



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

TO: MARIE LICARI, FISCAL  
CC: FILE  
FROM: Douglas Baer

*cc  
Baer*

SUBJECT: REQUEST FUND TRANSFER

PLEASE TRANSFER \$ 25<sup>00</sup> FROM FILE # 81718

RECEIPT # 8475, TO FILE # R 73021 FOR :

\_\_\_\_\_ APPLICATION EXAMINATION FEES  
X PERMIT RECORDING FEES  
\_\_\_\_\_ OTHER: \_\_\_\_\_

*Transfer  
Done  
1-14-98  
MB*  
DEC 24 1997  
H:\forms\fee-xfer

NEW APPLICATION ROUTING SLIP

~~RECEIPTING~~ 11-18-96  
DATA CENTER 11-22-96 SC  
~~FRED LICARIER~~  
WR DATA ENTRY 11-22-96  
INITIAL REVIEW 11/17/97  
WR SUPPORT 12/2/96



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

March 8, 2017

Bussmann Cranberries LLC  
PO Box 312  
Sixes, OR 97476

REFERENCE: Application S-81718 / Permit S-53423

Dear Permit Holder:

On September 5, 2014, the Department issued a Final Order approving an Extension of Time for Permit S-53423. The Final Order contained a condition to submit a progress report to the Department by October 1, 2017.

This letter is being sent to you as a reminder the progress report is due on October 1, 2017.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your progress report no later than October 1, 2017.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2018.

***Failure to submit written progress reports will most likely result in any future extensions being denied.***

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0825.

Sincerely,

Corey A Courchane  
Extensions  
Water Rights Services Division

Enclosure

cc: Application S-81718  
Watermaster District 19 - Greg Wacker

File

**REIMBURSEMENT AUTHORITY PERMIT  
APPLICATION S-81718, PERMIT S-53423**

**CONTRACT NOT EXECUTED**

Application # S-81718    Permit # S-53423    Transfer #

Bussmann Cranberries    RA#  
LLC                            R12263-11

## Reimbursement Authority Process

### Itemized Estimate Sheet

for

#### Certificates

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Claim of Beneficial Use report and map	1.00	Craig	\$95		
2. Conflict Check		Craig	\$0		
3. Preparation of deficiency letter		Craig	\$0		
4. Preparation of proposed certificates	1.50	Craig	\$142		
5a. Peer review			\$0		
5b. Peer review	0.10	Dwight	\$12		
5c. Peer review	0.50	Ann	\$43		
6. Project Management	2.70	Craig	\$255		
7a. Water right data record update	0.20	Connie	\$12		
7b. Water right data record update	0.75	Data Tech	\$44		
8. Pump test (if applicable)	0.00	Mike Z	\$0		
<b>Total</b>	<b>6.75</b>		<b>\$602</b>		

## KOHANEK Craig

---

**From:** KOHANEK Craig  
**Sent:** Thursday, January 22, 2015 10:56 AM  
**To:** 'george@bussmanncranberries.co'  
**Subject:** RA Certificate Estimates for Bussmann Cranberries R12263-11 involving Application S-81718, Permit S-53423 and R12263-11 involving Application R-73021 and R-12497  
**Attachments:** RA contract.pdf; RA contract.pdf

George,

Please find the attached estimates and agreements to process your permits into certificates. If the proposed agreements are acceptable to you, please return a signed copy of each to our office along with the payments of the estimated cost to process these transfers into certificates.

If you have any questions, please call me

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.C.Kohanek@wrd.state.or.us](mailto:Ron.C.Kohanek@wrd.state.or.us)



OREGON WATER RESOURCES DEPARTMENT  
**CERTIFICATE REIMBURSEMENT AUTHORITY**  
**APPLICANT'S AGREEMENT**



Contract Number: **R12263-11**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Bussmann Cranberries LLC** hereafter Applicants, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: R. Craig Kohanek Reimbursement Authority Oregon Water Resources Department	Name: George & Jim Bussman Title: Owners Company: Bussmann Cranberries LLC	Name: Title: Company:
725 Summer Street, NE Salem, OR 97301-1271 Phone: 503-986-0823 Email: <a href="mailto:Ron.c.kohanek@state.or.us">Ron.c.kohanek@state.or.us</a>	Address: P.O. Box 312 Sixes, OR 97476 Phone: 541-348-2405 Email: <a href="mailto:george@bussmanncranberries.com">george@bussmanncranberries.com</a>	Address:  Phone: Email:

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use (Application Number: S-81718)**
2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** Bussmann Cranberries LLC and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
5. **Consideration.** Bussmann Cranberries LLC shall pay OWRD in advance for actual costs incurred by OWRD. Bussmann Cranberries LLC agrees to pay the full amount of **\$605** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Confidentiality.** Bussmann Cranberries LLC agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: \_\_\_\_\_  
 Name: George & Jim Bussman  
 Title: Owners  
 Company: Bussmann Cranberries LLC  
 Date: \_\_\_\_\_

For OWRD: \_\_\_\_\_  
 Name: R. Craig Kohanek  
 Water Rights and Adjudication Division  
 Date: \_\_\_\_\_

Mail signed Agreement to:

**Craig Kohanek**  
**Oregon Water Resources Department**  
**725 Summer Street NE, Suite A**  
**Salem, OR 97301-1271**

PCA 47126





**OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION**

*ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.*

*The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.*

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Certificate Request	Application Number <span style="float:right">S-81718</span> Permit Number <span style="float:right">S-53423</span> Transfer Number/Permit Amendment (if applicable) _____

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	Bussmann Cranberries, LLC	
Address:	P.O. Box 312 Sixes, OR 97426	
Phone:	(541) 348-2405	
Fax:		
E-Mail Address:	george@bussmanncranberries.com bussmann@wildblue.net	

I certify that I (check one):

- have previously filed a Claim of Beneficial Use  
 am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:  
**Oregon Water Resources Department  
 Certificate Reimbursement Authority Program  
 725 Summer St. NE, Suite A  
 Salem, OR 97301-1271**

I certify that I am the (check one):

- Applicant     Applicant's Representative     Other (Please specify) \_\_\_\_\_

Name: \_\_\_\_\_

Signature: George Bussmann

RECEIVED BY OWRD

JAN 20 2015

SALEM, OR

**OWRD USE ONLY: Reimbursement Authority Number: R12 263 11**

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 114616

INVOICE # \_\_\_\_\_

RECEIVED FROM: Bussmann Cranberries LLC  
 BY: \_\_\_\_\_

APPLICATION	<u>S-81718</u>
PERMIT	
TRANSFER	

CASH:  CHECK # 6691 OTHER: (IDENTIFY)

TOTAL REC'D \$ 300.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47126 R12263-11 \$  
0408 OTHER: (IDENTIFY) Reimbursement Authority 125.00  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$

**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	\$

0200 OTHER (IDENTIFY) Claim of beneficial use 175.00

**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 (FW/WRD) \$ \_\_\_\_\_  
 0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
 HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

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

RECEIPT: 114616

DATED: 1/15/15 BY: Marie Arak

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

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **114616**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Bussmann Granbernes  
 BY: LLC

APPLICATION	5-81718
PERMIT	
TRANSFER	

CASH:  CHECK:  6691 OTHER: (IDENTIFY)

TOTAL REC'D \$ **300.00**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47126 R12263-11 \$  
0408 OTHER: (IDENTIFY) Reimbursement Author \$ 125.00

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$

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	\$	

0200 OTHER (IDENTIFY) claim of beneficial use 175.00

**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: **114616**

DATED: 1/15/15 BY: Maia Ash

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

**KOHANEK Craig**

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**From:** SUMPTION Mishelle K  
**Sent:** Wednesday, January 21, 2015 8:47 AM  
**To:** ANDREWS Marissa L; TODD Sandra K  
**Cc:** REECE Ann L; OPEIFA Salem B; KAVANAGH Kerry L; KOHANEK Craig  
**Subject:** RE: REQUEST FOR CERTIFICATE

Marissa,

Project # R12263-11 and PCA 47126.

Thank you.

*Mishelle Sumption* | Accountant, Administrative Services

---

**Oregon Water Resources Department**  
725 Winter StNE, Suite A  
Salem, OR 97301-1266  
Desk: 503.986.0924 Fax: 503.986.0904

---

**From:** ANDREWS Marissa L  
**Sent:** Wednesday, January 21, 2015 8:32 AM  
**To:** TODD Sandra K  
**Cc:** REECE Ann L; SUMPTION Mishelle K; OPEIFA Salem B; KAVANAGH Kerry L; KOHANEK Craig  
**Subject:** REQUEST FOR CERTIFICATE

Hello,

Applicant: George Bussmann (Bussmann Cranberries, LLC)

Application Number: S-81718

Receipt: 114616

Thank you!

*Marissa Andrews* | Receptionist, Administrative Services

---

**Oregon Water Resources Department**  
Desk: 503.986.0900

**KOHANEK Craig**

---

**From:** ANDREWS Marissa L  
**Sent:** Wednesday, January 21, 2015 8:32 AM  
**To:** TODD Sandra K  
**Cc:** REECE Ann L; SUMPTION Mishelle K; OPEIFA Salem B; KAVANAGH Kerry L; KOHANEK Craig  
**Subject:** REQUEST FOR CERTIFICATE

Hello,

Applicant: George Bussmann (Bussmann Cranberries, LLC)

Application Number: S-81718

Receipt: 114616

Thank you!

*Marissa Andrews* | Receptionist, Administrative Services

**Oregon Water Resources Department**

Desk: 503.986.0900



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Fish and Wildlife

Gold Beach District Office

29907 Airport Way

PO Box 642

Gold Beach, OR 97444

(541) 247-7605

FAX (541) 247-2321

RECEIVED BY OWRD

July 29, 2013

AUG 01 2013

Michele McAleer  
Water Resources Dept.  
725 Summer Street NE  
Suite A  
Salem, OR 97301

SALEM, OR



Re: Ernest Bussman Water Right Applications R-73021, S-81718

Dear Michele:

Oregon Department of Fish and Wildlife (ODFW) conducted an onsite inspection of the above referenced reservoir site on July 26, 2013. No native fish are present at or upstream of the reservoir site.

Because no native fish are present ODFW has determined that fish screening, by-pass devices, and/or a fishway are not necessary for applications R-73021 or S-81718.

While onsite ODFW also conducted inspections of reservoir sites for applications R-79634/S-71131 and R72495/S72496. No native fish are present at either site and ODFW has determined that fish screening, by-pass devices, and/or fishways are not necessary for applications R-79634, S-71131, R72495, or S72496.

Please call if you have any questions.

