00	0.00	360.00	4610.00
Stor	1710000	21500	3780	1680000	0	196000	1500000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 9/13/2004 for

COQUILLE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

384

Basin: SOUTH COAST

Exceedance Level: 50

Time: 14:10

Date: 09/13/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	9.44	0.00	9.72	0.94	0.01	2.62	4.63	0.09	27.40
2	10.50	0.00	9.72	0.94	0.01	2.62	4.63	0.09	28.50
3	6.00	0.00	9.72	0.94	0.01	2.62	4.73	0.09	24.10
4	2.93	2.12	9.72	0.94	0.01	2.62	2.64	0.09	21.10
5	1.01	12.70	9.72	0.94	0.01	2.54	2.64	0.09	29.60
6	0.18	37.70	11.60	0.94	0.01	2.53	1.26	0.09	54.30
7	0.02	58.30	11.60	0.94	0.01	2.53	1.26	0.09	74.80
8	0.00	47.00	11.60	0.94	0.01	2.52	0.97	0.06	63.10
9	0.00	19.60	11.60	0.94	0.01	2.53	0.97	0.06	35.70
10	0.00	1.94	9.72	0.94	0.01	2.53	0.61	0.06	15.80
11	2.05	0.00	9.72	0.94	0.01	2.53	2.54	0.09	17.90
12	8.25	0.00	9.72	0.94	0.01	2.62	4.13	0.09	25.80

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 9/13/2004 for

COQUILLE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

384

Basin: SOUTH COAST

Exceedance Level: 50

Time: 14:10

Date: 09/13/2004

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 9/13/2004 for

COQUILLE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

384

Basin: SOUTH COAST

Exceedance Level: 50

Time: 14:10

Date: 09/13/2004

ISWRs								
APP #	384A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	360.00	0.00	0.00	0.00	0.00	0.00	0.00	360.00
2	340.00	0.00	0.00	0.00	0.00	0.00	0.00	340.00
3	340.00	0.00	0.00	0.00	0.00	0.00	0.00	340.00
4	340.00	0.00	0.00	0.00	0.00	0.00	0.00	340.00
5	340.00	0.00	0.00	0.00	0.00	0.00	0.00	340.00
6	200.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00
7	71.00	0.00	0.00	0.00	0.00	0.00	0.00	71.00
8	71.00	0.00	0.00	0.00	0.00	0.00	0.00	71.00
9	71.00	0.00	0.00	0.00	0.00	0.00	0.00	71.00
10	380.00	0.00	0.00	0.00	0.00	0.00	0.00	380.00
11	380.00	0.00	0.00	0.00	0.00	0.00	0.00	380.00
12	360.00	0.00	0.00	0.00	0.00	0.00	0.00	360.00



Oregon

Theodore R. Kulongoski, Governor

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

CERTIFIED MAIL
Return Receipt Requested

September 15, 2004

Prosper Sub District
Attn: Marvin Manes
Rt 2, Box 1310
Bandon, OR 97411

RE: Application R-74289

Dear Mr. Manes:

On November 4, 1997, the Water Resources Department issued an Agreement and Stipulated Final Order with a draft permit for the above referenced application. The Agreement and Stipulated Final Order indicated that upon submission and approval of plans and specifications for the reservoir, submission of a secondary application to use the stored water for irrigation, and for lands not owned by you, submission of written authorization, or easement permitting access to all lands to be inundated by the reservoir, Application R-74289 shall be approved. The Department received a letter from M. John Youngquist, Water Resources Consultant, on February 11, 2002 modifying your application. As a result of the modifications, final design plans and specifications prepared by a registered engineer would not be required.

After review of your file, it has been determined the following information is necessary in order to complete your application:

- If the modifications to your application in the letter from M. John Youngquist wrote February 11, 2002 (see enclosure) are still applicable and correct, and you want to allow Mr. Youngquist to act on your behalf in regards to Application R-74289, please submit a letter giving Mr. Youngquist the authorization to do so. If you do not wish to allow Mr. Youngquist to act on your behalf, or if your application requires further modification, please submit a letter stating the new modifications.
- Submission of a secondary application to use the stored water for irrigation.

- With the submission of your application on July 11, 1994, we received a copy of a letter from H. R. Amos, stating his intent to sell his property to you. Please either submit a copy of a land sales contract, or if the land is not owned by you, please submit written authorization, or easement permitting access to all lands to be inundated by the reservoir.

The requested information is due no later than 60 days from the date of this letter. Failure to submit the requested information within 60 days from the date of this letter may result in the rejection of Application R-74289. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

If you need to request additional time to submit the requested information, the written request should be received in the Salem office of the Department by November 15, 2004. The Department will evaluate the request and determine whether or not the request may be granted.

If you have any questions, please contact me at 503-986-0859.

Sincerely,



Jeana Eastman
Water Right Application Caseworker

cc: John Falk
Watermaster # 19
M. John Youngquist, 827 SE Mosher, Roseburg OR 97470
File

enclosures



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 23, 1997

Prosper Sub District
Route 2 Box 1310
Bandon, Oregon 97411

RE: Revised Stipulated Final Order and Agreement (R-74289)

Gentlemen:

Enclosed you will find a revised version of the Stipulated Final Order and Agreement for R-74289. The revision I made is on the fish passage condition, page 3 of the agreement and page 6 on the draft permit. This revision reflects the only way for the Oregon Department of Fish and Wildlife to waive the requirement for fish passage. I have enclosed a copy of House Bill 2607 for your information.

Please initial each page of the enclosed material and sign and date page 3. Please promptly return the material to my attention. Feel free to call me 1-800-624-3199 ex. 262 if necessary.

Sincerely,

Adam Sussman
Program Analyst and
Department Representative

cc: M. John Youngquist
827 SE Mosher Ave.
Roseburg, Oregon 97470

Watermaster District 19

State of Oregon
Water Resources Department

In the matter of Water Right)
Application R-74289)
Prosper Sub District)

**Agreement and
Stipulated Final Order**

Application History

On May 3, 1991, Prosper Sub District submitted an application to the Department for a water use permit. The request proposes to store an additional 200 acre-feet of water from Simpson Creek, a tributary of the Coquille River. The original permit, R-8647, authorizes the storage of 9.0 acre-feet .

On July 16, 1996, the Department issued a Proposed Final Order conditionally approving Application R-74289. The Department found that water is available for appropriation except in July and August. The use, pursuant to the South Coast Basin Program, OAR 690-517, is allowable as requested. However, based on input from an interagency review of the application and a preliminary public interest review conducted by the Department, the Department found that in order to establish the public interest presumption under ORS 537.153(2), the appropriation of water for storage shall be conditioned and shall be allowed December 1 through March 31 of each year.

The protest period closed August 30, 1996. On August 26, 1996, the applicant submitted a protest and request for contested case hearing. On October 29, 1996, Administrative Law Judge Weisha Mize set the matter for hearing on April 1, 1997. At the request of the Department the hearing was reset for July 15, 1997. The hearing was again postponed pending settlement.

The applicant and the Department agree that the issue(s) in this case may be settled on the following terms and conditions, and hereby stipulate to the following:

- 1) Applicant waives the right to file exceptions to this order and the right to judicial review under ORS 536.075(2) and 183.482.
- 2) Entry of this stipulated final order by the Administrative Law Judge.
- 3) Issuance of a permit based on the analysis which follows.

Department_____

Applicant_____

- 4) Issuance of the permit, a draft of which is attached and incorporated herein by reference is contingent upon submittal and approval of plans and specifications for the reservoir, submittal of a secondary application to use the stored water for irrigation, and for lands not owned by the applicant, submittal of written authorization, or easement permitting access to all lands to be inundated by the reservoir.

Findings of Fact and Conclusions of Law

In response to declining coastal fish runs, and the prospect of a federal listing, Governor Kitzhaber launched a "Coastal Salmon Recovery Initiative." As part of that initiative the Department convened a multi-disciplinary, multi-agency review team to evaluate coastal water right applications with respect to fishery impacts. Application R-74289 was reviewed by the team March 27, 1996. The review team found that the proposed use would adversely impact streamflows necessary for fishery resources during the period April 1 through November 30. The Director, in evaluating the public interest under ORS 537.153(2) and ORS 537.170(8) found that in order to establish the public interest presumption under ORS 537.153(2) the use shall not be allowed during the period April 1 through November 30. The Proposed Final Order proposed to conditionally allow the use December 1 through March 31.

Based upon further discussion with the applicant and the Oregon Department of Fish and Wildlife (ODFW) the Department now finds that appropriation of water for storage during the period November 1 through March 31 may be allowed without detriment to the public interest. Adequate fish passage, a requirement of the attached draft permit, will be enhanced if water can be appropriated for storage beginning November 1 of each year.

The applicant also protested the proposed conditions regarding measuring devices and fish screens for application R-74289. The Department now finds that totalizing flow meters and fish screens are neither practical nor necessary for the appropriation of water under R-74289. Measuring devices that measure the range and stage of the storage in the reservoir shall still be required. Fish screens and measuring devices shall be addressed during review of the secondary applications that will allow the stored water to be pumped from the reservoir. Therefore, the conditions regarding meters and fish screens have been removed from the attached draft permit.

The Department now finds and the applicant agrees that the proposed use may be allowed as follows and as conditioned in the attached draft permit without detriment or impairment to the public interest. The Department may determine that additional conditions are necessary for public safety after submittal of the final plans and specifications for the dam.

VOLUME: 200 ACRE-FEET

USE: CRANBERRY OPERATIONS

Department_____

Applicant_____

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD:
NOVEMBER 1 THROUGH MARCH 31

A MINIMUM POOL OF 9.0 ACRE-FEET SHALL BE LEFT IN THE RESERVOIR AT ALL
TIMES.

