

CLAIM OF BENEFICIAL USE MAP

LOCATION: T29S, R15W, W.M. TAX LOTS 1000, 1900 AND 1902 OF SECTION 13, AND TAX LOTS 101 AND 102 OF SECTION 24, COOS COUNTY, OR
 STREET ADDRESS: 87230 BOAK LANE, BANDON OR 97411






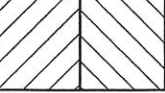



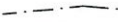

PREPARED FOR:
 FUGATE FARMS, LLC

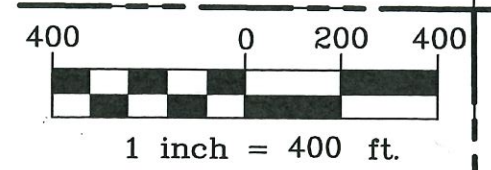
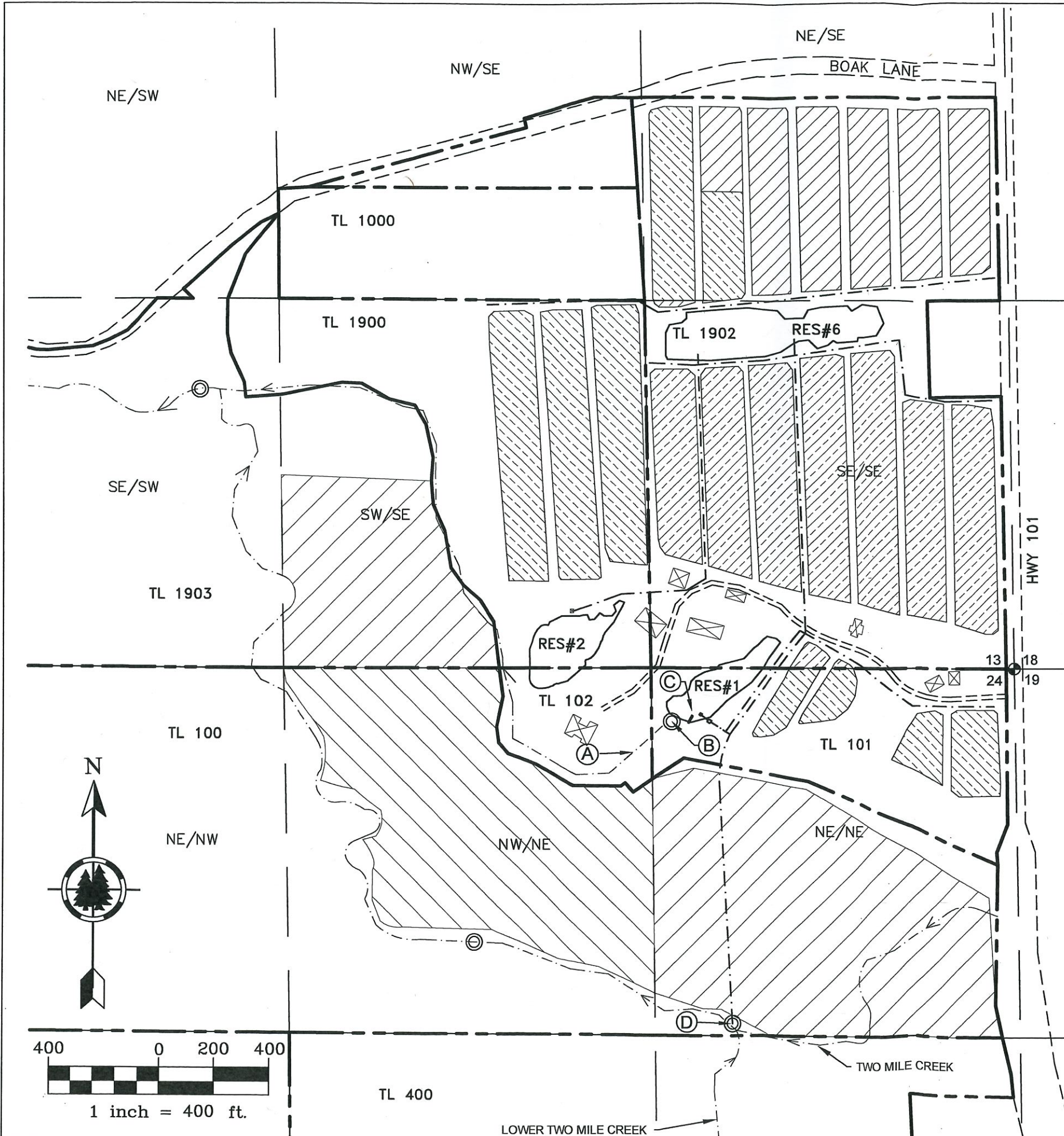
APPLICATION R-73854
 PERMIT R-12893

FUGATE FARMS PROPERTY, T29S, R15W:
 SECTION 13, TAX LOTS 1000, 1900, 1902. SECTION 24, TAX LOTS 101 AND 102.

