

ASSIGNED

FILE#: S 71757

DOUGLAS W JOHNSON
JOHNSON JR, RANDALL W
PO BOX 1166
BANDON, OR 97411

*Cl. Gale
owner
#808933
#16974*

Application No. 71757

Permit No. 51459

Certificate No. _____

Coos

Stream Index, Page No. 17

17-1560-0010

V3 Four Mile Cr & M. Coe

FEES PAID

Date	Amount	Receipt No.
7-15-91	390 ⁰⁰	70412
2-18-92	100.00	83441
10/27/96	8100.00	7795
Extension 11-26-96	200.-	8705
assignment 5-30-97	\$10.00	12811E
assignment 7-18-97	\$10.00	14161

FEES REFUNDED

Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until _____

*C 0/9
"one table"*

Return to applicant _____

Date of approval _____

ASSIGNMENTS

Date	ASSIGNED To Whom	Address	Volume	Page
5/22/97	Randall + Elaine Johnson	Gen. Del. - Bandon 97411	7	3432-33
7/18/97	Martha Vincent	Rt. 1 Box 1493 Bandon, OR 97411 Ph. 347-2245	8	5
11/10/2009	Randall + Elaine Johnson	87631 Bearhead Beach Rd Mt. Ln Bandon 97479 3050 Tremont Street North Bend, Oregon 97459	8	944

REMARKS

*na sent 10/4/94
(BC ext. to 10-1-97 V51 P445 5/9/97)*

CONSTRUCTION

Date for beginning JUN 1 1993

Date for completion OCT 1 1994

Extended to 10-1-97, 10-1-03

Date for application of water OCT 1 1995

Extended to 10-1-97, 10-1-03
10-1-09

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed 9-30-94

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

FITZGERALD Kate M

From: SAUTER Jerry K
Sent: Wednesday, December 16, 2015 4:08 PM
To: Kim Grigsby
Cc: Adam Sussman; FITZGERALD Kate M
Subject: RE: Coquille Indian Tribe - Water Rights

Kim,
Thanks for the update. We will not these in the files.
JK

J.K. (Jerry) Sauter | Water Rights Program Analyst
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph. 503.986.0817 | Fax 503.986.0901
Information Requests may be made to : customerservice@ wrd.state.or.us

From: Kim Grigsby [<mailto:KGrigsby@gsiws.com>]
Sent: Wednesday, December 16, 2015 4:02 PM
To: SAUTER Jerry K
Cc: Adam Sussman
Subject: Coquille Indian Tribe - Water Rights

Jerry:

It was good to talk with you earlier this week. As I described, GSI Water Solutions, Inc. (GSI) is in the process of entering into a contract with the Coquille Indian Tribe in order to provide assistance with their water rights. GSI will be helping the Tribe either develop a Claim of Beneficial Use and certificate request, or an extension of time, as appropriate for the following permits:

- Application R-85411, Permit R-13907
- Application R-85412, Permit R-13908
- Application R-83738, Permit R-12617
- Application R-83740, Permit R-12619
- Application S-83741, Permit S-53529
- Application R-72045, Permit R-11456
- Application S-71757, Permit S-51459

Can you please place a copy of this correspondence in the above referenced files so that if any Department staff have questions regarding the status of the permits they can give me a call.

As always, I appreciate your help.

Best regards,
Kim

Kimberly Grigsby
Senior Water Resources Consultant | GSI Water Solutions, Inc.
direct: 541-257-9004 | cell: 503-351-1912



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

November 12, 2009

Coquille Indian Tribe
P.O. Box 783
3050 Tremont Street
North Bend, Oregon 97459

Reference: Application R-72045, Permit R-11456 – Application S-71757, Permit S-51459
Application S-83741, Permit S-53529 – Application R-83740, Permit R-12619
Application R-83738, Permit R-12617 – Certificate 8752
Certificate 61417 – Certificate 61418

Regarding Application R-72045, Permit R-11456 – Application S-71757, Permit S-51459 the assignment by proof from Randall Johnson to Coquille Indian Tribe, has been recorded in the records of the Water Resources Department.

Regarding Application S-83741, Permit S-53529 – Application R-83740, Permit R-12619 Application R-83738, Permit R-12617, the assignment by proof from Westbrook Land and Timber, LLC to Coquille Indian Tribe, has been recorded in the records of the Water Resources Department.

Regarding Certificate 8752, Certificate 61417, and Certificate 61418, there is no provision in Oregon Water law that allows for the assignment of a certificated right. Once a right has been perfected, as evidenced by the issuance of a certificate, law views it as a land right that goes with the land. Therefore, if you own the land, you own the certificated water right. There is a provision to allow for the update of ownership for certified rights. The Department will accept the assignment requests as an ownership update on these three rights. There is no fee for an ownership update, therefore the Department is refunding the fees for these three rights.

Our records have been changed accordingly and the original request is enclosed. Receipt number 98465 covering the recording fee of \$600 is also enclosed.

Please review the permits to be familiar with the conditions and timelines contained in the permits. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.



Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 98465

cc: Watermaster 19
Randall Johnson
Westbrook Land and Timber, LLC
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File

4-MILE



Fidelity National Title[®] Company

After Recording Return To:
Fidelity National Title Company
215 Curtis Ave.
PO Box 355
Coos Bay OR 97420-0037

AFTER RECORDING RETURN TO
FIDELITY NATIONAL TITLE COMPANY

Send Tax Statements To:
Coquille Indian Tribe
Edward L. Metcalf
P.O. Box 783
North Bend OR 97459

Title Order No. 24-95845 *AF*
Escrow No. 24-95845
Tax Account No. T30R14S06 200
A#13490.01, T30R14S06 200
A#13490.91, T30R14S06 202
A#13490.05, T30R14S06 202
A#13490.95, T30R14S06 204
A#13490.07

WARRANTY DEED (ORS 93.850)

Randall Wesley Johnson, Jr. and Elaine Marie Johnson, as tenants by the entirety, Grantor, conveys and warrants to Coquille Indian Tribe, a federally recognized Indian tribe, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

This deed is being recorded to correct the legal description on Warranty Deed recorded March 2, 2006 as microfilm reel no. 2006-2859

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES 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, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true consideration for this conveyance is \$670,000.00.

Dated this 14th day of Aug

Randall Wesley Johnson, Jr.
Randall Wesley Johnson, Jr.

Elaine Marie Johnson
Elaine Marie Johnson

EXHIBIT 'A'Legal Description:

PARCEL 1:

Lots 3 and 4, in Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom that portion lying within the State Highway 101 Right of Way and conveyed by Instruments Recorded May 6, 1964 in Volume 309, Page 337 and in Instrument Recorded in Volume 227, Page 175, Deed Records of Coos County, Oregon.

Also save and EXCEPT the following described parcel:

Beginning at a point on the East side of Oregon State Highway 101, which point is 159 feet, more or less, West of the Northwest corner of Lot 5, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; running thence East for a distance of 475 feet; thence North for a distance of 265 feet; thence West 475 feet, more or less, to the East boundary of said Oregon State Highway 101; thence Southwesterly along the East boundary of said Highway to the point of beginning.

Also Save and Except the following described parcel:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows: Beginning at a point on the south line of said Lot 4 and said point being 316 feet, more or less, East of the Southwest corner of said Lot 4 and said point being the Southeast corner of that exception described in a property Deed Recorded in Coos County Clerk's Office, Microfilm N. 82-1-6090; thence North a distance of 285 feet to a pipe post; thence continuing North a distance of 40 feet for a total of 325 feet; thence North 80° East a distance of 599.10 feet; thence South a distance of 429 feet to said South line of Lot 4; thence West along said South line a distance of 590 feet to point of beginning.

Also Save and Except the following described parcel:

A tract of land, located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows: Beginning at a point of intersection of the North line of said Lot 4 and the Easterly right-of-way boundary of State Highway 101 and point being East a distance of 50 feet from the Northwest corner of said Lot 4; thence East along said North line a distance of 470.00 feet; thence South a distance of 470.00 feet; thence West a distance of 470.00 feet to the said right-of-way boundary; thence North along said boundary a distance of 470.00 feet to point of beginning.

Also Save and Except the following described parcel:

A tract of land located in Government Lot 4 of Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows: Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South and 319.71 feet East of the Northwest corner of said Section 6; thence North a distance of 40.00 feet; thence North 80° East a distance of 315.00 feet to the true point of beginning; thence North a distance of 450.00 feet; thence East a distance of 400.00 feet; thence South a distance of 829.70 feet to the South line of Government Lot 4 of said Section 6; thence West along said South line a distance of 120.21 feet; thence North a distance of 429 feet; thence South 80° West a distance of 284.10 feet to the true point of beginning.

Also save and Except the following described parcel:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows: Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South, and 319.71 feet East of the Northwest corner of said Section 6; thence West a distance of 475 feet, more or less, to the

Title No. 24-95845

Escrow No. 24-95845

corner of said Lot 4; thence East along said North line a distance of 470.00 feet; thence South a distance of 470.00 feet; thence West a distance of 470.00 feet to the said right-of-way boundary; thence North along said boundary a distance of 470.00 feet to point of beginning.

Parcel 3:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows: Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South, and 319.71 feet East of the Northwest corner of said Section 6; thence West a distance of 475 feet, more or less, to the Easterly boundary of the Oregon Coast Highway 101; thence Northerly along said Easterly boundary a distance of 370 feet, more or less; thence East a distance of 670 feet, more or less; thence South a distance of 220.00 feet; thence South 80° West a distance of 315.00 feet; thence South a distance of 40.00 feet to the point of beginning.

Subject to:

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

The assessment roll and tax roll discloses that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.

The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.

The following matters are excluded from the coverage of the policy based on the proximity of the property to creek, stream and/or tributary.

- a. Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of creek, stream and/or tributary.
- b. Any adverse claim based on the assertion that:
 - i. Some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - ii. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of creek, stream and/or tributary or has been formed by accretion to such portion.

An Easement created by instrument, including the terms and provisions thereof,

For: Right of Way
Recorded: June 13, 1921
Book: 85 Page: 213
in Coos County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: United States of America
Recorded: September 12, 1950
Book: 202 Page: 305
in Coos County, Oregon.

Limited access provisions contained in Deed to the State of Oregon, by and through its State

Title No. 24-95845

Escrow No. 24-95845

An Easement created by instrument, including the terms and provisions thereof,
In favor of: United States of America
Recorded: March 20, 1954
Book: 232 Page: 636
in Coos County, Oregon.

Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, 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: May 6, 1964
Book: 309 Page: 337
in Coos County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: United States of America
Recorded: August 8, 1969
Microfilm No.: 69-8-41163
in Coos County, Oregon.

Subject to easement, setback line, conditions and restrictions, including the terms and provisions thereof, as set forth on minor partition,

Recorded: June 27, 1983
Microfilm No.: 83-3-5394
Records of Coos County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Rita Gillett
Recorded: March 26, 1984
Microfilm No.: 84-2-1866
in Coos County, Oregon.

Subject to easement, setback line, conditions and restrictions, including the terms and provisions thereof, as set forth on minor partition,

Recorded: August 6, 1984
Microfilm No.: 84-4-0679
Records of Coos County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: William Kurtz
Recorded: September 23, 1986
Microfilm No.: 86-4-7407
in Coos County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Coos-Curry Electric Cooperative
For: Right of Way
Recorded: December 16, 1991
Microfilm No.: 91-12-0633
in Coos County, Oregon.

An Easement Agreement, created by instrument, including the terms and provisions thereof,
Between: Randall Wesley Johnson, Jr. and Elaine Marie Johnson
And: Others
For: Roadway

Title No. 24-95845

Escrow No. 24-95845

An inquiry of the Oregon State Corporation Division of the State of Oregon reveals no listing for Coquille Indian Tribe. Our office will require notification of the nature of the business entity prior to closing.

(NOTE: Coquille Indian Tribe, Inc. is an inactive domestic non-profit 'public benefit with members' type of corporation with Administrative Dissolution filed September 30, 2005.)

Any conveyance or encumbrance by a non-profit corporation should be executed pursuant to a proper resolution of the members voted on at a duly called meeting of the membership in accordance with the by-laws or other authority of the corporation.

Certified copies of the resolution of the Board of Directors (or other governing body) authorizing the conveyance or encumbrance, minutes of the meeting of the membership and copies of the by-laws or other authority for such conveyance or encumbrance should be furnished for examination.

An Easement created by instrument, including the terms and provisions thereof,

In favor of:

Larry Parmenter

For:

Fence, driveway, water tank and addressing signage, planting and landscaping and beneficial use and access

Recorded:

December 1, 2003

Microfilm No.:

2003-18871

in Coos County, Oregon.

NOTE: *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

Mailing List for Extension FO Copies

Application #S-71757
Permit #S-51459

FO Date: August 18, 2004

Original mailed to:

Applicant: **Randall and Elaine Johnson**
87631 Bearhead Mtn. Ln
Bandon, OR 97411

Copies Mailed	
By: <u> D </u>	(SUPPORT STAFF)
on: <u> 8-2004 </u>	(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #S-71757 / Permit #S-51459
2. WRD - Watermaster District: #19 - Mitch Lewis
3. WRD - Southwest Region Manager
4. DEQ - Western Region - John Blanchard, Medford
5. ODFW - District #1 - Shannon Hurn, Charleston
6. WRD - Support Staff, Salem

Other interested parties:

None

CASEWORKER: LJJ/jju

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-71757

Final Order
Extension of Time for Permit Number S-51459

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Application History

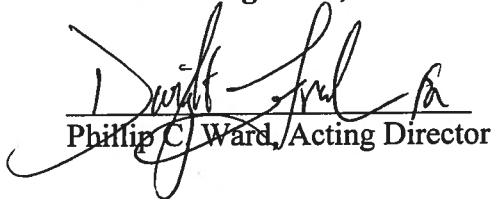
On September 25, 2003, Randall and Elaine Johnson submitted an application to the Department for an extension of time for permit number S-51459. The Department issued permit number S-51459 on June 1, 1992. The permit called for completion of construction by October 1, 1994, and complete application of water to beneficial use by October 1, 1995. In accordance with OAR 690-315-0050(2), on June 22, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 1, 2008, and the time to fully apply water to beneficial use to October 1, 2009. The protest period closed August 6, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

Order

The extension of time for Application Number S-71757, Permit Number S-51459, therefore, is approved. The deadline for completing construction is extended to October 1, 2008. The deadline for applying water to full beneficial use is extended to October 1, 2009.

DATED: August 18, 2004


Phillip C. Ward, Acting Director

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

Extension "Final Order" Checklist

Application # 5-71757 / Permit # 5-51459

Permit Holder's Name Randall and Elaine Johnson

This Final Order is processed under: Div. 315 Rules -or- Div. 320 Rules

1. Date Extension Request submitted: 9-25-03
2. Date permit was issued: 6-1-92
3. Original "B" Date from permit: 10-1-94
(Date for completion of construction)
4. Original "C" Date from permit: 10-1-95
(Date for complete application of water)
5. Extension PFO Date: 6-22-04
6. WRD recommends extending "B" Date to: 10-1-08
and extending the "C" Date to: 10-1-09
7. Any conditions from PFO: no
8. Protest Deadline Date from PFO: 8-6-04
9. Any written Protests or written Comments received within the Protest period?
Yes / No

Reviewer's Name: [Signature]

Date: 8/16/04

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.
P.O. BOX 1166
BANDON, OREGON 97411

503-347-2747

to use the waters of FOUR UNNAMED STREAMS AND THREE UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72045, PERMIT R-11456, tributaries of FOUR MILE CREEK, for CRANBERRY OPERATIONS ON 30.0 ACRES.

This permit is issued approving Application 71757. The date of priority is JULY 15, 1991. The use is limited to not more than 4.50 CUBIC FEET PER SECOND (CFS), BEING 1.35 CFS FROM FROM UNNAMED STREAM 4 WITH ANY DEFICIENCY TO BE APPROPRIATED FROM STREAM 3; 0.90 CFS FROM FROM STREAM 1 WITH ANY DEFICIENCY TO BE APPROPRIATED FROM STREAMS 2 AND 3; 0.75 CFS FROM FROM STREAM 3 AND 1.5 CFS FROM FROM STREAM 2 AND 15.0 ACRE-FEET OF STORED WATER FROM THREE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72045, PERMIT R-11456, FOR CRANBERRY OPERATIONS, or its equivalent in case of rotation, measured at the point of diversion from the source. The use of water from streams 1 through 4 is limited to the period of December 1 through March 31 of each year.

The points of diversion are located as follows:

NE 1/4 NW 1/4, NW 1/4 NW 1/4, SECTION 6, T 30 S, R 14 W, W.M.;
STREAM 3 - 1520 FEET SOUTH AND 90 FEET EAST, STREAM 1 - 900 FEET SOUTH AND 400 FEET EAST, STREAM 2 - 430 FEET SOUTH AND 910 FEET EAST, STREAM 2 - 740 FEET SOUTH AND 2270 FEET EAST, STREAM 3 - 1180 FEET SOUTH AND 1420 FEET EAST, STREAM 3 - 1020 FEET SOUTH AND 2220 FEET EAST, STREAM 4 - 950 FEET SOUTH AND 60 FEET EAST, ALL FROM NW CORNER, SECTION 6.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

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 from direct flow and storage; For flood harvesting or pest control, 0.05 cubic foot per second per acre from direct flow and storage; 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 from direct flow and storage. 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 from direct flow and storage.

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

A description of the proposed place of use under this permit is as follows:

NE 1/4 NW 1/4 11.0 ACRES
NW 1/4 NW 1/4 19.0 ACRES
SECTION 6
TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M.

Actual construction work shall begin on or before June 1, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

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.

Issued this date, JUNE 1, 1992.



Water Resources Department
Martha O. Pagel
Director

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application)
for an Extension of Time for)
Permit #S-51459, Water Right) **PROPOSED FINAL ORDER**
Application #S-71757)
(Randall and Elaine Johnson))

Permit Information	
<u>Application File #S-71757 / Permit #S-51459</u>	
Basin: #17 - South Coast / Watermaster District: #19	
Date of Priority: July 15, 1991	
<u>Authorized Use of Water</u>	
Source of Water:	Four Unnamed Streams and Three Unnamed Reservoirs (constructed under Permit #R-11456), tributaries of Four Mile Creek
Purpose or Use:	Cranberry Operations on 30.0 acres
Maximum Rate:	4.5 cubic feet per second (cfs) being from Four Streams and 15.0 acre feet (af) from Three Reservoirs (being 5.0 af from each Reservoir)

This Extension of Time request is being processed in accordance with Oregon Administrative Rule Chapter 690, Division 315.

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #S-51459, water right Application #S-71757. A copy of Permit #S-51459 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 2003, to October 1, 2008; and
- grant the extension for complete application of water from October 1, 2003, to October 1, 2009.

AUTHORITY

ORS 537.230(2) provides in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

FINDINGS OF FACT

Background

1. Permit #S-51459 was granted by the Water Resources Department on June 1, 1992. The permit authorizes the use of up to 4.5 cubic feet per second (cfs) being from four streams and 15.0 acre feet (af) from three reservoirs (being 5.0 af from each

Reservoir), from Four Unnamed Streams and Three Unnamed Reservoirs, tributaries of Four Mile Creek, for cranberry operations on 30.0 acres. The permit specified that construction of the water system was to be completed by October 1, 1994, and complete application of water was to be made on or before October 1, 1995.

2. Two prior extensions of time have been approved for Permit #S-51459. The most recent resulted in the completion dates for construction and beneficial use of water being extended to October 1, 2003.
3. The permit holder submitted an "Application for Extension of Time" to the Department on September 25, 2003, requesting the time in which to complete construction of the water system be extended from October 1, 2003, to October 1, 2008 and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #S-51459 be extended from October 1, 2003, to October 1, 2009.
4. Notification of the permit holder's extension of time request for Permit #S-51459 was published on the Department's Public Notice dated October 7, 2003. No public comment on the extension application was received.

Review Criteria [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

5. Delay of full beneficial use of water under Permit G-13546 was caused, in part, by the U.S. Department of Agriculture imposing a 35 percent reduction of cranberry yields beginning September 1, 2001, in an effort to reduce surplus and to help mend the ailing cranberry market.

Start of Construction [ORS 537.230]

6. Construction of the water system under Permit #S-51459 began within the time specified in the permit, being June 1, 1993.

¹ ORS 537.248 applies to reservoir permits only.

Financial Investment [ORS 539.010(5)]

7. As of September 25, 2003, the permit holder had invested a total of \$250,000 into the project, consisting of the construction of ten acres of cranberry bogs that are now producing, the clearing of land and development of sand pit for remaining acres to be developed, and installation of erosion control. An additional \$200,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1) and 539.010(5)]

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction

8. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the water system began within the time specified in the permit, being June 1, 1993. The work completed thus far consists of the construction of ten acres of cranberry bogs that are now producing, the clearing of land and development of sand pit for remaining acres to be developed, and installation of erosion control.

Beneficial Use of Water

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit #S-51459 on June 1, 1993, the permit holder has diverted 1.5 cfs of water from Four Unnamed Streams and Three Unnamed Reservoirs, tributaries of Four Mile Creek, for cranberry operations on 30.0 acres., as allowed under the permit.
 - b. Delay of full beneficial use of water under Permit #S-51459 was due to a weak cranberry market.

Compliance with Conditions

10. The water right permit holder's conformance with the permit or previous extension conditions.

- a. The record does not raise concerns about the permit holder's compliance with conditions.
- b. A condition of permit G-51359 states: "Diversion screening or fish passage facilities shall be designed, installed and operated to Oregon Department of Fish and Wildlife specifications." The file record shows that a telephone call was received from Mr. Vincent on April 21, 1999, stating that 1/8" screens are sufficient. As an element of Final Proof documentation, the permit holder will need to supply a written statement from Oregon Department of Fish and Wildlife verifying their position.

Financial Investments

11. Financial investments made toward developing the beneficial water use.
 - a. As of September 25, 2003, the permit holder had invested approximately 55 percent of the total projected cost for complete development of this project. A total of \$250,000 has been invested into the project, consisting of the construction of ten acres of cranberry bogs that are now producing, the clearing of land and development of sand pit for remaining acres to be developed, and installation of erosion control. An additional investment of \$200,000 is anticipated for the completion of this project.

The Market and Present Demands for Water [ORS 539.010(5) and OAR 690-315-0040(4)]

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

12. The amount of water available to satisfy other affected water rights and state scenic waterway flows.
 - a. The permitted points of diversion, authorized under Permit #S-51459, are not located within or above designated boundaries of a state scenic waterway.
13. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
 - a. The permitted points of diversion, authorized under Permit #S-51459, are located within a stream segment that has been identified by the Oregon Department of Fish and Wildlife as a "highest" needs ranking area for

streamflow restoration for fish.

- b. The permitted points of diversion, authorized under Permit #S-51459, are located Four Mile Creek Basin. The Four Mile Creek Basin has not been identified by the Oregon Department of Environmental Quality as a water quality limited stream.
 - c. The permitted points of diversion, authorized under Permit #S-51459, are not located within the designation of a federal wild and scenic river.
14. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
- a. The permitted points of diversion are located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.
15. Economic investment in the project to date.
- a. As of September 25, 2003, the permit holder had invested approximately 55 percent of the total projected cost for complete development of this project. A total of \$250,000 has been invested into the project, consisting of the construction of ten acres of cranberry bogs that are now producing, the clearing of land and development of sand pit for remaining acres to be developed, and installation of erosion control. An additional investment of \$200,000 is anticipated for the completion of this project.
16. Other economic interests dependent on completion of the project.
- a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power.
- a. None have been identified.

Fair Return Upon Investment [ORS 539.010(5)]

18. The use of water from the permitted water development will result in reasonable returns against the investment made in the project to date.

Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

19. As of September 25, 2003, the remaining work to be completed consists of completion of construction, and full application of water to beneficial use within valid time-frames under Permit #S-51459.
20. A weak cranberry market extended the length of time needed to fully develop and perfect the permit.
21. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2008, to complete construction of the water system and until October 1, 2009, to complete the application of water to beneficial use under the terms of Permit #S-51459 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Completion of construction can be completed by October 1, 2008, and full application of water to beneficial use can be completed by October 1, 2009², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return

² Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

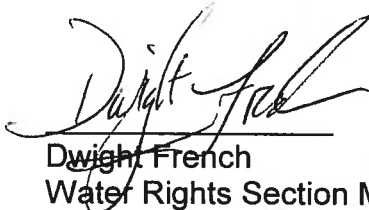
Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit #S-51459 from October 1, 2003, to October 1, 2008; and

Extend the time for complete application of water to beneficial use under Permit #S-51459 from October 1, 2003, to October 1, 2009.

DATED: June 22, 2004


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **Friday, August 6, 2004**, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if

- g. petitioner is other than the water right permit holder; and
The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0801. Address all other correspondence to:

**Water Rights Section
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901**

If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.

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 Renee Moulun. Her telephone number is (503)986-0824.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503)986-0900.