THE PERMITTEE SHALL NOT OPERATE OR MAINTAIN ANY DAM OR ARTIFICIAL
OBSTRUCTION TO FISH PASSAGE IN THE CHANNEL OF THE SUBJECT STREAM
UNLESS A FISHWAY IS PROVIDED AS REQUIRED BY ODFW. THE REQUIRED
FISHWAY IS TO BE IN PLACE AND FUNCTIONAL PRIOR TO STORAGE OF ANY
WATER. FISH PASSAGE REQUIREMENTS MAY BE WAIVED IF THE PERMITTEE
AND THE STATE FISH AND WILDLIFE COMMISSION ENTER INTO A
MEMORANDUM OF UNDERSTANDING PURSUANT TO THE PROCESS SET OUT IN
HOUSE BILL 2607 (1997, LEGISLATIVE SESSION).

ADDITIONAL CONDITIONS MAY BE DETERMINED TO BE NECESSARY FOR
PUBLIC SAFETY AFTER SUBMITTAL OF THE FINAL PLANS AND SPECIFICATIONS
FOR THE DAM.

The Department and the applicant agree that all other aspects of the attached draft permit and
therefore agree to the entry of this Stipulated Final Order. Therefore, the Department finds and
the applicant agrees that, if exercised in accordance with the attached draft permit, the
proposed use will not impair or be detrimental to the public interest.

On Behalf of Applicant

On Behalf of the Water Resources
Department

Dated _____

Dated _____

Stipulated Final Order

Pursuant to the Agreement described above, Application R-74289 therefore is approved with
the above modifications to the Proposed Final Order. Issuance of the attached draft permit is
contingent upon submittal and approval of plans and specifications for the reservoir, submittal
of a secondary application to use the stored water for irrigation, and for lands not owned by
the applicant, submittal of written authorization, or easement permitting access to all lands to
be inundated by the reservoir.

DATED , 1997

Weisha Mize
Administrative Law Judge

STATE OF OREGON

COUNTY OF COOS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OREGON 97411

(541) 347-3032

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

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: ENLARGED AMOS RESERVOIR (ORIGINALLY CONSTRUCTED
UNDER PERMIT R-8647)

PURPOSE OR USE: TO BE APPROPRIATED UNDER APPLICATIONS TO BE SUBMITTED
FOR CRANBERRY OPERATIONS.

VOLUME OF USE: 200 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

The area submerged by the reservoir, when full, will be 15.0 acres and the maximum depth of
water will be 28.0 feet. The maximum height of the dam shall not exceed 23.0 feet.

DAM LOCATION: NE 1/4 SE 1/4, SECTION 19, T28S, R14W, W.M.; 2680 FEET SOUTH &
570 FEET WEST FROM NW CORNER, SECTION 19

Application R-74289
Department_____

Water Resources Department
Applicant_____

PERMIT DRAFT

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

NE 1/4 SE 1/4
SECTION 19
NW 1/4 SW 1/4
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

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

A minimum pool of 9.0 acre-feet shall be left in the reservoir at all times.

The permittee shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by ODFW. The required fishway is to be in place and functional prior to storage of any water. Fish passage requirements may be waived if the permittee and the State Fish and Wildlife Commission enter into a memorandum of understanding pursuant to the process set out in House Bill 2607 (1997, Legislative Session).

ADDITIONAL CONDITIONS MAY BE DETERMINED TO BE NECESSARY FOR PUBLIC SAFETY AFTER SUBMITTAL OF THE FINAL PLANS AND SPECIFICATIONS FOR THE DAM.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

Application R-74289

Water Resources Department

PERMIT DRAFT

Department_____

Applicant_____

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

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

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

Actual construction work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 1997

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Basin 17

Volume 3 SIMPSON CREEK AND MISC.
MGMT.CODE

District 19

Application R-74289

Department _____

Water Resources Department

Applicant _____

PERMIT DRAFT

July 9, 1997

WATER
RESOURCES
DEPARTMENT

Prosper Sub District
Route 2 Box 1310
Bandon, Oregon 97411

Revised
9/23/97
A.S.

RE: Stipulated Final Order and Agreement (R-74289)

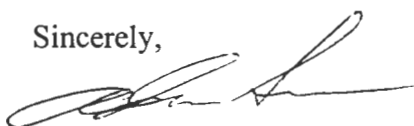
Gentlemen:

Enclosed you will find the final version of the Stipulated Final Order and Agreement for R-74289. I have made two changes since the "draft" sent on June 19, 1997:

- 1) Under #4 on page 2, issuance of the permit is now also contingent upon submittal of authorization, easement, or proof of ownership.
- 2) Page 3 of the agreement and page 5 of the draft permit now contain a condition requiring a minimum pool of 9.0 acre-feet be left in the reservoir at all times.

Please initial each page of the enclosed material and sign and date page 3. Please promptly return the material to my attention. Feel free to call me 1-800-624-3199 ex. 262 if necessary.

Sincerely,



Adam Sussman
Program Analyst and
Department Representative

cc: M. John Youngquist
827 SE Mosher Ave.
Roseburg, Oregon 97470

Watermaster District 19



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

State of Oregon
Water Resources Department

In the matter of Water Right	)	Agreement and
Application R-74289	)	Stipulated Final Order
Prosper Sub District	)	

Application History

On May 3, 1991, Prosper Sub District submitted an application to the Department for a water use permit. The request proposes to store an additional 200 acre-feet of water from Simpson Creek, a tributary of the Coquille River. The original permit, R-8647, authorizes the storage of 9.0 acre-feet .

On July 16, 1996, the Department issued a Proposed Final Order conditionally approving Application R-74289. The Department found that water is available for appropriation except in July and August. The use, pursuant to the South Coast Basin Program, OAR 690-517, is allowable as requested. However, based on input from an interagency review of the application and a preliminary public interest review conducted by the Department, the Department found that in order to establish the public interest presumption under ORS 537.153(2), the appropriation of water for storage shall be conditioned and shall be allowed December 1 through March 31 of each year.

The protest period closed August 30, 1996. On August 26, 1996, the applicant submitted a protest and request for contested case hearing. On October 29, 1996, Administrative Law Judge Weisha Mize set the matter for hearing on April 1, 1997. At the request of the Department the hearing was reset for July 15, 1997. The hearing was again postponed pending settlement.

The applicant and the Department agree that the issue(s) in this case may be settled on the following terms and conditions, and hereby stipulate to the following:

- 1) Applicant waives the right to file exceptions to this order and the right to judicial review under ORS 536.075(2) and 183.482.
- 2) Entry of this stipulated final order by the Administrative Law Judge.
- 3) Issuance of a permit based on the analysis which follows.

Department_____

Applicant_____

- 4) Issuance of the permit, a draft of which is attached and incorporated herein by reference is contingent upon submittal and approval of plans and specifications for the reservoir, submittal of a secondary application to use the stored water for irrigation, and for lands not owned by the applicant, submittal of written authorization, or easement permitting access to all lands to be inundated by the reservoir.

Findings of Fact and Conclusions of Law

In response to declining coastal fish runs, and the prospect of a federal listing, Governor Kitzhaber launched a "Coastal Salmon Recovery Initiative." As part of that initiative the Department convened a multi-disciplinary, multi-agency review team to evaluate coastal water right applications with respect to fishery impacts. Application R-74289 was reviewed by the team March 27, 1996. The review team found that the proposed use would adversely impact streamflows necessary for fishery resources during the period April 1 through November 30. The Director, in evaluating the public interest under ORS 537.153(2) and ORS 537.170(8) found that in order to establish the public interest presumption under ORS 537.153(2) the use shall not be allowed during the period April 1 through November 30. The Proposed Final Order proposed to conditionally allow the use December 1 through March 31.

Based upon further discussion with the applicant and the Oregon Department of Fish and Wildlife (ODFW) the Department now finds that appropriation of water for storage during the period November 1 through March 31 may be allowed without detriment to the public interest. Adequate fish passage, a requirement of the attached draft permit, will be enhanced if water can be appropriated for storage beginning November 1 of each year.

The applicant also protested the proposed conditions regarding measuring devices and fish screens for application R-74289. The Department now finds that totalizing flow meters and fish screens are neither practical nor necessary for the appropriation of water under R-74289. Measuring devices that measure the range and stage of the storage in the reservoir shall still be required. Fish screens and measuring devices shall be addressed during review of the secondary applications that will allow the stored water to be pumped from the reservoir. Therefore, the conditions regarding meters and fish screens have been removed from the attached draft permit.

The Department now finds and the applicant agrees that the proposed use may be allowed as follows and as conditioned in the attached draft permit without detriment or impairment to the public interest. The Department may determine that additional conditions are necessary for public safety after submittal of the final plans and specifications for the dam.

VOLUME: 200 ACRE-FEET

USE: CRANBERRY OPERATIONS

Department_____

Applicant_____

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD:
NOVEMBER 1 THROUGH MARCH 31

A MINIMUM POOL OF 9.0 ACRE-FEET SHALL BE LEFT IN THE RESERVOIR AT ALL TIMES.

THE PERMITTEE SHALL NOT OPERATE OR MAINTAIN ANY DAM OR ARTIFICIAL OBSTRUCTION TO FISH PASSAGE IN THE CHANNEL OF THE SUBJECT STREAM UNLESS A FISHWAY IS PROVIDED AS REQUIRED BY ODFW. THE REQUIRED FISHWAY IS TO BE IN PLACE AND FUNCTIONAL PRIOR TO STORAGE OF ANY WATER.

ADDITIONAL CONDITIONS MAY BE DETERMINED TO BE NECESSARY FOR PUBLIC SAFETY AFTER SUBMITTAL OF THE FINAL PLANS AND SPECIFICATIONS FOR THE DAM.

Fish passage requirements may be waived if the permittee and the State Fish & Wildlife Comm enter into a memorandum of Agreement understanding pursuant to the process set out in HB 2607, 1997 Leg Session.

The Department and the applicant agree that all other aspects of the attached draft permit and therefore agree to the entry of this Stipulated Final Order. Therefore, the Department finds and the applicant agrees that, if exercised in accordance with the attached draft permit, the proposed use will not impair or be detrimental to the public interest.