Sincerely,

Todd Confer  
District Fish Biologist

C: Clay Jordan  
George Bussman  
Rich Kilbane, ODFW



# Completion Checklist for Claims of Beneficial Use

Application # S-81918  
 Date Received 1/20/2015  
 CWRE Name Clay Jordan  
 File Marked \_\_\_\_\_  
 Oversized Map # \_\_\_\_\_  
 Reviewer RCR

Transfer # \_\_\_\_\_  
 Claim Logged \_\_\_\_\_

**Map Review:**

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- Source illustrated if surface water (OAR 690-014-0170(3))
- Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and (measuring devices) required (OAR 690-014-0170(4))
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

**Report Review:**

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- Source(s) of water (OAR 690-014-0100)
- Place of use location (OAR 690-014-0100)
- Type of use (OAR 690-014-0100)
- Extent of use (OAR 690-014-0100)
- Rate and Duty (OAR 690-014-0100) 0.30 CFS Live Flow, 43.0 acre-foot per year from reservoir.
- Diversion rate for each use (OAR 690-014-0100)
- Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- System capacity (OAR 690-014-0100)
  - Calculated capacity of system (required)
  - Measured amount of use (optional)
- Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - Time limits
  - Initial water level measurements
  - Annual static water level measurements
  - Measurement, recording, and reporting
    - Meter/measuring device
    - Water use reporting
  - Fish screening and/or by-pass not needed per ODFW letter.
  - Pump test (ground water)
  - Other conditions
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient  
 N/A = Not Applicable

\_\_\_\_ Map and COBU reviewed  
\_\_\_\_ Conflict check Any Conflicts? \_\_\_\_\_  
\_\_\_\_ Check for ownership

Check Area of Interest  YES  NO  
Identified Party \_\_\_\_\_

**Staff Recommendations:**

\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_

\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_

\_\_\_\_ Proposed Actions:  
Send letter requesting the following items/information: \_\_\_\_\_  
Send letter recommending extension to cure deficiencies: \_\_\_\_\_

Can certificate be processed further?  
\_\_\_\_ Yes

If "Yes":  
\_\_\_\_ Proposed  
\_\_\_\_ Final      Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:



# CLAIM OF BENEFICIAL USE for Permits claiming more than 0.1 cfs and All Transfers



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

**A fee of \$175 must accompany this form for permits  
with priority dates after July 8, 1987.**

**A fee of \$175 must accompany this form for any Transfer final orders  
including a water right with a priority date of July 9, 1987, or later.**

**Example – A transfer involves 5 rights and one of the rights  
has a priority date of July 9, 1987, or later, the fee is required.**

**A separate form shall be completed for each permit.**

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
[http://www.oregon.gov/owrd/pages/wr/cwre\\_info.aspx](http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx)

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see  
[http://www.oregon.gov/owrd/pages/mgmt\\_reimbursement\\_authority.aspx](http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx)

## SECTION 1 GENERAL INFORMATION

### 1. File Information

APPLICATION # (G, R, S or T) <b>S-81718</b>	PERMIT # (IF APPLICABLE) <b>S-53423</b>	PERMIT AMENDMENT # (IF APPLICABLE)
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RECEIVED BY OWRD

JAN 20 2015

SALEM, OR

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Bussmann Cranberries, LLC</b>		PHONE No. <b>(541) 348-2405</b>	ADDITIONAL CONTACT No.
ADDRESS <b>P.O. Box 312</b>			
CITY <b>Sixes</b>	STATE <b>OR</b>	ZIP <b>97426</b>	E-MAIL <b>george @ bussmann Cranberries, Com</b> <b>bussmann@wildblue.net</b>

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. *Each permit or transfer holder of record must sign this form.*

3. Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD <b>Assigned to Bussmann Cranberries, LLC</b>		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **12/16/2014**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>George Bussmann</b>	<b>12/16/2014</b>	<b>Part owner</b>
<b>Jim Bussmann</b>	<b>12/16/2014</b>	<b>Part owner</b>

6. County: **Curry**

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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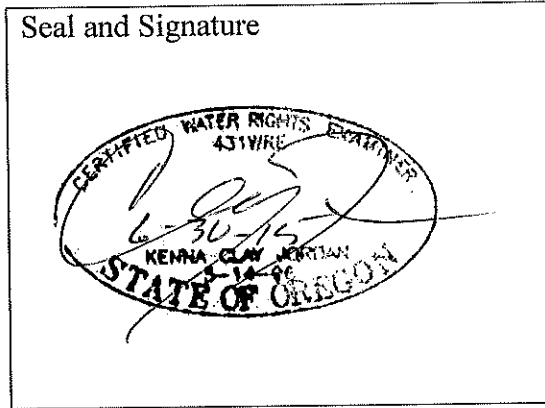
SALEM, OR

**SECTION 2  
SIGNATURES**

COBU App. S-81718 Permit S-53423

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>KENNA CLAY JORDAN</b>		PHONE No. <b>(541) 673-1931</b>	ADDITIONAL CONTACT No.
ADDRESS <b>460 JORDAN LANE</b>			
CITY <b>ROSEBURG</b>	STATE <b>OR</b>	ZIP <b>97471</b>	CITY <b>ROSEBURG</b>

Permit or Transfer Holder's of Record Signature or Acknowledgement

*Each permit or transfer holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>George Bossmann</i>	George Bossmann	manager	1/14/15

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CLAIM DESCRIPTION

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
POD-2		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
POD-2	Unnamed Stream & Bussmann Reservoir (S-12497)	Sixes River

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD-2	Cranberry Operations	Cranberries	12/1 – 4/30 stream Year round reservoir	0.30 CFS & 43 AF
<b>Total Quantity of Water Used</b>				<b>0.30 CFS &amp; 43 AF</b>

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

**Water from the unnamed stream runs into the reservoir area. Water is pumped from the reservoir (20 HP submersible pump) into a pipeline to a holding pond or re-circulating pond (bulges in system). Water is pumped from the holding pond to the bogs using 2 electric centrifugal pumps (40 Hp and 30 HP). The re-circulating pond also receives tail water from the bogs to be reused. A 50 HP submersible pump pumps from the re-circulating pond to the bogs or back to the holding pond. Sprinklers in bogs are 7/64 inch at 45 sprinklers to the acre.**

**Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).**

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

**Acreage by 1/4 1/4 described differently but total acreage the same.  
Holding pond and re-circulating pond used in system**

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**6. Claim Summary:**

POD/POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD-2	0.30	0.61 CFS	275 GPM	Cranberry	30	30
			By owners	Operations		

**SECTION 4  
SYSTEM DESCRIPTION**

Are there multiple PODs or POAs?

**NO**

If "YES" you will need to copy and complete Sections 4B through 4G for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

**POD-2**

**A. Place of Use**

1. Is the right for municipal use?

**NO**

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
32S	15W	Wm	5	NE NE	1		Cranberry operations	20.2	
32S	15W	Wm	5	SE NE			Cranberry operations	9.8	
<b>Total Acres Irrigated</b>								<b>30.0</b>	

**Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLot), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLot, and QQ.**

**B. Diversion and Delivery System Information**

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

**YES**

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Berkley	Unknown	unknown	Submersible	4 inch	4 inch

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**3. Motor Information**

MANUFACTURER	HORSEPOWER
Franklin	20

**4. Theoretical Pump Capacity**

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
20	Open Disch ± 50 PSI	0	130±	0.61

**5. Provide pump calculations:**

$$Q = \frac{(HP)(\text{Pump Efficiency})}{(\text{Total Head})} = \frac{(20)(7.04)}{(0+130 +101.6)} = \frac{140.8}{231.6} = 0.61 \text{ CFS}$$

**6. Measured Pump Capacity (using meter if meter was present and system was operating)**

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

**Reminder: For pump calculations use the reference information at the end of this document.**

7. Is the distribution system piped?

YES

*If "NO" items 8 through item 11 may be deleted.*

**8. Mainline Information**

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4 inch	2600	PVC	Buried (Res. To holding pond)
6 inch	3100	PVC	Buried (Hold pond to bogs)
8 inch	1900	PVC	Buried (Hold pond to bogs)
10 inch	1460	PVC	Buried (from re-circulating pond)

**9. Lateral or Handline Information**

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
1 1/2	45,300	PVC	Buried (in bogs)

**10. Sprinkler Information**

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
7/64	45	2.3	1350	360	828 GPM 1.8 CFS

**Reminder: For sprinkler output determination use the reference information at the end of this document.**

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**11. Pivot Information**

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

**12. Additional notes or comments related to the system:**

**Pump from reservoir does not normally operate sprinklers. Holding pond uses 2 pumps – Berkley B3ZPL with 30 HP Marathon motor and a Pioneer S664C13174-40-4 pump with a 40 HP Baldor motor. The re-circulation pond uses a Berkley submersible with a 50 HP motor to sprinklers. Owner indicates meter reads approximately 275 GPM while pump in reservoir is operating.**

**C. Groundwater Source Information (Well and Sump)**

1. Is the appropriation from ground water (well or sump)? **NO**

*If "NO", items 2 through 8 relating to this section may be deleted.*

**D. Storage**

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir) **YES**

*If "NO", item 2 and 3 relating to this section may be deleted.*

If "YES" is it a: Storage Tank **NO**

Bulge in System / Reservoir **YES**

*Complete appropriate table(s), unused table may be deleted.*

**2. Storage Tank:**

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED

**3. Bulge in System / Reservoir:**

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
<b>Holding Pond</b>	<b>Excavation</b>	<b>15 AF</b>
<b>Re-circulation pond</b>	<b>Excavation</b>	<b>40 AF</b>

**E. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe? **NO**

*If "NO", items 2 through 4 relating to this section may be deleted.*

**F. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? **NO**

*If "NO", items 2 through 4 relating to this section may be deleted.*

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**G. Reservoir**

1. Does the claim involve a reservoir modified through a transfer?

**NO**

**Reminder: Complete this section if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.**

*If "NO", items 2 through 9 relating to this section may be deleted.*

**SECTION 5  
CONDITIONS**

All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

Permits, transfer final orders, and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	7/29/1998		
BEGIN CONSTRUCTION (A)	7/29/1999* *permit indicates construction of a well	1998	Began bog construction
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	10/1/2002 extended to 10/1-2018	2010	Install meter and use water under the terms and conditions of permit

\* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

**YES**

*If "NO", you may delete item 3 in this section.*

3. If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO

**4. Initial Water Level Measurements:**

a. Was the water user required to submit an initial static water level measurement?

**NO**

*If "NO", items 4b through 4d relating to this section may be deleted.*

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5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? **NO**

*If "NO", items 5b through 5e relating to this section may be deleted.*

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? **NO**

*If "NO", items 6b through 6e relating to this section may be deleted.*

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? **YES**

*If "NO", items 7b through 7f relating to this section may be deleted.*

**Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.**

b. Has a meter been installed? **YES**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD-2	McCrometer	1404934-04	working	682730 x 100 gal	Replacement 2010

*If a meter has been installed, items 7d through 7f relating to this section may be deleted.*

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **YES NO**

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

*If "NO", item 8b relating to this section may be deleted.*

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES**

*If "NO", items 9b through 9e relating to this section may be deleted.* RECEIVED BY OWRD

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**Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.**

- b. Has the fish screening been installed? YES
- c. When was the fish screening installed?

DATE	BY WHOM
2001	Owner

**Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.**

- d. If the diversion involves a pump *and* the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:
  - Has the self-certification form previously been submitted to the Department? NO
  - If not, go to <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.**

- e. If the diversion does **not involve a pump** *or* the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:
  - Has the ODFW approval been previously submitted? NO
  - If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at: <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.**

**10. By-pass Devices**

- a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? NO

*If "NO", items 10b and 10c relating to this section may be deleted.*

**Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.**

**11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order:**

- a. Were there special well construction standards? NO
- b. Was submittal of a ground water monitoring plan required? NO
- c. Was the water user required to restore the riparian area if it was disturbed? YES
- d. Was a fishway required? YES
- e. Was submittal of a letter from an engineer required prior to storage of water? NO
- f. Was submittal of a water management and conservation plan required? NO

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g. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

--

## SECTION 6 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
<b>Attachment - 1</b>	<b>Letter from ODF&amp;W fish screens &amp; fishway not required</b>

## SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

**2005 FSA aerial photo and Oregon Map downloaded 8/15/2014 overlaid on county GIS tax lots for assumed best fit. Section corner (N cor sec 4-5) and E 1/4 corner section 5 found and noted on aerial photos for scaling.**

### Map Checklist

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation

- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer (“This map is not intended to provide legal dimensions or locations of property ownership lines”)
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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# Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife  
Gold Beach District Office  
29907 Airport Way  
PO Box 642  
Gold Beach, OR 97444  
(541) 247-7605  
FAX (541) 247-2321



July 29, 2013

Michele McAleer  
Water Resources Dept.  
725 Summer Street NE  
Suite A  
Salem, OR 97301

Re: Ernest Bussman Water Right Applications R-73021, S-81718

Dear Michele:


Oregon Department of Fish and Wildlife (ODFW) conducted an onsite inspection of the above referenced reservoir site on July 26, 2013. No native fish are present at or upstream of the reservoir site.

Because no native fish are present ODFW has determined that fish screening, by-pass devices, and/or a fishway are not necessary for applications R-73021 or S-81718.

While onsite ODFW also conducted inspections of reservoir sites for applications R-79634/S-71131 and R72495/S72496. No native fish are present at either site and ODFW has determined that fish screening, by-pass devices, and/or fishways are not necessary for applications R-79634, S-71131, R72495, or S72496.

Please call if you have any questions.

