

FILED FILE# 6 14538

FARM INC. 2095 OR 97411

Application No. G 614538

Permit No. G 613595

Certificate No.

Stream Index, Page No.

FEES PAID

Date	Amount	Receipt No.
6-3-97	\$300. ⁰⁰	12779
10-28-98	\$116	25763
2/11/02	\$500	50889
Ext. 3-17-02	\$100. ⁰⁰	51529
4-28-05	27.50	74262

FEES REFUNDED

Date	Amount	Check No.

nd _____
 suspended until C15
 '01-21-00'
 to applicant _____
 approval _____

CONSTRUCTION

beginning 9-24-99
 completion 10-1-00
 ended to 10-1-00
 application of water 10-1-02
 ended to 10-1-2015, 10/1/2020

PROSECUTION OF WORK

"A" filed _____
 "B" filed _____
 "C" filed _____

FINAL PROOF

mailed _____
 received _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
2/11/02	Bandon Cranberry Inc	313 Ohio St SE, Bandon, OR	9	131-134
4-28-05	John Roth / J & K Farms	P.O. Box 362, Bandon OR 97411		

REMARKS

Date	Amount	Fees Paid	
		Date	Amount
T-9037 v. 69 p. 65/			
4/21/2014		4-24	85.00
		11-16-15	575.00

NORTHWEST FARM CREDIT SERVICES
 2222 NW KLINE ST
 SEASBURG, OR 97471-1739

JOHN ROTH
 PO BOX 362
 BANDON OR 97411

Extension PFO Checklist for Other than Muni or Quasi-Municipal

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

Application: 6-14538 Permit: 6-13595 Permit Amendment? No Yes T- 9037 pending approved

Permit Holder's Name: John Roth PO Box 302 Bandon OR 97411 and Northwest Farm Services
Permit Holder's Mailing Address: _____
Agent/ CWRE: _____

Drainage Basin: 17 South Coast County: Coos Watermaster District: 19 Watermaster: Greg Wacker

Date Permit was issued: _____ Priority Date: June 3, 1997 Date of PN: 11-24-15

Source: A sump well in Johnson Creek Basin

Use: Cranberry use on 68.0 A

"Q": 1.5 cfs

Orig "A" Date: Sept 24, 1999 Orig "B" Date: _____ Orig "C" Date: 10-1-2002

Extension request rec'd: 11-17-2015 Last Authorized "B" Date: 10/1/ Last Authorized "C" Date: 10/1/ 2015

Request Number (1, 2, 3...): 2nd Proposed "B" Date: 10/1/ Proposed C Date: 10/1/2020

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	totalizing flow meter 2005 well 2 Coos 51972 unauthorized
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Monitoring plan SWL 2005 - approved MAY 16, 2005 well Sump
<input type="checkbox"/>	<input type="checkbox"/>	water usage 2005
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SWL march plan SWL March Holds ≈ 20 AF
<input type="checkbox"/>	<input type="checkbox"/>	April - Nov
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Began Construction on time PFO 12/29 PRO 2/12 FO 2/19

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: \$ 80,000 ^{100,000} Estimated Remaining Cost: \$ 50,000

- Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 1.5 cfs gpm af of the total permitted quantity of water on 42.3 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

Related file APPL 5-87597

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

Identify the closest surface water or localized water 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 Geiger Creek
- 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

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:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline

Date: _____

Reviewer's Name: _____ Date: _____



Oregon
Kate Brown, Governor

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

November 18, 2015

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 #: G-14538 (Permit G-13595)**. 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.

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 Corey Courchane 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.

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

C "N" D FARM INC
PO BOX 2095
BANDON, OREGON 97411

(541)572-6508

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

APPLICATION FILE NUMBER: G-14538

SOURCE OF WATER: A SUMP WELL IN JOHNSON CREEK BASIN

PURPOSE OR USE: CRANBERRY USE ON 68.0 ACRES

MAXIMUM RATE: 1.5 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 3, 1997

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 32, T28S, R14W,
W.M.; 320 FEET NORTH & 1440 FEET EAST FROM SW CORNER, SECTION 32

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:

SE 1/4 SW 1/4 33.0 ACRES
NW 1/4 SE 1/4 9.0 ACRES
SW 1/4 SE 1/4 26.0 ACRES
SECTION 32

TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

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Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

Application G-14538

Water Resources Department

PERMIT G-13595

- 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 water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

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 by September 24, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 22, 1999

Martha O. Pagel for
Martha O. Pagel, Director
Water Resources Department



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Application G-14538
Basin 17
RWK

Water Resources Department
Volume 3 FERRY CR & MISC
MGMT.CODES 7AG 7AR 7BG 7BR

PERMIT G-13595
District 19

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).

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

Po box 362
ADDRESS

Bardonia
CITY

OR
STATE

97411
ZIP

541 297 6297
PHONE

jkcranberry@yahoo.com
E-MAIL ADDRESS

the permit holder of: Application Number G - 14538

Permit Number G - 13595
[OAR 690-315-0020(3)(b)]

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 Month: 10 Day: 1 Year: 2015, be extended to October 1, 2020, [OAR 690-315-0020(3)(i)]

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 Month: _____ Day: _____ Year: _____, be extended to October 1, _____, [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), 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.

John Rota 11-11-15
Signature Date
John Rota 11-11-15
Printed Name Title

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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 \$575.
- Signature page (Second 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 Supporting documents and/ or evidence**

\$575 STATUTORY FEE TO:

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

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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.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water 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 COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- 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 Services Division.
- An Application for an Extension of Time 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://apps.wrd.state.or.us/apps/wr/wrinfo/> (using 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.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these questions.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the well begun? Yes No

Date construction began Month: _____ Day: _____ Year: _____

N/A

Details of construction and attach documentation:

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation:

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2. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here; however, you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2/2005
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2/2005
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2/2005
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	RECEIVED BY OWRD
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	NOV 16 2015
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	SALEM, OR

Permit typically contains standards or special conditions that must be fully satisfied to lawfully develop and use ground water. Review the permit subject to this extension to identify which conditions listed in the 2nd column are contained within it. Using the rows labeled "Other," specify any other additional conditions specified in a final order approving a permit amendment or other extension of time. In the 3rd column check the box for each condition (row) identified as relevant in the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any permit documentation. Note: a permit condition does not need to be addressed here; however, you must submit the results of the test to the Department for approval prior to certification.

Chart A

Question	Check those included in the permit	Answer	Date	Other
1. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
2. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
3. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
4. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
5. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
6. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
7. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
8. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
9. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
10. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
11. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
12. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
13. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
14. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
15. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
16. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
17. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
18. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
19. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
20. []	Is the permit subject to this extension?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

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 <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
	Finish sump well	
	42.3 acres cran berries	1453000
	1 sump well	20000
	1 transfer pond	60000
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN 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*
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NOV 16 2015		
SALEM, OR		
Total Cost for Chart-B		1533000

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

80,000

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
2009	Construct 2 acres cranberry field	40000
2009	construct 2 acres cranberry field	55000
2009	finish sump well	20000
2011	construct 4.5 acres of cranberries	65000
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
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*
Total Cost of Chart-C		180,000 20,000

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$ 1,213,000
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

100,000

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SALEM, OR

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

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.

6. 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 = _____ cfs (cubic feet per second) or,

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

Acre-feet stored to date = _____ AF

7. 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.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			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 8 below)	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
614535		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>	1.5 CFS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	613545
		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"/>	
Total instantaneous rate from all wells utilized under this permit								

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8. 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.

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Has or will a Permit Amendment Application been/be filed? Yes No

SALEM, OR

If a Permit Amendment Application has been filed: Transfer No. T- 9037

Well # L 34761 Actual location: Sec 32 T 28.00 S R. 1400 W 320 North
1400 south east
From SW
CORNER SECTION 32

to provide a copy of the permit application to the applicant. The permit application shall be filed with the Department of Health and Environmental Control, 100 North ...
 The Department of Health and Environmental Control shall review the permit application and issue a permit if the applicant meets the requirements of the permit rules.

For Ground Water Permit Extensions (e.g. G-XXX):
 The permit holder shall file the permit application with the Department of Health and Environmental Control, 100 North ...

Maximum rate used to date = _____ gpd (gallons per day)

Minimum rate used to date = _____ gpd (gallons per day)

Area used to date = _____ AF

For Ground Water Permit Extensions (e.g. G-XXX):
 The permit holder shall file the permit application with the Department of Health and Environmental Control, 100 North ...

TABLE 1

Well ID	Well Type	Well Depth (ft)	Well Construction	Well Status		Well Completion Date
				Active	Inactive	
W-001	Monitoring	100	Concrete	<input type="checkbox"/>	<input type="checkbox"/>	12/15/2010
W-002	Production	150	Steel	<input type="checkbox"/>	<input type="checkbox"/>	08/20/2008
W-003	Monitoring	120	Concrete	<input type="checkbox"/>	<input type="checkbox"/>	03/10/2009
W-004	Production	180	Steel	<input type="checkbox"/>	<input type="checkbox"/>	01/05/2007

The drilled location of a well is the location of the wellhead on this permit. Please specify the location below or provide a map showing the location.

Is the well a Permit Amendment Application being filed? Yes No

If a Permit Amendment Application has been filed, Transfer No. T-_____

Well ID: _____ Actual location: _____

Well # _____ Actual location: _____

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

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

Total acres irrigated to date: 42.3

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)(i)(I)]

10. 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-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2016	2.10 acres Cranberries	25 000
2019	2.10 acres Cranberries	35 000
2020	2.00 acres cranberries	45 000
2019	Finish Pond Finish pond	50 000
	permit # 5-87597	
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		<u>95 000</u>

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

11. Estimated remaining cost to complete the project: 95 000 ~~145 000~~ ~~50,000~~
 (The total cost from CHART-E)

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

12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements.

been below production ^{cranberry} prices ^{have} since 2010
~~costs~~

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. 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.

We are hoping for better cranberry prices to complete project and or will have to borrow the money to complete.

[OAR 690-315-0020(3)(m)(n)]

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

We have done what we could to complete but the main reason is the income, it just ~~wasnt~~ wasn't available

Attach permit, and documentation to the application.

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Instructions for Completing an Application for Extension of Time For Water Right Permit

Signature Box:

The application must be signed by the permit holder of record, or an authorized agent of the permit holder of record.

If there are multiple permit holders of record for a single permit, only one permit holder of record needs to sign the extension application.

If you are not the permit holder(s) of record, but should be, you will need to request an assignment of the water right permit into your name(s), by providing a completed application for assignment, the statutory fee of \$85, and any other supporting documentation necessary to complete the assignment.

If the prior permit holder is available for a signature you may request an assignment using the form available at this link:

http://www.oregon.gov/owrd/pubs/docs/forms/Assign_7_19_13.pdf

If the prior permit holder is absent, you may request an assignment by proof of land ownership using the form available at this link:

http://www.oregon.gov/owrd/pubs/docs/forms/Assign_by_proof_7_19_13.pdf

The following instructions are numbered to correspond with the APPLICATION FOR EXTENSION OF TIME. Each question is shown and followed by guidance that may help you respond to the question. When reviewing these instructions, it will be helpful to have a copy of your water right permit at hand.

If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.oregon.gov/OWRD/> (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).

1. Beginning Construction within required deadlines. [OAR 690-315-0020(3)(d)]

For Groundwater Permits

Has construction of the well begun? Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

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Instruction for Completing an Application for Extension of Time For Water Right Permit

Section 801

The application must be signed by the permit holder of record, or an authorized agent of the permit holder of record.

If there are multiple permit holders of record for a single permit, only one permit holder of record needs to sign the extension application.

If you are not the permit holder(s) of record, but should do, you will need to request an assignment of the water right permit into your name(s), by providing a completed application for assignment, the statutory fee of \$25, and any other supporting documentation necessary to complete the assignment.

If the water permit holder(s) is/are unable to sign, you may request an assignment using the form available at this link:

[Request for Assignment of Water Right Permit](#)

If the price of the permit is shown as "N/A" on the application, it means that the permit is owned by the state and the fee is not applicable.

The following instructions are provided for the permit holder(s) to complete the application. Each question is marked as required or optional. The required questions are marked with a red asterisk (*). The optional questions are marked with a blue asterisk (*). The questions are marked as required or optional in the application. The questions are marked as required or optional in the application. The questions are marked as required or optional in the application.

If needed, a copy of the water right permit can be downloaded from the Department's website at [www.water.state.or.us](#). (Find the link for the Water Right Information System (WRIS). Or a copy of the permit (or other documents) may be requested by water right application number from the Water Right Division. All requests must be made by email to [wrd@water.state.or.us](#).)

1. Beginning Construction within required deadline. (See rules 600.000 for details.)

Has construction of the well begun? Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: Day: Year:

Details of construction and attach documentation:

The following information will help you answer these questions.

Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops. OAR 690-315-0020(3)(d)(A)and(B).

Each water right permit contains specific dates by which permit holders are to have completed a certain level of development of the right. Generally, these dates appear toward the end of a permit. Among the dates that may be cited are the following:

- A. Actual construction work shall begin on or before [date certain]; if no date for Actual construction work specified in the permit, the applicant has five years from the permit issuance date to begin construction. ORS 537.230(1) and 537.630(1)
- B. Construction shall be completed on or before [date certain]; not all permits specify a construction completion date.
- C. Complete application of the water shall be made on or before [date certain] ALL PERMITS will specify a date for complete application of water.

By statute, a permit extension for a non-municipal water right **cannot** be granted when there is no evidence of actions taken to **begin construction** within 5 years of permit issuance or sooner if specified in the permit. Permit extensions may be granted **only for completing construction and/ or completing application of water.**

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

- 2. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the

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date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here; however, you must submit the results of the test to the Department for approval prior to certification.

Depending on the vintage of the water right permit issued by OWRD, the location of the conditions on the permit may vary. Most, but not all, permits issued before 1990, did not include conditions. If these permits contained conditions they would generally appear on the permit just above the State Engineer's or Water Resources Director's signature. In the early 1990's conditions became more common. Conditions associated with the point of diversion or point of appropriation might be listed immediately following the description of the point of diversion or appropriation. Conditions associated with the place of use, might be listed immediately following the description of the place of use. From the mid-1990's to present, conditions may be listed under separate subtitles in the permit such as "Measurement, Recording, and Reporting Conditions" or "Standard Conditions."

Conditions may have been added to the permit as result of an approved Final Order for a permit amendment or a Final Order approving a prior extension of time. These added conditions are binding on the original permit, and must also be also addressed in this extension request.

Conditions requiring a written response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to have accomplished a specific action, such as a condition that requires plans and specifications for a reservoir, a groundwater monitoring plan or some other document which "...shall be submitted...within (for example) two years of permit issuance."
- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."

TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit.

If needed, you may contact the OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the extension application.

In responding to question 2 on the application:

Step (1) Read your permit and when you come to a condition, check the box in the first column that corresponds to condition as listed in the 2nd column.

Step (2) Check the Yes box to all the conditions that you have complied with and check the No box for all the conditions that you have not complied with.

Step (3) Indicate the date the condition was met or will be met.

Step (4) Repeat steps (1), (2), and (3) for any conditions contained in any order approving a permit amendment and/or prior final order for an approved extension of time.

If you have NOT complied with all applicable conditions, explain the reasons why and indicate a date certain, when, in the near future, you will be in compliance.

If a permit holder is not in compliance with time-sensitive conditions, OWRD may take one of three actions:

1. Suspend processing of the application until the permit holder complies with unmet conditions; or
2. Establish time certain performance deadlines by which the conditions must be complied with and include these as conditions on the extension order; or
3. Deny the permit extension.

NOTE: If you are considering applying for a permit extension and you **are not** in compliance with time-sensitive conditions, you may want to hold off filing the extension application until you have complied with the conditions. If you are not in compliance, but wish to proceed with the extension application, you should explain how, and the dates by which, you will comply with the conditions in Chart-A. If the extension is allowed, OWRD will likely not grant much time (less than one year) for the permit holder to comply with time-sensitive conditions.

[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-B); and if applicable, within the time period of the most recent extension granted (CHART-C).***

Permitted Time Period - period of time between the date when the permit was signed and the date specified in the permit for complete application of water

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Time Period of the Previous Extension

For 2nd Application for Extension of Time - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For 3rd, or 4th, or . . . nth, Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

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

Chart-B must be filled out by all applicants regardless of how many extensions have been granted in the past. List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question d 5 on the application for extension.

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

Chart-C must be filled out by all applicants who have been granted an extension in the past (that is, this is your 2nd, 3rd, or 4th, etc. request) List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question 5 on the application for extension.

- 5. [OAR 690-315-0020(3)(f)] Cost of project to date 1713 000.**

Indicate the amount invested in developing the water use system to date. This will be a total of the costs indicated on Chart-B and Chart-C from Questions 3 and 4. If exact cost is not known, you must provide your best estimate.

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

A permit authorizes a specific rate of water that may be used within the terms and conditions of the permit. (For example a permit may authorize the use of 1.5 cubic feet per second (cfs) of water for irrigation of 60 acres. In this example 1.5 cfs is the specified authorized rate in the permit). The Department is asking you to report the portion of the full authorized rate you have beneficially used to date. (In this example,

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if a maximum of 30 acres has been placed under irrigation, the portion of the rate beneficially used to date would (likely) be 0.75 cfs).

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

Surface water permits are those where the source of water is a river, stream, lake, pond, or reservoir, etc. Report the rate (not the volume) of water you are beneficially using under this permit in cubic feet per second (CFS) or gallons per minute (GPM). Only if you are using stored water under a reservoir permit (e.g. R-XXXX), may you indicate the volume used – which is reported in acre-feet (AF).

7. For Ground Water Permit Extensions (e.g. G-XXXX):

The source of water for ground water permit is a well. Some permits authorize the use of water from more than one well. Fill out Chart-D with information for a single well, or if applicable, for multiple wells. Give information about all the well(s) listed on your permit, even if not yet drilled; or if drilled, even if it is not being used for some reason.

1st Column: For each well authorized on the permit, indicate the Well # or the well name that is listed on the permit.

2nd Column: If naming system you use is different than what is listed on the permit, indicate the Well # or well name you use for each of the wells.

3rd Column: Enter a yes or no for each well listed on the permit, indicating whether or not it has been drilled yet.

The following columns relate only to wells which have been already drilled.

4th Column: Enter the Well Log Number for each well. Typically this is a four letter prefix (of the county) followed by 3 to 5 digits.

5th Column: Enter the Well Tag Number for each well (typically 5 digits). Not all wells have been assigned a well tag number.

Note: *Well Log Numbers and Well Tag ID Numbers can be accessed through the Department's Website at http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx*

6th Column: The Department is asking if the actual location of each well is the same as where the permit authorizes the location of that specific well. If the actual location is not the same as the authorized location, a permit amendment may be necessary in order to receive approval for use of the well in the new location. If the

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actual location of any well is different from its authorized location, then Question 8 must also be completed. *Questions about permit amendments may be directed to the Transfer Division of the Department.*

7th Column: Report the rate (not the volume) of water being used to date under this permit from each well. Give the rate in cubic feet per second (CFS) or gallons per minute (GPM). If more than one well is listed on the permit, than add the rates from each individual well and enter the sum in the last box in this column for the "Total instantaneous rate from all wells utilized under this permit."

8th Column: Enter a yes or no for each well listed on the permit, indicating if this well is authorized under any other water right(s).

9th Column: If a well is authorized under any other water right(s), provide the Permit Number(s), or Certificate Number(s) or Transfer Number(s) of each water right also listing that well.

8. *If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its actual location. Has or will a permit amendment application been/be filed? Yes ___ No 20*

If a Permit Amendment Application has been filed: Transfer No. T- 9037

Well# _____: Actual location _____

If **NO** is marked for any well in the 6th Column of Chart-D, this question (8) must be answered. For each well that is drilled in a location NOT authorized on the permit, report its actual location (for example: 300 Feet North and 520 Feet East from SW Corner, Section 6, Township 40 South, Range 10 East, W.M.), or provide a map with the actual well(s) location(s) clearly marked.