On Behalf of Applicant

On Behalf of the Water Resources
Department

Dated _____

Dated _____

Stipulated Final Order

Pursuant to the Agreement described above, Application R-74289 therefore is approved with the above modifications to the Proposed Final Order, and a permit shall be issued as set forth in the attached draft permit contingent upon submittal and approval of plans and specifications for the reservoir and submittal of a secondary application to use the stored water for irrigation.

Fix this by bringing down from #4 of Sec.

DATED _____, 1997

Weisha Mize
Administrative Law Judge

STATE OF OREGON

COUNTY OF COOS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OREGON 97411

(541) 347-3032

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

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: ENLARGED AMOS RESERVOIR (ORIGINALLY CONSTRUCTED
UNDER PERMIT R-8647)

PURPOSE OR USE: TO BE APPROPRIATED UNDER APPLICATIONS TO BE SUBMITTED
FOR CRANBERRY OPERATIONS.

VOLUME OF USE: 200 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

The area submerged by the reservoir, when full, will be 15.0 acres and the maximum depth of
water will be 28.0 feet. The maximum height of the dam shall not exceed 23.0 feet.

DAM LOCATION: NE 1/4 SE 1/4, SECTION 19, T28S, R14W, W.M.; 2680 FEET SOUTH &
570 FEET WEST FROM NW CORNER, SECTION 19

Application R-74289

Department_____

Water Resources Department

Applicant_____

PERMIT DRAFT

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

NE 1/4 SE 1/4
SECTION 19
NW 1/4 SW 1/4
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

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

A minimum pool of 9.0 acre-feet shall be left in the reservoir at all times.

The permittee shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by ODFW. The required fishway is to be in place and functional prior to storage of any water. ** Add here*

ADDITIONAL CONDITIONS MAY BE DETERMINED TO BE NECESSARY FOR PUBLIC SAFETY AFTER SUBMITTAL OF THE FINAL PLANS AND SPECIFICATIONS FOR THE DAM.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

Application R-74289

Water Resources Department

PERMIT DRAFT

Department _____

Applicant _____

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

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

Actual construction work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 1997

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Basin 17

Volume 3 SIMPSON CREEK AND MISC.
MGMT.CODE

District 19

Application R-74289

Department_____

Water Resources Department

Applicant_____

PERMIT DRAFT

file

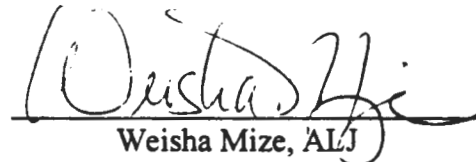
Before the Oregon Water Resources Department

In the Matter of the Water Right Applications S74319, S69576	
S69576, S72982, S72558, S80706, S72394, S72247, S72215,	Notice of New Date for
S73349, R74289, S73016 G12600, R80660, S73169 and G13171	Contested Case Hearing
for use of water in Columbia, Coos, Lane and Jackson Counties	and Direction for Filing

At the request of the Department, the consolidated contested case hearing on the above-listed applications, excepting application S74319, is postponed until November 15, 1997, at which time a new hearing date will be scheduled.

The hearing set for S74319 will commence as previously scheduled at **9:00 a.m. Tuesday, July 15, 1997**, in Conference Room C of the Oregon Water Resources Department in Salem, Oregon. The hearing will commence promptly and the parties should be prepared to conclude by 4:00 p.m. at which time the hearing record will be closed.

Dated June 20, 1997.


Weisha Mize, ALJ

Certificate of Service

I certify that on June 20, 1997, I hand-delivered a copy of this Order in a sealed envelope to the office of Adam Sussman, Water Rights Division, WRD, 158 12th St. NE; Salem, OR 97310, and mailed, first-class postage prepaid, a copy of this Order to:

<u>Applicant</u>	<u>Appl. #</u>
Steve and Sue Minger 58195 Adams Road Vernonia, OR 97064	S74319
Dave Brooks DBA Brookhill Farms of Oregon Route 1 Box 906 Bandon, OR 97411	S69576
Curtis McKinney Route 2, Box 2357 Bandon, OR 97411	S72982
Cut Creek Water Improvement Dist. Route 2, Box 2183 Bandon, OR 97411	S72558
Les Smith 407 Carbonera Drive Santa Cruz, CA 95060	S80706
Reorganized Church of Jesus Christ of Latter Day Saints c/o Ronald S. Yockim, Attorney at Law PO Box 2456 Roseburg, OR 97470	S72394
Thomas and Evelyn Coleman HC 85 Box 149B Myrtle Point, OR 97458	S72247
Don and Renee Blom PO Box 265 Allegany, OR 97407	S72215
Herb Wheeler HC 84, Box OL24 Myrtle Point, OR 97458	S73349

Prosper Sub District

R74289

Rt 2 Box 1310

Bandon, OR 97411

Fern Netland

S73016

c/o Martin Stone

STONE, TREW, & CYPHERS

PO Box 158

Coquille, OR 97423-5723

C2 Cattle Company

R80660

c/o David C. Moon

PO Box 82

Eugene, OR 97440

Ellen Mae Wilson

73169

11836 Hwy 36

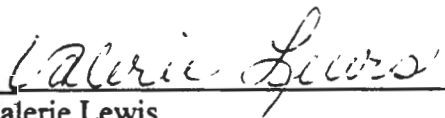
Mapleton OR 97453

Walter Allen Cram

G13171

Rt. 2 Box 2151

Bandon OR 97411


Valerie Lewis
Hearings Section Assistant

File

Oregon

June 19, 1997

M. John Youngquist
827 SE Mosher Ave.
Roseburg, Oregon 97470

Reese Bender
Oregon Department of Fish and Wildlife
P.O. Box 5430 Charleston, Oregon 97420

WATER
RESOURCES
DEPARTMENT

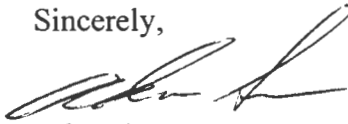
Prosper Sub District
Route 2 Box 1310
Bandon, Oregon 97411

RE: Draft Stipulated Final Order and Agreement (R-74289)

Gentlemen:

Enclosed you will find a draft Stipulated Final Order and Agreement for R-74289. I believe the material reflects our discussion on June 9, 1997, in Bandon. Please provide me any comments you may have by the end of this month. Feel free to give me your comments by telephone. I can be reached at 1-800-624-3199 ex. 262.

Sincerely,


Adam Sussman
Program Analyst and
Department Representative

* Reese's comments:

① minimum pool → $\frac{9 \text{ ac/ft deters}}{1 \text{ ft in.}}$

② written authorization
easement, or proof
of ownership!

A mw



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

State of Oregon
Water Resources Department

In the matter of Water Right)
Application R-74289)
Prosper Sub District)

**Agreement and
Stipulated Final Order**

DRAFT

Application History

On May 3, 1991, Prosper Sub District submitted an application to the Department for a water use permit. The request proposes to store an additional 200 acre-feet of water from Simpson Creek, a tributary of the Coquille River. The original permit, R-8647, authorizes the storage of 9.0 acre-feet .

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The protest period closed August 30, 1996. On August 26, 1996, the applicant submitted a protest and request for contested case hearing. On October 29, 1996, Administrative Law Judge Weisha Mize set the matter for hearing on April 1, 1997. At the request of the Department the hearing was reset for July 15, 1997.

The applicant and the Department agree that the issue(s) in this case may be settled on the following terms and conditions, and hereby stipulate to the following:

- 1) Applicant waives the right to file exceptions to this order and the right to judicial review under ORS 536.075(2) and 183.482.
- 2) Entry of this stipulated final order by the Administrative Law Judge.
- 3) Issuance of a permit based on the analysis which follows.
- 4) Issuance of the permit, a draft of which is attached and incorporated herein by reference contingent upon submittal and approval of plans and specifications for the reservoir and submittal of a secondary application to use the stored water for irrigation.

Department_____

Applicant_____

DRAFT

Page 2

Findings of Fact and Conclusions of Law

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The applicant also protested the proposed conditions regarding measuring devices and fish screens for application R-74289. The Department now finds that totalizing flow meters and fish screens are neither practical nor necessary for the appropriation of water under R-74289. Measuring devices that measure the range and stage of the storage in the reservoir shall still be required. Fish screens and measuring devices shall be addressed during review of the secondary applications that will allow the stored water to be pumped from the reservoir. Therefore, the conditions regarding meters and fish screens have been removed from the attached draft permit.

The Department now finds and the applicant agrees that the proposed use may be allowed as follows and as conditioned in the attached draft permit without detriment or impairment to the public interest. The Department may determine that additional conditions are necessary for public safety after submittal of the final plans and specifications for the dam.

VOLUME: 200 ACRE-FEET

USE: CRANBERRY OPERATIONS

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD:
NOVEMBER 1 THROUGH MARCH 31

"A minimum pool of 9 ac/ft shall be left in the reservoir at all times."

Department_____

Applicant_____

The permittee shall not operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided as required by ODFW. The required fishway is to be in place and functional prior to storage of any water.

ADDITIONAL CONDITIONS MAY BE DETERMINED TO BE NECESSARY FOR PUBLIC SAFETY AFTER SUBMITTAL OF THE FINAL PLANS AND SPECIFICATIONS FOR THE DAM.

The Department and the applicant agree that all other aspects of the attached draft permit and therefore agree to the entry of this Stipulated Final Order. Therefore, the Department finds and the applicant agrees that, if exercised in accordance with the attached draft permit, the proposed use will not impair or be detrimental to the public interest.

DRAFT

On Behalf of Applicant

On Behalf of the Water Resources
Department

Dated _____

Dated _____

Stipulated Final Order

Pursuant to the Agreement described above, Application R-74289 therefore is approved with the above modifications to the Proposed Final Order, and a permit shall be issued as set forth in the attached draft permit contingent upon submittal and approval of plans and specifications for the reservoir and submittal of a secondary application to use the stored water for irrigation..