Mailing List for Extension PFO Copies

Application #S-71757
Permit #S-51459

PFO Date: June 22, 2004

Original mailed to:

Applicant: **Randall and Elaine Johnson**
87631 Bearhead Mtn. Ln
Bandon, OR 97411



Copies Mailed
By: <u>JCR</u> (SUPPORT STAFF)
on: <u>6/23/04</u> (DATE)

For Extension PFO's - Copies sent to:

- 1. WRD - Appl. File #S-71757 / Permit #S-51459
- 2. WRD - Watermaster District: #19
- 3. DEQ - Western Region - John Blanchard
- 4. ODFW - District #1 - ^{Shannon Hurry}~~Mike Gray~~ - Charleston

Other interested parties:

- 5. **None**

CASEWORKER: LJJ/jju

S:\groups\wr\extensions\PF O\Done\2004 pfos\June\71757.wpd

STATE OF OREGON
WATER RESOURCES DEPARTMENT

158 12TH ST. N.E.
 SALEM, OR 97301-4172
 378-8455 / 378-8130 (FAX)

RECEIPT # **63165**

INVOICE # _____

RECEIVED FROM: Randall W. Johnson
 BY: JR.

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK.# 1500 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407 COPIES		\$
OTHER: (IDENTIFY)		\$
OTHER: (IDENTIFY)		\$

0427 WRD OPERATING ACCT

MISCELLANEOUS			
0407 COPY & TAPE FEES		\$	
0410 RESEARCH FEES		\$	
0408 MISC REVENUE: (IDENTIFY)		\$	
TC162 DEPOSIT LIAB. (IDENTIFY)		\$	
0240 EXTENSION OF TIME		\$	<u>200.00</u>
WATER RIGHTS:			
0201 SURFACE WATER	EXAM FEE	\$	0202 RECORD FEE
0203 GROUND WATER	\$		0204 \$
0205 TRANSFER	\$		
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	\$	0219 LICENSE FEE
LANDOWNER'S PERMIT	\$		0220 \$
OTHER (IDENTIFY)			

Handwritten notes: 571757 \$100.00, R 72045 / each

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 (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **63165**

DATED: 9/25/03 BY: Connie Vance

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

51459

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Randell W. Johnson JR. & Elaine M. Johnson
NAME
87631 Bearhead Mountain Lane Bandon, Ore 97411 541-347-8288
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. 7757, Permit No. 51459,
do hereby request that the time in which to:

- • complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 03, be extended to October 1, 08,
- and/or the time in which to:
- • accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, ~~03~~, be extended to October 1, 09.
04

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extension application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension application. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

RECEIVED
SEP 25 2003
WATER RESOURCES DEPT.
SALEM, OREGON

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

YES

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

YES

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

approx 10 Acres of Bogs have been completed

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

within the next 5 years we will completed development of rest of acreage.

3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

The land has been cleared, the sand pit has been developed. all erosion control in place.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

RECEIVED
SEP 2 5 2003
WATER RESOURCES DEPT.
SALEM, OREGON

10 Acres have been constructed and are producing cranberries

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

we are using 1.5 cfs at this time and will increase when new bogs are developed

B) Number of Acres Irrigated (if an irrigation permit):

10

5. Cost of project to date 250,000. Estimated remaining cost to complete the project 200,000

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

Due to the topography of the land, the cost of development was higher than anticipated therefore the project has taken longer

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.
 from a period beginning in 1998 and ending in 2003 the price per barrel of cranberry has been dramatically depressed this has greatly slowed the project of expansion

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.
 none

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.
 none

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Signature Elaine M Johnson Date 9 23 03

MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:

WATER RIGHT PERMIT EXTENSIONS
 WATER RESOURCES DEPARTMENT
 158 12th STREET NE
 SALEM, OREGON 97301- 4172

revised: September 18, 2002



Application # S-71757 / Permit # S-51459

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**
Money Received: \$ 100.00 on 9-25-03

◆ **Lisa Juul...**
Extension Completeness: _____
(If **NOT** complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$100 fee submitted, route to...

◆ **Jonnine Fuss...**
Initial 30-day Public Notice: 10/7/03 [Signature]
Update Extension Database: 10/7/03 [Signature]
Files back to filing cabinets: 10/7/03 [Signature]

At the close of the Initial 30-day Comment Period...

◆ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

◆ **Jonnine Fuss...**
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented **and** paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

Within 60 days after the close of the 45-day PFO Protest Period...
(PFO Protest Period ends 45 days from PFO sign date)...

◆ **Lisa Juul...**
Issue an Extension FO: _____

EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: S - 71757 / Permit #: S - 51459

Permittee's Name: Randall & Elaine Johnson

Permittee's Mailing Address: 87631 Bearhead Mtn. Ln, Bandon, OR 97411

POD Location: Township 30-S Range 14-W Section 6 ¼ ¼ NENW & NWNW

Stream Basin: _____ County: Coos

- ✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No \$100-OK
***If "No"..... has certified request for the new extension form been sent? Yes / No
- ✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
- ✓ 3. Date Permit was issued: 6-1-92 (Priority = 7-15-91)
- ✓ 4. Source: Four Unnamed Streams & Three Unn. Reservoirs (const. under permit R-11456), tribs of Four Mile Cr.
- ✓ 5. Use: Cranberry Operations on 30.0[±] AC
• 4.5 cfs → being from 4 streams (see permit for details)
- ✓ 6. "Q": 15.0[±] AF from 3 Reservoirs (being: 5.0[±] AF from ea. Reservoir)
- ✓ 7. Original "B" Date: 10-1-94 Original "C" Date: 10-1-95
- ✓ 8. Conditions of Permit: Original "A" Date: 6-1-93
shall install diversion screening or fish passage facilities to EDFW specs.
↑ See App R-72045 / Permit R-11456 Ext Appl. for fish screen info.
- ✓ 9. Extension request received: 9-25-03 Request Number (...1st 2nd, 3rd): 3rd
- ✓ 10. Last Authorized "B" Date: 10-1-03 Last Authorized "C" Date: 10-1-03
- ✓ 11. Proposed "B" Date: 10-1-08 Proposed C Date: 10-1-09
- 12. Amount Invested to date: \$250,000 Estimated Total Cost: \$450,000
(***Estimated Remaining Cost: \$200,000)

___13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ***If "No"..... What permit terms and/or conditions have not been met?

___14. Work on the water development project completed to date includes: _____

___15. The work remaining to be completed consists of: _____

___16. Progress in perfecting the permit is being held up by: _____

___17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes / No**

See Attached

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]
a. The amount of construction completed within the time allowed in the permit or previous extension;
b. The amount of beneficial use made of the water during the permit or previous extension time limits;
c. Water right permit holder conformance with the permit or previous extension conditions; and
d. Financial investments made toward developing the beneficial water use.

___18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:
a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
d. Economic investment in the project to date;
e. Other economic interests dependent on completion of the project; and
f. Other factors relevant to the determination of the market and the present demand for water or power.

___19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" cannot be found. → Denial of Extension Request

___20. Conditions to be included on Extension PFO: _____

Extension "PFO" Dates Checklist Last Revised: 9 / 12 / 2001

Mailing / Issuance Date: _____ **Reviewer's Name:** _____

Protest Deadline Date: _____ **Date:** _____

13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes / No ***If "No"..... What permit terms and/or conditions have not been met?
compliance

- Fish screens ok per 4-21-99 memo - Dallas Miller
- However to provide written documentation of compliance to ODFW fish screen reqs.

14. Work on the water development project completed to date includes: _____

- 10 acres have been constructed and are producing Cranberries
- Clearing land and development of sand pit for remaining acres.
- Installation of erosion control.

15. The work remaining to be completed consists of: _____

- Development of remaining acres for cranberry operations.
- Installation

16. Progress in perfecting the permit is being held up by: _____

- Insufficient funds due to a weak cranberry market

17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes / No

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- The amount of construction completed within the time allowed in the permit or previous extension;
- The amount of beneficial use made of the water during the permit or previous extension time limits;
- Water right permit holder conformance with the permit or previous extension conditions; and
- Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 50 % of the construction.
- Permit holder has beneficially used 33 % of the total permitted quantity of water. 1.5 of 4.5
- Has the permit holder complied with conditions? Yes / No
—If No, reasons why not? _____
- Permit holder has invested approximately 55 % of the total estimated cost to complete the project.
- Other: _____

18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- The amount of water available to satisfy other affected water rights and scenic waterway flows;
- Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- Economic investment in the project to date;
- Other economic interests dependent on completion of the project; and
- Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? _____
- within or above a state scenic waterway? no
- within a ground water limited/critical area? _____
- within a segment that has been identified as a federal wild and scenic river? no
- within an area that ODFW has identified as an ST&E Area? yes
- within an area that ODFW has identified as a highest Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? no
- Other: _____

19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" cannot be found. → Denial of Extension Request

20. Conditions to be included in Extension PFO (if applicable)? Yes / No
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints

Other: _____

21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987
"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987
"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Signing / Issuance Date: _____ **WRD Project Manager:** ^{Coordinator} _____

Project Deadline Date: _____ **Date:** _____

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number 71757

Final Order
Extension of Time for Permit Number 51459

Application History

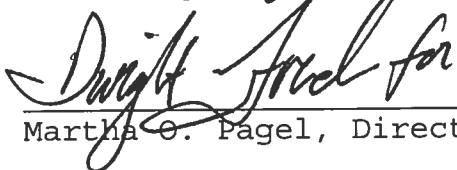
On February 20, 1998, MARTIN VINCENT submitted an application to the Department for an extension of time for permit number 51459. The Department issued Permit number 51459 on June 1, 1992. The permit called for completion of construction of the water development project by October 1, 1994 and complete application of water to the full beneficial use by October 1, 1995. In accordance with OAR 690-320-0010(8), on April 27, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2003, and the time to fully apply water to beneficial use to October 1, 2003. The protest period closed June 11, 1999. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5).

Order

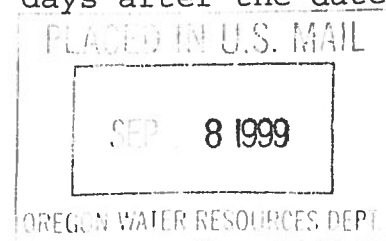
The extension of time for Application 71757, Permit Number 51459, therefore, is approved. The deadline for completing construction is extended to October 1, 2003. The deadline for applying water to full beneficial use is extended to October 1, 2003.

DATED August 30, 1999


Martha O. Pagel, Director

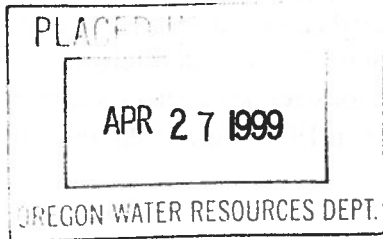
Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.



dbv
copies ✓

**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number 51459

Water Right Application Number 71757

Proposed Final Order

This Proposed Final Order applies only to permit number 51459.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1997 to October 1, 2003, and

grant the extension for complete application of water from October 1, 1997 to October 1, 2003.

Application History

Permit no. 51459 was granted by the Water Resources Department on June 1, 1992. The permit authorizes use of 4.5 cfs of water from 4 unnamed streams and 3 reservoirs constructed under permit R 11456 for Cranberry Operations in the Four Mile Creek basin. It specified that construction must be completed by October 1, 1994, and water applied to full beneficial use by October 1, 1995. A copy of permit no. 51459 is attached.

On February 20, 1998, the Department received an application from Martin Vincent for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2003 to complete construction of the water system and until October 1, 2003 to apply water to full beneficial use. This is the second permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. The applicant, who bought the property in 1997, needs more time to complete the project because the previous owner had problems with funding, and left construction problems to be corrected. A lot of the project has been completed, the reservoirs were completed and filled with water in 1998. Part of the bogs have been built and water applied.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of reservoirs, pumps, pipe system, and 91/2 acres cranberry bogs. Reservoirs are filled and 91/2 acres of bogs irrigated.
 - b) The applicant has invested approximately \$ 20,000 of an estimated total water system project cost of \$ 270,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction should be extended to October 1, 2003 and the length of time requested for completion of the application of water should be extended to October 1, 2003 as requested by the applicant.
8. By mutual consent, the applicant and the Water Resources Department agreed to defer processing of the permit extension request until such time as the Commission had adopted new permit extension rules.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).

5. The permit extension should be approved until October 1, 2003 to complete construction and until October 1, 2003 to complete the application of water.

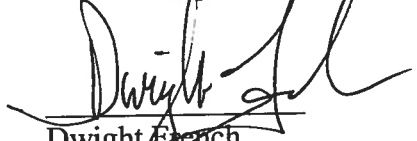
Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1997 to October 1, 2003 and

extend the permit time to complete application of water from October 1, 1997 to October 1, 2003.

DATED: ~~April 27, 1999~~


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) A \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **June 11, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. 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 APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.
P.O. BOX 1166
BANDON, OREGON 97411

503-347-2747

to use the waters of FOUR UNNAMED STREAMS AND THREE UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72045, PERMIT R-11456, tributaries of FOUR MILE CREEK, for CRANBERRY OPERATIONS ON 30.0 ACRES.

This permit is issued approving Application 71757. The date of priority is JULY 15, 1991. The use is limited to not more than 4.50 CUBIC FEET PER SECOND (CFS), BEING 1.35 CFS FROM FROM UNNAMED STREAM 4 WITH ANY DEFICIENCY TO BE APPROPRIATED FROM STREAM 3; 0.90 CFS FROM FROM STREAM 1 WITH ANY DEFICIENCY TO BE APPROPRIATED FROM STREAMS 2 AND 3; 0.75 CFS FROM FROM STREAM 3 AND 1.5 CFS FROM FROM STREAM 2 AND 15.0 ACRE-FEET OF STORED WATER FROM THREE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72045, PERMIT R-11456, FOR CRANBERRY OPERATIONS, or its equivalent in case of rotation, measured at the point of diversion from the source. The use of water from streams 1 through 4 is limited to the period of December 1 through March 31 of each year.

The points of diversion are located as follows:

NE 1/4 NW 1/4, NW 1/4 NW 1/4, SECTION 6, T 30 S, R 14 W, W.M.;
STREAM 3 - 1520 FEET SOUTH AND 90 FEET EAST, STREAM 1 - 900 FEET SOUTH AND 400 FEET EAST, STREAM 2 - 430 FEET SOUTH AND 910 FEET EAST, STREAM 2 - 740 FEET SOUTH AND 2270 FEET EAST, STREAM 3 - 1180 FEET SOUTH AND 1420 FEET EAST, STREAM 3 - 1020 FEET SOUTH AND 2220 FEET EAST, STREAM 4 - 950 FEET SOUTH AND 60 FEET EAST, ALL FROM NW CORNER, SECTION 6.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

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 from direct flow and storage; For flood harvesting or pest control, 0.05 cubic foot per second per acre from direct flow and storage; 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 from direct flow and storage. 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 from direct flow and storage.

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

A description of the proposed place of use under this permit is as follows:

NE 1/4 NW 1/4 11.0 ACRES
NW 1/4 NW 1/4 19.0 ACRES
SECTION 6
TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M.

Application 71757

Water Resources Department

PERMIT 51459

Actual construction work shall begin on or before June 1, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

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.

Issued this date, JUNE 1, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

EXT. BC97

Mailing List for PFO Extension Copies

Application #

R 72045

PFO Date 4/27/99

Original mailed to:

Martin Vincent

Applicant:

Mailed (support staff) on: <u>4/27/99</u> (date)

Copies sent

Regional Manager SW

Watermaster 19

ODFW Reese, Bunker, Charleston

DEQ Tom Rosetta, Portland

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

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

RECEIVED

NOV 13 1998

WATER APPLICATION FOR EXTENSION OF TIME
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, MARTIN Ty Vincent
RT. 1, Box 1493 ^{NAME} Bandon OR 97411 (541)347-2245
ADDRESS CITY STATE ZIP PHONE

record owner of application No. 5-71757 permit No. 51459, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998 to October 1, 2003, and/or the time in which to

accomplish beneficial use of water under the terms of the permit, which time, now be extended to October 1, 2003.

← 1997
see permit

The extension of time requested should finish the project. Should this request be approved, be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1-Did water system construction/well drilling begin within the time specified in the permit (yes/no)? _____

2-Have you put any water to use under this permit (yes/no)? _____
If yes, has that use been made consistent with the terms and conditions of the permit (yes/no)? _____ If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time. _____

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.

(a) within past year 4 Additional Acres of cranberries have been built, irrigated, and planted bringing the total acreage to 9.5 acres.

(b) prior to this past year the former owner constructed 4 reservoirs and 5.5 acres of cranberry bog

© and have accomplished beneficial use of w
(amount of water used or acres irrigated) _____

Irrigated 9.5[↑]
acres - question
3B - MG

4-Cost of project to date 1998 - \$20,000. Projected cost for
completion of project \$250,000. Note: Previous owners expenditure unknown.

5-Have there been any unforeseen events which delayed development
of water system? I purchased property July 1997. Have since fixed
numerous problems created by former owner and would be
able to complete project without extensive debt.

6-Have there been any significant government requirements that
have delayed the completion of construction or application of
water? [please explain] NO

7-What reasons was the project not completed within permit time
limits? Previous owner had problems with a family member who was
charged with completing the work. He departed with significant
funds. I have purchased property based on completing + using water
as described on the permit.

8-Has there been any change in the demand for water or power
since permit was issued? (please explain) NO

9-Has there been any change in the market for water or power
since the permit was issued? (please explain) NO

NOV 13 1998

WATER RESOURCES DEPT.
SALEM, OREGON

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

yes - this business venture is planned AS A WAY to support my family. current market conditions suggest that this is attainable

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

NO - There is insufficient Acreage developed to support the farm at this time

12-Is there an alternative source of water available [yes no please explain]? NO - Future surface water is not available.

There are no significant Groundwater resources - on the property

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain).

not in my opinion - I am located on a non-fish bearing stream, some distance from Hwy 101 & close to the ocean. Water from my streamers contribute little, if any, to twomile creek during the summer.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

I am the permittee or have authorization from the permittee to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Signature Marion T. Vincent

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

FEB 20 1998

File No. _____

WATER RESOURCES DEPT
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Martin Vincent

RT. 1 Box 1493 Bandon OR 97411 (541) 347-2245
address city state zip phone

record owner of permit No. R-72045 + R-71151, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1995, be extended to October 1, 1996, and/or the time in which to

accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1997, be extended to October 1, 1998.

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

(1) within past year APPROXIMATELY 4 ACRES OF CRANBERRIES HAVE BEEN
CONSTRUCTED.

(2) prior to this past year ALL DIVERSION POINTS ARE CURRENTLY IN USE.

THREE RESERVOIRS HAVE BEEN CONSTRUCTED STORING @ 15 AC/FT. PER YEAR. ALL PUMPS & WATER LINES ARE IN PLACE.

(3) and have accomplished beneficial use of water to the extent of Ten
(if for irrigation, state how many acres have been irrigated)

(4) unable to complete construction and/or application of water within the permit time limits because PURCHASED LAND IN JULY 1997.

PLAN CONSTRUCTION OF 4 ACRES PER YEAR FOR PROJECT COMPLETION FALL OF 2003.

Martin T. Vincent
signature

2/17/98
date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

C:\WP51\FORMS\EXTFORM

Application for Extension of Time

RECEIVED

OCT 30 1998
WATER RESOURCES DEPT.
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I. Martin T. Vincent
Name

RT. 1 Box 1493
Mailing Address

Bandon
City

OR
State

97411
Zip

record owner of water right permit No. 51459 do hereby request that the time in which to:
 complete the construction of works and/or purchase and installation of the equipment necessary to
the use of water, which time now expires on October 1, 1998, be extended to October 1, 1999
and/or the time in which to
 accomplish beneficial use of water to the full extent now intended under the terms of said permit,
which time now expires on October 1, 1999 be extended to October 1, 1999

I have accomplished the following described works and/or purchase and installation of equipment
necessary to the use of water under said permit:

within the past year Constructed and planted 4 acres of cranberries.

prior to this past year The former owner had considerable problems. However
prior to this past year, 4 reservoirs were built and 5.5 acres of
cranberry bogs were constructed and planted. I purchased the property
in July, 1997 and am doing the work as fast as possible.
and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY
ACRES HAVE BEEN IRRIGATED) 9.5 acres of cranberries have been irrigated.

(If additional space is required, attach separate sheet)

(If signing for a corporation please identify your title)

Dated 10/26/98

MAIL COMPLETED APPLICATION AND STATUTORY FEE
OF \$~~100~~ FOR EACH PERMIT TO:
100.00

Water Resources Department
158 12th Street NE
Salem, Oregon 97310-0210

NOV 24 1997

71751
72045

690-10-116 WATER RESOURCES DEPT.
SALEM, OREGON

File No. _____

Application for Extension of Time

RECEIVED

TO THE WATER RESOURCES DIRECTOR OF OREGON

FEB 20 1998

I, MARTIN VINCENT Name

Route 1 Box 1493 Mailing Address

Bandon, Oregon 97411

City State Zip

WATER RESOURCES DEPT.
SALEM, OREGON

record owner of water permit No. B-72045 & R-71751, do hereby request that the time in which to:

- complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1995, be extended to October 1, 1996; and/or the time in which to
- accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1997, be extended to October 1, 1998.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

I recently purchased the property and am unsure as to what

development has occurred within the past year and to what

occurred prior to that time. Approximately 10 of the 30 acres

have been developed. I intend to continue diligently with the

remainder as weather and circumstances permit.

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) _____

(If additional space is required, attach separate sheet)

Martin T. Vincent

(If signing for a corporation please identify your title)

Dated 11/20/97

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department
158 12th St. N.E.
Salem, Oregon 97310

PRELIMINARY EXTENSION REVIEW ANALYSIS
February 19, 1999

71757
JAF

The C date for this file was October 1, 1997.

It appears that this permit should receive an extension.

The preliminary (quick review) analysis shows the permittee has answered Yes three times on questions numbered one and two.

The permittee has shown the following diligence:

W in past year 4 new acres of
cranberries
prior to that 5.5 acres
9.5 of 30 (permitted) complete

An analysis of whether the amount of time needed to complete development and application of water has not been done. There may or may not be a need for additional conditions.



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

October 29, 1998

FILE#: S 71757

MARTIN VINCENT

RT 1 BOX 1493
BANDON, OR

97411

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,

Dallas Miller
Water Rights Specialist



Oregon

John A. Kitzhaber, M.D., Governor

November 26, 1997

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

MARTIN VINCENT
RT 1, BOX 1493
BANDON, OR 97411

Reference File 71757, R 72045 Permit 51459, R 11456

Dear Extension Applicant:

We have received your request for extension of time limits under your permit. **Your request for extension is insufficient to process. We need to know how much water system has been built, how much of reservoir is built, how much water is being stored and the amount of water used, if any.** Enclosed is two forms, one should be filled out for each permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect. We feel that processing your request under the new rules may be to your advantage. We estimate that the rules will be adopted in March 1998.

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipt 17648, 17663 for the \$200 fee submitted.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller

Natural Resource Specialist 2

Watermaster Dist 15

RECEIVED

NOV 24 1997

690-10-116 WATER RESOURCES DEPT.
SALEM, OREGON

File No. _____

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, MARTIN VINCENT
Name

Route 1 Box 1493
Mailing Address

Bandon, Oregon 97411
City State Zip

- record owner of water permit No. R-72045 & R-71757, do hereby request that the time in which to:
- complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1995, be extended to October 1, 1996; and/or the time in which to
 - accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1997, be extended to October 1, 1998.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

I recently purchased the property and am unsure as to what
development has occurred within the past year and to what
occurred prior to that time. Approximately 10 of the 30 acres
have been developed. I intend to continue diligently with the
remainder as weather and circumstances permit.

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) _____

(If additional space is required, attach separate sheet)

Martin T. Vincent

(If signing for a corporation please identify your title)

Dated 11/20/97

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department
158 12th St. N.E.
Salem, Oregon 97310



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

November 13, 1998

MARTIN VINCENT
RT 1, BOX 1493
BANDON, OR 97411

Reference: Files 71757, R 72045

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,

Dallas Miller
Water Rights Specialist
cc: watermaster 16

Route Slip



Date 05-10-01

TO: Name	Division/Section	Initial	Date
1. <u>Assignment Dept.</u>			
2.			
3.			
4.			
5.			

