

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-83543

**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.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe dam/dike locations on the three reservoirs, to correctly describe the date by which construction must begin, and to include an additional storage condition. Construction must begin within one year of the issuance of this Final Order.

**Order**

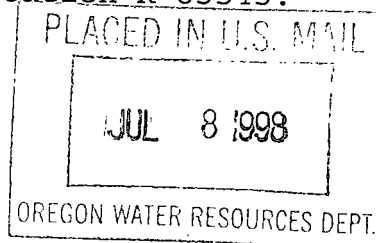
Upon payment of outstanding permit recording fees, Application R-83543 shall be approved as modified above and as conditioned in the attached draft permit.

Permit recording fees are required in the amount of \$175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application R-83543.

DATED June 8, 1998

*Martha O. Pagel*

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

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT 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 APPLICATION S-83542 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 10.0 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 10.0 feet. *-specify heights*

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.

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.

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.

#### **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.

SEE NEXT PAGE

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 \_\_\_\_\_, 199\_

DRAFT - THIS IS **NOT** A PERMIT

Water Resources Department  
Director

Application R-83543  
Basin 17  
LKS

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

PERMIT DRAFT  
District 19

# Mailing List for FO Copies

Application #R-83543

FO Date May 19, 1998

**Original mailed to:**

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

Copies sent to:

- 1. WRD - File # R-83543 ✓
- 2.

PFO, Map, and Fact Sheet Copies sent to:

- 3. WRD - Watermaster # District: 19 ✓
- 4. WRD - Regional Manager: SWR ✓
- 5. ODFW District Biologist: Coos-Coquille District ✓
- 6. Dept of Agriculture - Ves Garner ✓
- 7. DEQ Headquarters - Russell Harding ✓
- 8. DEQ Headquarters - Tom Rosetta ✓

<p>Copies Mailed By: <u>RWK</u> (SUPPORT STAFF) on: <u>7/6/98</u> (DATE)</p>
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Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

- 9. M. John Youngquist, 827 SE Mosier, Roseburg, Oregon 97470 ✓
- 10. \_\_\_\_\_
- 11. \_\_\_\_\_
- 12. \_\_\_\_\_
- 13. \_\_\_\_\_
- 14. \_\_\_\_\_
- 15. \_\_\_\_\_

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

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

CASEWORKER : LKS

# FO CHECKLIST

FILE # R-83543  
 PFO WEEK # 134

REVIEW DATE: 5/19/98  
 INITIALS: LKS

## PFO TO FO CONVERSION

In preparing to create the FO, you should check the following:

1.  N Were comments or protests received? If so, from whom and when?
2.  On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and those who paid the \$10 fee.
3.  Y /  N /  NA Have affected landowners been notified?
4.  Y /  N Is the file lacking a signed oath of accuracy for the application?
5.  Y /  N /  NA Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6.  Y /  N Is water use prohibited for one or more months of the normal use period?
7.  Y /  N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information. *Not necessary for storage*
8.  Verify payment of recording fees (circle the appropriate option)
  - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO** *paid \$92.50*
  - (2) Issue FO w/o permit if fees are lacking *paid 250 see SW file - 100 47 (397) (rec) + 175 (rec) = 572 (mod 537.5)*
9.  Y /  N Is further processing possible? If not state reason: *see SW file - 397 (rec) + 175 (rec) = 572 (mod 537.5)*
10.  Notify applicant of additional information or fees required prior to permit issuance. (SEND **CERTIFIED LETTER** & use standard wording from M:\...\FO\TOOLS if possible)
11.  Assign permit numbers to files with oath, fees, and no protests or other issues
12.  Y /  N Do the PFO conclusions requires modification? Why? A Date correction  
 (If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	<input checked="" type="radio"/> <b>FO w/o PERMIT</b>	FO & PERMIT	<input checked="" type="radio"/> <b>FOMOD</b>
COMMENTS:  <u>56.6 ac-ft</u>				MGMT CODES:

Once created, modify FO as needed to:

- Initials \_\_\_\_\_
13.  Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
  14.  Include or exclude permit conditions and management codes
  15.  Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

16.  Save WordPerfect document in M:\GROUPS\WR\FOWEEK \_\_\_\_\_ & delete duplicates
17.  Print final draft of document and submit to team leader for review
18.  Y /  N Team leader review completed