DATED _____, 1997

DRAFT

Weisha Mize
Administrative Law Judge

STATE OF OREGON

COUNTY OF COOS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OREGON 97411

DRAFT

(541) 347-3032

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

APPLICATION FILE NUMBER: R-74289

SOURCE OF WATER: SIMPSON CREEK, A TRIBUTARY OF COQUILLE RIVER

STORAGE FACILITY: ENLARGED AMOS RESERVOIR (ORIGINALLY CONSTRUCTED UNDER PERMIT R-8647)

PURPOSE OR USE: TO BE APPROPRIATED UNDER APPLICATIONS TO BE SUBMITTED FOR CRANBERRY OPERATIONS.

VOLUME OF USE: 200 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: JULY 11, 1994

The area submerged by the reservoir, when full, will be 15.0 acres and the maximum depth of water will be 28.0 feet. The maximum height of the dam shall not exceed 23.0 feet.

DAM LOCATION: NE 1/4 SE 1/4, SECTION 19, T28S, R14W, W.M.; 2680 FEET SOUTH & 570 FEET WEST FROM NW CORNER, SECTION 19

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

NE 1/4 SE 1/4
SECTION 19

Application R-74289
Department_____

Water Resources Department
Applicant_____

PERMIT DRAFT

DRAFT

Page 5

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

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

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ADDITIONAL CONDITIONS MAY BE DETERMINED TO BE NECESSARY FOR PUBLIC SAFETY AFTER SUBMITTAL OF THE FINAL PLANS AND SPECIFICATIONS FOR THE DAM.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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

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

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

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

Application R-74289
Department _____

Water Resources Department
Applicant _____

PERMIT DRAFT

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

Actual construction work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued **DRAFT**, 1997

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Basin 17

Volume 3 SIMPSON CREEK AND MISC.
MGMT.CODE

District 19

Application R-74289
Department_____

Water Resources Department
Applicant_____

PERMIT DRAFT

June 19, 1997

Weisha Mize
Administrative Law Judge
Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

WATER
RESOURCES
DEPARTMENT

RE: Motion to Postpone Contested Case Hearings Scheduled for July 15, 1997

Dear Ms. Mize:

Fifteen water right application protests are set for a consolidated hearing on July 15, 1997. The deadline for submitting proposed exhibits and witnesses is June 20, 1997. Since the hearing notice was issued the protest on Application G-12600 (Brown) has been resolved through a Stipulated Final Order and Agreement. A number of the other cases are close to settlement or need more time to collect data. As Agency Representative for the Oregon Water Resources Department I respectfully request that the hearing date and exhibit and witness deadline for thirteen of the remaining fourteen cases be postponed for 120 days. The Department is not asking for a postponement for Application S-74319 (Minger).

All the applicants, or their attorneys, have been contacted by myself or by their consultant M. John Youngquist. The Department has no reason to believe any of the applicants listed below are opposed to this postponement.

Dave Brooks (S-69576)
Brookhill Farms of Oregon
Route 1 Box 906
Bandon, Oregon 97411

Curtis McKinney (S-72982)
Route 2 Box 2357
Bandon, Oregon 97411

Cut Creek Water Improv. District (S-72558)
Route 2 Box 2183
Bandon, Oregon 97411

Les Smith (S-80706)
407 Carbonera Dr.
Santa Cruz, CA. 95060



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

Reorganized Church of Jesus Christ (S-72394)
c/o Ronald S. Yockim, Attorney at Law
P.O. Box 2456
Roseburg, Oregon 97470

Thomas and Evelyn Coleman (S-72247)
HC 85 Box 149B
Myrtle Point, Oregon 97458

Don and Rene Blom (S-72215)
P.O. Box 265
Allegany, Oregon 97407

Herb Wheeler (S-73349)
HC 84 Box OL24
Myrtle Point, Oregon 97458

Prosper Sub District (R-74289)
Route 2 Box 1310
Bandon, Oregon 97411

Fern Netland (S-73016)
c/o Martin Stone, Attorney at Law
Stone, Trew, and Cyphers
P.O. Box 158
Coquille, Oregon 97423-5723

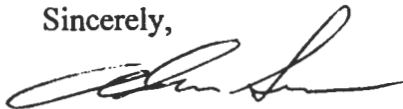
C2 Cattle Company (R-80660)
c/o David C. Moon, Attorney at Law
P.O. Box 82
Eugene, Oregon 97440

Ellen Mae Wilson (S-73169)
11836 Hwy 36
Mapelton, Oregon 97453

Walter Allen Cram (G-13171)
Route 2 Box 2151
Bandon, Oregon 97411

I have served this motion on all the applicants listed above. Please feel free to contact me if you have any questions about this request.

Sincerely,



Adam Sussman
Department Representative

cc: Dick Bailey, OWRD

John Drolet, Watermaster District 19

M. John Youngquist
827 SE Mosher Ave.
Roseburg, Oregon 97470

Al Cook, Southwest Region Manager

Prosper Sub Dist

Before the Oregon Water Resources Department

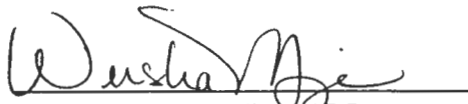
In the Matter of the Water Right Applications S74319, S69576 |
S69576, S72982, S72558, S80706, S72394, S72247, S72215, | **Notice of New Date for**
S73349, R74289, S73016 G12600, R80660, S73169 and G13171 | **Contested Case Hearing**
for use of water in Columbia, Coos, Lane and Jackson Counties | **and Direction for Filing**

At the unopposed request of the Department, the consolidated contested case hearing on the above-listed applications previously set for Tuesday, April 1, 1997 is postponed. Hearing is reset for in **9:00 a.m. Tuesday, July 15, 1997**, in Conference Room C of the Oregon Water Resources Department in Salem, Oregon. The hearing will commence promptly and the parties should be prepared to conclude by 4:00 p.m. at which time the hearing record will be closed.

The filing and exchange deadline for witness lists and copies of proposed exhibits is also changed. The new filing time is June 20, 1997. Failure to deliver witness lists and copies of exhibits by that date may result in exclusion of the proposed evidence.

Parties who elect to appear by teleconference speaker phone rather than in person must so notify Valerie Lewis, Hearings Assistant, **in writing**, and provide a telephone number at which they can be reached **no later than** June 20, 1997. Failure to appear at the hearing either in person or by telephone will result in an order of default being entered against you.

Dated Feb. 26, 1997.


Weisha Mize, ALJ

Certificate of Service

I certify that on *February 27*, 1997, I hand-delivered a copy of this Order in a sealed envelope to the office of Adam Sussman, Water Rights Division, WRD, 158 12th St. NE; Salem, OR 97310, and mailed, first-class postage prepaid, a copy of this Order to:

<u>Applicant</u>	<u>Appl. #</u>
Steve and Sue Minger 58195 Adams Road Vernonia, OR 97064	S74319
Dave Brooks DBA Brookhill Farms of Oregon Route 1 Box 906 Bandon, OR 97411	S69576
Curtis McKinney Route 2, Box 2357 Bandon, OR 97411	S72982
Cut Creek Water Improvement Dist. Route 2, Box 2183 Bandon, OR 97411	S72558
Les Smith 407 Carbonera Drive Santa Cruz, CA 95060	S80706
Reorganized Church of Jesus Christ of Latter Day Saints c/o Ronald S. Yockim, Attorney at Law PO Box 2456 Roseburg, OR 97470	S72394
Thomas and Evelyn Coleman HC 85 Box 149B Myrtle Point, OR 97458	S72247
Don and Renee Blom PO Box 265 Allegany, OR 97407	S72215
Herb Wheeler HC 84, Box OL24 Myrtle Point, OR 97458	S73349

Prosper Sub District
Rt 2 Box 1310
Bandon, OR 97411

R74289

Fern Netland
c/o Martin Stone
STONE, TREW, & CYPHERS
PO Box 158
Coquille, OR 97423-5723

S73016

Vivian Brown
Route 1, Box 1026
Bandon, OR 97411

G12600

C2 Cattle Company
c/o David C. Moon
PO Box 82
Eugene, OR 97440

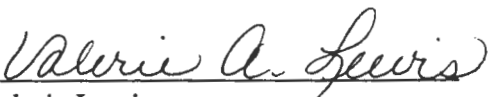
R80660

Ellen Mae Wilson
11836 Hwy 36
Mapleton OR 97453

73169

Walter Allen Cram
Rt. 2 Box 2151
Bandon OR 97411

G13171


Valerie Lewis
Hearings Section Assistant

Before the Oregon Water Resources Department

In the Matter of the Water Right Applications S74319, S69576 S69576, S72982, S72558, S80706, S72394, S72247, S72215, S73349, R74289, S73016 G12600, R80660, S73169 and G13171 for use of water in Columbia, Coos, Lane and Jackson Counties		Notice of Contested Case Hearing and Direction for Filing
--	--	--

A consolidated contested case hearing on the above-listed applications will commence at **9:00 a.m., Tuesday, April 1, 1997**, in Conference Room C of the Oregon Water Resources Department in Salem, Oregon. The hearing will commence promptly and the parties should be prepared to conclude by 4:00 p.m. at which time the hearing record will be closed. The hearing will be conducted by Administrative Law Judge (ALJ) Weisha Mize, and will examine the following issues:

For G12600, whether the proposed source of water (aquifer) is in hydraulic connection with, and thus has the potential to substantially interfere with, Twomile Creek;

For G13171, whether the proposed source of water (aquifer) is in hydraulic connection with, and thus has the potential to substantially interfere with, an unnamed drainage, tributary to Sevenmile Creek;

For R80660, whether OAR Chapter 690 Division 33 or the Governor's Coastal Salmon Restoration Initiative applies;

For all applications, whether the conditions and restrictions of the Proposed Final Order, based on the review and recommendations made by an interagency review team, are necessary to further protect the public interest in fisheries and are supported by fact.

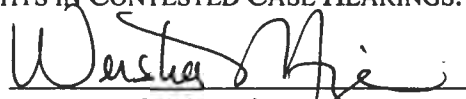
The agency's file on each application will be proposed exhibits. Any objections to entry of a file into the record should be raised at the hearing.