RECEIVED

MAY 11 2001

WATER RESOURCES DEPT.
SALEM, OREGON

<input type="checkbox"/> as requested	<input type="checkbox"/> investigate	<input type="checkbox"/> per conversation
<input type="checkbox"/> approval	<input type="checkbox"/> justify	<input type="checkbox"/> prepare reply
<input type="checkbox"/> comment	<input type="checkbox"/> necessary action	<input type="checkbox"/> return with more detail
<input type="checkbox"/> confer	<input type="checkbox"/> initial and return	<input type="checkbox"/> review and circulate
<input checked="" type="checkbox"/> for your information	<input type="checkbox"/> note and file	<input type="checkbox"/> signature

Randall & Elaine Johnson's address is now 87631 Beachhead Mnt Ln Bandon, OR 97479

FROM Jerry Dist #19 Phone No. _____

Z5-097677 See Other Side

INVOICE # _____

R71757

APPLICATION R72045

PERMIT _____

TRANSFER _____

L REC'D \$ 50.00

\$
\$
\$
\$

\$

\$
\$
\$ <u>50.00</u>
\$

RECORD FEE
\$
\$
\$
\$
LICENSE FEE
\$
\$

202
204
206
219
0220

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE	\$
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$

CARD #
CARD #

0539 LOTTERY PROCEEDS	\$
1302 LOTTERY PROCEEDS	\$

0467 HYDRO ACTIVITY	LIC NUMBER	\$
0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$

HRDRO APPLICATION _____

RECEIPT # **45024** DATED 05/11/01 BY: C. Vance

White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

June 8, 2001

RANDALL & ELAINE JOHNSON
87631 BEACHEAD MNT. LN
BANDON, OR 97479

REFERENCE: File S-71757

The assignment of Permit S-51459 from Martin Vincent to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipt number 54024 covering the recording fee of \$25 you submitted.

Sincerely,

LISA JUUL
Water Rights Specialist

LJJ:jf

Enclosure

cc: Watermaster #19
Data Center, OWRD
James Gosson, CWRE
Martin Vincent, Rt 1 Box 1483, Bandon, OR 97411



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **45024**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

R71757

RECEIVED FROM: Randall Johnson, Jr.
BY: Elaine Johnson

APPLICATION	<i>R72045</i>
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 50.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

66111

MISCELLANEOUS		\$
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)	<i>Assign.</i>	\$ <u>50.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)		\$

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **45024**

DATED 05/11/01 BY: C. Vance



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

October 22, 1997

MARTIN VINCENT
RT 1 BOX 1493
BANDON OR 97411

REFERENCE: File R-72045 + 71757

The date for the complete application of water to a beneficial use for your water use Permit was October 1, 1997. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 1998**. A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact me at extension 272, at 503-378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

enclosure

cc: Watermaster
CWRE



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

August 18, 1997

MARTIN VINCENT
RT 1 BOX 1493
BANDON OR 97411

REFERENCE: Files 71757 & R-72045

The assignments by deed of Permits 51459 and R-11456 have been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original assignments are enclosed.

Our receipts number 14161 and 14170 covering the \$20 recording fee have been sent to Key Title Company.

Sincerely,

Dallas S. Miller
Water Rights Specialist

DSM:jh

enclosures

cc: John Drolet, Watermaster
James Gosson, CWRE
Key Title Company
atty O'Dwyer

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **14161**

158 12TH ST. N.E.
 SALEM, OR 97310-0210
 378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Key Title Co.
 BY: _____

APPLICATION	71757
PERMIT	51459
TRANSFER	

CASH: CHECK: # 24-201 OTHER: (IDENTIFY)

TOTAL REC'D \$ 20-

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. _____
 VOUCHER # _____

0427 WRD OPERATING ACCT

PCA 66111

0407 MISCELLANEOUS	\$
0410 COPY & TAPE FEES <i>see #14170</i>	\$
0408 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <i>assignment</i>	\$ <u>10.-</u>
TC165 DEPOSIT LIAB. (IDENTIFY)	\$

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **14161**

DATED: 7/18/99 BY: D. Bushnell

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

RECEIVED

JUL 18 1997

WATER RESOURCES DEPT. REQUEST FOR ASSIGNMENT
 I, (permit holder, applicant) MARTIN TY VINCENT RANDALL WESLEY JOHNSON, JR., AND
ELAINE M. JOHNSON, HUSBAND AND WIFE,
 GENERAL DELIVERY, BANDON, OR 97444 (541) 347-8013
 (mailing address) (city) (state) (zip) (phone)

CHECK ONE

- hereby assign all my interest in and to application/permit subject to the retention of a sellers' lien;
- hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);
- hereby assign a portion of my interest in and to the entire application/permit;

Application # 71757, Permit # 51459;
 OR GR Statement # _____, GR Certificate of Registration # _____
 as filed in the office of the Water Resources Director, to:

MARTIN TY VINCENT
 (name of new owner)
 ROUTE 1, BOX 1493, BANDON, OR 97411 (541) 347-2245
 (address) (city) (state) (zip) (phone)

(Note: If there are other owners of the property described in this Application, Permit of Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this _____ day of _____, 1997.
 applicant/permit holder Martin T. Vincent
 applicant/permit holder _____

DO NOT WRITE IN THIS BOX

STATE OF OREGON,)
) ss
 County of Marion.)
 I certify that the within was received by me on the 18th day of July, 1997, at 8 o'clock A. m., and was recorded in the Miscellaneous Records, Vol. 8 Page 2
 Water Resources Director

The completed assignment must be submitted to the Water Resources Department together with a recording fee of \$10. Additional pages will cost \$5 per page.

WATER RESOURCES DEPARTMENT
 158 12TH STREET NE
 SALEM, OREGON 97310-0210

OK
 PSM

MIKE O'DWYER

Lawyer

Phone: (541) 347-1200

Fax: (541) 347-9400

RECEIVED

JUL 18 1997

WATER RESOURCES DEPT.
SALEM, OREGON

54705 Highway 101 South

Post Office Box 2052

Bandon OR 97411

July 17, 1997

Oregon Water Resources Department
158 12th Street NE
Salem OR 97310-0210

RE: YOUR FILES 71757 and R72045

Dear Ladies and Gentlemen:

Enclosed is a check payable to the Oregon Water Resources Department in the sum of \$20.00 representing the filing fees for the enclosed two (2) REQUESTS FOR ASSIGNMENT forms.

Also enclosed are two (2) WATER RIGHT OWNERSHIP UPDATE FORMS.

Please call me if you have any questions.

Respectfully,



MIKE O'DWYER

cc: Mr. and Mrs. Randall W. Johnson
Mr. Martin Ty Vincent

RECEIVED

JUL 18 1997

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT OWNERSHIP UPDATE FORM

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE TO SELLERS & BUYERS:

By law all water belongs to the public (ORS 537.110). In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing any water (ORS 537.130). However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at (503)378-8455.

... Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION:

Name: RANDALL WESLEY JOHNSON, JR., AND ELAINE M. JOHNSON, HUSBAND AND WIFE
Street Address: GENERAL DELIVERY
City: BANDON State: OR Zip: 97411
Phone: (541)-347-8013

PROPERTY BUYER INFORMATION:

Name: MARTIN TY VINCENT
Street Address: ROUTE 1, BOX 1493
City: BANDON State: OR Zip: 97411
Phone: (541) 347-2245

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: COOS Township: 30S Range: 14W Section: 6
Tax Lot number(s): 200, 202, 203, 204
Meets & bounds description (or attach copy of property deed & tax lot map with the parcels highlighted):
PLEASE SEE ATTACHED

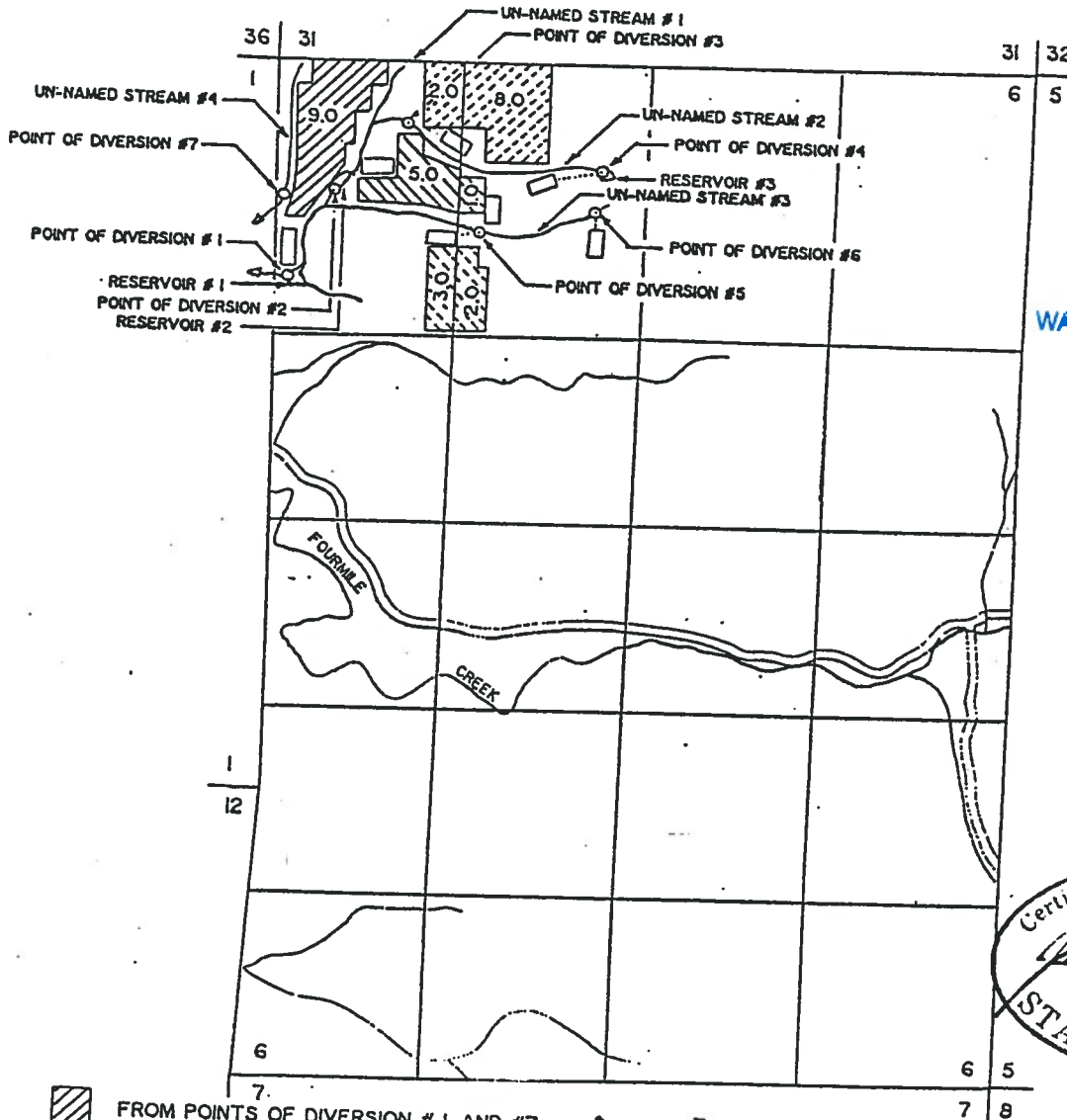
WATER RIGHT INFORMATION (attach copy of water right certificate or permit & final proof map if available):

Application #: 71757 Permit #: 51459 Certificate #: _____
Will all lands associated with the water right be owned by the buyer? Yes No

Name of individual completing this form: MIKE O'DWYER, LAWYER Phone: (541) 347-1200
Signature: _____ Date: _____

APPLICATION MAP IN THE NAME OF
DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.
SECTION 6, T30S, R14W, W.M.

1 INCH = 1320 FEET



- FROM POINTS OF DIVERSION # 1, AND #7
- FROM POINTS OF DIVERSION #2, #4, AND #5
- FROM POINT OF DIVERSION #5, AND #6
- FROM POINT OF DIVERSION #3
- IN-SYSTEM STORAGE

Application No. 71757
Permit No. 51459

P.O.D.	FT. SOUTH	FT. EAST	FROM	
#1	1620	90	NW COR. SEC. 6	NW NW
#2	900	400	NW COR. SEC. 6	NW NW
#3	430	810	NW COR. SEC. 6	NW NW
#4	740	2270	NW COR. SEC. 6	NE NW
#5	1180	1420	NW COR. SEC. 6	NE NW
#6	1020	2220	NW COR. SEC. 6	NE NW
#7	950	60	NW COR. SEC. 6	NW NW

ALL IN SECTION 6, TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY.

RECEIVED

JUL 18 1997

WATER RESOURCES DEP
SALEM, OREGON

JUL 15

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

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF OWNERSHIP BOUNDARY LINES.

RECEIVED

5

JUL 18 1997

EXHIBIT "A"

WATER RESOURCES DEPT.
SALEM, OREGON

Parcel 1:

Lots 3 and 4, in Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.
Excepting therefrom that portion lying within the State Highway 101 Right of Way and conveyed by Instruments Recorded May 6, 1964 in Volume 309, Page 337. and in Instrument Recorded in Volume 227, Page 175, Deed Records of Coos County, Oregon.

Also save and EXCEPT the following described parcel:

Beginning at a point on the East side of Oregon State Highway 101, which point is 159 feet, more or less, West of the Northwest corner of Lot 5, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; running thence East for a distance of 475 feet; thence North for a distance of 265 feet; thence West 475 feet, more or less, to the East boundary of said Oregon State Highway 101; thence Southwesterly along the East boundary of said Highway to the point of beginning.

Also Save and Except the following described parcel:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows:

Beginning at a point on the south line of said Lot 4 and said point being 316 feet, more or less, East of the Southwest corner of said Lot 4 and said point being the Southeast corner of that exception described in a property Deed Recorded in Coos County Clerk's Office, Microfilm N. 82-1-6090; thence North a distance of 285 feet to a pipe post; thence continuing North a distance of 40 feet for a total of 325 feet; thence North 80' East a distance of 599.10 feet; thence South a distance of 429 feet to said South line of Lot 4; thence West along said South line a distance of 590 feet to point of beginning.

Also Save and Except the following described parcel:

A tract of land, located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows:

Beginning at a point of intersection of the North line of said Lot 4 and the Easterly right-of-way boundary of State Highway 101 and point being East a distance of 50 feet from the Northwest corner of said Lot 4; thence East along said North line a distance of 470.00 feet; thence South a distance of 470.00 feet; thence West a distance of 470.00 feet to the said right-of-way boundary; thence North along said boundary a distance of 470.00 feet to point of beginning.

Also Save and Except the following described parcel:

A tract of land located in Government Lot 4 of Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows: Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South and 319.71 feet East of the Northwest corner of said Section 6; thence North a distance of 40.00 feet; thence North 80' East a distance of 315.00 feet to the true point of beginning; thence North a distance of 450.00 feet; thence East a distance of 400.00 feet; thence South a distance of 829.70 feet to the South line of Government Lot 4 of said

JUL 18 1997

WATER RESOURCES DEPT.
SALEM, OREGON

6

Section 6; thence West along said South line a distance of 120.21 feet; thence North a distance of 429 feet; thence South 80° West a distance of 284.10 feet to the true point of beginning.

Also save and Except the following described parcel:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows:

Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South, and 319.71 feet East of the Northwest corner of said Section 6; thence West a distance of 475 feet, more or less, to the Easterly boundary of the Oregon Coast Highway 101; thence Northerly along said Easterly boundary a distance of 370 feet, more or less; thence East a distance of 670 feet, more or less; thence South a distance of 220.00 feet; thence South 80° West a distance of 315.00 feet; thence South a distance of 40.00 feet to the point of beginning.

Parcel 2:

A tract of land, located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows:

Beginning at a point of intersection of the North line of said Lot 4 and the Easterly right-of-way boundary of State Highway 101 and point being East a distance of 50 feet from the Northwest corner of said Lot 4; thence East along said North line a distance of 470.00 feet; thence South a distance of 470.00 feet; thence West a distance of 470.00 feet to the said right-of-way boundary; thence North along said boundary a distance of 470.00 feet to point of beginning.

Parcel 3:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows:

Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South, and 319.71 feet East of the Northwest corner of said Section 6; thence West a distance of 475 feet, more or less, to the Easterly boundary of the Oregon Coast Highway 101; thence Northerly along said Easterly boundary a distance of 370 feet, more or less; thence East a distance of 670 feet, more or less; thence South a distance of 220.00 feet; thence South 80° West a distance of 315.00 feet; thence South a distance of 40.00 feet to the point of beginning.

Parcel 4:

A tract of land located in Government Lot 4 of Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows: Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South and 319.71 feet East of the Northwest corner of said Section 6; thence North a distance of 40.00 feet; thence North 80° East a distance of 315.00 feet to the true point of beginning; thence North a distance of 450.00 feet; thence East a distance of 400.00 feet; thence South a distance of 829.70 feet to the South line of Government Lot 4 of said Section 6; thence West along said South line a distance of 120.21 feet; thence North a distance of 429 feet; thence South 80° West a distance of 284.10 feet to the true point of beginning.

RECEIVED

JUL 18 1997

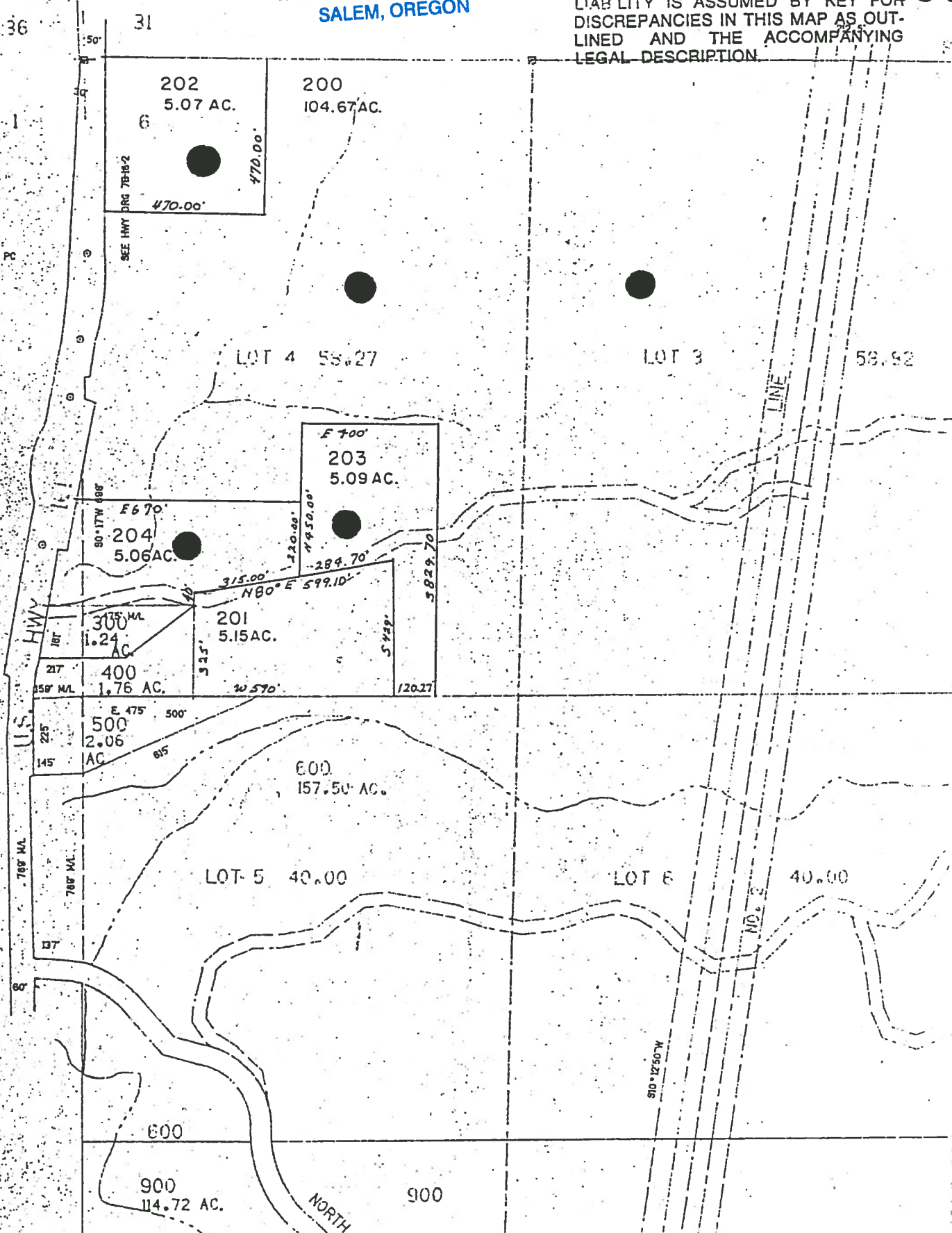
WATER RESOURCES DEPT.
SALEM, OREGON



KEY TITLE COMPANY

SECTION 6
THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATING SUBJECT PROPERTY. NO LIABILITY IS ASSUMED BY KEY FOR DISCREPANCIES IN THIS MAP AS OUTLINED AND THE ACCOMPANYING LEGAL DESCRIPTION.

00



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEE MAP 30 15 1

36

31

1

373-00.00 PC

SEE HWY DRG 7B-18-2

LOT 4 58.27

LOT 3

59.92

203
5.09 AC.

204
5.06 AC.

201
5.15 AC.

400
1.76 AC.

500
2.06 AC.

600
157.50 AC.

LOT 5 40.00

LOT 6

40.00

900
114.72 AC.

900

NORTH



Oregon

John A. Kitzhaber, M.D., Governor

June 17, 1997

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RANDALL & ELAINE JOHNSON
GENERAL DELIVERY
BANDON OR 97411

REFERENCE: Files R-72045 & 71757

The assignment of Permits R-11456 and 51459 from Douglas and Randall Johnson to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly.

Our receipts number 12674 and 12811 covering the \$20 recording fee have been sent to Attorney Mike O'Dwyer.

Sincerely,

Dallas S. Miller
Water Rights Specialist

DSM:jh

cc: John Drolet, Watermaster
James Gosson, CWRE
Mike O'Dwyer, Attorney

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **12811**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Michael O. Dwyer
BY: _____

APPLICATION	71757
PERMIT	51154
TRANSFER	

CASH: CHECK: # 96-455 OTHER: (IDENTIFY)

TOTAL REC'D \$ 20.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

PCA AND OBJECT CLASS	CASH ACCT.	\$
	VOUCHER #	

0427 WRD OPERATING ACCT

POA 60111

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES	<i>see # 12674</i>	\$
0408 MISC REVENUE: (IDENTIFY)	<i>assignment</i>	\$ <u>10</u>
TC165 DEPOSIT LIAB. (IDENTIFY)		\$

WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	0206 \$
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219 \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY)		

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **12811**

DATED: 5-30-97 BY: S. Bushnell

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

RECEIVED

MAY 22 1997

WATER RESOURCES DEPT.
SALEM, OREGON

RANDALL W. JOHNSON, JR.
ELAINE M. JOHNSON
General Delivery
Bandon OR 97411
Phone: (541) 347-8013

May 7, 1977

STATE OF OREGON,)
) ss
County of Marion.)

I certify that the within was
received by me on the 22nd day of
May, 1997, at 8 o'clock
A. m., and was recorded in the 7
Miscellaneous Records, Vol. _____
Page 3432

Water Resources Director

Mr. Dallas Miller
Water Rights Specialist
Oregon Water Resources Department
158 12th Street NE
Salem OR 97310

RE: REQUEST FOR CHANGE OF PERMIT HOLDER

Dear Mr. Miller:

We are the holders of the fee title to four adjoining parcels of real property located in Lots 3 and 4, Section 6, Township 30 South, Range 14 West, Willamette Meridian, Coos County, Oregon. For convenience, the County Assessor's designation of the parcels is Tax Lots 200, 202, 203, and 204.

The Oregon Water Resources Department has issued two permits on these properties. The permit numbers are 51459 and R11456. The permit holders are designated as "Douglas W. Johnson or Randall W. Johnson, Jr." The application numbers are 71757 and R-72045.

It is the purpose of this request to have the Water Resources Department change the designation of the permit holders to "Randall W. Johnson, Jr. and Elaine M. Johnson, husband and wife, or the survivor."

Douglas W. Johnson is the son of Randall W. Johnson, Jr. Douglas W. Johnson was working for his father on the property at the time the applications for the water rights were filed. Douglas filled out and signed the applications. However, Douglas was not then, and is not now, the holder of any right, title, interest or estate in the four parcels of real property that are the location of the permits.

*OK
DSM*

May 23, 1997

Oregon

WATER
RESOURCES
DEPARTMENT

RANDALL AND ELAINE JOHNSON
GENERAL DELIVERY
BANDON, OR 97411

RE: Files 71757 and R 72045

Dear Douglas and Elaine Johnson:

Thank you for sending the letter and deed regarding the assignment of your permits 51459 and R 11456.

The information you submitted is sufficient for assigning the permits to you, however we require a fee of \$10 for assignment and \$5 for each additional page of documentation. So you need to submit \$20, \$10 for the letter and \$10 for the deed which consists of two pages.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,



Dallas Miller
Natural Resource Specialist 2

cc: Mike O'Dwyer



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

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MAY 22 1997

MIKE O'DWYER

Lawyer

WATER RESOURCES DEPT.