In rare cases, a permit amendment may have been filed prior to the extension application being filed. If this is the case, please provide the transfer number that was assigned to this permit amendment request. (e.g. T-10351). Current department policy provides that if a permit amendment is needed for which the 'C-date' has passed, a Final Order approving an extension of time must be received before the Department accepts the permit amendment application. A permit amendment can only be granted if the 'C-date' specified in the permit or a new 'C-date' granted in approved extension has not expired.

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

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

Total acres irrigated to date: _____

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

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

If your permit authorizes irrigation, indicate the maximum number of acres you have irrigated under this permit.

If you have a ground water permit which authorizes the use of more than one well, or you are using more than one well for irrigation under this permit, please specify which wells are being utilized, and how many acres are being irrigated from that well.

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

10. 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.

Fill out Chart-E, making your best estimate of the future time line and costs for work necessary to complete construction and/or apply water to full beneficial use under the terms and conditions of the permit.

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

11. Estimated remaining cost to complete the project _____.

Indicate your best estimate of the remaining investment necessary to fully construct the system and to fully put water to beneficial use. This will be a total of the costs indicated in Chart-E from Question 10.

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

12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements that may have delayed completion of the project.

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

- 13. Justify the time requested to complete the project and/or apply the water to full beneficial use.**

A justification should integrate information presented in this Application for Extension of Time, but may include any other information or evidence to establish that the requested amount of time is reasonable. This can be a summary of why you need the amount of time you have requested.

[OAR 690-315-0020(3)(m)(n)]

- 14. Provide any other information you wish the OWRD to consider while evaluating the extension of time application.**

This is your opportunity to include any other information you want the OWRD to have when considering your extension request.

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SALEM, OR

MAY 24 2001

STATE OF OREGON

WATER SUPPLY WELL REPORT WATER RESOURCES DEPT.
SALEM, OREGON

WELL ID. # L 34761
START CARD # 105675

Instructions for completing this report are on the last page of this form.

(1) LANDOWNER Well Number
Name FRANCIS STABLEMAN
Address 313 OHIO
City BANDON State OR Zip 97411

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 73 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		SIZES or pounds	
Diameter	From To	Material	From To		
6"	0 19	BENTONITE	0 19		75

How was seal placed: Method A B C D E
 Other POURED DRY

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6"	+2	59	1250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type TELL Material STAINLESS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
68	73	.010	5	5 7/8	6"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
58	68	.010	10	5 3/8	6"	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Artesian

Yield gal/min	Drawdown	Drill stem at	Time
90	47'		1 hr.

Temperature of water 51° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County COOS Latitude _____ Longitude _____
Township 28 N or S Range 14 E or W
Section 52 SE 1/4 SW 1/4
Tax Lot 2000 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 88410 BILLS CR RD
BANDON OR 97411

(10) STATIC WATER LEVEL:
15' 9" ft. below land surface. Date 4-10-01
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 15' 9"

From	To	Estimated Flow Rate	SWL
15' 9"	73'	90 GPM	15' 9"

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
BROWN SANDY CLAY FILL	0	4	
BLACK CLAY FILL	4	12	
DRY GREY SAND	12	16	15' 9"
WET GREY SAND	16	19	
GREY/GREEN SAND	19	23	
CEMENTED GREY SAND	23	24	
GREY SAND	24	27	
GREY/GREEN SAND	27	34	
GREY SAND	34	38	
CEMENTED SANDS	38	39	
GREY SAND	39	57	
GREY SAND w/ GRAVEL	57	63	
GREY SAND	63	68	
GREY SAND w/ GRAVEL	68	73	

Date started 5-7-01 Completed 5-10-01

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
WVC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WVC Number 1609
Signed [Signature] Date 5-21-01

Oregon Water Resources Department Permit Condition Water Level Report

OWRD Logid Main aq Max depth LSD Elev Township Range S QQ Q
 COOS.....51972 COOS..... 73 165 28.00...S/ 14.00...W- 32 SE... SW..

Well Tag Log34761 Well Tag Field34761 Csg Diam Field6

Well Location 320 FT. N & 1440 FT. E. FR. SW. COR. S32.....

Well Address

Owner Well Names A SUMP (L-34761).....

Well History:

Compl

Logid Type Work Depth Compl Date Owner on Log

COOS	NEW WELL	73	5/10/2001	FRANCIS

Water Rights with reporting conditions that list this well:

Reference Trigger
 Permit Certificate pod level activated?

G.....135951
G.....135951

Owner:

Name JOHN.....ROTH.....
 Other Name J & K FARMS.....
 Contact

Address

City / St / Zip Bandon.....OR.....97411

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Pump Idle Time	MP Description	WIComments
04/10/2001		15.75	149.25	149.25	R	U	DRILLER			COOS 51972 New well 73 ft TD
08/14/2001		1.6	23.70	141.30	T	U	IVAN GALL		MP = TOC = 1.6 FT. AGS	
05/11/2004		1.28	8.01	156.99	T	U	M. JOHN YOUNGQUIST	48 hrs		
03/15/2005		1.28	8.85	156.15	T	U	JOHN ROTH	48 hrs		
02/15/2006		1.5	6.70	158.30	T	U	JOHN ROTH			MMT DATE ESTIMATE
03/07/2007		1.5	6.00	159.00	T	S	JOHN ROTH		3/4 PORT IN TOP SEAL	
03/05/2008		1.28	9.00	156.00	T	U	JOHN ROTH		3/4 port on top	
04/19/2009		1.28	8.97	156.03	T	S	JOHN ROTH		1/2 ACCESS PORT	Mmt date unclear GW level seems
03/10/2010		1.28	8.52	156.48	T	S	JOHN ROTH		1/2" PORT	
04/13/2011		1.28	7.72	157.28	T	S	JOHN ROTH		1/2" PORT	
03/20/2012		1.28	7.42	157.58	T	S	JOHN ROTH		1/2" PORT	
03/10/2013		1.25	8.95	156.05	U	U	JOHN ROTH		1/2" PORT	
03/01/2014		1.28	8.72	156.28	U	S	JOHN ROTH	48 HRS		
04/03/2015		1.28	7.00	158.00	T	S	JOHN ROTH		1/2" PORT	

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N - Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown

Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

**Application for Extension of Time for a Water Right Permit
(NON-Municipal/NON Quasi-Municipal water Use)**



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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.**

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

RECEIVED BY OWRD

NOV 16 2015

SALEM, OR

Instructions are in Attachment A.

**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 G-13595, Water Right Application G-14538,) PROPOSED FINAL ORDER
in the name of John C. Roth and)
Northwest Farm Credit Services, FLCA)

Permit Information

Application:	G-14538
Permit:	G-13595
Basin:	17 – South Coast / Watermaster District 19
Date of Priority:	June 3, 1997
Source of Water:	A sump well in Johnson Creek Basin
Purpose of Use:	Cranberry use on 68.0 Acres
Maximum Rate:	1.5 cubic feet per second (cfs)

Please read this Proposed Final Order in its entirety.

In Summary, the Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2015 to October 1, 2020¹.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

¹Pursuant to ORS 537.630(4), 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 Department of Water Resources
PFO – Proposed Final Order
cfs – cubic feet per second
gpm – gallons per minute
DEQ – Department of Environmental Quality
OSP – Oregon State Police

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

FINDINGS OF FACT

Background

1. Permit G-13595 was issued by the Department on February 22, 1999. The permit authorizes the use of up to 1.5 cfs of water from a sump well in Johnson Creek Basin for nursery use on 68.0 acres. The permit specified actual construction of the well was to begin by September 24, 1999, and complete application of water was to be made on or before October 1, 2002.
2. On February 11, 2002, Bandon Cranberry, Inc. filed an application to amend the point of appropriation allowed under Permit G-13595 by adding two points of appropriation. The Department assigned the application number T-9037.

3. On February 11, 2002, an assignment by deed from C “N” D Farms, Inc. to Bandon Cranberry, Inc. was recorded in the records of the Department.
4. On April 28, 2005, an assignment by deed from Bandon Cranberry, Inc. to John Roth/J&K Farms was recorded in the records of the Department.
5. On May 16, 2005, the Department approved the required monitoring plan as specified in the permit.
6. On August 22, 2006, the Department determined the additional points of appropriation proposed by Permit Amendment Application T-9037 were not consistent with the requirements of ORS 537.211. The Department issued a Final Order Rejecting Two Additional Points of Appropriation.
7. On April 21, 2014, as assignment from John C. Roth to Northwest Farm Credit Services, FLCA and John C. Roth was recorded in the records of the Department.
8. One prior permit extension has been granted for Permit G-13595. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2002 to October 1, 2015.
9. The permit holder, John C. Roth, submitted an “Application for Extension of Time” to the Department on November 16, 2015, requesting the time to complete construction of the water system be extended from October 1, 2015 to October 1, 2020. However, the permit does not contain a specific deadline for completing construction, the Department needs to only consider an extension of the time to apply water to full beneficial use. The Department, therefore, determined that the permit holder’s intent was to request the time in which to accomplish beneficial use of water to the full extent under the terms of Permit G-13595 be extended from October 1, 2015, to October 1, 2020.
10. Notification of the Application for Extension of Time for Permit G-13595 was published in the Department’s Public Notice dated November 24, 2015. 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 537.230², 537.248³, 537.630⁴ and/or 539.010(5)⁵.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 537.630 applies to ground water permits only.

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

11. On November 16, 2015, 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)]

12. Actual construction of the well began by the deadline as specified in the permit, being September 24, 1999. The application does not specifically state when construction began.

According to an OWRD interoffice memo received by the Department on June 8, 1998, the District 19 Watermaster along with representatives from DEQ and OSP were to perform a site visit, investigating an undocumented dug well, and to verify the source of water for Application G-14538. The OWRD interoffice memo is the earliest record providing evidence of actual construction of the well beginning prior to February 22, 2004 per ORS 537.630(1). The Department has determined the permit holder has satisfied the condition requiring beginning actual construction of the well.

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.

13. As of November 16, 2015, the permit holder states the remaining work to be completed consists of completing development of additional acres for cranberry use; and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2020, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13595 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 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:

⁵ORS 539.010(5) applies to surface water and ground water permits.

Amount of Construction [OAR 690-315-0040(3)(a)]

14. According to the permit holder, work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Actual construction of the well and water system began prior to the September 24, 1999 deadline specified in the permit. According to an OWRD interoffice memo received by the Department on June 8, 1998, the District 19 Watermaster along with representatives from DEQ and OSP were to perform a site visit, investigating an undocumented dug well, and to verify the source of water for Application G-14538. The OWRD interoffice memo is the earliest record providing evidence of actual construction of the well beginning prior to February 22, 2004 per ORS 537.630(1). The Department has determined the permit holder has satisfied the condition requiring beginning actual construction of the well.
 - b. Work was completed during the original development time frame under Permit G-13595. A sump well and a transfer pond were constructed.
 - c. During the most recent extension period, being from October 1, 2002, to October 1, 2015, the following was accomplished:
 - Completed construction of the sump well;
 - Developed additional acres for cranberry use; and
 - Installed a totalizing flow meter.

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

15. The application states a maximum rate of 1.5 cfs of water has been appropriated from the well for irrigation of 42.3 acres.
16. Beneficial use of water has not yet been demonstrated under this permit because not all development of the water project was satisfied by October 1, 2015.
17. The application states, delay of full beneficial use of water under Permit G-13595 was due, in part, to an insufficient cranberry market. Cranberry prices have been below production costs since 2010. The permit holder needs more time in which to obtain the full quantity of acres allowed for cranberry use under the permit.

The Department has determined that this extension will allow the permit holder to complete development in an effort to make full beneficial use of the water as required by Permit G-13595.

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

18. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

19. The permit holder has installed a totalizing flow meter. The permit holder has also submitted and gained approval of a water use monitoring plan required under Permit G-13595 in May 2005.

The Department determined the permit holder has complied with the conditions of the permit.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

20. The application states the permit holder has invested approximately \$100,000, which is approximately 67 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$50,000 investment is needed for the completion of this project.

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

21. The Department has found good faith of the appropriator under Permit G-13595.

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:

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)].

22. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13595; 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 point of appropriation for Permit G-13595, located within the Ferry Creek Basin, is located within the Geiger Creek ground water Withdrawn Authority. Ferry Creek is not located within or above any state or federal scenic waterway, however, it is 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 is 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 point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

23. None have been identified.

Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

24. None have been identified.

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

25. 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)]

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

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

27. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-13595, in that the permit holders were faced with an insufficient cranberry market, in which cranberry prices have been below production costs since 2010, that restricted their ability to complete development of the project in a timely manner.

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 537.630(1).
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 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Based on Finding of Facts 11 through 19, full application of water to beneficial use can be accomplished by October 1, 2020, 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 G-13595 from October 1, 2015 to October 1, 2020.

DATED: December 29, 2015



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 **February 12, 2016**, 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;

Mailing List for Extension PFO Copies

PFO Date: December 29, 2015

Copies Mailed

Application: G-14538

By: KF

Permit: G-13595

On: 12/29/15

Original mailed to Applicant:

John C. Roth
PO Box 362
Bandon, OR 97411

Northwest Farm Credit Services, FLCA
2222 NW Kline St
Roseburg, OR 97471-1739

Copies sent to:

1. WRD - App. File G-14538/ Permit G-13595

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 19, Greg Wacker

CASEWORKER: CAC

**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 G-13595, Water Right Application G-14538,)
in the name of John C. Roth, and)
Northwest Farm Credit Services, FLCA)

FINAL ORDER

Permit Information

Application:	G-14538
Permit:	G-13595
Basin:	17 – South Coast / Watermaster District 19
Date of Priority:	June 3, 1997
Source of Water:	A sump well in Johnson Creek Basin
Purpose of Use:	Cranberry use on 68.0 Acres
Maximum Rate:	1.5 cubic feet per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 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 G-13595 was issued by the Department on February 22, 1999. The permit called for actual construction of the well to begin by September 24, 1999, and complete application of water to beneficial use by October 1, 2002. The most recent extension authorized complete application of water to beneficial use by October 1, 2015. On November 16, 2015, John C. Roth submitted to the Department an Application for Extension of Time for Permit G-13595. In accordance with OAR 690-315-0050(2), on December 29, 2015, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2020. The protest period closed February 12, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated December 29, 2015.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to no additional conditions.

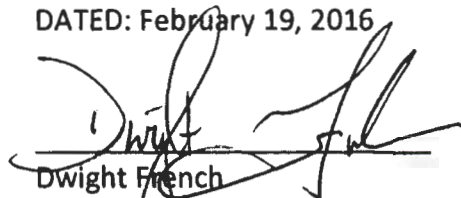
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-14538, Permit G-13595, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2015 to October 1, 2020.

DATED: February 19, 2016



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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension 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
-

Mailing List for Extension FO Copies

FO Date: February 19, 2016

Copies Mailed

Application: G-14538

By: KF

Permit: G-13595

On: 2/19/16

Original mailed to permit holder

John C. Roth
PO Box 362
Bandon, OR 97411

Northwest Farm Credit Services, FLCA
2222 NW Kline St
Roseburg, OR 97471-1739

Copies sent to:

1. WRD - App. File G-14538/ Permit G-13595

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 19, Greg Wacker

CASEWORKER: CAC



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

RECEIVED BY OWRD

APR 21 2014

SALEM, OR

Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, John C. Roth

(Name of Applicant / Permit / Transfer Holder / License Holder / GR Certificate of Registration)

PO Box 362 Bandon, OR 97411 (541) 297-6292
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-14538; Permit # G 13595; Transfer # _____

License # _____; GR Statement # _____; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

Northwest Farm Credit Services, FLCA 2222 Northwest Kline Street Roseburg, OR 97471-0356
 (Name of New Owner) (Mailing Address) (City) (State) (Zip)

John C. Roth

(Name of New Owner)

PO Box 362 Bandon, OR 97411 (541) 297-6292
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 10 day of April, 2014

Applicant/Permit Holder [Signature]

Applicant/Permit Holder _____

ASSIGN 4/22/2014

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 111812

For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.



Oregon

John A. Kitzhaber, MD, Governor

April 22, 2014

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

Northwest Farm Credit Services
2222 Northwest Kline St.
Roseburg, Oregon 97471-0356

Reference: Application G-14538, Permit G-13595 – Application S-87597, Permit S-54725

The assignment from John C. Roth to Northwest Farm Credit Services, FLCA and John C. Roth has been recorded in the records of the Water Resources Department.

The Departments records will now show Northwest Farm Credit Services, FLCA and John C. Roth as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 111812 covering the recording fees is also enclosed.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 111812

cc: Watermaster 19
John C. Roth
Data Center, OWRD (cover letter & request)
Hydrographics
File

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: 6/27/2011

Report Complete: YES

NO – Send letter requesting missing information.
 letter mailed on: _____

2. Jonnine: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 7/5/11

Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record)

Return to Extension Specialist (Jerry G)

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 8/12/2011

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: J AND K FARMS Attn: JOHN ROTH

Application: G- 14538

Permit: G- 13595

County: COOS

Source: A sump well in Johnson Creek Basin

Use: Cranberry use on 68.0 acres



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 Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: J AND K FARMS

Application G-14538
 Permit G-13595

Report Due no later than October 1, 2010

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit G-13595

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2002 and October 1, 2010	FINANCIAL INVESTMENT
2/05	Planted six acres, completed prior to purchase	\$57,000
7/08	completed reservoir	\$15,000
8/07	built 2 acres	\$42,000
1/08	planted 2 acres	\$10,000
11/09	Had Had pump station pond lined ^{with} pond liner	\$65,000
8/10	Built 4.5 acres & plumed	\$62,000
2/11	planted 4.5 acres	\$33,000

2. Compliance with terms and conditions of the permit and/or previous extension.

I purchased this cranberry farm in 2005 all work completed prior of this date I have no record of. The purchase price was \$1,273,000. Since 2005 I have put meters on all pumps, staff gages are installed I have developed a monitoring plan and continue to report yearly. Please excuse my tardiness for this report it slipped by me.
 Thanks
 Down.

3. Total number of acres irrigated to date = 43 (if 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 = 1.5 cfs (cubic feet per second)

Maximum rate used to date = _____ gpm (gallons per minute)

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.

Signature

Date

6-22-11

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

RECEIVED

JUN 27 2011

WATER RESOURCES DEPT
 SALEM, OREGON

STATE OF OREGON
DEPARTMENT OF REVENUE

JUN 23 1957

RECEIVED

11-55-11

Handwritten notes, possibly a memo or letter, starting with "Dear Sir" and discussing financial matters.

Date	Description	Amount
5/17	...	723,000
5/16	...	100,000
5/15	...	100,000
5/14	...	100,000
5/13	...	100,000
5/12	...	100,000
5/11	...	100,000
5/10	...	100,000
5/9	...	100,000
5/8	...	100,000
5/7	...	100,000
5/6	...	100,000
5/5	...	100,000
5/4	...	100,000
5/3	...	100,000
5/2	...	100,000
5/1	...	100,000



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

June 22, 2011

J AND K FARMS
ATTN: JOHN ROTH
PO BOX 362
BANDON, OR 97411

REFERENCE: Application G-14538 / Permit G-13595

Dear Permit Holder:

On September 15, 2005, the Department issued a Final Order approving an Extension of Time for Permit G-13595. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2010.

This letter is being sent to you because the Department has not yet received the progress report that was due on October 1, 2010.

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 overdue progress report immediately.

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, 2015. ***Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2002. Furthermore, future extensions are evaluated on past due diligence, and consequently may not be granted.***

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece

Extensions
Water Rights Services Division

Enclosure

cc: Application G-14538
Watermaster District 19 – Mitch Lewis



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 Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: J AND K FARMS

Application G-14538
 Permit G-13595

Report Due no later than October 1, 2010

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit G-13595

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2002 and October 1, 2010	FINANCIAL INVESTMENT

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date= _____ (if 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)

Maximum rate used to date = _____ gpm (gallons per minute)

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.

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Sarah Henderson

From: Norm Daft [normthewaterguy@charter.net]
Sent: Tuesday, March 24, 2009 11:49 AM
To: Sarah. A. Henderson
Subject: Extension for John Roth, AppG-14538 Per. G-13595

Hi Sarah,

Clay Jordan and I are reviewing Mr. Roth's use of water.

Could you please send me a copy of the extension for the above permit?