The Protestants and the Department are ordered to provide each other and the Administrative Law Judge lists of any witnesses whom they propose to call, with a **brief** summary of anticipated testimony, and copies of any exhibits that they propose to introduce, **to be received no later than March 3, 1997**. Failure to deliver witness lists and copies of exhibits by that date may result in exclusion of the proposed evidence.

Parties who elect to appear by teleconference speaker phone rather than in person must so notify the Hearings Coordinator **in writing**, and provide a telephone number at which they can be reached **no later than March 3, 1997**. Failure to appear at the hearing either in person or by telephone will result in an order of default being entered against you.

Enclosed is a copy of STATEMENT OF PARTIES' RIGHTS IN CONTESTED CASE HEARINGS.

Dated October 29, 1996.


Weisha Mize, ALJ

Certificate of Service

I certify that on October 31, 1996, I hand-delivered a copy of this Order in a sealed envelope to the office of Adam Sussman, Water Rights Division, WRD, 158 12th St. NE; Salem, OR 97310, and mailed, first-class postage prepaid, a copy of this Order to:

<u>Applicant</u>	<u>Appl. #</u>
Steve and Sue Minger 58195 Adams Road Vernonia, OR 97064	S74319
Dave Brooks DBA Brookhill Farms of Oregon Route 1 Box 906 Bandon, OR 97411	S69576
Curtis McKinney Route 2, Box 2357 Bandon, OR 97411	S72982
Cut Creek Water Improvement Dist. Route 2, Box 2183 Bandon, OR 97411	S72558
Les Smith 407 Carbonera Drive Santa Cruz, CA 95060	S80706
Reorganized Church of Jesus Christ of Latter Day Saints c/o Ronald S. Yockim, Attorney at Law PO Box 2456 Roseburg, OR 97470	S72394
Thomas and Evelyn Coleman HC 85 Box 149B Myrtle Point, OR 97458	S72247
Don and Renee Blom PO Box 265 Allegany, OR 97407	S72215
Herb Wheeler HC 84, Box OL24 Myrtle Point, OR 97458	S73349

Prosper Sub District
Rt 2 Box 1310
Bandon, OR 97411

R74289

Fern Netland
c/o Martin E. Stone
STONE, TREW, & CYPHERS
PO Box 158
Coquille, OR 97423-5723

S73016

Vivian Brown
Route 1, Box 1026
Bandon, OR 97411

G12600

C2 Cattle Company
c/o David C. Moon
PO Box 82
Eugene, OR 97440

R80660

Ellen Mae Wilson
11836 Hwy 36
Mapleton OR 97453

73169

Walter Allen Cram
Rt. 2 Box 2151
Bandon OR 97411

G13171



Sara L. Carter,
Hearings Section Coordinator

Dear Protestant:

The purpose of this letter is two fold: 1. To inform you of your scheduled contested case hearing regarding your water rights application, and 2. To assure you of the desire of the Oregon Water Resources Department's continued interest in working with you to resolve the protest.

Please see the attached information for the date of your hearing. We have scheduled your hearing now because the Water Resources Department has been directed by the legislature to do so before October 31, 1996. This scheduling is not meant to create a hardship for you and we will be glad work with you if this date is not suitable.

It is not our desire to approach a hearing in an adversarial manner. Hearings are available to resolve differences in a formal setting where all information and points of view are laid before an Administrative Law Judge. Sometimes hearings are the preferred way to resolve a dispute and we gladly participate in this formal process should that be necessary.

Please contact me as soon as possible so we may begin discussion regarding your application and our findings. Please call me at 503-378-3739 or 1-800-624-3199, ext. 262. If I am on the phone or away from my desk please leave a message and I will return your call as soon as possible.

Respectfully yours,



Adam Sussman
Program Analyst
Water Rights Division

cc: file



RECEIVED

AUG 26 1996

WATER RESOURCES DEPT
SALEM, OREGON

PROTEST TO PROPOSED FINAL ORDER

Application No. R - 74289

Applicant's Name: Prosper Sub District

Protestant's name: Marvin Manes, Chairman
Prosper Sub District

Address: Route 2, Box 1310
Bandon, Oregon 97411

Phone: (541) 347 - 3032

Interest in the Proposed Final Order:

I represent the members of the Prosper Sub District of the Bandon Cranberry Water Control District.

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

The Proposed Final Order places unrealistic limitations on the ability to store water in the reservoir, reservoir metering requirements, increased construction and operation costs and does not timely address the conditions of the secondary filing.

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

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

1. It does not address metering properly and describe the secondary filing:

The PFO requires a staff gage be installed to measure the reservoir height and quantity stored. In addition, the PFO includes standard language requiring a meter or measuring device that should be associated with the secondary filing, or application to appropriate the storage.

A staff gage will be provided to measure the storage content and access will be provided the Watermaster. When water is pumped to the place of use, totalizing meters will be required on each pump delivering water to the place of use. The metering requirement noted on the PFO should be on the secondary application and not on the reservoir PFO.

OK Correction: Either delete the metering requirement or add language to clarify that the metering requirement applies to the pump systems which deliver water to the place of use.

2. Storage is not allowed to begin until December 1:

It is not uncommon to have heavy rainfall during the month of November. It is conceivable that sufficient rainfall will occur to fill the reservoir within 24 hours which would exceed the capability of the outlet works currently under design. We agree not to store water until the fall rains begin, however, the PFO should recognize the local weather conditions.

Protest to Proposed Final Order
File No. R - 74289
In the Name of Prosper Sub District
August 20, 1996
Page 2

RECEIVED

AUG 26 1996

WATER RESOURCES DEPT
SALEM, OREGON

?
Correction: Allow the storage of water from November 1 - March 31 each year. The reservoir is located immediately above the tide waters of the Coquille River, therefore, allowing initial fall storage in the reservoir when the first heavy rainfall occur will not harm either the environment or prior rights.

3. The PFO requires fish passage and screening:

OK Stephanie Birchfield and Reese Bender visited the site prior to the filing of this application and determined that fish passage facilities would not be necessary. The PFO does not recognize this. Fish screening should be required on pump intakes that deliver water to the place of use and not on the reservoir. The screening requirement should be on the secondary unless more specific.

Correction: Change the fish passage language to read:

OK "If a dam or artificial obstruction to fish passage in the channel of the subject stream is constructed, the permittee shall contact the Oregon Department of Fish and Wildlife to determine if a fishway, or some - Fish passage is means to pass fish, is required. If a fishway is required, it will be the responsibility of the permittee to construct, operate and maintain the fishway."

In addition, better describe the fish screening requirements for the reservoir or delete the screening requirements and incorporate that requirement on the secondary.

4. The PFO should include a condition that prior to the diversion of any water for use, a secondary application shall be filed with the Oregon Water Resources Department and prior to construction of the dam, approved plans and specifications for the reservoir and dam will need to be approved by the Department.

On July 16, 1996, the Department sent the Prosper Sub District a certified letter requiring the two above mentioned items. By phone, it was determined that those items will be required *after the Department issues the final order*. It is not prudent to incur the expense of a final design and the cost of filing the secondary if a reservoir cannot be constructed at the chosen site. It is our understanding the Mr. Holliday will send us a letter noting that these two items will not be required prior to the final order being issued.

There is no statute or administrative rule that requires a secondary be filed with the reservoir application.

Protest to Proposed Final Order
File No. R - 74289
In the Name of Prosper Sub District
August 20, 1996
Page 3

RECEIVED

AUG 26 1996

WATER RESOURCES DEPT
SALEM, OREGON

Correction: Add language noting that before construction may begin, final plans and specifications for the dam must be approved by the Department and prior to the use of any storage, a secondary application must be filed for use of the storage contained within the reservoir.

Cite any legal authority that supports your protest:

None cited.

Contested Case Hearing:

We desire to discuss this with a representative from the Department to resolve and clarify these issues. If the issues cannot be resolved, we desire a contested case hearing after review of the final order.



Marvin Manes
Chairman, Prosper Sub District

copy

Oregon

WATER
RESOURCES
DEPARTMENT

August 16, 1996

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OREGON 97411

Dear Applicant;

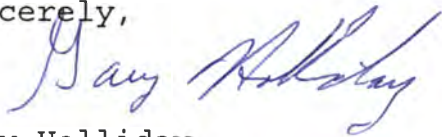
On August 15, 1996 Mr. Youngquist asked the following question in regards to application R-74289, "What is currently required for application R-74289 to continue and receive a Final Order?"

To receive a Final Order but not a permit nothing more needs to be submitted. A Final Order will be issued with the following conditions:

1. Approved plans and specifications for the dam
2. Surface water application to appropriate the stored water for Cranberry Operations.
3. Additional fees may be required.

If any further questions please feel free to contact me at 1-800-624-3199 Ext. 454.

Sincerely,



Gary Holliday



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

OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

NOTICE OF PROPOSED FINAL ORDER

This is to notify you that the Water Resources Department has issued a Proposed Final Order (PFO) on an application which may interest you. Attached is an excerpt from our weekly public notice, identifying the application we believe you may be interested in.

A PFO is the Department's preliminary decision on a water use request. It documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem office or at watermasters' offices; you may make your own copies for the standard copy charge.

If you do not request a copy of the PFO, you may not be notified of subsequent action on the referenced application.

Opportunities for Further Public Involvement

Those disagreeing with the Department's decision as expressed in the PFO have 60 days from the date the PFO was issued to file a protest.

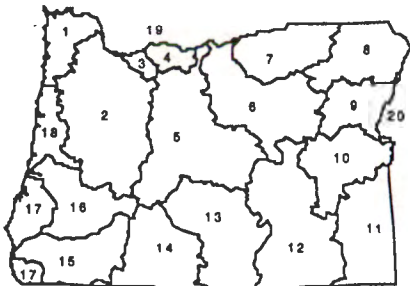
The protest filing fee is \$200 for everyone but the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. To participate, an additional \$150 is required at the time of the proceeding, if a contested case hearing is held.

For additional information, call the Water Rights Information Group, extension 499 at either 503-378-8455 or 800-624-3199. Please have the application file number ready.

