

~~Cancelled~~ RE-INSTATED

ASSIGNED

FILE # S 73290

KENNETH HUNNICUTT

RT 1 BOX 1485

BANDON, OR

97411

Application No. 73290

Permit No. 53003

Certificate No. _____

Stream Index, Page No. _____

VOL. 3 CROFT LAKE & MISC.

17-1560-0030

~~Cancelled~~

RE-INSTATED

FEES PAID

| Date | Amount | Receipt No. |
|---------|--------|-------------|
| 3-17-93 | 200.- | 97990 |
| 4-18-94 | 376.- | 111167 |
| 12-7-11 | 400.00 | 104622 |
| 8-20-12 | 150.00 | 106566 |
| 5-25-18 | 670.00 | 126768 |
| 8-22-18 | 810.00 | 127763 |

FEES REFUNDED

| Date | Amount | Check No. |
|--------|--------|-----------|
| 3-3-97 | 126.00 | 002995 |

ASSIGNMENTS

| Date | To Whom | Address | Volume | Page |
|--------|-------------------------|-----------------------------------|--------|------|
| 6/2/97 | David & Virginia Hughes | Rt. 1 Box 1485 - Bandon, OR 97411 | 7 | 3431 |

REMARKS

~~Cancelled~~
RE-INSTATED

9.15.2011 SPDV B5 PG 400

12.19.2011 SPDV B5 Pg 827

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 _____

FINAL PROOF

Blank mailed _____

Proof received COBW 8/20/2012

Date Certificate issued _____



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

August 4, 2022

David and Virginia Hughes
86639 Croft Lake Road
Bandon, OR 97411

file copy

Karl G. Anuta
Law Office of Karl G. Anuta, P.C.
735 S.W. First Avenue, 2nd Floor
Portland, OR 9720
Attorney for Croft Lake Association

Re: Water Right Permit Extension Application, Permit S-53003 in the name of David and Virginia Hughes

Dear David and Virginia Hughes and Mr. Anuta,

The application listed above was filed with the Department on May 25, 2018. A protest was filed on the proposed order on August 22, 2018. The Department has recently received funding to provide a contested case hearing on the protested application.

The application and the protest will be referred to the Office of Administrative Hearings (OAH) for a contested case hearing in the next few weeks. You will receive a copy of the referral when it is completed. After the referral, the OAH will be administering the case and will contact you to schedule a telephone conference to discuss the schedule for the hearing. All questions related to the hearing should be directed to the OAH.

If you would prefer to withdraw the application or withdraw the protest, please contact me directly and I will explain the process. If you would prefer to settle the protest rather than complete a hearing, please contact me to begin settlement discussions. The Department will assist in any way possible. However, the case will remain with the OAH and the hearing process will continue. If the protest is settled, the case can be withdrawn from the OAH. If the protests are not settled before the date set for the hearing, the hearing will proceed.

Please contact me directly if you have questions or concerns prior to the referral. Copies of relevant documents are being provided for your convenience.

Sincerely,
Patricia McCarty
Protest Program Coordinator
Water Right Services Division
503-979-9160
patricia.e.mccarty@water.oregon.gov



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

Application for Extension of Time

In the Matter of the Application for an Extension of Time) PROPOSED
for Permit S-53003, Water Right Application S-73290) FINAL
in the name of David and Virginia Hughes) ORDER

Permit Information

Application: S-73290
Permit: S-53003
Basin: South Coast / Watermaster District 19
Date of March 17, 1993
Priority:
Source of Abe's Creek and Reservoirs 1 and 2, constructed under Application
Water: R-73289, Permit R-12108, tributaries of Croft Lake
Purpose or Cranberry Operations on 22.65 Acres
Use:
Maximum 3.01 cubic feet per second (cfs) and 4.1 Acre-Feet (AF) per year, from stored
Rate and water only, being 2.3 AF from Reservoir 1 and 1.8 AF from Reservoir 2
Volume:

Please read this Proposed Final Order in its entirety.

