

Mailing List for Proposed Order of Certification  
Scheduled Mailing Date:

**Application:** S-83542  
**Permit:** S-53501

**Permit Holder:**

CARY BOGS  
87401 LOIS LANE  
BANDON OR 97411

Copies Mailed

by: Connie Vance  
(STAFF)  
on: OCT 02 2015  
(DATE)

**Copies of Order to be sent to:**

1. Watermaster (Proposed Order): # 19
- ~~2. Data Center (include copy of map),~~
- ~~3. Water Availability~~
- ~~4. Vault~~
5. File

**Other persons to receive copies: (include map):**

6. Jerry Lee Estabrook, CWRE

**PROPOSED**

*Certified Mail*

*9590940301475086245953*

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

Order of Certification in the Matter of )  
Cancellation of Permit R-53501 )

FINAL ORDER

**PROPOSED**

**Findings of Fact**

1. Application S-83542, in the name of Cary Bogs, was received August 29, 1997. Permit S-53501 was issued November 13, 1998, approving the application.
2. Permit S-53501 allowed the use of water from Reservoir 1, Reservoir 2, and Reservoir 3, constructed under Permit R-12570, tributaries of Conner Creek, for cranberry operations on 10.6 acres. The date the reservoir was to be completed and filled was set for October 1, 2002.
3. The Department received a Claim of Beneficial Use on June 2, 2010.
4. The permit contained the below listed condition that was not complied with:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, **a totalizing flow meter must be installed at each diversion point.** The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. 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 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 right.
5. A review of Department records indicates that a totalizing flow meter has been installed on only Reservoir 1 and 3.

**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.

**PROPOSED**

**Conclusions of Law**

Satisfactory proof of beneficial use was not received. The use allowed by Permit S-53501 is lost. The permit should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

**Now, therefore, it is ORDERED:**

Permit S-53501 is cancelled and is of no further force or effect.

Issued \_\_\_\_\_

**PROPOSED**

\_\_\_\_\_  
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified # **9590940301475086245953**

Date Mailed: **OCT 08 2015**

## NOTICE

Reference: Application S-83542, Permit S-53501

Enclosed is a proposed order of certification. The order proposes to cancel Permit S-53501. If you do not agree with the proposed order, 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 order.

If you agree with the proposed order no response to this notice is required. Sometime after the 60 day period, the recorded order will be mailed to the permittee.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French

Water Right Services Division Administrator