How To Read the Listing

Applications are organized by Oregon's major river basins, as listed below:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



G-12345	2	Dry Cr. > Rowe R.	0.50	C	IR	40.00	Coos 1/1/1995	SENE, SECTION 9, T16S, R4W	W. Clinton...	PFO	2
Basin number		What it flows into	Amount	Unit of measure: C - cubic feet per second G - gallons per minute A - acre-feet	Type of use (e.g.: IR - irrigation; see codes below)	Irrigated acres	County of use; Priority date	Legal description of general area of use: "Southeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 4 West."	Applicant name & address	Stage of Review: IR initial review PFO proposed final order	Decision codes: 1 permit may be issued as requested by applicant 2 permit may be issued with appropriate conditions 3 permit unlikely to be issued

Some commonly-used Type of Use abbreviations (for definitions, please consult Oregon Administrative Rules Chapter 690, Division 11):

AG-agriculture
CF, CH, CI, CR-cranberry uses
CM-commercial
CS-campground
DI-domestic, incl. lawn & garden
DN-domestic, incl. non-commercial
DO-domestic
DS-domestic/stock
FI-fish
FP-fire protection
FW-fish & wildlife

GD-group domestic
GR-groundwater recharge
GT-geothermal
IC-irrigation, primary & supplemental
ID, IL-irrigation with Domestic or Livestock use, respectively
IM-industrial, manufacturing
IR-irrigation
IS-supplemental irrigation
LV, LW-livestock/wildlife
MI-mining

MU-municipal
NU-nursery use
PA-pollution abatement
PW-power
QM-quasi-municipal
RC-recreation
RW-road construction
ST-storage
SW-swimming
TC-temperature control
WI-wildlife

PROPOSED FINAL ORDER REQUEST FORM

Your Name, Address, and Phone Number:

Paul & Helen Jones
347-3184
Rt. 2, Box 1285
London, OR 97411

Phone: _____

Please send me the Proposed Final Order for Water Right Application:

P-74289
 # _____
 # _____

Return this form and \$10 per PFO to:

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

Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued.

RECEIVED

JUL 22 1996

WATER RESOURCES DEPT
 SALEM, OREGON

Paul Jones
 7/22

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

JULY 16, 1996

PROSPER SUB DISTRICT
ROUTE 2 BOX 2500
BANDON, OR. 97411

RE: Application File # R-74289

Dear Applicant:

On **July 16, 1996**, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ A secondary application will need to be submitted to appropriate the additional water to be stored under this application for Cranberry Operations. Also, approved plans and specifications for the reservoir and dam have not yet been approved and no permit will be issued until such is provided.

Please submit these items by **August 30, 1996**. If we do not receive the items requested above by this time, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 454.

Sincerely,



Gary Holliday
Water Right Specialist



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

PFO CHECKLIST

Application #: R 74289 Vol _____ Subbasin _____

Basin: 17

WAB: _____

ownship _____ Range _____ Section _____ 1/4 1/4 _____

- ☒ 1. Completeness checklist verified? Y / N
- ☒ 2. Indicators that the process should not continue (e.g. protest, items missing, letter to file indicating hold, other) Y / N *Plans & Specs for Dam*
- NA* 3. Groundwater review A B C D
 - a. Is second groundwater review necessary? Y / N reason _____
 - b. Is the well located in a groundwater limited area? Y / N
- ☒ 4. SWW Y / N Triage Y / N conditions/restrictions Y / N *4A, Reservoir Special Not allowed April 1 - Nov. 30*
- ☒ 5. Basin Program limitations? Y / N
- ☒ 6. Withdrawal? Y / N season allowed _____
- ☒ 7. Basin Maps have been checked Y / N The River Mile is _____
- ☒ 8. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992) NA *Nov 1 - July 31 + Sept.*
 - a. Notify Ken Stahr Y / N (Q, Duty, or Season) _____
- NA* 9. Rate/Duty/Season _____
- ☒ 10. Use Storage Period of Allowed Use _____
- ☒ 11. Priority Date(s) July 11, 1994 TR / IR mail date _____
- ☒ 12. B.O.R. project Y / N contract # _____
- ☒ 13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) Division 33 Y / N (Abv Bonn. > July 17, 92 //// Elw Bonn. > April 18, 94 or June 3, 94)
- ☒ 14. Conflicts Y / N
- ☒ 15. Objections? Y / N PFO different from IR/TR Y / N
- ☒ 16. Conditions (from IR/TR/ or Additional) Y / N (macro series 4 - 7)
- ☒ 17. Land use approval OK'd needs approval county notified NA
- ☒ 18. SIZE Small (≤ 0.1 cf, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cf, > 9.2 or < 100 AF) Large (≥ 1.5 cf, ≥ 100 AF)?
- ☒ 19. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)

Name: M. J.

Date: 7-10-96

save to m:\pfo\done\week\app\w51

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION R-58295 and do hereby grant the same SUBJECT TO EXISTING RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

This permit is issued to Prosper Water District of PO Box 1047, Bandon, Oregon 97411, phone 347-2791, for the construction of a reservoir and storage of water from Simpson Creek, tributary of Coquille Tidal Flats to be appropriated under Application 57072, Permit 47492 and Application 63195, Permit 47493 for supplemental irrigation

The dam will be LOCATED in the: SE 1/4 NE 1/4 of Section 19, Township 28 South, Range 14 West, WM, in the County of Coos.

The maximum height will be 6 feet above the stream bed or ground surface at the centerline. The top width will be 8 feet, slope of upstream face 3:1, slope of downstream face 2:1, and height of dam above water line when full 4 feet.

The area submerged by the reservoir, when full, will be 7.0 acres, and the maximum depth of water will be 6.0 feet.

The locations and dimensions of the spillway are: 48-inch diameter, corrugated metal pipe through upper part of dam; spillway is 4-foot metal culvert.

The location and dimensions of the outlet conduit will be: None.

The structure is in the channel.

The dam will be earthfill construction.

The right hereunder shall be limited to the storage of 9.0 acre-feet.

The PRIORITY DATE of this permit is February 1, 1979.

Actual construction work shall begin on or before June 13, 1984, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 85.

Complete application of the water to the proposed use shall be made on or before October 1, 19 n/a.

Witness my hand this 13th day of June, 19 83.

/s/ JAMES E. SEXSON

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Fish District: Coos/Coquille

WAB #

Application # R-74289Applicant Name Prosper Sub District

Date: March 27, 1996

AREA

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

INFORMATION/CONDITIONS

1. Are there water quality concerns related to salmon/steelhead/trout? Y (N)

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

4. Fish Screening and Passage

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

5. Miscellaneous

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

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.X Condition permit due to fishery concerns listed above.

PROTEST
FILE: R-74289

ISSUES: 1) Whether measuring & measuring conditions, including the staff gage, were correctly applied to the application.
2) Whether triage was correctly applied to the application - limited period of use, fish screens & staff gage condition.

SUBISSUES: Whether the department will issue a final order for this reservoir application without a secondary application & approved plans & specifications for the dam.

TIME: ~~May need 1/2 day~~

4/1/97
COOS CO

Put this
w/over
S. Coast
Triage
hearings!

Application R-74289

COPY CHECK-OFF SHEET FOR ~~PROPOSED~~ FINAL ORDERS

CC: FILE # R-74289

WATERMASTER # 19

REGIONAL MANAGER: SOUTHWEST

ODF&W - Coos County:

CWRE (if agent): JAMES F GOSSON #054

DEQ

OTHER STATE AGENCY IF NECESSARY: KEN STAHR, OWRD, WATER AVAILABILITY SECTION

* John K
FALK

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

POWER BUILDER UPDATER; FRONT COUNTER

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

Ron Yockim	John Youngquist	Reese Bender	Paul Kent
P.O. Box 218	827 SE Market Ave	ODFW	Rt 2 Box 1285
Roseburg, OR 97470	Roseburg OR, 97470	P.O. Box 5430	Bandon OR
		Charleston, OR 97420	97411

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

RON YOCKIM PO BOX 218 ROSEBURG, OR. 97470
H.R. AND IRENE AMOS ROUTE 2 BOX 2500 BANDON, OR. 97411

~~Paul R Kent Rt 2 Box 1285 Bandon OR 97411~~
~~Ron Yockim PO Box 218 Roseburg, OR 97470~~

CASEWORKER : GH

①

Prosper Sub District

200 acft - enlargement
Crawling

W.H. Nov-July
Triage Nov-April o.k.

- ① measuring devices - drop A. ✓
- * ② allowable period for storage ✓ Dec 1 - March 31 now
K Nov - March 31 (want)
- ③ Fish screen - dump o.k. ✓
- ④ Fish passage - change o.k. (15 required)
- ⑤ FO - but need secondary and plans + specs!
- ⑥ - Other property owners.

(Nov. Storage?)

* Storage in Nov
as long as fish passage is not impacted

* Kress Agrees to this.

IR CHECKLIST

Application #: B 74289 Vol _____ Subbasin _____
 Basin: 17 WAB: 1600 POU-WAB: 1600
 Township _____ Range _____ Section _____ 1/4 1/4 _____

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

Need Plans & Specs before permit is issued

Name: J. H. Date: 1-26-96

1601

- ## Reservations

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

- ### Minimum Perennial Streamflows

(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.