SALEM, OREGON

Phone: (541) 347-1200

Fax: (541) 347-9400

54705 Highway 101 South

Post Office Box 2052

Bandon OR 97411

May 19, 1997

Mr. Dallas Miller
Water Rights Specialist
Oregon Water Resources Department
158 12th Street NE
Salem OR 97310

RE: JOHNSON CHANGE REQUEST

Dear Mr. Miller:

I have received your phone message that you have received the letter and documents I mailed to you on May 8, 1997.

Enclosed are copies of my May 8, 1997 letter and all of the documents that were included with that mailing.

The request for change of permit holder signed by Randall and Elaine Johnson is intended in lieu of your standard "request for assignment" form. Douglas Johnson is not available to sign the request for assignment.

I was advised by Mr. Don Knauer, in your department, that the signed request by the property owners (Randall and Elaine Johnson), together with the supporting documents of ownership, would be sufficient.

Thank you for confirming that the development deadline on the permit has been extended to October 1, 1997.

I will look forward to you processing this change request.

Respectfully,



MIKE O'DWYER

cc: Mr. and Mrs. Johnson

*Janet OK
to assign horse
to
Randall W. Johnson Jr.
& Elaine M. Johnson*

PSM

**CONTRACT OF SALE
OF
REAL PROPERTY**

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WATER RESOURCES DEPT.
SALEM, OREGON

THIS CONTRACT is made and entered into this 16 day of July, 1997, by and between **RANDALL WESLEY JOHNSON JR. and ELAINE MARIE JOHNSON**, husband and wife, hereinafter referred to as "SELLERS," and **MARTIN TY VINCENT**, hereinafter referred to as "BUYER."

In construing this Contract, any party may be one person or more than one person, a corporation, or other entity. If the context requires, the singular pronoun shall mean and include the plural, the masculine, the feminine, the neuter, and generally all grammatical changes shall be made, assumed, and implied to make the provisions hereof apply equally to corporations, partnerships, married people, individuals and others of whatsoever nature they may be known.

WITNESSETH:

1.

DESCRIPTION

SELLERS do hereby sell to BUYER, and BUYER purchases from SELLERS, on the terms and conditions set forth below, that certain parcel of real property and all improvements thereon, described as follows:

The metes and bounds description of the property, consisting of two pages, is attached hereto as Exhibit "A" and incorporated fully herein by this reference.

**SUBJECT TO AND EXCEPTING FROM THE WARRANTIES
HEREOF, the following encumbrances and limitations:**

1. At the time of this conveyance the property is specially assessed for farm use land and forest use land. Under that classification, a portion of the real property taxes that would otherwise be due and payable are deferred and not payable unless the use of the property is changed or the

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property becomes disqualified by acts or omissions of the owner or by changes in laws or regulations. In the event of such disqualification, previously deferred taxes can become due and payable. Therefore, the SELLERS do hereby limit their warranties and liability by conveying this property to the BUYER subject to any and all future claims and demands that may be made upon the owners of this property for payment of past or future deferred taxes. It shall be the sole and exclusive responsibility of the BUYER to maintain, or not maintain, the qualification of the property for special assessment.

2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

3. All restrictions, limitations and requirements now or hereafter imposed by state, federal, county and city land use laws, rules and regulations.

4. The rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of Unnamed creek as it now exists or has existed.

5. An easement created by instrument, including the terms and provisions thereof,

Recorded: June 13, 1921, in Book 85, Page 213, Deed,
Records of Coos County, Oregon

In Favor of: Coos County

For: Right of way

6. An easement created by instrument, including the terms and provisions thereof,

Recorded: September 12, 1950, in Book 202, Page 305, Deed,
Records of Coos County, Oregon

In Favor of: United States of America

7. Limited access provisions contained in deed to the State of Oregon, by and through its State Highway Commission, 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: May 20, 1953, in Book 227, Page 175, Deed,
Records of Coos County, Oregon

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8. An easement created by instrument, including the terms and provisions thereof,

Recorded: March 20, 1954, in Book 232, Page 636, Deed,
Records of Coos County, Oregon

In Favor of: United States of America

9. Limited access provisions contained in deed to the State of Oregon, by and through its State Highway Commission, 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: May 6, 1964, in Book 309, Page 337, Deed,
Records of Coos County, Oregon

10. An easement created by instrument, including the terms and provisions thereof,

Recorded: August 8, 1969, Microfilm Reel Number 69-8-41163,
Records of Coos County, Oregon

In Favor of: United States of America

11. Subject to easement, setback line, conditions and restrictions, including the terms and provisions thereof, as set forth on minor partition Recorded June 27, 1983 as Microfilm No. 83-3-5394, Records of Coos County, Oregon.

12. An easement created by instrument, including the terms and provisions thereof,

Recorded: March 26, 1984, Microfilm Reel Number 84-2-1866,
Records of Coos County, Oregon

In Favor of: Rita Gillett

13. Subject to easement, setback line, conditions and restrictions, including the terms and provisions thereof, as set forth on minor partition Recorded August 6, 1984 as Microfilm No. 84-4-0679, Records of Coos County, Oregon.

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14. An easement created by instrument, including the terms and provisions thereof,

Recorded: September 23, 1986,
Microfilm Reel Number 86-4-7407,
Records of Coos County, Oregon

In Favor of: William Kurtz

15. An easement created by instrument, including the terms and provisions thereof,

Recorded: December 16, 1991,
Microfilm Reel Number 91-12-0633,
Records of Coos County, Oregon

In Favor of: Coos-Curry Electric Cooperative
For: Right of way

16. Also subject to any encroachment, trespass, claim of adverse possession or claim of prescriptive right by any and all adjoining land owners or possessors.

17. Also subject to any and all rights and liabilities of the BUYER that might arise and be revealed by a survey of the boundaries of the property. The SELLERS do not warrant or represent the actual physical location of the boundaries of the property.

18. The BUYER does accept the above-described real property, and all improvements thereon, in their present condition, AS IS, without any warranties as to their condition or state of repair, express or implied, on the part of the SELLERS. In particular, without limiting the generality of the foregoing, the BUYER accepts the property subject to any and all liabilities that do now, or may hereafter exist, for cleanup expenses, testing, excavation, removal costs, fines, penalties, court costs, administrative hearing expenses and attorney fees arising from the existence of any and all hazardous substances of whatsoever kind and nature, including hydrocarbons, pcb's, and asbestos, that are upon the real property at the time of this conveyance. The BUYER, for himself, and his successors and assigns, does promise that the BUYER and his successors and assigns, do assume all of the foregoing described liabilities and agree to indemnify and hold the SELLERS harmless therefrom. It is the intent of the parties that the SELLERS shall be totally relieved of all past, present and future liabilities associated with hazardous waste substances on the property and any other defects that may exist thereon, including latent and unknown defects.

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SALEM, OREGON**

19. All liens or encumbrances suffered by or placed upon the real property by the BUYER or otherwise arising after the date of this Contract.

WATER RIGHTS

Part of the properties being sold to the BUYER include two Water Right Permits issued to the SELLERS by the Oregon Department of Water Resources. The Permit Numbers are 51459 and R11456. At the time of closing, the SELLERS have assigned to the BUYER the two Water Right Permits, subject to the SELLERS' lien.

PERSONAL PROPERTY

Part of the properties being sold to the BUYER include the following described items of tangible personal property. At the time of closing, the SELLERS have executed and delivered to the BUYER a Bill of Sale conveying ownership of the following described items of personal property, subject only to the SELLERS' lien:

One 1973 Marlette Mobile Home, Plate Number X93609,
Vehicle Identification Number H14265FD430130;
One John Deere AMT 600, Serial Number 132537;
One Bush Hog, Serial Number 1102567;
One Howard Tiller;
One John Deere 950 Tractor Model 3T90J;
One Model .80 Front End Loader;
One 5' Box Scraper;
One 7' Scraper Blade; and,
One Post Hole Auger.

COLLATERAL

The collateral securing payment of the SELLERS' lien shall consist of the real property, including all buildings and improvements thereon, the water appropriation permits and the subsequent water rights, all of the personal property described above, any cranberry vines and berries now or hereafter growing on the property, and any standing or felled timber on the property. the SELLERS' lien shall apply to all of the collateral.

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WATER RESOURCES DEPT.
SALEM, OREGON**STATEMENT REQUIRED BY ORS 93.040(1)**

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.

The real property described above is referred to herein as "the real property." The water rights, personal property and other collateral described above is referred to as "the personal property" or "collateral."

TAX STATEMENTS

Until a change is requested, all tax statements shall be sent to the following address:

MARTIN TY VINCENT
Route 1, Box 1493
Bandon OR 97411

2.

PURCHASE PRICE AND TERMS OF PAYMENT

BUYER promises to pay unto SELLERS, as the total purchase price for the real and personal property, the sum of **FOUR HUNDRED SIXTY FIVE THOUSAND DOLLARS (\$465,000.00)**, which sum shall be paid at the times and in the manner as follows:

1. **DOWN PAYMENT:**

The sum of **ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)**, which has been paid upon or prior to the execution of this Contract, receipt of which is hereby acknowledged by SELLERS.

2. **PAYMENT OF DEFERRED BALANCE:**

The remaining balance of the purchase price, namely the sum of **THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00)** shall be paid as follows:

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SALEM, OREGON

(a) **PERIODIC INSTALLMENTS:** It is agreed that the remaining unpaid balance of the purchase price, namely **THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00)** shall bear interest at the rate of eight percent (8%) per annum from and after the date of closing until paid. BUYER shall make monthly payments of interest only on the outstanding principal balance beginning on August 15, 1997, and continuing for two years. The first such interest payment shall be made on August 15, 1997 and subsequent interest payments shall be paid on the 15th day of each and every month thereafter through July 15, 1999. Thereafter, the principal balance of \$315,000.00 shall be paid in monthly installments of not less than **THREE THOUSAND TEN AND 30/100 (\$3,010.30)** each, including interest at the rate of eight percent (8%) per annum on the unpaid balances. The first of such principal and interest installments shall be paid on the 15th day of August, 1999, and subsequent installments shall be paid on the 15th day of each and every month thereafter, until the entire unpaid balance of the purchase price, both principal and interest, has been fully paid. Interest on all unpaid balances shall commence on the date of this contract. Each installment payment shall be applied first to any late penalty, secondly to interest accrued to the date of payment, and the remainder of such payment, if any, toward reduction of the principal balance.

(b) **DUE ON SALE:** The entire unpaid balance of the purchase price, both principal and interest, shall be due and payable upon any sale or transfer of the real property, including any actual or attempted assignment of the BUYER'S interest in this Contract, without first obtaining the SELLERS' consent. The BUYER'S interest in this Contract shall not be assumable by any third party without the consent of the SELLERS as provided in Article 13 of this Contract.

(c) **LATE PENALTY:** BUYER shall pay a penalty of \$10.00 on each occasion that a monthly installment payment is made more than four (4) days after the due date. The date the payment is received by the collection escrow agent shall be deemed the payment date.

(d) **NO PREPAYMENT PENALTY:** ~~BUYER~~ shall have the right to increase the amount of any payments hereunder or pay off the entire balance of the purchase price, together with the interest due thereon, at any time hereafter. PROVIDED ALWAYS that additional payments shall not excuse BUYER from making the regular installment payments provided for in this contract until the remaining balance has been paid in full.

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(e) **THIRD PARTY PAYMENTS:** In the event that BUYER fails to pay, when due, any amounts required of BUYER to be paid to third parties hereunder, including taxes, lien assessments, encumbrances and insurance premiums, the SELLERS may pay any and all such amounts. If the SELLERS make any such payments, the amounts thereof shall be immediately due and repayable by BUYER to SELLERS. Until paid, such amounts shall be secured by this CONTRACT and shall bear interest thereon at the rate of eight percent (8%) per annum from the date of payment until paid. SELLERS' election to make any such payments shall not constitute a waiver of SELLERS' right to declare BUYER in default of this contract for BUYER'S failure to pay such amounts.

3.

PLACE OF PAYMENT

All payments to SELLERS shall be made through **Security Bank of Coos County** as Collection Escrow Agent pursuant to the Escrow Instructions executed by the parties on even date herewith. The BUYER shall pay the monthly disbursement fee charged by the collection escrow agent.

4.

ALLOCATION

It is agreed by the parties that the sale price of \$465,000.00 shall be and is allocated among and between real and personal properties as follows:

1.	Land:	\$ 159,000.00
2.	Improvements:	\$ 241,000.00
3.	Mobile Home:	\$ 10,000.00
4.	Water Permits:	\$ 15,000.00
5.	Personal Property:	\$ 20,000.00
6.	Growing cranberries:	\$ 20,000.00

It is agreed by the parties that each of them shall file with their 1997 federal income tax returns an IRS Form 8594 (Asset Acquisition Statement) showing the allocation stated above concerning this sale and purchase.

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SALEM, OREGON

5.

**EXECUTION AND DELIVERY OF DEED
AND BILL OF SALE AND CERTIFICATE OF TITLE**

SELLERS have on even date herewith executed a good and sufficient Warranty Deed conveying the property to the BUYER free and clear of all liens and encumbrances excepting those placed upon the property or suffered by the BUYER subsequent to the date of this contract, and excepting those items 1 through 18 set forth in Article 1 hereof. The Deed shall be held in escrow for delivery to the BUYER upon full payment of the contract balance pursuant to the terms of this Contract.

Upon issuance of a Certificate of Title on the mobile home by the Oregon Motor Vehicles Division showing the BUYER as owner and the SELLERS as the Security Interest Holder, the SELLERS shall deliver to the Collection Escrow Agent the Certificate of Title and executed Release of Security Interest together with instructions authorizing delivery of the Certificate of Title and Release to the BUYER at the time the full balance is paid.

SELLERS have also executed on even date herewith a Bill of Sale conveying the personal property to the BUYER. The executed Bill of Sale has been delivered to the BUYER, receipt of which is acknowledged. However, BUYER does grant to SELLERS a security interest in the personal property and all replacements thereof as part of the collateral securing performance of the obligations contained herein.

6.

POSSESSION

BUYER shall be entitled to sole and exclusive possession of all the real and personal properties on the date of closing after payment of the down payment and execution of all closing documents, excepting only the mobile home. The SELLERS shall have the right to occupy the mobile home as a residence until November 1, 1997, rent-free. Thereafter, BUYER shall have possession of the mobile home.

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7.

**PRORATION AND PAYMENT
OF TAXES, LIENS AND ASSESSMENTS**

It is agreed that the current year's real and personal property taxes and any other lawful assessments on the real property shall be prorated between the parties as of the date of this Contract. All other items to be prorated, such as insurance premiums and rents, if any, shall be prorated between the parties as of the date of this Contract.

During the entire term of this Contract, BUYER shall pay all taxes and assessments levied against the real and personal property. The BUYER shall pay all such taxes and assessments in full when they become due and payable in November of each year hereafter except that the BUYER shall have the right to pay taxes and assessments annually according to the installment method allowed by statute. In no event shall the BUYER allow all or any portion of the taxes and assessments to become "delinquent" as that term is applied by the Curry County Tax Department. If all or any portion of the taxes and assessments against the property become "delinquent", the BUYER shall be deemed in default and the SELLERS may exercise their remedies for such default.

8.

TITLE INSURANCE

SELLERS agree to obtain and deliver to BUYER, at SELLERS' expense, a purchaser's Title Insurance Policy in the amount of \$400,000.00 within thirty (30) days of sale closure, insuring BUYER against loss or damage sustained by BUYER by reason of the unmarketability of SELLERS' title, or liens or encumbrances thereon, excepting matters contained in the usual printed exceptions of a title insurance policy and those exceptions set forth in Article 1 hereof.

9.

CASUALTY INSURANCE

BUYER shall keep all buildings now or hereafter situated upon the real property insured during the full term of this Contract against loss or damage by fire with extended coverage in an amount of not less than the full insurable value thereof, said policy or policies of insurance to contain loss

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payable provisions the SELLERS and BUYER as their interests may appear.

BUYER shall deliver to SELLERS immediately when issued, originals or copies of such policies of insurance, together with receipts showing payment of annual premiums thereon.

In the event of loss, BUYER shall give immediate notice to SELLERS. SELLERS may make proof of loss if BUYER fails to do so within fifteen (15) days of the casualty.

BUYER shall also keep the personal property described herein similarly insured against loss or damage by fire for the full insurable value thereof.

WARNING
REQUIRED BY ORS 746.201

Unless you provide us with evidence of the insurance coverage as required by our contract or loan agreement, we may purchase insurance at your expense to protect our interest. This insurance may, but need not, also protect your interest. If the collateral becomes damaged, the coverage we purchase may not pay any claim you make or any claim made against you. You may later cancel this coverage by providing evidence that you have obtained property coverage elsewhere.

You are responsible for the cost of any insurance purchased by us. The cost of this insurance may be added to your contract or loan balance. If the cost is added to your contract or loan balance, the interest rate on the underlying contract or loan will apply to this added amount. The effective date of coverage may be the date your prior coverage lapsed or the date you failed to provide proof of coverage.

The coverage we purchase may be considerably more expensive than insurance you can obtain on your own and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.

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10.

**CARE, IMPROVEMENTS, ALTERATIONS
AND REPAIRS**

BUYER agrees that the mobile home and all buildings and other improvements now located, or which shall hereafter be placed, on the real property, shall remain a part of the real property and shall not be removed at any time prior to the expiration of this contract without the written consent of the SELLERS. BUYER shall not commit or suffer any waste of the real or personal property, or of any improvements thereon, or of any alterations thereof, and shall maintain the real and personal property, and all improvements and alterations thereon, in good condition and repair. BUYER shall not otherwise make, or cause to be made, any alterations to the real or personal property which diminish its value for security purposes without first obtaining the written consent of SELLERS. BUYER agrees that he will not allow or permit any mechanic's liens or other liens or encumbrances to be placed upon or filed against said property.

11.

PERSONAL PROPERTY

BUYER agrees at all times to keep the personal property as set forth in Article 1 hereof in good condition and repair and will not suffer or permit any waste or strip thereof, nor shall BUYER remove any of said personal property set forth in Article 1 from the premises hereinabove described without the consent of the SELLERS. BUYER shall have the right to remove and replace any of the personal property listed in Article 1 with like property of equal or greater value and shall also have the right to remove and discard such property listed in said Article 1 that is no longer useful or desirable, provided the BUYER obtains the written consent of the SELLERS in each instance. The SELLERS agree not to unreasonably withhold consent for this purpose.

12.

INSPECTION OF PREMISES

It is agreed that the SELLERS, or their duly appointed agents or successors, shall have the right to enter into and upon the premises for the purpose of inspecting the same as to condition and repair, providing that the SELLERS shall have given to the BUYER ten days advance written notice of the intent to inspect specifying the date and time of the intended inspection.

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SALEM, OREGON

Any such inspection shall be conducted between the hours of 9 a.m. and 5 p.m. and not on weekends or holidays. It is further agreed that the SELLERS shall have the right to post the premises with such notices as the SELLERS may deem necessary to protect against statutory liens.

13.

ASSIGNMENT AND SALE

It is specifically understood and agreed that this contract is personal between the parties hereto, and that SELLERS desire to accept BUYER'S personal responsibility and control for the property which was a material inducement to SELLERS in the execution of this contract. Therefore, BUYER shall not voluntarily or involuntarily sell or assign this contract, the vendee's rights hereunder or the property described herein without first obtaining prior written consent from the SELLERS, and SELLERS agree not to unreasonably withhold the giving of consent to assignment or sale. SELLERS may require such personal information concerning any BUYER, assignee or grantee as a prudent lender would require of a prospective borrower. Since this contract is personal between the parties, it is agreed that any sale, assignment or transfer of this contract or the property shall be deemed to increase the risk of SELLERS and the SELLERS may at their option, consent to such sale, assignment or other transfer and increase the rate of interest hereunder not more than two percent (2%) to compensate for such increased risk. Such increase in interest shall entitle the SELLERS to an increase in the amount of monthly payments on this contract so as to retire the obligation within the stipulated time provided for herein.

If BUYER shall assign, sell, convey, or otherwise transfer or alienate this contract or the property being sold hereunder, or any part thereof, or any interest therein whatsoever, or shall be divested of their interest in the same in any way, voluntarily or involuntarily, without SELLERS' prior consent, SELLERS shall have the right, at their option, to declare the full unpaid balance of the purchase price, including principal and accrued interest, immediately due and payable and may exercise any remedies provided in this contract.

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14.

DAMAGE TO PROPERTY

BUYER agrees that in case of the termination of this contract or a breach of any of the terms, covenants and provisions hereof, any damage which BUYER may have caused to the real and personal property by the commission of waste or otherwise shall remain as a separate liability against the BUYER.

15.

NO REPRESENTATIONS

The BUYER does accept the above-described real property, and all improvements thereon, in their present condition, AS IS, without any warranties as to their condition or state of repair, express or implied, on the part of the SELLERS. In particular, without limiting the generality of the foregoing, the BUYER accepts the property subject to any and all liabilities that do now, or may hereafter exist, for cleanup expenses, testing, excavation, removal costs, fines, penalties, court costs, administrative hearing expenses and attorney fees arising from the existence of any and all hazardous substances of whatsoever kind and nature, including hydrocarbons, pcb's, and asbestos, that are upon the real property at the time of this conveyance. The BUYER, for himself, and his successors and assigns, does promise that the BUYER and his successors and assigns, do assume all of the foregoing described liabilities and agrees to indemnify and hold the SELLERS harmless therefrom. It is the intent of the parties that the SELLERS shall be totally relieved of all past, present and future liabilities associated with hazardous waste substances on the property and any other defects that may exist thereon, including latent and unknown defects.

NO BOUNDARIES SURVEYED

The BUYER acknowledges that the SELLERS have not caused the real property to be surveyed or the boundaries thereof marked in any way. The BUYER has taken sole responsibility for determining the location of the boundaries of the property.

16.

EVENTS OF DEFAULT

Time is of the essence of this contract. A default shall occur under any of the following circumstances:

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SALEM, OREGON

(a) The BUYER shall be subject to a declaration of default by the SELLERS if the BUYER fails to make any installment payment on or before the due date in each month. The SELLERS shall have the right to declare such default, accelerate the balance, and commence foreclosure proceedings, after they have first mailed to the BUYER a written notice of intent to declare the default allowing 15 days to cure and the BUYER fails to do so. The 15 day period to cure shall commence on the date that the SELLERS, or their representative, deposits in the United States Mail the written notice of intent to declare default addressed to the BUYER at the address specified at the end of this Article; or,

(b) The BUYER shall be subject to a declaration of default by the SELLERS if the BUYER fails to perform any other obligation contained in this Contract within thirty (30) days after notice from the SELLERS specifying the nature of the default or, if the default cannot be cured within thirty (30) days, failure within such time to commence, and complete curative action within a reasonable time. The SELLERS shall have the right to declare such default, accelerate the balance, and commence foreclosure proceedings, after they have first mailed to the BUYER a written notice of intent to declare the default allowing 30 days to cure and the BUYER fails to do so. The 30 day period to cure shall commence on the date that the SELLERS, or their representative, deposits in the United States Mail the written notice of intent to declare default addressed to the BUYER at the address specified at the end of this Article; or,

(c) If the BUYER fails to perform any term, condition or provision of a security instrument to which SELLERS has subordinated their interest in the real and personal property under this contract, and for which failure the holder of the prior security interest declares the BUYER to be in default thereof and commences repossession or foreclosure proceedings; or,

(d) The commencement of voluntary or involuntary bankruptcy proceeding by or against the BUYER under the federal bankruptcy laws; the appointment or the consent by the BUYER to the appointment of a receiver, trustee or custodian of the BUYER'S property; or, an assignment for the benefit of creditors by the BUYER. If one of the parties collectively referred to herein as the "BUYER", or a party standing in the place of the BUYER, suffers an event of default under this subsection, such event of default shall be considered the default of the BUYER empowering the SELLERS to exercise their remedies for default.

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Written notice of default for purposes of this Article shall be deemed to have been delivered when such notice has been deposited in the U. S. Mail as a certified letter, return receipt requested, with postage paid thereon, addressed to BUYER at Route 1, Box 1493, Bandon, Oregon 97411.

17.

REMEDIES ON DEFAULT

In the event of a default by the BUYER, subject to the notice requirements herein, SELLERS shall have the following rights:

(a) To declare the entire balance of the purchase price and interest immediately due and payable;

(b) To foreclose this contract by strict foreclosure in a civil action;

(c) To foreclose this contract by foreclosure and sale in a civil action;

(d) To specifically enforce the terms of this contract by civil action;

(e) With respect to the personal property, the SELLERS may exercise concurrently or separately with other remedies, all of the rights and remedies of a secured party as provided in the Uniform Commercial Code as adopted in Oregon, including the right to require the BUYER to assemble the personal property and make it available to the SELLERS upon the property;

(f) If a civil action to recover any portion of the purchase price, or to foreclose this contract, or any other action, suit or other proceeding in pursuit of any other right or remedy is brought by the SELLERS, then the Court may, upon motion of the SELLERS, appoint a receiver to immediately take possession of the collateral property and collect the rents and profits arising during the pendency of such case. While any judgment or decree entered therein remains unsatisfied, the rents and profits shall be applied to the payment of the amount due SELLERS hereunder, after first deducting all proper charges and expenses incurred by the receiver, including his reasonable compensation.

