

FILE#: R 72687

SEAVIEW BOGS INC.
~~RT 2 BOX 533~~ 55435 Goodwin Rd
 BANDON, OR 97411

Date filed _____

Priority _____

Action suspended until FPD

Return to applicant _____

Date of approval 1-31-97

CONSTRUCTION

Date for beginning 1-31-98

Date for completion 10-1-99

Extended to _____

Date for application of water 10-1-00

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed 6/30/99 - CSM due 6/30/00

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued NOV 13 2015

Application No. R 72687

Permit No. R12105

Certificate No. 90913

See File 13128/72688

Stream Index, Page No. 17

17-1560-0000-0010

V3 BASIN 17 Misc

FEES PAID

| Date | Amount | Receipt No. |
|----------------------|------------|--------------|
| <u>9/21/92</u> | <u>300</u> | <u>92136</u> |
| | | |
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| | | |
| | Cert. Fee | |
| FEES REFUNDED | | |
| Date | Amount | Check No. |

ASSIGNMENTS

| Date | To Whom | Address | Volume | Page |
|------|---------|---------|--------|------|
| | | | | |
| | | | | |

REMARKS

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEAVIEW BOGS, INC.
55485 GOODWIN RD
BANDON, OR 97411

confirms the right to store water perfected under the terms of Permit R-12105. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-72687

SOURCE: ONE WELL AND AN UNNAMED DRAINAGE DITCH, TRIBUTARIES OF NEW RIVER

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE: TO BE APPROPRIATED UNDER APPLICATION S-72688, PERMIT S-52991 FOR CRANBERRY OPERATIONS

MAXIMUM STORAGE VOLUME: 6.2 ACRE-FEET (AF) PER YEAR, BEING 3.0 AF IN RESERVOIR 1, AND 3.2 AF IN RESERVOIR 2

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31 OF EACH YEAR

DATE OF PRIORITY: SEPTEMBER 21, 1992

RESERVOIR LOCATIONS:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 30 S | 15 W | WM | 14 | SE SW | RESERVOIR 1 - 990 FEET NORTH AND 3110 FEET WEST FROM SE CORNER, SECTION 14 |
| 30 S | 15 W | WM | 14 | SE SE | RESERVOIR 2 - 1230 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 14 |

The area submerged by the reservoirs is as follows:

| Twp | Rng | Mer | Sec | Q-Q | Reservoir |
|------|------|-----|-----|-------|-------------|
| 30 S | 15 W | WM | 14 | SE SW | Reservoir 1 |
| 30 S | 15 W | WM | 14 | SE SE | Reservoir 2 |

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter, as identified in OAR 690-507-645, or other suitable measuring device as approved by the watermaster at each diversion point. The water user shall keep a complete record of the amount of water used each month. The water user shall submit a report which includes the recorded water use measurements to the Department at its request. The water user may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

The storage of water allowed herein is subject to the maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

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


This right 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 plans.

The storage 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 right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued NOV 13 2015



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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Date Mailed: November 13, 2015

NOTICE OF CERTIFICATE ISSUANCE

Attached are certificates that confirm water rights established under the terms of permits issued by this Department. The water rights are now appurtenant to the specific place where the use was established as described by the certificates. The water rights are limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificates.

These certificates are final orders in other than a contested case. These orders are subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of these orders. 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of these certificates within three months after issuance of the certificates.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-72687

Permit: R-12105

Certificate: 90913

Permit/Certificate Holder:

SEAVIEW BOGS, INC.
55485 GOODWIN RD
BANDON, OR 97411 ✓

| |
|------------------------------------|
| Copies Mailed |
| by: <u>Connie Vance</u> (STAFF) |
| on: <u>NOV 13 2015</u> (DATE) |

Copies of Final Certificate to be sent to:

1. ~~Watermaster District 19~~
2. ~~Data Center (include copy of map)~~
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

1. Current landowners tax lots 30S15W14TL0040000 & 30S15W14TL0070000
David K. McKenzie
Shilo M. McKenzie ✓
Morgan L. McKenzie
PO Box 2
Langlois, OR 97450-0002
2. Current landowner tax lot 30S15W14TL0070100
David K. McKenzie ✓
PO Box 2
Langlois, OR 97450-0002

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-72687

Permit: R-12105

Certificate: *****

Permit/Certificate Holder:

~~SEAVIEW BOGS, INC.
55485 GOODWIN RD
BANDON, OR 97411~~

| | |
|--------------------|---------|
| Copies Mailed | |
| by: <u>JH</u> | (STAFF) |
| on: <u>8/21/15</u> | (DATE) |

Copies of Final Certificate to be sent to:

- ~~1. Watermaster District 19~~
- ~~2. Data Center (include copy of map)~~
- ~~3. Water Availability~~
- ~~4. Vault~~
- ~~5. File~~

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David K. McKenzie
Shilo M. McKenzie
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David K. McKenzie
PO Box 2
Langlois, OR 97450-0002~~

PROPOSED



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

DATE MAILED:

NOTICE

AUG 21 2015

Reference: Application R-72687 Permit R-12105

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Administrator

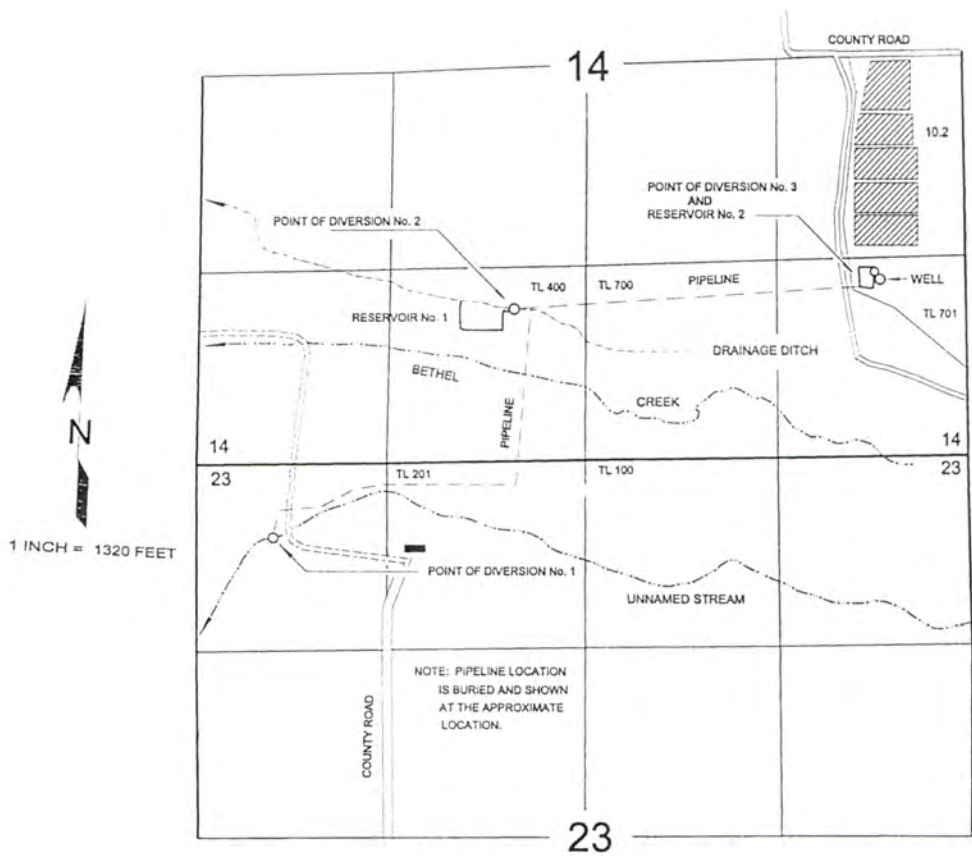
FINAL PROOF SURVEY MAP

IN THE NAME OF SEAVIEW BOGS, INC.

SECTIONS 14 & 23 , T 30 S, R 15 W, W.M.

APPLICATION G-13128
APPLICATION R-72687
APPLICATION S-72688

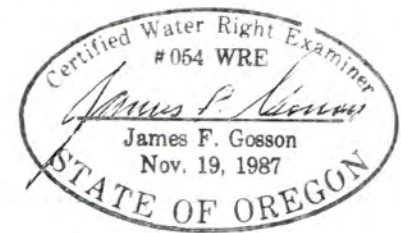
PERMIT G-13021
PERMIT R-12105
PERMIT 52991



POINTS OF DIVERSION

| DIVERSION | SOURCE | NORTH/SOUTH | EAST/WEST | ¼ ¼ | SECTION |
|-----------|-------------------------------|------------------|-----------------|--------|---------|
| No. 1 | UNNAMED STREAM | 580 FEET SOUTH | 4,760 FEET WEST | NW¼NW¼ | 23 |
| No. 2 | RESERVOIR No. 1 & DRAIN DITCH | 990 FEET NORTH | 3,110 FEET WEST | SE¼SW¼ | 14 |
| No. 3 | RESERVOIR No. 2 | 1,230 FEET NORTH | 640 FEET WEST | SE¼SE¼ | 14 |
| WELL | | 1,200 FEET NORTH | 610 FEET WEST | SE¼SE¼ | 14 |

ALL FROM THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; CURRY COUNTY.



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

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEAVIEW BOGS, INC.
55485 GOODWIN RD
BANDON, OR 97411

confirms the right to store water perfected under the terms of Permit R-12105. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

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The area submerged by the reservoirs is as follows:

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90913

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

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The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued _____.

PROPOSED

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

JUN 28 2000

WATER RESOURCES DEPT
SALEM, OREGON

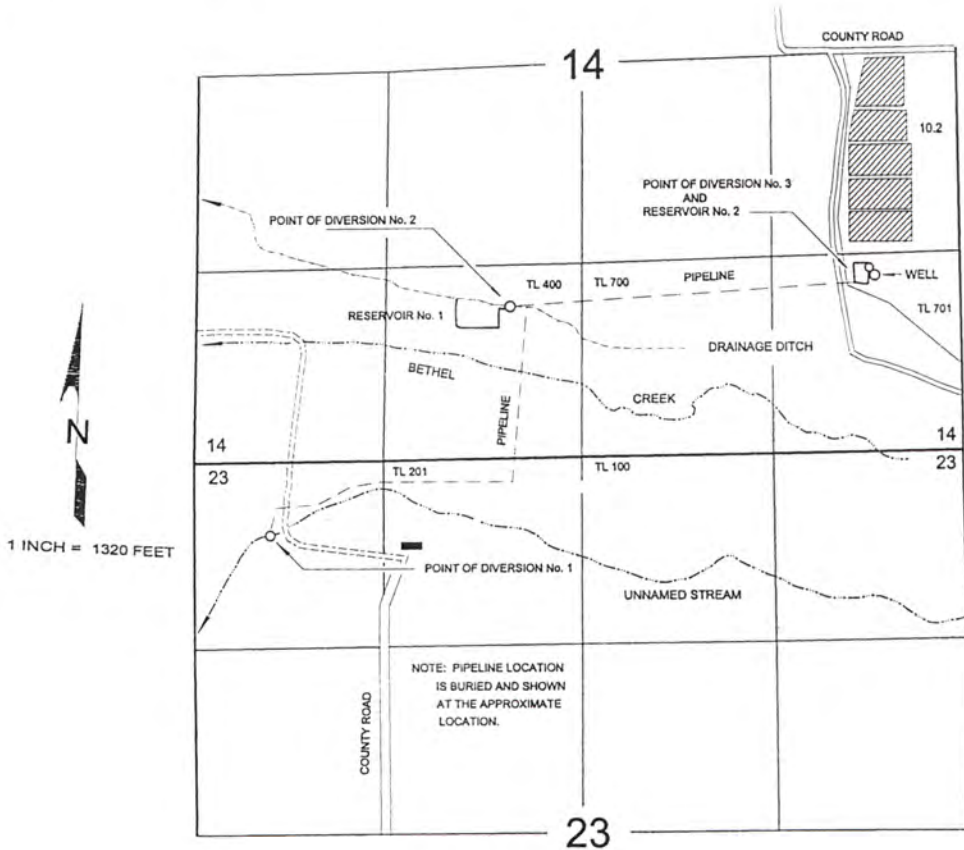
FINAL PROOF SURVEY MAP

IN THE NAME OF SEAVIEW BOGS, INC.

SECTIONS 14 & 23 , T 30 S, R 15 W, W.M.

APPLICATION G-13128
APPLICATION R-72687
APPLICATION S-72688

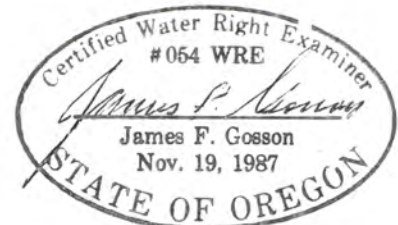
PERMIT G-13021
PERMIT R-12105
PERMIT 52991



POINTS OF DIVERSION

| DIVERSION | SOURCE | NORTH/SOUTH | EAST/WEST | ¼ ¼ | SECTION |
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ALL FROM THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.:
CURRY COUNTY.



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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

November 19, 2014

SEAVIEW BOGS, INC.
55485 GOODWIN RD
BANDON, OR 97411

Reference: Application G-13128, G-13021

The Department has been reviewing the Claim of Beneficial Use (claim) report and map, received on June 28, 2000, for the above referenced ground water application involving Permit G-13021 (priority date of September 21, 1992). The Department has also reviewed the claims for Application R-72687, Permit R-12105 and Application S-72688, Permit S-52991. The Department is prepared to issue proposed certificates on all three permits; however the Department has identified an issue that must be resolved before the issuance of certificates.

The Department has discovered that no pump test has been performed for Application G-13128, Permit G-13021. Oregon Administrative Rule 690-217-0020(1) requires that ground water permit holders with a priority date after December 20, 1988, submit the results of a pump test before the Water Resources Department can issue a water right certificate.

The Department tried to contact you with a letter sent November 1, 2008, which explained the requirements of a pump test. In addition to the November 1, 2008 letter, please see enclosures which include 1) a copy of Permit G-13021, 2) a "Pump Test Form Cover Sheet", 3) the claim of beneficial use map, and 4) draft certificates for Applications G-13128, R-72687 and S-72688. Please contact the Department and let us know how you wish to proceed. If you have any questions please contact me at 503-986-0811.

Sincerely,

Gerry Clark
Certificate Section

enclosures

Cc: Files G-13128, R-72687, and S-72688
WM # 19

Current landowner tax lot 30S15W14TL0070100

David K. McKenzie
PO Box 2
Langlois, OR 97450-0002

Current landowners tax lots 30S15W23TL0020100, 30S15W14TL0040000, and 30S15W14TL0070000

David K. McKenzie
Shilo M. McKenzie
Morgan L. McKenzie
PO Box 2
Langlois, OR 97450-0002



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

November 1, 2008

SEAVIEW BOGS INC.
55485 GOODWIN RD
BANDON, OR 97411

Subject: Water Right Permit Number G- 13021

Dear Permit holder,

Oregon Administrative Rule 690-217-0020(1) requires that ground water permit holders with a priority date after December 20, 1988, submit the results of a pump test before the Water Resources Department can issue a water right certificate. A copy of your permit is enclosed. The purpose of this letter is to remind you of the pump test requirement.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems. There is no penalty for not submitting a pump test.

If there is a reason why a pump test cannot be performed on a well, the owner may request from the Director an exemption from the pump test requirement. Requests shall be in writing and include the reason why a pump test cannot be performed. Exemptions, or conditioned exemptions, shall be granted if the reasons are found to be valid and eliminating the problem would place an unreasonable burden on the well owner. Exemptions shall be granted for public water supply wells if pump testing will cause interruption of service to customers.

Pump tests shall not be required of wells with diameters greater than 36 inches and depths less than 30 feet. Pump tests shall not be required of collector-type wells or infiltration galleries. If your well meets one of these two requirements please let us know.

If you are interested in conducting the pump test yourself, you should first review the requirements at http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_217.html or ask that a copy of the rules be sent to you.

A copy of the pump test form has been included. If you have questions, if you are not the owner of a ground water permit or if you have moved, please call the Department at 503-986-0900.

Sincerely,

Diana Durbin
Water Rights Certificate Staff

C: Permit File



690-217-0050

Qualifications for Conducting Pump Tests

Only pump tests conducted by the well owner, a full-time employee of the well owner who routinely works with and is familiar with wells and pumps, or a qualified individual authorized by the well owner shall be accepted by the Director. Individuals in the following groups will be considered qualified and authorized provided they have significant experience conducting pump tests:

- (1) Oregon licensed water well constructors.
- (2) Oregon registered professional geologists or certified engineering geologists.
- (3) Certified water rights examiners.
- (4) Oregon registered professional engineers.
- (5) Individuals whose primary occupation involves, wholly or in significant part, pump installation, service or testing.

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEAVIEW BOGS, INC.
ROUTE 2, BOX 533
BANDON, OREGON 97411

(541)347-9791

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

APPLICATION FILE NUMBER: G-13128

SOURCE OF WATER: TWO WELLS IN BETHEL CREEK BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS AND IRRIGATION OF 19.0 ACRES

MAXIMUM RATE: 0.36 CUBIC FOOT PER SECOND (CFS), BEING 0.18 CFS FROM EACH WELL

PERIOD OF USE: THE PERIOD OF ALLOWED USE FOR IRRIGATION IS MARCH 1 THROUGH OCTOBER 31. WATER MAY BE USED YEAR ROUND FOR CRANBERRY OPERATIONS.

DATE OF PRIORITY: SEPTEMBER 21, 1992

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; WELL - 1220 FEET NORTH & 590 FEET WEST; WELL 2 - 1170 FEET NORTH & 250 FEET WEST; BOTH FROM SOUTHEAST CORNER, SECTION 14

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 18.2 ACRES
SE 1/4 SE 1/4 0.8 ACRE
SECTION 14
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Application G-13128 Water Resources Department

PERMIT G-13021

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

If 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.

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

STANDARD CONDITIONS

The 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.

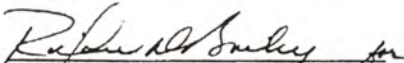
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued January 21, 1997


Martha O. Pagel, Director
Water Resources Department

Application G-13128
Basin 17

Water Resources Department
Volume 3 Basin 17 Misc.

PERMIT G-13021
District 19

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: _____
 Address: _____
 County: _____
 City: _____ State: _____ Zip: _____
 Original owner (from well log): _____

Well Location:

Township: _____ (N/S) Range: _____ (E/W)
 Section: _____ 1/4 : _____ 1/16 : _____ 1/64 : _____
 Well depth: _____ Date drilled: _____
 Owners well no. (if any): _____
 POD ID: _____

Water Right Information:

Application: _____ Permit: _____ Certificate: _____
 Is this well listed on more than one water right? Yes If yes, list additional water rights below:
 Application: _____ Permit: _____ Certificate: _____
 Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: _____ Well Owner? Yes
 Company: _____
 Address: _____ Date of Test: _____
 City: _____ State: _____ Zip: _____
 Daytime phone: _____

Method of discharge measurement (see our brochure for acceptable methods): _____
 Method of water-level measurement (pick one or enter other method used): _____
 Length of air line (if used): _____

Pump type (pick one or enter other method used): _____
 Was the pump test conducted during normal use of the well? Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? Yes Note: _____
 If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: _____ ft Approx. elevation difference: _____ ft

Well elevation is _____ surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) _____

Measuring point distance _____ land surface _____ feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

| Time | Depth to water below meas. point | Depth to water below land surface |
|-------|----------------------------------|-----------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

| Time | Discharge Rate | Discharge Units (e.g. gpm, cfs, etc) |
|-------|----------------|--------------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Time pump turned on: Date _____ Time _____
 Time pump turned off: Date _____ Time _____
 Total pumping time: _____ hours _____ minutes

Note: Well must be idle for at least 16 hours prior to the test.
 Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: _____

FINAL PROOF SURVEY MAP

JUN 28 2000

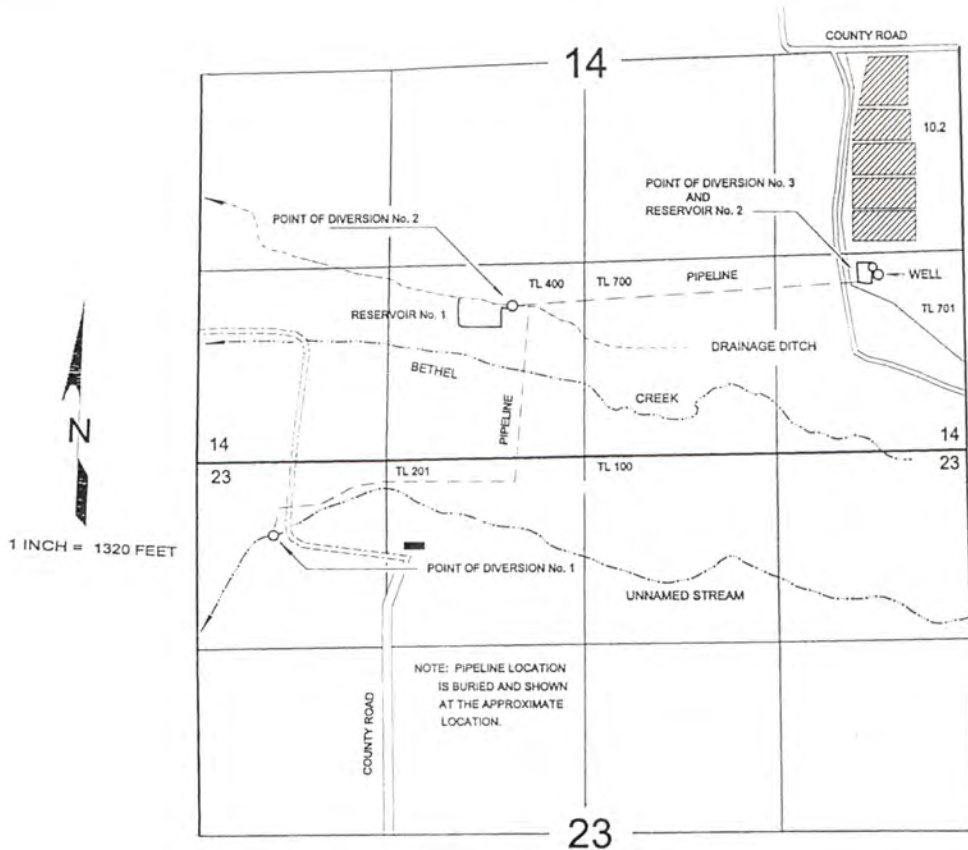
IN THE NAME OF SEAVIEW BOGS, INC.