(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:

- 2

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

WATER AVAILABILITY TABLE

Basin: SOUTH COAST

Exceedance Level: 50

Water Availability Subbasin: 1600000000000000 (and Nested Subbasins)

Time: 11:48

Date: 01/26/1996

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

STREAM NAMES

Basin: SOUTH COAST

Water Availability Subbasin: 1600000000000000 (and Nested Subbasins)

Time: 11:48

Date: 01/26/1996

WAB #	Stream Name	Tributary to
1600000000000000	COQUILLE R	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 1600000000000000

Basin: SOUTH COAST

Exceedance Level: 50

Time: 11:48

Date: 01/26/1996

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	1600000000000000	COQUILLE R	YES	4750.0
2	1600000000000000	COQUILLE R	YES	5240.0
3	1600000000000000	COQUILLE R	YES	4830.0
4	1600000000000000	COQUILLE R	YES	2240.0
5	1600000000000000	COQUILLE R	YES	811.0
6	1600000000000000	COQUILLE R	YES	367.0
7	1600000000000000	COQUILLE R	YES	125.0
8	1600000000000000	COQUILLE R	NO	-1.5
9	1600000000000000	COQUILLE R	YES	9.3
10	1600000000000000	COQUILLE R	NO	-208.0
11	1600000000000000	COQUILLE R	YES	1900.0
12	1600000000000000	COQUILLE R	YES	4610.0
Stor	1600000000000000	COQUILLE R	YES	1490000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: COQUILLE R

> PACIFIC OCEAN

Water Availability Subbasin: 1600000000000000

Exceedance Level: 50

Time: 11:48

Date: 01/26/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	5140.00	20.00	5120.00	12.50	5110.00	360.00	4750.00
2	5610.00	20.00	5590.00	13.60	5580.00	340.00	5240.00
3	5190.00	10.00	5180.00	11.70	5170.00	340.00	4830.00
4	2610.00	20.00	2590.00	9.88	2580.00	340.00	2240.00
5	1190.00	30.00	1160.00	8.61	1151.00	340.00	811.00
6	625.00	52.00	573.00	5.79	567.00	200.00	367.00
7	275.00	73.00	202.00	5.85	196.00	71.00	125.00
8	134.00	62.10	71.90	2.35	69.55	71.00	-1.45
9	117.00	34.80	82.20	1.90	80.30	71.00	9.30
10	187.00	15.00	172.00	0.14	172.00	380.00	-208.00
11	2290.00	10.00	2280.00	2.68	2280.00	380.00	1900.00
12	5000.00	20.00	4980.00	11.00	4970.00	360.00	4610.00
Stor	1700000	22000	1680000	5160	1670000	195000	1490000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: COQUILLE R

> PACIFIC OCEAN

Water Availability Subbasin: 1600000000000000

Time: 11:48

Date: 01/26/1996

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

[illegible]

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																51614	40581	50667
13																48442	42567	56410
																-SUPPL-		
																48442	42567	56410
Res																R-48441	R-6751	56409
																G-5571	67861	56405
																G-5571	67861	56405
																62328	REJECT	
																60812	47352	66779
																R-63974	R 8603	
																63975	47417	
																G-10801	G-9941	
																cranberry production uses (supplemental)		
																63195	47493	
																cranberry production uses (primary)		
																63195	47493	
																supplemental		
																G-10664	G-7786	66778

NE			NW			SW			SE			APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES														
			90	075								57072	47492	2
	22											6-11584	G-10542	
Res										RES		R-68348	R-10587	
	22											68349	49555	
												69287	REJECT	
												R-69508		
												69509		
												G-11761		
												R-69640	R-11364	
												69641	51204	
												R-69716	R-11342	
												69717	51140	
												G-12390		
												6-13154		

SP # 35621-690

[illegible]

COMPLETENESS DETERMINATION CHECKLIST

Complete
7/21/95

Application #	Review Date	Reviewer Initials
R - 74289	7/21/95	mwm

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

1. ✓ Examination fees. *50 Ac + 150 Ac \$100 + \$37.50 = \$137.50 Recording fee paid.*
2. ✓ Name and address of the applicant, and title if applicable. -
3. ✓ Source of water.
4. ✓ Use of water.
5. ✓ Amount of water.
6. ✓ Location & description of delivery system.
7. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
8. A statement declaring the existence of written authorization or easement permitting access to lands involved, but not owned by the applicant.
9. ✓ Proposed dates of beginning and completion of construction, and complete application of water.
10. If for **municipal use**, the present population to be served and expected future water requirements.
11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
12. If for a **reservoir**:
 - _____ The height of the dam and the storage capacity.
 - _____ The area submerged and the maximum depth.
 - _____ The construction method (earthfill, concrete, flashboard, etc.).
 - _____ A description of the outlet conduit and spillway.
13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
14. If the application was made under HB 2107:
 - _____ Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - _____ A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - _____ The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
15. ✓ An oath that the application information is true and correct.
16. ✓ The signature of the applicant(s).
17. ✓ A satisfactory map of the proposed POD & POU.
18. ✓ A Land Use Information Form or receipt signed by appropriate planning official.

JANUARY 29, 1996

PROSPER SUB DISTRICT
RT 2 BOX 1310
BANDON, OREGON 97411

Reference: File R-74289

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

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for STORAGE FOR CRANBERRY USE AND SUPPLEMENTAL CRANBERRY USE **is allowed** under OAR 517, the South Coast Basin Program.
4. The storage of 200.0 ACRE-FEET from Simpson Creek for Cranberry Use **is not available** August 1 through October 31.
5. Plans and Specifications need to be submitted before a permit is issued.

Summary of Initial Determinations

The use of 200.0 acre-feet for Storage from Simpson Creek from November 1 through July 31 of each year may be allowed.



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

R-74289

January 29, 1996

Page 2

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

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.

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

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 **FEBRUARY 12, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The priority date for this application is July 11, 1994.

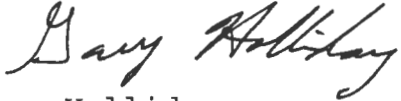
WARNING: This initial review does not attempt to address various public interest issues such as sensitive or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest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

R-74289
January 29, 1996
Page 3

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, Ron Yockim, Paul R Kent
enclosures: Flow Chart of Water Right Process
Stop Processing Form

RECEIVED

MAR - 6 1995

WATER RESOURCES
SALEM, OREGON

March 3, 1995

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

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

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

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

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

Sincerely,

Paul R. Kent

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

August 19, 1994

Oregon

WATER
RESOURCES
DEPARTMENT

Prosper Water Control District
of the Bandon Water Control District
c/o Marvin Manes
Route 2, Box 1310

RE: Proposed Amos Reservoir Enlargement
Application R-74289

Gentlemen:

The Application For A Permit To Construct A Reservoir you submitted for the referenced project located in **Section 19, T28S, R143W, Coos County** has been forwarded to Dam Safety for our review. Based on our cursory review of your application and other information in your file it would appear that the proposed dam and reservoir enlargement will exceed 9.9 feet height and 9.2 acre-feet capacity. The significance of these values is explained below:

Oregon law stipulates all dams and reservoirs exceeding the statutory limits of 9.9 feet height and 9.2 acre-feet storage capacity be designed by an engineer licensed to practice in Oregon. Accordingly, it is necessary that plans and specifications be submitted to the Water Resources Dam Safety Engineer for review and approval prior to beginning issuance of a permit to store water. (Dams and reservoirs of lesser size do not require an engineered design unless their location is such that downstream life and property would be damaged in the event of sudden failure).

The information included with your application is sufficient to begin the technical review process. However, no permits will be issued until an engineered dam design, prepared and stamped by an engineer licensed in Oregon, has been submitted to the Oregon Water Resources Dam Safety program for review and approval. Please be advised that authorization for storage of water can not be granted until a complete set of plans and specifications for the proposed project have been reviewed and approved by the Oregon Water Resources Department.

At this time, a conceptual design consisting of a topographic vicinity map indicating the proposed dam location, the extent of the area inundated by the reservoir, and a typical embankment cross-section may be submitted. This type of information can oftentimes help the case worker complete the technical review without additional questions or added delay. The technical review will summarize water availability, list all protests to your request for a water right, and give a better indication of whether issuance of a permit is likely to occur.

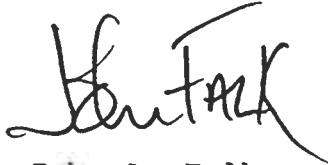


Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

If the results of the technical review are favorable, and you choose to continue with the project, the final set of drawings should be drafted on mylar or similar quality reproducible stock. The reproducible drawings and two (2) sets of blueline prints, together with two (2) sets of specifications and one (1) set of supporting calculations should be sent to the Dam Safety Section at the address listed on this letterhead. One set of approved bluelines and specifications will be returned for use during construction when and if the permit is issued; the others will remain here for public record.

Thank you for your cooperation. I have enclosed for your information a copy of a reduced set of drawings typical of the final plans that are submitted for our review and approval, together with a checklist we use for design review of proposed dams and reservoirs. Should you have any questions, or if we can be of assistance in any other way, please do not hesitate to let me know.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "John A. Falk". The signature is stylized with a large, sweeping "J" and "F".

John A. Falk
Dam Safety Engineer

cc: Dwight French - Water Rights

enclosure



COMMENT FORM

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

Application #s R- 74289, _____

Send to: Don Yockum
P.O. Box 218
Roseburg - OR 97470

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

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

This Comment corresponds to the JUL/20/1994 Public Notice.

Application No. R-74289



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Prosper Sub District

(Please print or type - use dark ink)

Mailing Address: Route 2, Box 1310

Bandon,
City

Oregon
State

97411
Zip

Maxin Manes

541-347-3032

Daytime Phone No.

Bill Pullen

541-347-2087

I (We) make application for a permit to construct Enlarge Amos reservoir and store the following described waters of the State of Oregon: (Originally built under Permit R-8647)

1. **SOURCE OF WATER** for the proposed use: Simpson Creek,
a tributary of Coquille River.

If not in channel of a stream, state how it is to be filled: _____

2. **THE DAM:** The maximum height of the structure will be 23 feet above stream bed or ground surface at the centerline.

The dam will be (check one) ☒ earthfill, ☐ concrete, ☒ flashboard, ☐ other.

If "other" give description: _____

Give the location, description, and dimensions of the outlet conduit: An 8" valved conduit
with regulation valve.

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. **THE USE(s)** of the impounded water will be: Cranberry use and supplemental
cranberry use.

4. **THE AMOUNT OF WATER** to be stored is: 200 acre-feet.
The area submerged by the reservoir, when filled, will be 15 acres,
and the maximum depth of water will be 28 feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. A concrete spillway over the top of the dam capable of passing a
flow of 1% probability of occurrence. The design will accomodate the
placement of splash boards to take advantage of late season storage with
removal during the months of high precipitation.