BANDON BIOTA PROPERTY, T29S, R15W:
 SECTION 13, TAX LOT 1903. SECTION 24, TAX LOTS 100, 201, 400.

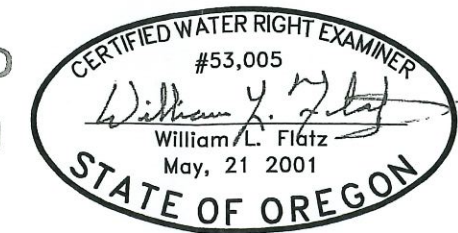
- A) UNNAMED STREAM #1.
- B) RES. #1 POD, DAM, 190'S AND 1250' W OF THE NE CORNER OF SECTION 24.
- C) STAFF GAGE ON END OF WALKWAY ACCESS TO FLASH BOARDS.
- D) POD FOR TWO MILE CREEK FOR THIS CLAIM FOR RES. #1.
 LOCATED 1285'S AND 1020'W OF THE NE CORNER OF SECTION 24.
 POD FOR CERTIFICATES 88120 AND 73636.
 LOCATION OF PORTABLE 25 HP PUMP.
 McCROMETER TOTALIZING METER ON BURIED MAINLINE.
 LOCATION OF ACTIVE FISH SCREEN.

LEGEND					
⊙	POD		BUILDING		GOV. CORNER
	MAIN ROAD		FUGATE PERMIT S-53694 CRANBERRY OPERATIONS RES. #1 ONE SOURCE.		
	MINOR ROAD		FUGATE CERTIFICATE 88120 CRANBERRY OPERATIONS		
	BURIED MAINLINE		BANDON BIOTA CERTIFICATE 73636 IRRIGATION		
	SECTION & 1/4-1/4 LINES				
	CREEKS				
	PROPERTY LINES				



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EXPIRES 12/31/2021

Project: 320-066
 Drawing Name:
 FUGATE FARMS RES#1 COBU MAP
 Drawn By: WLF
 Checked by: WLF
 REVISED 04-27-21

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <u>2-73854</u>	WRD Reviewer <u>Com M.</u>
Transfer #	
Date Received <u>5-12-2021</u>	
CWRE Name <u>William Flatz</u>	

Priority Date: 1/20/1994
Fees Required:

YES NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

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

Fill in App or Transfer Number

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION: PERSONAL TRANSFER
CASH CHECK #	OTHER (IDENTIFY)
<input type="checkbox"/>	<input type="checkbox"/>
TOTAL RECD \$	
1083 TREASURY 4178 MISC CASH ACCT.	
0427 COPIES	0
OTHER (IDENTIFY)	
0243 Instrum Lease	0244 Muni Water Mgmt Plan
0245 Cons Water	
1083 TREASURY 4270 WRD OPERATING ACCT.	
MISCELLANEOUS	
0407 COPY & TAPE FEES	4611
0410 RESEARCH FEES	
0408 MISC REVENUE (IDENTIFY)	
TC162 DEPOSIT LAB (IDENTIFY)	
0240 EXTENSION OF TIME	
WATER RIGHTS	
0201 SURFACE WATER	EXAM FEE
0203 GROUND WATER	RECORD FEE
0205 TRANSFER	
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE
LANDOWNER'S PERMIT	RECORD FEE
OTHER (IDENTIFY)	
0200	0219
0200	0220
0200	0202.00
0687 TREASURY 0487 HYDROELECTRIC	
0223 POWER LICENSE FEE (PWWRO)	LIC NUMBER
0231 HYDRO LICENSE FEE (PWWRO)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	

RETURN TO APPLICANT - LETTER ATTACHED

Groundwater File Review: MA

Pump Test Required? YES NO Pump Test Submitted? YES NO*

*If no, include pump test flyer w/acknowledgment letter



TELEPHONE (503) 357-5717
CELL (503) 939-8381
FAX (503) 357-5698
billflatz@stuntzner.com

2318-B Pacific Avenue
FOREST GROVE, OREGON 97116

COOS BAY - FOREST GROVE - DALLAS - JUNCTION CITY

TO: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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SUBJECT: Claim of Beneficial Use Submittal.

April 28, 2021

To Whom it may concern:

Please find enclosed:

- A completed Claim of Beneficial Use form.
- A completed Claim of Beneficial Use map
- Claim of Beneficial Use attachments.
- A check for \$200 for the statutory review fee.

Please call if you have any questions or need any further information.

Sincerely,
Stuntzner Engineering & Forestry, LLC

Bill Flatz, PE, CWRE

A handwritten signature in blue ink that reads "Bill Flatz".

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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**A fee of \$200 must accompany this form for permits
with priority dates of July 9, 1987, or later.**
Claims received without the correct fee of \$200 will be returned.