OR

*Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.*

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 1999, to October 1, 2002.
- Grant an extension of time to apply water to full beneficial use from October 1, 2000, to October 1, 2002.¹

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

¹ Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Water Resources Department
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
FOF – Finding of Fact
cfs - cubic feet per second
AF – Acre-Feet

AUTHORITY

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

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

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On January 31, 1997, Permit S-53003 was issued by the Department. The permit authorizes the use of up to 3.01 cfs of water from Abe’s Creek and 4.1 AF of water per year, being 2.3 AF from Reservoir 1 and 1.8 AF from Reservoir 2, constructed under Application R-73289, Permit R-12108, tributaries of Croft Lake, for cranberry operations on 22.65 acres. The permit specified actual construction was to begin by January 31, 1997, construction of the water system was to be completed by October 1, 1999, and complete application of water was to be made on or before October 1, 2000.
2. On June 2, 1997, an assignment from Kenneth Hunnicut to David and Virginia Hughes was recorded in the records of the Water Resources Department.
3. On May 25, 2018, Marc Van Camp, agent for David and Virginia Hughes, submitted an “Application for Extension of Time” (Application) to the Department, requesting the time

to complete construction of the water system be extended from October 1, 1999, to October 1, 2002, and the time to apply water to full beneficial use under the terms and conditions of Permit S-53003 be extended from October 1, 2000, to October 1, 2002. This is the first permit extension requested for Permit S-53003.

4. On June 5, 2018, notification of the Application for Permit S-53003 was published in the Department's Public Notice. No public comments were received.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

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

5. On May 25, 2018, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

6. Actual construction of the water system began prior to the January 31, 1997, deadline specified in the permit. According to the permit holder, both points of diversion pre-date the permit issuance.

Based on Findings of Fact (FOF) 6, the Department has determined the permit holder began construction prior to January 31, 1997.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

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

The amount of construction completed within the time allowed in the permit or previous extension.²

7. Construction of the water system and reservoirs began prior to the January 31, 1997 deadline specified in the permit.
8. No other work was accomplished during the original development time frame under Permit S-53003, as a majority of the work was accomplished prior to permit issuance.
9. Since October 1, 2000, totalizing flow meters were installed.

Based on FOF 6 through 9, the Department has determined that work has been accomplished prior to permit issuance, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

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

10. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a meter or other suitable measuring device has been installed by October 1, 1999, and (2) annual reports of the amount of water used each month have not been received by the Department by October 1, 2000.

Based on FOF 10, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit S-53003:

- "Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use to the Department annually or more frequently as may be required by the Director."

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

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

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

The amount of beneficial use made of the water during the permit time limits or previous extension time limits.

11. A maximum rate of 3.01 cfs of water has been diverted from Abe's Creek and 4.1 AF of water has been diverted from Reservoirs 1 and 2 constructed under Application R-73289, Permit R-12108, tributaries to Croft Lake, for cranberry operations on 20.4 acres.

Based on FOF 10, the Department has determined that beneficial use of water has not been demonstrated under Permit S-53003 because not all permit conditions were complied with prior to October 1, 2000.

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

12. The permit holder has invested approximately \$54,000, which is the total cost for complete development of this project.

Based on FOF 12, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions before October 1, 2000, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

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

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*

- (e) Other economic interests dependent on completion of the project; and
- (f) Other factors relevant to the determination of the market and present demands for water and power.

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

13. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53003; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
14. Current Water Availability Analysis for the New River, (Tributary to Pacific Ocean) at the mouth (watershed ID 31730602) shows that water is available all year at the 80% exceedance level.
15. Current Water Availability Analysis has determined that 4.1 Af of water is available from Reservoir 1 and Reservoir 2, constructed under Permit R-73289.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

16. The points of diversion are located on Abe's Creek tributary to Croft Lake, and are not located within a Withdrawn Area.
17. Croft Lake is not located within or above a state or federal scenic waterway.
18. The points of diversion are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

19. Abe's Creek is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

20. An approximate total of \$54,000 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

21. No other economic interests dependent on completion of the project have been identified.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

22. No other factors relevant to the determination of the market and present demand for water and power have been identified.