Sincerely,

  
Todd Confer  
District Fish Biologist

C: Clay Jordan  
George Bussman  
Rich Kilbane, ODFW

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# CLAIM OF BENEFICIAL USE

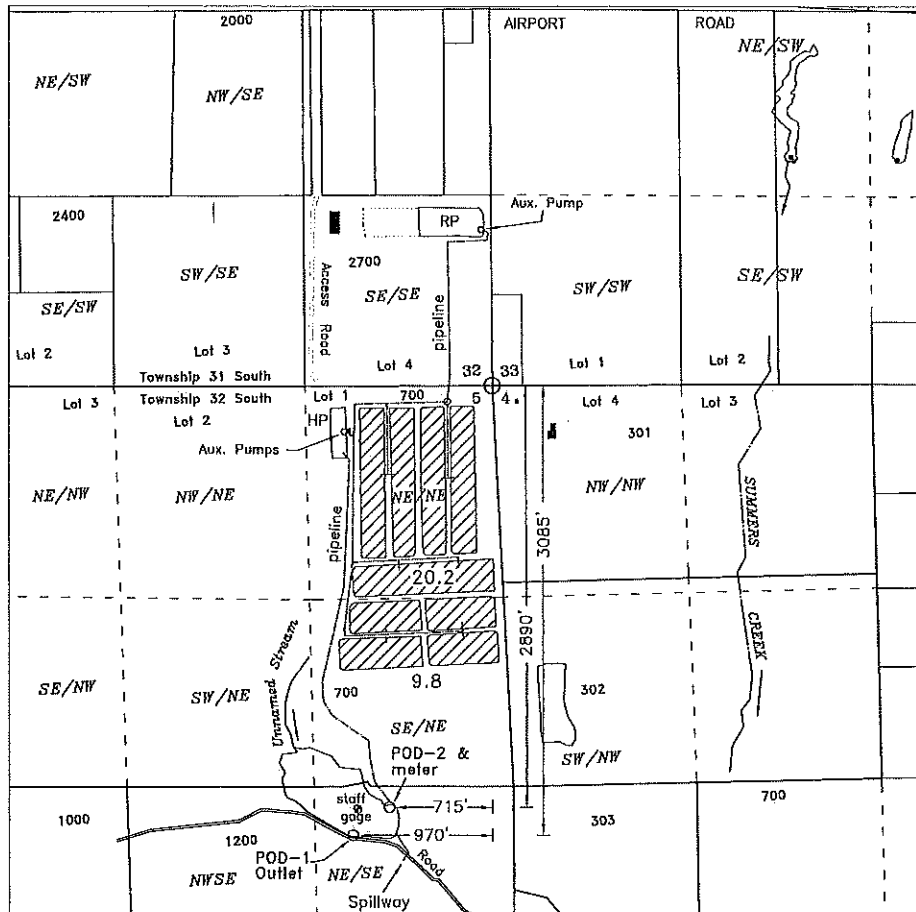
APPLICATION R-73021

PERMIT R-12497

APPLICATION S-81718

PERMIT S-53423

IN THE NAME OF: BUSSMANN CRANBERRIES, LLC  
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.  
CURRY COUNTY OREGON



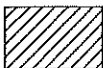
Holding Pond - (Bulge in system)



Recirculating Pond (Bulge in system)



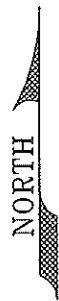
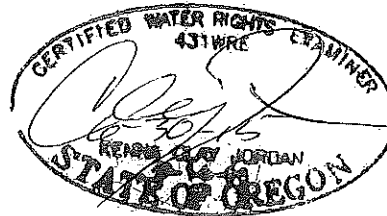
Buildings



PERMIT S-53423  
CRANBERRY OPERATIONS - 30 ACRES

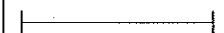


PERMIT R-12497  
BUSSMANN RESERVOIR - 43 ACRE FEET



Scale

1 inch = 1320 feet



Mapped from field  
inspection 12/16/2014

**BASE MAP:**

2005 FSA and 8/15/2014 Oregon Map aerial photos  
over County GIS tax lots for assumed best fit

This map is not intended to provide  
legal dimensions or locations of  
property ownership lines

JORDAN ENGINEERING  
460 JORDAN LANE  
ROSEBURG, OR 97471  
(541) 673-1931

1/9/2015 n.e.d.

## KOHANEK Craig

---

**From:** KOHANEK Craig  
**Sent:** Wednesday, January 21, 2015 3:22 PM  
**To:** VANCE Connie R  
**Subject:** COBU's and Final Proof Maps received for Bussmann Cranberries LLC

Connie,

On 1/20/2015 we received COBU's and Final Proof Maps for Bussmann Cranberries LLC for applications R-73021 and S-81718 from Kenna Clay Jordan CWRE #431.

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.C.Kohanek@wrд.state.or.us](mailto:Ron.C.Kohanek@wrд.state.or.us)

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ERNEST BUSSMAN  
P.O. BOX 282  
SIXES, OREGON 97476

PHONE: (541) 332-7375

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

APPLICATION FILE NUMBER: S-81718

SOURCE OF WATER: AN UNNAMED STREAM AND BUSSMAN RESERVOIR, CONSTRUCTED UNDER PERMIT R-12497, A TRIBUTARY OF SIXES RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 30.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.30 CFS LIVE FLOW FROM UNNAMED STREAM AND 43.0 ACRE-FEET PER YEAR FROM BUSSMAN RESERVOIR

PERIOD OF USE: UNNAMED STREAM: DECEMBER 1 THROUGH APRIL 30; BUSSMAN RESERVOIR: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 15, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 5, T32S, R15W, W.M.; 2560 FEET SOUTH & 1330 FEET WEST FROM NE CORNER, SECTION 5

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 17.7 ACRES  
NW 1/4 NE 1/4 2.6 ACRES  
SW 1/4 NE 1/4 0.7 ACRE  
SE 1/4 NE 1/4 9.0 ACRES  
SECTION 5  
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

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JUL 03 2013  
PERMIT 53423

Application S-81718 Water Resources Department

SALEM, OR



## Measurement, recording and reporting conditions:

- 1 A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

2 The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

3 If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

## STANDARD CONDITIONS

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

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

Application S-81718

Water Resources Department

PERMIT 53423

SALEM, OR

JUN 10 2013

SALEM, OR

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

4 Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2002.

Issued July 29, 1998



Martha O. Pagel, Director  
Water Resources Department

RECEIVED BY OWRD

JUL 03 2013

SALEM, OR

RECEIVED BY OWRD

JUN 10 2013

SALEM, OR

Application S-81718  
Basin 17  
LKS

Water Resources Department  
Volume 3 SIXES R & MISC  
MGMT.CODE

PERMIT 53423  
District 19

# Oregon Water Resources Department

## Water Right Services Division

Water Rights Application  
Number S-81718

### FINAL ORDER

Extension of Time for Permit Number S-53423  
Permit Holder: Bussmann Cranberries, LLC

---

#### Permit Information

Application File:	S-81718
Permit:	S-53423
Basin:	17 – South Coast / Watermaster District 19
Date of Priority:	November 15, 1996
Source of Water:	An unnamed stream and Bussmann Reservoir
Purpose of Use:	Cranberry operations on 30.0 Acres
Maximum Rate:	0.30 cubic feet per second (cfs) live flow and 43.0 acre-feet (AF) stored water per year

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**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315**

#### Appeal Rights

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

#### Application History

Permit S-53423 was issued by the Department on July 29, 1998. The permit called for complete application of water to beneficial use by October 1, 2002. On July 3, 2013, Bussmann Cranberries, LLC., submitted to the Department an Application for Extension of Time for Permit S-53423. In accordance with OAR 690-315-0050(2), on July 1, 2014, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to

October 1, 2018. The protest period closed August 15, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated July 1, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

## CONDITIONS

### 1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2017**. *A form will be enclosed with your Final Order.*

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

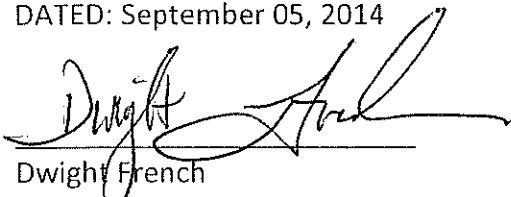
## CONCLUSION OF LAW

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

## ORDER

The extension of time for Application S-81718, Permit S-53423, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2002, to October 1, 2018.

DATED: September 05, 2014



Dwight French  
Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

- 
- If you have any questions about statements contained in this document, please contact the permit extensions specialist at (503) 986-0825.
  - 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
-



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

**Extension of Time  
 Progress Reporting Form  
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Bussmann Cranberries, LLC

Application S-81718

Permit S-53423

**Progress Report Form for 2017**

Report Due no later than October 1, 2017  
 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit S-53423. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between July 10, 2013 and October 1, 2017	FINANCIAL INVESTMENT

2. Describe actions to comply with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date : \_\_\_\_\_ (NA if not applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second)  
 or  
 Maximum rate used to date = \_\_\_\_\_ gpm (gallons per minute)  
 or  
 Acre Feet stored to date = \_\_\_\_\_ AF

*Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.*

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

*For OWRD use only*

Diligence Shown  Yes  No

Date Public Noticed: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Mailing List for Extension FO Copies

FO Date: September 05, 2014

Copies Mailed

Application S-81718  
Permit S-53423

By: SWP  
On: 9/5/14

Original mailed to permit holder

Bussmann Cranberries, LLC  
PO Box 312  
Sixes, OR 97476

Copies sent to:

1. WRD - App. File S-81718/ Permit S-53423
2. *Clay Jordan/Norm Daft*  
*Jordan Engineering*  
*460 Jordan Lane*  
*Roseburg, OR 97471*

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail FO available in WRIS for review

(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 19, Mitch Lewis  
*\*NOTE: WM Tony Justus only if denied.*

✓ MAB 9-4-14

WRIS updated ✓ MAB 9/4/14

Progress  
Tracking ✓ MAB 9/4/14

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by MAB Date 9/4/14

CASEWORKER: SWP

Final Order: Permit S-53423

**Oregon Water Resources Department**  
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time )  
for Permit S-53423, Water Right Application S-81718 ) **PROPOSED FINAL ORDER**  
in the name of Bussmann Cranberries, LLC. )

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**Permit Information**

Application File:	S-81718
Permit:	S-53423
Basin:	17 – South Coast / Watermaster District 19
Date of Priority:	November 15, 1996
Source of Water:	An unnamed stream and Bussmann Reservoir
Purpose of Use:	Cranberry operations on 30.0 Acres
Maximum Rate:	0.30 cubic feet per second live flow and 43.0 acre-feet per year from storage

---

***\*\*Please read this Proposed Final Order in its entirety as it may contain additional conditions not included in the original permit\*\****

*In summary, the Department proposes to:*

- Grant an extension of time to apply water to full beneficial use from October 1, 2002 to October 1, 2018<sup>1</sup>.
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

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<sup>1</sup>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 a new or revised claim of beneficial use as deemed appropriate by the Department.



### ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department

PFO – Proposed Final Order

cfs – cubic feet per second

gpm – gallons per minute

AF – acre-feet

### AUTHORITY

Generally, see **ORS 537.230** and **OAR Chapter 690 Division 315**.

**ORS 537.230(3)** provides in pertinent part that the Oregon Water Resources Department (Department) may, 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.

**OAR 690-315-0050(6)** requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

### **FINDINGS OF FACT**

#### Background

1. Permit S-53423 was granted by the Department on July 29, 1998. The permit authorizes the use of up to 0.30 cfs from live flow and 43.0 AF per year of stored water from Bussmann Reservoir for cranberry operations on 30.0 acres. The permit specified actual construction of the water system was to begin by July 29, 1999, and complete application of water was to be made on or before October 1, 2002.

2. The permit holder submitted an "Application for Extension of Time" to the Department on July 3, 2013, requesting the time to apply water to full beneficial use under the terms of Permit S-53423 be extended from October 1, 2002, to October 1, 2018. This is the first permit extension requested for Permit S-53423.
3. Notification of the Application for Extension of Time for Permit S-53423 was published in the Department's Public Notice dated July 16, 2013. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230<sup>2</sup>, 537.248<sup>3</sup> and/or 539.010(5)<sup>4</sup>.*

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On July 3, 2013, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Actual construction of the water system began prior to the July 29, 1999, deadline specified in the permit.