WATER RESOURCES
STATE OF OREGON

SECTIONS 14 & 23 , T 30 S, R 15 W, W.M.

APPLICATION G-13128
APPLICATION R-72687
APPLICATION S-72688

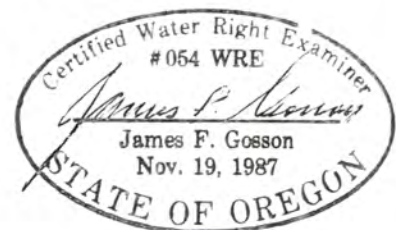
PERMIT G-13021
PERMIT R-12105
PERMIT 52991



POINTS OF DIVERSION

| DIVERSION | SOURCE | NORTH/SOUTH | EAST/WEST | ¼ ¼ | SECTION |
|-----------|-------------------------------|------------------|-----------------|--------|---------|
| No. 1 | UNNAMED STREAM | 580 FEET SOUTH | 4,760 FEET WEST | NW¼NW¼ | 23 |
| No. 2 | RESERVOIR No. 1 & DRAIN DITCH | 990 FEET NORTH | 3,110 FEET WEST | SE¼SW¼ | 14 |
| No. 3 | RESERVOIR No. 2 | 1,230 FEET NORTH | 640 FEET WEST | SE¼SE¼ | 14 |
| WELL | | 1,200 FEET NORTH | 610 FEET WEST | SE¼SE¼ | 14 |

ALL FROM THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.;
CURRY COUNTY.



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

JUN 28 2000

WATER RESOURCES DEPT
SALEM, OREGON

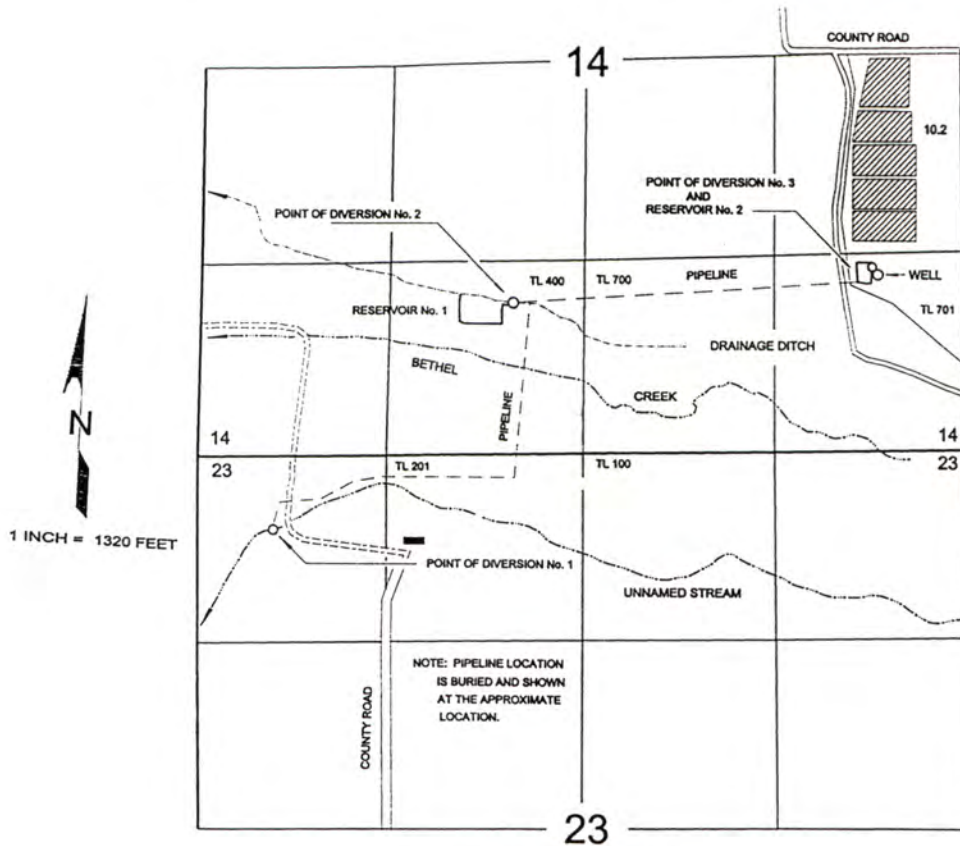
FINAL PROOF SURVEY MAP

IN THE NAME OF SEAVIEW BOGS, INC.

SECTIONS 14 & 23 , T 30 S, R 15 W, W.M.

APPLICATION G-13128
APPLICATION R-72687
APPLICATION S-72688

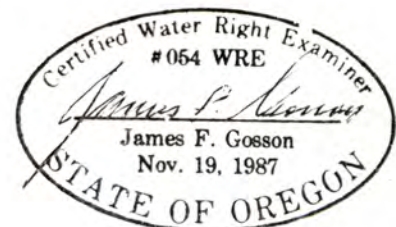
PERMIT G-13021
PERMIT R-12105
PERMIT 52991



POINTS OF DIVERSION

| DIVERSION | SOURCE | NORTH/SOUTH | EAST/WEST | ¼ ¼ | SECTION |
|-----------|-------------------------------|------------------|-----------------|--------|---------|
| No. 1 | UNNAMED STREAM | 580 FEET SOUTH | 4,760 FEET WEST | NW¼NW¼ | 23 |
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| No. 3 | RESERVOIR No. 2 | 1,230 FEET NORTH | 640 FEET WEST | SE¼SE¼ | 14 |
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ALL FROM THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.;
CURRY COUNTY.



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

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

| | | |
|-------------------------------------|-------------------------|------------|
| Application # <u>R 72687</u> | Permit # <u>R-12105</u> | Transfer # |
| WRD Reviewer <u>Corey Courchane</u> | Date <u>11-10-14</u> | |
| WRD Peer Reviewer <u>Kerry</u> | Date <u>11-13-14</u> | |

Research

- Organize file in chronological order
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- Water Organization identified using AOI? No ___ Yes
If "Yes" cc: _____ & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor Verified by phone w/ Assessor 11-10-14
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict? No ___ Yes
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, QQ's? ___ No Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- NA Fish Conditions
- yes Meter/measuring device - totalizing meter located at POD2 - stated in CBU in S-72688
- NA Water Use Reporting
- NA Pump Test (post December 19, 1988)
- yes Other Conditions outlet pipe + other means to evacuate
- NA SWL
- yes C-Date C Form 6-24-99
- NA Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

A 1-31-98 Current owners TL 700,400

B 10-1-99 David K. McKenzie

C 10-1-00 Shilo M. "

Morgan L. "

PO Box 2

Langlois, OR 97450-0002

TL 701 = just David K. McKenzie

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

cc I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

user only developed 2 of 3 reservoirs, reducing max. volume allowed to 6.2 AF/year.

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

cc Stamp **PROPOSED** or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

cc Draft Certificates or Proposed Order of Certifications are available in the Application directory.

cc Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

| | | | |
|---------------------|-----------|--------------|------------|
| ___ Record marking: | App _____ | Permit _____ | Cert _____ |
| | App _____ | Permit _____ | Cert _____ |
| | App _____ | Permit _____ | Cert _____ |
| | App _____ | Permit _____ | Cert _____ |

NOTES:

Oregon Water Resources Department
Water Rights Mapping Tool

User Guide OWRD Only

725 Summer St NE, Salt

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots [OR Map](#)

Off
 On

County: Coos
 Taxlot: 30S15W14TL0070000
 Owner1: MCKENZIE, DAVID K.; ET AL
 Owner2:
 Owner Address: PO BOX 163 LANGLOIS OR 97450
 Site Address: 87220 SYDNAM LN BANDON 97411
 Acres: 0
 TRSQQ: WM30.00515.00W14XXXX
 Effective Date: January 1, 2014

Note: Tax lot information provided here is for general inquiry purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.
 It is recommended to zoom to a detailed extent before inquiry.



- Tools
- Legend
- Layers
- Print
- Bookmarks

POD POU Irrigation Districts AOI WR By Time

All Fields Search...

| # | ID (select) | WRIS | Zoom | Water Right | Water Type | First Name | Last Name | Company | Use Desc. | Priority Date | Supp. Duty | Rate cfs | Rate |
|---|-------------|---------------------------|------------------------|----------------------|------------|------------|-----------|-------------------|-----------|---------------|------------|----------|------|
| 1 | 9528 | (Details) | Map WR | Permit: R 12105 * CR | ST | | | SEAVIEW BOGS INC. | CRANBERRY | 09/21/1992 | - | 0 | |
| 2 | 9529 | (Details) | Map WR | Permit: R 12105 * CR | ST | | | SEAVIEW BOGS INC. | CRANBERRY | 09/21/1992 | - | 0 | |
| 3 | 9530 | (Details) | Map WR | Permit: R 12105 * CR | ST | | | SEAVIEW BOGS INC. | CRANBERRY | 09/21/1992 | - | 0 | |

Search took 0 sec

1-3 of 3

Donald + Elizabeth O'Neal

David K McKenzie 701
PO Box 2
Langlois OR 97450 -0002

David K
Shilo M.
Morgan L.

700,400

SECTION 14 T30S R15W W.M.
COOS COUNTY

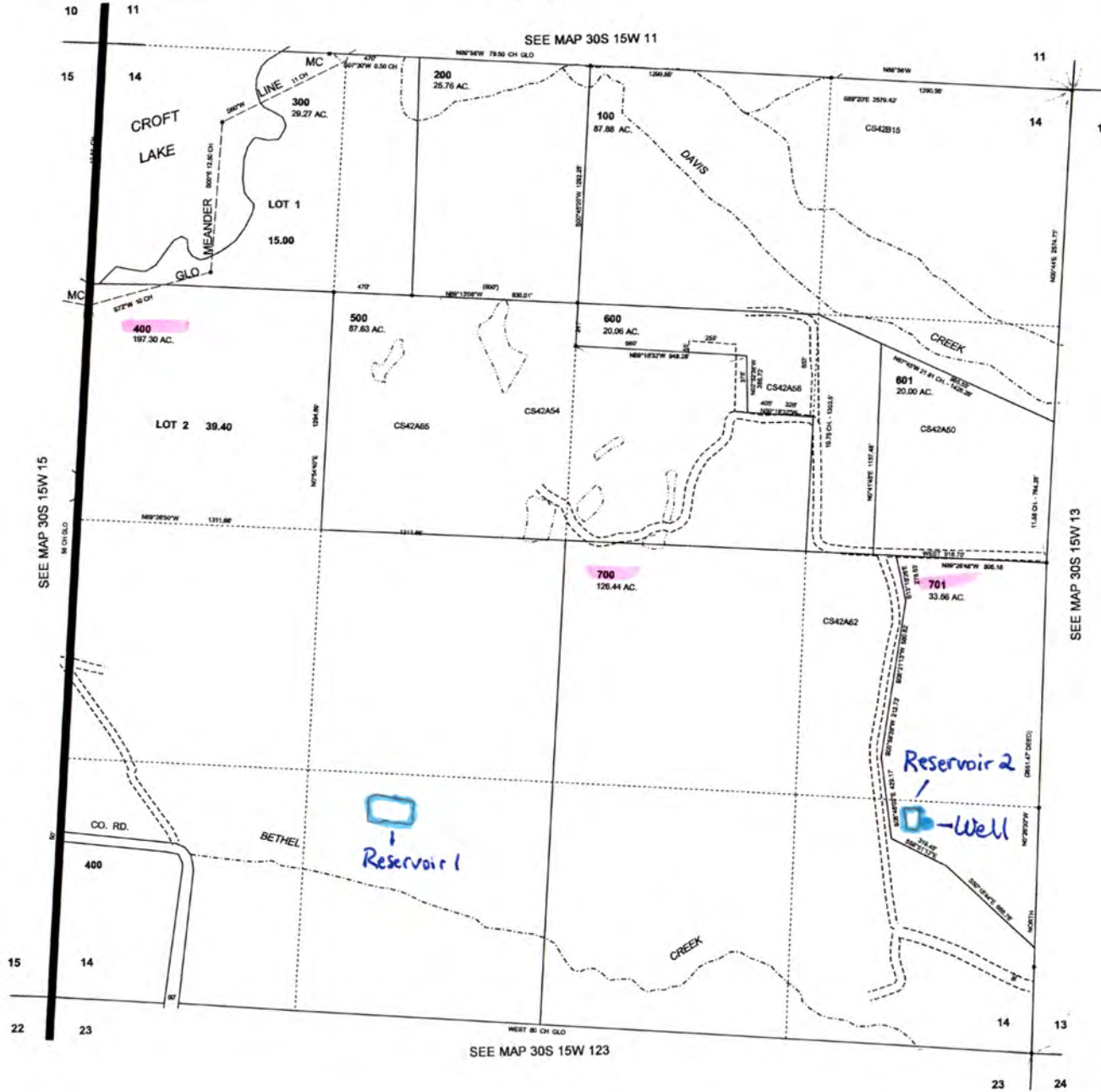
30S 15W 14

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 400'

CANCELLED NO.