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

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

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

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

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION # R-73854	PERMIT # (IF APPLICABLE) R-12893	PERMIT AMENDMENT # (IF APPLICABLE)
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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Jack and Barbara Fugate		PHONE No. 541-347-4390	ADDITIONAL CONTACT No. 541-808-1216
ADDRESS PO Box 1245			
CITY Bandon	STATE OR	ZIP 97411	E-MAIL

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

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

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PERMIT HOLDER OF RECORD Same		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

02-26-21

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Jack and Len Fugate	02-26-21	Owners

6. County

Coos

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

SECTION 2

SIGNATURES

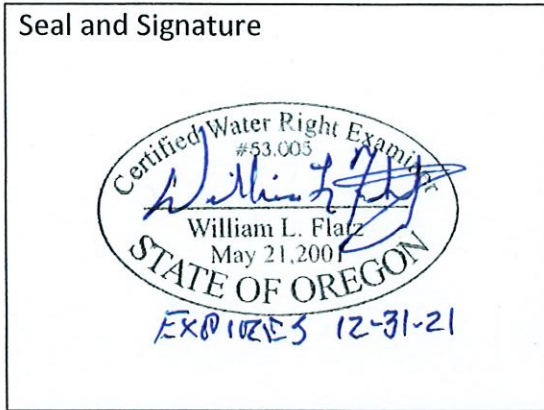
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CWRE Statement, Seal and Signature

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



CWRE NAME William L. Flatz		PHONE NO. 503-357-5717	ADDITIONAL CONTACT NO. 503-939-8381
ADDRESS 2318-B Pacific Avenue			
CITY Forest Grove	STATE OR	ZIP 97116	E-MAIL billflatz@stuntzner.com

Permit Holder's of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Jack Fugate</i>	Jack Fugate	Pres., Partner	4-29-21
<i>Barbara Fugate</i>	Barbara Fugate	Member LLC	4-29-21

SECTION 3

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CLAIM DESCRIPTION

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1. Reservoir source and, if from surface water, the tributary:

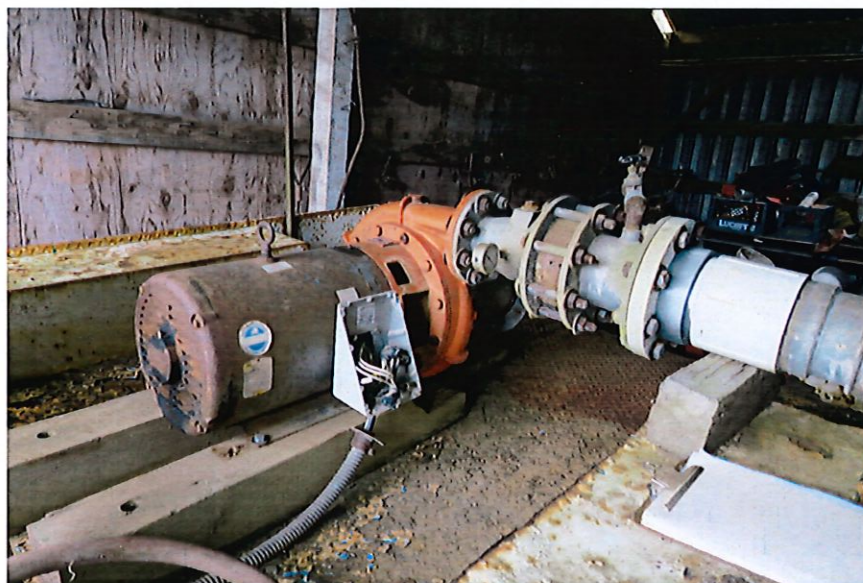
RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Reservoir #1	Un-named stream and Two Mile Creek	Tributary of Two Mile Creek and the Pacific Ocean

2. Developed use(s), period of use, and acre foot (af) for each use:

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Reservoir #1	Cranberry operations	Dec. 31 through March 31	8.42 ac-ft
Total Quantity of Water Stored			8.42

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:

Winter runoff water is collected naturally in reservoir #1. Any additional water needed to fill the reservoir is pumped from Two Mile Creek through a centrifugal pump and buried mainline pipe. The water can be used from the reservoir to irrigate, freeze control or harvest operations on the 4 bogs to the east of the reservoir. The water can also be pumped up to reservoir #6 where it can be used for cranberry operations on all other bogs. All water used on the bogs will drain by gravity back to the reservoirs.



Portable 25 hp centrifugal pump on trailer, in shop for the winter.



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Active fish screen at the Two Mile Creek POD.



McCrometer totalizing meter, at bottom of pipe, protection from high winter water and silt.

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Pipe sticking up protecting meter at Two Mile Creek, electrical meter visible on the left.



Reservoir #1 facing downstream.



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Staff gage at the end of the walk way,
rectangular flash board stand pipe visible to left of the staff gage.



Cranberry bog with cannal gate controlled drainage in foreground.

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

4. Variations:

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

YES **NO**

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

The Permit allowed the storage of 9.2 acre-feet, the reservoir was developed to hold 8.42 acre-feet.