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SALE PROGRAM

(g) SELLERS shall be entitled to the appointment of a receiver as a matter of right whether or not the apparent value of the property exceeds the amount of the balance due hereunder. Any receiver appointed may serve without bond. Employment by SELLERS shall not disqualify a person from serving as receiver. Upon taking possession of all or any part of the property, the receiver shall be empowered as follows:

(1) To execute all documents as may be necessary to terminate all then existing licenses for the operation of any business on the property, and to apply for new licenses in the name of the receiver for the continued operation of the business;

(2) Use, operate, manage, control and conduct any business on the property and make expenditure for all maintenance and improvements as in his judgment are proper;

(3) Collect all rents, revenues, income issues and profits from the property and apply such sums to the expense of use, operation and management;

(4) At SELLERS' option, complete any construction in progress on the property, and in that connection pay bills, borrow funds, employ contractors and make any changes in plans or specifications as SELLERS deem appropriate;

(5) If the revenues produced by the property are insufficient to pay expenses, the receiver may borrow, from SELLERS or otherwise, such sums as he deems necessary for the purposes stated in this paragraph, and repayment of such sums shall be secured by this contract. The amounts borrowed or advanced shall bear interest at the same rate as the balance of the purchase price hereunder from the date of expenditure until repaid and shall be payable by BUYER on demand.

h. The remedies provided above shall be nonexclusive and in addition to any other remedies provided by law which may be exercised by the SELLERS in the event of a default by the BUYER.

//

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WATER RESOURCES DEPT.
SALEM, OREGON

18.
SURVIVORSHIP

It is agreed between the parties that in the event of the death of either of the SELLERS, then this contract, together with all right, title and interest of the SELLERS hereunder, and the right to all amounts due hereunder, shall automatically revert to and be vested in the survivor of the SELLERS, it being agreed that the SELLERS shall not be considered as tenants in common, but as joint tenants with right of survivorship.

19.
WAIVER

Failure by SELLERS at any time to require performance by the BUYER of any of the provisions hereof shall in no way affect SELLERS' rights hereunder to enforce the same, nor shall any waiver by SELLERS of any breach hereof be held to be a waiver of any succeeding breach, or a waiver of this non-waiver clause.

20.
SUCCESSOR INTERESTS

The covenants, conditions and terms of this contract shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives, and assigns of the parties hereto. Nothing contained in this paragraph shall alter the restrictions hereinabove contained relating to assignment.

21.
ENTIRE AGREEMENT

This contract is the entire final and complete agreement of the parties pertaining to the sale and purchase of the properties described herein, and supersedes and replaces all prior or existing written and oral agreements, including the earnest money agreement, between the parties or their representatives relating to the properties, except those additional instruments specifically described in this contract. There shall be no modification or alteration of this contract unless it is in writing and signed by all parties hereto.

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SALEM, OREGON

22.

COSTS AND ATTORNEY FEES

If a civil action or other proceeding is instituted to foreclose this contract or to enforce any of the provisions hereof, the prevailing party shall have judgment against the other party for such sum as the court adjudges reasonable as an attorney's fee, including a reasonable attorney's fee upon appeal as may be allowed by an Appellate Court. If a civil action is commenced to foreclose this contract, SELLERS shall be entitled to judgment against BUYER in addition to the costs and disbursements allowed by statute, for the costs of a title foreclosure report.

IN WITNESS WHEREOF, the parties have executed this contract in multiple originals on the day and year first above written.

SELLERS

BUYER

Randall Wesley Johnson Jr
RANDALL WESLEY JOHNSON JR

Martin T. Vincent
MARTIN TY VINCENT

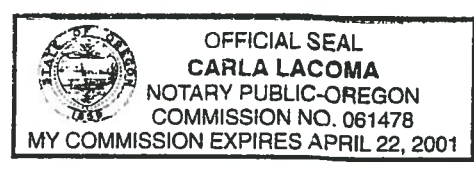
Elaine Marie Johnson
ELAINE MARIE JOHNSON

STATE OF OREGON)
) ss.
COUNTY OF COOS)

On July 16, 1997, personally appeared before me the above named RANDALL WESLEY JOHNSON JR., and ELAINE MARIE JOHNSON, and acknowledged the foregoing instrument to be their voluntary act and deed.

Carla Lacombe

Notary Public for Oregon



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JUL 3 0 1997


WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON)
) ss.
COUNTY OF COOS)

On July 16, 1997, personally appeared before me the above named MARTIN TY VINCENT and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon

 OFFICIAL SEAL
CARLA LACOMA
NOTARY PUBLIC-OREGON
COMMISSION NO. 061478
MY COMMISSION EXPIRES APRIL 22, 2001

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JUL 30 1997

WATER RESOURCES DIV.
SALEM, OREGON

EXHIBIT "A"

Parcel 1:

Lots 3 and 4, in Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

Excepting therefrom that portion lying within the State Highway 101 Right of Way and conveyed by Instruments Recorded May 6, 1964 in Volume 309, Page 337 and in Instrument Recorded in Volume 227, Page 175, Deed Records of Coos County, Oregon.

Also save and EXCEPT the following described parcel:

Beginning at a point on the East side of Oregon State Highway 101, which point is 159 feet, more or less, West of the Northwest corner of Lot 5, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; running thence East for a distance of 475 feet; thence North for a distance of 265 feet; thence West 475 feet, more or less, to the East boundary of said Oregon State Highway 101; thence Southwesterly along the East boundary of said Highway to the point of beginning.

Also Save and Except the following described parcel:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows:

Beginning at a point on the south line of said Lot 4 and said point being 316 feet, more or less, East of the Southwest corner of said Lot 4 and said point being the Southeast corner of that exception described in a property Deed Recorded in Coos County Clerk's Office, Microfilm N. 82-1-6090; thence North a distance of 285 feet to a pipe post; thence continuing North a distance of 40 feet for a total of 325 feet; thence North 80° East a distance of 599.10 feet; thence South a distance of 429 feet to said South line of Lot 4; thence West along said South line a distance of 590 feet to point of beginning.

Also Save and Except the following described parcel:

A tract of land, located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows:

Beginning at a point of intersection of the North line of said Lot 4 and the Easterly right-of-way boundary of State Highway 101 and point being East a distance of 50 feet from the Northwest corner of said Lot 4; thence East along said North line a distance of 470.00 feet; thence South a distance of 470.00 feet; thence West a distance of 470.00 feet to the said right-of-way boundary; thence North along said boundary a distance of 470.00 feet to point of beginning.

Also Save and Except the following described parcel:

A tract of land located in Government Lot 4 of Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows: Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South and 319.71 feet East of the Northwest corner of said Section 6; thence North a distance of 40.00 feet; thence North 80° East a distance of 315.00 feet to the true point of beginning; thence North a distance of 450.00 feet; thence East a distance of 400.00 feet; thence South a distance of 829.70 feet to the South line of Government Lot 4 of said

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JUL 30 1997

6

WATER RESOURCES DEPT.

SALEM, OREGON

Section 6; thence West along said South line a distance of 120.21 feet; thence North a distance of 429 feet; thence South 80° West a distance of 284.10 feet to the true point of beginning.

Also save and Except the following described parcel:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows:

Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South, and 319.71 feet East of the Northwest corner of said Section 6; thence West a distance of 475 feet, more or less, to the Easterly boundary of the Oregon Coast Highway 101; thence Northerly along said Easterly boundary a distance of 370 feet, more or less; thence East a distance of 670 feet, more or less; thence South a distance of 220.00 feet; thence South 80° West a distance of 315.00 feet; thence South a distance of 40.00 feet to the point of beginning.

Parcel 2:

A tract of land, located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows:

Beginning at a point of intersection of the North line of said Lot 4 and the Easterly right-of-way boundary of State Highway 101 and point being East a distance of 50 feet from the Northwest corner of said Lot 4; thence East along said North line a distance of 470.00 feet; thence South a distance of 470.00 feet; thence West a distance of 470.00 feet to the said right-of-way boundary; thence North along said boundary a distance of 470.00 feet to point of beginning.

Parcel 3:

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and more particularly described as follows:

Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South, and 319.71 feet East of the Northwest corner of said Section 6; thence West a distance of 475 feet, more or less, to the Easterly boundary of the Oregon Coast Highway 101; thence Northerly along said Easterly boundary a distance of 370 feet, more or less; thence East a distance of 670 feet, more or less; thence South a distance of 220.00 feet; thence South 80° West a distance of 315.00 feet; thence South a distance of 40.00 feet to the point of beginning.

Parcel 4:

A tract of land located in Government Lot 4 of Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows: Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South and 319.71 feet East of the Northwest corner of said Section 6; thence North a distance of 40.00 feet; thence North 80° East a distance of 315.00 feet to the true point of beginning; thence North a distance of 450.00 feet; thence East a distance of 400.00 feet; thence South a distance of 829.70 feet to the South line of Government Lot 4 of said Section 6; thence West along said South line a distance of 120.21 feet; thence North a distance of 429 feet; thence South 80° West a distance of 284.10 feet to the true point of beginning.

7175J

91 06 0042

TRUST DEED

THIS TRUST DEED, made this 29 day of MAY, 19 91, between RANDALL WESLEY JOHNSON JR. AND ELAINE MARIE JOHNSON

as Grantor, Willamette Valley Title Co., as Trustee, and DONALD S. CRANE

as Beneficiary,

WITNESSETH:

Grantor irrevocably grants, bargains, sells, and conveys to trustee in trust, with power of sale, the property in COOS County, Oregon, described as:

SEE ATTACHED EXHIBIT "A"

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JUL 15 1991

WATER RESOURCES DEPT. SALEM, OREGON

91-06-0042

State of Oregon County of Coos

I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 3:45 PM June 3, 1991

By [Signature] Deputy #pages 4 Fee \$ 22-

Parcel # 13490.01 13490.05 13490.07 X091991 together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with said real estate.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) Dollars, with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made by grantor, the final payment of principal and interest hereof, if not sooner paid, to be due and payable JUNE 1ST, 1996.

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of said note becomes due and payable. In the event the within described property, or any part thereof, or any interest therein is sold, agreed to be sold, conveyed, assigned or alienated by the grantor without first having obtained the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, or herein, shall become immediately due and payable.

To protect the security of this trust deed, grantor agrees:

- 1. To protect, preserve and maintain said property in good condition and repair; not to remove or demolish any building or improvement thereon; not to commit or permit any waste of said property.
2. To complete or restore promptly and in good and workmanlike manner any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefor.
3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting said property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require and to pay for filing same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the beneficiary.
4. To provide and continuously maintain insurance on the buildings now or hereafter erected on the said premises against loss or damage by fire and such other hazards as the beneficiary may from time to time require, in an amount not less than \$ unpaid balance written in companies acceptable to the beneficiary, with loss payable to the latter; all policies of insurance shall be delivered to the beneficiary as soon as insured; if the grantor shall fail for any reason to procure any such insurance and to deliver said policies of the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on said buildings, the beneficiary may procure the same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured hereby and in such order as beneficiary may determine, or at option of beneficiary the entire amount so collected, or any part thereof, may be released to grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.
5. To keep said premises free from construction liens and to pay all taxes, assessments and other charges that may be levied or assessed upon or against said property before any part of such taxes, assessments and other charges become past due or delinquent and promptly deliver receipts therefor to beneficiary; should the grantor fail to make payment of any taxes, assessments, insurance premiums, liens or other charges payable by grantor, either by direct payment or by providing beneficiary with funds with which to make such payment,

beneficiary may, at its option, make payment thereof, and the amount so paid, with interest at the rate set forth in the note secured hereby, together with the obligations described in paragraphs 6 and 7 of this trust deed, shall be added to and become a part of the debt secured by this trust deed, without waiver of any rights arising from breach of any of the covenants hereof and for such payments, with interest as aforesaid, the property hereinbefore described, as well as the grantor, shall be bound to the same extent that they are bound for the payment of the obligation herein described, and all such payments shall be immediately due and payable without notice, and the nonpayment thereof shall, at the option of the beneficiary, render all sums secured by this trust deed immediately due and payable and constitute a breach of this trust deed.

6. To pay all costs, fees and expenses of this trust including the cost of title search as well as the other costs and expenses of the trustee incurred in connection with or in enforcing this obligation and trustee's and attorney's fees actually incurred.

7. To appear in and defend any action or proceeding purporting to affect the security rights or powers of beneficiary or trustee; and in any suit, action or proceeding in which the beneficiary or trustee may appear, including any suit for the foreclosure of this deed, to pay all costs and expenses, including evidence of title and the beneficiary's or trustee's attorney's fees; the amount of attorney's fees mentioned in this paragraph 7 in all cases shall be fixed by the trial court and in the event of an appeal from any judgement or decree of the trial court, grantor further agrees to pay such sum as the appellate court shall adjudge reasonable as the beneficiary's or trustee's attorney's fees on such appeal.

It is mutually agreed that:

8. In the event that any portion or all of said property shall be taken under the right of eminent domain or condemnation, beneficiary shall have the right, if it so elects, to require that all or any portion of the monies payable as compensation for such taking, which are in excess of the amount required to pay all reasonable costs, expenses and attorney's fees necessarily paid or incurred by grantor in such proceedings, shall be paid to beneficiary and applied by it first upon any reasonable costs and expenses and attorney's fees, both in the trial and appellate courts, necessarily paid or incurred by beneficiary in such proceedings, and the balance applied upon the indebtedness secured hereby; and grantor agrees, at its own expense, to take such actions and execute such instruments as shall be necessary in obtaining such compensation, promptly upon beneficiary's request.

NOTE: The Trust Deed Act provides that the trustee hereunder must be either an attorney, who is an active member of the Oregon State Bar, a bank, trust company or savings and loan association authorized to do business under the laws of Oregon or the United States, a title insurance company authorized to insure title to real property of this state, its subsidiaries, affiliates, agents or branches, the United States or any agency thereof, or an escrow agent licensed under ORS 696.505 to 696.585.

2

Parcel 1

Lots 3 and 4, in Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

Excepting therefrom that portion lying within the State Highway 101 Right of way and as conveyed by instrument recorded May 6, 1964 in Volume 309, Page 337 and in instrument recorded in Volume 227, Page 175, Deed Records of Coos County, Oregon.

Also save and except the following described parcel;

Beginning at a point on the East side of Oregon State Highway 101, which point is 159 feet, more or less, West of the Northwest corner of Lot Five, Section Six, Township Thirty south, Range Fourteen West of the Willamette Meridian, Coos County, Oregon; running thence East for a distance of 475 feet; thence North for a distance of 285 feet; thence West 475 feet, more or less, to the East boundary of said Oregon State Highway 101; thence Southwesterly along the East boundary of said highway to the point of beginning.

Also Save and Except the following described parcel;

A tract of land located in Lot 4, Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows:

Beginning at a point on the South line of said Lot 4 and said point being 316 feet, more or less, East of the Southwest corner of said lot 4 and said point being the Southeast corner of that exception described in a property deed recorded in Coos County Clerk's office, Microfilm No. 82-1-6090; thence North a distance of 285 feet to a pipe post; thence continuing North a distance of 40 feet for a total of 325 feet; thence North 80° East a distance of 599.10 feet; thence South a distance of 429 feet to said South line of Lot 4; thence West along said South line a distance of 590 feet to point of beginning.

Also Save and Except the following described parcel;

A tract of land, located in lot 4, Section 6, T. 30 S., E R. 14 W.W.M. Coos County, Oregon, and more particularly described as follows:

Beginning at a point of intersection of the North line of said Lot 4 and Easterly right-of-way boundary of State Highway No. 101 and point being East a distance 50 ft. from the N.W. corner of said Lot 4; thence East along said North line a distance 470.00 ft.; thence South a dist. 470.00 ft.; thence West a dist. 470.00 ft.; thence South a dist. 470 ft.; thence West a dist. 470.00 ft. to the said right-of-way boundary; thence North along said boundary a dist. 470.00 ft. to point of beginning.

Also Save and Except the following described parcel;

A tract of land located in Government Lot 4 of Section 6, Township 30 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and more particularly described as follows: Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South and 319.71 feet East of the Northwest corner of said Section 6; thence North a distance of 40.00 feet; thence North 80 degrees East a distance of 315.00 feet to the true point of beginning; thence North a distance of 450.00 feet; thence East a distance of 400.00 feet; thence South a distance of 829.70 feet to the South line of Government Lot 4 of said Section 6; thence West along said South line a distance of 120.21 feet; thence North a distance of 429 feet; thence South 80 degrees West a distance of 284.10 feet to the true point of beginning.

Also save and except the following described parcel;

A tract of land located in lot 4, Section 6, T.30S., R. 14 W.W.M. Coos County, Oregon, and more particularly described as follows:

Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South, and 319.71 feet East of the Northwest corner of said Section 6;

Thence West a distance of 475 feet, more or less to the Easterly boundary of the Oregon coast Highway 101;

Thence Northerly along said Easterly boundary a distance of 370 feet, more or less;

Thence East a distance of 670 feet, more or less;

Thence South a distance of 220.00 feet;

Thence S. 80° W. a distance of 315.00 feet;

Thence South a distance of 40.00 feet to the point of beginning.

Account no. 13490.01 Map 30-14-6-TL 200

Parcel 2

A tract of land, located in lot 4, Section 6, T. 30 S., R. 14 W.W.M. Coos County, Oregon, and more particularly described as follows:

Beginning at a point of intersection of the North line of said Lot 4 and Easterly right-of-way boundary of Sate Highway No. 101 and point being East a dist. 50 ft. from the N.W. corner of said Lot 4; thence East along said North line a dist. 470.00 ft.; thence South a dist. 470.00 ft.; thence West a dist. 470.00 ft.; thence South a dist. 470 ft.; thence West a dist. 470.00 ft. to the said right-of-way boundary; thence North along said boundary a dist. 470.00 ft. to point of beginning.

Account no. 13490.05 Map 30-14-6 TL 202

Parcel 3

A tract of land located in Lot 4, Section 6, T. 280 S., R. 14 W.W.M. Coos County, Oregon, and more particularly described as follows:

Beginning at a 3/4 inch iron pipe, said pipe being 1653.49 feet South, and 319.71 feet East of the Northwest corner of Said Section 6;

Thence West a distance of 475 feet, more or less, to the Easterly boundary of the Oregon coast Highway 101;

Thence Northerly along said Easterly boundary a distance of 370 feet, more or less;

Thence East a distance of 670 feet, more or less;

Thence South a distance of 220.00 feet;

Thence S. 80° W. a distance of 315.00 feet;

Thence South a distance of 40.00 feet to the joint of beginning.

Account no. 13490.07 Map 30-14-6 TL 204

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JUL 15 1991

WATER RESOURCES DEPT
SALEM, OREGON

May 13, 1997

WATER
RESOURCES
DEPARTMENT

DOUGLAS & RANDALL JOHNSON
C/O GALE TURNER
PO BOX 933
BANDON OR 97411

REFERENCE: File 71757 & R-72045

We have received your application for extension of the time limits to complete construction and make complete application of water under Permit 51459 and R-11456.

The application indicates reasonable diligence toward completion of the proposed project. The time limits to complete construction and make complete application of water are extended to October 1, 1997. The order approving the extension was entered at Volume 51, Page 445.

If you have any questions, please contact me at extension 272 (503)-378-3739, or toll-free 1-(800)-624-3199.

Sincerely,

Dallas Miller
Water Rights Specialist

DM:jh

cc: John Drolet, Watermaster
James Gosson, CWRE



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **7795**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Randall Johnson

APPLICATION	71757
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$
VOUCHER #

PCA AND OBJECT CLASS

0427 WRD OPERATING ACCT

See Rec. # 7794

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$ <u>100.00</u>
TC165 DEPOSIT LIAB. (IDENTIFY)	\$

PCA 66111
Extension

WATER RIGHTS:

EXAM FEE	RECORD FEE
0201 SURFACE WATER	0202 \$
0203 GROUND WATER	0204 \$
0205 TRANSFER	0206 \$
EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	0219 \$
LANDOWNER'S PERMIT	0220 \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT
OTHER (IDENTIFY)

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS \$

0467 HYDRO ACTIVITY

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

RECEIPT # **7795**

DATED: 10/22/96 BY: C. Richards

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: 71757

PERMIT NO: 51459

DATE: February 12, 1997

1. Has the applicant requested any previous extensions? How many?
NO. This is the THIRD request.
2. What water right development steps has the permittee completed within the past year? **Extended irrigation system line and sprinklers, added 4.5 acres irrigation, planted another 5 acres cranberries.**
3. What water right development steps has the permittee completed prior to this past year? **Purchased new pump, install 800' mainline, Constructed 5.5 acres bogs. Repaired damaged reservoir.**
4. Is the permittee currently meeting all conditions of the permit?
Will check at final proof.
5. What is the current use of water under the permit? **Irrigating 10.0 acres cranberries.**
6. What percent of the total allowable use under the permit does the current use represent?
33 %
7. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
YES. Had to change farm manager because of lack of progress.
8. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
NO.
9. Has there been any change in demand for water or power since the permit was granted?
NO.
10. If the extension request is denied, is the current level of water use under the permit economically feasible?
NO.
11. Is there an alternate source of water available at this time?
NO.
12. Has use of water under the permit caused an adverse impact on the surface/groundwater resource in the area?
NO.
13. Have there been claims of injury to other water right holders or water users in the area?
NO.
14. Any conditions on previous orders?
NO.

REMARKS:

Request extend B-C from 10/1/96 to 10/1/97. Part of system built, part of use made. Diligence shown. Recommend extend B-C date to 10/1/97.

M:\T\EXT-CK (10-9-96)Y

M:\T\EXTEND\CHKLISTS\71757

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: 71757

PERMIT NO: 51459

DATE: February 12, 1997

1. Has the applicant requested any previous extensions? How many?
NO. This is the SECOND request.
2. What water right development steps has the permittee completed within the past year? **Purchased new pump, in 800' mainline to transfer water to producing cranberry bogs.**
3. What water right development steps has the permittee completed prior to this past year? **Constructed 5.5 acres bogs. Repaired damaged reservoir.**
4. Is the permittee currently meeting all conditions of the permit?
Will check at final proof.
5. What is the current use of water under the permit? **Irrigating 5.5 acres cranberries.**
6. What percent of the total allowable use under the permit does the current use represent?
18 %
7. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
YES. Had to change farm manager because of lack of progress.
8. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
NO.
9. Has there been any change in demand for water or power since the permit was granted?
NO.
10. If the extension request is denied, is the current level of water use under the permit economically feasible?
NO.
11. Is there an alternate source of water available at this time?
NO.
12. Has use of water under the permit caused an adverse impact on the surface/groundwater resource in the area?
NO.
13. Have there been claims of injury to other water right holders or water users in the area?
NO.
14. Any conditions on previous orders?
NO.

REMARKS:

Request extend B-C from 10/1/95 to 10/1/96. Part of system built, part of use made. Diligence shown. Recommend extend B-C date to 10/1/96.

M:\T\EXT-CK (10-9-96)

M:\T\EXTEND\CHKLISTS\71757

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: 71757

PERMIT NO: 51459

DATE: February 12, 1997

1. Has the applicant requested any previous extensions? How many?
NO. This is the FIRST request.
2. What water right development steps has the permittee completed within the past year? **In pumps, pipeling, constructed 2.5 acres of bogs, and planting cranberries.**
3. What water right development steps has the permittee completed prior to this past year? **Cleared land for bogs, purchase pumps, pipe, began reservoir construction.**
4. Is the permittee currently meeting all conditions of the permit?
Will check at final proof.
5. What is the current use of water under the permit? **None.**
6. What percent of the total allowable use under the permit does the current use represent?
0 %
7. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
YES. Project size and scope taking more time than planned.
8. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
NO.
9. Has there been any change in demand for water or power since the permit was granted?
NO.
10. If the extension request is denied, is the current level of water use under the permit economically feasible?
NO.
11. Is there an alternate source of water available at this time?
NO.
12. Has use of water under the permit caused an adverse impact on the surface/groundwater resource in the area?
NO.
13. Have there been claims of injury to other water right holders or water users in the area?
NO.
14. Any conditions on previous orders?
NO.

REMARKS:

Request extend B from 10/1/94 to 10/1/95. Part of system built, water not yet used. Diligence shown. Recommend extend B date to 10/1/95.

RECEIVED

RECEIVED

JAN 14 1997

NOV 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

File No 71757

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Randall and Elaine Johnson % Gale Turner
name

PO Box 933 Bandon Oregon 97411 541-347-2210
address city state zip phone

record owner of permit No. 51459, do hereby request that the time in which to:

[] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1994, be extended to October 1, 1995, and/or the time in which to

[] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, 19 .