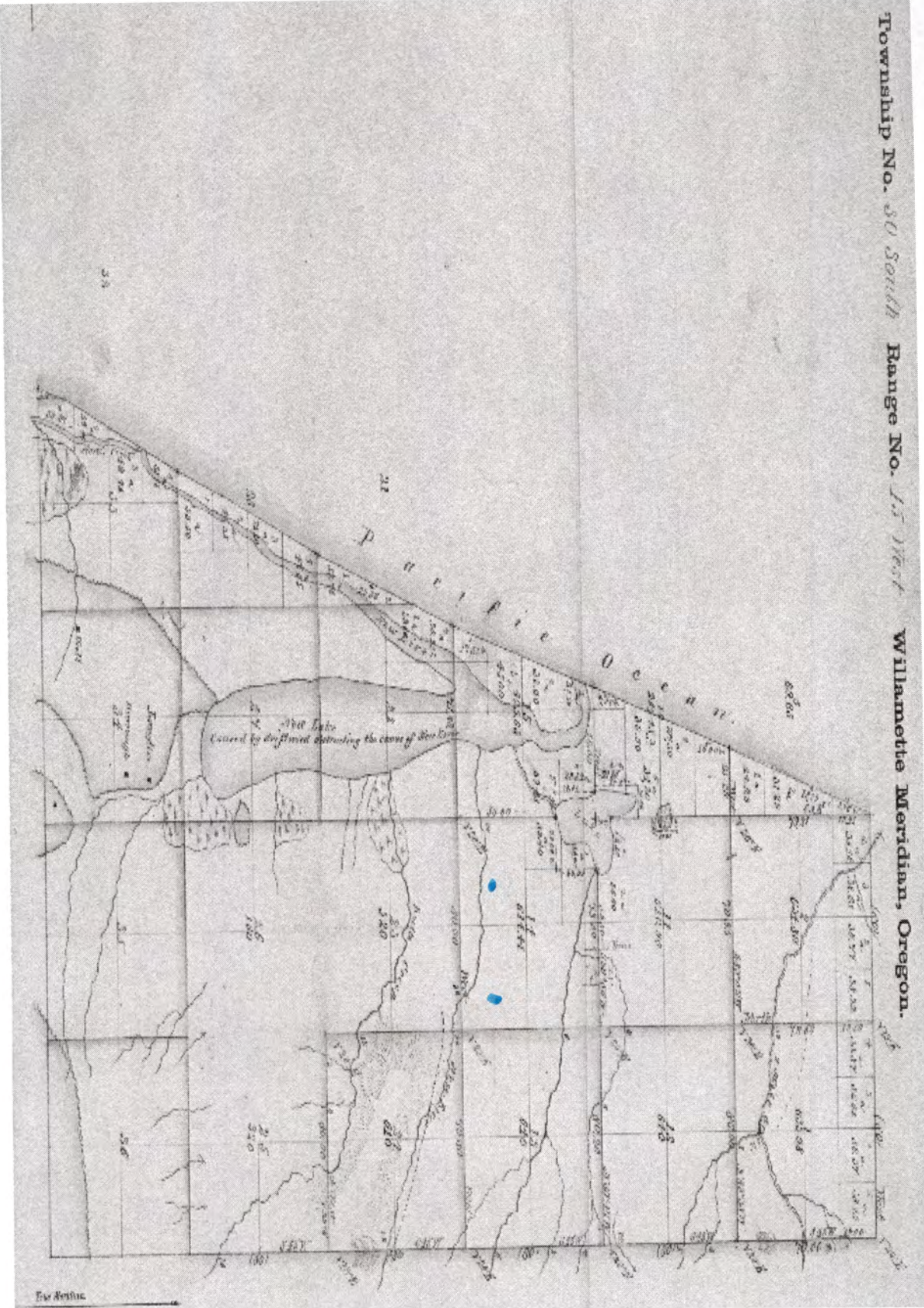
501
602

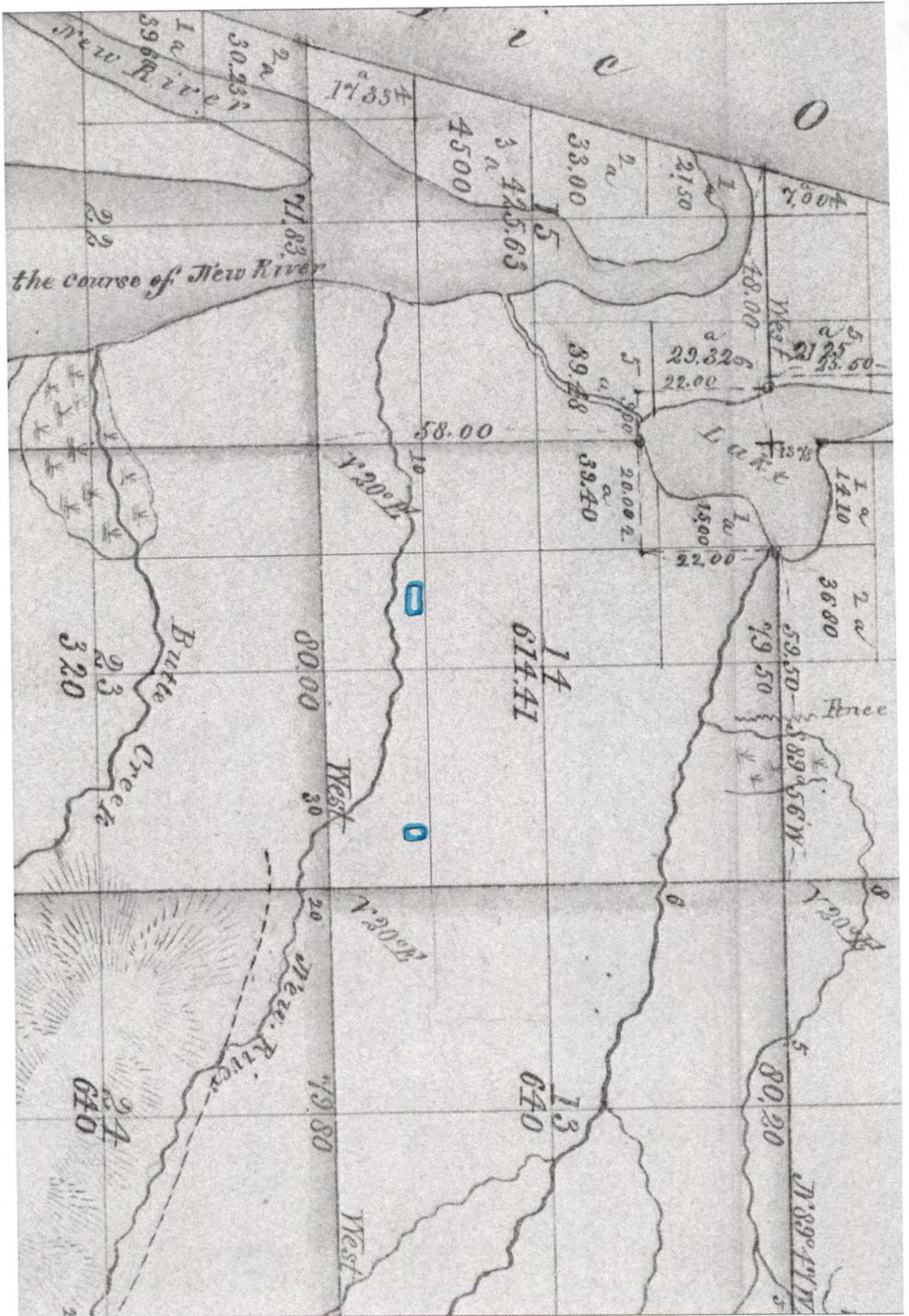


12-17-2008

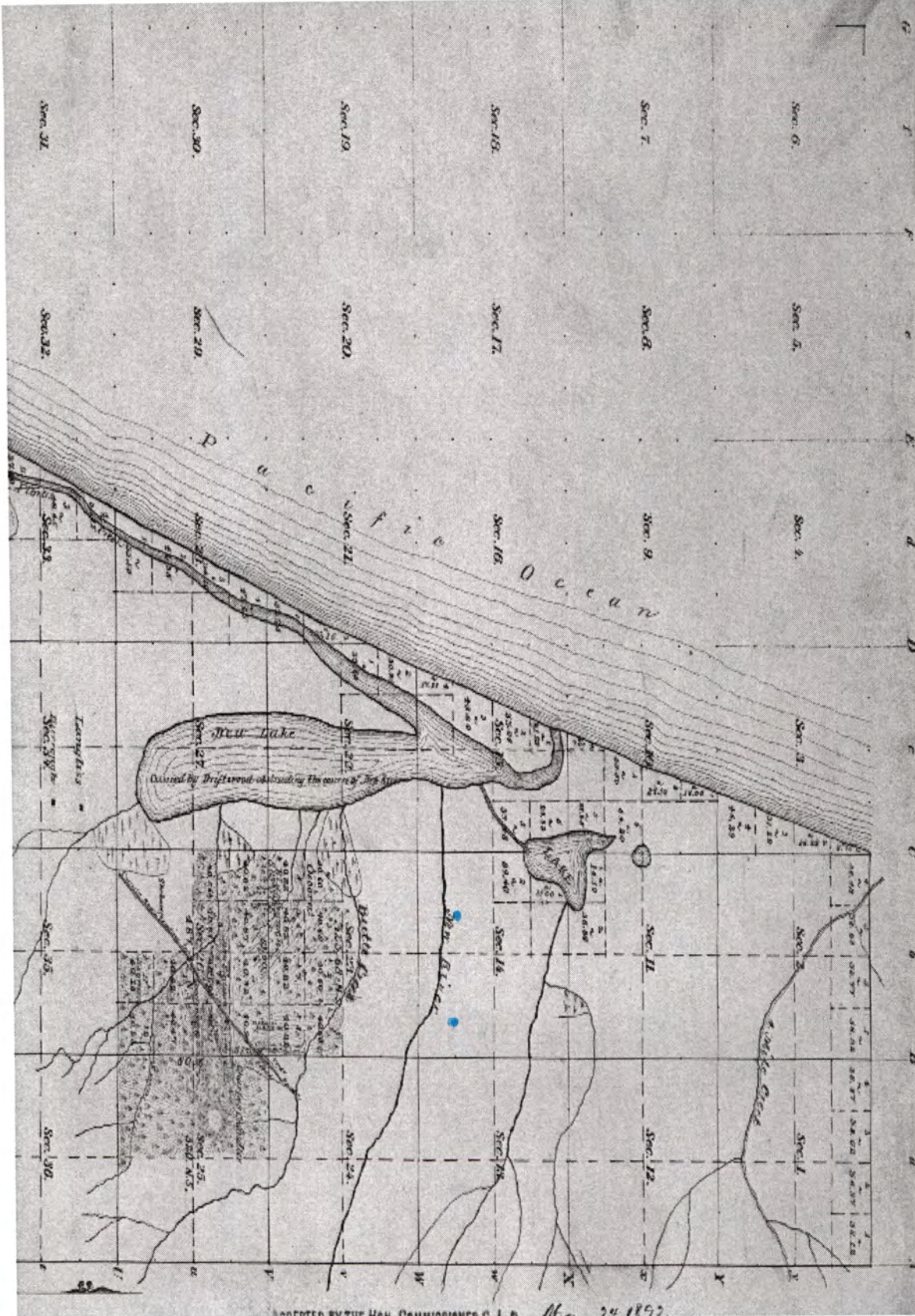
30S 15W 14

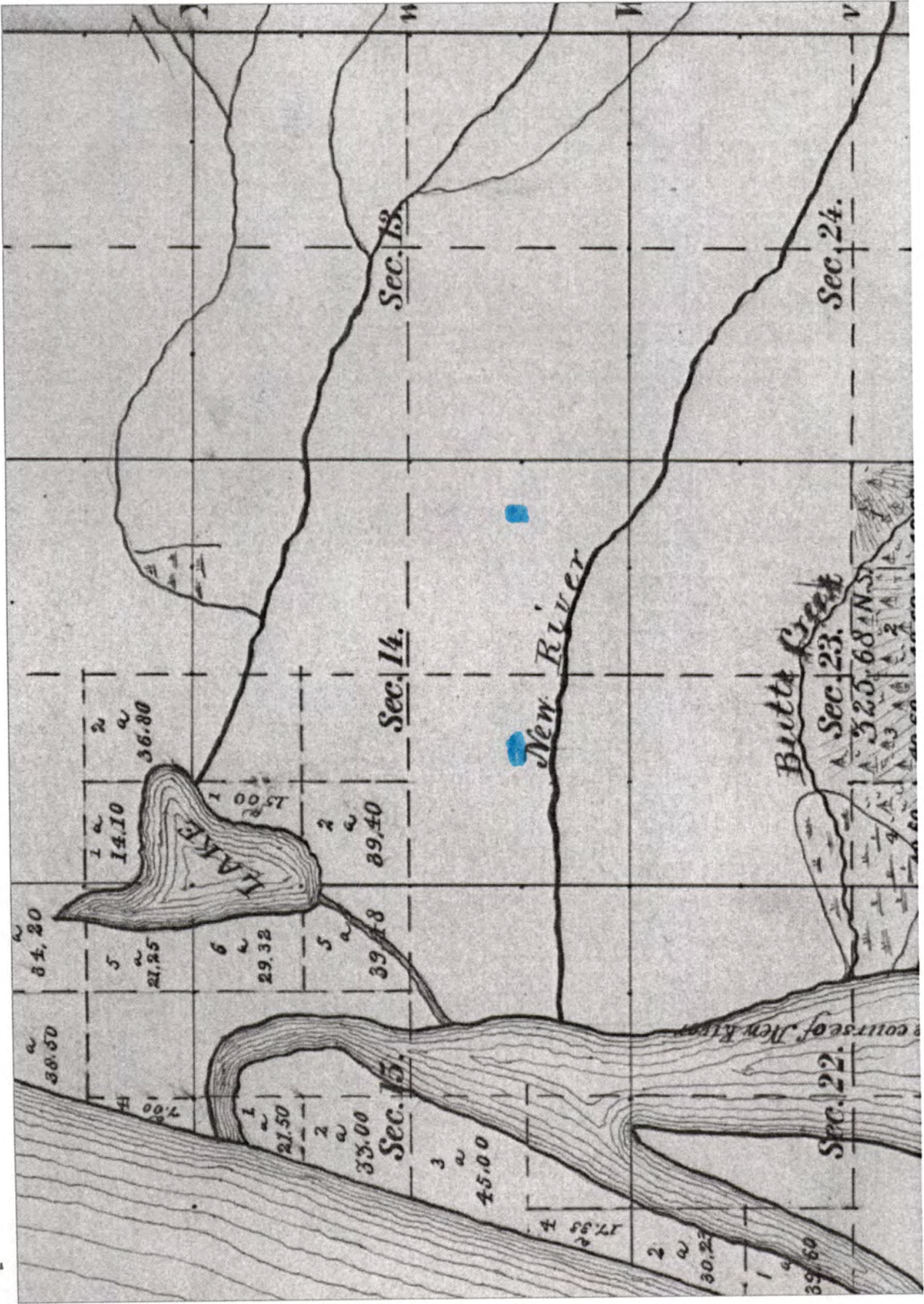
Township No. 30 South Range No. 15 West Willamette Meridian, Oregon.





TOWNSHIP No. 20 South Range No. 13 West of the Willamette Meridian Oregon.





STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEAVIEW BOGS, INC.
ROUTE 2, BOX 533
BANDON, OREGON 97411

(541) 347-9791

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

APPLICATION FILE NUMBER: R-72687

SOURCE OF WATER: ^{one} TWO WELLS AND AN UNNAMED DRAINAGE DITCH, TRIBUTARIES OF NEW RIVER

STORAGE FACILITY: ^{Two} THREE UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-72688, PERMIT 52991 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: ^{6.2} 15.0 ACRE-FEET (AF) PER YEAR, BEING ^{3.0} 2.0 AF IN RESERVOIR 1, ^{3.2} 4.0 AF IN RESERVOIR 2 AND 9.0 AF IN RESERVOIR 3

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH MAY 31 OF EACH YEAR

DATE OF PRIORITY: SEPTEMBER 21, 1992

The area submerged by the Reservoir 1, when full, will be 0.2 acre and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 5.0 feet.

The area submerged by the Reservoir 2, when full, will be 0.4 acre and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 5.0 feet.

The area submerged by the Reservoir 3, when full, will be 1.0 acre and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 5.0 feet.

DAM LOCATION: ^{SE} SW 1/4 ^{SW} SE 1/4, SE 1/4 SE 1/4, SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 3 - 720 FEET NORTH & 2100 FEET WEST; RESERVOIR 1 - ⁹⁹⁰ 1220 FEET NORTH & 590 FEET WEST; RESERVOIR 2 - ¹¹⁷⁰ 1230 FEET NORTH & ⁶⁴⁰ 250 FEET WEST; ALL FROM THE ³¹⁰ SOUTHEAST CORNER, SECTION 14

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4

SE 1/4 SE 1/4

SECTION 14

TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Application R-72687 Water Resources Department

PERMIT R-12105

Measurement, recording and reporting conditions:

- A. ~~Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.~~

~~No diversion screening or fish passage facilities are required at this time, however they may be required in the future.~~

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

STANDARD CONDITIONS

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

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

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

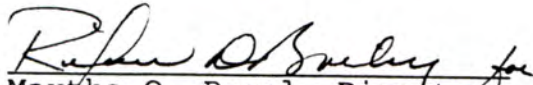
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997


Martha O. Pagel, Director
Water Resources Department

RECEIVED

JUN 28 2000

WATER RESOURCES DEPT.
SALEM, OREGON

CLAIM OF BENEFICIAL USE AND SITE REPORT

IN THE NAME OF SEAVIEW BOGS, INC.

APPLICATION R-72687

PERMIT R-12105

SECTIONS 14 AND 23, TOWNSHIP 30 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 Permit R-12105,
2. Examination of Assessor Map 30-15-14,
3. Examination of U.S.G.S. Quadrangle Map (Langlois),
4. On-site survey, 3 April, 2000,
5. Interview with Donald O'Neill, 3 April, 2000.

SOURCE

One well and an un-named drainage ditch in the Bethel Creek Basin; tributaries of New River.

RESERVOIR DESCRIPTIONS

Two reservoirs have been constructed under this permit, designated Reservoir #1 and Reservoir #2.

RESERVOIR #1

Reservoir #1 is off-channel; being primarily an excavated reservoir with no watershed. An adjacent drainage ditch and direct precipitation provide the sources of water.

Surface Area: 1.2 Acres.

Maximum Water Depth: 5 feet.

Maximum Dam Height: 4 feet.

Dam Top Width: 12 feet.

Inside Slope: 2:1.

Outside Slope: 3:1.

Control Conduit: 8-inch diameter P.V.C. under dam, with 8-inch half-round vertical riser with splash boards.

Overflow Spillway: 12-inch diameter C.M.P.

Maximum Storage Capacity: 3.0 acre-feet.

RESERVOIR #2

Reservoir #2 is off-channel; being an excavated reservoir.

Surface Area: 0.3 Acre.

Maximum Water Depth: 20 feet.

Inside Slope: 1:1.

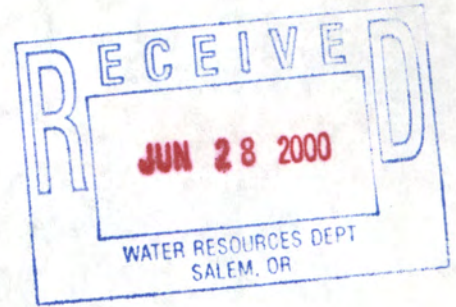
Maximum Storage Capacity: 3.2 acre-feet.

USE AND PLACE OF USE

The use being cranberry operations on 10.2 acres of cranberries in NE1/4 SE1/4 Section 14, Township 30 South, Range 15 West. W.M.,

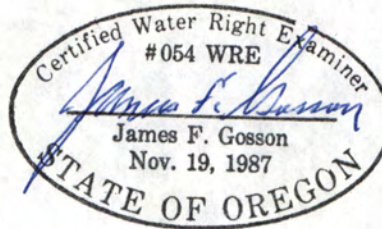
Coos County.

CLAIM OF BENEFICIAL USE -



CERTIFICATION

The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Permit R-12105 were completed by James F. Gosson, Certified Water Right Examiner #54, on 3 April, 2000, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.



I, Donald O'Neill, of Seaview Bogs, Inc., agree with the findings of James F. Gosson, Certified Water Right Examiner #54, and do hereby submit this site report and map as Claim of Beneficial Use of the water as provided under the terms and conditions of Permit R-12105.

Donald O'Neill
Signature

June 23, 2000
Date

APP 1-13128

APP 2-72087

USER-ID 50018

2007

Oregon Water Resources Department
October 2007 through September 2008
Annual Water Use - Monthly Quantities Form

2008

38112 ✓

49980 ?

49987 ?

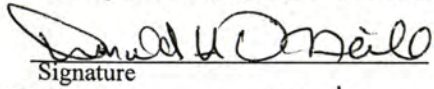
| Facility → Report ID → | WELL 1 | POD 1 NRL | POD 2 LW RES | | |
|---------------------------|-----------|--------------|-----------------|--|--|
| October - 2007 | 1027300G | 2674800G | | | |
| November - 2007 | 0 | 0 | | | RECEIVED OCT 27 2008 WATER RESOURCES DEPT SALEM, OREGON |
| December - 2007 | | | | | |
| January - 2008 | | | | | |
| February - 2008 | | | | | |
| March - 2008 | | | | | |
| April - 2008 | | | | | |
| May - 2008 | 3481000G | | 1294100G | | |
| June - 2008 | 744700G | | 412400G | | |
| July - 2008 | 12507100G | 10000 | 106600G | | |
| August - 2008 | 1250600G | | 0 | | |
| September - 2008 | 1251000G | | 0 | | |
| Total * | | | | | |

COPY

* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe the method of measurement used: FLOW METER If used for irrigation, total number of acres irrigated: 10

I certify this information is true and accurate to the best of my knowledge.


Signature

SEC/TREAS
Title

Reporting Entity

11-20-08
Date

RONALD H. O'NEIL
Name

55485 GOODWIN RD. Bandon, OR 97411
Mailing Address

541-347-9791
Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1266.



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

October 6, 2008

DONALD O'NEILL
SEAVIEW BOGS INC.
55485 GOODWIN RD
BANDON, OR 97411

REFERENCE: User Id and Password **50018**

Dear Water User,

You are receiving this letter as a reminder of a water use reporting requirement listed on a water right. Online reporting is available at our web site (www.wrd.state.or.us). To begin, locate the *Water Use Reporting* link under *Featured Links*. By clicking this link, your browser will open a new page where you will be able to log in with your User Id and Password (above). Once you are logged in, the *Select* link will allow you to add data for a particular diversion. Please remember to report zeros for any given month when water was not used. Online reporting will be available through March 31, 2009. If the internet is not accessible, you may use the form provided on the back of this letter to submit your monthly water use data.

Although much effort has been done to add new permits to the Water Use Reporting database, there still may be diversions not included on the web site. Please be aware that most Transfer orders approved within the last few years will not likely appear online. If you notice a diversion not listed that should be, you can either use the form provided to report water use or let me know and we will add it to the database as soon as possible. Additionally, if you would like to designate a facility name for a diversion, please feel free to contact me.

For water rights authorizing less than 0.1 cubic foot per second (CFS) or 9.2 acre-feet, you may assume the maximum quantity allowed under the right and report that volume. For reporting purposes, please convert cubic feet per second to acre feet, using $(1.98)(\text{CFS})(\# \text{ of days used per month})$.

The time and effort of both recording and reporting your water use is greatly appreciated. If you have any questions or need additional time, please let me know.

Sincerely,

Alyssa Mucken
Water Measurement Specialist
Oregon Water Resources Department
Phone 503.986.0837 Fax 503.986.0902
alyssa.m.mucken@ wrd.state.or.us

COPY



2004

Oregon Water Resources Department
October 2004 through September 2005
Annual Water Use - Monthly Quantities Form

2005

APP 6-13128

USER-ID 50018



RECEIVED
DEC 02 2005
WATER RESOURCES DEPT
OREGON

917021 (APP 13120)

994802 ✓

99987 ✓?

| Facility <input type="checkbox"/> | POD-ID <input type="checkbox"/> | POD 2 ? | POD 1 ? | | |
|-----------------------------------|---------------------------------|---------|----------|--|--|
| WELL 1 ✓ | | LR | NR | | |
| October - 2004 | 858900G | 0 | 1251300G | | |
| November - 2004 | 0 | | 0 | | |
| December - 2004 | | | | | |
| January - 2005 | | | | | |
| February - 2005 | | | | | |
| March - 2005 | | | | | |
| April - 2005 | | | | | |
| May - 2005 | | | | | |
| June - 2005 | 0 | | | | |
| July - 2005 | 1283400G | | | | |
| August - 2005 | 12848400G | 0 | | | |
| September - 2005 | 1185400G | 500000G | | | |
| TOTAL * | | | 0 | | |

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 10
I certify this information is true and accurate to the best of my knowledge.

Donald H. O'Neill
Signature

SEC/TREAS
Title Reporting Entity

11-14-05
Date

COPY

DONALD H. O'NEILL
Name - Please Print

503-347-9791

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

COPY

503-986-0900

FAX 503-986-0904

October 18, 2005

DONALD O'NEILL,
SEAVIEW BOGS INC.
55485 GOODWIN RD
BANDON, OR 97411

REFERENCE: USER_ID 50018

Dear Water User:

We have appreciated your cooperation with the Water Use Reporting program in the past. And now, with the loss of the water use coordinator position through budget reductions, we hope you can help us even more. We are requesting all who need to report monthly quantities and have Internet access to report those quantities online through our website. For the time being, the water use reporting database will not be updated with new water right information. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2005 monthly quantities form is printed on the reverse you can copy for your use.

To report monthly quantities data online, go to our web page at www.wrd.state.or.us and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. A logon screen then appears and you use your USER_ID for both the Username and Password. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter zeros if you did not use a diversion. At present, the system can receive data only for the 2005 water year (October 2004 – September 2005). If you wish to submit data for another year, you will need to submit a hard copy. Thank you in advance for your cooperation. The data you provide is valuable for water management in Oregon.

Finally, if you have small water rights (less than 0.1 cfs or 9.2 AF) and do not report monthly quantities for them, we will assume that you have used water according to those rights.

Yours truly,

Gary L. Ball, PE, PLS
Hydrographics/Measurement & Reporting Manager
Voice: 503-986-0831, Fax: 503-986-0902
Gary.L.BALL@ wrd.state.or.us

2003

APP R 72687
 Oregon Water Resources Department
 October 2003 through September 2004
 Annual Water Use - Monthly Quantities Form

USER-ID 50018

2004



| Facility POD-ID | WELL 1 | POD 2 | POD 1 | | |
|--------------------|-----------|----------|-----------|--|--|
| | 38112 ? | 49486 ? | 49488 ? | | |
| October - 2003 | 1240100 G | 121400 G | 2082800 G | | |
| November - 2003 | 0 | 0 | 0 | | |
| December - 2003 | 0 | } | } | | |
| January - 2004 | 0 | | | | |
| February - 2004 | 0 | | | | |
| March - 2004 | 0 | | | | |
| April - 2004 | 4400 G | | | | |
| May - 2004 | 1583700 G | | | | |
| June - 2004 | 1469100 G | | | | |
| July - 2004 | 1670200 G | 70500 G | | | |
| August - 2004 | 1603600 G | 351300 G | | | |
| September - 2004 | 1543100 G | 0 | 0 | | |
| TOTAL * | | | | | |

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NOV 29 2004

WATER RESOURCES DEPT
SALEM, OREGON
COPY

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 1
 I certify this information is true and accurate to the best of my knowledge.