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

23. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0042(2)(g)]

24. Delay in the development of this project that was caused by other governmental requirements have not been identified.

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

25. No unforeseen events were identified that extended the length of time needed to fully develop and perfect Permit S-53003.

Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]

26. A denial of the extension would result in undue hardship, and there are no other reasonable alternatives exist for meeting water use needs.

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

27. The Application provides evidence of good faith of the appropriator under Permit S-53003.

Based on FOF 6 through 9, 11, 12, and 20, the Department has determined that the applicant has shown good faith and reasonable diligence.

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

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

28. As of May 25, 2018, the permit holder states that construction of the water system is complete, and an Extension of Time is needed for applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2002, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-53003 is both reasonable and necessary.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin actual construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 6 through 27, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2002³, as required by OAR 690-315-0040(1)(c).

³Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

4. The Applicant can complete the project within the time period requested for the extension on the project.
5. The Applicant has demonstrated good cause for the extension.

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit S-53003 from October 1, 1999, to October 1, 2002.

Extend the time to apply water to beneficial use under Permit S-53003 from October 1, 2000, to October 1, 2002.

DATED: July 10, 2018


Dwight French, Administrator
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **August 24, 2018**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;

KARL G. ANUTA

LAW OFFICE OF KARL G. ANUTA, P.C.
735 SW FIRST AVENUE, 2ND FLOOR
PORTLAND, OREGON 97204
(503) 827-0320
FACSIMILE (503) 228-6551

TRIAL ATTORNEY
LICENSED IN
OREGON & WASHINGTON

E-MAIL
KGA@INTEGRA.NET

August 22, 2018

VIA MESSENGER AND ELECTRONIC MAIL

Patricia.E.Mccarty@oregon.gov; Dwight.w.french@oregon.gov;
jefferey.d.pierceall@oregon.gov ;

Patricia McCarty
Water Right Services Division
Protest Coordinator
725 Sumner St NE, Suite A
Salem, OR 97301-1266

Dwight French
WRSD
Administrator
725 Sumner St NE, Suite A
Salem, OR 97301-1266

Jeffery Pierceall
CBU Specialist
725 Sumner St. NE, Suite A
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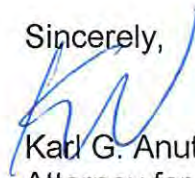
Re: My Client: Croft Lake Association
Application No; S-73290
Permit No.: S-53003
Protest of Extension PFO

Dear Mr. French, Ms. McCarty & Mr. Pierceall:

Since WRD has failed or refused to respond to the detailed comments I submitted on behalf of the Croft Lake Association on July 25, 2018, I attach a Protest of the PFO. Also enclosed with the paper copy of this letter is a check for the \$810 filing fee for that Protest.

I look forward to hearing from the WRD, or the Hearings Officer/ALJ, on this matter. If you have questions please do not hesitate to contact me.

Sincerely,



Karl G. Anuta
Attorney for the Croft Lake Association

C: Client
Applicant Hughes

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

In the Matter of the Application for an Extension of Time)
for Permit S-53003, Water Right Application S-73290)
in the name of David and Virginia Hughes) **PROTEST OF
PROPOSED FINAL
ORDER**

I. Name, Address & Phone Number of Protestant & It's Attorney

| | |
|---|---|
| Croft Lake Association 880 South First St., PO Box 1050 Coos Bay, OR 97420 (541) 267-2137 | Karl G. Anuta Law Office of Karl G. Anuta, P.C. 735 S.W. First Avenue, 2 nd Floor Portland, OR 97204 (503) 827-0320 Attorney for the Croft Lake Association |
|---|---|

II. Interests Of Protestant In PFO

The Protestants interests are set forth in the "Commentor" section of the Comments filed with WRD on July 25, 2018, a copy of which is attached and incorporated by reference into this Protest.