I could not find it available on the WEB site.

An E-mail attachment would be great.

Thanks

Norm

Norm Daft
(541) 761-1057

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

In the Matter of Permit Amendment) **FINAL ORDER REJECTING**
T-9037, Coos County) **TWO ADDITIONAL POINTS**
) **OF APPROPRIATION**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Bandon Cranberry, Inc.
c/o Francis Stadleman
313 Ohio Street SE
Bandon, OR 97411

Current Landowner

John Roth
J & K Farms
PO Box 362
Bandon, OR 97411

Findings of Fact

1. On February 11, 2002, Bandon Cranberry, Inc. filed an application to amend the point of appropriation allowed under Permit G-13595 by adding two points of appropriation. The Department assigned the application number T-9037.
2. Permit G-13595 was issued to C "N" D Farms, Inc. on February 22, 1999. The permit was assigned to Bandon Cranberry, Inc. on February 11, 2002. Then, on April 28, 2005, the permit was assigned a second time to John Roth/J & K Farms.
3. The permit to be amended is as follows:
Permit: G-13595, in the name of C "N" D FARM, INC.
Use: CRANBERRY USE ON 68.0 ACRES
Priority Date: JUNE 3, 1997
Quantity: 1.5 CUBIC FEET PER SECOND (CFS)
Rate/Duty: 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.
Source: A SUMP WELL, in the JOHNSON CREEK BASIN
Date of Complete Application of Water: OCTOBER 1, 2015

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition 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 137-004-080 and OAR 690-01-005 you may either petition 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.

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	14	W	W.M.	32	SE SW	320 feet North and 1440 feet East from the SW corner of Section 32

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	14	W	W.M.	32	SE SW	33.0
28	S	14	W	W.M.	32	NWSE	9.0
28	S	14	W	W.M.	32	SW SE	26.0

4. Application T-9037 proposes to amend Permit G-13595 by adding two points of appropriation located as follows:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	14	W	W.M.	32	SE SW	Well #1 – 60 feet North and 1440 feet East from the SW corner of Section 32
28	S	14	W	W.M.	32	SE SW	Well #2 – 500 feet North and 1400 feet East from the SW corner of Section 32

5. Notice of the application for the permit amendment was published in the Department's weekly notice on March 4, 2002, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
6. On July 25, 2002, the Department sent a letter informing the applicant that a Department staff hydrogeologist determined the proposed additional points of appropriation (wells) would cause injury to other water rights on Geiger Creek. This conclusion was made because the proposed wells would develop a deeper source than that of the authorized sump, resulting in a broader impact and interference with surface water flow in the Geiger Creek drainage. The Department's letter set forth a deadline of September 23, 2002, in which the applicant could supply evidence demonstrating that use of the proposed additional wells would not injure nearby water users. The applicant did not supply any information or evidence in response to the Department's letter.
7. On November 15, 2002, the Department sent a letter to the applicant stating that, because of the determination of injury and lack of response to an earlier letter as described in Finding #6 above, the Department intended to reject Permit Amendment Application T-9037 by December 15, 2002.
8. On December 6, 2002, the Department received a response from Mr. John Youngquist (water right consultant) on behalf of the applicant. The letter proposed that a pump test be conducted to better define the characteristics of the subject aquifer and to possibly demonstrate that the effects of using the proposed wells on the aquifer would show there would be no negative impacts on neighboring wells.

9. On December 30, 2002, the Department hydrogeologist reviewed the proposal to perform a pump test as outlined in Mr. Youngquist's December 6, 2002, letter. In a memo, the hydrogeologist indicated the applicant was free to conduct the pump test and upon the submittal of new data from the test, the hydrogeologist would re-evaluate the permit amendment application.
10. The Department sent a letter dated January 6, 2003, to the applicant that included a copy of the December 30, 2002, hydrogeologist memo indicating the applicant was free to pursue a pump test. It went on to state, however, that if the results of the pump test were not in favor of the additional wells, the Department would have to proceed with rejection of the permit amendment application. The letter also set forth a deadline of February 5, 2003, for the applicant to notify the Department whether or not he intended to perform the pump test. The applicant did not respond to the Department's letter, nor submit any pump test information that would refute the Department's determination of injury described in Finding #6 above.
11. The current owner of the land for which Permit G-13595 was issued is John Roth/J & K Farms. As described in Finding #2 above, Permit G-13595 was assigned to John Roth/J & K Farms on April 28, 2005. Permit Amendment Application T-9037, however, did not get assigned to John Roth/J & K Farms. Even though Mr. Roth is not currently assigned to Permit Amendment Application T-9037 and cannot withdraw the application, he did submit a letter to the Department on August 14, 2006, indicating that he does not intend to pursue Permit Amendment Application T-9037.
12. Based upon the determination and information described in Findings #6, 7, 8, 9, and 10, the Department cannot make a finding of non-injury to other water rights.
13. Based upon the determination and information described in Findings #6, 7, 8, 9, and 10, the Department cannot make a finding of non-enlargement.

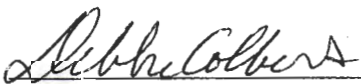
Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-9037 are not consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

Permit Amendment Application T-9037, in the name of Bandon Cranberry, Inc., is rejected.

Dated at Salem, Oregon this 22 day of August, 2006.



Phillip C. Ward,
Director

AUG 25 2006

Mailing Date: _____

Final Order
Extension of Time for Permit Number G-13595

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition 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 petition 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

On MARCH 26, 2002, the previous permit holder (Bandon Cranberry, Inc.) submitted an application to the Department for an extension of time for permit number G-13595. The Department issued permit number G-13595 on FEBRUARY 22, 1999. The permit called for complete application of water to beneficial use by OCTOBER 1, 2002. On APRIL 28, 2005, Permit number G-13595 was assigned to JOHN ROTH, J AND K FARMS.

In accordance with OAR 690-315-0050(2), on JULY 12, 2005, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to OCTOBER 1, 2015. The protest period closed AUGUST 26, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

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. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2010.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;

- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

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

Order

The extension of time for Application Number G-14538, Permit Number G-13595, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2015.

DATED: September 15, 2005


Phillip C. Ward, Director

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

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

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

Mailing List for Extension FO Copies

Application #G-14538
Permit #G-13595

FO Date: September 15, 2005

Original mailed to:

Applicant: John Roth; J & K Farms
PO Box 362
Bandon, OR 97411

Copies Mailed	
By:	<u>ALS</u> (SUPPORT STAFF)
on:	<u>9/16/05</u> (DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #G-14538 / Permit #G-13595
2. WRD - Watermaster District: #19 - Mitch Lewis, Coquille
3. WRD - Kelly Starnes, Salem
(Support Staff, please not T-9037 on Kelly's copy)
4. WRD - Support Staff, Salem...Permit record update

Other interested parties:

NONE

CASEWORKER: LJJ

S:\groups\wr\extensions\F O\Done\2005 final orders\g14538.wpd



Oregon

Theodore R. Kulongoski, 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

May 16, 2005

(503) 986-0844

Mr. John Roth
J & K Farms
P. O. Box 362
Bandon, OR 97411


Re: Water Level Monitoring Plan – Permit G-13595, file G-14538

Dear John:

I have received your water-level measurement plan dated April 24, 2005. I can approve the plan. Please note that the plan may be amended upon request or as directed, should your operating conditions change, making the current plan unworkable.

Please call me at the above number if you have any questions.

Sincerely,


Michael J. Zwart
Hydrogeologist

**J & K Farms
PO Box 362
Bandon, OR 97411**

Water Resources Department
Permit Extensions
725 Summer St. NE Suite A
Salem, OR 97303-1271

To Whom it May Concern:

My name is John Roth and my wife, Kristina, and I are writing this letter to request extra time be given on a water rights permit for the following reasons: We recently purchased a 35 acre cranberry farm from Francis Stadelman with hopes of building a family business. We are not independently wealthy and we depend on the farm to survive. My vision for the future involves planting more cranberry acreage on the remaining 30 acres of land that is now undeveloped within the next 10 years. Money is an issue today, but with the extension allowing us to build little by little, it will hopefully not be an issue in the future. We appreciate your time and effort while looking into this matter.

RECEIVED

APR 28 2005

**WATER RESOURCES DEPT
SALEM, OREGON**

Thank You,

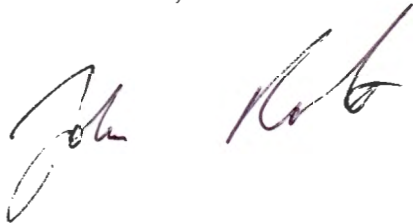


To Whom it May Concern:

Enclosed are my request for an assignment, my letter amending Bandon Cranberries' extension, and my water use impact plan, to complete the conditions on the permit. I am trying to transfer permit # g13595 and application #g14538 and r83356 into my name (J&K Farms) John Roth. Thank you for your attention.

Thank You,

John Roth
J&K Farms
PO Box 362
Bandon, OR 97411

A handwritten signature in blue ink, appearing to read "John Roth". The signature is written in a cursive style with a large initial "J" and "R".

RECEIVED
APR 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

Extension "Final Order" Checklist

Application # G-14538 / Permit # G-13595

Permit Holder's Name John Roth / J & K Farms
PO Box 362, Bandon, OR 97411

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

✓ 1. Date Extension Request submitted: 3-26-2002

✓ 2. Date permit was issued: 2-22-99

✓ 3. Original "B" Date from permit: N/A
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-2002
(Date for complete application of water)

✓ 5. Extension PFO Date: 7-12-2005

✓ 6. WRD recommends extending "B" Date to: N/A

and extending the "C" Date to: 10-1-2015

✓ 7. Any conditions from PFO: Yes - 5-Yr. Progress Report in 2010

✓ 8. Protest Deadline Date from PFO: 8-26-2005

✓ 9. Any written Protests or written Comments received within the Protest period?
Yes / No

Reviewer's Name: [Signature]

Date: 9-14-05

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 2002, to October 1, 2015; and
- make the extension subject to certain conditions set forth below.

AUTHORITY

ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected.

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) allows 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 #G-13595 was granted by the Water Resources Department on February 22, 1999. The permit authorizes the use of up to 1.5 cfs of water from one sump well, within the Johnson Creek Basin, for cranberry use on 68.0 acres. The permit specified that 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 March 26, 2002, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13595 be extended from October 1, 2002, to October 1, 2006. This is the first permit extension requested for Permit #G-13595.
3. Notification of the permit holder's extension of time request for Permit #G-13595 was published on the Department's Public Notice dated April 2, 2002. No public comment on the extension application was received.
4. On April 28, 2005, Permit #G-13595 was assigned to John Roth; J & K Farms.
5. Additional correspondence received on April 28, 2005, from John Roth; J & K Farms requested that the proposed time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13595 be modified to October 1, 2015.

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

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction and/or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

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

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

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 539.010(5) applies to surface water permits only.

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

7. Construction of the well and water system began within the time specified in the permit, being September 24, 1999.

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

8. As of March 26, 2002, the permit holder had invested a total of \$736,000 into the project, consisting of planting 30 acres of cranberries, installation of an irrigation system and enlargement of the existing sump well. An additional \$250,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0040(3)]

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

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

Amount of Construction

9. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the well and water system began within the time specified in the permit, being September 24, 1999. The work thus far consists of planting 30 acres of cranberries, installation of an irrigation system and enlargement of the existing sump well.

Beneficial Use of Water

10. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit #G-13595 on February 22, 1999, a maximum rate of 0.4 cfs has been appropriated from the well.
 - b. Delay of full beneficial use of water under Permit #G-13595 was due a major decline in the cranberry market.

Compliance with Conditions

11. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The record does raise concerns about the permit holder's compliance with conditions. Specifically, Permit #G-13595 requires that before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The record does not clearly indicate whether a meter has been installed.

Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the beneficial use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments

12. Financial investments made toward developing the beneficial water use.
 - a. As of March 26, 2002, the permit holder had invested approximately 75 percent of the total projected cost for complete development of this project. A total of \$736,000 has been invested into the project, consisting of planting 30 acres of cranberries, installation of an irrigation system and enlargement of the existing sump well. An additional \$250,000 investment is anticipated for the completion of this project.

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

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

13. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - a. The Department determined on June 30, 1997, that this use of ground water will if properly conditioned, adequately protect the surface water from interference. Conditions, therefore, were placed upon Permit #G-13595 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impact.

- b. The permitted point of appropriation authorized under Permit #G-13595, is not located within the boundaries of any designated ground water limited area.
 - c. The permitted point of appropriation, authorized under Permit #G-13595, is not located within or above the designated boundaries of any state scenic waterway.
14. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
- a. The permitted point of appropriation, authorized under Permit #G-13595, is located within the Johnson Creek Basin which has been identified by the Oregon Department of Fish and Wildlife as a "highest" needs ranking area for streamflow restoration for fish. The Department determined on June 30, 1997, however, that this use of ground water will if properly conditioned, adequately protect the surface water from interference. Conditions, therefore, were placed upon Permit #G-13595 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impact.
 - b. The permitted point of appropriation, authorized under Permit #G-13595, is located within the Johnson Creek Basin which has not been designated by the Oregon Department of Environmental Quality as a water quality limited stream.
 - c. The permitted point of appropriation, authorized under Permit #G-13595, is not located within a designated segment of a federal wild and scenic river.
15. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
- a. The permitted well is located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife. The Department determined on June 30, 1997, however, that this use of ground water will if properly conditioned, adequately protect the

surface water from interference. Conditions, therefore, were placed upon Permit #G-13595 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impact.

16. Economic investment in the project to date.
 - a. As of March 26, 2002, the permit holder had invested approximately 75 percent of the total projected cost for complete development of this project. A total of \$736,000 has been invested into the project, consisting of planting 30 acres of cranberries, installation of an irrigation system and enlargement of the existing sump well. An additional \$250,000 investment is anticipated for the completion of this project.
17. Other economic interests dependent on completion of the project.
 - a. None have been identified.
18. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

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

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

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

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

20. As of March 26, 2002, the remaining work to be completed consists of complete application of water to beneficial use.
21. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by a major decline in the cranberry market.

22. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2015, to complete the application of water to beneficial use under the terms of Permit #G-13595 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Full application of water to beneficial use can be completed by October 1, 2015⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. In order to ensure future diligence is exercised in the development and perfection of Permit #G-13595, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

⁵ Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

Proposed Order

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

Extend the time for complete application of water to beneficial use under Permit #G-13595 from October 1, 2002, to October 1, 2015.

Subject to the following conditions:

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2010.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

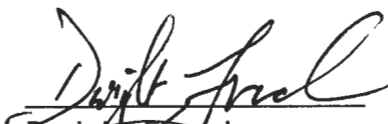
If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

DATED: July 12, 2005


Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, August 26, 2005***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submitted a timely request for a contested case hearing.

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

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds. His telephone number is (503)986-0820.

If you have other questions about the Department, or any of its programs, please contact our Water Resources Customer Service Group at (503)986-0801.

Address any correspondence to:

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

Mailing List for Extension PFO Copies

Application #G-14538
Permit #G-13595

PFO Date: July 12, 2005

Original mailed to:

Applicant: John Roth; J & K Farms
PO Box 362
Bandon, OR 97411

Copies Mailed	
By:	<u>MS</u> (SUPPORT STAFF)
on:	<u>7/12/05</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-14538 / Permit #G-13595
2. WRD - Watermaster District: #19 - Mitch Lewis, Coquille
3. WRD - Kelly Starnes, Salem
(Support staff, please note "T-9037" on Kelly's copy)

E-mail WM regarding compliance with conditions:

Date: 7-8-05

by: [Signature]

Other interested parties:

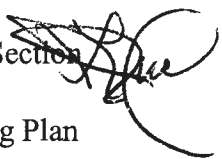
None

CASEWORKER: LJJ

S:\groups\wr\extensions\P F O\Work_315 rules\g14538.wpd

G-14538

MEMORANDUM

Date: May 11, 2005
To: Mike Zwart, Ground Water Section
From: Lisa Juul, Water Rights Section 
Subject: Ground Water Monitoring Plan
CC: Application #G-14538 (Permit #G-13595)

Hello Mike,

The attached was recently submitted by the current permit holder (John Roth) in order to comply with a condition of Permit #G-13595 (Application #G-14538). It is being forwarded to you for plan review.

Thanks,

Lisa

J&K Farms
PO Box 362
Bandon, OR 97411

April 24, 2005

Oregon Resources Water Department
Attn: Ground Water/ Hydrology
725 Summer Street NE, Suite A
Salem Or. 9703-1271

RE: Water use impact plan for permit #G13595

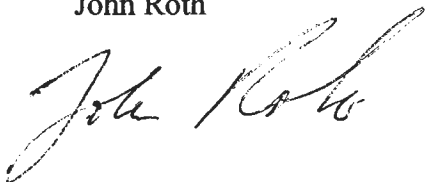
J&K Farms would like to submit the following plan for your approval:

1. We will take a water level measurement in the month of March each year.
2. The first measurement, taken by John Youngquist, will be the reference level.
3. Well Id # 34761
4. We will use an electronic tape, borrowed from Ocean Spray Cranberries.
5. The measurement will be taken in tenths of a foot.
6. The well will not run 48 hrs before the measurement is taken.
7. I, John Roth, will be taking the measurements each year.
8. The annual report will be mailed within 14 days of the measurement being taken.

Please contact me with any questions at your convenience.

Thank You,

John Roth



RECEIVED

APR 28 2005

WATER RESOURCES DEPT
SALEM, OREGON

Assignment Checklist

- Y N Is the request on the proper Form ?
- O.K. Y N Is the form completely filled out ? Name, all or partial assignment, App and permit #'s
- Y N Does the name match the name on the file ?
- Y N Has the form been dated and signed in ink ? Must be dated within 6 months.
- Y N If for standard assignment, is the signature the same name as on the permit ? If the permit is in more than one name, must have all signatures.
- Y N If for assignment in Absence of Permit Holder, has some kind of documentation of ownership been provided ?
- Y N If for partial assignment, is there a map showing what part is being assigned ?
- Y N Have the proper fees been submitted ? \$25 for the assignment and \$5 for each additional page of documentation.

NOTE: If any of the above is a NO answer, we send it back. *w/ letter, check*



Oregon

Theodore R. Kulongoski, 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

April 29, 2005

John Roth / J & K Farms
P.O. Box 362
Bandon, Oregon 97411

Reference: Application G-14538, Permit G-13595

The assignment by deed from Bandon Cranberry Inc., to John Roth / J & K Farms, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 74262 covering the recording fee of \$55.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 74262

cc: Watermaster 19
Bandon Cranberry Inc
Data Center, OWRD
Mary Rohling
File



REQUEST FOR ASSIGNMENT

BY PROOF OF OWNERSHIP (IF PERMIT/TRANSFER HOLDER IS NOT AVAILABLE)

John Roth / J & K Farms
(Name of Party Requesting Assignment)
Po box 362 Bandon OR 97411 541-297-6292
(Mailing address) (City) (State) (Zip) (Phone #)

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WATER RESOURCES DEPT
SALEM, OREGON

CHECK ONE

- ...hereby request assignment in and to application/permit/transfer;
- ...hereby request assignment in and to a **portion** of application/permit/transfer;
(You must include a map showing the portion of the application/permit/transfer to be assigned.)
- ...I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly;
(Remember to include \$5 for each additional page.)

Application # 614538 Permit # 613595 Transfer # _____
-OR-

GR Statement # _____ GR Certificate of Registration # _____

Francis Stadelma
(Name of Permit/Transfer Holder of Record)
313 Ohio Ave SE Bandon OR 97411 297-2348
(Mailing address) (City) (State) (Zip) (Phone #)

NOTE: If there are other owners of the property described in this Application, Permit, Transfer, or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

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

Witness my hand this 11 day of April, 2005.