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

- (1) within past year summer of 94 constructed 2 1/2 acres of bog & began construction of 4 acres (completed acreage includes all pumps & pipeline needed for irrigation)
- (2) prior to this past year cleared land upon which bog would be constructed - began Reservoir construction & constructed 3 acres of bog
- (3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated) Three acres producing - 2 1/2 plants &
- (4) unable to complete construction and/or application of water within the permit time limits because land

Gale Turner Signature 11/24/96 date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310
C:\WP51\FORMS\EXTFORM

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JAN 14 1997

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

NOV 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

File No. 4

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Randall and Elaine Johnson

1/2 Gale Turner PO Box 933 Bandon, Ore 97411 541-347-2210

record owner of permit No. 51459, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1995, be extended to October 1, 1996, and/or the time in which to

accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, 19 .

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

(1) within past year purchase new pump - installed 800' main line to transfer water to Producing cranberry bogs

(2) prior to this past year constructed ~~five~~ 1/2 5 1/2 Ac Bogs partial construction of 4 Acres. Repaired Damaged reservoir

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated) 5 1/2 Ac

(4) unable to complete construction and/or application of water within the permit time limits because Johnson's lived in Portland and left all work to son - which was not done -- I'm the new farm manager

Gale Turner signature 11/24/96 date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

C:\WP51\FORMS\EXTFORM

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690-10-116

JAN 14 1997

WATER RESOURCES DEPT.
SALEM, OREGON

File No.

RECEIVED

OCT 22 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Randall W. and Elaine M. Johnson, Jr.
 % Gale Turner Name
PO Box 933
 Mailing Address
Bandon, Oregon 97411
 City State Zip

record owner of water right permit No. 51459 do hereby request that the time in which to:
 complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1996 be extended to October 1, 1997 and/or the time in which to
 accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19..... be extended to October 1, 19.....

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year Constructed Reservoir No. 5 and placed in use.

prior to this past year Constructed 4 reservoirs.

and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) Irrigated 10 acres. Five acres producing cranberries and an additional 5 acres planted.

(If additional space is required, attach separate sheet)

Gale Turner (manager)
 (If signing for a corporation please identify your title)

Dated 10-20-96

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$~~100~~ FOR EACH PERMIT TO:
 100 00

Water Resources Department
 158 12th Street NE
 Salem, Oregon 97310-0210

December 13, 1996

RANDALL AND ELAINE JOHNSON
PO BOX 933
BANDON, OR 97411

REFERENCE: File 71757

Regarding the 3 extension requests you submitted under permit 51459. We need more information the applications you submitted do not describe the water system you are constructing.

On the application in items 1 and 2 you must describe the parts of the water system purchased and/or installed (pipe, pump, sprinklers etc.). Enclosed are the forms you submitted, before we can process them they must be completed.

Enclosed is receipt 8705 for the fees you submitted.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,



Dallas Miller
Water Rights Specialist



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RECEIVED

NOV 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

File No 8

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Randall and Elaine Johnson

1/6 Gale Turner PO Box 933 Bandon, Ore 97411 541-347-2210

record owner of permit No. 51459, do hereby request that the time in which to:

[] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1995, be extended to October 1, 1996, and/or the time in which to

[] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, 19 .

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

(1) within past year purchase new pump - installed 800' main line to transfer water to Producing cranberry bogs

(2) prior to this past year constructed ~~1/2~~ 5 1/2 Ac Bogs partial construction of 4 Acres. Repaired Damaged reservoir

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)

5 1/2 Ac

(4) unable to complete construction and/or application of water within the permit time limits because Johnson's lived in

Portland and left all work to son - which was not done -- I'm the new farm manager

Gale Turner signature 11/24/96 date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310
C:\WP51\FORMS\EXTFORM

RECEIVED

NOV 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

File No *fs*

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Randall and Elaine Johnson ^{name} % Gale Turner

PO Box 933 Bandon Oregon 97411 541-347-2210
address city state zip phone

record owner of permit No. 51459, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1994, be extended to October 1, 1995, and/or the time in which to

accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, 19 .

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

(1) within past year _____

(2) prior to this past year _____

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated) _____

(4) unable to complete construction and/or application of water within the permit time limits because _____

Gale Turner
signature

11/24/96
date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310
C:\WP51\FORMS\EXTFORM

RECEIVED

OCT 22 1996

Application for Extension of Time

WATER RESOURCES DEPT. SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I. Randall W. and Elaine M. Johnson, Jr.
 % Gale Turner Name
PO Box 933
 Mailing Address
Bandon, Oregon 97411
 City State Zip

record owner of water right permit No. 51459 do hereby request that the time in which to:
 complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1996, be extended to October 1, 1997; and/or the time in which to
 accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19..... be extended to October 1, 19.....

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year Constructed Reservoir No. 5 and placed in use.

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and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) Irrigated 10 acres. Five acres producing cranberries and an additional 5 acres planted.

(If additional space is required, attach separate sheet)

Gale Turner (manager)
 (If signing for a corporation please identify your title)

Dated 10-20-96

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$~~100~~ FOR EACH PERMIT TO:
 100 00

Water Resources Department
 158 12th Street NE
 Salem, Oregon 97310-0210

November 8, 1996

WATER
RESOURCES
DEPARTMENT

RANDALL AND ELAINE JOHNSON
PO BOX 933
BANDON, OR 97411

REFERENCE: Files 71757 and R 72045

We received your request for extending the time limits of permit 51459. Under this permit the time for construction completion is 10/1/94 and the time for full application of water is 10/1/95.

You have the 2 permits 51459 and R 11456 (reservoir) this is your 3rd extension request for R 11456, but this is your first extension request for permit 51459. There should be 3 extension requests for permit 51459 as well.

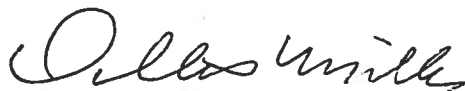
We can only extend permits for 1 year and cannot skip years. So to extend this permit date to 10/1/97 will require 2 more extension requests and fees as you did with the other permit for reservoir (R 72045). This extension will require a request from 10/1/94 to 10/1/95, from 10/1/95 to 10/1/96 and 10/1/96 to 10/1/97. This will mean we will hold the request you submitted 10/1/96 to 10/1/97, and you need to submit 2 more requests 10/1/94 to 10/1/95 and 10/1/95 to 10/1/96 along with another \$200, \$100 each. Enclosed are 2 Application for Extension forms.

Fill out the forms completely describing what has been done with the water system. Please submit the requests within 30 days, this file has been set up for cancellation. The other reservoir permit R 11456 has been extended twice in the past as it should and this is its 3rd extension.

We will process the extensions when you submit the above described requests. Enclosed are receipts 7794 and 7795 for the \$200 you submitted.

If you have any questions please call me at 503-378-3739 ext 272.

Sincerely,



DALLAS S. MILLER
Water Rights Specialist



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

June 19, 1996

DOUGLAS & RANDALL JOHNSON
RT 1 BOX 1697 N
BANDON OR 97411

REFERENCE: File 71757

This letter is in regard to your water use Permit 51459. As we pointed out to you in our letter of NOVEMBER 14, 1995, your claim of beneficial use must be received in this office by October 1, 1996.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before October 1, 1996, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

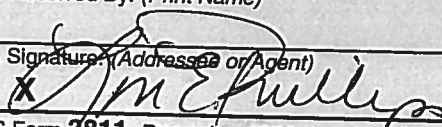
Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:jh

cc: JOHN DROLET,
JAMES GOSSON,

CERTIFIED - RETURN

Is your RETURN ADDRESS completed on the reverse side?	SENDER: <ul style="list-style-type: none">Complete Items 1 and/or 2 for additional services.Complete Items 3, 4a, and 4b.Print your name and address on the reverse of this form so that we can return this card to you.Attach this form to the front of the mailpiece, or on the back if space does not permit.Write "Return Receipt Requested" on the mailpiece below the article number.The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: DOUGLAS & RANDALL JOHNSON RT 1 BOX 1697 N BANDON OR 97411 71757		4a. Article Number P56480	
	5. Received By: (Print Name) 7/26/96		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	6. Signature (Addressee or Agent) 		7. Date of Delivery 6/26/96	
	8. Addressee's Address (Only if requested and fee is paid)			
	PS Form 3811, December 1994		Domestic Return Receipt	
			Thank you for using Return Receipt Service.	

November 14, 1995

DOUGLAS & RANDALL JOHNSON
KPO BOX 1166
BANDON OR 97411

WATER
RESOURCES
DEPARTMENT

REFERENCE: File 71757

The date for the complete application of water to a beneficial use for your water use Permit 51459 was October 1, 1995. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before October 1, 1996. A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

enclosure



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

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FEB 17 1994

WATER RESOURCES DEP
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

February 17, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Instream Water Right Application #s 70249, 70288,
70942 through 70944, 70946 through 70960, 71221
through 71280, 71282 through 71890, and 71921 through
72946; Reports of Technical Review

General Comments

According to OAR 690-77-026 (1), WRD "shall undertake a technical review...and prepare a report." This subsection further lists 8 [(a) - (h)] mandatory criteria which, as a minimum, must be assessed during the technical review. ODFW has concerns with the apparent level of assessment relative to subsection (c):

OAR 690-77-026 (1) (c) --Assessing the proposed instream water right with respect to conditions previously imposed on other instream water rights granted for use of water from the same source.

In the 115 subject reports of technical review, WRD is proposing to condition each application to exempt human and livestock consumption from regulation in favor of these instream rights as follows:

This instream right shall not have priority over human or livestock consumption.

Instream water right certificates in the North Coast basin based on conversion of minimum perennial streamflows generally contain similar conditioning language giving preference to the listed uses.

By rule, WRD's technical review process includes assessing conditions previously imposed on other instream water rights from the same source. If found to be appropriate, WRD may propose that new instream water rights contain the same exemption. There is no requirement that this exemption be automatically included as part of a technical review.



2501 SW First Avenue
PO Box 59
Portland, OR 97207 -
(503) 229-5400
TDD (503) 229-5459

When ODFW reviewed WRD files on some of these applications for documentation of assessments of prior conditions, we found nothing to indicate that any such assessments had been done. ODFW, therefore, assumes that the required assessments were not done and, therefore, objects to the routine placement of the proposed exemption on any of these applications on the grounds that to do so would be contrary to the public's interest in maintaining fish populations in North Coast basin streams. OAR 690-11-195 (4d).

Specific Comments

Application # 70948

Section 5, Proposed Conditions, is missing from this Report of Technical Review.

Application # 71241

For the month of December:

1. The minimum flow level recommended by ODFW in the North Coast basin Environmental Investigation Report is 88 cfs.
2. The reported estimated average natural flow for December here is 131 cfs.
3. WRD is proposing in the Report of Technical Review to allocate 80 cfs.

ODFW believes the proper amount to be protected during December is 88 cfs.

Application # 71258

Here, the estimated average natural flow is less than the minimum flow recommended by ODFW for the entire year. Because this is the only instance where this has happened to date, the occurrence is suspect. ODFW requests that the water availability analysis for this reach of Miami River be reexamined.

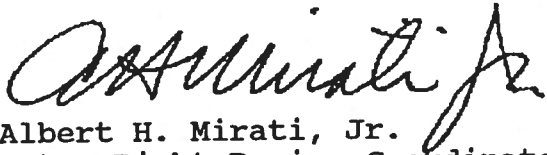
Application # 71280

The recommended flow numbers listed for September through April in the Application Information and Technical Review sections of the Report of Technical Review do not agree. Those listed in the Application Information section are correct.

North Coast Basin IWRs
February 17, 1994
Page 3

Thank you for the opportunity to comment.

Sincerely,



Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Jill Zarnowitz/Stephanie Burchfield
Penny Harrison, DOJ

FILE: NCOAST.IWR

RECEIVED

JUL 23 1992

Oregon

WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
FISH AND
WILDLIFE



July 17, 1992

Steve Brown
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Past due comments on water right applications

Dear Steve:

I have compiled another (final) batch of numbers of "questionable" water right applications that I would like your help with. I (actually Greg) have received comments back from the effected district biologists but it appears these were never transmitted to WRD.

Below are listed the numbers of applications that may still be pending and may still need ODFW (my) attention. I have started where I left off last time. This batch should be the last; I know where we stand with the rest.

71608	YES/NO	71771	YES/NO	72119	YES/NO
71636	YES/NO	71781	YES/NO	72130	YES/NO
71640	YES/NO	71788	YES/NO	72131	YES/NO
71649	YES/NO	71808	YES/NO	72132	YES/NO
71691	YES/NO	71887	YES/NO	72133	YES/NO
71701	YES/NO	71895	YES/NO	72249	YES/NO
71713 ✓	YES/NO	71912	YES/NO	72257	YES/NO
71704	YES/NO	71913	YES/NO	72266	YES/NO
71739	YES/NO	71914	YES/NO	72269	YES/NO
71740	YES/NO	71977	YES/NO	72285	YES/NO
71743	YES/NO	71991	YES/NO	72294	YES/NO
71755	YES/NO	72000	YES/NO	72295	YES/NO
71756	YES/NO	72031	YES/NO	72309	YES/NO
71757	YES/NO	72032	YES/NO	72310	YES/NO
71764	YES/NO	72112	YES/NO	72314	YES/NO
71768	YES/NO	72118	YES/NO	72323	YES/NO
				72328	YES/NO



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400

June 22, 1992

Karen Russell
WaterWatch of Oregon
921 SW Morrison, Suite 438
Portland, OR 97205

Reference: Files R-72045 and 71757

Dear Ms. Russell:

Your letter of May 5, 1992, requested that we require measuring and/or recording of water use as permit conditions.

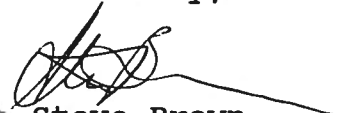
OAR 690-250-060 describes the Department's policy on diversion works and measuring device installation for water users. If you will refer to the rule, the watermaster has the authority at any time to require measuring devices prior to any diversion.

I attended the April 24, 1992, Commission meeting. The Commission did not direct staff to require measuring of water use as a standard permit condition on all permits issued by the Department. This condition is added only at the request of other agency staff, based upon the need for the information generated.

Staff has considered your additional comments in regards to the proposed permits. All reservoir permits require that the dams be constructed with outlet conduits. This is a requirement of OAR 690-20 and duplicated as permit conditions. In addition, the permits would only allow for the appropriation of water for storage during the period of when water is available consistent with our water availability determination. The period water may be appropriated for Application R-72045 is December through March.

Permits were issued in approval of applications R-72045 and 71757 on June 1, 1992.

Sincerely,



Steve Brown
Senior Water Rights Specialist
Field Operations Division

cc: Martha Pagel, Director
0791



June 22, 1992

Karen Russell
WaterWatch of Oregon
921 SW Morrison, Suite 438
Portland, OR 97205

Reference: Files R-72045 and 71757

Dear Ms. Russell:

Your letter of May 5, 1992, requested that we require measuring and/or recording of water use as permit conditions.

OAR 690-250-060 describes the Department's policy on diversion works and measuring device installation for water users. If you will refer to the rule, the watermaster has the authority at any time to require measuring devices prior to any diversion.

I attended the April 24, 1992, Commission meeting. The Commission did not direct staff to require measuring of water use as a standard permit condition on all permits issued by the Department. This condition is added only at the request of other agency staff, based upon the need for the information generated.

Staff has considered your additional comments in regards to the proposed permits. All reservoir permits require that the dams be constructed with outlet conduits. This is a requirement of OAR 690-20 and duplicated as permit conditions. In addition, the permits would only allow for the appropriation of water for storage during the period of when water is available consistent with our water availability determination. The period water may be appropriated for Application R-72045 is December through March.

Permits were issued in approval of applications R-72045 and 71757 on June 1, 1992.

Sincerely,



Steve Brown
Senior Water Rights Specialist
Field Operations Division

cc: Martha Pagel, Director
0791



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

October 29, 1991

INTER-OFFICE MEMO

TO: Steve Brown

FROM: E. George Robison

Subject: Flows for Fourmile Cr.

Steve here are the flows for Fourmile Cr. I must caution you that I estimated the precipitation and the soils index as best I could from maps. There were no gages and no significant miscellaneous measurements so I used the water availability model to do the calculation.

Streamflows for Fourmile Cr. and tributary.

All flows are 50% exceedence mean monthly flows based on the water avail. model

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Fourmile Cr.	137	120	100	64	33	15	6.3	3.8	4.5	11	58	156
Fourmile Cr. trib.	2.6	2.1	1.8	1.2	0.5	0.2	0.1	0.05	0.1	0.2	1.3	3.5
15442 70915	70	70	70	70	70	40	27	27	27	49	70	70

Basin Characteristics Basin Characteristics
for Fourmile trib. for Fourmile Cr.

17 = Basin No. 17 = Basin No.
0.44 = Drainage Area 19.7 = Drainage Area
70 = Precipitation 68 = Precipitation
3 = SI Index 3 = SI Index

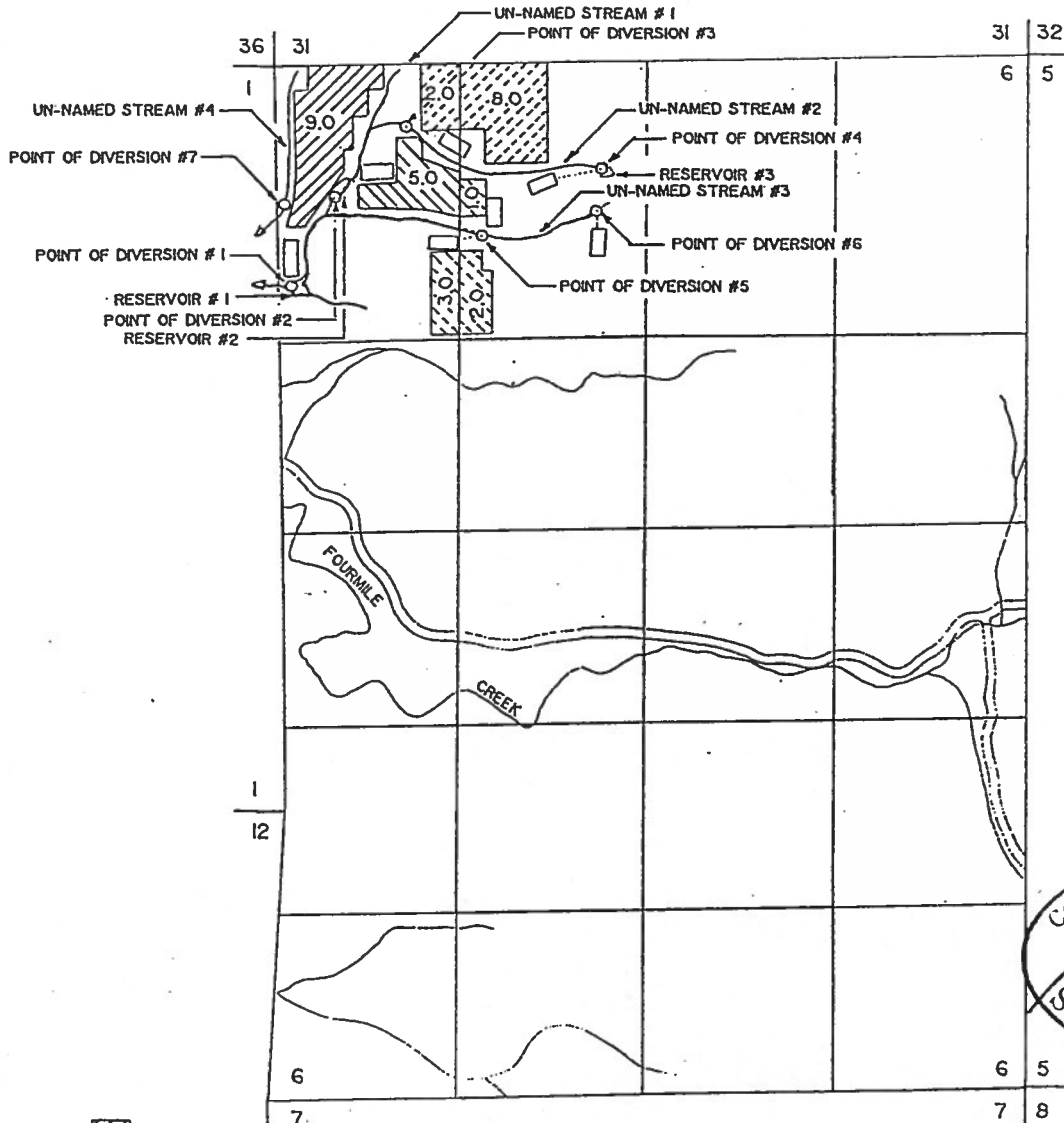
All basin characteristics were estimated from maps not determined.

cc Fred Lissner
Steve Applegate

APPLICATION MAP IN THE NAME OF
DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.
SECTION 6, T30S, R14W, W.M.



1 INCH = 1320 FEET



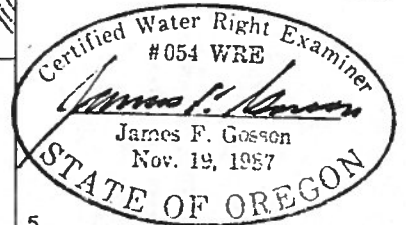
- FROM POINTS OF DIVERSION # 1, AND #7
- FROM POINTS OF DIVERSION #2, #4, AND #5
- FROM POINT OF DIVERSION #5, AND #6
- FROM POINT OF DIVERSION #3
- IN-SYSTEM STORAGE

Application No. 71757
Permit No. 51459

P.O.D.	FT. SOUTH	FT. EAST	FROM	
#1	1520	80	NW COR. SEC. 6	NW NW
#2	900	400	NW COR. SEC. 6	NW NW
#3	430	910	NW COR. SEC. 6	NW NW
#4	740	2270	NW COR. SEC. 6	NE NW
#5	1180	1420	NW COR. SEC. 6	NE NW
#6	1020	2220	NW COR. SEC. 6	NE NW
#7	950	50	NW COR. SEC. 6	NW NW

ALL IN SECTION 6, TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY.

JUL 15 1967



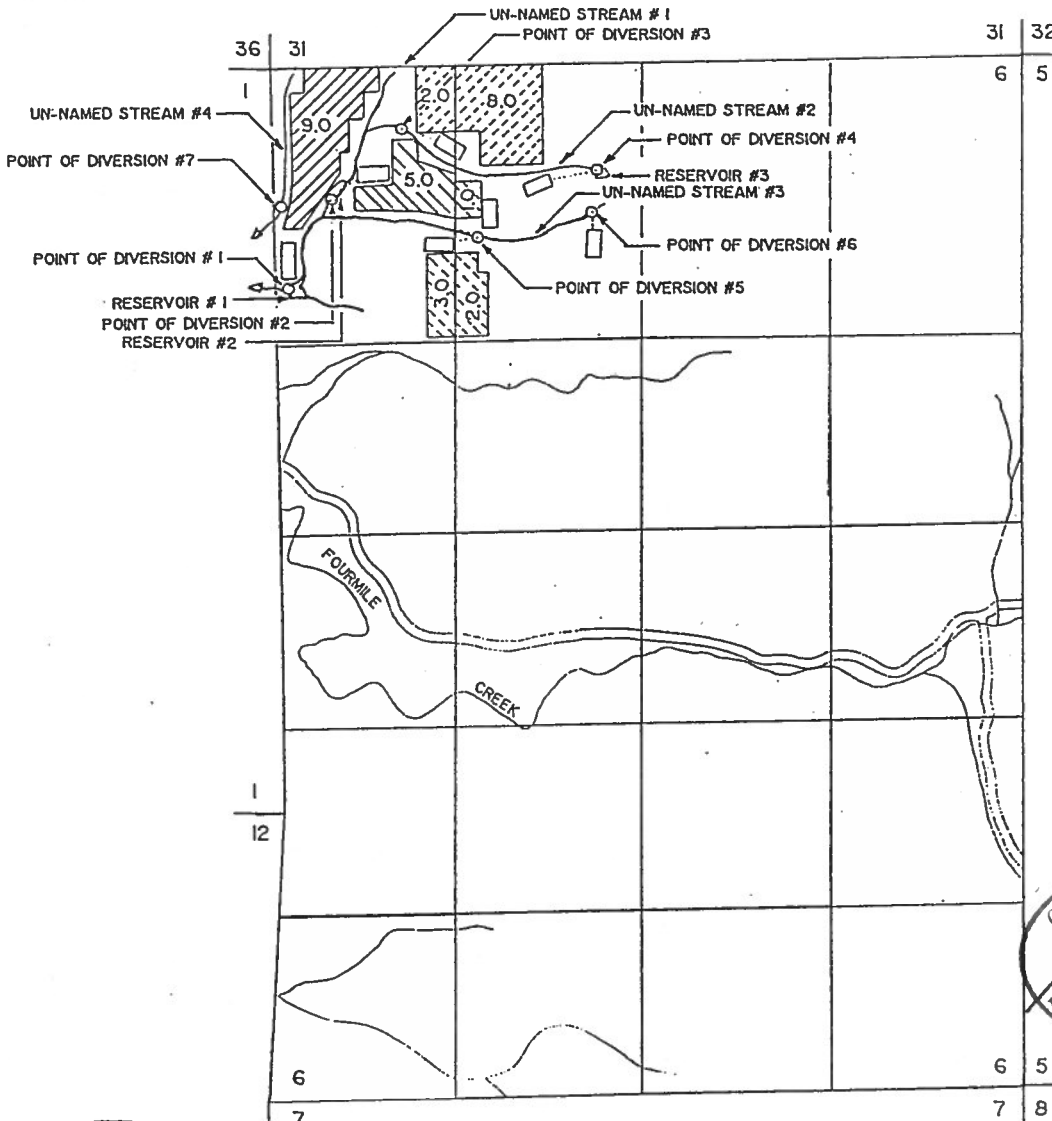
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF OWNERSHIP BOUNDARY LINES.