Donald H. O'Neill
 Signature

SEC/TREAS
 Title

SEAVIEW BOGS, INC
 Reporting Entity

11-24-04
 Date

DONALD H. O'NEILL
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: Water year 2004 has ended! All water use reports for October 2003 to September 2004 are requested to be submitted. During the past year we transferred our data to a new computer system, and have developed a website from which you may submit your data, if you so choose. In some cases the references numbers for points of diversion may have been changed. If this creates a problem for you, please contact me. If you would like to use the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by December 31, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter. Mary Grainey

DONALD O'NEILL
 SEAVIEW BOGS INC.
 55485 GOODWIN RD
 BANDON OR 97411

<http://www.wrd.state.or.us>

User-ID: 50018
 Password: 50018

| POD-ID | FACILITY | CERT | PERMIT | APPL | PRIORITY | USE | L/S | TWP | RANGE | SEC | Q/Q | RATE | SOURCE | TRIBUTARY TO |
|------------------|-------------------|------|--------|---------|----------|-----------|-----|-----|-------|------|---------|--------|-----------------|--------------|
| 38112 | WELL 1 | 0 | G | 13021 G | 13128 | 9/21/1992 | CI | L | 30 S | 15 W | 14 SESE | 0.18 C | P WELL 1 | BETHEL CR |
| 38112 | WELL 1 | 0 | G | 13021 G | 13128 | 9/21/1992 | CR | L | 30 S | 15 W | 14 SESE | 0.18 C | A WELL 1 | BETHEL CR |
| 38113 | | 0 | G | 13021 G | 13128 | 9/21/1992 | CR | L | 30 S | 15 W | 14 SESE | 0.18 C | A WELL 2 | BETHEL CR |
| 38113 | | 0 | G | 13021 G | 13128 | 9/21/1992 | CI | L | 30 S | 15 W | 14 SESE | 0.18 C | P WELL 2 | BETHEL CR |
| 49486 | | 0 | R | 12105 R | 72687 | 9/21/1992 | CR | L | 30 S | 15 W | 14 SESE | 2 A | P WELL 1/RES 1 | NEW R |
| 49487 | | 0 | R | 12105 R | 72687 | 9/21/1992 | CR | L | 30 S | 15 W | 14 SESE | 4 A | P WELL 2/RES 2 | NEW R |
| 49488 | | 0 | R | 12105 R | 72687 | 9/21/1992 | CR | L | 30 S | 15 W | 14 SWSE | 9 A | P UNN STR/RES 3 | NEW R |

USER-ID: 50018

2002

Oregon Water Resources Department
 October 2002 through September 2003
 Annual Water Use - Monthly Quantities Form

USER-ID 50018

2003



| Facility POD-ID | WELL1 38112 | POD#2 48484 | POD#1 48488 | | |
|--------------------|----------------|----------------|----------------|--|--|
| October - 2002 | 1252800G | 120000 | 2870800G | | |
| November - 2002 | 0 | 0 | 0 | | |
| December - 2002 | 0 | 0 | 0 | | |
| January - 2003 | 0 | 0 | 0 | | |
| February - 2003 | 0 | 0 | 0 | | |
| March - 2003 | 0 | 0 | 0 | | |
| April - 2003 | 0 | | 0 | | |
| May - 2003 | 212200G | | 0 | | |
| June - 2003 | 1432600G | | 0 | | |
| July - 2003 | 1694600G | | 0 | | |
| August - 2003 | 1405200G | | 0 | | |
| September - 2003 | 1237600G | 158100G | 0 | | |
| TOTAL * | | | G | | |

RECEIVED

FEB 27 2004

WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 0

I certify this information is true and accurate to the best of my knowledge.

Donald H. O'Neill
Signature

Sec/Treas
Title

SEAVIEW BOBS, INC
Reporting Entity

2-20-04
Date

COPY

DONALD H. O'NEILL
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE, Suite A; Salem, OR 97301-1271



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.
Mary Grainey



DONALD O'NEILL
SEAVIEW BOGS INC.
55485 GOODWIN RD
BANDON OR 97411

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 50018
Password: 50018

| | | | |
|--------------|--|---------------------|-----------|
| 38112 WELL 1 | 0 G 13021 G 13123 9/21/1992 CI L 30 S 15 W 14 SESE | 0.18 C P WELL 1 | BETHEL CR |
| 38112 WELL 1 | 0 G 13021 G 13123 9/21/1992 CR L 30 S 15 W 14 SESE | 0.18 C A WELL 1 | BETHEL CR |
| 38113 | 0 G 13021 G 13123 9/21/1992 CI L 30 S 15 W 14 SESE | 0.18 C P WELL 2 | BETHEL CR |
| 38113 | 0 G 13021 G 13123 9/21/1992 CR L 30 S 15 W 14 SESE | 0.18 C A WELL 2 | BETHEL CR |
| 49486 | 0 R 12105 R 72687 9/21/1992 CR L 30 S 15 W 14 SESE | 2 A P WELL 1/RES 1 | NEW R |
| 49487 | 0 R 12105 R 72687 9/21/1992 CR L 30 S 15 W 14 SESE | 4 A P WELL 2/RES 2 | NEW R |
| 49488 | 0 R 12105 R 72687 9/21/1992 CR L 30 S 15 W 14 SWSE | 9 A P UNN STR/RES 3 | NEW R |

USER-ID 50018

2001

Oregon Water Resources Department
 October 2001 through September 2002
 Annual Water Use - Monthly Quantities Form

USER-ID 50018

2002



| Facility <input type="checkbox"/> POD-ID <input type="checkbox"/> | WELL #1 38112 CR | 49487 POD 2 CR | 49486 POD 1 CR | | |
|--|---------------------|-------------------|-------------------|--|--|
| October - 2001 | 1215900 GAL | 81300 GAL | 2682400 GAL | | |
| November - 2001 | 51900 | 40000 | 0 | | |
| December - 2001 | 0 | 0 | 0 | | |
| January - 2002 | 0 | 0 | 0 | | |
| February - 2002 | 0 | 0 | 0 | | |
| March - 2002 | 0 | 0 | 0 | | |
| April - 2002 | 0 | 0 | 0 | | |
| May - 2002 | 1196900 | 0 | 0 | | |
| June - 2002 | 1292000 | 0 | 0 | | |
| July - 2002 | 1341500 | 150000 | 0 | | |
| August - 2002 | 1451200 | 420400 | 0 | | |
| September - 2002 | 1349900 | 159800 | 0 | | |
| TOTAL * | | | | | |

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Donald H. O'Neill
Signature

Secretary
Title

Seaview Bogs, Inc
Reporting Entity

11-21-02
Date

COPY

DONALD H. O'NEILL
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 158 12th Street NE; Salem, OR 97310-0210



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Graine

DONALD O'NEILL
SEAVIEW BOGS INC.
55485 GOODWIN RD
BANDON OR 97411
USER-ID 50018

| POD-ID | FACILITY | CERT | PERMIT | APPL | PRIORITY | USE | L/S | TWP | RANGE | SEC | Q/Q | RATE | SOURCE | TRIBUTARY TO | | | | | | |
|--------|----------|------|--------|-------|----------|-------|-----------|-----|-------|-----|-----|------|--------|--------------|------|------|---|---|---------------|-----------|
| 38112 | WELL 1 | 0 | G | 13021 | G | 13128 | 9/21/1992 | CI | L | 30 | S | 15 | W | 14 | SESE | 0.18 | C | P | WELL 1 | BETHEL CR |
| 38112 | WELL 1 | 0 | G | 13021 | G | 13128 | 9/21/1992 | CR | L | 30 | S | 15 | W | 14 | SESE | 0.18 | C | A | WELL 1 | BETHEL CR |
| 38113 | | 0 | G | 13021 | G | 13128 | 9/21/1992 | CI | L | 30 | S | 15 | W | 14 | SESE | 0.18 | C | P | WELL 2 | BETHEL CR |
| 38113 | | 0 | G | 13021 | G | 13128 | 9/21/1992 | CR | L | 30 | S | 15 | W | 14 | SESE | 0.18 | C | A | WELL 2 | BETHEL CR |
| 49486 | | 0 | R | 12105 | R | 72687 | 9/21/1992 | CR | L | 30 | S | 15 | W | 14 | SESE | 2 | A | P | WELL 1/RES 1 | NEW R |
| 49487 | | 0 | R | 12105 | R | 72687 | 9/21/1992 | CR | L | 30 | S | 15 | W | 14 | SESE | 4 | A | P | WELL 2/RES 2 | NEW R |
| 49488 | | 0 | R | 12105 | R | 72687 | 9/21/1992 | CR | L | 30 | S | 15 | W | 14 | SWSE | 9 | A | P | UNN STR/RES 3 | NEW R |

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NOV 26 2002

WATER RESOURCES DEPT.
SALEM, OREGON



2000

613128, R72684
 Oregon Water Resources Department
 October 2000 through September 2001
 Annual Water Use - Monthly Quantities Form

2001



USER-ID 50018

| Facility POD-ID | WELL 1 38112 CR/CI | POD 42 WLF D 4948# CR | POB 41 N.L. 49488 CR |
|--------------------|-----------------------|--------------------------|-------------------------|
| October - 2000 | 176400 G | 0 | 1807600 |
| November - 2000 | 0 | 0 | 0 |
| December - 2000 | 0 | 0 | 0 |
| January - 2001 | 0 | 0 | 0 |
| February - 2001 | 0 | 0 | 0 |
| March - 2001 | 0 | 0 | 0 |
| April - 2001 | 0 | 0 | 0 |
| May - 2001 | 1056500 G | 0 | 0 |
| June - 2001 | 1110700 G | 0 | 2000 |
| July - 2001 | 1329900 G | 267000 G | 0 |
| August - 2001 | 1173400 G | 146000 G | 0 |
| September - 2001 | 1308000 G | 100000 G | 2591400 G |
| TOTAL * | | | |

JANUARY 1999
WAMU SHARES
 PLEASE NOTE
 CHANGE OF
 ADDRESS
 Washington Mutual

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 FEB 04 2002
 WATER RESOURCES DEPT.
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)
 Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 0

I certify this information is true and accurate to the best of my knowledge.

Donald A. O'Neil
 Signature
 55485 Goodwin RD.
 Bandon, OR 97411

SEAVIEW BAGS, INC
 Title Reporting Entity

1-30-01
 Date

COPY



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DEC 05 2000
WATER RESOURCES DEPT.
SALEM, OREGON

APP: 613128 & 72687

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

USER-ID 50018

2000



| Facility <input type="checkbox"/> POD-ID <input type="checkbox"/> | WELL 1 | POD #2 LWR FLD. | POD #1 M.L. Pod #1 | | |
|--|-------------|-----------------|----------------------------------|--|--|
| | 38112 C1/CR | 49486 CR | 49488 CR | | |
| October - 1999 | 1,287,200 G | 427,400 G | 1,837,600 G | | |
| November - 1999 | 0 | 0 | 0 | | |
| December - 1999 | 0 | 0 | 0 | | |
| January - 2000 | 0 | 0 | 0 | | |
| February - 2000 | 0 | 0 | 0 | | |
| March - 2000 | 0 | 0 | 0 | | |
| April - 2000 | 1,880,500 G | 0 | 0 | | |
| May - 2000 | 1,111,700 G | 0 | 0 | | |
| June - 2000 | 1,470,100 G | 0 | 0 | | |
| July - 2000 | 1,470,100 G | 64,400 G | 0 | | |
| August - 2000 | 1,420,000 G | 151,700 G | 0 | | |
| September - 2000 | 1,574,600 G | 79,400 G | 0 | | |
| TOTAL * | | | | | |

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METERS. If use is irrigation, total number acres irrigated 10

I certify this information is true and accurate to the best of my knowledge.

Donald H. O'Neill
Signature

Title

SEAVIEW BOGS, INC
Reporting Entity

Date

11-30-

COPY

DONALD H. O'NEILL
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



613128, R72687

USER-ID 50018

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



| Facility POD-ID | WELL 1 38112 CR/CI | POD #2 LWR FLD 4948# CR | POD #1 M.L. 49488 CR |
|--------------------|-----------------------|----------------------------|-------------------------|
| October - 2000 | 176400 G | 0 | 10 |
| November - 2000 | 0 | 0 | 0 |
| December - 2000 | 0 | 0 | 0 |
| January - 2001 | 0 | 0 | 0 |
| February - 2001 | 0 | 0 | 0 |
| March - 2001 | 0 | 0 | 0 |
| April - 2001 | 0 | 0 | 0 |
| May - 2001 | 1056500 G | 0 | 0 |
| June - 2001 | 1110700 G | 0 | 0 |
| July - 2001 | 1328900 G | 26700 G | 0 |
| August - 2001 | 1173400 G | 146000 G | 0 |
| September - 2001 | 1308000 G | 100000 G | 2591400 G |
| TOTAL * | | | |

JANUARY 1999
WAMU SHARES

PLEASE NOTE
CHANGE OF
ADDRESS

Washington Mutual

COPY

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FEB 04 2002
WATER RESOURCES DEPT.
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 10

I certify this information is true and accurate to the best of my knowledge.

Donald A. O'Neil
Signature
55485 GOODWIN RD.
BANDON, OR 97411

Title

SEAVIEW BOGS, INC
Reporting Entity

1-30-01
Date

2003

October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

2004



| Facility POD-ID | WELL 1 | POD 2 | POD 1 | | |
|--------------------|-----------|----------|-----------|--|--|
| | 38112 ? | 49486 ? | 49488 ? | | |
| October - 2003 | 1240100 G | 121400 G | 2082800 G | | |
| November - 2003 | 0 | 0 | 0 | | |
| December - 2003 | 0 | | | | |
| January - 2004 | 0 | | | | |
| February - 2004 | 0 | | | | |
| March - 2004 | 0 | | | | |
| April - 2004 | 4400 G | | | | |
| May - 2004 | 1583700 G | | | | |
| June - 2004 | 1469100 G | | | | |
| July - 2004 | 1670200 G | 70500 G | | | |
| August - 2004 | 1603600 G | 351300 G | | | |
| September - 2004 | 1543100 G | 0 | 0 | | |
| TOTAL * | | | | | |

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NOV 29 2004
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)
Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 10
I certify this information is true and accurate to the best of my knowledge.

Donald H. O'Neill SEC/TREAS SEAVIEW BOGS, INC 11-24-04
Signature Title Reporting Entity Date
DONALD H. O'NEILL
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE: Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

494867

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

USER-ID 50018

2003



| Facility <input checked="" type="checkbox"/> POD-ID <input checked="" type="checkbox"/> | WELL1 | POD#2 | POD#1 | | |
|--|----------|---------|---------|--|--|
| | 38112 | 48484 | 48488 | | |
| October - 2002 | 1252800G | 1000 | 2870800 | | |
| November - 2002 | 0 | 0 | 0 | | |
| December - 2002 | 0 | 0 | 0 | | |
| January - 2003 | 0 | 0 | 0 | | |
| February - 2003 | 0 | 0 | 0 | | |
| March - 2003 | 0 | 0 | 0 | | |
| April - 2003 | 0 | | 0 | | |
| May - 2003 | 212200G | | 0 | | |
| June - 2003 | 1432600G | | 0 | | |
| July - 2003 | 1694600G | | 0 | | |
| August - 2003 | 1405200G | | 0 | | |
| September - 2003 | 1237600G | 158100G | 0 | | |
| TOTAL * | | | G | | |

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FEB 27 2004

WATER RESOURCES DEP.
SALEM, OREGON

COPY

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 0

I certify this information is true and accurate to the best of my knowledge.

Donald H. O'Neill
Signature

Sec/Treas
Title

SEAVIEW ROGS, INC
Reporting Entity

2-20-04
Date

DONALD H. O'NEILL
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

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Mary Grainey



DONALD O'NEILL
SEAVIEW BOGS INC.
55485 GOODWIN RD
BANDON OR 97411

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 50018
Password: 50018



| | | | |
|--------------|--|---------------------|-----------|
| 38112 WELL 1 | 0 G 13021 G 13123 9/21/1992 CI L 30 S 15 W 14 SESE | 0.18 C P WELL 1 | BETHEL |
| 38112 WELL 1 | 0 G 13021 G 13123 9/21/1992 CR L 30 S 15 W 14 SESE | 0.18 C A WELL 1 | BETHEL CR |
| 38113 | 0 G 13021 G 13123 9/21/1992 CI L 30 S 15 W 14 SESE | 0.18 C P WELL 2 | BETHEL CR |
| 38113 | 0 G 13021 G 13123 9/21/1992 CR L 30 S 15 W 14 SESE | 0.18 C A WELL 2 | BETHEL CR |
| 49486 | 0 R 12105 R 72687 9/21/1992 CR L 30 S 15 W 14 SESE | 2 A P WELL 1/RES 1 | NEW R |
| 49487 | 0 R 12105 R 72687 9/21/1992 CR L 30 S 15 W 14 SESE | 4 A P WELL 2/RES 2 | NEW R |
| 49488 | 0 R 12105 R 72687 9/21/1992 CR L 30 S 15 W 14 SWSE | 9 A P UNN STR/RES 3 | NEW R |



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

April 12, 2002

DONALD H. O'NEILL
SEAVIEW BOGS
ROUTE 2, BOX 533
BANDON OR 97411

Application(s): G-13128, R-72687, S-72688

Permit Number(s): G-13021, R-12105, S-52991

Re: Best Management Practices

As you know, your water right permit(s) as referenced above require(s) use of best management practices to protect water quality. The "best management practices" condition was developed as part of a negotiated settlement of challenges to yours and other water right applications in the New River area. The best management practices were to be developed by a consensus process in which participation was available to a broad range of interests, and were to include mechanisms to ensure their effectiveness.

The Oregon Agricultural Water Quality Management Act, ORS 568.900 to 568.933 (SB 1010), provides a framework for the Oregon Department of Agriculture to develop watershed-based plans to address agricultural water quality issues. The Agricultural Water Quality Management Area Plan and the associated rules for the Coos and Coquille Watersheds (SB 1010 plan; OAR Chapter 603, Division 95 sec 1500 to 1560) were adopted by the State Board of Agriculture last month and the rules filed with the Secretary of State on March 7, 2002. The plan and rules were developed by a Local Advisory Committee consisting of stakeholders residing in the Coos and Coquille watershed. A copy of the plan and rules can be found at the following website:

"http://www.oda.state.or.us/Natural_Resources/agwqmpr.htm"

The plan identifies best management practices, - measures and strategies to prevent and control water pollution resulting from agricultural activities. The rules identify mechanisms to ensure the effectiveness of the best management practices - to address prohibited conditions with respect to management of sediment, nutrients, pesticides, riparian areas, irrigation and waste (OAR 690-095-1540). The Water Resources Department (WRD) proposes to rely on the SB 1010 plan and rules for the Coos and Coquille


April 12, 2002
Page 2

Watersheds to satisfy the best management practices permit condition for the New River water right permits, such that compliance with the SB 1010 plan and rules will constitute compliance with the permit condition.

The New River water right permits with the "best management practices" permit condition encompass an area that includes Coos, Coquille and Curry Counties. Within the next year the Department of Agriculture is scheduled to complete a similar plan and rules for the Curry watershed area. WRD proposes to rely on the Coos and Coquille plan for the Curry County permits as well, until the Curry County Agricultural Water Quality Management Plan and associated rule are adopted.

Thank you for your cooperation and assistance. If you have questions or concerns with this proposal, please contact Dwight French, Water Rights Manager, at 503-378-8455, ext. 268.

Sincerely,


Paul R. Cleary
Director

cc: Brad Howe, Croft Lake Association
Doug Richert
Eric Aasen
Lonnie Hull
Wayner Scherer, Bandon Cranberry Water Control District
Carol Russell, Oregon Cranberry Farmers Alliance
Karen Russell, WaterWatch of Oregon
Al Cook, WRD
Lloyd Vangordon, WRD
Ray Jaindl, Department of Agriculture
Pam Blake, Department of Environmental Quality
Todd Confer, ODFW
Jill Zarnowitz, ODFW
John Youngquist
Dan Carpenter, Bureau of Land Management



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

August 10, 1999

SEAVIEW BOGS INC
RT 2 BOX 533
BANDON OR 97411

REFERENCE: File 72688 & R-72687

We have received your notice that complete application of water has been made under Permit 52991 and R-12105.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **June 30, 2000**. A list of Certified Examiners is enclosed for your information.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

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

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

enclosure

cc: John Drolet, Watermaster
James Gosson, CWRE



RECEIVED

JUN 30 1999

WATER RESOURCES
DIVISION
SALEM, OREGON

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. R-72687

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

SEAVIEW BOGS, INC, the holder of Permit No. R-12105

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 24 day of June, 1999.

Remarks: I did not drill the additional well

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of June, 1999.