Duration of Extension [OAR 690-315-0040(1)(c)]

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

6. As of July 3, 2013, the remaining work to be completed consists of demonstrating compliance with all permit conditions and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2018, to accomplish the application of water to beneficial use under the terms and conditions of Permit S-53423 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

*The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).*

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

*The Department's determination of reasonable diligence shall consider the requirements set*

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<sup>2</sup>ORS 537.230 applies to surface water permits only.

<sup>3</sup>ORS 537.248 applies to reservoir permits only.

<sup>4</sup>ORS 539.010(5) applies to surface water and ground water permits.

forth under OAR 690-315-0040(3)(a-d). 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 [OAR 690-315-0040(3)(a)]

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Construction of the water system began prior to the July 29, 1999, deadline specified in the permit. Construction of the cranberry bogs began in July, 1998.
  - b. Work was completed during the original development time frame under Permit S-53423. Construction of 5 bogs with irrigation system totaling 14 acres was completed in 2000.
  - c. Since October 1, 2002, the permit holder has constructed 4 bogs with irrigation system totaling 16 acres and reportedly installed a water meter required under S-53423.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

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-53423 on July 29, 1998, the permit holder has used 0.30 cfs of water diverted from the an unnamed stream and 43.0 acre-feet of stored water in a year from Bussmann Reservoir for cranberry operations on 30.0 acres.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

10. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a meter or other suitable measuring device was installed before water use began under the permit, but the extension application indicates a meter was installed in 2010; (2) the permit holder did not comply with the requirement for Oregon Department of Fish and Wildlife (ODFW) approved installation of fish screens and fish-ways before the diversion of water as required by the permit, but the Department finally received a letter from ODFW dated July 29, 2013, indicating such devices are not necessary since no native fish are present.
  - b. Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated prior to July 29, 2013. In order to legally perfect the use of water

under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use:
  - a. As of July 3, 2013, the permit holder has invested approximately \$860,000 which is 100 percent of the total cost for complete development of this project. The permit holder anticipates no additional investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of July 3, 2013, the permit holder has invested approximately \$860,000 which is 100 percent of the total cost for complete development of this project. The permit holder anticipates no additional investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

13. The Department has found good faith of the appropriator under Permit S-53423.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). 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:*

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; 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); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
  - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53423; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The points of diversion are located on an unnamed stream and Bussmann Reservoir, and are not located within a Withdrawn Area. The unnamed stream and Bussmann Reservoir are not located within or above any state or federal scenic waterway, however, they are located within an area ranked "highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and are located within a Sensitive, Threatened or Endangered Fish

Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of diversion are not in a location that is listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
  - a. As of July 3, 2013, the permit holder has invested approximately \$860,000.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
  - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
  - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

19. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

20. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

21. None have been identified.

## 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(3).
2. The applicant has submitted a complete extension application form and the fee

specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).

3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2018, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time 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 to apply water to beneficial use under Permit S-53423 from October 1, 2002, to October 1, 2018.

Subject to the following conditions:

## **CONDITIONS**

### **1. Checkpoint Condition**

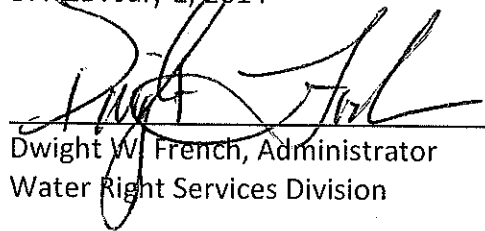
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2017**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260

or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: July 1, 2014

  
Dwight W. French, Administrator  
Water Right Services Division

*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 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **August 15, 2014**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed 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 proposed final order would adversely affect or aggrieve the petitioner's 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 the petitioner, if known;





Mailing List for Extension PFO Copies

PFO Date: July 1, 2014

Copies Mailed

Application S-81718

Permit S-53423

By: BJ  
On: 7/1/14

Original mailed to Applicant:

Bussmann Cranberries, LLC  
PO Box 312  
Sixes, OR 97476

Copies sent to:

1. WRD - App. File S-81718/ Permit S-53423
2. *Clay Jordan/Norm Daft*  
*Jordan Engineering*  
*460 Jordan Lane*  
*Roseburg, OR 97471*

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)

(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 19, Mitch Lewis

6-24-14 SWP ✓

CASEWORKER: SWP

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits  
(OAR 690-315-0010 through OAR 690-315-0060)

Application: S- 81718 Permit: S- 53423 Permit Amendment? No  Yes  T- \_\_\_\_\_  pending  approved

Permit Holder's Name: Bussmann Cranberries, LLC.

Permit Holder's Mailing Address: PO Box 312, Sixes, OR 97476 email bussmann@dishmail.net

Phone Number: 541-348-2405

POD Location: Township 32S Range 15W Section 5  $\frac{1}{4}$  NESE

Drainage Basin: 17 County: Curry Watermaster District: 19 Watermaster: Mitch Lewis

**Date Permit was issued:** 7/29/1998 **Priority Date:** 11/15/1996 **Date of PN:** 7/16/2013

**Source:** an unnamed stream and Bussmann Reservoir, constructed under Permit R-12487, a tributary of Sixes River

**Use:** Cranberry Operations on 30.0 acres

**"Q":** 0.30 CFS from live flow from unnamed stream and 43.0 AF per year from Bussmann Reservoir

**Orig "A" Date:** 7/29/1999 **Orig "B" Date:** 10/1/ **Orig "C" Date:** 10/1/2002

**Extension request rec'd:** 7/3/2013 **Last Authorized "B" Date:** 10/1/ **Last Authorized "C" Date:** 10/1/2002

**Request Number (1, 2, 3...):** 1 **Proposed "B" Date:** 10/1/ **Proposed C Date:** 10/1/2018

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Before water use may begin, permittee shall install a meter or OSMD/maintain/allow WM access,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permittee shall install, maintain & operate fish screening to prevent fish from entering the proposed diversion. Shall also install a fishway that will provide adequate upstream and downstream passage for fish - The required fish screens and fishways are to be in place, functional, and approved by ODFW PRIOR to any diversion of water.
<input type="checkbox"/>	<input type="checkbox"/>	riparian cond (? unk if met)
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

**Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:**

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
  - Water right permit holder conformed with the permit or previous extension conditions
  - Financial investments were made toward developing the beneficial water use.
    - Amount Invested to date: \$860,000 Estimated Remaining Cost: \$0
  - Beneficial use made of the water during the permit or previous extension time limits
    - Permit holder has beneficially used 0.30cfs & 43.0 AF cfs gpm af of the total permitted quantity of water on 30.0 acres

**GW REVIEW:** Y N \_\_\_\_\_

**MITIGATION REVIEW:** Y N \_\_\_\_\_

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

**Determination of the market and the present demand for water or power to be supplied:**

Identify the closest surface water or localized water basin. Sixes River, South Coast Basin

Ground Water Permits: Is the POA located...  
Surface Water Permits: Is the POD located...

- Yes No
- above a state scenic waterway? Name \_\_\_\_\_ Source: OWRD "Areas Above State Scenic Waterways" Map
  - within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
  - within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
  - within a critical or limited Ground Water Area? Name of area \_\_\_\_\_
  - within a Withdrawn Area? Name of area \_\_\_\_\_
  - in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_
  - within an area ranking  low /  moderate /  high /  highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

**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

*Do not agree with*

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 (Years: \_\_\_\_\_)
- Other: \_\_\_\_\_

**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(4), upon the completion of beneficial use of water allowed under the permit, the permit holder 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 permit holder 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(4), upon the completion of beneficial use of water allowed under the permit, the permit holder 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 permit holder shall submit a map of the survey and the claim of beneficial use."

**NOTES:**

Conditions such as fish screens and fishways were required to be in place, operational and approved by ODFW prior to storage and use of water - also this is a 4D area that allows for "no take".

**Extension "PFO" Dates**

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Gold Beach District Office

29907 Airport Way

PO Box 642

Gold Beach, OR 97444

(541) 247-7605

FAX (541) 247-2321



July 29, 2013

Michele McAleer  
Water Resources Dept.  
725 Summer Street NE  
Suite A  
Salem, OR 97301

Re: Ernest Bussman Water Right Applications R-73021, S-81718

Dear Michele:

Oregon Department of Fish and Wildlife (ODFW) conducted an onsite inspection of the above referenced reservoir site on July 26, 2013. No native fish are present at or upstream of the reservoir site.

Because no native fish are present ODFW has determined that fish screening, by-pass devices, and/or a fishway are not necessary for applications R-73021 or S-81718.

While onsite ODFW also conducted inspections of reservoir sites for applications R-79634/S-71131 and R72495/S72496. No native fish are present at either site and ODFW has determined that fish screening, by-pass devices, and/or fishways are not necessary for applications R-79634, S-71131, R72495, or S72496.

Please call if you have any questions.

Sincerely,

Todd Confer  
District Fish Biologist

C: Clay Jordan  
George Bussman  
Rich Kilbane, ODFW



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per  
 OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

RECEIVED BY OWRD  
 JUL 03 2013

**I, Bussmann Cranberries, LLC**

SALEM, OR

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

P.O. Box 312  
 ADDRESS

Sixes  
 CITY

OR  
 STATE

97476  
 ZIP

(541) 348-2405  
 PHONE

bussmann@DISHMail.net  
 E-MAIL ADDRESS

**the permit holder of:**

Application Number S-81718

RECEIVED BY OWRD

Permit Number S-53423

JUN 10 2013

[OAR 690-315-0020(3)(b)]

SALEM, OR

**do hereby request that the time in which to:**

- complete 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, \_\_\_\_\_, be extended to October 1, \_\_\_\_\_.
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

**and/or the time in which to:**

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2002, be extended to October 1, 2018.

**Before submitting your Application for Extension of Time, make sure the following items are included:**

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

**MAIL COMPLETED APPLICATION**

**along with the**

**\$500 STATUTORY FEE TO:**

**Water Resources Department  
Attn: Water Right Permit Extensions  
725 Summer Street NE, Suite A  
Salem, Oregon 97301**

RECEIVED BY OWRD

JUL 03 2013

SALEM, OR

RECEIVED BY OWRD

JUN 10 2013

SALEM, OR



**GENERAL TIPS:**

- Permit holders of municipal or quasi-municipal water use permits **DO NOT** use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:  
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions

JUL 03 2013

are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:  
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

SALEM, OR

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Answer the Following Questions to Complete this Application for Extension of Time**

[OAR 690-315-0020(3)(d)]

1. **Did the actual construction of the water system/well drilling begin within the time specified in the permit?**  Yes  No



**TIP:** *Not all permits specify a date by which construction was to begin.*

**Date construction began is:** 7/30/1998

**Details of construction:** Began construction of dam and bogs

RECEIVED BY OWRD

JUN 10 2013

SALEM, OR

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit?  Yes  No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



**TIP:** The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

### CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	2010	Install meter
2	2001	Install fish screen (verbal approval from ODF&W but not written)
3	2001	Riparian area not disturbed
4	1998	Begin construction of bogs

RECEIVED BY OWRD  
JUL 03 2013  
SALEM, OR

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension). Include a copy of your hand-numbered permit with the application.

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

### CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

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JUN 10 2013  
SALEM, OR

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension). Include a copy of your hand-numbered permit with the application.



JUN 10 2013

SALEM, OR

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

**CHART-C**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
7/29/1998	Date the permit was signed - find date above signature on last page of permit.	
7/30/1998	Begin construction of bogs	See below
1998	Survey of reservoir and dam area	25,000
7/29/1999	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
2000	Complete construction of 5 bogs with irrigation systems (14 ac.) Pump & pipe	\$300,000
2001	Dam and reservoir completed except emergency spillway	\$215,000
10/1/2001	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

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JUL 08 2013

SALEM OR

**CHART-C (continued)**

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME. List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2007	4 bogs constructed with irrigation systems (16 ac.)	\$320,000

Total Cost for Chart-C		\$860,000

\* If exact cost is not known, you must provide your best estimate.