Party Requesting Assignment John Roth

Party Requesting Assignment _____

OK - PERMIT BY DEPT
A.H. Sauer 4/29/2005

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 74262
- For Director by Jerry Sauer, Program Analyst in Water Rights Division Jerry Sauer

The completed "Request for Assignment" form must be submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
- ◆ \$5 for each additional page.
[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, SUITE A
SALEM, OREGON 97301-1271

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WATER RESOURCES DEPT
SALEM, OREGON

ORM No. 1118
STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR. 97204
K

OWNER'S SALES AGREEMENT
AND EARNEST MONEY RECEIPT

2005
19

RECEIVED OF

John & Kristina Koth
POB 302 hereinafter called purchaser, \$~~1,000,000~~
money and in part payment for the following described real estate situated in the City of
County of *Cook*, State of *OR*, described as follows, to-wit:

See Attached

or the sum of *Two* *One Million Two Hundred Seventy Three Thousand Six Hundred Ninety Two* Dollars \$*1,273,692.00*;
on the following terms, to-wit: The earnest money hereinabove received for \$*100,000*;
upon acceptance of title and delivery of deed or delivery of contract
balance of *One Million Two Hundred Seventy Three Thousand Six Hundred Ninety Two* Dollars \$*1,273,592.00*;
payable as follows:

30yr Contract, 8 3/4% interest, monthly payments
\$10,020.35/mo beginning 2-5-05

A title insurance policy from a reliable company insuring marketable title in the seller in an amount equal to said purchase price is to be furnished purchaser in due course at seller's expense; preliminary to closing, seller may furnish a title insurance company's title report showing its willingness to issue title insurance, and such report shall be conclusive evidence as to status of seller's record title.
It is agreed that if the title to the said premises is not marketable, or cannot be made so within thirty days after notice, with a written statement of defects, is delivered to seller, the earnest money herein received for shall be refunded. But if the title to the said premises is marketable, and the purchaser neglects or refuses to comply with any of the conditions of this sale within *10* days and to make payments promptly, hereinabove set forth, then the earnest money herein received for shall be forfeited to the seller as liquidated damages, and this contract shall thereupon be of no further binding effect.
The property is to be conveyed by good and sufficient deed free and clear of all liens and encumbrances except zoning ordinances, building restrictions, taxes due and payable for the current tax year, reservations in federal patents and state deeds, easements of record and *N/A*

All irrigation, ventilating, cooling, plumbing and heating fixtures and equipment (including stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light and bathroom fixtures, light bulbs and fluorescent lamps, venetian blinds, wall-to-wall carpeting, awnings, window and door screens, storm doors and windows, attached floor coverings, attached television antenna, all plants, shrubs and trees and all fixtures except *N/A* are to be left upon the premises as part of the property purchased.

The following personal property is also included as part of the property sold for said price: *List of Equipment as provided to be part of UCC filing*

Seller and purchaser agree to pro rate the taxes which become due and payable for the current tax fiscal year on a fiscal year basis. Rents, interest, premiums for existing insurance, and other matters shall be pro rated on a calendar year basis. Purchaser agrees to pay for fuel on hand including oil in tank, if any, and, at closing, shall reimburse seller for sums, if any, held in any reserve account relating to any encumbrances on said property. Adjustments are to be made as of the date of the consummation of the sale herein or delivery of possession, which ever first occurs.

Possession of said premises is to be delivered to purchaser on or before *on closing*, 19 *2005*. Time is of the essence hereof. This contract is binding upon the heirs, executors, administrators, successors and assigns of the purchaser and seller. However, the purchaser's rights herein are not assignable without written consent of seller. In any suit or action brought on this contract, the losing party agrees to pay the prevailing party's reasonable attorney's fees to be fixed by the trial court, and on appeal the prevailing party's reasonable attorney's fees to be fixed by the appellate court.

Further conditions: *Manufactured home to be defined as part of Security*

John Spalden Trustee

Owners

I hereby agree to purchase the above property and to pay the price of *One Million Two Hundred*

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

COPY



Trustee
 Francis Stadelman & Alice Stadelman
 313 Ohio Ave SE
 Bend OR 97411
Grantor's Name and Address

John Roth & Kristina Roth
 P.O.B. 362
 Bend OR 97411
Grantee's Name and Address

After recording, return to (Name, Address, Zip):
 John Roth
 P.O.B. 362
 Bend, OR 97411

Until requested otherwise, send all tax statements to (Name, Address, Zip):
 John Roth
 P.O.B. 362
 Bend, OR 97411

STATE OF OREGON, } ss.
County of _____

I certify that the within instrument was received for recording on _____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of this County.

SPACE RESERVED FOR RECORDER'S USE

Witness my hand and seal of County affixed.

NAME TITLE
By _____, Deputy.

BARGAIN AND SALE DEED - STATUTORY FORM (INDIVIDUAL GRANTOR)

Francis Stadelman and Alice Stadelman, Trustees of the Stadelman Revocable Living Trust dated August 9-91 and amendments thereto, Grantor, conveys to John Roth and Kristina Roth, tenants by the entirety, Grantee, the following real property situated in Coos County, Oregon, to-wit:

See attach legal parcels I + II

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APR 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$500,000.00 (Here, comply with the requirements of ORS 93.030.) and other consideration

DATED _____

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Francis Stadelman Trustee
Alice Stadelman Trustee

STATE OF OREGON, County of Coos) ss.

This instrument was acknowledged before me on January 18, 2005 by Francis Stadelman and Alice Stadelman, Trustees of the Stadelman Revocable Living Trust UTD 8991



Tracy M. McKinley
Notary Public for Oregon
My commission expires 6/3/07

LEGAL DESCRIPTION

Parcel 1:

Beginning at the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, said point being South 00° 14' 23" East 1284.39 feet from the 5/8" iron rod at the Northeast corner of the Northwest 1/4 of the Southeast 1/4 (CE 1/16 corner) of said Section 32; thence continuing South 00° 14' 23" East along the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 32 for a distance of 625.00 feet; thence in a Westerly direction parallel to the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 32 for a distance of 350.00 feet; thence North 00° 14' 23" West for a distance of 625.00 feet to the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 32; thence Easterly along said North line for a distance of 350.00 feet back to the point of beginning.

Together with an easement for ingress and egress as set forth in instrument recorded November 4, 1997 in Microfilm Reel Number 97-11-0130, Records of Coos County, Oregon, more particularly described as follows:

A 30 foot wide easement for ingress and egress, being located in the Southeast 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the centerline of which is described as follows:

Beginning at a point on the centerline of Bills Creek Road, said point being 515.74 feet South and 173.62 feet West of the Northeast corner of the Northwest 1/4 of the Southeast 1/4 (CE 1/16 corner) of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 04° 15' 30" East a distance of 256.23 feet; thence South 10° 34' 08" East for a distance of 306.34 feet; thence South 05° 53' 00" West for a distance of 116.84 feet; thence South 02° 33' 53" East for a distance of 100 feet more or less to the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 32.

The above descriptions are based on field information collected in August of 1997. Basis of bearing was taken from monuments found along the North line of the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, per C.S. 32-B-16 Coos County records. The East line of the West 1/2 of the Southeast 1/4 of Section 32, Township 28 South, Range 14 west of the Willamette Meridian, Coos County, Oregon, was established by traversing from the 5/8" iron rod found at the Northeast corner of said West 1/2 of the Southeast 1/4 of Section 32 to the axle found at the Southeast corner of said West 1/2 of the Southeast 1/4 of Section 32. The measured distance being South 00° 14' 23: East – 2566.79 feet.

Parcel 2:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, lying South of the County road as said road was established on April 5, 1935.

ALSO:

The Southeast 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom mineral and mineral oil rights as reserved in deed recorded July 1, 1946 in Book 162, Page 606, Deed Records of Coos County, Oregon. ALSO SAVE AND EXCEPT the following described parcel:

RECEIVED

APR 28 2005

WATER RESOURCES DEPT
SALEM, OREGON

J&K Farms
PO Box 362
Bandon, OR 97411

April 24, 2005

Oregon Resources Water Department
Attn: Ground Water/ Hydrology
725 Summer Street NE, Suite A
Salem Or. 9703-1271

RE: Water use impact plan for permit #G13595

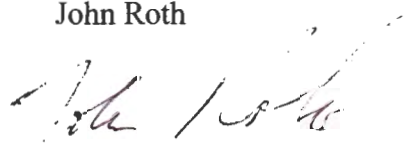
J&K Farms would like to submit the following plan for your approval:

1. We will take a water level measurement in the month of March each year.
2. The first measurement, taken by John Youngquist, will be the reference level.
3. Well Id # 34761
4. We will use an electronic tape, borrowed from Ocean Spray Cranberries.
5. The measurement will be taken in tenths of a foot.
6. The well will not run 48 hrs before the measurement is taken.
7. I, John Roth, will be taking the measurements each year.
8. The annual report will be mailed within 14 days of the measurement being taken.

Please contact me with any questions at your convenience.

Thank You,

John Roth



RECEIVED

APR 28 2005

WATER RESOURCES DEPT
SALEM, OREGON

GROUND WATER MONITORING & REPORTING PLAN
for
BANDON CRANBERRY, INC.
c/o: Francis Stadleman

I. Purpose of Monitoring Plan:

The purpose of this plan is to fulfill the permit condition requirements as described on Application G 14538, Permit G 13595. This plan covers wells to be monitored, monitoring techniques and proposed reporting schedule.

II. Wells to be Monitored:

Well	State ID	Location
No. 1	None	Sumpwell: 320 feet north and 1440 feet east from the southwest corner of Section 32, Township 28 South, Range 14 West, W.M.; Coos County.
No. 2	Coos 51972	60 feet north and 1440 feet east from the southwest corner of Section 32, Township 28 South, Range 14 West, W.M.; Coos County.

III. Monitoring Schedule:

Static water level measurements for each well will be taken in April and November (before harvest) each year.

IV. Method of Measurements:

The wells will be measured in the following manner:

1. The well will not be pumped for a minimum of 24 hours before the measurement is taken.
2. Measurements will be taken from the well head through the port in the sanitary seal or from a gage located within the sump near the pump.
3. Measurements will be made with a soil test water level measuring device w/identifying depth marks every foot or similar electric tape and by reading a tape gage placed near the pump in the sumpwell.
4. The tenths and hundreds of a foot will be noted with a steel engineer's tape when using the electronic water level measuring device.

V. Reporting:

The measurements will be sent to the Oregon Water Resources Department's Ground Water/Hydrology Division (Department) within 30 days of the measurement. The reports will be submitted on forms approved by the Department (enclosed).

RECEIVED

MAR 25 2003

WATER RESOURCES DEPT.
SALEM, OREGON

VI. Personnel:

Measurements will be taken by Francis Stadleman, owner of Bandon Cranberry, Inc. or his representative. Mr. Stadleman or his representative will be trained by either a CWRE or Department personnel on the use of the equipment.

VII. Duration:

This monitoring plan will begin in the spring of 2003 and continue until the Final Proof Survey is completed. Bandon Cranberry, Inc. and Department personnel will review the plan at that time and make necessary changes as conditions warrant.

RECEIVED

MAR 25 2003

WATER RESOURCES DEPT.
SALEM, OREGON

WELL REPORTING FORM

for

BANDON CRANBERRY, INC.

c/o: Francis Stadleman
313 Ohio Street
Bandon, Oregon 97411

Phone: (541) 347 - 2973

1. SUMPWELL:

Application No.: G-14538 Permit No.: G-13595

Description of Measuring Location: Tape on Pipe near Pump Location.

Amount of Time no Pumping occurred prior to measurement: _____

Method of Measurement: Tape on Stationary Pipe

Measurement: _____ Date: _____

2. Drilled Well:

Application No.: Exempt

Date Completed: May 10, 2001

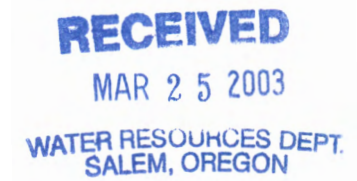
State ID No.: Coos 51972

Static Water Level: _____

Minus MP Distance: _____

Static Water Level: _____ Date: _____

Method: Electronic Tape



Permit Extension Ground Water Review

Date: June 27, 2002

To: Fred Lissner, Ground Water Section Manager

From: Lisa Juul, Permit Extension Review ~~SA~~

Subject: Ground Water Review Needed for File # G14538 / Permit # G13595

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, however, a Ground Water review for this file is necessary due to the following:

NOTE: Original Division 9 review completed by: Doug Woodcock

- No Division 9 Ground Water Review Done.... **please see below**
- Located within a **Critical** Ground Water Area
- Located within a Ground Water **Limited** Area
- Located within a Ground Water **Study** Area
- 5-Year Limited Permit
- Other: Please See Questions Below

For Ground Water / Hydrology Staff Use:

-YES -NO

Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.

Please answer the following questions. If necessary, attach an additional sheet.

1. Should any additional conditions be added to this permit? No
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? SEE ATTACHED
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? No
4. Other issues or concerns? _____

Permit Extension Ground Water Review

July 9, 2002

To: App. File G-14538

From: Doug Woodcock



Subject: Ground Water review for extension of time

The permit holder has failed to submit a monitoring plan or any data that identifies ground water use impacts on the resource. There is competition for the ground water resource in this area. The permit was issued for 1.5 cfs from one sump well at a specified location. After developing the sump, the permit holder determined it would not produce 1.5 cfs. The permit holder has applied for transfer (additional POA's) to get to the 1.5 cfs. The transfer was found to be injurious by the GW review. Unfortunately any additional POA's in this area or enlargements of the sump will endanger adjacent users and/or surface water flows.

TO: Water Rights Section

JUNE 30, 1997

FROM: Groundwater/Hydrology Section Doug Woodcock
Reviewer's Name

SUBJECT: Application G- 14538

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. ~~PER THE~~ Basin rules, one or more of the proposed POA's is/is not within ~~_____~~ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or have the potential for substantial interference with the nearest
 - b. ___ will not surface water source, namely Johnson Cr; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or likely be available in the amounts requested without injury to prior rights
 - b. ___ will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7A;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than ___ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than ___ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately ___ ft. and ___ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: MODIFY CONDITION 7A (ATTACHED) BY CHANGING 25 FE
DECLINE TO A 10 FE DECLINE

(Well Construction Considerations on Reverse Side)

7A NON-SEASONAL USE CONDITION

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

REPLACE
w/
10 ft.

Comment (Internal use only)


This is a resource protection condition for non-seasonal uses such as municipal or industrial. The plan submitted by the water user will likely be reviewed by the hydrogeologist that recommended the condition. The condition does not require the water level data to be submitted. The approved plan should specify data requirements. The plan should have a clause in it that allows the changes to be made at a later date. This would allow the plan to be adjusted to changing conditions. One of the criteria for excessive decline is 50 feet of water level decline. The last sentence of the condition indicates that a maximum of 50 feet of decline would be allowed under current rules.

Application # G-14538 / Permit # G-13595




Route Slip ... Extension of Time

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

- ◆ **WRIG...**
Money Received: \$100.⁰⁰ on 3-19-02

- ◆ **Lisa Juul...**
Extension Completeness:  3-28-02
(If **NOT** complete, send certified letter requesting add'l information.)

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

- ◆ **Jonnine Fuss...**
Initial 30-day Public Notice: 4/2/02 
Update Extension Database: 4/2/02 
Files back to filing cabinets: 4/2/02 

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

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

Once Extension PFO signed by Dwight French...

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

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

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

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

Assigned to:
John Roth
J & K Farms
PO Box 362
Bandon, OR 97411

Application #: G-14538 / Permit #: G-13595

Permittee's Name: ~~Bandon Cranberry Inc.~~ Altn: Francis Stadelma

Permittee's Mailing Address: ~~313 Ohio Ave SE, Bandon, OR 97411~~

POD Location: Township 28-S Range 14-W Section 32 $\frac{1}{4}$ $\frac{1}{4}$ SESW

Stream Basin: Ferry Cr. & misc County: Coos

1. Has the applicant completely filled out the updated Extension Application form? Yes / No ✓ \$100.00 - Yes
***If "No"..... has certified request for the new extension form been sent? Yes / No

2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No No
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**

3. Date Permit was issued: 2-22-99 (priority = 6-3-97)

4. Source: One Sump Well, within the Johnson Cr. Basin

5. Use: Cranberry Use on 68.0 ac

6. "Q": 1.5 cfs (Orig. "A" Date: 9-24-99)

7. Original "B" Date: _____ Original "C" Date: 10-1-2002

8. Conditions of Permit:
• Before Water Use Begins → shall install a totalizing flow meter at EACH diversion.
• Within one year of permit issuance → shall develop a plan to monitor & report impact on water levels in this aquifer

9. Extension request received: 3-26-2002 Request Number (...1st 2nd, 3rd): 1st

10. Last Authorized "B" Date: _____ Last Authorized "C" Date: 10-1-2002

11. Proposed "B" Date: N/A 2015 * Proposed C Date: 10-1-2006

12. Amount Invested to date: \$736,000.00 Estimated Total Cost: \$986,000.00

(***Estimated Remaining Cost: \$250,000.00)

* see letter rec'd 4/28/05

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

o not clear if meter has been installed ← Call out in PFO.

o A Date met — existing sump well in place → last owner enlarge it.

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

- Applied Water to 30.0 AC
- Planted 30 acres of Cranberries
- Installed Irrigation system
- Have used 0.4 cfs of water
- enlarged sump well
- have invested 75% of total cost

15. The work remaining to be completed consists of:

o complete application of water to beneficial use.

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

o Cranberry Market experienced major declines

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

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

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

See also

ok see letter 5/16/05

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

OK

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

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

7-9-02 GW Review.. - permit holder failed to submit monitoring plan - AND - Any add'l POF? Under permit amendment or enlargement of the sump will endanger adjacent user and for SW flows - Will be injurious

Is within a Div 33 Area

Is within an ODFW "Highest" needs ranking Area for flow restoration for fish

NOT in a SWW

NOT in a GW Lmtl Area

Div 9 Review on 6-30-97 "...will if prop cond, adequately protect sw..."

or enlargement of the sump will endanger adjacent user and for SW flows - Will be injurious

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

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

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

Johnson Cr. (Coos County) is NOT a DEQ water quality lmtl stream.

NOT located in a reach of a federal wild scenic river

20. Conditions to be included on Extension PFO: 5 yr Progress

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

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

Protest Deadline Date: _____ Date: _____

**Bandon Cranberry Inc.
Francis Stadelman Pres.**

◆◆◆
313 Ohio Ave. S.E. ◆ Bandon, Oregon 97411
Phone 541-297-2348 cell ◆ Fax 541-347-2973 ◆ Home Phone 541-347-2973 ◆ Email francis 7336 @msn.com

3-23-02

Water Resources Dept
Permit Extensions
158 12th St. NE
Salem, OR 97301

Re: Application for Extension of Time

Dear Sirs,

I request extra consideration be given to granting this extension because of as the mortgage on this property I had little, to no control of the development of this original application until I was able to take legal title per Sheriff's Deed dated 1-3-02 on file. As I point out in the application I have the financial resources in hand to complete the development in the time frame requested.

Also I've taken the initiative to be a producer handler giving me options to market my products for a better return than those with Ocean Spray contracts.

I do need the 2 added points of appropriation requested in the permit amendment which has been filed to assure completion as outlined herein.

If you need added information please advise.

Sincerely

Francis Stadelman Pres.

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MAR 26 2002

WATER RESOURCES DEPT.
SALEM, OREGON

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

I, Borden Cranberry Inc c/o Francis Stadlme
NAME

313 Ohio Ave SE Bandon OR 97411 541-347-2973
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G 14538, Permit No. 6-13595, do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2002, be extended to October 1, 2006.

and/or the time in which to: need to do both

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2002, be extended to October 1, 2006.

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

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

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

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

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

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MAR 26 2002
WATER RESOURCES DEPT.
SALEM, OREGON

JB 4/1/02

2000
MAY 15 10 30 AM '00
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- A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review.**)

Constructed Sump well and have planted approx 30 Ac of cranberries

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

Original owner defaulted on mortgage and I had to foreclose which officially made the farm mine in 1-3-02 / Sheriff's Deed. This process took approx. 18 mo. + the price of cranberries has declined to about 1/3 of what it was making it hard to get funds complete.

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

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

Have added 6[±] Ac of new cranberries + irrigation to make total of 35[±] Ac. planted. Enlarged Sump Well and drilled a well.