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Reservoir #1	9.2 acre feet	8.42 acre-feet

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SECTION 4

SYSTEM DESCRIPTION

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Are there multiple reservoirs?

YES

NO

If "YES" you will need to copy and complete Sections A through E for each reservoir.

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

Reservoir #1

A. Reservoir Location

1. Is the reservoir on-channel?

YES

NO

2. Provide dam outlet location and/or point of diversion(s).

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
29S	15W	W.M.	24	NE/NE			190' South and 1250' West from the NW corner of Sec 24.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), and Quarter-Quarters (QQ).

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

YES

NO

If "NO" items 2 through item 5 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Berkeley	B 4 JPBH	M3557	Centrifugal

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
25	14.5	8	20	2.55

4. Provide pump calculations:

Note: 1999 Claim of Beneficial Use for T-7309 resulting in Certificate 88120 by CWRE James F. Gosson, the system was in use and the meter was observed to deliver 875 gpm to reservoir #6. The system was winterized when our inspection took place. Using the difference in elevations between reservoir #6 and reservoir #1 we used the OWRD rate-calc pump equation to calculate the theoretical pumping rate to reservoir #1.

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Pump Capacity Calculation Sheet

using Department designed formula:

$$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>25</u>	Two Mile Creek pump to Res. #6
Efficiency =	<u>6.61</u>	per 1999 Claim of Beneficial Use
Lift =	<u>48</u>	
PSI =	<u>14.5</u>	

Results Calculated

(hp)(efficiency) =	165.25	
Head based on psi =	36.8	
Total dynamic head =	84.8	
(head + lift)		
Pump Capacity =	1.95	cubic feet per second
Pump Capacity =	874	gallons per minute

Data Entry (fill in underlined blanks)

HP =	<u>25</u>	Two Mile Creek pump to Res. #1
Efficiency =	<u>6.61</u>	per 1999 Claim of Beneficial Use
Lift =	<u>28</u>	
PSI =	<u>14.5</u>	

Results Calculated

(hp)(efficiency) =	165.25	
Head based on psi =	36.8	
Total dynamic head =	64.8	
(head + lift)		
Pump Capacity =	2.55	cubic feet per second
Pump Capacity =	1,144	gallons per minute

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

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

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

6. Additional notes or comments related to the system:

Water has been stored in reservoir #1 since it was first filled in 1996. This reservoir is one part in a large and efficient water system for the cranberry operations.

C. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

YES NO

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

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)

3. Provide calculations:

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4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

D. Gravity Flow Canal or Ditch

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

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

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

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)

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3. Provide calculations:

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--

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications? **YES** **NO**

If "YES", answer item 2; items 3 through 8 relating to this section may be deleted.

If "NO", skip items 2; answer items 3 through 8.

2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
13 feet	7.94 feet	1.06 acres	8.42 acre-feet

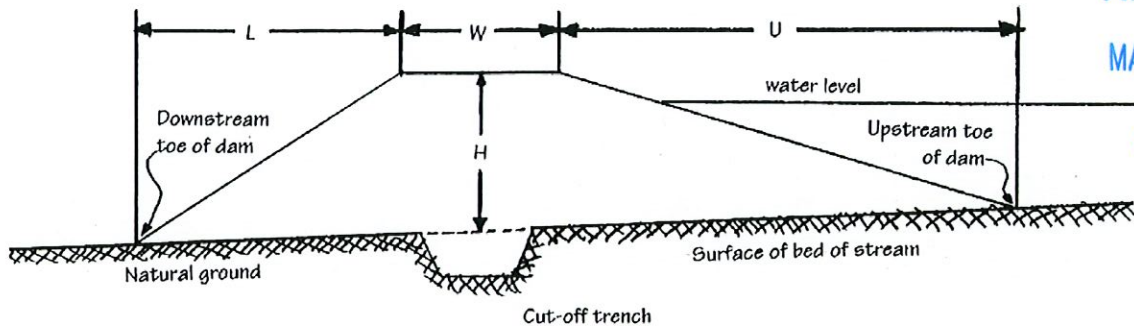
4. Provide reservoir volume calculations:

<p>See attached spreadsheet with storage calculations.</p>

5. Provide the following information concerning the physical characteristics of the dam:

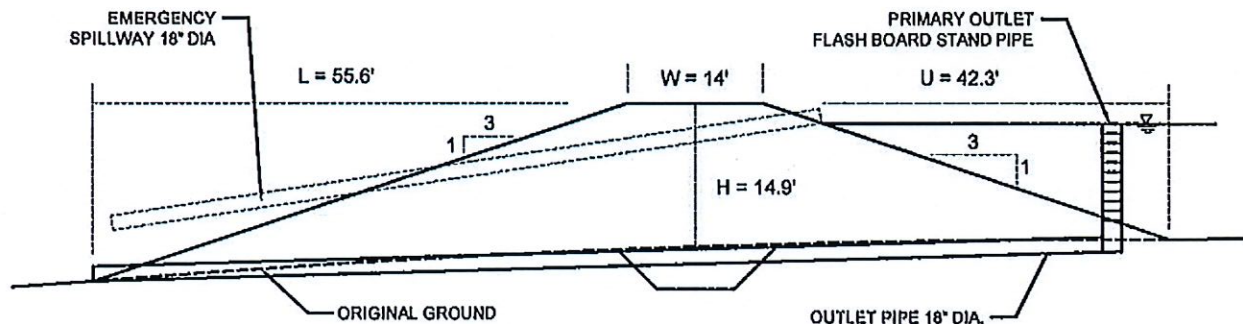
CREST WIDTH (W)	DAM HEIGHT AT CENTERLINE (H)	DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L)	DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U)	WATER LEVEL AT INSPECTION	DOWN-STREAM SLOPE	UP-STREAM SLOPE
14'	14.9'	55.6'	42.3	Full, el. Unknown	3:1	3:1

Example Dam Profile This box may be deleted from the form



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6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

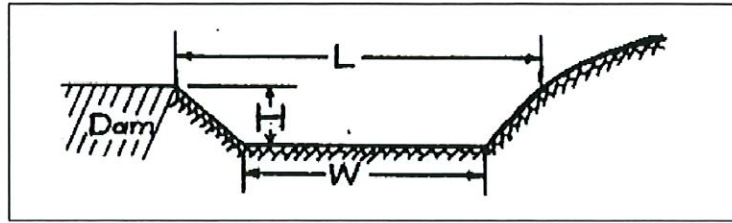


7. Describe the outlet works (size and type of the outlet conduit and location):

The primary outlet is a wooden flash board stand pipe connecting to an 18" diameter outlet pipe. The pond water level can be adjusted by removing or adding flash boards. The emergency spillway is a steep 18" diameter pipe that runs through the embankment. This cranberry farm also has two additional methods of controlling heavy rains. First the owners can close the outlet pipes in the cranberry bogs allowing the temporary detention of over 50 acre feet of rain water. Second if the rain event is too much for detention the owners have the ability to redirect the runoff around the ponds through a ditch system.

8. Describe the emergency spillway (dimensions and location):

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
18" DIAMETER PIPE	18" DIAMETER PIPE	18" DIAMETER PIPE



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SECTION 5

CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	8/15/2000		
BEGIN CONSTRUCTION (A)	8/15/2001	1995	Construction started.
COMPLETE CONSTRUCTION (B)		1995	Construction completed.
COMPLETE APPLICATION OF WATER (C)	10/1/2004 10/1/2015	1996	Water was stored.

* must be within period between permit or any extension final order issuance and the date to completely apply water

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

YES NO

3. Measurement Conditions:

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

YES NO

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

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

b. Has a meter been installed?

YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Two Mile Crk.	McCrometer	illegible	Working	Unable to read	Before June 1999
Res. #1	Staff gage	n/a	Working	n/a	1996

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

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES NO

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

NAME	TITLE	APPROXIMATE DATE

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED

4. Recording and reporting conditions

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

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

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b. Have the reports been submitted? YES NO

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If the reports have not been submitted, attach a copy of the reports if available.

5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit? YES NO

If "NO", items b through c relating to this section may be deleted.

b. Has the outlet pipe been installed? YES NO

If "YES", items c relating to this section may be deleted.

c. Does the water user have other means to evacuate the reservoir? YES NO

DESCRIBE HOW THE WATER USER PLANS TO EVACUATE THE RESERVOIR	HAS THIS PLAN BEEN APPROVED BY THE DEPARTMENT?	BY WHOM?
Water can be pumped to pond 6 or to the 4 cranberry bogs to the east of the reservoir.	YES <input checked="" type="checkbox"/> NO	The owner's

6. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES NO

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

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

Note: Although I can find no requirement in the permits for a fish screen the owner's use an active fish screen in the certified POD in Two Mile Creek.

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b. Has the fish screening been installed?

YES NO

c. When was the fish screening installed?

DATE	BY WHOM
Before June 1999	Assume the owners

Note: Though this permit does not require fish screen, the owners met years ago with ODFW and the Watermaster, they received a waiver from the Watermaster for the weirs in the unnamed creek. ODFW approved the fish screen in Two Mile Creek. However the owners have lost track of the documents. If needed the owners will try to get replacement approval from ODFW and the Watermaster.

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

d. If the diversion **involves a pump *and* the total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

Has the self-certification form previously been submitted to the Department? NA YES NO

- If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> (search for ODFW Small Pump Screen Self Certification), complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

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

e. If the diversion does **not involve a pump *or* the total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? NA YES NO
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

7. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES NO

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

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

b. Have by-pass device been installed?