3-B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

### CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
		RECEIVED BY OWRD
		JUN 10 2013
		SALEM, OR
10/1/	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	

### CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
		RECEIVED BY OWRD
		JUL 08 2013
		SALEM, OR
Total Cost of Chart-D		

\* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: **\$860,000**

(The total combined cost from CHART-C and CHART-D)

JUL 03 2013

SALEM, OR

[OAR 690-315-0020(3)(e)(B)]

**5. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.**



**TIP:** Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

**5-A) For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**



**TIP:** Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = 0.30 cfs (cubic feet per second) or,

Maximum rate used to date = \_\_\_\_\_ gpm (gallons per minute) or,

Acre-feet stored to date = 43.0 AF

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JUN 10 2013

**5-B) For Ground Water Permit Extensions (e.g. G-XXXX):**



**TIP:** Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

SALEM, OR

**CHART-E**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
<b>Total instantaneous rate from all wells utilized under this permit</b>								

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T- \_\_\_\_\_

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 30

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # \_\_\_\_\_ Acres \_\_\_\_\_ Well # \_\_\_\_\_ Acres \_\_\_\_\_

Well # \_\_\_\_\_ Acres \_\_\_\_\_ Well # \_\_\_\_\_ Acres \_\_\_\_\_

[OAR 690-315-0020(3)(j)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

### CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
		RECEIVED BY OWRD
		JUL 03 2013
		SALEM, OR
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>Total Cost</b>		

[OAR 690-315-0020(3)(g)]

8. Estimated remaining cost to complete the project: \_\_\_\_\_  
 (The total cost from CHART-F)

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9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

The construction of the reservoir source and bogs is a large undertaking that was intended to be phased in over a longer period of time

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

The cranberry market has been unstable for a number of years and the financial resources have been unavailable to fully complete the project.

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

We have had verbal approvals from ODF&W but did not know written approval was needed

RECEIVED BY OWRD

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

SALEM, OR

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

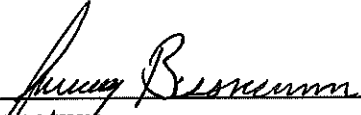
Financial resources will dictate completion, however we expect to complete the project before the requested date. We want to allow enough time to be sure this permit is complete.

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

Management of the cranberry farms has changed over the years and we are now back on track

RECEIVED BY OWRD

**I am the permit holder, or have written authorization from the permit holder (attached to this Extension of Time Application), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.**

  
Signature \_\_\_\_\_

6/3/13  
Date \_\_\_\_\_

RECEIVED BY OWRD

JUL 03 2013

SALEM, OR

RECEIVED BY OWRD

JUN 10 2013

SALEM, OR

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **109244**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Bussmann Cranberries LLC  
BY: \_\_\_\_\_

APPLICATION	see below
PERMIT	
TRANSFER	

CASH:  CHECK:# 5780 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1150.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS  
0407 COPY & TAPE FEES \$ \_\_\_\_\_ *S 81718 - \$575.00*  
0410 RESEARCH FEES \$ \_\_\_\_\_ *R 73021 - \$575.00*  
0408 MISC REVENUE: (IDENTIFY) \$ 150.00 *Assignment*  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ 1,000.00 *46111*

WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$ _____	0202	\$ _____
0203	GROUND WATER	\$ _____	0204	\$ _____
0205	TRANSFER	\$ _____		
WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	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: **109244** DATED: 3 Jul 13 BY: B. Berrido

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

Application # S-81718 Permit # S-53123

**Public Notice Route Slip ... New Application Extension of Time**  
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**  
Money Received on: 7-3-2013

◆ **Extension Specialist ...**  
 Added to tracking spreadsheet NRW

**After fee is receipted and app is added to spreadsheet, route to...**

◆ **Codi Holmes...**  
 Publish on Public Notice (initial 30-day comment): Date of notice 7/16/13

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or  No: Return file to Extension Specialist after PN \_\_\_\_\_





# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

July 16, 2013

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #:** 58718 (Permit 53423). Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authority.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml)

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Michele McAleer at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us).





# Oregon

John A. Kitzhaber, MD, Governor

July 8, 2013

## Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

Bussmann Cranberries, LLC  
P. O. Box 312  
Sixes, Oregon 97476

Reference: Application R-73021, Permit R-12497 – Application S-81718, Permit S-53423

Regarding Application R-73021, Permit R-12497 the assignment from Ernest Bussmann and Pete Bussmann to Bussmann Cranberries, LLC has been recorded in the records of the Water Resources Department.

Regarding Application S-81718, Permit S-53243 the assignment from Ernest Bussmann to Bussmann Cranberries, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Bussmann Cranberries, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 109244 covering the recording fee is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 109244

cc: Watermaster 19  
Ernest Bussmann  
Pete Bussmann  
Data Center, OWRD (cover letter & request)  
Hydrographics  
File



# Oregon

John A. Kitzhaber, MD, Governor

June 20, 2013

## Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

Bussman Cranberries, LLC  
P.O. Box 312  
Sixes, Oregon 97476

Reference: Application R-73021, Permit R-12497 – Application S-81718, Permit S-53423

Regarding Application R-73021, Permit R-12497, the assignment could not be processed as the request was only signed by one of the permit holders of record. Pete Bussman will need to sign the request as well.

Regarding the Applications for Extension of Time, the Department cannot begin work on these applications without documentation from ODFW regarding the fish screens and passageway conditions. Therefore, these applications are incomplete and are being returned. Without the documentation the Department would likely deny the applications.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Assignment requests (2)  
Application for Extension of Time (2)  
Check

cc: Clay Jordan – Jordan Engineering  
Files



STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ERNEST BUSSMAN  
P.O. BOX 282  
SIXES, OREGON 97476

PHONE: (541) 332-7375

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

APPLICATION FILE NUMBER: S-81718

SOURCE OF WATER: AN UNNAMED STREAM AND BUSSMAN RESERVOIR, CONSTRUCTED UNDER PERMIT R-12497, A TRIBUTARY OF SIXES RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 30.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.30 CFS LIVE FLOW FROM UNNAMED STREAM AND 43.0 ACRE-FEET PER YEAR FROM BUSSMAN RESERVOIR

PERIOD OF USE: UNNAMED STREAM: DECEMBER 1 THROUGH APRIL 30; BUSSMAN RESERVOIR: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 15, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 5, T32S, R15W, W.M.; 2560 FEET SOUTH & 1330 FEET WEST FROM NE CORNER, SECTION 5

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 17.7 ACRES  
NW 1/4 NE 1/4 2.6 ACRES  
SW 1/4 NE 1/4 0.7 ACRE  
SE 1/4 NE 1/4 9.0 ACRES  
SECTION 5  
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

**STANDARD CONDITIONS**

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

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

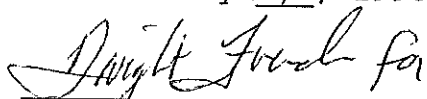
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2002.

Issued July 29, 1998



Martha O. Pagel, Director  
Water Resources Department

# Mailing List for Superseding FO Copies

---

Application # S-81718

FO Date July 16, 1998

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

Applicant: Ernie and Pete Bussman, Route 2 Box 2090, Bandon, Oregon 97411

Copies Mailed
By: <u>JWB</u> <sup>2</sup>
(SUPPORT STAFF)
on: <u>7/30/98</u>
(DATE)

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

1. WRD - File # S-81718
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)
5. WRD - Watermaster # District: 19 (w/copy of permit map)
6. WRD - Regional Manager: SWR (w/copy of permit map)

For Permit only - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

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

CASEWORKER : LKS





# 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

**CERTIFIED MAIL**  
**Return Receipt Requested**

June 29, 1998

Ernest Bussman  
PO Box 282  
Sixes, OR 97476

RE: Application Files # R-73021 & 81718

Dear Mr. Bussman:

On December 11, 1996, and also on December 15, 1997, the Department issued a Final Order for applications R-73021 and 81718, respectively. The Final Order identified that additional fees must be submitted to the Department before a permit would be issued. The Department has not yet received the following:

- ▶ Permit recording fees in the amount of \$75.00 and \$140.00 for applications R-73021 and 81718, respectively. The Final Order for application 81718 did not identify the \$140.00 recording fees, but upon further review and calculation, the Department identified the needed fees

Please submit this information by **August 28, 1998**. If we do not receive the information requested above by this date, we **will** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 264, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Jarred Gainey  
Water Right File Technician

cc: John Drolet, Watermaster District 19

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-81718

**Final Order**

*Application History*

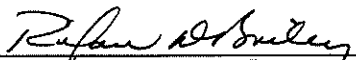
On November 15, 1996, ERNEST BUSSMAN submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on September 23, 1997. The protest period closed November 7, 1997, and no protest was filed.

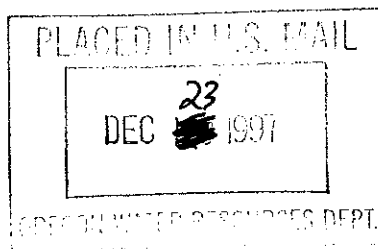
The proposed use would not impair or be detrimental to the public interest.

**Order**

Upon approval of Application R-73021 for the storage of water, Application S-81718 shall be approved as proposed in the Proposed Final Order. The use of water shall be subject to the limits and conditions contained in the attached draft permit.

DATED December 15, 1997

  
Martha O. Pagel  
Director



*Appeal Rights*

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ERNEST BUSSMAN  
PO BOX 282  
SIXES, OREGON 97476

( 541)332-7375

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

APPLICATION FILE NUMBER: S-81718

SOURCE OF WATER: AN UNNAMED STREAM AND BUSSMAN RESERVOIR, A TRIBUTARY OF SIXES RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 30.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.30 CFS LIVE FLOW FROM UNNAMED STREAM AND 43 ACRE-FEET PER YEAR FROM BUSSMAN RESERVOIR

PERIOD OF USE: THE USE OF LIVE FLOW FROM UNNAMED STREAM DECEMBER 1 THROUGH APRIL 30 AND THE USE OF STORED WATER FROM BUSSMAN RESERVOIR ALL YEAR

DATE OF PRIORITY: November 15, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 5, T32S, R15W, W.M.; 2560 FEET SOUTH & 1330 FEET WEST FROM NE CORNER, SECTION 5

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

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#### STANDARD CONDITIONS

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

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2002.