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

planted 24 Ac of cranberries + irrigation, Roughed out for approx 16 Ac of new bogs. Cleared another 30[±] Acres we have enough pumps + Irrigation in the ground to handle about 35 Ac of cranberries

- C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

We have irrigated 30 Ac. Our Sump well holds approx 20 Ac. We estimate we are using 04 cfs/sec of the 115 cfs/sec of our permit at this time

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MAR 26 2002

WATER RESOURCES DEPT.
SALEM, OREGON

100
100
VED

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

3. The third part of the document is a list of names and addresses of the members of the committee.

4. The fourth part of the document is a list of names and addresses of the members of the committee.

5. The fifth part of the document is a list of names and addresses of the members of the committee.

4. Cost of project to date 736,000.00 / *Sherriffs Deal* Estimated remaining cost to complete the project 250,000

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

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.
I don't know for sure what the original owners plans were, but the fact that the cranberry price decreased have all been contributing factors.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.
The original owners mortgage default and ability to secure new financing are the major factors + foreclosure.

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

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.
Major decline in cranberry market Price

6. Please identify the economic market or markets to which beneficial use of water under the permit is responding.
Oregon cranberries are Superior to Eastern berries for color and Brix. I am registered as a producer handler and can market my product anywhere to take advantage of a superior product.

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 SALEM, OREGON

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

Furthermore, it is noted that regular audits are essential to identify any discrepancies or errors early on. This proactive approach helps in maintaining the integrity of the financial statements and prevents any potential issues from escalating.

In conclusion, the document stresses that a robust system of record-keeping is fundamental for any business. By adhering to these guidelines, organizations can ensure that their financial data is reliable and accurate.

The second section of the document provides a detailed overview of the various methods used for data collection and analysis. It highlights the importance of using standardized procedures to ensure consistency across different data sources.

Additionally, it discusses the role of technology in streamlining these processes. Modern software solutions can significantly reduce the time and effort required to collect and analyze large volumes of data, leading to more efficient operations.

Finally, the document concludes by stating that continuous monitoring and evaluation of the data collection process are necessary to ensure that it remains effective and relevant over time.

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JE

COI

A) Has there been any change in this market since the permit was issued?

Yes, price is dramatically down and Quotas were placed on how much you could market. For this year it appears Quotas will be lifted.

B) Have these changes, if any, affected the economic feasibility of your project?

Yes, those who haven't been adequately financed have not taken good care of their boys so their production is down. This makes the market better for berries. I am adequately financed and being a producer handler can market my product anywhere. My 2001 crop will be sold for 30-50% more than Ocean Spray pd. its producers.

7. Are there other present competing demands for water in your community?

Not that I'm aware of

A) Has there been any change in these demands for water since the permit was issued?

Not that I'm aware of

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

A holding pond has been built at the headwaters of Gages Cr. which can add water to Gages Cr.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

No

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SALEM, OREGON

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Handwritten text, possibly a title or header, including the word "Introduction".

Handwritten text, possibly a paragraph or section of a document.

Handwritten text, possibly a paragraph or section of a document.

8. Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?

In my opinion in the long term yes. Farming has to be looked at not on a year by year basis but 5yr or longer cycle.

9. If the extension request is denied, is the current level of water use economically feasible?

No, it wouldn't be practical. Our water right permit for 1.5 cfs/sec is adequate to develop the 68 Ac. in the permit. I'm in a unique circumstance due to for closure. See add info on cover letter

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

James Skelton

Signature

3-23-02

Date

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

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

revised: November 23, 2001



IV
BE

ME

... ..

... ..

✓
|

Bandon Cranberry Inc.
Francis Stadelman Pres.



313 Ohio Ave. S.E. ◆ Bandon, Oregon 97411
Phone 541-297-2348 cell ◆ Fax 541-347-2973 ◆ Home Phone 541-347-2973 ◆ Email francis 7336 @msn.com

3-17-02

Dear Sirs

Enclosed is my ck for \$100.00 and form
requesting Extension of time to complete
original permit.

Francis Stadelman

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MAR 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON

T 9037

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Borden Cranberry Inc c/o Francis Stoddemen
(Name of Applicant)

of 313 Ohio Ave SE, Borden
(Mailing Address) (City)

State of OR, 97411, 347-2973
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

point of diversion place of use use heretofore made

of water under the terms of an order of the Water Resources Director entered
on Pending, 2000, approving Transfer _____, In the name

of Copy of Request for Transfer attached

for See attached

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 2002:

have approx 29 ac of cranberries planted + irrigated

(If for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following: _____

original permit was for 68 acres I need at least 4 more years

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because I had to fore close this form and pick up where

previous owner left off.

And request that the
time for completion be extended to October 1, 2005.

Francis Stoddemen
(Signature of applicant)

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM OR 97301-4172

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MAR 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON

*Superseded
Wrong
Ext of Time
form for
a
Permit.*

PERMIT AMENDMENT

State of Oregon WATER RESOURCES DEPARTMENT APPLICATION FOR TRANSFER OF WATER RIGHT

COPY

Applicant: Bandon Cranberry, Inc. % Francis Stadleman
 Mailing Address: 313 Ohio Street, SE
 (City or town) Bandon (State) Oregon (Zip) 97411 (Phone) (541) 347-2973

Type of change: 2 additional points of appropriation
(in point of diversion; place of use)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(YES, NO)

C"N"D Farms, Inc.

B) Was the water right acquired by a water permit? Yes

1. If yes, list the Permit No: G-13595

C) Date of priority right: June 3, 1997

D) What are your reasons for the proposed changes? Sumpwell did not produce near the allowed 1.5 c.f.s. With two additional drilled wells, I hope to obtain sufficient water to allow partial development.

E) The water will be completely applied to the proposed use on or before: 10/1, ~~10~~ 2005
(SEE REMARKS)

2. LOCATION OF AUTHORIZED USE

A) What is the source of the water (river, stream, well)? 1 sumpwell

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	¼, ¼ of Section	Section	Township	Range
320'N. & 1440'E. from SW Cor. Sec. 32	SE¼ SW¼	32	28S.	14W.

C) What is the name of the ditch used? N/A

D) What is the use to which the water is applied? Cranberry use

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	¼, ¼ of Section	Number of acres irrigated
28S.	14W.	32	SE¼ SW¼	33.0
			NW¼ SE¼	9.0
			SW¼ SE¼	26.0

F) Is the land within an irrigation district? Yes X No

If Yes, which district? Bandon Cranberry Water Control District

G) County Coos

3. LOCATION OF PROPOSED USE:

Note: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	¼, ¼ of Section	Section	Township	Range
Well #1 60'N. & 1440'E.	SE¼ SW¼	32	28S.	14W.
Well #2 500'N. & 1400'E.	SE¼ SW¼	32	28S.	14W.

both from SW Cor. Sec. 32

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SALEM, OREGON

T9037

NOTE: Answer questions B and C only if the application is for a change in use or place of use.

B) What is the use to which the water will be applied? _____

C) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	¼, ¼ of Section	No. of acres irrigated

COPY

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

A) A map showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.

5. Name and Address of Receiving Landowner(s) if other than applicant:

6. REMARKS: Along with this Permit Amendment Application, I am submitting a request for assignment and a request for an extension of

time. Currently, the time limit expires on October 1, 2002. I received this property on a default and cannot complete the project or a reasonable portion thereof, within the original time limits.

I (we) Francis Stadelman, applicant(s), hereby

swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 7th day of 6, 1902.

Francis Stadelman
(Signature)

(Signature)

Note: The total water developed and used shall not exceed the quantity allowed under permit G-13595.

BANDON CRANBERRY INC.
313 OHIO AVE. S.E.
BANDON, OR 97411

1227

Date 2-6-02 96-7030/3232 27

Pay to the Order of Oregon water Resources Dept \$ 200.00
Two Hundred & 00/100 Dollars

Klamath First
1095 Oregon Ave., P.O. Box 39
Bandon, OR 97411
1-800-488-8440

For Permit Amendment Francis Stadelman

⑆323270300⑆ 27 7000070 711 1227

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MAR 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON

T9037

TO: Water Rights Section JUNE 30, 1997
FROM: Groundwater/Hydrology Section Doug Woodcock
SUBJECT: Application G- 14538 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely JOHNSON CR; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7A;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or

- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: MODIFY CONDITION 7A (ATTACHED) BY CHANGING 25 FE
DECLINE TO A 10 FE DECLINE

G-14538

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
-
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____
-
7. THE WELL construction deficiency is described as follows: _____
-
8. THE WELL
- a. ___ was, or constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ___ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ___ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ___ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199__
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__
(Signature)

7A NON-SEASONAL USE CONDITION

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Comment (Internal use only)

This is a resource protection condition for non-seasonal uses such as municipal or industrial. The plan submitted by the water user will likely be reviewed by the hydrogeologist that recommended the condition. The condition does not require the water level data to be submitted. The approved plan should specify data requirements. The plan should have a clause in it that allows the changes to be made at a later date. This would allow the plan to be adjusted to changing conditions. One of the criteria for excessive decline is 50 feet of water level decline. The last sentence of the condition indicates that a maximum of 50 feet of decline would be allowed under current rules.

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14538

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 28S/14W-32

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: D. Woodcock

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology
FROM: Doug Woodcock
SUBJECT: Groundwater Application G- 14528

Date 6-19-87

Applicant(s) seek _____ gpm (1-1.5 cfs) from ONE ^{sump} wells in the
S. COAST basin
Applicants Name: C N O FARM JOHNSON CR sub basin
Proposed Use: CRANBERRY sub basin

Well 1 WRD# SUMP T 28S R 14W S 32 QQ SESW County COOS ^{BANDON QUAD}

Legal Description 320' N + 1440' E. OF SW COR SEC 32
Well is ~ 1100 ft from GEIGER CR (ACROSS TOP DIVIDE) (river/stream)
Well is ~ 1500 ft from JOHNSON CR (river/stream)
Well Elevation ~ 170 ft River/Stream elevation 120 (JOHNSON) ft.
Well Elevation - River/Stream elevation 50 ft.
Well depth _____ ft SWL _____ ft on _____
Sealed to _____ ft Depth first water found _____ ft
Cased to _____ ft Perforations/screens _____ ft
Lined to _____ ft Perforations/screens _____ ft

Well test and types _____
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES (NO)
Potential to cause substantial interference? UNLIKELY

Well _____ WRD# _____ T _____ R _____ S _____ QQ _____ County _____

Legal Description _____
Well is _____ ft from _____ (river/stream)
Well is _____ ft from _____ (river/stream)
Well Elevation _____ ft River/Stream elevation _____ ft.
Well Elevation - River/Stream elevation _____ ft.
Well depth _____ ft SWL _____ ft on _____
Sealed to _____ ft Depth first water found _____ ft
Cased to _____ ft Perforations/screens _____ ft
Lined to _____ ft Perforations/screens _____ ft

Well test and types _____
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO
Potential to cause substantial interference? _____

Comments: PROPOSED POND IS A SUMP CONSTRUCTED IN UNCONSOLIDATED SANDS.
UNNAMED TRIB. TO GEIGER CR IS MISLOCATED ON TPOD. SHEET (CONFIRMED BY
JOHN DROLET). USING K VALUES FROM GOLDBER REPORT AND A JENKINS ANALYSIS,
IT WAS NECESSARY TO SET PUMPING AT 90 DAYS TO SEE A "SIZEABLE" QUANTITY
OF DEPLETION. THIS DEMONSTRATES THE UNLIKELY POTENTIAL FOR STREAM DEPLETION
1) 90 DAYS OF CONTINUOUS PUMPING IS UNREALISTIC 2) JENKINS ANALYSIS WILL OVER
ESTIMATE DEPLETION BECAUSE GW IS NOT INSTANTANEOUSLY REMOVED WHEN PUMPING A
SUMP & THERE IS UNACCOUNTED RECHARGE THRU THE TPODS. CONDITION FOR MEASUREMENTS.

References Used: _____

Stream Depletion

Stream Depletion Analysis:

Written by Karl C. Wozniak (OWRD) 7/1/91; last modified 1/11/95.

References: Theis (1941), Jenkins (1968), Jenkins (1970), Walton (1984), and Wilson and Linderfelt (1991).

See bottom of worksheet for detailed references and model assumptions.

y = Coordinate axis perpendicular to stream

x = Coordinate axis parallel to stream

0,0 = Coordinate of Stream at Perpendicular to Well

Model calculates:

1. Transient Stream Depletion (Theis, 1941; Jenkins, 1970)
2. Steady-State induced infiltration (Wilson & Linderfelt,1991)
3. Head distribution along a line perpendicular to stream at a distance y from well at a specified time

Input Data:

Variable	Name	Minimum	"Best"	Maximum	Unit
Well Owner or Well Number	Well#		CnD		
X Coord. for X-Section (Head Distribution)	x		0		[ft]
Perpendicular Distance From Well to Stream	a		1,000		[ft]
Net Steady Pumping Rate	Q		600		[gpm]
Hydraulic Conductivity	K	25	50	75	[gpd/ft*ft]
Aquifer Thickness	b	40	40	40	[ft]
Well Depth	d		20		[ft]
Storativity	S		0.10000		
Effective porosity	n		0.20000		
Hydr. Grad. Perpend. to Stream (must be > 0)	i	0.00095	0.00095	0.00095	
Time Since Pumping Started	time		90.00		[days]

Output Data:

Run Stream Depletion

Quit Stream Depletion

General Output:

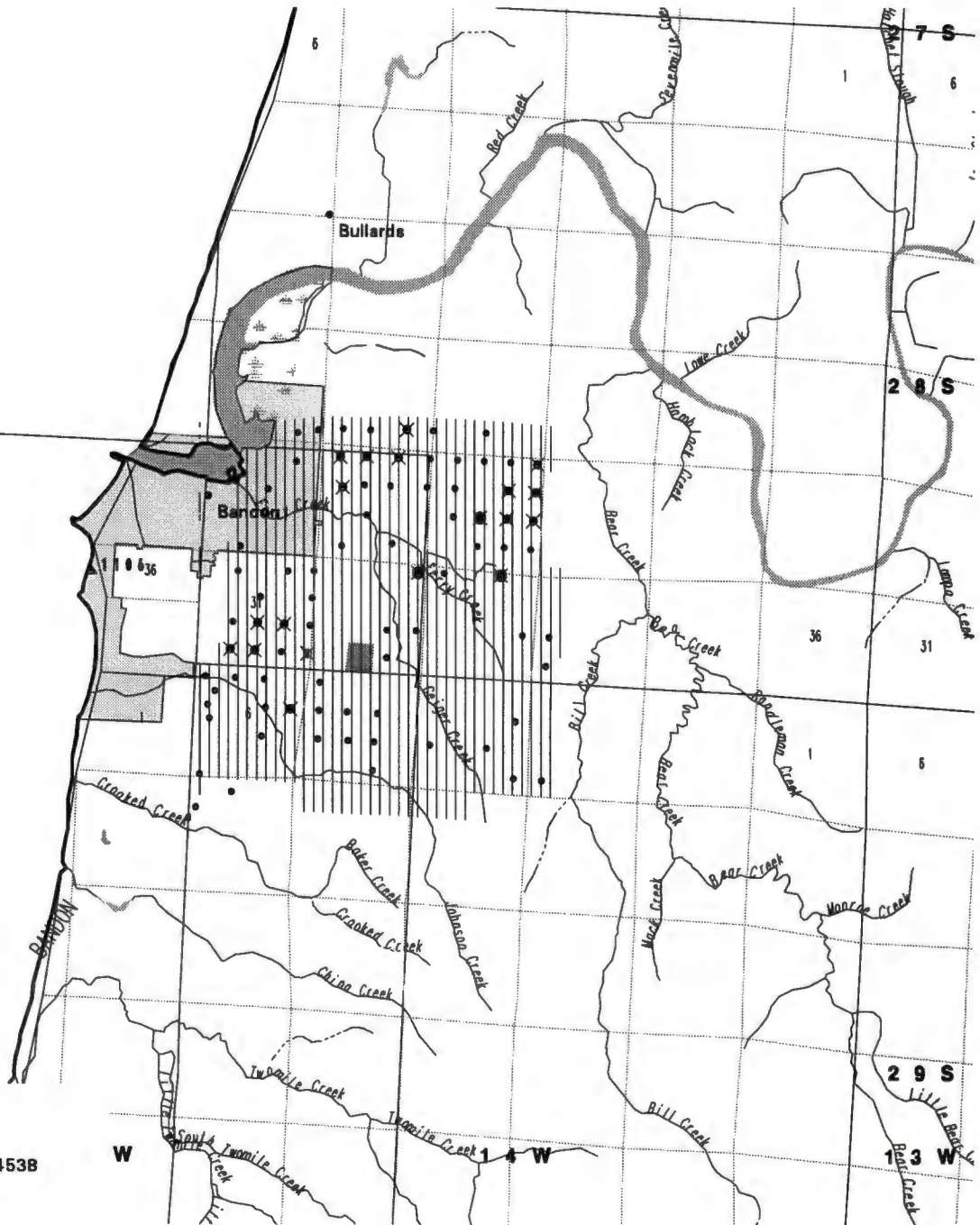
Transmissivity	T	1,000	2,000	3,000	[gpd/ft]
Hydraulic Conductivity	K	25	50	75	[gpd/ft*ft]
		3	7	10	[ft/day]
		1.17E-05	2.34E-05	3.52E-05	[m/s]
Average linear velocity	ALV	0.02	0.03	0.05	[ft/day]
		5.78	11.56	17.34	[ft/yr]
Ambient Flux at River per Foot	dQ	0.0007	0.0013	0.0020	[gpm/ft]

Transient Stream Depletion Output:

k	SDTr_k	2.0778	1.0389	0.6926	
Transient Stream Depletion (Theis/Jenkins)	SDTr	4%	15%	24%	
Transient Induced Infiltration (Theis/Jenkins)	IITr				

Wells in the vicinity of application G 14538

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ⊗ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE OF G 14538