YES NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
		<p>RECEIVED</p> <p>MAY 12 2021</p>
		OWRD

8. Other conditions required by permit, permit amendment final order, or extension final order

- a. Was the water user required to restore the riparian area if it was disturbed? YES NO
- b. Was a fishway required? YES NO
- c. Was submittal of a letter from an engineer required prior to storage of water? YES NO
- d. Was submittal of a water management and conservation plan required? YES NO
- e. Other conditions? YES NO

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

Weirs were required upstream and downstream of the reservoir unless the water master granted a waiver. The owners met with the water master and received the waiver but the document has been misplaced. The owners are trying to contact the water master to obtain another waiver.

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Permit	A copy of the original permit for reference.
Extension of time	A copy of the extension of time for the permit for reference.
T-7309 Claim of beneficial use	A copy of the COBU report certifying the meter at Two Mile Creek
Pond calculations	A copy of reservoir #1 volume calculations.
Property ownership esri	A copy of parcel ownership from Bandon Biota.
Paper COBU map	A paper copy of the COBU map for reference.

**SECTION 7
CLAIM OF BENEFICIAL USE MAP**

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

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

The local tax map was downloaded and inserted into an AutoCAD drawing then scaled up to match labeled dimensions. Property lines, section lines, creeks and roads were located using the tax map. Google air photos were downloaded and inserted into the drawing then scaled to match the tax map. Cranberry bogs, reservoirs, and buildings were located using the air photos.

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Map Checklist

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

- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature



TELEPHONE (503) 357-5717
CELL (503) 939-8381
FAX (503) 357-5698
billflatz@stuntzner.com

2318-B Pacific Avenue
FOREST GROVE, OREGON 97116

COOS BAY – JUNCTION CITY - FOREST GROVE - DALLAS

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Fugate Farms
Claim of Beneficial Use Res. #1
Application R-73854, Permit R-12893

ATTACHMENT INDEX

Permit R-12893; 3 pages, page 1

Extension of Time from 2010; 2 pages, page 4

Claim of Beneficial Use for T-7309 and map; 3 pages, page 6

Reservoir #1 Storage calculations; 1 page, page 9

Property ownership esri map from Bandon Biota; 1 page, page 10

Claim of Beneficial Use paper map for reference; 1 page, page 11

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JACK, SHERT, OR BARBARA FUGATE
RT 1 BOX 965
BANDON, OREGON 97411

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-73854

SOURCE OF WATER: AN UNNAMED STREAM (#1), TRIBUTARY OF TWO MILE CREEK,
AND TWO MILE CREEK, TRIBUTARY OF PACIFIC OCEAN

STORAGE FACILITY: RESERVOIR R-1

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER
APPLICATION S-73857, PERMIT FOR CRANBERRY OPERATIONS

VOLUME: LESS THAN 9.2 ACRE-FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD DECEMBER 1
THROUGH MARCH 31

DATE OF PRIORITY: JANUARY 20, 1994

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY THE RESERVOIR, WHEN FULL,
IS 1.7 ACRES; THE PROPOSED MAXIMUM DEPTH OF WATER IS 33.0 FEET. THE
MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 15.0 FEET.

DAM LOCATION: NE 1/4 NE 1/4, SECTION 24, T29S, R15W, W.M.; 171 FEET
SOUTH & 3970 EAST FROM THE SW CORNER OF SECTION 13.

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN:

SE 1/4 SE 1/4
SECTION 13

NE 1/4 NE 1/4
SECTION 24,
TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

Application R-73854 Water Resources Department

PERMIT R-12893

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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.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

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.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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PAGE 3

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

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


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

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

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

Actual construction work shall begin within one year from permit issuance. The reservoir shall be filled and complete application of the water to the use shall be made on or before October 1, 2004.

Dated August 15, 2000

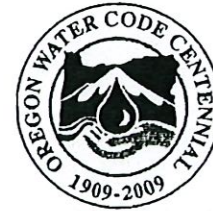

Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application R-73854 Water Resources Department
Basin 17 Volume 3 Twomile Creek & Misc

PERMIT R-12893
District 19

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number R-73854

Final Order
Extension of Time for Permit Number R-12893

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 R-12893 was issued by the Department on August 15, 2000. The permit called for complete application of water to beneficial use by October 1, 2004. On May 30, 2009 Jack, Sheri or Barbara Fugate submitted to the Department an Application for Extension of Time for Permit R-12893. In accordance with OAR 690-315-0050(2), on May 25, 2010 the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2015. The protest period closed July 9, 2010, 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. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2010 and 2015. Forms will be enclosed with your Final Order.**

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- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application R-73854, Permit R-12893, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2010.

DATED: October 12, 2010


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
 - 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
-

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WATER RESOURCES DEPT.
SALEM, OREGON

CLAIM OF BENEFICIAL USE AND SITE REPORT
IN THE NAME OF FUGATE FARMS

TRANSFER T-7309

PERMIT 17313

SECTIONS 13 AND 24, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

GENERAL INFORMATION

The methods used to determine the information contained in this document are as follows:

1. Examination of Special Order, Volume 50 Page 845,
2. Examination of Assessor Map 29-15-24,
3. Examination of U.S.G.S. Quadrangle Map (Bandon),
4. On-site survey, 17 June, 1999,
5. Interview with Lynn Fugate, 17 June, 1999.