APPLICATION MAP IN THE NAME OF
DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.

SECTION 6, T30S, R14W, W.M.



1 INCH = 1320 FEET



- FROM POINTS OF DIVERSION # 1, AND #7
- FROM POINTS OF DIVERSION #2, #4, AND #5
- FROM POINT OF DIVERSION #5, AND #6
- FROM POINT OF DIVERSION #3
- IN-SYSTEM STORAGE

Application No. 71757
Permit No. 51459

P.O.D.	FT. SOUTH	FT. EAST	FROM	
#1	1620	90	NW COR. SEC. 6	NW NW
#2	900	400	NW COR. SEC. 6	NW NW
#3	430	910	NW COR. SEC. 6	NW NW
#4	740	2270	NW COR. SEC. 6	NE NW
#5	1180	1420	NW COR. SEC. 6	NE NW
#6	1020	2220	NW COR. SEC. 6	NE NW
#7	950	50	NW COR. SEC. 6	NW NW

ALL IN SECTION 6, TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY.

RECEIVED
JUL 15 1987
STATE OF OREGON

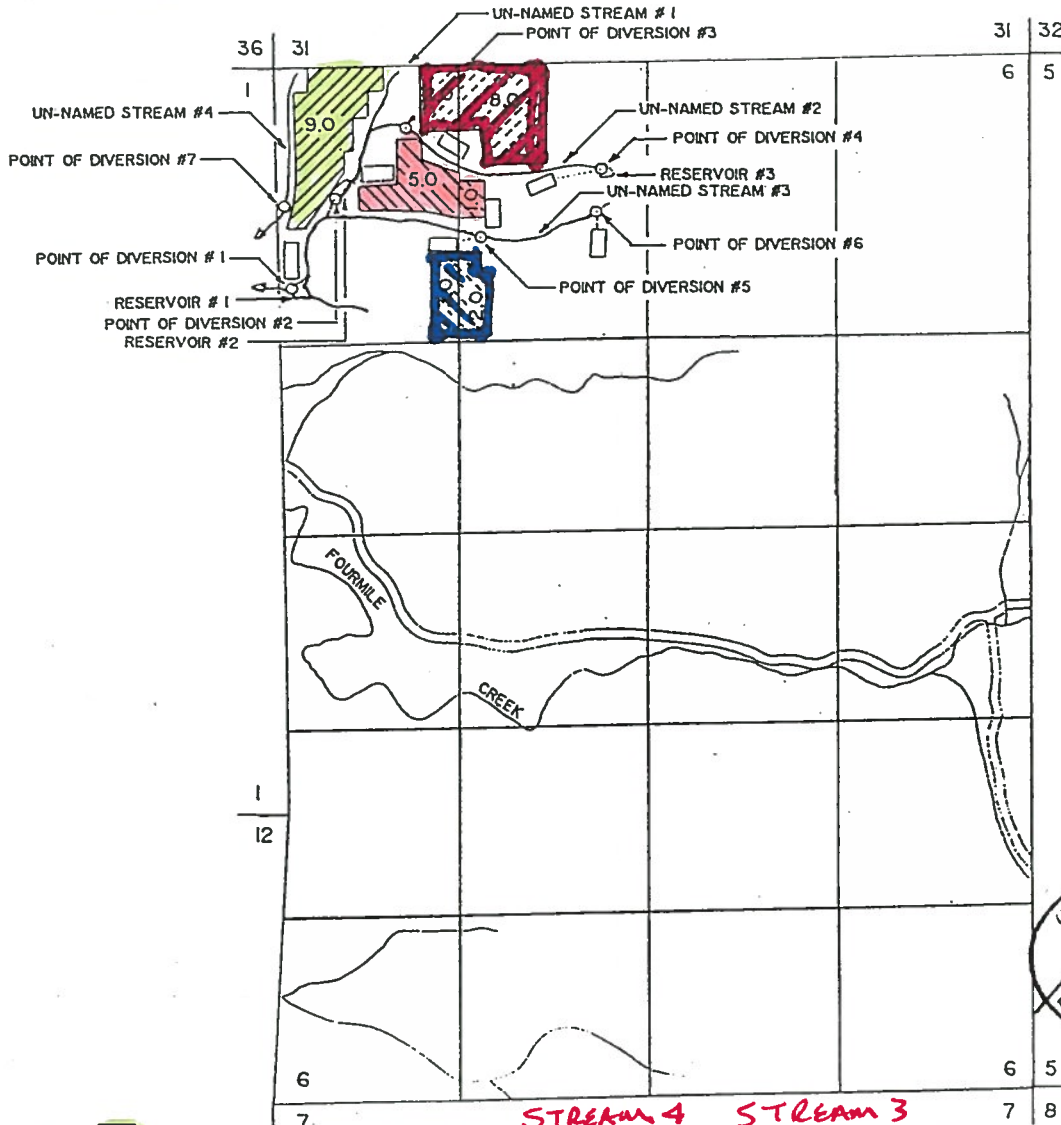
Certified Water Right Examiner
#054 WRE
James F. Gosson
James F. Gosson
Nov. 19, 1987
STATE OF OREGON

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF OWNERSHIP BOUNDARY LINES.

APPLICATION MAP IN THE NAME OF
DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.
SECTION 6, T30S, R14W, W.M.



1 INCH = 1320 FEET



1.5

JUL 15 1987

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

- 9.0 AC FROM POINTS OF DIVERSION # 1, AND #7
- 6.0 AC FROM POINTS OF DIVERSION #2, #4, AND #5
- 5.0 AC FROM POINT OF DIVERSION #5, AND #6
- 10.0 AC FROM POINT OF DIVERSION #3
- IN-SYSTEM STORAGE

STREAM 4 STREAM 3

STR #1; STR #2; STR #3

STR #3

STR #2

.25

.5

.3

Application No. 71757

Permit No. 51459

P.O.D.	FT. SOUTH	FT. EAST	FROM	
#1	1520	80	NW COR. SEC. 6	NW NW
#2	800	400	NW COR. SEC. 6	NW NW
#3	430	910	NW COR. SEC. 6	NW NW
#4	740	2270	NW COR. SEC. 6	NE NW
#6	1180	1420	NW COR. SEC. 6	NE NW
#8	1020	2220	NW COR. SEC. 6	NE NW
#7	960	60	NW COR. SEC. 6	NW NW

ALL IN SECTION 6, TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF OWNERSHIP BOUNDARY LINES.



Oregon Trout

Speaking out for Oregon's fish

P.O. Box 19540 • Portland, Oregon 97219 • (503) 244-2292

July 25, 1991

Stephen C. Brown
Senior Water Rights Specialist
Applications and Permits Section
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RECEIVED

JUL 29 1991

WATER RESOURCES DEPT
SALEM, OREGON

Subject: Application for Permit #71757
Douglas & Randall Johnson
Four Mile Creek, Coos Co.

Many of the small streams in this area of the state provide critical spawning and rearing habitat for anadromous fish and resident trout. Oregon Trout asks that fish screening devices be installed to the specifications of the Department of Fish and Wildlife prior to the diversion of any water.

The south coast has areas of critical water shortages. Will water be available for this proposed use 80% of the time without adversely impacting existing water rights and the public interest?

Please inform the applicant that water cannot be used until a permit is issued and all of the terms of the permit have been complied with. If this happens to be an existing use of water, Oregon Trout asks that its use be regulated by the department until such time as a permit is issued.

Sincerely,



Jim Myron
Regional Director

cc: Bakke
Robart, ODFW
WaterWatch



Carol
5/6/92cc: SB
SA
F. J. J. (Coll)

WaterWatch

O F O R E G O N

May 5, 1992

VIA FAX - 378-8130
Original Mailed

Steve Brown
Carol Lewis
Senior Water Rights Specialists
Water Resources Department
3850 Portland Road NE
Salem, OR 97310

Re: Letters of Intent to Issue Water Rights
Yamhill County Application Nos.: 70311; R-70282 and
70283; R-71811 and 71812; 70211; 70203
Coos County Application Nos.: R-72045; 71757

Dear Mr. Brown and Ms. Lewis:

We recently received letters stating the Water Resources Department's ("Department") intent to issue seven permits — two in Coos County and five in Yamhill County. None of these permits require measurement of water use and/or recording. Why not? It is clear that the Department knows how to impose this management device. In a recent transfer of an existing right to instream use, the Department required that the water user install and maintain measuring devices and record the amount of water used prior to use. See Transfer 6681. If the Department can and will make this a requirement for instream use, why is it not a requirement for these out-of-stream uses?

Each and every one of the proposed permits limits water use and storage to certain times of the year. Given the Department's limited enforcement staff and budgetary considerations, failure to require water use measurement and/or recording will make it more difficult (if not impossible) for the Department to manage the water and will exacerbate the Department's already existing enforcement nightmare.

Staff's only reason for not requiring measurement appears in the form letter to WaterWatch for Application R-72045. The letter states that no measurement will be required because there are no fish occurring in the area of the reservoir. This response totally ignores the Department's mandate to manage and control water use in Oregon. The issue of whether or not to require measurement of all permits issued should be referred to the Water Resources Commission for policy direction.¹

¹ In its most recent meeting, the Commission appeared to make the assumption that all permits being issued included a requirement for mandatory measurement of water use. From the

Steve Brown
Carol Lewis
May 5, 1992
Page 2

We also offer the following comments on the above referenced, proposed water rights:

Reservoirs:

— The installation of a bypass device should be a requirement before water can be stored. The installation of a bypass device after water is stored is a little like locking the barn after the cow has been stolen and will create an even greater degree of difficulty for enforcement when the Department finally requires installation of the device.

— These permits should include a specific requirement that outflow must equal inflow during the times when storage is prohibited.

Yamhill:

— We are very concerned about the cumulative effects of these withdrawals on the Yamhill River System.

— Why the sudden glut of proposed permits? Is the Department putting special emphasis on processing rights in this basin? If so, why?

— Has any kind of analysis been done as to what effect granting of all these permits will have on the Yamhill River System?

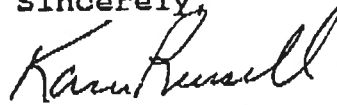
Finally, of the eight form letters we received, six had no specific contact person or individual to whom questions might be referred. The letter instead refers questions to the "Water Rights Section." Given the limited time allowed for response to these applications and the value of the Department's staff time, it is important that the name of the staff person who is familiar with the proposed permit be included in these letters.

proposed issuance of these permits, it appears that this is obviously not the case.

Steve Brown
Carol Lewis
May 5, 1992
Page 3

We would appreciate your response to the questions and issues raised in this letter. If you have any questions of us or wish to discuss these matters, please do not hesitate to contact me.

Sincerely,



Karen A. Russell
Legal Affairs Coordinator

KAR:sld
cc: Martha Pagel

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.
P.O. BOX 1166
BANDON, OREGON 97411

503-347-2747

to use the waters of FOUR UNNAMED STREAMS AND THREE UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72045, PERMIT R- , tributaries of FOUR MILE CREEK, for CRANBERRY OPERATIONS ON 30.0 ACRES.

This permit is issued approving Application 71757. The date of priority is JULY 15, 1991. The use is limited to not more than 4.50 CUBIC FEET PER SECOND (CFS), BEING 1.35 CFS FROM FROM UNNAMED STREAM 4 WITH ANY DEFICIENCY TO BE APPROPRIATED FROM STREAM 3; 0.90 CFS FROM FROM STREAM 1 WITH ANY DEFICIENCY TO BE APPROPRIATED FROM STREAMS 2 AND 3; 0.75 CFS FROM FROM STREAM 3 AND 1.5 CFS FROM FROM STREAM 2 AND 15.0 ACRE-FEET OF STORED WATER FROM THREE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72045, PERMIT R- FOR CRANBERRY OPERATIONS, or its equivalent in case of rotation, measured at the point of diversion from the source. The use of water from streams 1 through 4 is limited to the period of December 1 through March 31 of each year.

The points of diversion are located as follows:

NE 1/4 NW 1/4, NW 1/4 NW 1/4, SECTION 6, T 30 S, R 14 W, W.M.;
STREAM 3 - 1520 FEET SOUTH AND 90 FEET EAST, STREAM 1 - 900 FEET SOUTH AND 400 FEET EAST, STREAM 2 - 430 FEET SOUTH AND 910 FEET EAST, STREAM 2 - 740 FEET SOUTH AND 2270 FEET EAST, STREAM 3 - 1180 FEET SOUTH AND 1420 FEET EAST, STREAM 3 - 1020 FEET SOUTH AND 2220 FEET EAST, STREAM 4 - 950 FEET SOUTH AND 60 FEET EAST, ALL FROM NW CORNER, SECTION 6.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

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 from direct flow and storage; For flood harvesting or pest control, 0.05 cubic foot per second per acre from direct flow and storage; 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 from direct flow and storage. 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 from direct flow and storage.

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

A description of the proposed place of use under this permit is as follows:

NE 1/4 NW 1/4 11.0 ACRES
NW 1/4 NW 1/4 19.0 ACRES
SECTION 6
TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M.

DRAFT

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

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 rights for maintaining instream flows.

Issued this date, .

Water Resources Department
William H. Young
Director

We, _____, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application 71757. By signature below, We agree to the proposed terms and conditions for this draft permit.

Signature Date

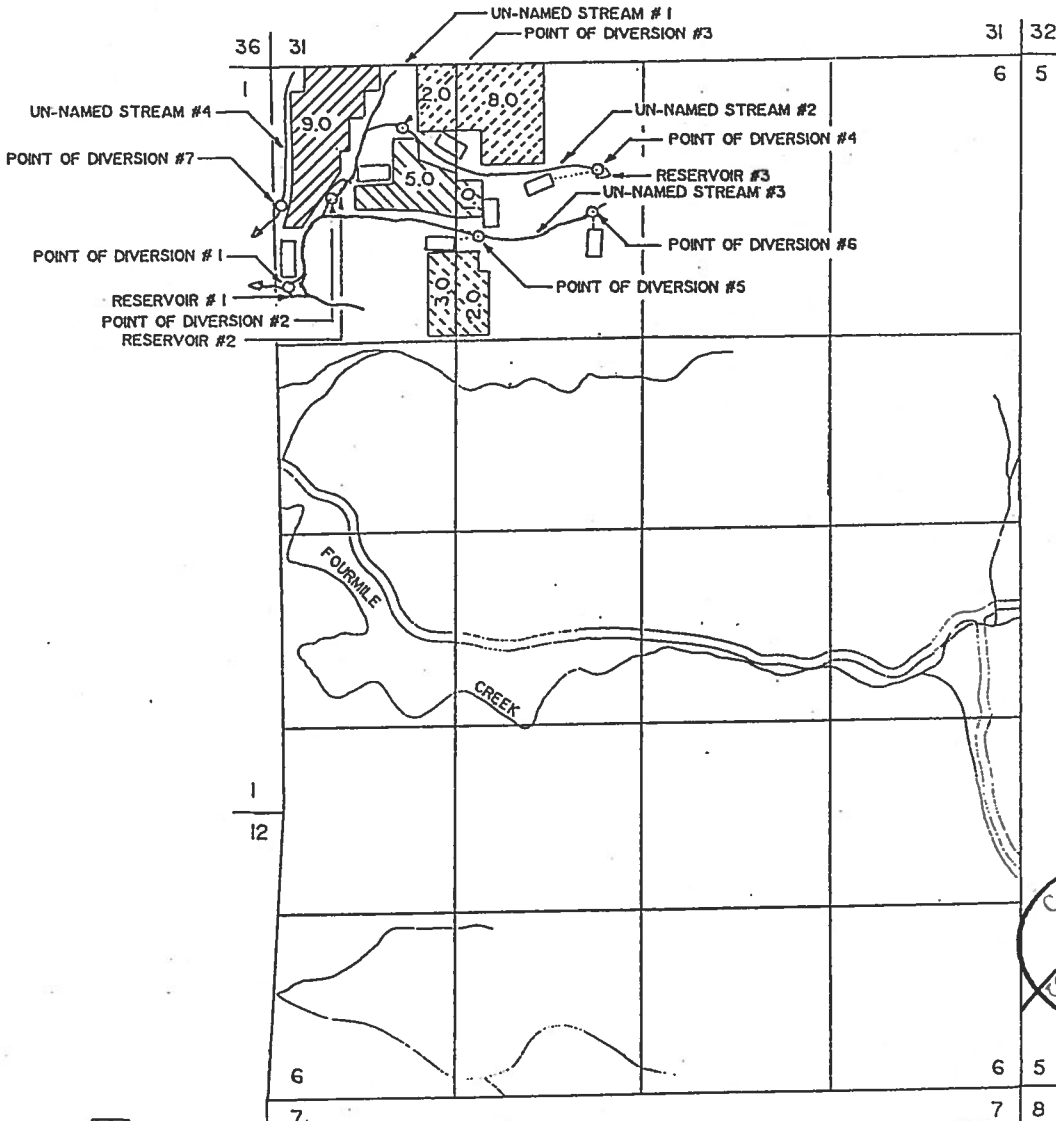
Signature Date






APPLICATION MAP IN THE NAME OF
DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.

SECTION 6, T30S, R14W, W.M.



1 INCH = 1320 FEET



-  FROM POINTS OF DIVERSION # 1, AND #7
-  FROM POINTS OF DIVERSION #2, #4, AND #5
-  FROM POINT OF DIVERSION #5, AND #6
-  FROM POINT OF DIVERSION #3
-  IN-SYSTEM STORAGE

Application No. 71757
Permit No. 51459

P.O.D.	FT. SOUTH	FT. EAST	FROM	
#1	1620	80	NW COR. SEC. 6	NW NW
#2	800	400	NW COR. SEC. 6	NW NW
#3	430	810	NW COR. SEC. 6	NW NW
#4	740	2270	NW COR. SEC. 6	NE NW
#5	1180	1420	NW COR. SEC. 6	NE NW
#6	1020	2220	NW COR. SEC. 6	NE NW
#7	950	50	NW COR. SEC. 6	NW NW

ALL IN SECTION 6, TOWNSHIP 30 SOUTH, RANGE 14 WEST, W.M., COOS COUNTY.

RECEIVED

JUL 15 1987

WATER RESOURCES DEPT.
SALEM, OREGON

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

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF OWNERSHIP BOUNDARY LINES.

February 6, 1992

Douglas W. Johnson
Randall W. Johnson, Jr.
P.O. Box 1166
Bandon, Oregon 97411

REFERENCE: File R-72045 and 71757

Your applications for a permit to use the public waters have been reviewed.

"Draft" permits are enclosed for your consideration. In the preparation of these draft permits, our staff has considered any public or agency comments received, as well as all pertinent Oregon laws, administrative rules and Commission policies.

We are now ready to recommend the issuance of permits approving your request to use water. The draft permits enclosed contains all of the conditions and limitations that would appear on your permits, if issued.

Please review the draft permits carefully. If you are satisfied that the drafts adequately describes your proposed use of water, and the terms are acceptable to you, please sign the draft copies in the spaces(s) provided and return it to us within 30 days. When we receive your signed drafts, we will issue your permit as quickly as possible.

If you do not agree with, or cannot accept one or more of the terms or conditions as stated in the enclosed drafts, you should advise us immediately. In this event, we will then advise you of any options which may be available to you.

If you have any questions, please contact the Water Rights Section at 378-3066.

454

enclosure



February 5, 1992

Douglas W. Johnson
Randall W. Johnson, Jr.
P.O. Box 1166
Bandon, OR 97411

Reference: Files R-72045 and 71757

We have reviewed an application to use water. We need additional information so we can decide if a permit can be issued.

Please provide the following:

_____ A legal description of the property where you plan to use water. You can copy this from your deed, title insurance policy or sales contract.

_____ A copy of written authorization or easement permitting access to land not owned by the applicant.

Permit recording fees of \$200.00.

_____ Other: _____

We will complete our analysis when the application and information noted above is received.

Contact the Application/Permits Section at 378-3739 if you have any questions.

form1



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

RECEIVED

JUL 15 1981

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 71757

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) DOUGLAS W. JOHNSON OR RANDALL W. JOHNSON, JR.
(Please print or type - use dark ink)

Mailing Address: P. O. Box 1166
Bandon Oregon 97411 503/347-2747
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: four un-named streams,
a tributary of Four Mile Creek

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 4.5 cubic feet per second, OR 2020 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: 0.675 cfs from P.O.D. #1, 0.450 cfs from P.O.D. #2, 1.50 cfs from P.O.D. #3, 0.450 cfs from P.O.D. #4, 0.375 cfs from P.O.D. #5, 0.375 cfs from P.O.D. #6, 0.675 cfs from P.O.D. #7.

3. **INTENDED USE(S) OF WATER:** cranberry use

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; _____

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation	_____
Other (describe)	<u>cranberry use</u> <u>30.0</u>

PC
NICK

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 15th day of July, 1991, at 8 o'clock, a M.

APPLICATION NO: 71757

PERMIT NO: _____

IWR Application # 70945 Certificate # _____

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIVED

Application for Instream Water Right
by a State Agency

NOV 08 1990

WATER RESOURCES DEPT.
SALEM, OREGON

There is no fee required for this application.

Applicant: Randy Fisher for Oregon Department of Fish and
Wildlife, PO Box 59, Portland, OR 97207

1. The name of the stream of the proposed instream water right is Fourmile Creek, a tributary of Pacific Ocean.
2. The public use this instream water right is based upon includes providing required stream flows for coho and fall chinook salmon, winter steelhead, and cutthroat trout for migration, spawning, egg incubation, fry emergence, and juvenile rearing.
3. The amount of water (in cubic feet per second) needed by month for each category of public use is as follows:

USE(S): Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
70	70	70	70	70	40	27	27	27	27/ 70	70	70

4. The reach of the stream identified for an instream water right is from (upstream end) South Fork, river mile ± 4.5 , within the NE quarter of the SE quarter of Section 6, Township 30S, Range 14W W.M., in Curry County...

Downstream to the mouth, river mile 0, within Section 26, Township 29S, Range 15W W.M., in Curry County.

5. The method used to determine the requested amounts was the Oregon Method.
6. When were the following state agencies notified of the intent to file for the instream water right?

Dept. of Environmental Quality	Date: October 19, 1990
ODFW (Fish, Wldlf, and Habitat)	Date: October 19, 1990
Parks and Recreation Division	Date: October 19, 1990

AVISON LUMBER CO.

Manufacturers of Quality Specialty Items for over 50 years.

P. O. BOX 419
MOLALLA, OREGON 97038

RECEIVED

DEC 13 1991

WATER RESOURCES DEPT.
SALEM, OREGON

file 71757

December 11, 1991

To: All Employees:

We regret to inform you that we no longer have enough logs to continue to run the fir mill. For this reason the fir mill and resaw #1 will permanently close on Friday, December 20, 1991.

We will make every attempt to place employees in other company locations, however it is unfortunate that some reductions must occur. Although seniority is a factor, job skills or demonstrated abilities essential to the company's continued operations may take preference.

We are starting up Mill #5 day shift this week, and we hope to restart the night shift at Mill#5 around the first of February 1992. There may be some additional possibilities for employment at that time.

We will be contacting each affected employee individually to discuss recall, continued health insurance and other benefits. We will also be working with the State of Oregon displaced sawmill workers program to offer assistance to those affected. In some instances, that could include up to a 2 year retraining program with paid tuition and continued unemployment benefits. If you would like to find out more information about this program, a representative will be coming to Molalla soon.

We sincerely appreciate the difficulties and distress that the closure of the fir mill may cause you. Again we will make every effort to work with you through this difficult transition. We can only hope that there will be a solution to the timber supply crisis soon.