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

DRAFT - THIS IS **NOT** A PERMIT

\_\_\_\_\_  
Martha O. Pagel, Director  
Water Resources Department

# FO CHECKLIST

FILE # 01718

REVIEW DATE: 11 / 20 / 97

WEEK # 113

PFO TO FO CONVERSION

INITIALS : **DB**

In preparing the FO, you should check the following:

1. Y /  N Were comments or protests received? If so, from whom and when?
2.  On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and **those who paid the \$10 fee**.
3.  N / NA If for Surface water, Have affected landowners been notified?
4. Y /  N Is the file lacking a signed oath of accuracy for the application?
5. Y /  N / NA Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y /  N Is water use prohibited for one or more months of the normal use period?
7. Y /  N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. \$25 Verify payment of recording fees (*circle the appropriate option*)
  - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO**
  - (2) Issue FO w/o permit if fees are lacking
9.  Y / N Is further processing possible? If not state reason: \_\_\_\_\_
10.  Notify applicant of additional information or fees required prior to permit issuance. (**SEND CERTIFIED LETTER** & use standard wording from M:\...\FO\TOOLS if possible)
11.  Assign permit numbers to files with oath, fees, and no protests or other issues
12. Y /  N Do the PFO conclusions requires modification? Why? \_\_\_\_\_  
(If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	<input checked="" type="radio"/> FO w/o PERMIT	<input checked="" type="radio"/> FO & PERMIT	FOMOD
COMMENTS:  <div style="font-size: 1.2em; font-family: cursive;">                         UPON Approval of R 73021 (\$75 Fees still owed)                     </div>		<div style="border: 1px solid black; border-radius: 50%; padding: 2px;">R73021</div>		MGMT CODES:

Modify FO as needed to:

Initials **DB**

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

Once FO document is completed:

16.  Save WordPerfect document in M:\...\FO\WEEK 114 & delete duplicates
17.  Print final draft of document and submit to team leader for review
18. Y / N Team leader review completed

PFO CHECKLIST

Application #: 81718

Basin: 17

WAB:

County Curry Township 325 Range 15W Section 5 1/4 1/4 NE NE, NW NE, SE NE, SW NE

- 1. Is the file complete by the Completeness Checklist? **Y/N**
- 2. Shortcomings (items needed before a permit and/or FO can be issued) **Y(N)**
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- 4. Groundwater Review **A B C D** River/Stream Name \_\_\_\_\_ Conditions \_\_\_\_\_
  - a. Groundwater Availability **A B C**
  - b. Is second groundwater review necessary? (comments) **Y/N**
  - c. Is HB 1033 review complete? **Y/N**
- 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) **Y/N**
- 6. Is use from a B.O.R. project? **Y(N)** Contract in file? **Y/N** Contract # \_\_\_\_\_
- 7. Is the use allowed by the Basin Program? **Y(N)** Limited? **Y/N** 690 517 001 (8)
- 8. Water Availability Data **OK / REDONE / NA** (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 9. Is the source withdrawn or limited by statute or Department withdrawal order? **Y(N)**
- 10. Is the Proposed Use located in or above a Scenic Waterway? **Y(N)**
- 11. Division 33: Above Bonn (after July 17, 1992) **Y/N/NA**  
Below Bonn (after April 8, 1994; June 3, 1994) **Y/N/NA**  
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) **Y(N)/NA**
- 12. Have conflicts been identified, verified and/or addressed? **Y(N)** N/C
- 13. Rate <sup>0.15 PM AVE</sup> 180 / 140 Duty 2 1/2 / 3.0 Irrigation Season BASIN 17 180, 2 1/2' 3-1 to 10-31
- 14. Period of Allowed Use STORAGE ALL YEAR, LIVE FLOW 12-1 thru 4-30
- 15. Allowed Rate of Use 43 AF, 0.3 cfs
- 16. Is the use **Small** ( $\leq 0.1$  cfs,  $\leq 9.2$  AF) **Medium** ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or **Large** ( $\geq 1.5$  cfs,  $\geq 100$  AF)?
- 17. Conditions B 54B, PISPC
- 18. IR Public Notice Date 6-3-97
- 19. Documents used in determination are attached and highlighted
- 20. Spell Check
- 21. Check for Accuracy
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #
- 24. Fill out PFO CC List (don't forget to check for other property owners)
  - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) **Y/N**

Name: [Signature]

Date: 9-2-97

## Definitions

690-500-020 Unless otherwise defined in a basin program, the following definitions apply in OAR Chapter 690, Divisions 501, 504-512, and 515-520 to any classification adopted prior to January 1, 1993:

- (1) "Domestic use" means the use of water for domestic water use, group domestic water use, commercial water use of less than 5,000 gallons per day, or human consumption as defined in OAR 690-11-010.
- (2) "Fish culture or fish life use" means the use of water for aquatic life water uses as defined in OAR 690-11-010 and public uses related to fish culture or fish life water uses as defined in OAR 690-77-010.
- (3) "Industrial use" means the use of water for commercial water use or industrial water use as defined in OAR 690-11-010.
- (4) "Irrigation use" means the use of water for agricultural water use, cranberry use, irrigation, nursery operations use, or temperature control as defined in OAR 690-11-010.
- (5) "Livestock use" means the use of water for stockwater use as defined in OAR 690-11-010.
- (6) "Mining use" means the use of water for mining water use or placer mining as defined in OAR 690-11-010.
- (7) "Municipal use" means the use of water for commercial water use, municipal water uses, or quasi-municipal water uses as defined on OAR 690-11-010.
- (8) "Pollution abatement use" means the use of water for pollution abatement or prevention water use as defined in OAR 690-11-010 and public uses related to pollution abatement as defined in OAR 690-77-010.
- (9) "Power or power development use" means the use of water for power development water use as defined in OAR 690-11-010.
- (10) "Recreation use" means the use of water for recreation water use as defined in OAR 690-11-010 and public uses related to recreation uses as defined in OAR 690-77-010.
- (11) "Wildlife use" means the use of water for wildlife use as defined in OAR 690-11-010 and public uses related to wildlife uses as defined in OAR 690-77-010.

{ adopted 10-1-93 }



APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 12660								8.00 (CR)										
G 12993																		
R 71873								(CR)										
R 12004								(S)										
S 39779																		
S 29493																		
S 39820																		
S 29649																		
S 42284																		
S 31623																		
S 71874								8.00 (S)										
S 52904																		

No Conflicting Rights

WATER AVAILABILITY TABLE

Basin: SOUTH COAST Exceedance Level: 80 ✓  
 Water Availability Subbasin: 2200000000000000 (and Nested Subbasins)  
 Time: 13:58 Date: 04/17/1997

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	2200000000000000	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES

Basin: SOUTH COAST  
 Water Availability Subbasin: 2200000000000000 (and Nested Subbasins)  
 Time: 13:58 Date: 04/17/1997

WAB #	Stream Name	Tributary to
2200000000000000	SIXES R @ mouth	PACIFIC OCEAN

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 2200000000000000  
 Basin: SOUTH COAST  
 Exceedance Level: 80  
 Time: 13:58 Date: 04/17/1997

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	2200000000000000	SIXES R @ mouth	YES	69.0
2	2200000000000000	SIXES R @ mouth	YES	212.0
3	2200000000000000	SIXES R @ mouth	YES	199.0
4	2200000000000000	SIXES R @ mouth	YES	67.0
5	2200000000000000	SIXES R @ mouth	NO	-77.5
6	2200000000000000	SIXES R @ mouth	NO	-72.6
7	2200000000000000	SIXES R @ mouth	NO	-15.5
8	2200000000000000	SIXES R @ mouth	NO	-23.1
9	2200000000000000	SIXES R @ mouth	NO	-25.8
10	2200000000000000	SIXES R @ mouth	NO	-199.0
11	2200000000000000	SIXES R @ mouth	NO	-133.0
12	2200000000000000	SIXES R @ mouth	YES	73.0
Stor	2200000000000000	SIXES R @ mouth	YES	163000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: SIXES R @ mouth

Water Availability Subbasin: 2200000000000000

ID Number: 70877

Exceedance Level: 80

Time: 13:58

Date: 04/17/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	288.00	0.30	288.00	4.00	284.00	215.00	69.00
2	431.00	0.41	431.00	4.20	427.00	215.00	212.00
3	393.00	0.13	393.00	4.35	389.00	190.00	199.00
4	261.00	0.24	261.00	4.03	257.00	190.00	67.00
5	115.00	0.83	114.00	1.46	112.50	190.00	-77.50
6	51.10	2.18	48.90	1.46	47.40	120.00	-72.60
7	30.50	3.41	27.10	2.55	24.50	40.00	-15.50
8	21.20	2.81	18.40	1.46	16.90	40.00	-23.10
9	17.00	1.26	15.70	1.46	14.20	40.00	-25.80
10	17.70	0.23	17.50	1.46	16.00	215.00	-199.00
11	83.50	0.19	83.30	1.25	82.00	215.00	-133.00
12	292.00	0.31	292.00	4.05	288.00	215.00	73.00
Stor	263000	737	263000	1900	261000	113000	163000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

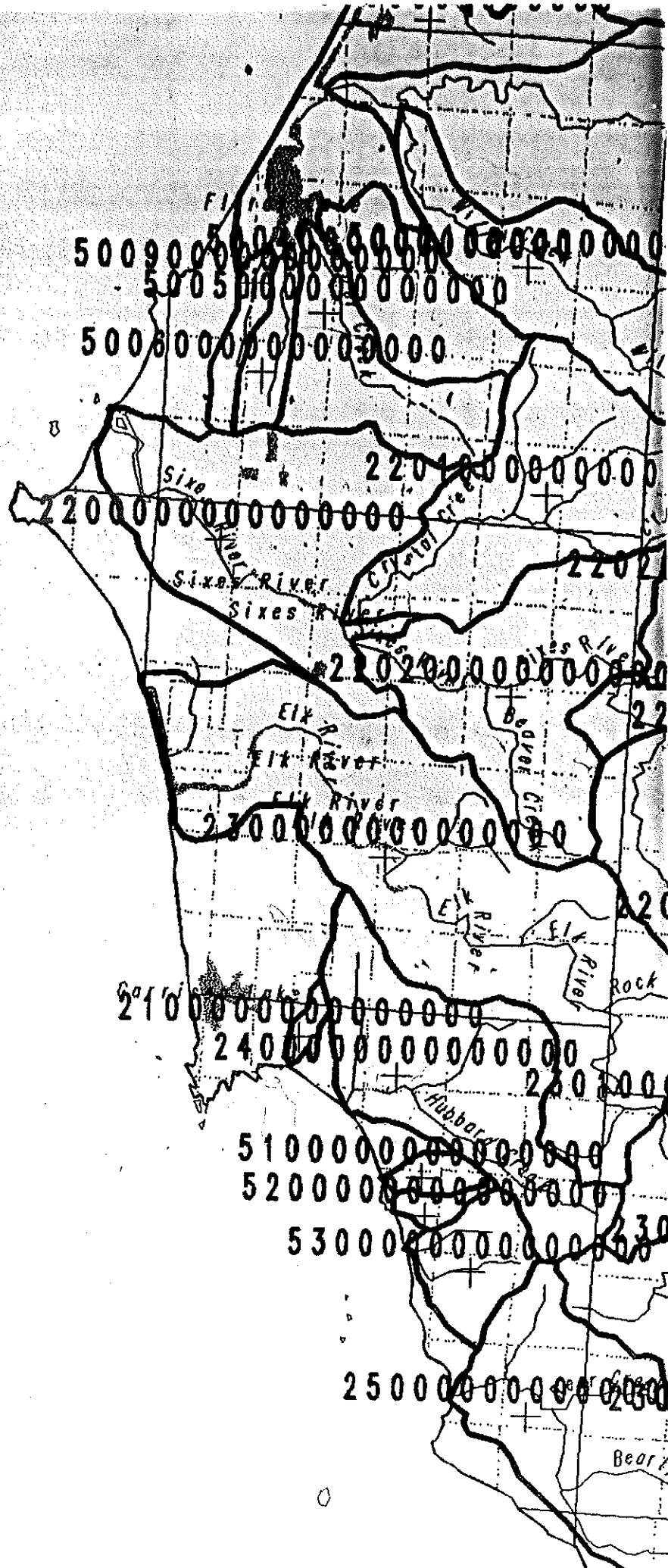
Stream: SIXES R @ mouth

Water Availability Subbasin: 2200000000000000

Time: 13:58

Date: 04/17/1997

APP # :	421A	70877A	0	0	0	RESULTANT
STATUS:	Cert.	App.				
1	215.0	215.0	0.0	0.0	0.0	215.0 C
2	215.0	215.0	0.0	0.0	0.0	215.0 C
3	190.0	190.0	0.0	0.0	0.0	190.0 C
4	190.0	190.0	0.0	0.0	0.0	190.0 C
5	190.0	190.0	0.0	0.0	0.0	190.0 C
6	120.0	120.0	0.0	0.0	0.0	120.0 C
7	40.0	40.0	0.0	0.0	0.0	40.0 C
8	25.0	40.0	0.0	0.0	0.0	40.0 A
9	25.0	40.0	0.0	0.0	0.0	40.0 A
10	215.0	215.0	0.0	0.0	0.0	215.0 C
11	215.0	215.0	0.0	0.0	0.0	215.0 C
12	215.0	215.0	0.0	0.0	0.0	215.0 C



(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.

(8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

(9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.

