

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE 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: S-83542

SOURCE OF WATER: RESERVOIR 1, RESERVOIR 2, AND RESERVOIR 3, CONSTRUCTED UNDER PERMIT R-12570, TRIBUTARIES OF CONNER CREEK

PURPOSE OR USE: CRANBERRY OPERATIONS ON 10.6 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 56.6 ACRE-FEET (AF) PER YEAR, BEING 9.0 AF FROM RESERVOIR 1, 20.0 AF FROM RESERVOIR 2, AND 27.6 AF FROM RESERVOIR 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 29, 1997

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 7, T30S, R14W, W.M.; RES. 1 POD - 455 FEET NORTH & 60 FEET EAST, RES. 2 POD - 540 FEET NORTH & 360 FEET EAST, AND RES. 3 POD - 390 FEET NORTH & 700 FEET EAST ALL FROM W1/4 CORNER, SECTION 7

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 10.6 ACRES
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 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 place and nature of use of water under the permit.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River alternative Dispute Resolution Team Agreement on file with the Department.

STANDARD CONDITIONS

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

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. Complete application of the 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

Dwight French for

Water Resources Department
Martha Pagel, Director



Mailing List for Permit Copies

Application# S-83542

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)
--

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # S-83542
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)
5. WRD - Watermaster District #: 19 (w/copy of permit map)
6. WRD - Regional Manager: SWR (w/copy of permit map)

COPIES TO Other Interested Persons

1. M. John Youngquist
2. _____
3. _____

CASEWORKER: LKS

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-83542

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 17, 1998. The protest period closed April 3, 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 the date by which construction must begin. Construction must begin within one year from the issuance of this Final Order.

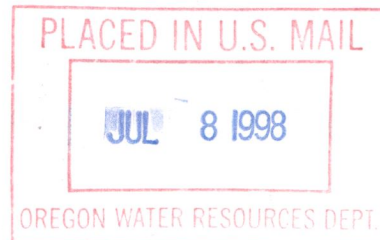
Order

Upon payment of outstanding permit recording fees, Application S-83542 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 S-83542.

DATED June 6, 1998


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 APPROPRIATE 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: S-83542

SOURCE OF WATER: RESERVOIR 1, RESERVOIR 2, AND RESERVOIR 3, TO BE CONSTRUCTED UNDER APPLICATION R-83543, TRIBUTARIES OF CONNER CREEK

PURPOSE OR USE: CRANBERRY OPERATIONS ON 10.6 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 56.6 ACRE-FEET (AF) PER YEAR, BEING 9.0 AF FROM RESERVOIR 1, 20.0 AF FROM RESERVOIR 2, AND 27.6 AF FROM RESERVOIR 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 29, 1997

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 7, T30S, R14W, W.M.; RES. 1 POD - 455 FEET NORTH & 60 FEET EAST, RES. 2 POD - 540 FEET NORTH & 360 FEET EAST, AND RES. 3 POD - 390 FEET NORTH & 700 FEET EAST ALL FROM W1/4 CORNER, SECTION 7

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 10.6 ACRES
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 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 place and nature of use of water under the permit.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River alternative Dispute Resolution Team Agreement on file with the Department.

STANDARD CONDITIONS

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

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. Complete application of the 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