Donald H. O'Neill
(Signature of Applicant)

RT. 2, Box 533 Bandon, OR 97411
(Address)

FO CHECKLIST

FILE # R 72687

REVIEW DATE: 11, 27, 96

WEEK # 64

PFO TO FO CONVERSION

INITIALS: DB

In preparing the FO, you should check the following:

1. /N Were comments or protests received? If so, **from whom and when?**
WATERWATCH 11/22/96
2. On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and **those who paid the \$10 fee.**
3. /N Have affected landowners been notified? GRACE MCKENZIE
4. Y/ Is the file lacking a signed oath of accuracy for the application?
5. Y/N 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/ 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*)
 (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. /N Is further processing possible? If not state reason: _____
10. NA Notify applicant of additional information or fees required prior to permit issuance. (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)
11. Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)
DENIAL FO w/o PERMIT

FO & PERMIT

| |
|---|
| Respond to <u>Requested changes</u> COMMENTS <u>Incorporated into FO/Permit wording</u> |
|---|

Modify FO as needed to:

Initials DB

12. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. Include or exclude permit conditions and management codes
14. Correct PFO errors (such as POD or POU location (verify from map), Permit format) unverifiable location for R1 & R2

Once FO document is completed:

15. Save WordPerfect document in M:\T\FO\WEEK 64 & delete duplicates
16. Print final draft of document and submit to team leader for review
17. Y/N Team leader review completed

NOV 22 1996

WATER RESOURCES DEPT.
SALEM, OREGON

November 20, 1996

Dwight French
Water Resources Department
158 12th St. NE
Salem, OR 97310

Re: PFO for Application No. R-72687, Wells & Unnamed Drainage
Ditch/New River, Seaview Bogs, Inc.

Dear Mr. French,

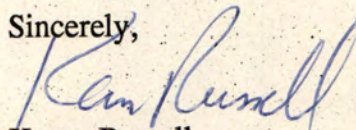
We reviewed this Proposed Final Order (PFO) to ensure that was consistent with the agreements reached by all the parties, including the Water Resources Department, in the New River Alternate Dispute Resolution process (ADR). Our comments below outline where the PFO does not reflect the agreements reached in the ADR. We are not protesting or filing a standing statement on this application because we have been assured that this and other PFO's for applications in the New River Basin will be processed consistent with the New River ADR and that the applicant has agreed to these conditions.

We can support this applicants use as proposed in the PFO with the following which is consistent with the ADR:

- As agreed in the ADR, the applicant, Seaview Bogs Inc., has signed the New River Alternative Dispute Resolution Team Agreement (which was faxed to our offices today), prior to the issuance of any final order issuing a permit.

Thanks in advance for your attention to this letter. Please call if you have any questions.

Sincerely,



Karen Russell
Assistant Director

- c. Seaview Bogs, Inc.
Al Cook, WRD
Todd Confer, ODFW

A98

Application No. 72687
Permit No. R12105

SEAVIEW BOGS INC.
RT 2 BOX 533
BANDON, OR

97411

Assigned

Address

Beginning construction 1-31-98

Completion of construction 10-1-99

Extended to

Complete application of water 10-1-00

Extended to

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-72687

WATERMASTER # 19: John Drolet

REGIONAL MANAGER: Al Cook

ODF&W - Coos County: YES

CWRE (if agent): N/A

DEQ: YES

OTHER STATE AGENCY IF NECESSARY: N/A

DIVISION 33 LIST: N/A COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER; KEN STAHR

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

Grace E. McKenzie
P.O. Box 146
Langlois, OR 97450

ww (FO)

CASEWORKER : BW

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-72687

Proposed Final Order

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

Application History

On September 21, 1992, SEAVIEW BOGS, INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 15.0 ACRE-FEET (AF), BEING 2.0 AF IN RESERVOIR 1, 4.0 AF IN RESERVOIR 2 AND 9.0 AF IN RESERVOIR 3
- Use of Water: CRANBERRY OPERATIONS 19.0 ACRES
- Source of Water: TWO WELLS AND AN UNNAMED DRAINAGE DITCH, TRIBUTARIES OF NEW RIVER, TO BE APPROPRIATED UNDER APPLICATION S-72688
- Area of Proposed Use: Coos County within SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The Department mailed the applicant notice of its Technical Review March 10, 1994, determining that THE STORAGE OF 9.0 AF FROM AN UNNAMED DRAINAGE DITCH IN RESERVOIR 3 FOR CRANBERRY OPERATIONS IS ALLOWED YEAR ROUND. The 60-day objection period closed May 16 1994.

Within the 60-day period, objections were received from the Oregon Department of Fish and Wildlife (5/12/94) and WaterWatch (5/13/94).

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

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

Findings of Fact

Based on continued evaluation, the Department finds the determinations of the Technical Review require modification to restrict the period of allowed storage, to allow the storage of well water in Reservoirs 1 and 2, and to incorporate additional conditions as set by the New River Alternate Dispute Resolution team.

The South Coast Basin Program allows the following uses: CRANBERRY OPERATIONS

Senior water rights exist on TWO WELLS AND AN UNNAMED INTERMITTENT STREAM, TRIBUTARIES OF NEW RIVER, or on downstream waters.

TWO WELLS AND AN UNNAMED INTERMITTENT STREAM, TRIBUTARIES OF NEW RIVER, are not within or above a State Scenic Waterway.

Water is available for further appropriation (at a 50 percent exceedance probability) for the period YEAR ROUND.

The Department finds that no more than 15.0 AF, BEING 2.0 AF IN RESERVOIR 1, 4.0 AF IN RESERVOIR 2 AND 9.0 AF IN RESERVOIR 3, would be necessary for the proposed use. The amount of water requested, 15.0 AF, BEING 2.0 AF IN RESERVOIR 1, 4.0 AF IN RESERVOIR 2 AND 9.0 AF IN RESERVOIR 3, shall be restricted to 15.0 AF, BEING 2.0 AF IN RESERVOIR 1, 4.0 AF IN RESERVOIR 2 AND 9.0 AF IN RESERVOIR 3.

The Oregon Department of Fish and Wildlife has advised that the subject diversion has a low probability for negative impact to fish or other aquatic life in the source stream and in its downstream reaches.

The New River Alternate Dispute Resolution team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Department of Water Resources, Oregon Department of Fish and Wildlife, U.S. Bureau of Land Management, Oregon Cranberry Association, WaterWatch of Oregon, Croft Lake Association, the Audubon Society, and the Bandon Water Control District. In addition, individual applicants participated in the ADR process when issues relevant to their applications were addressed. The ADR team recommended that the following limitations or conditions of use be imposed on this application:

The period of allowed storage has been limited to NOVEMBER 1 THROUGH MAY 31 OF EACH YEAR.

The storage of 2.0 AF IN RESERVOIR 1 AND 4.0 AF IN RESERVOIR 2 FROM TWO WELLS CONSTRUCTED UNDER APPLICATION G-13128 is allowed.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument

and be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M.

No diversion screening or fish passage facilities are required.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

Conclusions of Law

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

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

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

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

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

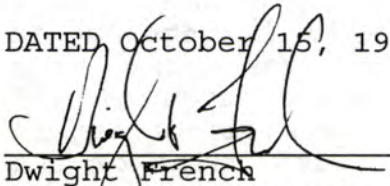
a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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

Recommendation

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

DATED October 15, 1996



Dwight French

Water Rights Section Manager

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against 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.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **November 29, 1996**.

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.

BW

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF COOS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SEAVIEW BOGS, INC.
ROUTE 2, BOX 533
BANDON, OREGON 97411

(541)347-9791

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

APPLICATION FILE NUMBER: R-72687

SOURCE OF WATER: TWO WELLS AND AN UNNAMED DRAINAGE DITCH

TRIBUTARIES OF: NEW RIVER

STORAGE FACILITY: THREE UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: CRANBERRY OPERATIONS ON 19.0 ACRES

MAXIMUM VOLUME ALLOWED: 15.0 ACRE-FEET (AF), BEING 2.0 AF IN RESERVOIR 1, 4.0 AF IN RESERVOIR 2 AND 9.0 AF IN RESERVOIR 3

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH MAY 31 OF EACH YEAR

DATE OF PRIORITY: SEPTEMBER 21, 1992

The area submerged by the Reservoir 1, when full, will be 0.2 acre and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 5.0 feet.

The area submerged by the Reservoir 2, when full, will be 0.4 acre and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 5.0 feet.

The area submerged by the Reservoir 3, when full, will be 1.0 acre and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 5.0 feet.

DAM LOCATION: SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 3 - 720 FEET NORTH & 2100 FEET WEST; RESERVOIR 1 - 1220 FEET NORTH & 590 FEET WEST; RESERVOIR 2 - 1170 FEET NORTH & 250 FEET WEST; ALL FROM THE SOUTHEAST CORNER, SECTION 14

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 14
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument and be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. The permittee shall take a reading from the gage once a month and keep a record of these measurements and shall be responsible for maintaining the gage. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to measure water use more frequently or report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

No diversion screening or fish passage facilities are required at this time, however they may be required in the future.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

STANDARD CONDITIONS

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 and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-72687

Final Order

Application History

On September 21, 1992, SEAVIEW BOGS INC submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 15, 1996. The protest period closed November 29, 1996, and no protest was filed.

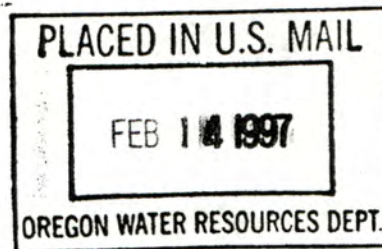
The proposed use would not impair or be detrimental to the public interest.

Order

Application R-72687 therefore is approved as proposed by the Proposed Final Order, and Permit R-12105 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED January 31, 1997


Martha O. Pagel
Director



Appeal Rights

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

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEAVIEW BOGS, INC.
ROUTE 2, BOX 533
BANDON, OREGON 97411

(541) 347-9791

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

APPLICATION FILE NUMBER: R-72687

SOURCE OF WATER: TWO WELLS AND AN UNNAMED DRAINAGE DITCH, TRIBUTARIES OF NEW RIVER

STORAGE FACILITY: THREE UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-72688, PERMIT 52991 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 15.0 ACRE-FEET (AF) PER YEAR, BEING 2.0 AF IN RESERVOIR 1, 4.0 AF IN RESERVOIR 2 AND 9.0 AF IN RESERVOIR 3

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH MAY 31 OF EACH YEAR

DATE OF PRIORITY: SEPTEMBER 21, 1992

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DAM LOCATION: SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 3 - 720 FEET NORTH & 2100 FEET WEST; RESERVOIR 1 - 1220 FEET NORTH & 590 FEET WEST; RESERVOIR 2 - 1170 FEET NORTH & 250 FEET WEST; ALL FROM THE SOUTHEAST CORNER, SECTION 14

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 14

TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Application R-72687 Water Resources Department

PERMIT R-12105

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

No diversion screening or fish passage facilities are required at this time, however they may be required in the future.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

STANDARD CONDITIONS

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

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

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

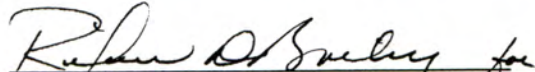
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997


Martha O. Pagel, Director
Water Resources Department

COMPLETENESS DETERMINATION CHECKLIST

COMPLETED

HC 10-295

200 Exam

100 ISACFT

| Application # | Review Date | Reviewer |
|---------------|-------------|----------|
| R-72687 | 10/2/95 | GERRY |

A checkmark (✓) indicates that the item is incomplete or defective.

300 Total

300 Received

Q Fees OK

1. Examination fees (and recording fees, if for PFO/FO).
2. Name and address of the applicant, and title if applicable.
3. Source of water.
4. Use of water.
5. Amount of water.
6. Description of delivery system.
7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
9. Proposed dates of beginning and completion of construction, and complete application of water.
10. If for **municipal use**, the present population to be served and expected future water requirements.
11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
15. An oath that the application information is true and correct.
16. The signature of the applicant(s).
17. A satisfactory map of the proposed POD & POU.
18. A Land Use Information Form or receipt.
19. A legal description of the property where water will be used.

WaterWatch

O F O R E G O N

By Messenger

May 13, 1994

Oregon Water Resources Department
Water Rights Section
158th 12th NE
Salem, Oregon 97310

RECEIVED

MAY 13 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Re: Objection to Technical Report for:

- 73184, R 73183, Knapp Ranches, Inc., Cranberry Use, Bono Ditch/Langlois Crk
- 72576, R 72575, Jensen, Cranberry Use, Swanson Crk/Floras Lake
- G 12809, Richert, Cranberry Use, Conner Crk/Croft Lake
- 72561, R 72560, Roberts, Cranberry Use, Conner Crk/Croft Lake
- G 13128, 72688, R 72687, Seaview Bogs, Cranberry Use, Bethel Crk/New River
- 70170, Seawind Farms, Cranberry & Irrigation, Big Crk/Floras Lake
- 70726, R 70725, Tadlock Trust, Irrigation, Fourmile Creek
- 73023, Loshbaugh Incorporated, Supplemental Cranberry, Fourmile Crk

These applications are just a few of the many pending applications requesting water for cranberry bogs and irrigation in the Croft Lake and New River area. These proposed uses request water from sumps and wells that are in direct connection with tributaries to the New River and from surface water streams. The cumulative impacts of these proposed uses are of great concern to WaterWatch. We have been in contact with area residents who have concerns about the ability of the resource to accommodate all of these proposed uses.

Croft Lake and its surrounding tributaries and wetlands support a variety wildlife and fish life. Residents in the area have reported searun cutthroat trout in the lake and its tributaries. It is suspected that the trout spawn in the lakes tributaries. Croft lake is also a source of recreation in the area and area residents are concerned about maintaining the lakes existing water quality. The surrounding wetlands provide wildlife and other habitat and we understand that the Nature Conservancy has been involved in wetland protection efforts in the area.

Croft Lake and Floras Lake drain into the New River. The New River has been designated by the Bureau of Land Management (BLM) as an Area of Critical Environmental Concern. The BLM has ongoing studies and is developing a management plan for the area. The New River supports a variety of anadromous fish species and provides wetland habitat for native bird populations.

The analysis contained in the technical reports reveals that little information is known about the hydrology of the water system in this area. Because of our concerns about protection of the resource from the cumulative effects of these proposed

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developments and our growing concerns about the capacity of the resource to accommodate further expansion of the cranberry industry, we request that these applications joined in a contested case process with other pending applications for the area.

In addition, we submit the following objections pursuant to OAR 690-11-170:

The Technical Reports are Defective

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The specific areas of deficiency are the same as outlined in WaterWatch's objections on G-12685 which are hereby incorporated into this objection.

The Uses As Proposed are Not in the Public Interest

The proposed uses fail to pass the public interest considerations in ORS 537.170(5) and 537.620 and the policies of Oregon's water laws including ORS 468B.155, 468B.015, and 537.525(3), (6), (9), and (10). *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(d)(B), (4)(e), and (4)(f). The proposed uses will not be supported by existing groundwater and surface water supplies and will deplete flows needed to for the New River system.

- 1. The proposed uses are not in the public interest because they will deplete surface and groundwaters which provide habitat for public instream and riparian area uses.**

The South Coast Basin plan states:

Ground water is a significant factor in the maintenance of natural lakes in the dunes area. Extensive ground water development may affect lake water levels. Finding 5.

The total extent of the ground water supply in the basin has not been determined. Existing data suggest ground water supplies are limited and would not support irrigation in most areas. Finding 19.

Marine terrace deposits and sediments of the Coquille formation are potential ground water sources for irrigation of cranberries in the Bandon area. Finding 20.

Marine terrace deposits in the Harbor area are capable of producing large quantities of water, but some areas are approaching levels of sustained yield. Finding 21.

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Income from water-related recreation is a major contributor to the economy of the South Coast Basin. Finding 39.

The natural lakes, storage reservoirs and free-flowing streams support part of the water-based recreation use. Finding 40.

The water resources, wetlands and associated habitat are critical to the subsistence and propagation of wildlife in the Basin. Finding 42.

The basin plan admits that little is known about groundwater in the basin. The presence of wetlands indicates that the hydraulic connection between groundwater and surface waters in the area is immediate. Reduction in groundwater and surface water contribution to wetlands will decrease contributions to existing wetlands, decrease inflows into the lake and hinder or destroy the filtering capacity and other functions of the wetlands. Groundwater and surface water in this area is vital to the maintenance of lake levels, surface water flows, wetlands and the protection of public uses of water including wildlife, recreation and fish.

The proposed uses are located in the Croft Lake subbasin, in the Floras Lake subbasin and in Fourmile Creek, all tributaries to the new River. Croft Lake is a major tributary of the New River. *New River, Area of Critical Environmental Concern*, June 1989, Bureau of Land Management at 2 (hereinafter BLM). The New River is a unique estuarine and freshwater ecosystem utilized by a wide diversity of fish and wildlife. According to the BLM's study of the New River this River:

supports a unique mix of wildlife, fisheries, botanical, and cultural resources found in association with few other coastal rivers in the Pacific Northwest. Four species of wildlife that use the area are designated as either threatened or endangered on state or federal lists. One plant species has been identified as a candidate for federal listing, and is designated as threatened on the state list. A number of prehistoric cultural sites have been found along the banks of this drainage, and the river itself is thought to provide critical rearing habitat for juvenile salmonides.

... New River has received special attention from a variety of private, state, and federal conservation interests. The Nature Conservancy has examined New River as a candidate area for their conservation programs. . . the Oregon Natural Resources Council considers New River to be the single most important estuary in Oregon that currently is not under any comprehensive form of management. . . New River also

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has been identified by the U.S. Fish and Wildlife Service as a candidate site for establishing a National Wildlife Refuge. . . The Oregon Department of Fish and Wildlife has identified the area as critical habitat for the western snowy plover. . . (S)ince 1983, BLM has designated its ownership as an Area of Critical Environmental Concern (ACEC), giving the area special recognition and status for improved management of the unique resources that are present. . .

BLM at 1. Since publication of the BLM's report, the western snowy plover has listed as "threatened" under the Federal Endangered Species Act and nine additional wildlife species that utilize the New River system are either listed under the federal act, or are candidates for listing.¹

The New River supports chinook salmon, coho and other fish populations. Since this BLM report was written, coastal coho populations, which utilize coastal streams such as the New River, have been petitioned for listing under the federal Endangered Species Act. Coastal stocks of fall chinook and coastal cutthroat trout are identified by the state as species of concern. The New River provides important habitat for these species. For example, some of the best pools for fish rearing are found in the New River, below the rivers confluence with Croft Lake. *BLM* at 30. However, downstream fish migration coincides with periods of low flows which can result in high fish mortality. *BLM* at 30. For instance, juveniles trapped in isolated pools in the river:

may be subject to predation, suffocation, and heat stress. Local ranchers have observed great blue herons and kingfishers feeding on these juveniles in the shallower, isolated pools over a period of days in which the channel remained dry.

BLM at 30.

In addition to the resources identified in BLM's plan, Croft Lake and its tributaries, which include Conner and Davis Creek provide habitat for a multitude of other fish and wildlife resources, including sensitive populations of searun cutthroat. Croft Lake and it's tributaries also provide recreational benefits to residents living and vacationing in the area. Streamflows into and out of the Lake maintain the water quality that is essential for these public uses of the lake.

¹ These include the Brown Pelican, Peregrine Falcon, Leatherback Sea Turtle, Aleutian Canada Goose, American Bald Eagle, Loggerhead Sea Turtle, Pacific Ridley Sea Turtle, Letherback Sea Turtle, and the red legged frog.

The BLM has identified the Croft Lake area as part of the management area in the ACEC and has looked at purchasing access to the lake. *BLM* at 1 and Table 1. However, Croft lake has been shrinking over the past several years. *BLM* at 2. Existing use of water for irrigation has had significant effects on the current habitat of the New River and it's tributaries. *BLM* at 17.

The BLM has recognized that actions by state agencies, such as the Water Resource Commission have significant effects on management within this ACEC. *BLM* at 7. Commission actions on protecting minimum flows and other water use policies greatly affect the viability of this ecosystem. One of the management objectives identified by the BLM is to maintain minimum flows because:

New River provides important rearing habitat for juvenile salmonids during summer. Channel drying during summer may coincide with downstream migration of juveniles. This may result in high mortality if juveniles become trapped in isolated pools, where they are subject to predation, temperature stress, and suffocation. Losses of juveniles during migration may preclude full use of more stable rearing habitat present downstream in estuarine portions of the ACEC.

Lack of water in the middle section of New River during summer also precludes full use of marshlands by waterfowl. During most years, water is absent from early July to early September in the areas immediately south of the ACEC. This eliminates potential habitat for rearing broods, in turn reducing the prey available to peregrine falcons and bald eagles.

BLM at 35.

Conner Creek is one of the two main tributaries of Croft Lake. Resident and anadromous fish species which rely on streamflows in and streamflows arising from Conner Creek and other coastal streams are recognized in the Commission's South Coast Basin Program as "significant" to the State of Oregon. Finding 43, 44. The basin program also recognizes that "(a)adequate streamflow throughout the year is necessary for the maintenance of aquatic life in the coastal streams." Finding 45. Lakes and streams in the area are also important to recreational use in the basin, a use which is a major contributor to the economy of the South Coast Basin. Program Finding 39, 40. Surface waters also contributes to wetlands which are critical to the ecological integrity of the area. To date, no instream water rights have been set for Croft lake or it's feeder streams, Conner and Davis Creek, or the New River.