III. How The PFO Will Adversely Affect the Protestants Interests

The Protestants interests will be adversely affected in the manner set forth in detail in the "Commentor" section of the Comments filed with WRD on July 25, 2018, a copy of which is attached and incorporated by reference into this Protest. In sum, the PFO would adversely affect water rights on which the Association and its members rely, and the Association's and the public's interest in protecting and restoring streamflows into Croft Lake.

The PFO would also adversely affect the Association's and the public's interests in ensuring that the WRD not perpetuate illegal and improper use of water contrary to permit terms. In addition, the Association's and the public's interests in ensuring that Oregon water laws are properly implemented, that water is fairly and legally allocated, that the public interest in waters of the state is actually protected, and that the extension process is not manipulated in a way that is contrary to law and to the interests of the Association and/or the public, would be adversely affected.

IV. How The PFO Is In Error Or Deficient And How To Correct Those Errors

The PFO is deficient in each of the detailed ways identified in the "Substantive Issues," the "Inaccurate Findings," the "Inaccurate Conclusions," and the "Conclusions" sections of the Comments filed with WRD on July 25, 2018, a copy of which is attached

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and incorporated by reference into this Protest. Those errors can be corrected by issuance of a PFO denying the requested Extension to 2002.

V. Citation To Supporting Legal Authority

The supporting legal authorities are cited in the Comments filed with WRD on July 25, 2018, a copy of which is attached and incorporated by reference into this Protest. In addition, the supporting authorities known so far include:

-*WaterWatch of Oregon, Inc. v. Water Res. Dep't*, 259 Or. App. 717, 729 & 736, 316 P.3d 330 (2013) *rev. allowed* 355 Or 317 (2014) *rev. dis. as improvidently granted* ___ Or ___ (February 5, 2015) (aka – the “Cottage Grove” decision);¹

-ORS 537.230(3);

-ORS 539.010(5);

-OAR 690-315-040; and

-Oregon Department of Justice advice to Dwight French, DOJ File No. 690-303-GN0023-98 (February 7, 2002); and Memorandum to Water Resources Staff from Dwight French and Dick Bailey, “Internal Guidance Non-Compliance of Time Sensitive Permit Conditions when reviewing Claims of Beneficial Use and Extensions of Time” (October 15, 2002).

VI. Service On Applicant

As the Certificate of Service attached shows, the Applicant is being concurrently served.

VII. Protest Fee

The required fee of \$810, per ORS 536.050(1)(j)(A) is included with this Protest and its transmittal letter.

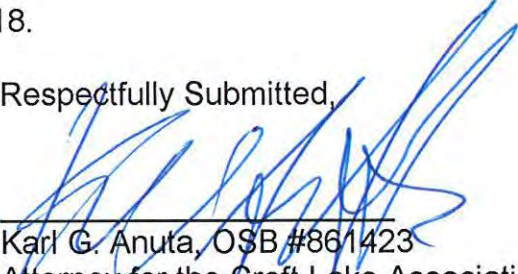
VIII. Request For Hearing & Party Status

Having exhausted its commenting remedies, and having received no response, the Association requests confirmation of Party Status and a Contested Case Hearing in this matter.

¹ “...[A] necessary predicate for . . . [issuing a Certificate is] *perfection of the water right in accordance with the Act...*” 259 Or App at 729 (emphasis in the original); and “...a permit cannot be developed...without regard to the permit conditions prescribing the deadlines for completion.” 25 Or App at 736.

Dated this 22nd day of August, 2018.