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

Proposed date construction work will begin 10-95

Proposed date construction work will be completed 10-96

Proposed date water use will be completed 10-98

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

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

 Applicant XX CWRE Other (Identify in REMARKS section)

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

 Applicant XX CWRE Other (Identify in REMARKS section)

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

REMARKS: Other property owners:

H.R. and Irene Amos

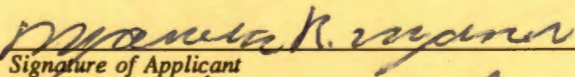
Route 2, Box 2500

Bandon, Oregon 97411

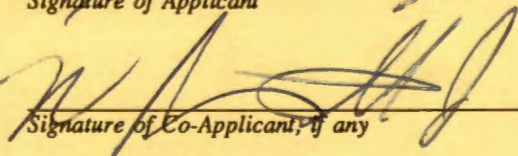
There may be other property owners involved. A survey of the project and
final design will clarify the issue.

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

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


Signature of Applicant

June 27, 1994
Date


Signature of Co-Applicant, if any

6-27-94
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 11th day of July, 1994, at 8:00 o'clock, A M.

APPLICATION NO: R-74289

June 24, 1994

To: Prosper Water Control District
of the Bandon Water Control District
Rt. 2 Box 1310
Bandon OR 97411

RECEIVED

JUL 11 1994

**WATER RESOURCES DEPT.
SALEM, OREGON**

Dear Members:

I confirm to you, my intent to sell to the Prosper Water Control District, my land which lays under the "High Water Mark" of Amos Pond, subject to the following terms and conditions;

Sale price..\$85,000.00

The property line shall follow the Predetermined High Water Line around the pond. There shall be a 20' buffer outside the property line to which Prosper Water Control District shall have an easement for shoreline maintainance, inspection, power lines, utility poles, pumps and all other functions related to water use for cranberry and agricultural production. Mr. Amos shall own the 20' buffer and have all rights to use the pond pursuant to his water rights. The rights of Mr. Amos are assignable.

Prosper Water Control District (The Growers) shall be responsible to move the Amos pump, utility poles and rebuild the Amos road in a location above the high water propertyline. Should fencing be required, the cost of such fence will be the responsibility of the growers.

The growers shall clear the High Water Property Line in preparation for the survey of the property line and buffer. Cats, tractors and other equipment may be used to clear the property line and buffer zone.

The subject pond and property line must be surveyed, partitioned and portions of several roads vacated, which will take several months. Mr. Prahar and Mr. Markham will complete the Land Use portion of this transaction with the growers responsible for the related expenses. The growers shall be responsible for all state, federal and local permits related to the dam and use of water from the pond.

Though the actual conveyance of the pond property can not occur until all Land Use issues are completed, the growers, upon securing insurance which totally protects Mr. Amos from liability, may put the boards in the dam to begin storing water for cranberry use.

Mr. Amos request that any comments the growers wish to make be made to Mr. Markham who is the Amos agent. Mr. Markham may be reached at 347-9431(office) or 347-2984(home) or P.O. Box 1500, Bandon OR 97411.

H. R. Amos

6/24/94

H.R. Amos

6/24/94

Date

Application No. 74289
Permit No.

Application No.

74289

Planning Official Initials

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: Prosper Sub District

Address: Route 2, Box 1310

Bandon, Oregon 97411

Phone:

RECEIVED

JUL 11 1994

WATER RESOURCES DEPT
SALEM, OREGON

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

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

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: Simpson Creek _____ _____	_____ Cubic feet per second. _____ Gallons per minute. 200 Acre-Feet
☒ Reservoir or pond	
☐ Ground Water	

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

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

Applicant's Name: Prosper Sub District
 Address: Route 2, Box 1310
 City: Bandon State: Or Zip: 97411 Day Phone: _____

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
9610.00	EFU -	XX		
3154.00		XX		
31354.00	Residential City zoning			

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 city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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

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

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: _____

Title: _____

Date: _____

Phone: _____

Signature: _____

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:



EARNEST MONEY RECEIPT, OFFER AND ACCEPTANCE

This is a legally binding contract.
If not understood, seek competent advice.

City _____, State Oregon, May 10, 1994

A. RECEIVED FROM Prosper Sub District (the Prosper Sub District under Control District)
(hereinafter called "purchaser") the sum of \$ 1,000.00 in the form of Check as earnest money and part payment for the following described real estate:
Coos, known as Amos Reservoir, Section 20, Legal Description
to be supplied by John Prahar, Survey currently in progress.

together with the following personal property: n/a

which we have sold to the
purchaser subject to the seller's approval for the sum of Eighty Five Thousand Dollars Dollars \$ 85,000.00

on the following terms, to-wit: The earnest money hereinabove receipted for
(Strike whichever not applicable)
(on seller's acceptance) \$ 1,000.00
(on purchaser's acceptance) \$ _____
upon delivery (1) of the title report mentioned below and (2) of deed (Strike whichever not applicable)
(Strike whichever not applicable) \$ _____

Balance of Eighty Four Thousand Dollars Dollars \$ 84,000.00

payable as follows: Cash offer and acceptance. Balance of sale price to be paid in cash
upon delivery of Deed. Subject to and contingent upon pending survey
completion by John Prahar and required permits are received.

* I, the undersigned, do hereby agree that the above described property is subject to the following conditions:

1. If this transaction includes dwelling units, purchaser and seller certify that a working smoke detector shall be installed in each such unit according to applicable law, prior to closing.
2. Seller shall furnish to purchaser in due course at seller's expense a title policy insuring marketable title in an amount equal to purchase price of aforesaid real estate. Preliminary to closing, seller shall deliver to purchaser a title insurance company's title report showing its willingness so to insure seller's title to said property.
3. If seller does not accept this sale within the period allowed broker below to obtain such acceptance, or if seller's title is not insurable and cannot be made so within 30 days after the date of said preliminary title report, the said earnest money shall be refunded, but purchaser's acceptance thereof shall not constitute a waiver of other remedies available to purchaser. If seller accepts this sale and said title is insurable and purchaser neglects or refuses to comply with any of said conditions, or to make all said required payments promptly, then said earnest money and additional earnest money, if any, shall be forfeited and disposed of as stated in Section F below and this contract will be of no further binding effect.
4. The property is to be conveyed by good and sufficient deed free and clear of all liens and encumbrances except zoning ordinances, building and use restrictions, reservations in Fee

patents, easements of record and n/a
5. Seller shall leave on the premises as part of the property purchased all irrigation, plumbing, heating and built-in appliances, fixtures and equipment (including oil tanks but excluding unattached fireplace equipment), water heaters, light fixtures, bulbs and tubes, bathroom fixtures, venetian blinds, shades, drapery and curtain rods, window and door screens, storm doors and windows, attached floor coverings, attached television antenna, all shrubs, plants and trees and other attached fixtures not herein expressly reserved or excepted.

6. Taxes for the current year, rents, interest, insurance premiums and other matters shall be prorated between purchaser and seller. Any real property taxes, interest or assessment the which is attributable to periods before closing, but the due date for payments of which has been deferred, shall be paid by seller. Purchaser shall pay seller for oil or gas fuel on hand at date of possession and shall reimburse seller for sums held in seller's reserve account, if any, for any indebtedness on said property; all adjustments are to be made at the date of delivery of possession unless otherwise specified. Encumbrances to be discharged by seller may be paid, at seller's option, out of the purchase money at date of closing. CLOSING IN ESCROW, YES ☐ NO ☒ IF CLOSED IN ESCROW, ESCROW COSTS TO BE SHARED EQUALLY BY SELLER AND PURCHASER. (INDICATE YES OR NO.)

7. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE FIRE PROTECTION FOR STRUCTURES. Purchaser is buying this property on purchaser's own examination only, and not on any representations of the seller or seller's agent.

8. Possession of said premises is to be delivered to purchaser on or before permits received. Time is of the essence hereof. This contract is binding upon the heirs, executors, administrators, successors and assigns of purchaser and seller. However, the purchaser's rights herein are not assignable without written consent of seller. In any suit or action brought on this contract, the losing party therein agrees to pay the prevailing party therein (1) the prevailing party's reasonable attorney's fees in such suit or action, to be fixed by trial court, and (2) on appeal, if any, similar fees in the appellate court, to be fixed by the appellate court.

Special conditions: none

Listing Broker _____ Phone _____ Address _____
Selling Broker _____ Phone _____ By _____ Address _____

B. AGREEMENT TO PURCHASE

I hereby agree to purchase the above described property in its present condition, for the price and on the terms set forth above and grant to said broker a period of _____ days hereafter to secure seller's acceptance hereof, during which period my offer shall not be subject to revocation. I acknowledge delivery of an executed copy of this earnest money receipt which have read and understood; said deed or contract to be in the name of Prosper Sub District

Buyer's Address _____ Phone _____

C. PURCHASER'S AND SELLER'S AGREEMENT RE DEPOSIT OF EARNEST MONEY

The Earnest Money deposit in this transaction of \$ _____ in the form stated above shall be deposited in the Client's Trust Account of the ☐ listing Broker, ☐ selling Broker until this offer is accepted, whereupon the parties agree and direct that such funds be 1. ☐ deposited (or retained) in the Client's Trust Account of _____, the listing Broker, or 2. ☐ deposited in escrow with _____ Address _____

Buyer _____ Seller _____
Buyer _____ Seller _____

D. AGREEMENT TO SELL

I hereby approve and accept the above sale for said price and on said terms and conditions and agree to consummate the same as stated.

Seller's Address _____ Phone _____ H.R. AMOS

E. Deliver promptly to purchaser, either manually or by registered mail, a copy hereof showing seller's acceptance.

Purchaser acknowledges receipt of the foregoing instrument bearing his signature and that of the seller showing acceptance.

Date _____ Purchaser _____
Time _____ Purchaser _____

Copy hereof showing seller's signed acceptance sent purchaser by registered mail to purchaser's above address.
(return receipt requested) on _____, 19_____
Return receipt card received and attached to broker's copy _____, 19_____