These and other pending applications, both individually, and cumulatively, will

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deplete flows that currently provide habitat for the fish and wildlife mentioned above. The proposed uses and storage projects will also adversely affect water quality in the system. The construction and operation of storage facilities can lead to increased turbidity in the water. The use of water for bogs and irrigation can result in pesticides and fertilizers being leached into the ground water and into the stream system. Allowing these uses to go forward, without analysis of the cumulative impacts of these uses and conditioning and/or denying these uses in order to protect these fish and wildlife values in contrary to Oregon policies which promote use within the capacity of the resource, require protection of instream flow needs and values, requires protection of fish, water quality, wetlands, and other public uses of water and call for integrated and coordinated water management. ORS 496.435, ORS 537.170(5), ORS 537.525, ORS 196.669, ORS 196.672, ORS 496.182, ORS 496.268, 16 USC 1538, OAR 690-11-195(4)(c)(A), (d), (e), (f), (h).

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2. Measurement and reporting.

If these permits were to be issued, the measurement and reporting conditions are not adequate to protect the public's interest in the resource. Measurement and reporting should be a mandatory condition of all new uses. The condition should also require measurement and reporting of both rate and duty. Applicants for reservoirs should be required to report both inflow and outflow from their reservoirs to ensure that storage is not occurring during times when it is prohibited. Finally, there should be some requirement of measurement of streamflows effected by these uses - either by each individual user or as part of a cooperative effort. This should be a mandatory condition of any new water use.

3. The proposed uses are likely to impair the public interest because there is not water available.

The technical report for the groundwater applications acknowledge that the groundwater resources proposed to be tapped are connected to surface waters of the New River Basin. However, the analysis of the availability of water for further appropriation from system, for both ground and surface water appropriations is inadequate for these following and other reasons:

Contrary to statements in the technical reports, there was no water availability analysis on file for applications 72688 and R 72687.

For those files that do contain a water availability analysis, much of it is based upon modeled rather than natural flows and upon assumptions of use rather than water rights of record.

For applications 72184, 73183, 72561, G 13128, R 72687, 72688, 70726, R 70725 and 71084, there was no analysis of the water availability for the creeks and ditches that are the proposed sources of water.

The analysis for 70170 fails to take into account senior pending instream water

right applications for Floras Creek. Both the Creek and Floras Lake provide spawning habitat for petitioned coho salmon.

The proposed conditions for 70726 and 73023 appear to allow use of natural flow when the department's analysis shows that no water is available.

The analysis for 72561, G 12809 and R 72560 should have been identical, since the proposed source is Conner Creek. However, the analysis for R 72560 shows that no water is available from May through October, while the analysis for 72561 predicts much higher flows and only shows shortages for the month of October and the analysis for G 12809 shows no water availability problems.

The failure to adequately determine water availability does not comply with the statewide allocation policy and Oregon law. OAR 690-400-010, ORS 537.170(5). Failure to ensure that these and other proposed uses for this area do not impair the public's interest in the wetlands, fish and wildlife which rely on surface and ground water is contrary to the statewide Allocation Policy. This policy prohibits the overallocation of ground and surface water. OAR 690-410-070. The policy requires that new out-of-stream applications be conditioned to protect public uses. OAR 690-410-070(2)(h). See also Instream Flow Protection policy OAR 690-410-030 and the Groundwater Management policy OAR 690-410-010.

4. A public interest determination is impossible because essential information appears to be missing.

Proposed permit condition number 7 in the technical report for the ground water applications require a pump test prior to receiving a certificate. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and these uses are found to be in the public interest, then condition 11 should be added to require periodic pump tests. The condition should not, however, limit the Director's discretion as to when she can require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

5. The uses will impair the public interest because fish screening and passage facilities are not mandatory conditions of use.

The technical reports do not require mandatory fish screening and passage facilities. Given the critical status of fish populations in the this basin, the adverse impact diversions and dams have on fish habitat, screening and passage should clearly be required to be in place **before** any diversion or storage of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which **clearly** states these requirements.

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6. The proposed uses are contrary to Oregon policy.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

Critical to the protection of instream flows is knowing and controlling water use in the basin. These and other potential water users in the basin should be required to contribute to activities that enable the state to better manage and control the resource - such contributing funds for installation and maintenance of gauging stations in key locations.

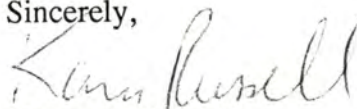
The recent petitions for listing of coastal coho and steelhead populations makes the protection of instream flows even more important for achieving a balance. The protection of instream flow will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

Protection of instream water flow also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of these applications.

Conservation

Oregon statutes and rules call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. These proposed uses should be held to a specific efficiency standard **prior to** any permit approval and the applicant should have an approved conservation plan in place and approved by the Department **prior to** any permit issuance.

Sincerely,



Karen A. Russell
Assistant Director

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MAY 16 1994

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SALEM, OREGON

Oregon

DEPARTMENT OF
FISH AND
WILDLIFE



HABITAT
CONSERVATION
DIVISION

May 12, 1994

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

RE: Water Right Application #R-72687 and 72688; Reports of
Technical Review

During discussions between the applicant and ODFW field personnel, the applicant agreed to limit ~~the~~ storage to November through May and to not divert water for storage June through October. ODFW requests this change be made to the proposed permit conditions.

Because there are no fish in the immediate area of the subject appropriation, no fish screening or passage facilities are to be required.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Mirati, Jr.", written over the typed name.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: R-72687.TEC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-6967

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APR 26 1994

WATER RESOURCES DEPT.
SALEM, OREGON

April 25, 1994

Thomas E. Shook
Water Rights Specialist

Ref: File 72688
~~File R-72687~~
File G-13128

Dear Sir:

Enclosed please find a check in the amount of \$236.00; \$118.00 for File #72688 and \$118.00 for File # G-13128.

I have also enclosed a written authorization permitting access to the land owned by Grace E. McKenzie to allow transfer of water to our reservoir.

Thank you for your consideration,



Donald H. O'Neill
SEAVIEW BOGS, INC.

Enclosures -2

Check #854 (\$236.00)
Access permission

APR 26 1994

WATER RESOURCES DEPT.
SALEM, OREGON

I GRACE E. MCKENZIE hereby grant to SEAVIEW BOGS, INC. an easement permitting access to my property (described below) to transfer water from a storage reservoir and a ditch to their storage reservoir.

SE 1/4 SE 1/4 SEC 14
SW 1/4 SE 1/4 SEC 14
NE 1/4 NW 1/4 SEC 23
TN 30S R15W WM

Grace E. McKenzie 4-20-94
GRACE E. MCKENZIE DATE

STATE OF OREGON)
County of COOS) ss.



On this 20th day of April, 1994, personally appeared the above named Grace E. McKenzie and acknowledged the foregoing instrument to be her voluntary act and deed.

(Official Seal)
My Commission expires: 10-25-96

Before me: Cynthia Gant
Notary Public for Oregon

MARCH 10, 1994

SEAVIEW BOGS, INC.
RT 2, BOX 533
BANDON, OR 97411

Reference: File R-72687

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.



Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the

water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

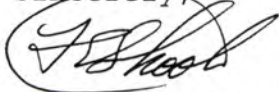
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before MAY 16, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



THOMAS E. SHOOK
WATER RIGHT SPECIALIST

Enclosures

Report Date: MARCH 10, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: MAY 16, 1994.

1. APPLICATION FILE NUMBER - R-72687

2. **MINIMUM APPLICATION INFORMATION**

Applicant name/address/county/phone:

SEAVIEW BOGS, INC.
RT 2, BOX 533
BANDON, OR 97411
COOS COUNTY 503-347-9791

Date application received for filing and/or tentative date of priority: 9/21/92

SOURCE: TWO WELLS AND AN UNNAMED DRAINAGE DITCH TRIBUTARY TO: NEW RIVER

Purpose and/or use: STORAGE FOR CRANBERRY USE (SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USE)

VOLUME: 15 ACRE FEET (AC-FT), BEING 2 AC-FT IN RESERVOIR #1, 4 AC-FT IN #2, AND 9 AC-FT IN #3

Point of Diversion Location:
T 30 S, R 15 W, W.M.; SECTION 14, SWSE, SESE

Place of use:
SWSE
SESE
SECTION 14
T 30 S, R 15 W, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Groundwater may be pumped into reservoirs #1 and 2 at a slow rate and re-pumped at a faster rate, within a reasonable time, without benefit of a permit.

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 9 AC-FT is likely available for storage in reservoir #3. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: R-72687

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed storage in Reservoir #3: year round
3. Water may be appropriated for storage during the period: YEAR ROUND
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. 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.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The total area proposed to be submerged by the reservoir #3, when full is **1 ACRE**; the proposed maximum depth of water in feet is **10**; the maximum height of the dam is **5** feet.
10. 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 and placed in the bottom of fill at natural drainage level.
11. 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.

TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: 2-72687
 (2) Review Date: 1-5-94

S Indicates information was completed or adequately addressed.
 U Indicates information is needed, or incomplete, or inadequately addressed
 N/A Indicates Not Applicable

JES

| SUMMARY | |
|------------|--|
| <u>U</u> | Completeness <u>ATTD</u> |
| <u>S</u> | Land Use |
| <u>N/A</u> | GW Interference (if potential interference with surface water, see results of water availability analysis) |
| <u>S</u> | Conflicts |
| <u>S</u> | Water Availability |

- (3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.
- (4) N/A No oath is required because application was filed before June 5, 1992.
- (5) S Application fees:
- | | |
|---|---------------|
| Examination fee: | \$ <u>200</u> |
| Recording fee: | \$ <u>100</u> |
| TOTAL REQUIRED | \$ <u>300</u> |
| TOTAL SUBMITTED | \$ _____ |
| AMOUNT DUE prior to issuance of permit | \$ _____ |
| AMOUNT OVERPAID | _____ |
| refund due applicant | \$ _____ |
- (6) S Proposed dates of beginning and completion of construction, and complete application of water.
- (7) S MAP: Prepared by a CWRE
 Exempt under OAR 690-11-150(3)
 A map or drawing included (non-CWRE)
 No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used.
- (10) U A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S Storage, Agri Use, Irrig use(s) is/are classified uses(s) under the South Coast Basin Program, OAR 690 - 517-001 (8)
04
- (14) U The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of COOS COUNTY
- (16) N/A The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) N/A A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) N/A The report from groundwater section has been received.

For reservoir applications:

- (22) S Plans, specifications and supporting information for the dam and impoundment area.

MARCH 10, 1994

SEAVIEW BOGS, INC.
RT 2, BOX 533
BANDON, OR 97411

Reference: File R-72687

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

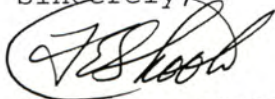
Please send the following:

a copy of written authorization or easement permitting access to land not owned by you.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



THOMAS E. SHOOK
WATER RIGHT SPECIALIST

cc: GOSSON, CWRE



WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant Seaview Bogs Inc. Application Number R-72687
72688
G-????

RECEIVED

OCT 15 1992

WATER RESOURCES DEP.
SALEM, OREGON

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes _____ No

If yes, please explain.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes _____ No

If yes, please explain.

To my knowledge, there's no existing or pending IWR

① There is one d.s. right (P# 29498) w/2 diversion points (one on Bethel Cr Ditch and one on Bethel Cr at confluence w/New Lake).

② Although there are no existing IWR's on Bethel Cr., New River has been a source of interest for both

3. Do you observe this stream system during regular field work? O'DFW and the BLM

Yes _____ No

If yes, what are your observations for the stream.

③ I didn't notice an application for the two wells. Is a groundwater ap. to be submitted?

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes _____ No _____ Don't Know

What would you recommend for conditions on a permit, that may be issued approving this application?

Require wiers u.s. & d.s. from Res #3

Require that outlet for Res #3 be placed in bottom of fill at natural stream level.

Require that outlet have gate valve

5. Any other recommendations you would like to make?

Recommend permit not be certified unless conditions met

Signature

WM District # 19

Date 10-12-92

RECEIVED
OCT - 7 1992
WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
FISH AND
WILDLIFE



October 5, 1992

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

RE: Water Right application review; request for reports of technical review

Dear Steve:

ODFW is interested in reviewing WRD's technical analyses for the following water use applications when they become available:

| | | | | |
|--------|--------|--------|--------|-------|
| 72675 | R72680 | R72685 | 72690 | 72695 |
| R72676 | R72681 | 72686 | 72691 | 72735 |
| R72677 | 726821 | R72687 | R72692 | |
| R72678 | 72683 | 72688 | 72693 | |
| R72679 | 72684 | R72689 | 72694 | |

These applications have the potential to impact fish and wildlife resources in the subject waterways and are, therefore, of concern to ODFW.

As we discussed last week, until I receive a response on my September 10 letter to Reed Marbut I will continue to submit these blanket review requests to you. Hopefully we can eliminate this needless paperwork in the near future.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert H. Mirati, Jr.", written over a horizontal line.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c WaterWatch of Oregon (public information request)
File: WRD/WR/RTA Request



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

WaterWatch

O F O R E G O N

RECEIVED

OCT - 5 1992

WATER RESOURCES DEPT.
SALEM, OREGON

October 2, 1992

Stephen C. Brown
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #R72687, 72688, Seaview Bogs
New River, Coos Co., .5 cfs, 15 af, Cranberry Op.

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Will the Department use the 80% exceedence level in determining water availability?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical analysis of this application.

Sincerely,

September 25, 1992

SEAVIEW BOGS INC.
RT 2 BOX 533
BANDON, OR 97411

REFERENCE: File(s) G-13128, R-72687, S-72688

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



Application No R-72687
Permit No.

RECEIVED

SEP 21 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Parcel 1: A parcel of land located in portions of the East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 14, Township 30 South, Range 15 West, W.M., Coos County, Oregon, more specifically described as follows: Beginning at the East Quarter corner of Section 14, thence North $89^{\circ} 26' 48''$ West 806.18 feet along the line to the center of said Section 14; thence South $13^{\circ} 18' 53''$ East 261.28 feet to an iron rod; thence South $8^{\circ} 21' 13''$ West 580.82 feet to an iron rod; thence South $5^{\circ} 58' 39''$ West 312.73 feet to an iron rod; thence South $8^{\circ} 48' 03''$ East 429.17 feet to an iron rod; thence South $68^{\circ} 51' 13''$ East 319.45 feet to an iron rod; thence South $50^{\circ} 18' 44''$ East 665.76 feet to an iron rod on the East line of said Section 14; thence North $0^{\circ} 26' 30''$ West 2651.47 feet along the section line to the point of beginning; containing 33.56 acres, more or less.

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G-1312B, R. 72687, 72688

WATERWATCH

ODF&W

WATERMASTER # 19

REGIONAL MANAGER - SW

CWRE - J. F. GOSSON

DEQ

KEN STAHR

OTHER ADDRESSES:

X (NRS GR 4M6)

CASEWORKER S Hook
1-5-94

ORIGINAL TO APPLICANT 12/03/93

Application No. R-72687
Permit No. R12105
 APPLICATION MAP

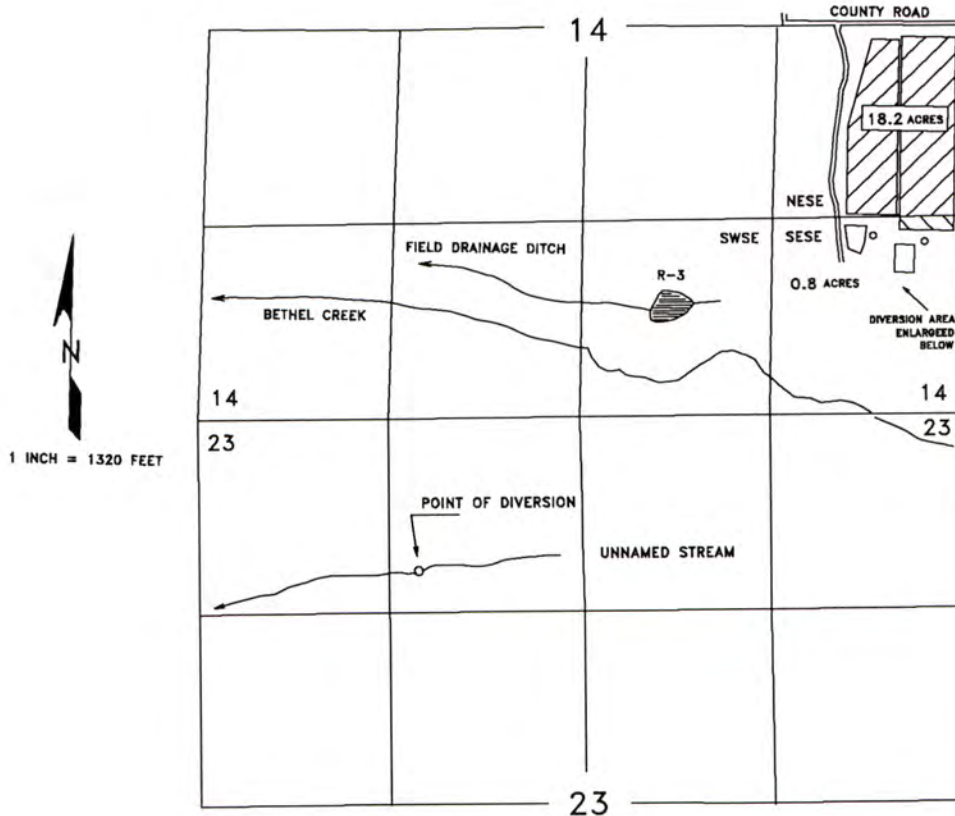
RECEIVED

SEP 21 1992

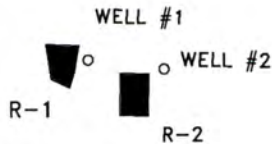
WATER RESOURCES DEPT.
 SALEM, OREGON

IN THE NAME OF SEAVIEW BOGS, Inc.

SECTIONS 14 and 23, T 30 S, R 15 W, W.M.



WELL AND STORAGE
 ENLARGEMENT
 SESE, SECTION 14



THE POINTS OF DIVERSION ARE LOCATED:

| SOURCE | NORTH/SOUTH | EAST/WEST | ¼ ¼ | SECTION |
|----------------|-------------|-----------|--------|---------|
| WELL #1: | 1220 NORTH | 590 WEST | SE¼SE¼ | 14 |
| WELL #2: | 1170 NORTH | 250 WEST | SE¼SE¼ | 14 |
| RES. #1: | | | SE¼SE¼ | 14 |
| RES. #2: | | | SE¼SE¼ | 14 |
| RES. #3: | 720 NORTH | 2100 WEST | SW¼SE¼ | 14 |
| UNNAMED CREEK: | 1040 SOUTH | 3750 WEST | NE¼NW¼ | 23 |

ALL FROM THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 30 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.

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

Application No. R-72687

RECEIVED

SEP 21 1992

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Seaview Bogs, Inc.
(Please print or type - use dark ink)

Mailing Address: Route 2, Box 533
Bandon, Oregon 97411 (503) 347-9791
City State Zip Daytime Phone No.

I (We) make application for a permit to construct Three reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: 2 wells, unnamed drainage ditch, a tributary of New River (See Remarks).
If not in channel of a stream, state how it is to be filled: Reservoir 1 and 2 from 2 wells

2. **THE DAM:** The maximum height of the structure will be 5 feet above stream bed or ground surface at the centerline.
The dam will be (check one) earthfill, concrete, flashboard, other.
If "other" give description: Reservoirs #1 & 2 totally excavated next to bog area. Reservoir #3 will be primarily excavated with field drainage ditch. +/- 5' dike on west side.

Give the location, description, and dimensions of the outlet conduit: None

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. **THE USE(s)** of the impounded water will be: Cranberry use.

4. **THE AMOUNT OF WATER** to be stored is: 15 acre-feet.
The area submerged by the reservoir, when filled, will be See Remarks acres,
and the maximum depth of water will be _____ feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. Reservoirs #1 & 2 - None

Reservoir #3- 24" CMP

Note: Reservoir #3 located on field drainage ditch

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

Proposed date construction work will begin 10/1/92

Proposed date construction work will be completed 10/1/93

Proposed date water use will be completed 10/1/94

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

 Applicant xx CWRE Other (Identify in REMARKS section)

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

 Applicant xx CWRE Other (Identify in REMARKS section)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development. Seaview Bogs, Inc. members own lands and

Grace E. McKenzie
P.O. Box 146
Langlois, Or. 97450

REMARKS:

| Reservoir | Source | Surface Ac. | Depth | Acre Feet |
|-----------|------------------|-------------|-------|-----------|
| No. 1 | Well #1 | 0.2 | 10' | 2.0 a.f. |
| No. 2 | Well #2 | 0.4 | 10' | 4.0 a.f. |
| No. 3 | Unnamed Drainage | 1.0 | 10' | 9.0 a.f. |

RECEIVED

SEP 21 1992

WATER RESOURCES DEPT
SALEM, OREGON

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

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Donald W. Orzell
Signature of Applicant

9-2-92
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19__.