DO	326
DS	2
ID	6
IM	8
IR	48
LV	2
MO	620
MU	2

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14538

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	12087	G 11084	29.00S14.00W 6SENE	CR	2.2500 C
2	G	7263	G 6783	28.00S14.00W20SWSE	AG	0.4400 C
2	G	7263	G 6783	28.00S14.00W20SWSE	IR	0.4400 C
2	G	7263	G 6783	28.00S14.00W20SWSE	TC	0.4400 C
3	G	3063	G 2856	28.00S14.00W29NWNW	CH	0.0250 C
3	G	3063	G 2856	28.00S14.00W29NWNW	CI	0.0250 C
3	G	3063	G 2856	28.00S14.00W29NWNW	FR	0.0250 C
3	GR	793	GR 768	28.00S14.00W29NWNW	IR	20.0000 G
3	GR	794	GR 769	28.00S14.00W29NWNW	IR	450.0000 G
4	G	11941	G 11394	28.00S14.00W29NENW	CR	25.0000 G
5	G	7263	G 6783	28.00S14.00W29NWNE	AG	0.4400 C
5	G	7263	G 6783	28.00S14.00W29NWNE	IR	0.4400 C
5	G	7263	G 6783	28.00S14.00W29NWNE	TC	0.4400 C
5	G	7352	G 6894	28.00S14.00W29NWNE	CR	0.1000 C
5	G	7352	G 6894	28.00S14.00W29NWNE	FR	0.1100 C
5	G	7352	G 6894	28.00S14.00W29NWNE	IR	0.0300 C
5	G	11941	G 11394	28.00S14.00W29NWNE	CR	35.0000 G
5	G	13158	G 12604	28.00S14.00W29NWNE	CR	0.0890 C
6	G	3652	G 3431	28.00S14.00W28NENE	AG	0.0800 C
6	G	3652	G 3431	28.00S14.00W28NENE	IS	0.0700 C
6	G	3652	G 3431	28.00S14.00W28NENE	TC	0.0800 C
6	G	10279	G 9685	28.00S14.00W28NENE	CR	0.2800 C
6	G	10279	G 9685	28.00S14.00W28NENE	IS	0.1400 C
6	G	10279	G 9685	28.00S14.00W28NENE	TC	0.8300 C
6	G	10883	G 10017	28.00S14.00W28NENE	CR	0.0450 C
6	G	11759	G 11311	28.00S14.00W28NENE	CR	0.0350 C
6	G	12797	G 12726	28.00S14.00W28NENE	CR	0.1500 C
7	G	771	G 661	28.00S14.00W29SWNW	IR	0.0200 C
8	G	3594	G 3158	28.00S14.00W28SWNE	AG	0.0800 C
8	G	3594	G 3158	28.00S14.00W28SWNE	IS	0.0400 C
8	G	3594	G 3158	28.00S14.00W28SWNE	TC	0.0800 C
8	G	10279	G 9685	28.00S14.00W28SWNE	CR	0.2900 C
8	G	10279	G 9685	28.00S14.00W28SWNE	IS	0.1400 C
8	G	10279	G 9685	28.00S14.00W28SWNE	TC	0.8600 C
8	G	10883	G 10017	28.00S14.00W28SWNE	CR	0.0610 C
8	G	11759	G 11311	28.00S14.00W28SWNE	CR	0.0650 C
8	G	12797	G 12726	28.00S14.00W28SWNE	CR	0.1500 C
8	G	12797	G 12726	28.00S14.00W28SWNE	CR	0.3400 C
9	G	12797	G 12726	28.00S14.00W28SENE	CR	0.4100 C
9	GR	3414	GR 3270	28.00S14.00W28SENE	CI	5.0000 G
10	G	11414	G 10520	28.00S14.00W28NESW	CI	0.0500 C
10	G	11414	G 10520	28.00S14.00W28NESW	CR	0.1000 C
10	G	11414	G 10520	28.00S14.00W28NESW	TC	0.3000 C
10	G	12181	G 11382	28.00S14.00W28NESW	CR	0.0750 C
10	G	12181	G 11382	28.00S14.00W28NESW	IR	0.0350 C
11	G	12187	G 11315	28.00S14.00W28NWSE	CR	0.4400 C
11	G	12187	G 11315	28.00S14.00W28NWSE	CR	1.0000 C
12	G	12187	G 11315	28.00S14.00W28NESE	CR	0.1200 C
12	G	12797	G 12726	28.00S14.00W28NESE	CR	0.4000 C
12	G	12797	G 12726	28.00S14.00W28NESE	CR	0.5000 C
13	G	12422	G 11437	28.00S14.00W32NENE	CR	0.0600 C
14	G	11867	G 11254	28.00S14.00W33NWNE	CR	140.0000 G
15	G	2987	G 2778	28.00S14.00W31NESW	AG	0.4800 C
15	G	2987	G 2778	28.00S14.00W31NESW	CR	0.4800 C
15	G	2987	G 2778	28.00S14.00W31NESW	IR	0.1800 C
15	G	2987	G 2778	28.00S14.00W31NESW	TC	0.2100 C

15	G	3381	G	3234	28.00S14.00W31NESW	TC	0.9000	C
15	G	12195	G	11383	28.00S14.00W31NESW	CR	1.5600	C
16	G	2987	G	2778	28.00S14.00W31NWSE	AG	0.4800	C
16	G	2987	G	2778	28.00S14.00W31NWSE	CR	0.4800	C
16	G	2987	G	2778	28.00S14.00W31NWSE	IR	0.1800	C
16	G	2987	G	2778	28.00S14.00W31NWSE	TC	0.2100	C
16	G	12195	G	11383	28.00S14.00W31NWSE	CR	1.5600	C
17	G	3380	G	3233	28.00S14.00W31SWSW	TC	1.1700	C
18	G	3380	G	3233	28.00S14.00W31SESW	TC	1.1700	C
19	G	4616	G	4339	28.00S14.00W31SESE	AG	0.0600	C
19	G	4616	G	4339	28.00S14.00W31SESE	IR	0.0300	C
19	G	4616	G	4339	28.00S14.00W31SESE	TC	0.1800	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 14538

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	11414	G 10520	28.00S14.00W28NESW 10A
1	G	11414	G 10520	28.00S14.00W28NESW 10A
1	G	11414	G 10520	28.00S14.00W28NESW 10A
1	G	12181	G 11382	28.00S14.00W28NESW
1	G	12181	G 11382	28.00S14.00W28NESW
2	G	12422	G 11437	28.00S14.00W32NENE XXG
3	G	11867	G 11254	28.00S14.00W33NWNE 3D

APPLICATION G 14538 FALLS WITHIN THESE QUAD(S)

BANDON



2222 NW Kline Street
Roseburg, OR 97471
Voice: 541.464.6700 Fax: 541.464.6705

April 11, 2014

Water Resources Department
Attn: Jerry Sauter
725 Summer Street, NE, Suite A.
Salem, OR 97301

RECEIVED BY OWRD
APR 21 2014
SALEM, OR

Re: Water Right Permit Nos. S 54725 and G 13595

Dear Jerry,

Please find enclosed the fully executed Request for Assignment for the above referenced permit.

The Assignment identifies the assignment from John C. Roth to Northwest Farm Credit Services, FLCA and John C. Roth.

Once recorded, please send originals, along with all future notices and correspondence affecting the above referenced permit to the following:

Northwest Farm Credit Services, FLCA
2222 NW Kline Street
Roseburg, OR 97471

Please call the office if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Ashley Dorland". The signature is written in a cursive, flowing style.

Ashley Dorland
Financial Specialist

Enclosures: Request for Assignment



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

August 12, 2011

J AND K FARMS
ATTN: JOHN ROTH
PO BOX 362
BANDON, OR 97411

REFERENCE: Application G-14538 / Permit G-13595

Dear Permit Holder:

The Water Right Services Division received your written progress report for Permit G-13595. Receipt of the progress report was published on the Department's weekly Public Notice, dated July 5, 2011. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

If you have any questions, please feel free to contact me by telephone at (503) 986-0812.

Sincerely,

Jerry Gainey

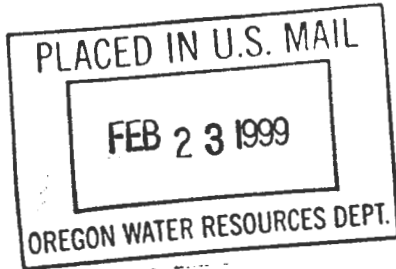
Extensions

Water Rights Services Division

Enclosure

cc: Application G-14538
Watermaster District 19 – Mitch Lewis

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14538

Superseding Final Order

Application History

On June 3, 1997, C "N" D FARM INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 3, 1998. The protest period closed March 20, 1998, and no protest was filed. A Final Order was issued on September 24, 1998.

On February 4, 1999, the Department received a letter from John Drolet, District 19 Watermaster, requesting that the Department condition the permit to specifically request *totalizing* flow meters on the sump. Mr. Drolet's letter also requested that the Department clarify that any permit issued for use of groundwater from a sump would not allow for the diversion of any natural flow, including winter runoff, into the sump or any holding or recovery pond.

The proposed use of *groundwater only* would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Final Order requires modification to correctly clarify the measuring and reporting condition to read as follows:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- 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.

Order

Application G-14538 therefore is approved as modified above, and Permit Number G-13595 is issued as limited by the conditions contained therein.

DATED February 22, 1999


Martha O. Pagel, Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document he is most likely the best person to answer your questions. You can reach him toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

C "N" D FARM INC
PO BOX 2095
BANDON, OREGON 97411

(541)572-6508

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

APPLICATION FILE NUMBER: G-14538

SOURCE OF WATER: A SUMP WELL IN JOHNSON CREEK BASIN

PURPOSE OR USE: CRANBERRY USE ON 68.0 ACRES

MAXIMUM RATE: 1.5 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 3, 1997

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 32, T28S, R14W,
W.M.; 320 FEET NORTH & 1440 FEET EAST FROM SW CORNER, SECTION 32

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:

SE 1/4 SW 1/4 33.0 ACRES
NW 1/4 SE 1/4 9.0 ACRES
SW 1/4 SE 1/4 26.0 ACRES
SECTION 32

TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

- 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 water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

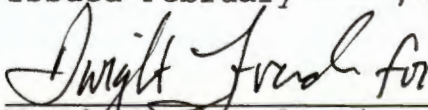
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

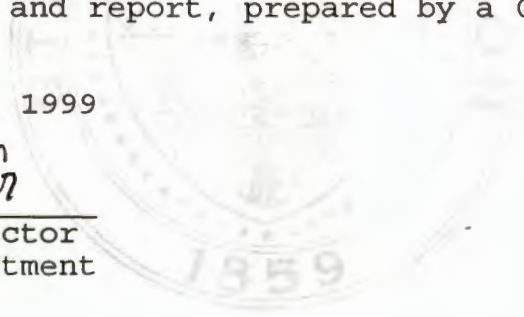
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 by September 24, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 22, 1999


Martha O. Pagel, Director
Water Resources Department



Application G-14538
Basin 17
RWK

Water Resources Department
Volume 3 FERRY CR & MISC
MGMT.CODES 7AG 7AR 7BG 7BR

PERMIT G-13595
District 19

Mailing List for FO Copies

Application # G-14538 Mailing List Print Date February 11, 1999

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

Applicant: C "N" D FARM INC, PO BOX 2095, BANDON, OREGON 97411

Copies Mailed
By: <u>HW</u> (SUPPORT STAFF)
on: <u>2/23/99</u> (DATE)

For FO w/Permit - Copies sent to:

1. WRD - File # G-14538
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

5. WRD - Watermaster District #: 19
6. WRD - Regional Manager: SWR

CASEWORKER: RWK



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

March 14, 2002

BANDON CRANBERRY INC
ATTN: FRANCIS & ALICE STADELMAN
313 OHIO STREET NE
BANDON, OR 97411

REFERENCE: File G-14538

The assignment by deed of Permit G-13595 from C "N" D Farms Inc to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with your receipt number 50889 covering the recording fee of \$35 you submitted.

Sincerely,

JERRY SAUTER
Water Rights Program Analyst

JS: jf

Enclosure

cc: Watermaster # 19
Data Center, OWRD
SW Region
C "N" D Farm Inc, PO Box 2095, Bandon, OR 97411

REQUEST FOR ASSIGNMENT

BY PROOF OF OWNERSHIP (IF PERMIT HOLDER IS NOT AVAILABLE)

Stadelman revocable Living Trust, Francis and Alice Stadelman trustees dba.

Stadelman Bandon Cranberry Inc
 (Name of Party Requesting Assignment)

313 Ohio Street, SE Bandon Oregon 97411 (541) 347-2973
 (mailing address) (City) (State) (Zip) (Phone #)

RECEIVED

FEB 11 2002

WATER RESOURCES DEPT.
SALEM, OREGON

CHECK ONE

- ...hereby request assignment in and to application/permit;
- ...hereby request assignment in and to a portion of application/permit; *(You must include a map showing the portion of the application/permit to be assigned.)*
- ...I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly; *(Remember to include \$5 for each additional page.)*

Application # G-14538, Permit # G-13595;
 -OR-

GR Statement # _____, GR Certificate of Registration # _____

C"N"D Farm, Inc.
 (Name of Permit Holder of Record)

P.O. Box 2095 Bandon Oregon 97411
 (mailing address) (City) (State) (Zip) (Phone #)

2002/5/12
 SALEM
 2/10/02
 [Signature]

NOTE: *If there are other owners of the property described in this Application, Permit or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.*

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

Witness my hand this 6 day of Feb, 2002.

Party Requesting Assignment Francis Stadelman Trustee

Party Requesting Assignment Alice Stadelman Trustee

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
 - ◆ \$5 for each additional page.
- [as required by ORS 536.050(1)(d)]*

WATER RESOURCES DEPARTMENT
 158 12TH STREET NE
 SALEM, OREGON 97301-4172

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

I certify that the within was received by me on the 11 day of Feb 2002 at 8 o'clock A m., and was recorded in the Miscellaneous Records, Vol. 9 Page 131

Water Resources Director

SHERIFF'S DEED

RECEIVED
FFR 1 / 2002
WATER RESOURCES DEPT.
SALEM, OREGON

THIS DEED made January 3rd, 2002, between Andy R. Jackson, Sheriff of Coos County, Oregon, hereinafter called Grantor, and Francis Stadelman and Alice Stadelman, Trustees, Stadelman Living Trust, dated August 9, 1991, hereinafter called Grantee,

WITNESSETH:

WHEREAS, in an action in the Circuit Court of the State of Oregon, for Coos County, between Francis Stadelman and Alice Stadelman, Stadelman Living Trust, Plaintiff, and Jimmie G. Roberts, Nannette M. Roberts, and The Roberts Group, L.L.C., Defendants, two Judgments, case No. 00CV0640, and 00CV0641, were entered and docketed on May 4, 2001, for the sum of \$517,987.73 plus interest, costs and disbursements, against the real property described below, and

WHEREAS, the Court thereafter issued a Writ of Execution dated May 9, 2001, and pursuant thereto on July 2, 2001, all of the interest of the defendants in the real property was sold at public auction, in the manner provided by law, for the sum of \$736,241.88 to Francis Stadelman and Alice Stadelman, Stadelman Living Trust; the sale had been confirmed on July 18, 2001, and

WHEREAS, the Sheriff after receiving from the purchase the sum of money so bid, duly executed and delivered to the purchaser Certificates of Sale, and

WHEREAS, the Sheriff filed the Returns of Sale with the Court, and

STATE OF OREGON,)
County of Marion,)
I certify that the within was
received by me on the 11 day of
August 2002 at 8 o'clock
A.M., and was recorded in the
Miscellaneous Records, Vol.
Pg. 138
Water Resources Director

Recording Information

Name of Transaction: Sheriff's Deed

Parties: Andy R Jackson, Sheriff, Grantor
Francis Stadelman and Alice Stadelman, Stadelman
Living Trust, dated August 9, 1991, Grantee

After Recording return to: Hernandez and Associates, LLC
PO Box 979
Bandon, Oregon 97411

Consideration: \$736,241.88

Send tax statements to: Francis and Alice Stadelman
313 Ohio Avenue S.E.
Bandon, Oregon 97411

SHERIFF'S DEED

RECEIVED
FEB 11 2002
WATER RESOURCES DEPT.
SALEM, OREGON

WHEREAS, the time for redeeming as required by law has expired, the real property has not been redeemed from the sale, and the Grantee herein is the owner and holder of the Certificates of Sale and has delivered the Certificates of Sale to Grantor;

NOW, THEREFORE, in consideration of the sum paid for the real property Grantor does hereby convey to Grantee all of the interest the defendants had on May 4, 2001, and all interest which defendants had thereafter in that real property described as follows:

See Attached "Exhibit A"

The true and actual consideration for this transfer is \$736,241.88.

"This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930."

IN WITNESS WHEREOF; the Grantor has executed this instrument this 3rd day of January, 2002.

Andy R. Jackson

ANDY R JACKSON, Sheriff

STATE OF OREGON)
) ss.
 County of Coos)

Personally appeared the above named Andy R. Jackson, Sheriff of Coos County, Oregon, and acknowledged the foregoing instrument to be his voluntary act and deed, on January 3, 2002 before me.

Wickie Altenbach
 Notary Public for Oregon
 My Commission expires: *May 20, 2004*



STATE OF OREGON, }
 } ss.
 County of Marion. }
 I certify that the within was received by me on the 11 day of Feb, 2002 at 8 o'clock Am., and was recorded in the Miscellaneous Records, Vol. 9
 Page 133

Water Resources Director

EXHIBIT "A"

RECEIVED
FEB 11 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Property Description - Stadelman v. Roberts (DNJ)
Case Nos. 00CV0640 & 00CVC0641

Parcel 1:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, lying South of the County road as said road was established on April 5, 1935; also and together with the North 625 feet of the Southwest 1/4 of the Southeast 1/4 of said Section 32.

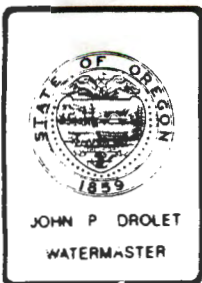
EXCEPTING THEREFROM THE FOLLOWING PARCEL:

Beginning at the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, said point being South 00° 14' 23" East 1284.39 feet from the 5/8" iron rod at the Northeast corner of the Northwest 1/4 of the Southeast 1/4 (CE 1/16 corner) of said Section 32; thence continuing South 00° 14' 23" East along the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 32 for a distance of 625.00 feet; thence in a Westerly direction parallel to the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 32 for a distance of 350.00 feet; thence North 00° 14' 23" West for a distance of 625.00 feet to the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 32; thence Easterly along said North line for a distance of 350.00 feet back to the point of beginning. Together with an easement for ingress and egress as set forth in instrument recorded November 4, 1997 in Microfilm Reel Number 97-11-0130, Records of Coos County, Oregon.

Parcel 2:

The Southeast 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. SAVE AND EXCEPT the North 625.00 feet of the Southwest 1/4 of the Southeast 1/4 of said Section 32. EXCEPTING MINERAL AND MINERAL OIL RIGHTS as reserved in deed recorded July 1, 1946 in Book 162, Page 606, Deed Records of Coos County, Oregon.

STATE OF OREGON, }
 } ss
County of Marion. }
I certify that the within was
received by me on the 11 day of
Feb, 2002 at 8 o'clock
A.m., and was recorded in the
Miscellaneous Records, Vol. 9
Page 134
Water Resources Director



Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

RECEIVED
NOV 12 1998
WATER RESOURCES DEPT
SALEM, OREGON

9 November 1998

Pat Simpson
435 Michigan, NE
Bandon, OR 97411

file #G-14538

G-14538

Dear Ms Simpson:

Reference is made to your 5 November 1998 complaint regarding a C"N"D Farms' development within the Geiger Creek watershed near Bandon. Your complaint expressed concern for the effect that C"N"D's proposed 1.5 cfs appropriation would have on Bandon's municipal water supply and referenced highlighted portions of L&W Environmental Service's 25 May 1998 dated letter to this office.

In the event that you did not have a copy of the map that accompanied C"N"D's application, a copy is attached. The proposed point of appropriation is shown by the engineer who prepared the application map to be within the Johnson Creek watershed. This detail is born out by a perusal of the USGS 7.5' 1986 dated Bandon quadrangle.

Additionally, a staff hydrogeologist performed a site inspection last year and confirmed the proposed point of appropriation as being within the Johnson Creek watershed.

I believe that you may be confusing the domestic water supply wells and seeps within the Geiger Creek watershed alluded to in L&W Enviro's letter with the sump within the Johnson Creek watershed identified by C"N"D in their groundwater application. They are separate sources for separate purposes within adjacent but unrelated watersheds with Geiger Creek being a tributary of Ferry Creek and Johnson Creek flowing directly into the Pacific Ocean south of Bandon.

C"N"D proposes to divert up to 1.5 cfs from the Johnson Creek sump for cranberry operations on a proposed 68 acre development. C"N"D's two wells within Geiger Creek are being used for domestic use within the caretaker's residence. One of the wells is nearly a dry well and the other is only a marginal water producer.

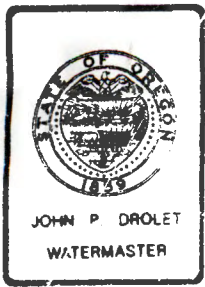
The Department appreciates your concern and I hope that this letter will relieve your anxieties regarding C"N"D's water use within the Geiger Creek watershed.

Sincerely,

John P. Drolet
Watermaster, District 19

GigrSimp.D19

CF: Dwight French (for files)



Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

RECEIVED

JUN 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

06-25-98

Matt Winkel, City Manager
City of Bandon
P.O. Box 67
Bandon, OR 97411

file # G-14538

Dear Matt:

Reference is made to your June 23 dated letter received by this office today regarding the Geiger Creek slide and this department's statutory authority in respect to regulating and enforcing the types of activities that have recently occurred on the C"N"D property.

In this specific case the Department's responsibilities lie primarily in assuring that water rights and water well requirements are being met. Attached is a June 5, 1998 dated memo to Senior Trooper David M. Gifford of the Coos Bay detachment of the Oregon State Police. That memo specifically outlines the Oregon Revised Statutes and Administrative Rules that C"N"D violated in respect to the illegally dug well. Tomorrow, I will be meeting with other agencies and the Coos County District Attorney to determine how the district attorney wishes to dispose of the violations.