(10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

### **Reservations**

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- (1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- (2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

### **Minimum Perennial Streamflows**

690-517-003

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:

- (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-81718

**Proposed Final Order**

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Application History*

On November 15, 1996, ERNEST BUSSMAN submitted an application to the Department for the following water use permit:

- Amount of Water: 0.30 CUBIC FOOT PER SECOND AND 43.0 ACRE-FEET STORED WATER
- Use of Water: CRANBERRY OPERATIONS ON 30.0 ACRES
- Source of Water: AN UNNAMED STREAM AND BUSSMAN RESERVOIR, A TRIBUTARY OF SIXES RIVER
- Area of Proposed Use: CURRY County within
  - NE 1/4 NE 1/4 17.7 ACRES
  - NW 1/4 NE 1/4 2.6 ACRES
  - SW 1/4 NE 1/4 0.7 ACRES
  - SE 1/4 NE 1/4 9.0 ACRESSECTION 5  
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: WATER (LIVE FLOW AND STORED) WILL BE PUMPED FROM THE RESERVOIR TO THE PLACE OF USE BY ELECTRIC MOTOR/PUMP VIA BURIED PLASTIC PIPE LINES AND APPLIED BY SPRINKLERS.

On 5/20/97, the Department mailed the applicant notice of its Initial Review, determining that THE USE OF 0.30 CFS FROM AN UNNAMED STREAM, TRIBUTARY TO SIXES RIVER FOR CRANBERRY OPERATIONS ON 30 ACRES MAY BE ALLOWED DECEMBER 1 THROUGH APRIL 30 OF EACH YEAR, AND THE USE OF 43.0 AF OF STORED WATER FROM BUSSMAN RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-73021 FOR CRANBERRY OPERATIONS ON 30.0 ACRES MAY BE ALLOWED ALL YEAR. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 6/3/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

*Findings of Fact*

The South Coast Basin Program allows the following uses: CRANBERRY OPERATIONS (IRRIGATION AND AGRICULTURAL) ON 30.0 ACRES

Senior water rights exist on AN UNNAMED STREAM AND BUSSMAN RESERVOIR, A TRIBUTARY OF SIXES RIVER or on downstream waters.

AN UNNAMED STREAM AND BUSSMAN RESERVOIR, A TRIBUTARY OF SIXES RIVER is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) for the period DECEMBER 1 THROUGH APRIL 30.

The amount of water requested, 0.30 CUBIC FOOT PER SECOND AND 43 AF OF STORED WATER, is allowable.

The Oregon Department of Fish and Wildlife has advised that one or more species of game fish are present at the described point of diversion.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff.

The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows: NO APPROPRIATION OF LIVE FLOW OF WATER BE ALLOWED BETWEEN MAY 1 AND NOVEMBER 30.

*The permittee shall install, maintain, and operate fish screening to*

prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

#### Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the South Coast Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by




a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

#### Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED September 23, 1997

  
Dwight French  
Water Rights Section Manager

#### Protest Rights

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ERNEST BUSSMAN  
PO BOX 282  
SIXES, OREGON 97476

( 541)332-7375

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

APPLICATION FILE NUMBER: S-81718

SOURCE OF WATER: AN UNNAMED STREAM AND BUSSMAN RESERVOIR, A TRIBUTARY OF SIXES RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 30.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.30 CFS LIVE FLOW FROM UNNAMED STREAM AND 43 ACRE-FEET FROM BUSSMAN RESERVOIR

PERIOD OF USE: THE USE OF LIVE FLOW FROM UNNAMED STREAM DECEMBER 1 THROUGH APRIL 30 AND THE USE OF STORED WATER FROM BUSSMAN RESERVOIR ALL YEAR

DATE OF PRIORITY: November 15, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 5, T32S, R15W, W.M.; 2560 FEET SOUTH & 1330 FEET WEST FROM NE CORNER, SECTION 5

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 17.7 ACRES  
NW 1/4 NE 1/4 2.6 ACRES  
SW 1/4 NE 1/4 0.7 ACRES  
SE 1/4 NE 1/4 9.0 ACRES

SECTION 5

TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Application S-81718 Water Resources Department

PERMIT DRAFT

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

#### STANDARD CONDITIONS

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

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

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

DRAFT - THIS IS **NOT** A PERMIT

---

Water Resources Department  
Director

# Mailing List for PFO Copies

Application #S-81718

PFO Date September 16, 1997

**Original mailed to:**

Applicant: ERNEST BUSSMAN, PO BOX 282, SIXES, OREGON 97476

Copies sent to:

- 1. WRD - File # S-81718 ✓
- 2. WRD - Water Availability: Ken Stahr ✓

PFO, Map, and Fact Sheet Copies sent to:

- 3. WRD - Watermaster # District 19 ✓
- 4. WRD - Regional Manager SW ✓
- 5. ODFW District Biologist: (CURRY County) ✓

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

- 6. James Gosson, CWRE, 580 State St. Sutherlin, Or 97479-9536 ✓

- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_
- 11. \_\_\_\_\_
- 12. \_\_\_\_\_
- 13. \_\_\_\_\_

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

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

CASEWORKER: Millerds

Copies Mailed	
By: <u>JS</u>	(SUPPORT STAFF)
on: <u>9/21/97</u>	(DATE)

**ODFW Division 33 Application Review Sheet**

**Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species OAR 690-33-310 through 340**

Date: May 20, 1997

Suspense Date: \_\_\_\_\_

Application # 5-81718

Name: Ernest Brissman

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened or endangered fish species? [690-33-330(1)]

No /  Yes Species? Coho

Status  S  T  E

What life stage is at risk: Spawning; Incubation;  Rearing;  Juvenile;  Adult?

2) Will the proposed use result in a loss in the essential habitat of threatened or endangered species or a net loss in the habitat of sensitive species? No /  Yes

A) Standard of "net loss" applies to sensitive species statewide [690-33-330(2)(a)]

B) Standard of "loss" of applies to T or E species outside the Columbia Basin [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of STE species?

No /  Yes [690-33-330(3)] If so, which? No appropriation of live flow May 1 through November 30.

4) If conditions cannot be identified to offset impacts to the essential habitat of STE fish species, would the proposed use harm the species? [690-33-330(4)] No / Yes If yes, explain \_\_\_\_\_

WRD Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**ODFW Recommendation:**

Approval with fishery conditions See #3 Above

Approval without fishery conditions

Denial

**ODFW Representative(s)**

Name: Gold Cooper

Date: 6/2/97

Name: \_\_\_\_\_

Date: \_\_\_\_\_

MAY 20, 1997

ERNEST BUSSMAN  
PO BOX 282  
SIXES, OREGON 97476

Reference: File S-81718

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for CRANBERRY OPERATIONS (IRRIGATION AND AGRICULTURE) ON 30.0 ACRES is allowable under OAR 690-517-001(8), the South Coast Basin Program.
4. Water for CRANBERRY OPERATIONS (IRRIGATION AND AGRICULTURE) ON 30.0 ACRES in the amount of 0.3 CUBIC FOOT PER SECOND (CFS) live flow from AN UNNAMED STREAM, TRIBUTARY TO SIXES RIVER is not available May 1 through November 30, and 43.0 ACRE-FEET (AF) of stored water from BUSSMAN RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-73021 is available year-round.

Summary of Initial Determinations

The use of 0.3 CFS from AN UNNAMED STREAM, TRIBUTARY TO SIXES RIVER for CRANBERRY OPERATIONS ON 30.0 ACRES may be allowed December 1 through April 30 of each year, and the use of 43.0 AF of stored water from BUSSMAN RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-73021 for CRANBERRY OPERATIONS (IRRIGATION AND AGRICULTURE) ON 30.0 ACRES may be allowed year-round.



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

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 above your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **JUNE 3, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of



water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is November 15, 1996.
5. The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Feel free to call me at (503) 378-8455 or 1 (800) 624-3199 extension 457 if you have any questions. Please have your application number available if you call.

Sincerely,



Mr. Cory C. Engel  
Initial Reviewer

cc: Regional Manager, Watermaster District 19, Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

IR CHECKLIST

Application #: S 81718 Vol \_\_\_\_\_ Subbasin \_\_\_\_\_

Basin: 17 WAB: 220 POU-WAB \_\_\_\_\_

Township 325 Range 15 N Section 5 1/4 1/4 NE

- 1. Completeness checklist verified. Y / N or No Checklist
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y /  N
- 3. Groundwater review A B C D \_\_\_\_\_  
  - a. Is the well located in a groundwater limited area? Y / N \_\_\_\_\_
- 4. SWW Y /  N Triage Y / N conditions/restrictions Y / N \_\_\_\_\_
- 5. Basin Program limitations? Y /  N \_\_\_\_\_
- 6. Withdrawn? Y / N season allowed all year
- 7. Basin Maps have been checked.  Y / N The River Mile is 4
- 8. Water Availability (50% < July 17, 1992 \*\* 80% [50% storage] > July 17, 1992) NA - DEC - APRIL LEVUS FLOW  
40% - 100% STORED WATER
- 9. Rate/Duty/Season CRAN MERO
- 10. Use CRAN policy Period of Allowed Use all year
- 11. Priority Date(s) 11-15-96
- 12. B.O.R. project Y /  N contract # \_\_\_\_\_
- 13. TMDL Basin? Y /  N (Tualatin, Yamhill, Pudding) DIVISION 33 Y /  N New or Old? Map Date \_\_\_\_\_ WARNING P
- 14. Conflicts Y /  N
- 15. Conditions? (BOR, GW, other) Y /  N CRAN MERO
- 16. Land use approval  OK'd  needs approval  county notified  NA
- 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15  19 - SWR)
- 18. Letter will be Good  Limited Bad Bad w/IRshort because \_\_\_\_\_

Primary - R-73021-43AF

WAB 220  
CONFLICTS  
COMPLETED  
4/17/97 **R**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

## **APPLICATION FACT SHEET**

*Mail to: Applicant, Watermaster, District Biologist (ODFW)*

*If necessary, also mail to : Regional Water quality manager (DEQ), and DOA*

Application File Number: S-81718

Applicant: ERNEST BUSSMAN

County: CURRY

Watermaster: District 19

Priority Date: November 15, 1996

Source: AN UNNAMED STREAM AND BUSSMAN RESERVOIR (TO BE CONSTRUCTED UNDER APPLICATION R-73021, TRIBUTARIES OF SIXES RIVER

Use: CRANBERRY OPERATIONS ON 30.0 ACRES

Quantity: 0.3 CUBIC FOOT PER SECOND and 43.0 ACRE-FEET

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 3 SIXES R & MISC

Point of Diversion Location: NESE, SECTION 5, T32S, R15W, W.M.; 2560 FEET SOUTH & 1330 FEET WEST FROM NE CORNER, SECTION 5

Place of Use: NENE 17.7 ACRES NUNE 2.6 ACRES SWNE 0.7 ACRES SENE 9.0 ACRES, SECTION 5, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: JUNE 3, 1997

PUBLIC NOTICE DATE: Tuesday, JUNE 10, 1997

30 DAY COMMENT DEADLINE DATE: Thursday, JULY 10, 1997

IR - STANDARD  
REGION & DIST: (1 2 16 18 -NWR) (3 4 5 -NCR) ✓  
(6 8 9 10-ER) (11 12 17 -SCR) (14 15 -SWR) ✓  
WATER AVAILABILITY

MAILERS INITIALS & DATE  
IR  PFO  SPFO  PROTEST  FO  
*SWR* ✓  
*5/16/97*

DISTRICT BIO TODD GAMESR ✓

**IR, PFO, SPFO, PROTEST, FO - CONDITIONAL**

DIVISION 33-115 thru 140 Y/N (ODFW District Bio  
Col Riv Intertribal Fish Comm; USF&W; NW Power Plan Council; & NMFS)  
DIVISION 33-310 thru 340 Y/N (ODFW District Bio  
Agriculture; DEQ Office WIM RIALG; WIM) Send-IR Fact Sheet & Map  
AGENT \_\_\_\_\_

**PFO, SPFO, PROTEST, FO - STANDARD:**

REGION, DIST & ODFW BIO (see ir standard above)  
ODFW DIST BIO (see ir standard above)

**PFO, SPFO, PROTEST, FO - CONDITIONAL**

WATER AVAILABILITY Y/N  
AGENT \_\_\_\_\_

\$10 Letter To: \_\_\_\_\_

OVER Y / N

## NOTE TO LOCAL GOVERNMENTS

RECEIVED

NOV 15 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed Land Use Information Form or the signed and dated receipt stub detached from the bottom of the Land Use Information Form.