WITNESS my hand this _____ day of _____, 19__.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 21st day of September, 19 92, at 8:00 o'clock, A M.

RECEIVED
SEP 21 1992
WATER RESOURCES DEPARTMENT

APPLICATION NO: R-72687

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

RECEIVED

SEP 21 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant Name: Seaview Bogs, Inc.
 Address: Route 2, Box 533
 Bandon, Or. 97411
 Phone: (503) 347-9791

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.) _____
- Fish and Wildlife (pond, hatchery, etc.) _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): Cranberry Use

| Indicate sources for the proposed water use below: | Indicate the estimated quantity of water the use will require. |
|--|---|
| <input checked="" type="checkbox"/> Surface Water Name sources: <u>Butte Creek</u> <u>Unnamed Ditch</u> | <u>0.86</u> Cubic feet per second. <u>386</u> Gallons per minute. <u>15</u> Acre-Feet |
| <input checked="" type="checkbox"/> Reservoir or pond (3) | Surface Water 0.50 cfs. |
| <input checked="" type="checkbox"/> Ground Water - 2 wells | Ground water 0.36 cfs. |



Note to Local Governments

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department requires its applicants to obtain land use information in order to meet its obligation to be compatible with comprehensive plans. The Department will not accept applications which do not include this completed land use information form or the receipt stub on the bottom of the attached form.

You have 60 days to fill out and return this form to the applicant or the Department. Otherwise the Department may proceed with processing the water right application without your input.

Besides land use information, there are many other submittal requirements for a water right application. If the applicant meets all these and pays a fee, the application is officially accepted. The Department is required to give public notice of all officially accepted applications.

Your county or city will receive a copy of this public notice. You will have 30 days to notify the Department of any concern, including conflicts between the proposed water use and your comprehensive plan. If you do not respond to the notice, the Department may presume that issuing the water right is compatible with your comprehensive plan.

Local governments are encouraged to take advantage of the 30 day notice period and use the 60 day land use information period, if needed, to gather documentation should there be a compatibility concern.

If you have any questions, please phone Roberta Jortner or Rick Bastasch at 378 - 3671.

RECEIVED

SEP 21 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Receipt for Request for Land Use Information

WRD Applicant Name: Donald H. Orzell

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

City or County: Cross

Staff Contact: Planning Technician

Phone: 396-3121, X210

Signature: Sheila Nelson

Date of Information Request: 9-1-92

Oregon Water Resources Department
3850 Portland Rd. NE
Salem, OR 97310
378 - 3671

Version: 8/27/90

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

RECEIVED

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

SEP 21 1992
 WATER RESOURCES DEPT.
 SALEM, OREGON

Applicant's Name: Seaview Boqs, Inc.
 Address: Route 2, Box 533
 City: Bandon, State: Or. Zip: 97411 Day Phone: 347-9791

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

| Tax Lot or Local I.D.# | Plan Designation/Zoning (e.g. Rural Residential/RR-5) | Check All That Apply | | |
|------------------------|---|----------------------|----------------|-----------|
| | | Water Diverted | Water Conveyed | Water Use |
| 30s/15w/14 701 | EFU/EFU-10 | X | X | X |
| 30s/15w/14 700 | EFU/EFU-10 | X | X | |

30S/15W/23

X X

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

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

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

| Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Please check the box that applies: | | |
|---|--|------------------------------------|----------------|------------------------------|
| | | Already Obtained | Already Denied | Being Pursued Satisfactorily |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Receipt for Request for Land Use Information

(over)

WRD Applicant Name: Donald H. Orsall

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

City or County: Coos

Staff Contact: Planning Technician Phone: 396-3121, X210

Signature: Sheila Nelson Date of Information Request: 9-1-92

| <u>DATE</u> | <u>INITIALS</u> |
|-------------|-----------------|
| 9-21-92 | N. J. J. |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

MINIMUM REQUIREMENTS TO FILE

Name and mailing address
 Source of water
 Quantity of water
 Location of project
 Use of water
 Signature of applicant
 Allowable use by policy
 State Engineer withdrawal
 Legislative withdrawal
 Land use approved _____ pending _____

FIELD OPERATIONS

Application date stamped per money receipt date
 Stream Indexed
 Stream Code _____
 Scenic Waterway _____
 Findings:
 1) Concluded - Scenic-Reg Ack letter
 2) Under Study - Scenic-Ack letter
 3) Basin 2 - Willamette-Ack letter
 Plat Carded and copy made YES NO
 Conflicts (well _____ surface _____) _____
 Prior ISWR # _____
 Within Irrigation District _____ (name)
 Notified _____
 District excerpt received _____
 Entered in Paradox _____
 Prepare six copies of Draft Permit
 Send one copy to Data Center

| <u>DATE</u> | <u>INITIALS</u> |
|-------------|-----------------|
| 9/30 | [Signature] |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

SUPPORT SERVICES

Stamp contents with application number
 Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER
 Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
 Place label on file and card
 If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section
 Notify Irrigation District

FIELD OPERATIONS

| | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| Ownership Statement | _____ | _____ |
| Name and address of all owners | _____ | _____ |
| Other landowners notified | _____ | _____ |
| Legal Description | _____ | _____ |
| Need Commission review | _____ | _____ |
| Requests greater than 5.0 cfs | _____ | _____ |
| Dam height greater than 20 feet | _____ | _____ |
| Storage greater than 100 acre-feet | _____ | _____ |
| Out of Basin diversion | _____ | _____ |
| Groundwater recharge project | _____ | _____ |
| Other substantial public interest | _____ | _____ |
| GW comments received _____ resolved _____ | _____ | _____ |
| ODFW comments received _____ resolved _____ | _____ | _____ |
| DEQ comments received _____ resolved _____ | _____ | _____ |
| Interest Groups _____ | _____ | _____ |
| Water availability received _____ | _____ | _____ |
| Objections received _____ resolved _____ | _____ | _____ |
| Protest received _____ resolved _____ | _____ | _____ |
| Management Codes | _____ | _____ |

EXAMINATION FEE: _____
 RECORDING FEE: _____

 TOTAL: _____
 REFUND: _____
 DEFICIENT: _____

REMARKS: _____

PFO CHECKLIST

Application #: _____

Basin: _____ WAB: _____
Township _____ Range _____ Section _____ 1/4 1/4 _____

- A1. Public Interest Screen Criteria
1. Is the file complete by the Completeness Checklist?
2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)
3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- A4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 a. Is second groundwater review necessary? (objection)
 b. Is HB 1033 review complete?
5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
6. Is the Proposed Use located in or above a Scenic Waterway?
7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
8. Is the use allowed or limited by the Basin Program?
- A9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
- A10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
New River ADR
11. Rate _____ Duty _____ Irrigation Season _____
12. Period of Allowed Use Spring Nov 1 ~ May 31
13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- A14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
15. Have conflicts been identified, verified and/or addressed?
16. Is the use Small (<0.1cfs, <9.2AF), Medium (>0.1 or <1.5cfs, >9.2 or <100AF) or Large (>1.5 cfs, >100 AF)? _____
17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
18. Fill out Accuracy Checklist
19. Spell Check
20. Documents used in determination are attached and highlighted
21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
 a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
22. Final PFO report hard copy check (format, margins, etc.)
23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Bernadette Date: 10/9/06 BW

Application No. R-72687

5001

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SEP 21 1992

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Construct a Reservoir

Applicant(s) Seaview Bogs, Inc.
(Please print or type - use dark ink)

Mailing Address: Route 2, Box 533
Bandon, Oregon 97411 (503) 347-9791
City State Zip Daytime Phone No.

I (We) make application for a permit to construct Three reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: 2 wells, unnamed drainage ditch, a tributary of New River (See Remarks)
If not in channel of a stream, state how it is to be filled: Reservoir 1 and 2 from 2 wells + surface water.

2. THE DAM: The maximum height of the structure will be 5 feet above stream bed or ground surface at the centerline.
The dam will be (check one) xx earthfill, concrete, flashboard, other.
If "other" give description: Reservoirs #1 & 2 totally excavated next to bog area. Reservoir #3 will be primarily excavated with field drainage ditch. +/- 5' dike on west side.

Give the location, description, and dimensions of the outlet conduit: None

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: Cranberry use.

4. **THE AMOUNT OF WATER** to be stored is: 15 acre-feet.
The area submerged by the reservoir, when filled, will be See Remarks acres,
and the maximum depth of water will be _____ feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. Reservoirs #1 & 2 - None

Reservoir #3- 24" CMP

Note: Reservoir #3 located on field drainage ditch

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

Proposed date construction work will begin 10/1/92

Proposed date construction work will be completed 10/1/93

Proposed date water use will be completed 10/1/94

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

 Applicant xx CWRE Other (Identify in REMARKS section)

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

 Applicant xx CWRE Other (Identify in REMARKS section)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development. Seaview Bogs, Inc. members own lands and

Grace E. McKenzie
P.O. Box 146
Langlois, Or. 97450

REMARKS:

| Reservoir | Source | Surface Ac. | Depth | Acre Feet |
|-----------|------------------|-------------|-------|-----------|
| No. 1 | Well #1 | 0.2 | 10' | 2.0 a.f. |
| No. 2 | Well #2 | 0.4 | 10' | 4.0 a.f. |
| No. 3 | Unnamed Drainage | 1.0 | 10' | 9.0 a.f. |

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SALEM, OREGON

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

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

David H. O'Neill
Signature of Applicant

9-2-92
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 21st day of September, 19 92, at 8:00 o'clock, A M.

APPLICATION NO: R-72687

COMPLETENESS DETERMINATION CHECKLIST

COMPLETED
 JC 10-295

| Application # | Review Date | Reviewer |
|---------------|-------------|--------------|
| R-72687 | 10/21/95 | GERRY |

200 Exam
 100 15 ACFT

A checkmark (✓) indicates that the item is incomplete or defective.

300 Total
 300 Received
 & Fees OK

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used.

WaterWatch

O F O R E G O N

By Messenger

May 13, 1994

Oregon Water Resources Department
Water Rights Section
158th 12th NE
Salem, Oregon 97310

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MAY 13 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Re: Objection to Technical Report for:

- 73184, R 73183, Knapp Ranches, Inc., Cranberry Use, Bono Ditch/Langlois Crk
- 72576, R 72575, Jensen, Cranberry Use, Swanson Crk/Floras Lake
- G 12809, Richert, Cranberry Use, Conner Crk/Croft Lake
- 72561, R 72560, Roberts, Cranberry Use, Conner Crk/Croft Lake
- G 13128, 72688, R 72687, Seaview Bogs, Cranberry Use, Bethel Crk/New River
- 70170, Seawind Farms, Cranberry & Irrigation, Big Crk/Floras Lake
- 70726, R 70725, Tadlock Trust, Irrigation, Fourmile Creek
- 73023, Loshbaugh Incorporated, Supplemental Cranberry, Fourmile Crk

These applications are just a few of the many pending applications requesting water for cranberry bogs and irrigation in the Croft Lake and New River area. These proposed uses request water from sumps and wells that are in direct connection with tributaries to the New River and from surface water streams. The cumulative impacts of these proposed uses are of great concern to WaterWatch. We have been in contact with area residents who have concerns about the ability of the resource to accommodate all of these proposed uses.

Croft Lake and its surrounding tributaries and wetlands support a variety wildlife and fish life. Residents in the area have reported searun cutthroat trout in the lake and its tributaries. It is suspected that the trout spawn in the lakes tributaries. Croft lake is also a source of recreation in the area and area residents are concerned about maintaining the lakes existing water quality. The surrounding wetlands provide wildlife and other habitat and we understand that the Nature Conservancy has been involved in wetland protection efforts in the area.

Croft Lake and Floras Lake drain into the New River. The New River has been designated by the Bureau of Land Management (BLM) as an Area of Critical Environmental Concern. The BLM has ongoing studies and is developing a management plan for the area. The New River supports a variety of anadromous fish species and provides wetland habitat for native bird populations.

The analysis contained in the technical reports reveals that little information is known about the hydrology of the water system in this area. Because of our concerns about protection of the resource from the cumulative effects of these proposed

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developments and our growing concerns about the capacity of the resource to accommodate further expansion of the cranberry industry, we request that these applications joined in a contested case process with other pending applications for the area.

In addition, we submit the following objections pursuant to OAR 690-11-170:

The Technical Reports are Defective

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The specific areas of deficiency are the same as outlined in WaterWatch's objections on G-12685 which are hereby incorporated into this objection.

The Uses As Proposed are Not in the Public Interest

The proposed uses fail to pass the public interest considerations in ORS 537.170(5) and 537.620 and the policies of Oregon's water laws including ORS 468B.155, 468B.015, and 537.525(3), (6), (9), and (10). *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(d)(B), (4)(e), and (4)(f). The proposed uses will not be supported by existing groundwater and surface water supplies and will deplete flows needed to for the New River system.

- 1. The proposed uses are not in the public interest because they will deplete surface and groundwaters which provide habitat for public instream and riparian area uses.**

The South Coast Basin plan states:

Ground water is a significant factor in the maintenance of natural lakes in the dunes area. Extensive ground water development may affect lake water levels. Finding 5.

The total extent of the ground water supply in the basin has not been determined. Existing data suggest ground water supplies are limited and would not support irrigation in most areas. Finding 19.

Marine terrace deposits and sediments of the Coquille formation are potential ground water sources for irrigation of cranberries in the Bandon area. Finding 20.

Marine terrace deposits in the Harbor area are capable of producing large quantities of water, but some areas are approaching levels of sustained yield. Finding 21.

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Income from water-related recreation is a major contributor to the economy of the South Coast Basin. Finding 39.

The natural lakes, storage reservoirs and free-flowing streams support part of the water-based recreation use. Finding 40.

The water resources, wetlands and associated habitat are critical to the subsistence and propagation of wildlife in the Basin. Finding 42.

The basin plan admits that little is known about groundwater in the basin. The presence of wetlands indicates that the hydraulic connection between groundwater and surface waters in the area is immediate. Reduction in groundwater and surface water contribution to wetlands will decrease contributions to existing wetlands, decrease inflows into the lake and hinder or destroy the filtering capacity and other functions of the wetlands. Groundwater and surface water in this area is vital to the maintenance of lake levels, surface water flows, wetlands and the protection of public uses of water including wildlife, recreation and fish.

The proposed uses are located in the Croft Lake subbasin, in the Floras Lake subbasin and in Fourmile Creek, all tributaries to the new River. Croft Lake is a major tributary of the New River. *New River, Area of Critical Environmental Concern*, June 1989, Bureau of Land Management at 2 (hereinafter BLM). The New River is a unique estuarine and freshwater ecosystem utilized by a wide diversity of fish and wildlife. According to the BLM's study of the New River this River:

supports a unique mix of wildlife, fisheries, botanical, and cultural resources found in association with few other coastal rivers in the Pacific Northwest. Four species of wildlife that use the area are designated as either threatened or endangered on state or federal lists. One plant species has been identified as a candidate for federal listing, and is designated as threatened on the state list. A number of prehistoric cultural sites have been found along the banks of this drainage, and the river itself is thought to provide critical rearing habitat for juvenile salmonides.

... New River has received special attention from a variety of private, state, and federal conservation interests. The Nature Conservancy has examined New River as a candidate area for their conservation programs. . . the Oregon Natural Resources Council considers New River to be the single most important estuary in Oregon that currently is not under any comprehensive form of management. . . New River also

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SALEM, OREGON

has been identified by the U.S. Fish and Wildlife Service as a candidate site for establishing a National Wildlife Refuge. . . The Oregon Department of Fish and Wildlife has identified the area as critical habitat for the western snowy plover. . . (S)ince 1983, BLM has designated its ownership as an Area of Critical Environmental Concern (ACEC), giving the area special recognition and status for improved management of the unique resources that are present. . .

BLM at 1. Since publication of the BLM's report, the western snowy plover has listed as "threatened" under the Federal Endangered Species Act and nine additional wildlife species that utilize the New River system are either listed under the federal act, or are candidates for listing.¹

The New River supports chinook salmon, coho and other fish populations. Since this BLM report was written, coastal coho populations, which utilize coastal streams such as the New River, have been petitioned for listing under the federal Endangered Species Act. Coastal stocks of fall chinook and coastal cutthroat trout are identified by the state as species of concern. The New River provides important habitat for these species. For example, some of the best pools for fish rearing are found in the New River, below the rivers confluence with Croft Lake. *BLM* at 30. However, downstream fish migration coincides with periods of low flows which can result in high fish mortality. *BLM* at 30. For instance, juveniles trapped in isolated pools in the river:

may be subject to predation, suffocation, and heat stress. Local ranchers have observed great blue herons and kingfishers feeding on these juveniles in the shallower, isolated pools over a period of days in which the channel remained dry.

BLM at 30.

In addition to the resources identified in BLM's plan, Croft Lake and its tributaries, which include Conner and Davis Creek provide habitat for a multitude of other fish and wildlife resources, including sensitive populations of searun cutthroat. Croft Lake and it's tributaries also provide recreational benefits to residents living and vacationing in the area. Streamflows into and out of the Lake maintain the water quality that is essential for these public uses of the lake.

¹ These include the Brown Pelican, Peregrine Falcon, Leatherback Sea Turtle, Aleutian Canada Goose, American Bald Eagle, Loggerhead Sea Turtle, Pacific Ridley Sea Turtle, Letherback Sea Turtle, and the red legged frog.

The BLM has identified the Croft Lake area as part of the management area in the ACEC and has looked at purchasing access to the lake. *BLM* at 1 and Table 1. However, Croft lake has been shrinking over the past several years. *BLM* at 2. Existing use of water for irrigation has had significant effects on the current habitat of the New River and it's tributaries. *BLM* at 17.

The BLM has recognized that actions by state agencies, such as the Water Resource Commission have significant effects on management within this ACEC. *BLM* at 7. Commission actions on protecting minimum flows and other water use policies greatly affect the viability of this ecosystem. One of the management objectives identified by the BLM is to maintain minimum flows because:

New River provides important rearing habitat for juvenile salmonids during summer. Channel drying during summer may coincide with downstream migration of juveniles. This may result in high mortality if juveniles become trapped in isolated pools, where they are subject to predation, temperature stress, and suffocation. Losses of juveniles during migration may preclude full use of more stable rearing habitat present downstream in estuarine portions of the ACEC.

Lack of water in the middle section of New River during summer also precludes full use of marshlands by waterfowl. During most years, water is absent from early July to early September in the areas immediately south of the ACEC. This eliminates potential habitat for rearing broods, in turn reducing the prey available to peregrine falcons and bald eagles.

BLM at 35.

Conner Creek is one of the two main tributaries of Croft Lake. Resident and anadromous fish species which rely on streamflows in and streamflows arising from Conner Creek and other coastal streams are recognized in the Commission's South Coast Basin Program as "significant" to the State of Oregon. Finding 43, 44. The basin program also recognizes that "(a)adequate streamflow throughout the year is necessary for the maintenance of aquatic life in the coastal streams." Finding 45. Lakes and streams in the area are also important to recreational use in the basin, a use which is a major contributor to the economy of the South Coast Basin. Program Finding 39, 40. Surface waters also contributes to wetlands which are critical to the ecological integrity of the area. To date, no instream water rights have been set for Croft lake or it's feeder streams, Conner and Davis Creek, or the New River.

These and other pending applications, both individually, and cumulatively, will

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WATER RESOURCES DEPT.
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deplete flows that currently provide habitat for the fish and wildlife mentioned above. The proposed uses and storage projects will also adversely affect water quality in the system. The construction and operation of storage facilities can lead to increased turbidity in the water. The use of water for bogs and irrigation can result in pesticides and fertilizers being leached into the ground water and into the stream system. Allowing these uses to go forward, without analysis of the cumulative impacts of these uses and conditioning and/or denying these uses in order to protect these fish and wildlife values in contrary to Oregon policies which promote use within the capacity of the resource, require protection of instream flow needs and values, requires protection of fish, water quality, wetlands, and other public uses of water and call for integrated and coordinated water management. ORS 496.435, ORS 537.170(5), ORS 537.525, ORS 196.669, ORS 196.672, ORS 496.182, ORS 496.268, 16 USC 1538, OAR 690-11-195(4)(c)(A), (d), (e), (f), (h).

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2. Measurement and reporting.

If these permits were to be issued, the measurement and reporting conditions are not adequate to protect the public's interest in the resource. Measurement and reporting should be a mandatory condition of all new uses. The condition should also require measurement and reporting of both rate and duty. Applicants for reservoirs should be required to report both inflow and outflow from their reservoirs to ensure that storage is not occurring during times when it is prohibited. Finally, there should be some requirement of measurement of streamflows effected by these uses - either by each individual user or as part of a cooperative effort. This should be a mandatory condition of any new water use.