In regard to water rights, C"N"D complied with the requirements to apply for a groundwater use permit. Their application is pending before the Department. Having said that, I might also add that I have asked the Department to withhold issuance of the application until our Groundwater/Hydrology Division has the opportunity to review additional information provided to the Department as a result of field investigations.

Matt, this office is satisfied with the cooperation that the developers have shown in voluntarily complying with my requirement to remove the illegally dug well. It is not this Department's policy to go beyond accepting voluntary compliance for a violation of this nature.

I would like to emphasize what I am about to state. I was impressed with the collaborative nature in which the Oregon State Police, the Department of Environmental Quality, the U.S. Army Corps of Engineers, the City of Bandon, and this department cooperated in dealing with this situation. This level of mutual cooperation exceeded anything that I have ever experience in the enforcement of water law.

Matt Winkel
06-25-98

RECEIVED

JUN 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

I would recommend that we continue in the spirit of cooperation and integrate State Forestry, Division of State Lands, the Department of Agriculture, and the Coos County Planning Department in our collaborative efforts.

Several months ago, a half dozen state and federal agencies set September 30 as a date for the second annual interagency enforcement coordination meeting. This office sponsored the first such meeting in Coquille last year. This year's meeting is hosted by the Oregon State Police. Your attendance as a participant or observer would be welcomed.

Matt, if you think that I can provide you with additional information, or if elaborating on any part of this response would be helpful, please get in touch.

Sincerely,



John P. Drolet
Watermaster, District 19

JPD/dt

Atch:ltr to OSP

CF: AJC

Dwight French (for files)

CND04.D19



STATE OF OREGON

RECEIVED

JUN 9 1998

INTEROFFICE MEMO

WATER RESOURCES DEPT.
SALEM, OREGON

DATE: 06-05-98

OSP# SP 98 169495

file # G-14538

TO: David M. Gifford
Sr. Trooper, OSP

FROM: John P. Drolet
Watermaster, District 19

SUBJECT: I. C"N"D Farms Unpermitted Well
II. C"N"D Farms Pending Groundwater Permit Application

I. Violations for Unpermitted Well:

Reference is made to our site visit to C"N"D Farms located on upper Geiger Creek in the Bandon area the morning of May 19, 1998, during which time I offered to outline the violations of Oregon Water Law that I observed during my inspection of the dug well located within the slide area. A summary of those violations is as follows:

- A. Construction of a well by a landowner without a bond ORS 537.753(4) and OAR 690-205-040(4)
- B. Construction of a well by a landowner without a permit OAR 690-205-050
- C. Construction of a well by a landowner without a notice of beginning of construction (Start Card) ORS 537.762 and OAR 690-205-070
- D. Construction of a well by a landowner without submission of a water well report (Well Log) after completion ORS 537.765 and OAR 690-205-080
- E. Improper Construction
 - 1. absence of annular space
 - 2. absence of annular seal
 OAR 690-210-420(2)

The above violations are predicated on the presumption that power equipment was used at some point during the construction of the well. That assumption is partially based on statements contained in Allen Liles' 05-25-98 letter to me and partially on statements made by Sam Loshbaugh.

Absent the use of power equipment during construction, only item E, Improper Construction, would constitute a violation.

(over)

David M. Gifford
06-05-98

page 2

II. Pending Groundwater Permit Application

Reference my memo to Dwight French of the Department's water rights division, this date, with copy to you regarding my request that the Department reconsider the pending groundwater application in light of the surface water present at the proposed point of appropriation that was evident during our May 21, 1998 inspection of the site.

David, should you have questions, please get in touch.

JPD/dt

CF: AJC
Reuben Kretzschmar (DEQ)
Rob Carter
Dwight French (for files)

APPLICATION MAP

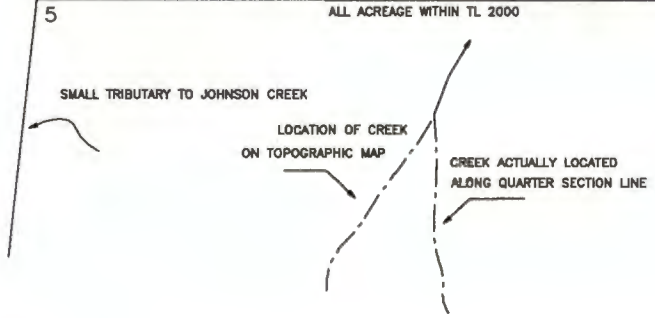
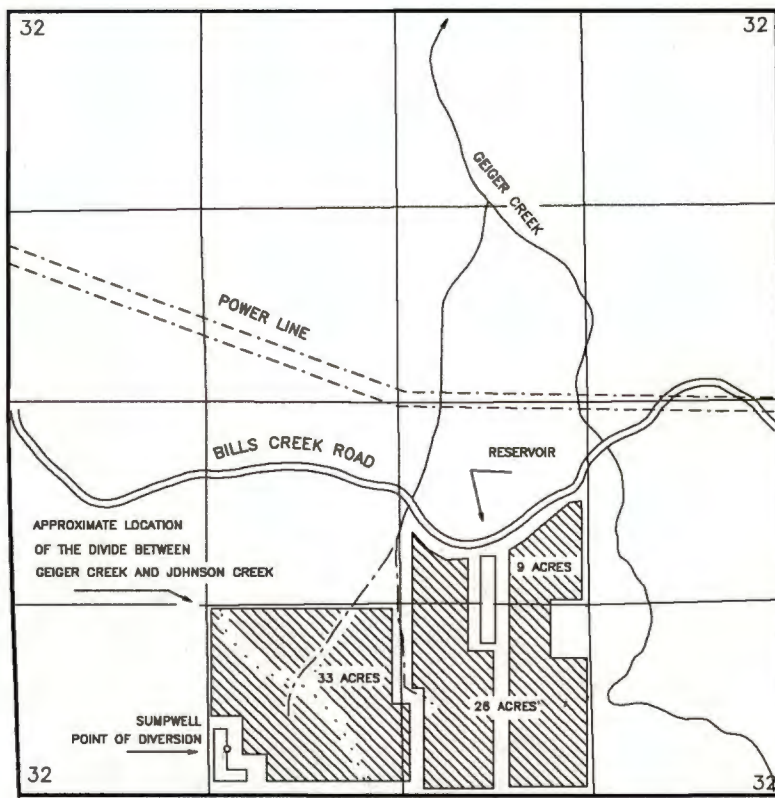
IN THE NAME OF C "N" D FARMS, Inc.

T 28 S, R 14 W, W.M, SECTION 32

RECEIVED

JUN - 3 1997

WATER RESOURCES DEPT.
SALEM, OREGON



G14538
G13595

THE SUMPWELL POINT OF DIVERSION IS TO BE LOCATED 320 FEET NORTH AND 1440 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 32, BEING WITHIN THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.; IN COOS 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.

Oregon Water Resources Department
Water Rights Division

RECEIVED

OCT 28 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Water Rights Application
Number G-14538

as per this
notice a
check for
\$116.00 is enclosed
Brenda Stog
Final Order

Application History

On June 3, 1997, C "N" D FARM INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 3, 1998. The protest period closed March 20, 1998, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the source of water as being in the Johnson Creek Basin.

Order

Upon payment of outstanding permit recording fees, Application G-14538 shall be approved as modified above and as conditioned in the attached draft permit.

Permit recording fees are required in the amount of \$116.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-14538.

DATED September 24, 1998

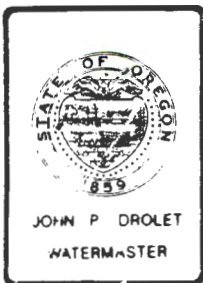
Dwight French for
Martha O. Pagel, Director

POST 5 1998

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

FEB 04 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

02-03-99

Jim Roberts
11166 El Nopal
Lakeside, CA 92010

File # G-14538

Dear Mr. Roberts:

Thanks very much for your prompt FAX response to the concerns that I expressed to your step son, Duane Williams, during the January 6 site inspection. My apologies for my tardiness in getting back to you. Duane likely related to you our discussions regarding groundwater use, the intermingling of surface and groundwater, and the 1991 State Engineer closure of the Ferry Creek watershed to subsequent water use.

To differentiate the two water storage sites on the property, I will refer to your authorized source of appropriation under the terms of the above referenced application as "the sump". The large dug out pond at the north end of the property will be referred to as "the holding and recovery pond".

I. THE SUMP

Upon issuance, the groundwater permit will allow the appropriation of up to 1.5 cfs of groundwater from the sump located in the southwest corner of the property within the Johnson Creek watershed for cranberry use on up to 68 acres.

Based on the my conversation with Mr. Williams, there are plans to capture return flow from the bogs and channel that water back into the sump. I do not have an objection to the reuse of return flow from the sump as long as it is understood that the required totalizing flow meter at the sump will not differentiate between the groundwater authorized to be diverted as newly appropriated water and the return flow of water previously diverted and subsequently returning to the sump. In effect, the operation gets no credit for the reuse of the return flow.

My suggestion is that, if practical, create a separate recovery system, separate from the sump, to recapture the return flow. That water may then be reused and not count against the rate and duty of water authorized by the groundwater permit.

Also, some reference was made by Mr. Williams of channeling winter precipitation that is captured by the bogs into the sump.

Such a diversion is not authorized by a groundwater permit. Rainfall captured within the bogs and diverted to the sump is water that otherwise would have found its way to more senior water users downstream. Should you wish to divert winter runoff, both a surface water and a reservoir permit would be required. Given the level of water use and the Department's projections of water available for new uses, it is not likely that the Department would look favorably on new surface water and reservoir applications.

II. THE HOLDING AND RECOVERY POND

During my January field inspection of the development I observed an approximate 20 AF capacity dug out pond. Mr. Williams explained that the pond had three intended functions: A. storage of water from the groundwater sump located within the Johnson Creek watershed, B. recapture and reuse of return flow from the bogs, and C. capture of winter runoff.

A. GROUNDWATER STORAGE--is an allowed use and requires no additional reservoir construction permit.

B. RECAPTURE OF RETURN FLOW--is also an allowed use requiring no reservoir construction permit.

C. CAPTURE OF WINTER RUNOFF--would require both surface and reservoir permits and would not be allowed within a closed watershed. All winter runoff must be channeled back into Geiger Creek in order to satisfy senior downstream rights and the terms of the 1961 closure.

By copy of this letter to the Department I am requesting that the Department proceed with the issuance of your groundwater permit and that specific language be placed in the permit conditions to the effect that the permit does not allow storage of winter runoff in either the groundwater sump or the holding and recovery pond.

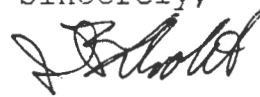
C"N"D Farms
02-03-99

Page 3

Your request to use one totalizing flow meter on the transfer pump at the groundwater sump is herein approved. I would recommend that you carefully peruse the Department's specifications on totalizing meter specifications.

Should you have questions on any of the above, please get in touch.

Sincerely,



John P. Drolet
Watermaster, District 19

JPD/dt

CF: Russ Klassen
AJC
Duane Williams

C"N"D06.D19



RECEIVED

STATE OF OREGON

JUN - 8 1998

INTEROFFICE MEMO

WATER RESOURCES DEPT.
SALEM, OREGON

TO: Dwight French
Water Rights Program Manager

DATE: 06-05-98

FROM: John P. Drolet /*JPD*
Watermaster, District 19

file # G-14538

SUBJECT: Supplemental Information for C "N" D Farms, Inc. Application

On May 21, 1998, in the company of representatives of DEQ, COE, and OSP, I visited the site of the above referenced application for the purpose of:

- A. investigating an undocumented dug well and
- B. to verify the source of water for that application.

My observations regarding the dug well are contained in a separate memo.

The Bandon area, on the day prior to my inspection, had received considerable rain and as a consequence, surface water flow was abundant in the area of the applicant's proposed point of appropriation (POA). As shown on the application map and confirmed by Doug Woodcock's 1997 site visit, surface water in the vicinity of the POA does indeed flow into the Johnson Creek watershed. Surface water flow in numerous swales was visible in the immediate area of the proposed point of appropriation. These swales joined in the area of the proposed POA, and from there flowed off of the property to the west, onto the Winters property.

Because of the flat terrain located on the divide between the Geiger and Johnson Creek watersheds, no well defined stream channel, as defined in administrative rule, was observed.

Given the abundance and nature of surface water flow in the area of the POA, it might be appropriate for the Department to:

- A. reconsider the period of allowed use and
- B. to state either in the text of the permit or in a separate letter to the applicant, that no surface water is to be diverted into the groundwater sump proposed as the POA.

Please let me know if I may provide additional information.

JPD/dt

CF: Doug Woodcock
AJC
David Gifford, OSP
Reuben Kretzschmar, DEQ

CND01.D19

Mailing List for PFO Copies

Application #G-14538

PFO Date February 3, 1998

Original mailed to:

Applicant: C "N" D FARM INC, PO BOX 2095, BANDON, OREGON 97411

Copies sent to:

- 1. WRD - File # G-14538
- 2. WRD - Water Availability: Ken Stair

PFO, Map, and Fact Sheet Copies sent to:

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

Copies Mailed	
By: <u>CA</u>	(SUPPORT STAFF)
on: <u>2/2/98</u>	(DATE)

FO copies
10-1-98
LKS

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

- 6. _____
- 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: Michelle Weber 132

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14538

Final Order

Application History

On June 3, 1997, C "N" D FARM INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 3, 1998. The protest period closed March 20, 1998, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the source of water as being in the Johnson Creek Basin.

Order

Upon payment of outstanding permit recording fees, Application G-14538 shall be approved as modified above and as conditioned in the attached draft permit.

Permit recording fees are required in the amount of \$116.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-14538.

DATED September 24, 1998

Dwight French for
Martha O. Pagel, Director



Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document he is most likely the best person to answer your questions. You can reach him toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

STATE OF OREGON

COUNTY OF COOS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

C "N" D FARM INC
PO BOX 2095
BANDON, OREGON 97411

(541)572-6508

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

APPLICATION FILE NUMBER: G-14538

SOURCE OF WATER: A SUMP WELL IN JOHNSON CREEK BASIN

PURPOSE OR USE: CRANBERRY USE ON 68.0 ACRES

MAXIMUM RATE: 1.5 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 3, 1997

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 32, T28S, R14W,
W.M.; 320 FEET NORTH & 1440 FEET EAST FROM SW CORNER, SECTION 32

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:

SE 1/4 SW 1/4 33.0 ACRES

NW 1/4 SE 1/4 9.0 ACRES

SW 1/4 SE 1/4 26.0 ACRES

SECTION 32

TOWNSHIP 28 SOUTH, RANGE 14 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 water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

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 by September 24, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14538

Final Order

Application History

On June 3, 1997, C "N" D FARM INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 3, 1998. The protest period closed March 20, 1998, and no protest was filed.

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DATED May , 1998

Martha O. Pagel, Director

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Please fax these
pages to John Dredet.
& return to me.
Check ^{out} to me.

5/22 FAXED

THX Dwight

not yellow

STATE OF OREGON

COUNTY OF COOS

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Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

FO CHECKLIST

FILE # C14538

REVIEW DATE: 5/13/98

PFO WEEK # 132

PFO TO FO CONVERSION

INITIALS: RWK

In preparing to create 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. Y/N/NA Have affected landowners been notified?
4. Y/N Is the file lacking a signed oath of accuracy for the application?
5. Y/N/NA Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y/N Is water use prohibited for one or more months of the normal use period?
7. ~~Y/N~~ If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. Verify payment of recording fees (*circle the appropriate option*)

200	E:Am
100	Rec 13Ac
116	Rec 55Ac
416	
300	
116	

 - (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	<u>FO w/o PERMIT</u>	FO & PERMIT	FOMOD
COMMENTS:				MGMT CODES: <u>7A, 73</u>
<u>CHANGE DATE TO 05-13-98 JOURNAL</u>				

Once created, modify FO as needed to:

Initials _____

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

Once FO document is completed:

16. Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 132 & delete duplicates
17. Print final draft of document and submit to team leader for review
18. Y/N Team leader review completed



Oregon Water Resources Department

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: C"N"D Farm, Inc.
Last First MI

Mailing address: P.O. Box 2095
Bandon Oregon 97411
City State Zip

Phone: (541) 572-6508
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

RECEIVED
JUN - 3 1997
WATER RESOURCES DEPT.
SALEM, OREGON

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. 614538 Permit No. _____ Date 6-3-97

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? Coos

In what county is the appropriation point proposed? Coos

B. River Basin

(See instruction booklet pg.3 for list):

South Coast

C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 3 "Groundwater Development.")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

A. Number of wells: 1 B. Name of nearest surface water body N.Fk. Johnson Cr.
(See Remarks)

C. Distance from well(s) to nearest stream or lake: 1) 1610' (See Remarks)

2) _____ 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 20'

2) _____ 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: Owner/Applicant

Address: P.O. Box 2095
Bandon, Oregon 97411

Completion date: _____

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
1		300' x 70'	None	n/a	n/a	10'	10'	Staff gage	18'

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

Not applicable

6. Project Schedule

Proposed date construction will begin October, 1997

Proposed date construction will be completed October, 1998

Proposed date beneficial water use will begin October, 1999

7. Remarks

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

An inline reservoir will be constructed and maintained throughout the year to minimize the impacts on the sumpwell. Most of the water will come from the inline storage and replenished from the sumpwell.

Signature

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use is compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge:

Jeffrey J. Williams
Signature of Applicant

6/2/97
Date

Signature of Co-applicant

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

5. Water Management

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) Horsepower to be determined
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
Diameter(s) 6" - 1" Length 3000'
- Other (describe) _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

- Flood High-pressure sprinkler Low pressure sprinkler
 Drip Water cannons Center pivot system
 Hand lines Wheel lines
 Siphon tubes or gated pipe with furrows
 Other, describe _____

Distribution method

- In-line storage (tank or pond) Direct pipe from source Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Fields will be located such that all runoff will return to the in-line
reservoir. All flood harvest water will be returned to the reservoir for reuse to
other fields.

4. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

Cranberry use

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal**, attach Form M
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach Form Q

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1	Unnamed	Cranberry use	270 AF	1-1.5 cfs.

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

Year around

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

68 acres

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14538

Change
Source of
F.O. to
Johnson Cr.

Proposed Final Order

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

Application History

On June 3, 1997, C "N" D FARM INC submitted an application to the Department for the following water use permit:

- Amount of Water: 1.5 CUBIC FEET PER SECOND
- Use of Water: CRANBERRY USE ON 68.0 ACRES
- Source of Water: A SUMP WELL IN GEIGER CREEK BASIN
- Area of Proposed Use: COOS County within
 - SE 1/4 SW 1/4 33.0 ACRES
 - NW 1/4 SE 1/4 9.0 ACRES
 - SW 1/4 SE 1/4 26.0 ACRESSECTION 32
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

On 9/5/97, the Department mailed the applicant notice of its Initial Review, determining that THE USE OF 1.5 CUBIC FEET PER SECOND FROM A SUMP WELL IN THE GEIGER CREEK BASIN FOR CRANBERRY USE ON 68.0 ACRES IS ALLOWABLE YEAR ROUND. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 9/19/97, 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.

Within 30 days of the Department's public notice, written comments were received from OREGON DEPARTMENT OF FISH AND WILDLIFE THAT THIS USE WILL HAVE NO IMPACT ON FISH AND WILDLIFE.

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
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The South Coast Basin Program allows the following uses: CRANBERRY USE (IRRIGATION, AGRICULTURAL) ON 68.0 ACRES

Senior water rights exist on A SUMP WELL IN GEIGER CREEK BASIN or on downstream waters.

A SUMP WELL IN GEIGER CREEK BASIN is not within or above a State Scenic Waterway.

The Department finds that no more than 1.5 CFS would be necessary for the proposed use. The amount of water requested, 1.5 CUBIC FEET PER SECOND, is allowable.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health 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.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, 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 would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

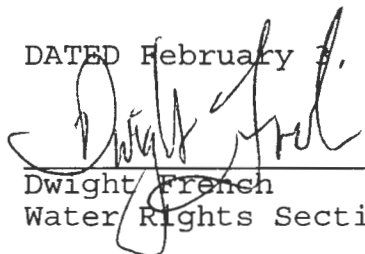
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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 would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

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

DATED February 3, 1998



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 order when it is issued.