Respectfully Submitted,



Karl G. Anuta, OSB #861423
Attorney for the Croft Lake Association
Law Office of Karl G. Anuta, P.C.
735 S.W. First Avenue, 2nd Floor
Portland, OR 97204
(503) 827-0320

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TRIAL ATTORNEY
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FACSIMILE (503) 228-6551

E-MAIL
KGA@INTEGRA.NET

July 25, 2018

VIA REGULAR AND ELECTRONIC MAIL

Patricia.E.Mccarty@oregon.gov; Dwight.w.french@oregon.gov;
jefferey.d.pierceall@oregon.gov ;

Patricia McCarty
Water Right Services Division
Protest Coordinator
725 Sumner St NE, Suite A
Salem, OR 97301-1266

Dwight French
WRSD
Administrator
725 Sumner St NE, Suite A
Salem, OR 97301-1266

Jeffery Pierceall
CBU Specialist
725 Sumner St. NE, Suite A
Salem, OR 97301-1266

Re: My Client: Croft Lake Association
Application No; S-73290
Permit No.: S-53003
Comments on PFO to Grant Extension

Dear Mr. French, Ms. McCarty & Mr. Pierceall:

I submit these comments on behalf of the Croft Lake Association. These are comments regarding the Water Resources Department's (WRD's) Proposed Final Order (PFO) in the Matter of the Application S-73290. That application seeks an Extension of Time until October 2002 for Permit S-53003 to prove up a Claim of Beneficial Use (CBU).

These comments are provided well in advance of the August 24, 2018, deadline for a Protest. That has been done in order to give WRD the opportunity and plenty of time to "do the right thing" and to withdraw the PFO. The WRD should correct what appear to be both factual and legal errors in the current PFO.

These comments are submitted without waiver of the Association's right to file a Protest, if the PFO is not withdrawn before August 24, 2018.

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Commentor:

Croft Lake Association is an unincorporated group of individuals and entities operating under a Trust Agreement. The Association and its members are the owners of property in the vicinity of Croft Lake. The PFO at issue is dated July 10, 2018 and it was Noticed for comment on that some date in the WRD Public Notice (on page 11).

Abe's Creek, where the use at issue occurs, is a tributary to and flows into Croft Lake. The Association and its members use the water of Croft Lake, and frequently enjoy the fisheries, wildlife, and other biological resources of the area. The use at issue currently reduces the water available to the already over-appropriated Croft Lake area. As a consequence, the Applicant's current and future use affects the Association and its members' water rights and use of Croft Lake.

The Association and its members have perfected water rights from Croft Lake and its aquifer, which will potentially be affected (either positively or negatively) by either the invalidation of, or the potential Certification of, the current permit. The Association believes WRD has unlawfully proposed to allow this Extension, despite findings of fact that - on balance - weigh against granting such an approval. In addition, the PFO conclusions of law are factually and legally flawed.

Moreover, granting the requested Extension will frustrate not only the purpose of the controlling law, but also the Applicant's started purpose. That is because even with the requested Extension, WRD cannot lawfully issue a Certificate for this permit.

Background:

This permit was issued in 1997, for two **already illegally created** reservoirs on Abe's Creek. Those reservoirs provide water for cranberry bogs. The permit expired by its terms in 2000. No records exist, to our knowledge, which document water use between 1997 and 2000. The Applicant did submit water use records to WRD intermittently in 2002, 2003, and 2008.

In 2011, WRD cancelled the permit. That is as it should be. When a permit holder fails to timely submit proof of use or a CBU, the agency should cancel the expired permit.

The WRD ultimately rescinded its 2011 cancellation Order.¹ However, that rescission did not "magically" restore the already expired permit to a non-expired status. Nor could it legally.

The Applicant thereafter began to be more careful about measuring this water use. They submitted records of use in 2012 and 2013. Curiously no records were

¹ Since the Petition to Reconsider that Order was untimely, it is not clear why it was granted. Nonetheless, it was.

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submitted for 2014. However, since 2015, records appear to have been regularly submitted to WRD.

Despite the fact that there is currently no valid permit to extend, WRD has chosen to issue a PFO that would grant an Extension of this permit through October 1, 2002.