Sincerely,

The Board of Directors
Avison Lumber Company

*This is Randall's
Hardship, so you see
why were pressing for
the water rights permit*



STATE OF OREGON

INTEROFFICE MEMO
RECEIVED

DEC 12 1991
DATE:

12-09-91

TO: Carol S. Lewis
Water Availability Specialist

FROM: John P. Drolet
Watermaster, District XIX

WATER RESOURCES DEPT.
SALEM, OREGON

Ap. # R-71757

SUBJECT: Douglas Johnson Application

I. One item that I noted on the draft permit was the omission of the year for the priority date.

II. Reservoir #1 is the same reservoir that was the subject of my April 2, 1985 and Barry Norris' April 11, 1985 letters to the then landowner at that time, Boyd Mabry. I still have the same concerns today for the structural integrity of the lower dam that I did then (see attached letters).

III. It is reasonable to expect, due to the pending instream right applied for by the ODF&W, that water use regulation will occur on tributaries to Fourmile Creek. Measured flows in relation to the proposed instream right are almost negligible and are as follows:

	AUG	SEP	OCT
INSTREAM RIGHT	27 cfs	27 cfs	70 cfs
MEASURED FLOWS	.37 cfs	.31 cfs	.81 cfs

Distributing water on a stream system that contains reservoirs is practical only if the reservoirs' outlets are gated. OAR 690-20-025 (6) requires a "conduit valve" be installed at the upstream end of the outlet and that this valve be industry manufactured. ORS 540.340 requires that a suitable outlet be provided for any instream structure.

I herein request that gated valves on outlet conduits located at the bottom of each reservoir be made a condition of the permit.

I would further request that weirs or other suitable measuring devices be installed upstream of all reservoirs and below reservoir # 1. Weir installation should be a condition of the permit.

IV. Please find attached:

- A. ODF&W 11-08-90 proposed instream rights, Fourmile Cr.
 - B. misc. meas. forms showing "measured flows" Fourmile Cr.
 - C. my 04-02-85 ltr to Boyd Mabry, and
 - D. Barry Norris' 04-11-85 ltr to Boyd Mabry.
- Please get in touch if you have questions.

JPD/dt

CF: Barry Norris
James Gosson
Douglas Johnson

INSTREAM WATER RIGHT APPLICATIONS IN DISTRICT 15 BY ODFW

APP #	DATE	STREAM	REACH (FROM/TO)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
70893	11/08/90	EUCHRE CREEK, TRIB PACIFIC	RM 5.5 / RM 1.4	100	100	100	100	100	60	40	40	40	100	100	100
70894	11/08/90	EUCHRE CREEK, TRIB PACIFIC	RM 12.5 / RM 5.5	70	70	70	70	70	40	27	27	27	27	70	70
70895	11/08/90	ELK RIVER, TRIB PACIFIC	RM 13 / RM 0.0	380	380	380	380	380	225	150	150	150	380	380	380
70896	11/08/90	ELK RIVER, TRIB PACIFIC	RM 24.7 / RM 13	220	220	220	220	220	130	85	85	85	220	220	220
70897	11/08/90	ELK RIVER, TRIB PACIFIC	RM 30 / RM 24.7	170	170	170	170	170	100	65	65	65	170	170	170
70900	11/08/90	EDSON CREEK, TRIB SIXES RIVER	RM 5 / RM 0	43	43	43	43	43	25	17	17	17	43	43	43
70901	11/08/90	DRY CREEK, TRIB SIXES RIVER	RM 5.5 / RM 0	70	70	70	70	70	40	27	27	27	70	70	70
70903	11/08/90	CRYSTAL CREEK, TRIB SIXES RIVER	RM 3.5 / RM 0	37	37	37	37	37	22	15	15	15	15	37	37
70909	11/08/90	CEDAR CREEK, TRIB EUCHRE CREEK	RM 3.5 / RM 0	50	50	50	50	50	30	20	20	20	50	50	50
70910	11/08/90	BUTLER CREEK, TRIB ELK RIVER	RM 2.5 / RM 0	34	34	34	34	34	20	13	13	13	34	34	34
70911	11/08/90	BALD MTN CREEK, TRIB ELK RIVER	RM 6 / RM 0	34	34	34	34	34	20	13	13	13	34	34	34
70912	11/08/90	BLACKBERRY CR, TRIB ELK RIVER	RM 3 / RM 0	43	43	43	43	43	25	17	17	17	17	25	43
70914	11/08/90	ANVIL CREEK, TRIB ELK RIVER	RM 1.5 / RM 0	43	43	43	43	43	25	17	17	17	17	43	43
70915	11/08/90	FOURMILE CREEK, TRIB PACIFIC	RM 4.5 / RM 0	70	70	70	70	70	40	27	27	27	70	70	70
	01/10/91	CALAPOOYA CREEK, TRIB UMPQUA RIVER	RM 34.5 / RM 19	70	70	70	70	50	30	20	20	20	50	70	70
	01/10/91	ELK CREEK, TRIB UMPQUA RIVER	RM 22.7 / RM 0							30	30	30	80		
	01/10/91	N UMPQUA R, TRIB UMPQUA RIVER	RM 93 / RM 69.8	340	340	340	340	200	200	150	150	150	340	340	340
	01/10/91	N UMPQUA R, TRIB UMPQUA RIVER	RM 69.8 / RM 53	680	680	680	680	680	680	680	680	680	680	680	680
	01/10/91	N UMPQUA R, TRIB UMPQUA RIVER	RM 53 / RM 29.1	1020	1020	1020	1020	1020	1020	1020	1020	1020	1020	1020	1020
	01/10/91	N UMPQUA R, TRIB UMPQUA RIVER	RM 29.1 / RM 0	1350	1350	1350	1350	1350	1350	1350	1350	1350	1350	1350	1350
	01/10/91	STEAMBOAT CR, TRIB N UMPQUA RIVER	RM 0.6 / RM 0	300	300	300	300	180	120	120	120	300	300	300	300
	01/10/91	STEAMBOAT CR, TRIB N UMPQUA RIVER	RM 11 / RM 0.6	220	220	220	220	130	87	87	87	87	87	130	130
	01/10/91	STEAMBOAT CR, TRIB N UMPQUA RIVER	RM 20.5 / RM 11	150	150	150	150	90	60	60	60	60	60	90	90
	01/10/91	LITTLE RIVER, TRIB N UMPQUA RIVER	RM 20.6 / RM 7.2	102	102	102	102	60	40	40	40	40	40	60	102

NOTE: SOME MONTHS ARE SPLIT - - HIGHEST FLOW FOR THE MONTH IS SHOWN.

MISCELLANEOUS MEASUREMENTS

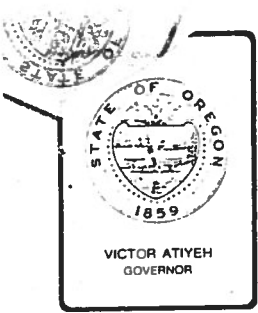
1991

Date	Stream	Location	1/4 1/4	G.H.	W	A	Q	A.T.	W.T.	Remarks
7-10-91	East Fk. of Coquille below EIK cr.	5 1/2 miles above Cooper bridge	NE 1/4 SW 1/4 SW 1/4 of Sec. 1 30 T28S R11W		38.0'	47.7	52.6	76.1°	71.0°	Min Flow 15 cfs
8-15-91	" " "	" "	" "		28.0'	15.6	76.3	71°	64°	" "
9-07-91	" " "	" "	" "		27.5'	11.8	10.3	80.6°	66.2°	" "
09-12-91	7 mile Cr. Trib. to New River Trib to Pacific Ocean	Under Hwy 101 Bridge	NE 1/4 NE 1/4 SE 1/4 of Sec. 1 T30S R15W		5.00'	1.42	0.37	62.6°	61.5°	Min Flow 27 cfs

MISCELLANEOUS MEASUREMENTS

1992

Date	Stream	Location	1/4 1/4	G.H.	W	A	Q	A.T.	W.T.	Remarks
0-22-91	4 Mile cr Trib. to New River Trib. Pacific Ocean	Under Hwy 101 bridge	NE 1/4 NE 1/4 SE 1/4 of T30S R15W		4.50	1.42	0.41	56°	54°	Min. Flow 27 cfs
1-07-91	" " "	" "	" "		5.00	1.38	0.81	56°	56°	



Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

April 2, 1985

Boyd Mabry
430 S.E. 9th
Bandon, Or. 97411

Dear Mr. Mabry:

In my travels up and down Highway 101 I could not help but noticing a large sand culverted fill which has been placed over a tributary of Fourmile Creek just south and east of the game park. The fill appeared as if it might be used to impound water, therefore, as district watermaster I felt obliged to take a closer look at the fill. The condition of the fill led me to believe that 1. high water marks on the upstream side of the fill indicated that the pipe at the bottom of the fill had intentionally been blocked (although it was not blocked at the time of my visit), and 2. stored water had piped along the bottom culvert pipe in sufficient volume to have drained the stored water.

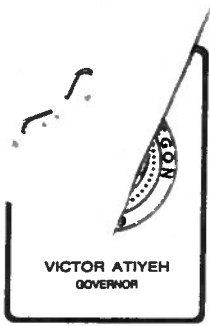
Oregon's Water Resources Department is tasked with assuring that impoundments within the State meet certain commonly accepted construction standards. As I am not an engineer, I would have to pass on venturing an opinion concerning the structural integrity of your fill. If, however, it is your intention to store water behind your fill (my estimate was that fill height exceeded 10'), then it shall be necessary that you present engineered plans of your structure for review by the Dam Safety Division of the State Water Resources Department.

Please get in touch with me at 396-3121 ext 254 if you have any questions concerning your fill which you think that I might answer.

Sincerely,

J.P. Drolet
Watermaster, District XIX

JPD:lm



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2907

April 11, 1985

Boyd Mabry
430 SE 9th
Bandon, OR 97411

Dear Mr. Mabry:

This letter is written for further clarification regarding your obligations in constructing the fill and possible impoundment outlined in John Drolet's letter of April 2. I am concerned that should you close off the outlet and impound water you will create a hazard, or worse, cause failure of the structure and thereby damage downstream property.

Enclosed, please find a copy of our administrative rules regarding dams. You may know this staff has some very specific laws regarding dams and the hazard they create to life and property. You are hereby advised that should you intend to use your facility to make a reservoir, John Drolet and I are available to assist you in making sure the facility is safe and properly permitted. Please keep us advised.

Sincerely,

BARRY F. NORRIS
Administrator, Dam Safety

BFN:wpc

cc: John Drolet

8002C

COPY

RECEIVED

November 6, 1991

NOV 12 1991

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
3850 Portland Road NE
Salem, Oregon

RE: FILE # S-71757

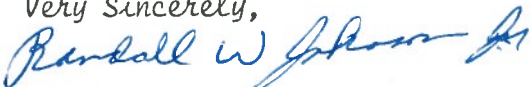
I am writing to you about the hardship placed upon me by the delay in obtaining my water rights permit. Please realize we can not apply for our loan to finance the Cranberry Bogs without this permit. We are now running two months behind. If we do not get the loan soon we will be forced to postpone this project for another year.

Presently I work in a mill and currently am down to a four day week. There is talk of going to a three day week. They may close the mill entirely the first of the new year, at which time I would be un-employed and unable to obtain a loan.

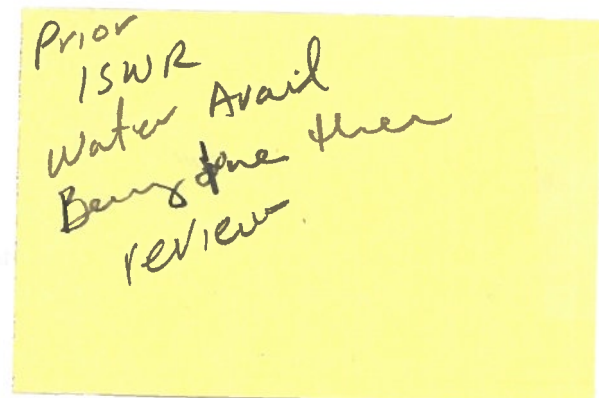
We decided on Cranberries because of the market availability and I am an experienced farmer and will be very good at this type of farming. I intend for this project to take the place of my timber job.

Once again I am urging you to take action on our pending permit.

Very Sincerely,



Randall W. Johnson, JR.
12662 Barnards Road
Molalla, Or. 97038
Telephone No. 651-2872



Prior
ISWR
Water Avail
Bog & the other
review

July 19, 1991

DOUGLAS W JOHNSON
JOHNSON JR, RANDALL W
PO BOX 1166
BANDON, OR 97411

REFERENCE: File(s) S-71757

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

Report parameters are: FOURMILE CR tributary of NEW R and its tributaries

Non-Canceled rights only
Primary diversions only
Groundwater rights not included
Surface water rights included
Reservoir rights included

TOTAL DIVERTED
=====

TOTAL CFS: 11.27
TOTAL ACF: 6.40

TOTALS BY USE
=====

	<u>AGRICULTURE</u>	<u>INDUSTRIAL</u>	<u>MUNICIPAL</u>	<u>DOMESTIC</u>	<u>RECREATIONAL</u>	<u>MISCELLANEOUS</u>
(CFS)	11.27	0.35	0.00	0.00	0.00	0.00
(ACF)	0.00	6.40	0.00	0.00	0.00	0.00

RECEIVED

OCT - 7 1991

WATER RESOURCES DEPT
SALEM, OREGON
10-1-91

Oregon Water Resources Department
3850 Portland Rd. N.E.
Salem, Oregon 97310

Dear O.W.R.D.

I'm writing to you in regards to my water rights permit. I sent you my application and it was recieved July 15, 1991. Shortly there after I recieved a letter from you that I misunderstood. I thought that my application would be processed in sixty days.

I called you on 9-18-91 and found this out. I was told to write a letter and explain my problems to speed up my application processing.

I need my water rights permit rapidly because,

1) I need my permit to be financed. F.H.A. turned me down because I didn't have my water rights permit in hand.

2.) I need my water rights permit to be financed to finish my project that I have already started before it starts raining. Around the end of October.

I have invested everything into this project and if I don't get my cranberries planted this year, I'll have my money tied up for an extra year.

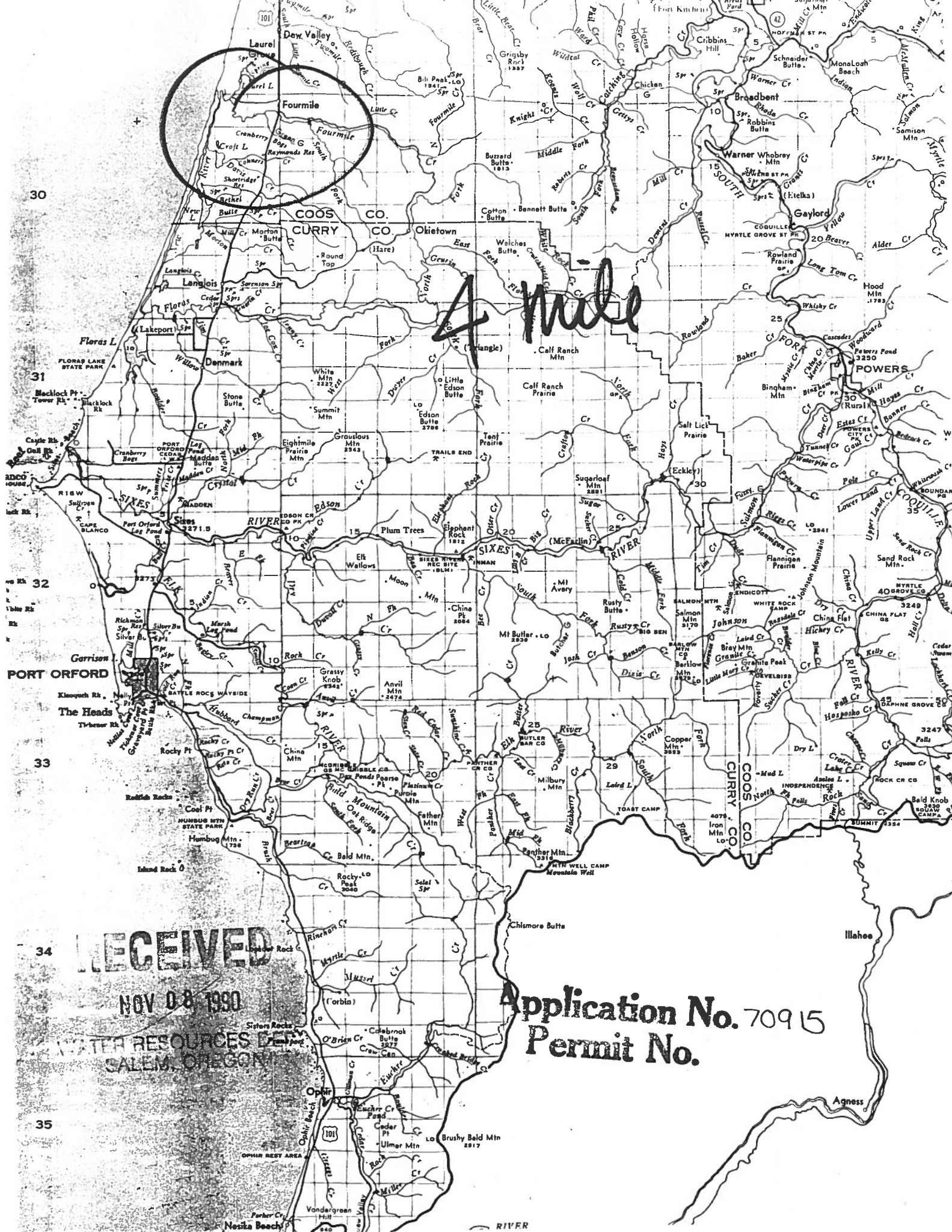
I thank you very much and hope to have my water rights permit soon.

Douglas W. Johnson
ATN Box 1697-N
Bandon OR 97411 ACC# 71757

Friends always
Douglas W. Johnson



4 mile



30

31

32

33

34

35

RECEIVED

NOV 08 1990

WATER RESOURCES DIVISION
SALEM, OREGON

Application No. 70915
Permit No.

Nesika Beach

RIVER

WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 98465

INVOICE # _____

RECEIVED FROM: Coquille Indian
Y: Tribe

APPLICATION	<u>See Below</u>
PERMIT	
TRANSFER	

CASH: CHECK.# 42691 OTHER: (IDENTIFY)

TOTAL REC'D \$ 600.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

RECEIVED

OTHER: (IDENTIFY) _____

OVER THE COUNTER

0243 I/S Lease _____

0244 Muni Water Mgmt. Plan _____

0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

46111-R 7204-5, 71754, 83741, 83740

0407 COPY & TAPE FEES

R-83738, 13008, 52881,

0410 RESEARCH FEES

60728

0408 MISC REVENUE: (IDENTIFY) _____

8 Assignments

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$75 each

0240 EXTENSION OF TIME

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ _____

0202

0203 GROUND WATER

\$ _____

0204

0205 TRANSFER

\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$ _____

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 (FWWRD)

0231 HYDRO LICENSE FEE (FWWRD)

HYDRO APPLICATION

\$ _____

\$ _____

\$ _____

TREASURY OTHER/RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$ _____

RECEIPT: 98465

DATED: 11-10-09 BY: QR

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **25854**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Martin Ty Vincent
BY: _____

APPLICATION	71757
PERMIT	
TRANSFER	

CASH: CHECK: # 96-455 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

*Refer to
25854
25808*

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT. _____

PCA AND OBJECT CLASS _____

VOUCHER # _____

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

ew) TC165 DEPOSIT LIAB. (IDENTIFY) _____

xisting) TC168

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

PAA# 66111

\$
\$
\$
\$

EXAM FEE
\$
\$
\$
EXAM FEE
\$

0202

0204

0206

0219

0220

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

0240 OTHER (IDENTIFY) Extension

\$100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$
\$

CARD #
CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION _____

\$
\$
\$

RECEIPT # **25854**

DATED: 10-30-98 BY: M. Mowko

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

8705

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

71757

RECEIVED FROM: Randall Johnson
BY: _____ *Jr.*

APPLICATION	51459
PERMIT	51459
TRANSFER	

CASH: CHECK: # 2422 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS	\$
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$ <u>500.</u>
TC165 DEPOSIT LIAB. (IDENTIFY)	\$

Extension

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT #

8705

DATED: 11-26-96

BY: D. Busch

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **17648**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Martin Ty Vincent
BY: _____

APPLICATION	71757
PERMIT	51459
TRANSFER	

CASH: CHECK: # 96455 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$
VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS		
0407 COPY & TAPE FEES <i>see 17663</i>	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY) <i>Extension</i>	\$	100.
TC165 DEPOSIT LIAB. (IDENTIFY)	\$	

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY LIC NUMBER

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

RECEIPT # **17648**

DATED: 11-24-97 BY: D. Bushnell

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **25854**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

APPLICATION # _____
PERMIT # _____
TRANSFER # _____

RECEIVED FROM: Martin Ty Vincent
BY: _____

APPLICATION	71757
PERMIT	
TRANSFER	

CASH: CHECK: # 96-455 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS _____
PUBLICATIONS / MAPS _____
OTHER: (IDENTIFY) _____
OTHER: (IDENTIFY) _____

*Refer to
25854
25808*

\$
\$
\$
\$

REDUCTION OF EXPENSE

PCA AND OBJECT CLASS _____

CASH ACCT. _____
VOUCHER # _____

0427 WRD OPERATING ACCT

0407 MISCELLANEOUS COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
TC165 DEPOSIT LIAB. (IDENTIFY)
TC168 (existing) WATER RIGHTS:

PAA # 66111

\$
\$
\$
\$

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER
WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

EXAM FEE
\$
\$
\$
EXAM FEE
\$

0202
0204
0206
0219
0220

RECORD FEE
\$
\$
\$
LICENSE FEE
\$
\$

0240 OTHER (IDENTIFY) Extension

\$100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS
OTHER (IDENTIFY) _____

\$
\$

CARD #	_____
CARD #	_____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$ _____

0467 HYDRO ACTIVITY

0233 POWER LICENSE FEE (FWWRD)
0231 HYDRO LICENSE FEE (FWWRD)
HRDRO APPLICATION _____

LIC NUMBER

\$
\$
\$

RECEIPT # **25854**

DATED: 10-30-98 BY: M. Mowko

71757

Land Use Information Form: Permits, 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 request for water use. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

RECEIVED

JUL 15 1991

Applicant's Name: Douglas W. Johnson or Randall W. Johnson, Jr.
Address: P. O. Box 1166
City: Bandon State: OR Zip: 97411
Phone: 503/347-2747 WRD Application No.:

WATER RESOURCES DEPT. SALEM, OREGON

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 may substitute existing and proposed service area boundaries for the tax lot information requested below.

Table with 4 columns: Tax Lot or Local I.D.#, Plan Designation/Zoning (e.g. Rural Residential/RR-5), Water Diverted, Water Conveyed, Water Used. Rows include 13490.01, 13490.05, 13490.07 with handwritten zoning codes like 'F' and 'RR-5'.

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant or 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.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Table with 4 columns: Type of Land Use Approvals Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and three sub-columns for 'Please check the box that applies: Already Obtained, Already Denied, Being Pursued Satisfactorily'.

(over)

WRD Applicant Name: Douglas W. Johnson

Receipt for Request for Land Use Information

This section should be completed by a local government official and returned to the applicant upon request by the applicant for land use information.

City or County: Coos

Staff Contact: Planning Technician Phone: 396-3121, X210

Signature: Sheila Wilson Date of Information Request: 7/8/91

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: Douglas W. Johnson or Randall W. Johnson, Jr.
 Address: P. O. Box 1166
Bandon, Oregon 97411
 Phone: 503/347-2747

RECEIVED

JUL 15 1991

WATER RESOURCES DEPARTMENT
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): cranberry use
- 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): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>four un-named streams</u> _____ _____	<u>4.5</u> Cubic feet per second. <u>2020</u> Gallons per minute. <u>15.0</u> Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

71757

Application No.

51459

Permit No.

ASSIGNED

~~DEUGLAS W JOHNSON~~

~~JOHNSON JR, RANDALL W~~

~~PO BOX 1166 c/o Gale Turner - POB 933~~

Name ~~BANDON, OR~~ 97411

Address ~~Martin Vincent~~

~~Et Box 1493 - Bandon OR 97411~~

Beginning construction JUN 1 1993

Completion of construction OCT 1 1994

Extended to 10-1-97

Complete application of water OCT 1 1995

Extended to 10-1-97

Form 111

G Robison is ^{10/23}
doing WA for
4-mile creek
to compare
with ISWR.

ARB
to be done
by 10/24 pm



While You Were Out

To SOB / File 71757
Date 10/22/91 Time 2 PM

Called by Ms. Garcia
of Gov's Office
Phone 378-3111

- Telephoned
- Please call
- Will call again
- In person
- Wants to see you
- Returned your call

Message Applied in May
Elaine Johnson - 651-2892
Told it would take 60 days
- I spoke w/ Mrs Johnson. Told her
we would send her a letter w/in
two weeks re: ^{our} expectations abt
Taken by her application. Relayed
this to Gov's Office.

FORM CS 97883

10/22/91 This to Gov's Office