Please complete this form and *return it to the applicant for inclusion in their application*. You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Department. If you have questions concerning the form, please contact WRD at 378-3739.

RECEIVED

OCT 29 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



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

Planning Official Initials \_\_\_\_\_

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: Ernest Bussman  
Address: P.O. Box 282  
Sixes, Oregon 97476  
Phone: (541) 332-7375

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): \_\_\_\_\_
- Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- Residential (# of units, single or multi-family, # of 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):  
Cranberry Use

Indicate sources for the proposed water use below:

Surface water  
Name sources:  
Unnamed Stream

Reservoir or pond

Groundwater

Indicate the estimated quantity of water the use will require:

0.30 cubic feet per second

135 gallons per minute

43 Acre-Feet

**Land Use Information Form: Permits, Hydroelectric 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 water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: Ernest Bussman  
 Address: P.O. Box 282  
 City: Sixes State: Oregon Zip: 97476 Day Phone: (541) 332-7375

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, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
32S/R15W/S5				
TL 700 TL 1200	<b>FORESTRY GRAZING (FG)</b>	x	X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.  
Curry

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

For Local Government Use Only

*App. # 81918*

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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); 3.051 (7). 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 on the reverse of this form. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====  
 Receipt for Request for Land Use Information  
 =====

WRD Applicant Name: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Staff Contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_

NOV 15 1996

WATER RESOURCES DEPT.  
 SALEM, OREGON

OCT 30 1996

WATER RESOURCES DEPT.





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EXHIBIT "A"

PARCEL I:

That portion of the Southwest Quarter of Section 5, Township 32 South, Range 15 West, Willamette Meridian, Curry County, Oregon, which lies on the North side of Sixes River and more specifically delineated as beginning at the Quarter Section Corner between Sections 5 and 6 of the above named Township and Range;  
running thence East 2640 feet;  
thence South 2640 feet;  
thence 100 feet to a point in the present bed(1933)of Sixes River;  
thence following down the thread of Sixes River as follows:  
North 61°15' West 700 feet;  
thence in said river North 4°20' East 900 feet;  
thence in said river North 77°30' West 303.7 feet;  
thence in said river South 69°25' West 574 feet;  
thence in said river South 43°05' West 1080 feet;  
thence in said river South 70°35' West 448 feet to the West line of said Section 5;  
thence North 2479.5 feet to the place of beginning.

ALSO the Southwest Quarter of the Northwest Quarter of Section 5, Township 32 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

PARCEL II:

Southeast Quarter Section 5, Township 32 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

GCT 31570

page 2 Exhibit "A"

APP. # 81718

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WATER RESOURCES DEPT.  
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Dick Bailey  
Oregon Water Resources Department  
158 12<sup>th</sup> Street, N.E.  
Salem, Oregon 97310

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WATER RESOURCES DEPT.  
SALEM, OREGON

Re: File No. R-73021

Dear Mr. Bailey:

Enclosed is the secondary application requested by your correspondence dated September 10, 1992. I believe everything is in proper form.

This was to have been filed by October 25, 1996, however, you extended the date on week as requested by John Youngquist.

I represent Ernest Bussman on this project. If you have any questions or comments, please contact me.

Sincerely,



George Bussman

Phone: (541) 347 - 4105

Fax: (541) 347 - 5156

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WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. 81718

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State of Oregon  
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.  
SALEM, OREGON

# Application for a Permit to Appropriate Surface Water

Applicant(s) Ernest Bussman  
*(Please print or type - use dark ink)*  
Mailing Address: P.O. Box 282  
Sixes Oregon 97476 (541) 332-7375  
*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: Unnamed Stream and Bussman Reservoir,  
a tributary of Sixes River

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.30 cubic feet per second, OR 135 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: 43 a.f.

3. INTENDED USE(s) OF WATER: Cranberry Operations

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 Cranberry use - 30 acres

Other (describe) \_\_\_\_\_

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SALEM, OREGON

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

Water will be pumped from the reservoir to the place of use  
by electric motor/pump(s) via buried plastic lines. Water  
will be applied by sprinkler.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 7/96  
Proposed date construction work will be completed 10/98  
Proposed date water use will be completed 10/99

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant       CWRE       Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant       CWRE       Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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SALEM, OREGON

REMARKS:

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8. If you answered "NO" to question #7 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Bossmann Cranberry Company By  
Signature

\_\_\_\_\_  
Date

George Bossmann  
Signature

Nov 13/96  
Date

General manager

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WATER RESOURCES DEPT.  
SALEM, OREGON

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 15<sup>th</sup> day of November, 1996, at 8 o'clock, A.M.

APPLICATION NO: 81718

PERMIT NO: \_\_\_\_\_

# Oregon

Post-It® Fax Note	7671	Date	8/30/96	# of pages	1
To	OWRD-W.R. Section	From	Todd Confer		
Co./Dept.		Co.			
Phone #		Phone #	541-247-7605		
Fax #	503-378-8130	Fax #			



DEPARTMENT OF  
FISH AND  
WILDLIFE

GOLD BEACH  
DISTRICT OFFICE

August 30, 1996

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310-0210

RE: Initial Review - Water Right Application #R 73021

I reviewed the proposed reservoir site on August 27, 1996 with George Bussman. The site is on a small tributary to lower Sixes River known as Libby Ditch. The ditch drains a small upland area and is contained in a natural channel from the proposed dam site upstream several hundred yards to the headwaters. Cutthroat trout, and possibly steelhead, are present in the drainage upstream of the proposed dam site. Because the proposed reservoir would inundate all of the spawning habitat in Libby Ditch it is unclear how much benefit would be derived from providing fish passage over the dam. We have had preliminary discussions with the applicant on restoring winter habitat for coho in Libby Ditch below the dam site as mitigation and the ODFW may opt for winter habitat restoration rather than requiring fish passage.

The ODFW requests that language be included in the permit that requires either fish passage and screening or a mitigation plan approved by the ODFW.

Please call if you have any questions.

Sincerely,

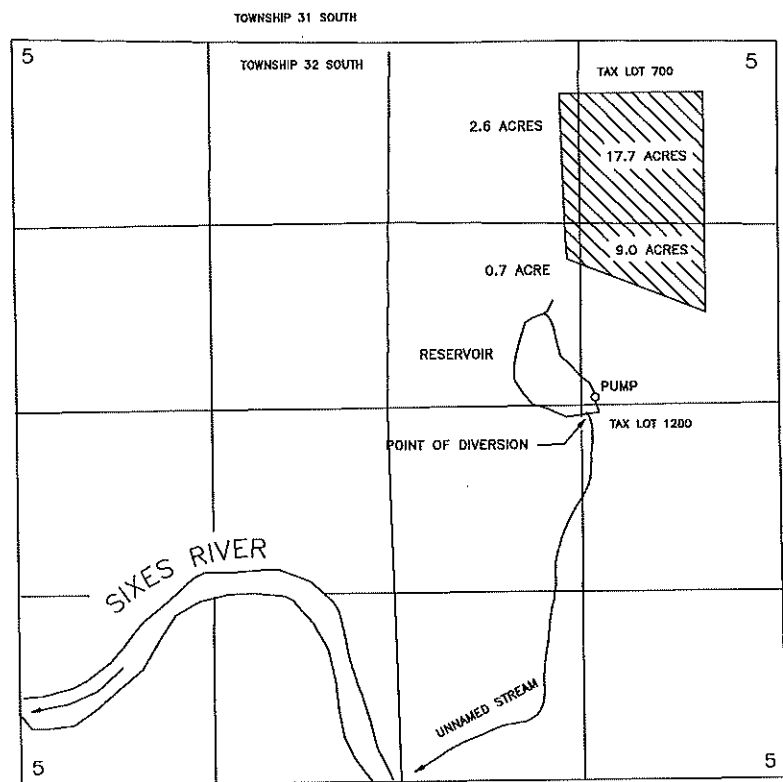
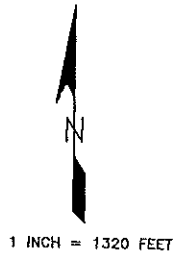
Todd Confer  
Assistant District Fisheries Biologist  
South Coast District



746 Airport Way  
PO Box 642  
Gold Beach, OR 97444  
(503) 247-7605  
FAX (503) 247-2321

APPLICATION MAP  
 IN THE NAME OF ERNEST BUSSMAN  
 SECTION 5, T 32 S, R 15 W, W.M.

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 WATER RESOURCES DEPT.  
 SALEM, OREGON



App. 81718  
 Permit 53423

THE POINT OF DIVERSION IS LOCATED 2,560 FEET SOUTH AND 1330 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 5, BEING WITHIN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 5, TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

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

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 SALEM, OREGON



**PRE-TR APPLICATION PROCESSING OUTLINE**

Application File # 81718

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

<u>DATE</u>	<u>INITIAL</u>	
<u>11-15-96</u>	<u>[Signature]</u>	Name and mailing address of applicant
_____	_____	Source of water
_____	_____	Quantity of water
_____	_____	Map showing location of POD & POU
_____	_____	Use of water
_____	_____	Names and addresses of legal owners
_____	_____	Signature of applicant
_____	_____	Oath
_____	_____	Application date stamped per money receipt date
_____	_____	Land use approved <u>yes</u> pending _____
_____	_____	If reservoir < 5 AF \$ _____, if > 5 AF \$ _____
_____	_____	HB 2153/HB 2107 APPLICATION -- SEE REVERSE
_____	_____	Route to Data Center (Unless 2153/2107)

DATA CENTER

_____	_____	Stream Code _____
_____	_____	Entered into WRIS

SUPPORT SERVICES

<u>12/2/96</u>	<u>car</u>	Stamp contents with application number
_____	_____	Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
_____	_____	Place label on file and calender card

APPLICATION SECTION

_____	_____	Stream Indexed	Basin # _____
_____	_____	Plat Carded and copy made	<u>YES</u> <u>NO</u>
_____	_____	If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section	

TR CASEWORKER

_____	_____	TR Checklist complete	<u>YES</u> <u>NO</u>
_____	_____	Within Irrigation District	_____
_____	_____	District Notified	_____
_____	_____	District excerpt received	_____
_____	_____	TR Mailed DATE	_____
_____	_____	Public Interest Checklist complete	_____
_____	_____	Management Codes	_____

REMARKS: \_\_\_\_\_

**MINIMUM APPLICATION REQUIREMENTS TO FILE:**

**HB 2153 - existing, small, EXEMPT ponds**

\_\_\_\_\_  
(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

\_\_\_\_\_  
Appropriate map (see item 1 on form).

\_\_\_\_\_  
Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

\_\_\_\_\_  
Items 2, 3, 4, 5, and 6 are completed.

\_\_\_\_\_  
Signature (and title, if applicable)

**HB 2153 - non-exempt existing ponds (large, on-channel)**

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date, to 1/1/1993. Also, confirm the following:

\_\_\_\_\_  
Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

**HB 2107 - wetland, stream restoration and storm water management**

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

\_\_\_\_\_  
Name/address of adjacent property owner within 1/4 mile

\_\_\_\_\_  
Map with scale not less than 2 in.=1 mi.

\_\_\_\_\_  
CWRE map if > 10 feet dam or > 9.2 AF

\_\_\_\_\_  
Description of proposed use

\_\_\_\_\_  
Condition addressed

\_\_\_\_\_  
Resulting benefits

\_\_\_\_\_  
Public notices (circle) #1 #2

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **8475**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: BUSSMAN CRANBERRY  
BY: COMPANY

APPLICATION	81718
PERMIT	
TRANSFER	

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

TOTAL REC'D \$ 325.00

**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**

0407 MISCELLANEOUS	\$	
0410 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC165 DEPOSIT LIAB. (IDENTIFY)	\$	
<b>WATER RIGHTS:</b>		
0201 SURFACE WATER	EXAM FEE \$ <u>200.00</u>	0202 RECORD FEE \$ <u>125.00</u>
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	0206 \$
<b>WELL CONSTRUCTION</b>		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
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	\$
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**0467 HYDRO ACTIVITY**

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

RECEIPT # **8475**

DATED: 11-15-96 BY: [Signature]