3. The proposed uses are likely to impair the public interest because there is not water available.

The technical report for the groundwater applications acknowledge that the groundwater resources proposed to be tapped are connected to surface waters of the New River Basin. However, the analysis of the availability of water for further appropriation from system, for both ground and surface water appropriations is inadequate for these following and other reasons:

Contrary to statements in the technical reports, there was no water availability analysis on file for applications 72688 and R 72687.

For those files that do contain a water availability analysis, much of it is based upon modeled rather than natural flows and upon assumptions of use rather than water rights of record.

For applications 72184, 73183, 72561, G 13128, R 72687, 72688, 70726, R 70725 and 71084, there was no analysis of the water availability for the creeks and ditches that are the proposed sources of water.

The analysis for 70170 fails to take into account senior pending instream water

right applications for Floras Creek. Both the Creek and Floras Lake provide spawning habitat for petitioned coho salmon.

The proposed conditions for 70726 and 73023 appear to allow use of natural flow when the department's analysis shows that no water is available.

The analysis for 72561, G 12809 and R 72560 should have been identical, since the proposed source is Conner Creek. However, the analysis for R 72560 shows that no water is available from May through October, while the analysis for 72561 predicts much higher flows and only shows shortages for the month of October and the analysis for G 12809 shows no water availability problems.

The failure to adequately determine water availability does not comply with the statewide allocation policy and Oregon law. OAR 690-400-010, ORS 537.170(5). Failure to ensure that these and other proposed uses for this area do not impair the public's interest in the wetlands, fish and wildlife which rely on surface and ground water is contrary to the statewide Allocation Policy. This policy prohibits the overallocation of ground and surface water. OAR 690-410-070. The policy requires that new out-of-stream applications be conditioned to protect public uses. OAR 690-410-070(2)(h). See also Instream Flow Protection policy OAR 690-410-030 and the Groundwater Management policy OAR 690-410-010.

4. A public interest determination is impossible because essential information appears to be missing.

Proposed permit condition number 7 in the technical report for the ground water applications require a pump test prior to receiving a certificate. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and these uses are found to be in the public interest, then condition 11 should be added to require periodic pump tests. The condition should not, however, limit the Director's discretion as to when she can require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

5. The uses will impair the public interest because fish screening and passage facilities are not mandatory conditions of use.

The technical reports do not require mandatory fish screening and passage facilities. Given the critical status of fish populations in the this basin, the adverse impact diversions and dams have on fish habitat, screening and passage should clearly be required to be in place **before** any diversion or storage of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which **clearly** states these requirements.

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SALEM, OREGON

6. The proposed uses are contrary to Oregon policy.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

Critical to the protection of instream flows is knowing and controlling water use in the basin. These and other potential water users in the basin should be required to contribute to activities that enable the state to better manage and control the resource - such contributing funds for installation and maintenance of gauging stations in key locations.

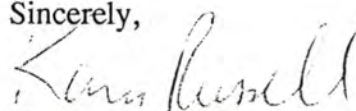
The recent petitions for listing of coastal coho and steelhead populations makes the protection of instream flows even more important for achieving a balance. The protection of instream flow will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

Protection of instream water flow also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of these applications.

Conservation

Oregon statutes and rules call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. These proposed uses should be held to a specific efficiency standard **prior to** any permit approval and the applicant should have an approved conservation plan in place and approved by the Department **prior to** any permit issuance.

Sincerely,



Karen A. Russell
Assistant Director

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

SEAVIEW BOGS, INC.
ROUTE 2, BOX 533
BANDON, OREGON 97411

503-347-9791

to construct THREE UNNAMED RESERVOIRS and to store the waters of 2 WELLS AND AN UNNAMED INTERMITTENT STREAM, a tributary of NEW RIVER, to be appropriated under Application 72688, Permit , for CRANBERRY OPERATIONS.

This permit is issued approving Reservoir Application R-72687. The date of priority is SEPTEMBER 21, 1992. The amount of water entitled to be stored each year is not more than 15.0 ACRE-FEET (AF) BEING 2.0 AF IN RESERVOIR 1, 4.0 AF IN RESERVOIR 2 AND 9.0 AF IN RESERVOIR 3.

The dams will be located as follows:

SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 14, T 30 S, R 15 W, W.M.

The total area proposed to be submerged by reservoir 1, when full, is 0.2 acre; the proposed maximum depth of water is 10.0 feet. The maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by reservoir 2, when full, is 0.4 acre; the proposed maximum depth of water is 10.0 feet. The maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by reservoir 3, when full, is 1.0 acre; the proposed maximum depth of water is 10.0 feet. The maximum height of the dam shall not exceed 10.0 feet.

The area to be submerged by the reservoir is located within:

PAGE TWO

The storage of water allowed herein may be made only at times when sufficient water is available to satisfy all other water rights.

Water Resources Department
Martha O. Pagel
Director

Application R-72687 Water Resources Department
Basin 17 Volume 3 Basin 17 & Misc.
R-72687.dlm

PERMIT R-
District 19

MARCH 10, 1994

SEAVIEW BOGS, INC.
RT 2, BOX 533
BANDON, OR 97411

Reference: File R-72687

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

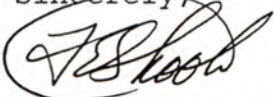
Please send the following:

a copy of written authorization or easement permitting access to land not owned by you.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



THOMAS E. SHOOK
WATER RIGHT SPECIALIST

cc: GOSSON, CWRE



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APR 26 1994

WATER RESOURCES DEPT.
SALEM, OREGON

April 25, 1994

Thomas E. Shook
Water Rights Specialist

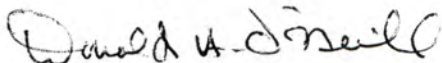
Ref: File 72688
File R-72687
File G-13128

Dear Sir:

Enclosed please find a check in the amount of \$236.00; \$118.00 for File #72688 and \$118.00 for File # G-13128.

I have also enclosed a written authorization permitting access to the land owned by Grace E. McKenzie to allow transfer of water to our reservoir.

Thank you for your consideration,


Donald H. O'Neill
SEAVIEW BOGS, INC.

Enclosures -2
Check #854 (\$236.00)
Access permission

APR 26 1994

NOTARY PUBLICS DEPT
SALEM, OREGON

I GRACE E. MCKENZIE hereby grant to SEAVIEW BOGS, INC. an easement permitting access to my property (described below) to transfer water from a storage reservoir and a ditch to their storage reservoir.

SE 1/4 SE 1/4 SEC 14
SW 1/4 SE 1/4 SEC 14
NE 1/4 NW 1/4 SEC 23
TN 30S R15W WM

Grace E McKenzie 4-20-94
GRACE E. MCKENZIE DATE

STATE OF OREGON

County of COOS) ss.



On this 20th day of April, 1994, personally appeared the above named Grace E McKenzie and acknowledged the foregoing instrument to be her voluntary act and deed.

(Official Seal)

My Commission expires: 10-25-96

Before me:

Cynthia Gant
Notary Public for Oregon

MARCH 10, 1994

SEAVIEW BOGS, INC.
RT 2, BOX 533
BANDON, OR 97411

Reference: File R-72687

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.



Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the

water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

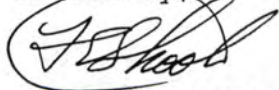
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before MAY 16, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



THOMAS E. SHOOK
WATER RIGHT SPECIALIST

Enclosures

Report Date: MARCH 10, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: MAY 16, 1994.

1. APPLICATION FILE NUMBER - R-72687

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

SEAVIEW BOGS, INC.
RT 2, BOX 533
BANDON, OR 97411
COOS COUNTY 503-347-9791

Date application received for filing and/or tentative date
of priority: 9/21/92

SOURCE: TWO WELLS AND AN UNNAMED DRAINAGE DITCH TRIBUTARY
TO: NEW RIVER

Purpose and/or use: STORAGE FOR CRANBERRY USE (SUPPLEMENTAL
IRRIGATION AND AGRICULTURAL USE)

VOLUME: 15 ACRE FEET (AC-FT), BEING 2 AC-FT IN RESERVOIR
#1, 4 AC-FT IN #2, AND 9 AC-FT IN #3

Point of Diversion Location:
T 30 S, R 15 W, W.M.; SECTION 14, SWSE, SESE

Place of use:
SWSE
SESE
SECTION 14
T 30 S, R 15 W, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Groundwater may be pumped into reservoirs #1 and 2 at a slow rate and re-pumped at a faster rate, within a reasonable time, without benefit of a permit.

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 9 AC-FT is likely available for storage in reservoir #3. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

*need groundwater
permit to
put water
in pond*

PROPOSED PERMIT CONDITIONS

Application: R-72687

*no fish weeny
of passage*

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed storage in Reservoir #3: year round *spring*
3. Water may be appropriated for storage during the period: YEAR ROUND *Nov 1 - May 31*
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.

5. Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or device in good working order and shall provide watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative procedures for review and approval.
- B. The Director may require the permittee to 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.

*read on case
note - staff gage only* no weirs

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The total area proposed to be submerged by the reservoir #3, when full is 1 ACRE; the proposed maximum depth of water in feet is 10; the maximum height of the dam is 5 feet.
10. 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 and placed in the bottom of fill at natural drainage level.
11. 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.

*EVA
Clause*

*1/2 = 2/4
2/4 = 4/8*

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: 8-72687

(2) Review Date: 1-5-94

- S Indicates information was completed or adequately addressed.
- U Indicates information is needed, or incomplete, or inadequately addressed
- N/A Indicates Not Applicable

SUMMARY

U Completeness ATD
S Land Use
N/A GW Interference (if potential interference with surface water, see results of water availability analysis)
S Conflicts
S Water Availability

(3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

(4) N/A No oath is required because application was filed before June 5, 1992.

(5) S Application fees:

| | |
|--|---------------|
| Examination fee: | \$ <u>200</u> |
| Recording fee: | \$ <u>100</u> |
| TOTAL REQUIRED | \$ <u>300</u> |
| TOTAL SUBMITTED | \$ _____ |
| AMOUNT DUE prior to issuance of permit | \$ _____ |
| AMOUNT OVERPAID | \$ _____ |
| refund due applicant | \$ _____ |

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

(7) S MAP: Prepared by a CWRE
 Exempt under OAR 690-11-150(3)
 A map or drawing included (non-CWRE)
 No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used.
- (10) U A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S Storage, Agri Use, Irr use(s) is/are classified uses(s) under the SOUTH COAST Basin Program, OAR 690 - 517-001 (8)
84
- (14) U The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of COOS COUNTY
- (16) N/A The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) N/A A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) N/A The report from groundwater section has been received.

For reservoir applications:

- (22) S Plans, specifications and supporting information for the dam and impoundment area.

RECEIVED

MAY 16 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon



DEPARTMENT OF
FISH AND
WILDLIFE

HABITAT
CONSERVATION
DIVISION

May 12, 1994

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

RE: Water Right Application #R-72687 and 72688; Reports of
Technical Review

During discussions between the applicant and ODFW field personnel, the applicant agreed to limit ~~the~~ storage to November through May and to not divert water for storage June through October. ODFW requests this change be made to the proposed permit conditions.

Because there are no fish in the immediate area of the subject appropriation, no fish screening or passage facilities are to be required.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati, Jr.".

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: R-72687.TEC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-6967

RECEIVED

FEB 17 1994

WATER RESOURCES DEP
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

February 17, 1994

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

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

General Comments

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

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

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

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

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

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



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

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

Specific Comments

Application # 70948

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

Application # 71241

For the month of December:

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

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

Application # 71258

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

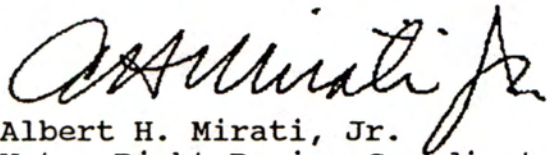
Application # 71280

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

North Coast Basin IWRs
February 17, 1994
Page 3

Thank you for the opportunity to comment.

Sincerely,



Albert H. Mirati, Jr.
Water Right Review Coordinator

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

FILE: NCOAST.IWR

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant Seaview Bogs Inc.

Application Number R-72687
72688
G-????

RECEIVED

OCT 15 1992

WATER RESOURCES DEP.
SALEM, OREGON

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes _____ No

If yes, please explain.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes _____ No

If yes, please explain.

To my knowledge, there's no existing or pending IWR

① There is one d.s. right (P#29498) w/2 diversion points (one on Bethel Cr Ditch and one on Bethel Cr at confluence w/New Lake).

② Although there are no existing IWR's on Bethel Cr., New River has been a source of interest for both ODF&W and the BLM

3. Do you observe this stream system during regular field work?

Yes _____ No

If yes, what are your observations for the stream.

③ I didn't notice an application for the two wells. Is a groundwater ap. to be submitted?

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes _____ No _____ Don't Know

What would you recommend for conditions on a permit, that may be issued approving this application?

- Require wiers u.s. & d.s. From Res #3
- Require that outlet for Res #3 be placed in bottom of fill at natural stream level.
- Require that outlet have gate valve

5. Any other recommendations you would like to make?

Recommend permit not be certified unless conditions met

Signature

WM District # 19 Date 10-12-92

ki

RECEIVED

OCT - 5 1992

WaterWatch

O F O R E G O N

WATER RESOURCES DEPT.
SALEM, OREGON

October 2, 1992

Stephen C. Brown
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #R72687, 72688, Seaview Bogs
New River, Coos Co., .5 cfs, 15 af, Cranberry Op.

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Will the Department use the 80% exceedence level in determining water availability?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical analysis of this application.

Sincerely,

RECEIVED

OCT - 7 1992

WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
FISH AND
WILDLIFE



October 5, 1992

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

RE: Water Right application review; request for reports of technical review

Dear Steve:

ODFW is interested in reviewing WRD's technical analyses for the following water use applications when they become available:

| | | | | |
|--------|--------|--------|--------|-------|
| 72675 | R72680 | R72685 | 72690 | 72695 |
| R72676 | R72681 | 72686 | 72691 | 72735 |
| R72677 | 726821 | R72687 | R72692 | |
| R72678 | 72683 | 72688 | 72693 | |
| R72679 | 72684 | R72689 | 72694 | |

These applications have the potential to impact fish and wildlife resources in the subject waterways and are, therefore, of concern to ODFW.

As we discussed last week, until I receive a response on my September 10 letter to Reed Marbut I will continue to submit these blanket review requests to you. Hopefully we can eliminate this needless paperwork in the near future.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert H. Mirati, Jr.", written over a horizontal line.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c WaterWatch of Oregon (public information request)
File: WRD/WR/RTA Request



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

September 25, 1992

SEAVIEW BOGS INC.
RT 2 BOX 533
BANDON, OR 97411

REFERENCE: File(s) G-13128, R-72687, S-72688

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



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

Application No R-72687
Permit No.

RECEIVED

SEP 21 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Parcel 1: A parcel of land located in portions of the East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 14, Township 30 South, Range 15 West, W.M., Coos County, Oregon, more specifically described as follows: Beginning at the East Quarter corner of Section 14, thence North $89^{\circ} 26' 48''$ West 806.18 feet along the line to the center of said Section 14; thence South $13^{\circ} 18' 53''$ East 261.28 feet to an iron rod; thence South $8^{\circ} 21' 13''$ West 580.82 feet to an iron rod; thence South $5^{\circ} 58' 39''$ West 312.73 feet to an iron rod; thence South $8^{\circ} 48' 03''$ East 429.17 feet to an iron rod; thence South $68^{\circ} 51' 13''$ East 319.45 feet to an iron rod; thence South $50^{\circ} 18' 44''$ East 665.76 feet to an iron rod on the East line of said Section 14; thence North $0^{\circ} 26' 30''$ West 2651.47 feet along the section line to the point of beginning; containing 33.56 acres, more or less.

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G-13128, R. 72687, 72688

WATERWATCH

ODF&W

WATERMASTER # 19

REGIONAL MANAGER - SW

CWRE - J. F. GOSSON

DEQ

KEN STAHR

OTHER ADDRESSES:

X SURSERYMAN

CASEWORKER S Hook

1-5-94

ORIGINAL TO APPLICANT 12/03/93

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

RECEIVED

Applicant Name: Seaview Bogs, Inc.
 Address: Route 2, Box 533
Bandon, Or. 97411
 Phone: (503) 347-9791

SEP 21 1992

WATER RESOURCES DEPT.
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.) _____
- Fish and Wildlife (pond, hatchery, etc.) _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): Cranberry Use

| Indicate sources for the proposed water use below: | Indicate the estimated quantity of water the use will require. |
|--|---|
| <input checked="" type="checkbox"/> Surface Water Name sources: <u>Butte Creek</u> <u>Unnamed Ditch</u> | <u>0.86</u> Cubic feet per second. <u>386</u> Gallons per minute. <u>15</u> Acre-Feet |
| <input checked="" type="checkbox"/> Reservoir or pond (3) | Surface Water 0.50 cfs. |
| <input checked="" type="checkbox"/> Ground Water - 2 wells | Ground water 0.36 cfs. |



Note to Local Governments

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department requires its applicants to obtain land use information in order to meet its obligation to be compatible with comprehensive plans. The Department will not accept applications which do not include this completed land use information form or the receipt stub on the bottom of the attached form.

You have 60 days to fill out and return this form to the applicant or the Department. Otherwise the Department may proceed with processing the water right application without your input.

Besides land use information, there are many other submittal requirements for a water right application. If the applicant meets all these and pays a fee, the application is officially accepted. The Department is required to give public notice of all officially accepted applications.

Your county or city will receive a copy of this public notice. You will have 30 days to notify the Department of any concern, including conflicts between the proposed water use and your comprehensive plan. If you do not respond to the notice, the Department may presume that issuing the water right is compatible with your comprehensive plan.

Local governments are encouraged to take advantage of the 30 day notice period and use the 60 day land use information period, if needed, to gather documentation should there be a compatibility concern.

If you have any questions, please phone Roberta Jortner or Rick Bastasch at 378 - 3671.

RECEIVED

SEP 21 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Permit No.

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

RECEIVED

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

SEP 21 1992 WATER RESOURCES DEPT. SALEM, OREGON

Applicant's Name: Seaview Bogs, Inc. Address: Route 2, Box 533 City: Bandon, State: Or. Zip: 97411 Day Phone: 347-9791

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Table with columns: Tax Lot or Local I.D.#, Plan Designation/Zoning (e.g. Rural Residential/RR-5), and Check All That Apply (Water Diverted, Water Conveyed, Water Use). Rows include 30s/15w/14 701, 30s/15w/14 700, and 30S/15W/23.

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

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

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documents...

RECEIVED

SEP 21 1992

WATER RESOURCES DEPT. SALEM, OREGON

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Title:

Date: Phone:

| DATE | INITIALS |
|---------|----------|
| 9-21-92 | N. J. J. |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

MINIMUM REQUIREMENTS TO FILE

Name and mailing address _____
 Source of water _____
 Quantity of water _____
 Location of project _____
 Use of water _____
 Signature of applicant _____
 Allowable use by policy _____
 State Engineer withdrawal _____
 Legislative withdrawal _____
 Land use approved pending _____

FIELD OPERATIONS

Application date stamped per money receipt date _____
 Stream Indexed _____
 Stream Code _____
 Scenic Waterway _____
 Findings:
 1) Concluded - Scenic-Reg Ack letter _____
 2) Under Study - Scenic-Ack letter _____
 3) Basin 2 - Willamette-Ack letter _____
 Plat Carded and copy made _____ YES NO
 Conflicts (well _____ surface _____) _____
 Prior ISWR # _____
 Within Irrigation District _____ (name)
 Notified _____
 District excerpt received _____
 Entered in Paradox _____
 Prepare six copies of Draft Permit _____
 Send one copy to Data Center _____

| | |
|-------|-------|
| 9/30 | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

SUPPORT SERVICES

Stamp contents with application number _____
 Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER _____
 Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file _____
 Place label on file and card _____
 If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section _____
 Notify Irrigation District _____

FIELD OPERATIONS

| | YES | NO |
|---|-------|-------|
| Ownership Statement | _____ | _____ |
| Name and address of all owners | _____ | _____ |
| Other landowners notified | _____ | _____ |
| Legal Description | _____ | _____ |
| Need Commission review | _____ | _____ |
| Requests greater than 5.0 cfs | _____ | _____ |
| Dam height greater than 20 feet | _____ | _____ |
| Storage greater than 100 acre-feet | _____ | _____ |
| Out of Basin diversion | _____ | _____ |
| Groundwater recharge project | _____ | _____ |
| Other substantial public interest | _____ | _____ |
| GW comments received _____ resolved _____ | _____ | _____ |
| ODFW comments received _____ resolved _____ | _____ | _____ |
| DEQ comments received _____ resolved _____ | _____ | _____ |
| Interest Groups _____ | _____ | _____ |
| Water availability received _____ | _____ | _____ |
| Objections received _____ resolved _____ | _____ | _____ |
| Protest received _____ resolved _____ | _____ | _____ |
| Management Codes _____ | _____ | _____ |

EXAMINATION FEE: _____
 RECORDING FEE: _____

 TOTAL: _____
 REFUND: _____
 DEFICIENT: _____

REMARKS: _____