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SOURCE

Twomile Creek, a tributary of Pacific Ocean.

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POINT OF DIVERSION

Portable pumping, SE1/4 SW1/4, SW1/4 SE1/4, Section 13,; NE1/4 NE1/4, NW1/4 NE1/4, Section 24; T29S, R15W, W.M., Coos County.

USE

Cranberry Irrigation.

PLACE OF USE

NE1/4 SE1/4 Section 13, T29S, R15W; 12.0 Acres.

DIVERSION WORKS AND DELIVERY SYSTEM

A trailer-mounted electric motor and centrifugal pump diverts and delivers water to the place of use via an 8" X 3300' PVC mainline, through an elevation range of 48 feet.

Motor:
 Baldor
 25 HP
 Cat.#: JPK25S1T
 Frame: 234jp
 Ser.#: 96030

Pump:
 Berkeley Centrifugal
 Model #: B4JPBH
 Ser. #" M3557
 Impeller: 10.75" Diameter
 Intake: 5"
 Discharge: 4"

METER

8-inch McCrometer totalizing meter
Ser.#: illegible

CAPACITY OF THE DELIVERY SYSTEM

By observation of the meter, the system was delivering approximately 875 gallons/minute.

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WATER RESOURCES DEPT.
SALEM OREGON

CLAIM OF BENEFICIAL USE - FUGATE - PERMIT 17313 - TRANSFER 7309

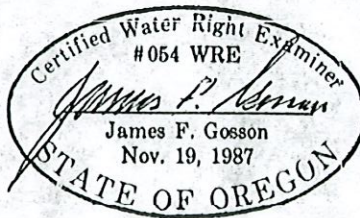
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CERTIFICATION

The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Transfer 7309, Permit 17313, were completed by James F. Gosson, Certified Water Right Examiner #54, on 17 June, 1999, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.



I, a representative of Fugate Farms, agree to the findings of James F. Gosson, Certified Water Right Examiner #54, and do submit this site report and map as Claim of Beneficial Use of the water as provided under the terms and conditions of Transfer 7309, Permit 17313.

Barbara L. Fugate
signature

8-10-99
Date

FINAL PROOF SURVEY MAP
 IN THE NAME OF FUGATE FARMS
 SECTION 13, T 29 S, R 15 W, W.M.

PERMIT No. 17313 CERTIFICATE No. 22935 TRANSFER No. 7309

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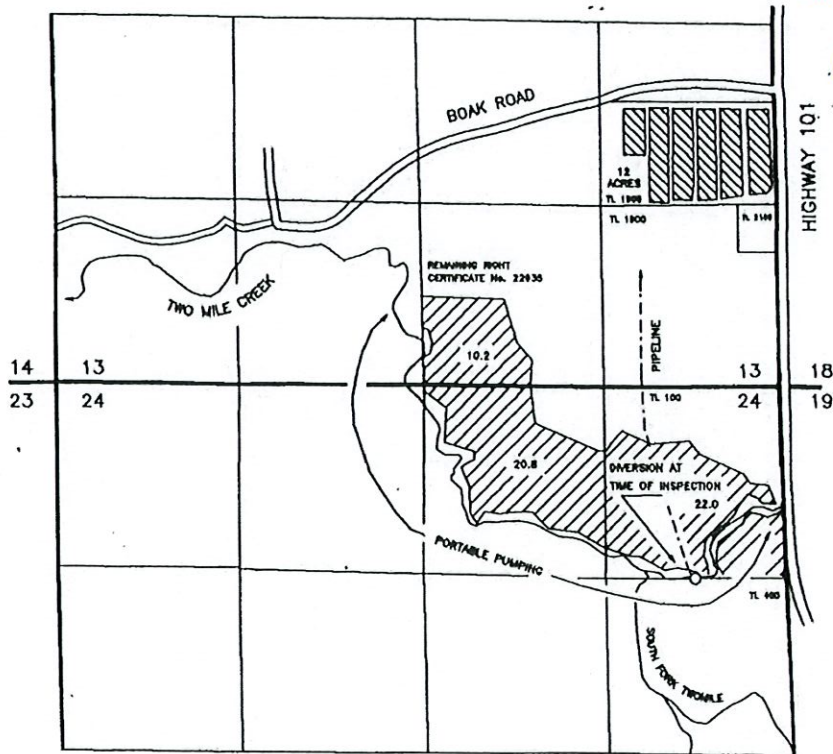
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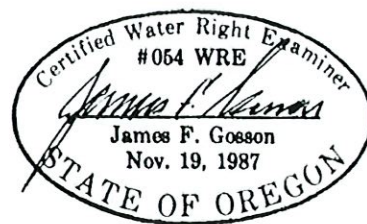
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THE AUTHORIZED POINT OF DIVERSION IS PORTABLE PUMPING WITHIN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 13; THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M., 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.