Your protest must be received in the Water Resources Department no later than March 20, 1998.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

Millerds- WEEK 132

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF COOS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

C "N" D FARM INC
PO BOX 2095
BANDON, OREGON 97411

(541)572-6508

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

APPLICATION FILE NUMBER: G-14538

SOURCE OF WATER: A SUMP WELL IN GEIGER CREEK BASIN

PURPOSE OR USE: CRANBERRY USE ON 68.0 ACRES

MAXIMUM RATE: 1.5 CFS

PERIOD OF USE: CRANBERRY USE ALL YEAR, IRRIGATION MARCH 1 THROUGH
OCTOBER 31

DATE OF PRIORITY: June 3, 1997

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 32, T 28 S, R 14 W,
W.M.; 320 FEET NORTH & 1440 FEET EAST FROM SW CORNER, SECTION 32

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:

SE 1/4 SW 1/4 33.0 ACRES
NW 1/4 SE 1/4 9.0 ACRES
SW 1/4 SE 1/4 26.0 ACRES
SECTION 32

TOWNSHIP 28 SOUTH, RANGE 14 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

Application G-14538 Water Resources Department

PERMIT DRAFT

- 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 water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

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. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

September 5, 1997

C "N" D FARM INC
PO BOX 2095
BANDON, OREGON 97411

Reference: File G-14538

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A SUMP WELL IN GEIGER CREEK BASIN for CRANBERRY USE (IRRIGATION) ON 68.0 ACRES **is allowable** under OAR 690-517-001(8), the South Coast Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that groundwater in the amount of 1.5 CUBIC FEET PER SECOND for CRANBERRY USE (IRRIGATION) ON 68.0 ACRES will, if properly conditioned, avoid injury to existing rights or to the groundwater resource.



Summary of Initial Determinations

The use of 1.5 CUBIC FEET PER SECOND from A SUMP WELL IN GEIGER CREEK BASIN for CRANBERRY USE (IRRIGATION) ON 68.0 ACRES is allowable year-round.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

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.

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.

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 **Friday, September 19, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

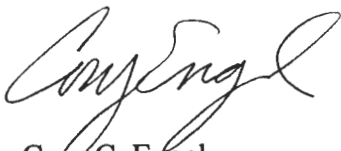
1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - 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.
2. You will be required to comply with state and federal water quality standards.

3. The priority date for this application is June 3, 1997.
4. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
5. The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 10 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 10-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

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
Water Right Processing Technician

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

G-14538
gw c

BACK PAGE

RECEIVED

SEP 19 1997

WATER RESOURCES DEPT
SALEM, OREGON

Public Interest Review Sheet for Use by ODFW Staff
Recommendations for Applications that may affect the Habitat of
Non S T & E Fish or Wildlife Species OAR 690-310-140(3)(b)(D)

Date: 9-17-97

Application # 614538 Name: C "N" D FARM INC.

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

No Yes Species? _____

What stage or value is at risk: Spawning; Incubation; Rearing; Passage; Habitat Value
Other _____

2) Will the proposed use result in a loss of habitat? No Yes

3) Can conditions be applied to mitigate the impact the loss of habitat?

No / Yes Yes or no, which conditions are recommended? (Try to select those from the menu) _____

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species? No / Yes If yes, explain _____

WRD Contact: _____ Title: _____

Date: _____

Comments: _____

ODFW Recommendation:

Approval with conditions See #3 Above

Approval without conditions

Denial

ODFW Representative(s)

Name: Reese & Benke Date: 9-17-97

Name: _____ Date: _____

SEP 19 1997

Division 33 Application Review Sheet for Use by ODFW Staff
Recommendations for Water Right Applications that may affect the Habitat of
Sensitive, Threatened or Endangered Fish Species OAR 690-33-310 through 340

WATER RESOURCES DEPT
ASHEM, OREGON

Date: _____ 14 Day Deadline: _____

Application # _____ Name: _____

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? _____ Status S T E

If Yes, continue, if NO go to Public Interest Review Sheet  (BACK PAGE)

What stage or value is at risk: Spawning; Incubation; Rearing; Passage; Habitat Value

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)] Yes or no, which conditions are recommended? (Try to select those from the menu) _____

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: _____ Date: _____

Name: _____ Date: _____ (M:\div.33\odfw chk lst i modified.6-25...

PFO CHECKLIST

Application #: G 14538

Basin: 17 S. Coast WAB: _____

County Coos Township 28 S Range 14 W Section 32 1/4 1/4 NUSE, SUSE, SESW

- 1. Is the file complete by the Minimum Requirements 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 7B, 7A
 - 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) RR-4G
- 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. Does the IR identify the Proposed Source as being on the DEQ 303d List? Y/N If so, any comments received? Y/N
Does the IR identify the Proposed Use as being in a Dept of Ag. Water Quality Management Plan Area? Y/N
- 13. Have conflicts been identified, verified and/or addressed? Y/N N/C
- 14. Rate _____ Duty _____ Irrigation Season 3-1 10-31
- 15. Period of Allowed Use year round
- 16. Allowed Rate of Use 1.5 cfs
- 17. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
- 18. Conditions 7A, 7B
- 19. IR Public Notice Date 9/19/97
- 21. Final Report Checklist
 - Documents used in determination are attached to this checklist and highlighted
 - 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
 - b. **Check to make sure that the Watermaster Dist. listed on the CC list and the draft permit is correct**
 - Spell Check
 - Check for Accuracy
 - Final PFO report hard copy check (format, margins, etc.)
 - Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: D Miller

Date: 1/23/98

Mailing List for IR Copies

Application #G-14538

IR Date: September 5, 1997

Original mailed to:

Applicant: C "N" D FARM INC, PO BOX 2095, BANDON, OREGON 97411

Copies sent to:

1. WRD - File # G-14538
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 19
4. WRD - Regional Manager (not Bob Main): SWR
5. ODFW District Biologist: REESE BENDER (COOS County)

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

6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

Copies Mailed

By: <u>CKK</u>
(SUPPORT STAFF)
on: <u>9/5/97</u>
(DATE)

IR CHECKLIST

Application #: 6 14538

Basin: 17

WAB: _____ POU-WAB _____

County COO Township 28S Range 14W Section 32 1/4 1/4 S 1/2

- 1. Complete by Minimum Requirements checklist. Y / N Items still required: _____
- 2. Indicators that the process should not continue (ie - items missing, letter to file indicating hold, or other) Y / N
- 3. Groundwater review A B C D River/Stream Name Johnson Cr Conditions 7B
Water Availability A B C
a. Is the well located in a groundwater limited area? Y / N Name _____
- 4. Within or Above a Scenic Waterway Y / N conditions/restrictions Y / N _____
- 5. Allowed under Basin Program Y / N Limitations? Y / N 690-517-001 (S)
- 6. Withdrawn? Y / N season allowed _____
- 7. Basin Maps have been checked. Y / N _____
- 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA
- 9. Use CRAW-68AE 1.5 CFS Period of Allowed Use _____ 4/R
- 10. For Irrigation: Rate ~~1.5~~ .15 CFS/AE Duty 2.5 Season 4/R
- 11. Allowable Rate of Use: 10.2 CFS
- 12. Priority Date(s) 6/3/97
- 13. B.O.R. project Y / N contract # _____
- 14. Subject to Division 33 (Above Bonn after July 17, 1992; Below Bonn after April 8, 1994 or June 3, 1994; or Statewide - in shaded areas on t=T, E, & S Map - After June 3, 1994) Y / N NA
- 15. Conflicts Y / N
- 16. Conditions? (BOR, GW, other) Y / N 7B, 7A mod
- 17. Land use approval OK'd needs approval county notified NA
- 18. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 SWR)
- 19. Letter will be Good Limited Bad Bad w/IRshort because _____

7B, 7A mod.

Name: Conroy

Date: 8/15/97

(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.

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	NE	NW	SW	SE
R 70050 R 11227	0	V								(CH)								
S 22415 S 17668	21653	V						4.90 (IR)										
S 23631 S 18645	21685	V						4.50 (IR)										
S 34672 S 27232	0	V					(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)				
S 34673 S 27233	0	V					(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)				
S 42775 S 31857	48118	V	2.80 (AG) 2.80 (IR) 2.80 (TC)			2.20 (AG) 2.20 (TC)												
S 64533 S 47286	0	V						4.50 (CR)										
S 70051 S 50975	0	V						2.91 (CR) 5.19 (CR)										

////////////////////////////////////
/ ATTENTION /
/ WATER RIGHTS SECTION!!! /
////////////////////////////////////

The following point of diversions may have been filed on a restricted stream

Application	Stream	Restriction
G 14538	GEIGER CR > FERRY CR	WTHDRWN SEO V11 P137
G 14539	UMATILLA R > COLUMBIA R	WTHDRWN ORS 538.450
G 14539	UMATILLA R > COLUMBIA R	WTHDRWN ORS 538.450
G 14540	N FK BEAVER CR > BEAVER CR	WTHDRWN SEO V7 P75
R 83436	BEAR CR > ROGUE R	WTHDRWN SEO V9 P489
R 83436	BEAR CR > ROGUE R	WTHDRWN SEO V9 P489
R 83437	BEAR CR > ROGUE R	WTHDRWN SEO V9 P489

Ath
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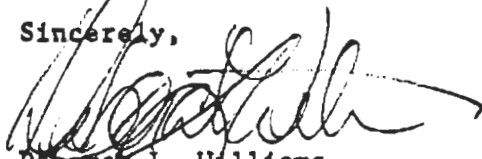
G14538

June 5, 1997

Oregon Department of Water Resources
Salem, OR 97310

This is to verify Jeffrey L. Williams is the president of
C "N" D Farms, Inc., an Oregon corporation.

Sincerely,



Deborah L. Williams
Secretary/Treasurer
C "N" D Farms



Oregon Water Resources Department

G-14538

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 68.0 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: no. _____

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SALEM, OREGON

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Cranberry use Full season Partial season (from: _____ to _____)
- 2. _____ Full season Partial season (from: _____ to _____)
- 3. _____ Full season Partial season (from: _____ to _____)
- 4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

262.0 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
- Two or three times weekly during daytime Two or three times weekly during nighttime
- Weekly, during daytime hours Weekly, during nighttime hours
- Other, explain: _____

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Supplemental Sheet
Additional Remarks

C"N"D Farm , Inc.
Ground Water Application

There is a natural divide within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32 between Geiger Creek and the North Fork Johnson Creek. The approximate divide is shown on the application map. Distance from the proposed development to a branch of Geiger Creek is 1,335 - 1,355 feet and 1,610 feet from North Fork Johnson Creek.

The unnamed tributary is miss-located on the topographic map. The correct location is shown on the application map. The unnamed stream travels along the 40 line as shown. The unnamed stream does not have a fish population because of the low flow associated with the stream. Visits have been made by the Department of Forestry and have offered advice as to how to proceed with the construction.



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Oregon Water Resources Department Land Use Information Form

WATER RESOURCES DEPT.
SALEM, OREGON

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, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: C"N"D Farm, Inc.

Address: P.O. Box 2095

City: Bandon State: Ore. Zip: 97411 Day Phone: (541) 572-6508

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
28S/14W	Forest (M/U)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
S.32 TL 2000		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
10307.02		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Coos

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Cranberry operations

Signature: [Signature]

Staff contact: [Signature]

City or County: Coos County

Phone: (541) 396-3121 STARS

Date: 6-2-97

Name of water right applicant: C "N" D Farm, Inc.

Receipt for Request for Land Use Information

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

For Local Government Use Only

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 or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ . Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Theda L Kerns Date: 6-2-97
 Title: Planner Phone: (541) 396-3121 ext 210
 Signature: Theda L Kerns

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

96 07 0024

G 14538

EXHIBIT "A"

That part of west half of the East half of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, lying South of the County road as said road was established on April 5, 1935.

ALSO;

The Southeast quarter of the Southwest quarter of Section 32, Township 28 South Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPT that part lying within public roads.

ALSO SAVE & EXCEPT therefrom all standing and down timber lying or being upon the above described property, as conveyed to Rayonier, Inc., North Carolina Corporation, by Timber Deed recorded May 5, 1995 as Microfilm No. 95-05-0188, Records of Coos County, Oregon.

EXHIBIT "B"

1. Rights of the public in and to that portion of the herein described property lying within the boundaries of roads and roadways.

2. Reservation of Minerals, Mineral Rights and related rights of way, including the terms and provisions thereof, which rights are owned by Coos County, Oregon by Deed recorded in Vol. 139, page 434, Deed Records of Coos County, Oregon.

3. Easement, including the terms and provisions thereof, conveyed to United States of America and its assigns, by instrument recorded August 7, 1969, as microfilm no. 69-8-41110, records of Coos County, Oregon.

4. Subject to terms, provisions and easements as set forth in Timber Deed recorded May 5, 1995 as Microfilm No. 95-05-0188, Records of Coos County, Oregon.

5. The Right, Title and Interest of Rayonier Inc., A North Carolina Corporation, in and to all standing and down timber lying or being upon the land subject to this report as conveyed by Timber deed recorded May 5, 1995 as Microfilm No. 95-05-0188, Records of Coos County, Oregon.

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JUN - 3 1997

WATER RESOURCES DEPT.
SALEM, OREGON

RECORDING #

96070024

I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at



1:54 ON 07/01/1996

By M. WILSON Deputy

pages 2 Fee \$ 38.00

142E

KNOW ALL MEN BY THESE PRESENTS, That MIKE MAST AND JAMES MAST

Grantor... in consideration of ONE HUNDRED FIFTY THOUSAND AND NO/100 Dollars, to them paid by the Grantee her-in, do hereby grant, bargain, sell and convey unto C "N" D FARM, INC.

Grantee the following described real property, situated in the County of COOS and State of Oregon, to wit:

SEE ATTACHED EXHIBIT "A" excluding all merchantable timber

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WATER RESOURCES DEPT. SALEM, OREGON

Parcel # 10307.00

To Have and to Hold the granted premises unto the said Grantee, its Heirs and Assigns forever. And the Grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, EXCEPTING: SEE ATTACHED EXHIBIT B

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness our hand and seal this 24th day of JUNE, 19 96

MIKE MAST (SEAL)

JAMES MAST (SEAL)

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST ANY FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON County of COOS } ss.

BE IT REMEMBERED, That on this 24th day of JUNE, 1996, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named MIKE MAST AND JAMES MAST

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that THEY executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Alice H. Dexter Notary Public for Oregon. My Commission expires 9-23-97

UNTL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

C"N"D FARM, INC. RT. 1, BOX 2119 BANDON, OR 97411

Return to:

C"N"D FARM, INC. RT. 1, BOX 2119 BANDON, OR 97411

STATE OF OREGON County of } ss.

I certify that the within instrument was received for record on at o'clock, and was recorded in Book Page Record of Deeds of said county.

Recorder of Conveyances

By Deputy

35

FIRST AMERICAN TITLE OF WILLAMETTE VALLEY 454 Commercial Avenue Coos Bay, Oregon 97420 206599 LD

SECTION 32 T.28S. R.14W. W.M.
COOS COUNTY

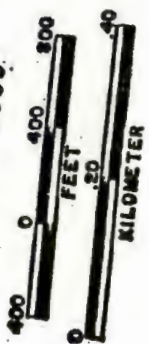
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& INDEX

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

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SCALE 1:9600



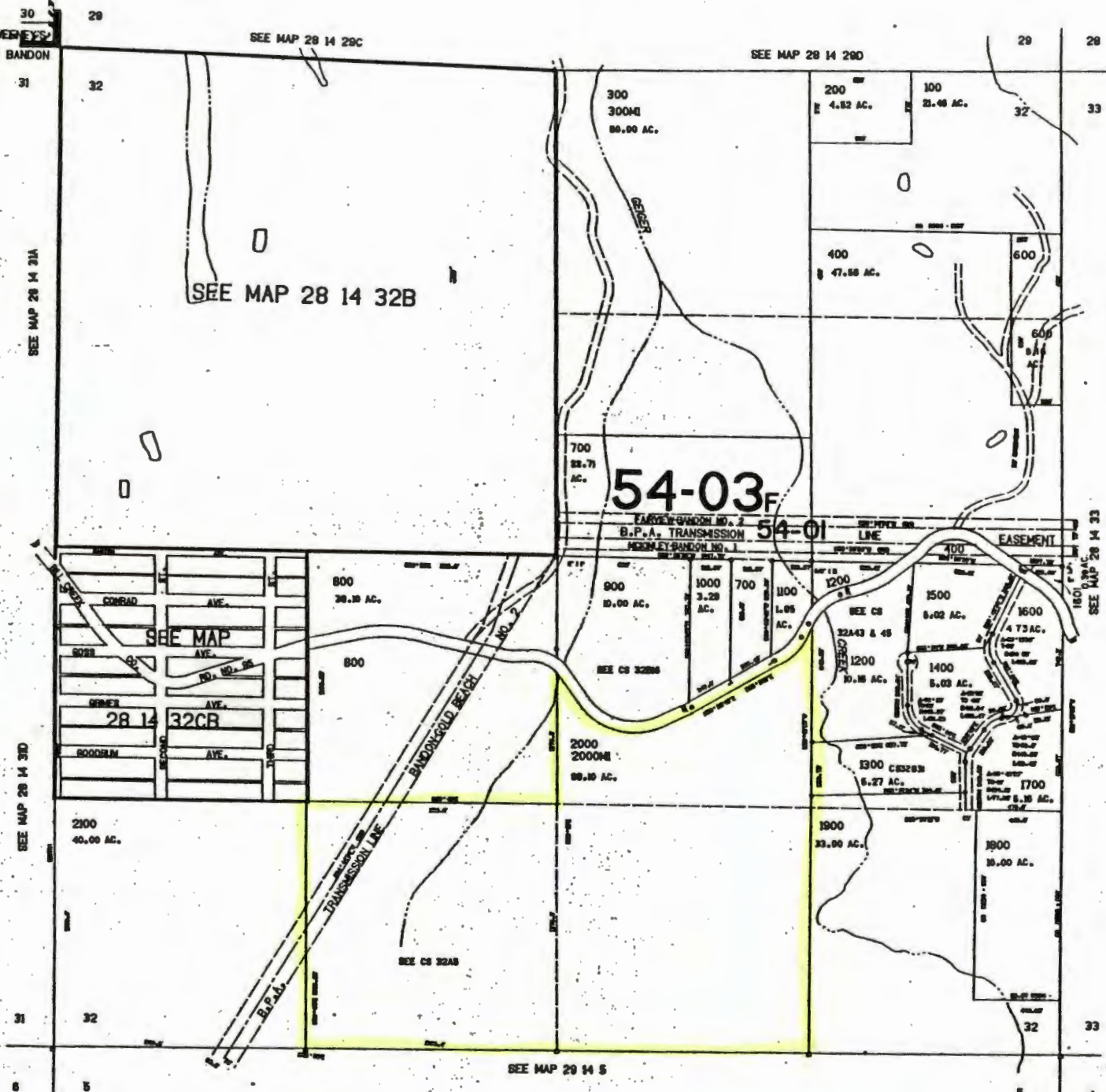
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SALEM, OREGON

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ASSESSMENT & APPRAISAL DIV.

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DEPT. OF THE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.



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28 14 32

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: G-14538

Applicant: C "N" D FARM INC

County: COOS

Watermaster: District 19

Priority Date: June 3, 1997

Source: A SUMP WELL IN GEIGER CREEK BASIN

Use: CRANBERRY USE (IRRIGATION) ON 68.0 ACRES

Quantity: 1.5 CUBIC FEET PER SECOND

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 3 FERRY CR & MISC

Point of Diversion Location: SESW, SECTION 32, T28S, R14W, W.M.; 320 FEET NORTH &
1440 FEET EAST FROM SW CORNER, SECTION 32

Place of Use: SESW 33.0 ACRES NWSE 9.0 ACRES SWSE 26.0 ACRES, SECTION 32,
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 19, 1997

PUBLIC NOTICE DATE: Tuesday, September 23, 1997

30 DAY COMMENT DEADLINE DATE: Thursday, October 23, 1997