

Mailing List for Superseding FO Copies

Application # R-83543

Mailing List Print Date October 29, 1998

Original mailed to(when permit issued, include copy of permit map):

Applicant: Cary Bogs, Route 1 Box 1507, Bandon, Oregon 97411

Copies Mailed By: <u>HW</u> (SUPPORT STAFF) on: <u>11/17/98</u> (DATE)
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For FO w/Permit - Copies sent to:

1. WRD - File # R-83543
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)
5. WRD - John Falk (for reservoir applications only)

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

6. WRD - Watermaster District #: 19
7. WRD - Regional Manager: SWR
8. ODFW District Biologist: Coos-Coquille District
9. Dept of Agriculture - Steve Applegate
10. DEQ Headquarters - Russell Harding
11. DEQ Headquarters - Tom Rosetta

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. M. John Youngquist, 827 SE Mosier, Roseburg, Oregon 97470

2. _____

3. _____

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

2. _____

CASEWORKER: LKS

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-83543

Superseding Final Order

Application History

On August 29, 1997, CARY BOGS submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 10, 1998. The protest period closed March 27, 1998, and no protest was filed.

On June 8, 1998, the Department issued a Final Order requesting the submission of permit recording fees. The necessary permit recording fees were received on October 8, 1998.

Based upon continued review the Department has determined that the original Final Order requires modification, as follows, to correctly describe the maximum depth of Reservoir 1 and to identify the maximum heights of each dam or berm:

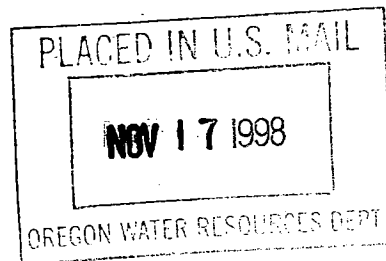
The area submerged by the reservoir, when full, will be 1.0 acre for Reservoir 1, 1.2 acres for Reservoir 2, and 2.0 acres for Reservoir 3 and the maximum depth of water will be 16.0 feet for Reservoir 1, 25.0 feet for Reservoir 2, and 23 feet for Reservoir 3. The maximum height of the dams shall not exceed 9.5 feet for Reservoir 1, 5.0 feet for Reservoir 2, and 8.5 feet for Reservoir 3.

Order

Application R-83543 therefore is approved as modified above, and Permit Number R-12570 is issued as limited by the conditions contained therein.

DATED November 13th, 1998

Dwight French for
Martha O. Pagel, Director



Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

This document was prepared by Laura Snedaker. If you have any questions about any of the statements contained in this document she is most likely the best person to answer your questions. You can reach her toll free within Oregon at 1-800-624-3199 extension 331. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CARY BOGS

ROUTE 1 BOX 1507
BANDON, OREGON 97411

PHONE: (541) 347-2381

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

APPLICATION FILE NUMBER: R-83543

SOURCE OF WATER: RUNOFF, TRIBUTARY TO CONNER CREEK, WITHIN THE SOUTH COAST BASIN

STORAGE FACILITY: THREE UNNAMED RESERVOIRS (RESERVOIR 1, RESERVOIR 2, AND RESERVOIR 3)

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER PERMIT 53501 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME: 56.6 ACRE-FEET (AF) PER YEAR EACH YEAR, BEING 9.0 AF IN RESERVOIR 1, 20.0 AF IN RESERVOIR 2, AND 27.6 AF IN RESERVOIR 3

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD DECEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: AUGUST 29, 1997

The area submerged by the reservoir, when full, will be 1.0 acre for Reservoir 1, 1.2 acres for Reservoir 2, and 2.0 acres for Reservoir 3 and the maximum depth of water will be 16.0 feet for Reservoir 1, 25.0 feet for Reservoir 2, and 23 feet for Reservoir 3. The maximum height of the dams shall not exceed 9.5 feet for Reservoir 1, 5.0 feet for Reservoir 2, and 8.5 feet for Reservoir 3.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 7, T30S, R14W, W.M.; RESERVOIR 1 - 455 FEET NORTH & 60 FEET EAST, RESERVOIR 2 - 115 FEET NORTH & 400 FEET EAST, AND RESERVOIR 3 - 60 FEET NORTH & 750 FEET EAST ALL FROM W1/4 CORNER, SECTION 7.

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

SW 1/4 NW 1/4
SECTION 7
TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

- A. 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. The permittee shall take a reading from the gage once a month and keep a record of these measurements and shall be responsible for maintaining the gage. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to measure water use more frequently or report 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.

Use under this permit is limited to the reservoir areas. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

Before water use may begin under this permit, a weir must be installed upstream and downstream of the reservoir(s). 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. X

The storage of water allowed herein in Reservoir 2 is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights. X

The storage of water in Reservoir 1 and 3 allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches. y

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.

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.

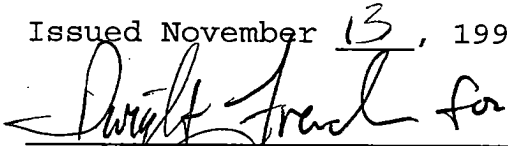
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

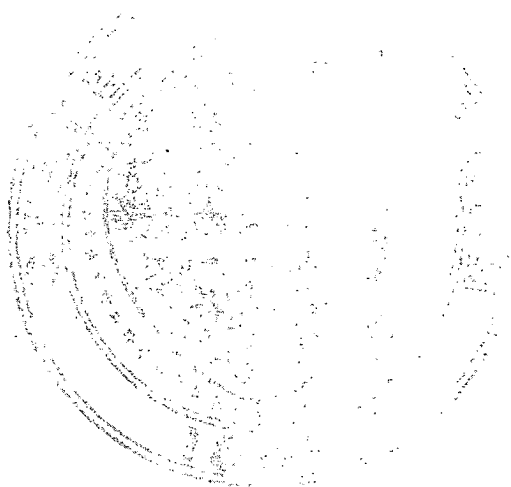
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin by June 8, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 13, 1998



Water Resources Department
Martha Pagel, Director



Application R-83543
Basin 17
LKS

Water Resources Department
Volume 3 CROFT L & MISC
MGMT.CODE 6EW

PERMIT R-12570
District 19