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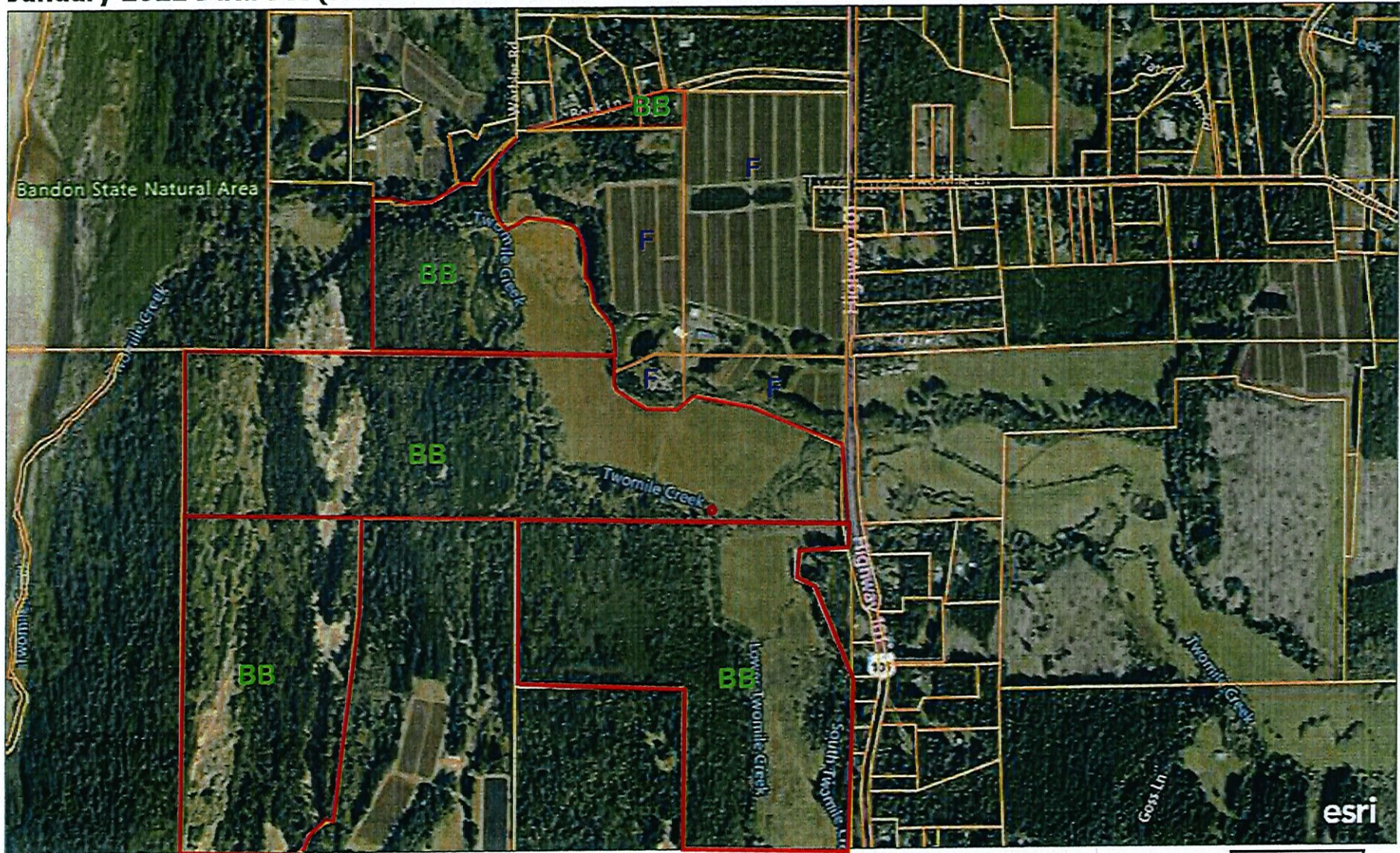
Fugate Reservoir #1 Storage Calculations

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DEPTH FT	AREA SF	VOL. CFT	CUM.VOL. CF	CUM VOL AF
0	47,174			
		46,192	366,936	8.42
1	45,209			
		44,240	320,744	7.36
2	43,271			
		41,515	276,504	6.35
3	39,759			
		38,740	234,989	5.39
4	37,720			
		36,763	196,250	4.51
5	35,806			
		34,831	159,487	3.66
6	33,856			
		32,370	124,656	2.86
7	30,883			
		28,209	92,286	2.12
8	25,535			
		22,486	64,077	1.47
9	19,437			
		16,760	41,591	0.95
10	14,082			
		12,423	24,832	0.57
11	10,764			
		8,402	12,409	0.28
12	6,040			
		4,007	4,007	0.09
13	1,973			

BB - Bandon Biota Parcels
F - Fugate Parcels

January 2021 Data Set (PARCEL ALIGNMENT WITH PHOTO MAY NOT BE EXACT)



0.2mi

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