Substantive Issues: Findings and Conclusions:

The Association and its members have a number of issues with the PFO. As a fundamental matter, **even** if the WRD could lawfully issue an Extension until October 2002, the permit will still have expired at the time that the Applicant requests a Certificate.² Despite past agency practice, it is now crystal clear that the WRD **cannot legally Certificate an already expired permit**. See e.g., *WaterWatch of Oregon, Inc. v. Water Res. Dep't*, 259 Or. App. 717, 729 & 736, 316 P.3d 330 (2013) *rev. allowed* 355 Or 317 (2014) *rev. dis. as improvidently granted* ___ Or ___ (February 5, 2015) (aka – the “Cottage Grove” decision).³

Here, WRD would exceed its statutory authority if it ultimately tried to issue a Certificate in 2018 (or thereafter) on a permit that already expired back in 2002 - where a CBU was not filed until **long** after the permit expired. There are also a number of specific problems with the WRD's Findings in this PFO. These including a refusal to give proper weight to key findings. Those failures, along with what appears to be a either a failure or a refusal to follow the dictates of *Cottage Grove* opinion, appear to have lead to flawed Conclusions in the PFO.

Inaccurate Findings:

Finding of Fact 10: This finding should weigh strongly **against** approval of the requested Extension. As noted in the PFO, the permit holder has **not** conformed to the conditions of the permit. The Applicant did **not** submit use records for the permit period, and the permit expired in October 2000.

While OAR 690-315-040(3)(c) does not expressly require the WRD to deny an Extension based on failure to comply with a permit, the WRD **is** required to weigh the non-conformance in its decision. Here, it does not appear that the WRD gave adequate weight to this finding. Given the circumstances, i.e. an illegal use with a short permit deadline and no CBU until 2012, WRD should have proposed denial.

² The Association is well aware that the Applicant submitted a CBU in 2012. However, that CBU was submitted well **after** 2002. Thus, even if this permit were legally extended to 2002, the CBU would still be for a permit that **had already expired** at the time the CBU was submitted. That means that the WRD would be legally foreclosed from issuing a Certificate for this permit, based on that CBU.

³ "...[A] necessary predicate for . . . [issuing a Certificate is] *perfection of the water right in accordance with the Act...*" 259 Or App at 729 (emphasis in the original); and "...a permit cannot be developed...without regard to the permit conditions prescribing the deadlines for completion." 25 Or App at 736.

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Finding of Fact 11: This finding similarly strongly weighs **against** granting the approval of the requested Extension. The WRD determined that "not all permit conditions were complied with" and that beneficial use had **not** been demonstrated. This is, as outlined, a significant issue. Yet it does not result in more than a passing reference in the PFO. It appears the WRD has also not given this finding adequate consideration and weight.

Finding of Fact 19: This finding presents yet another significant point **against** granting the Extension. The finding references habitat needs of sensitive, threatened, or endangered species. The WRD recognizes Abe's Creek as "ranked 'high' for stream flow restoration needs." Yet it appears WRD has also failed to give this finding proper (if any) weight.

Finding of Fact 25: Here again, this finding should weigh heavily against approval of the proposed Extension. The finding (that there are no extraordinary circumstances) is accurate. However, it is worth noting that the finding is also completely at odds with the Application.

The Application claims that there allegedly **were** unforeseen events, specifically the loss of the 2000 water use documentation.⁴ OAR 690-315-0040(2)(h) specifically qualifies "unforeseen events" to be things over which the permit holder "had no control." Since the permit holder here clearly **did** "have control" over whether water use data was kept for the year 2000 (**and** also over whether such data - if it existed - was submitted to the WRD), the finding that there were no unforeseen events is accurate. Curiously, this finding **also** appears to have been given little or no weight by WRD.

Finding of Fact 28: This finding is both factually and legally flawed. It is factually flawed, because (as outlined) an Extension to October 1, 2002 will **not** be sufficient to allow a functional CBU. Even if the permit expiration is extended to 2002 no CBU was submitted before (or within 1 year of when) the permit expired. Thus, no Certificate can be issued.

Finding 28 is also legally flawed. As *WaterWatch, supra* illustrates, the WRD **cannot Certicate a permit that has not been perfected or developed in accordance with the permit's own specified conditions and deadlines.** Since no CBU was submitted before the expiration date on this permit, it clearly has not been developed within the mandated deadlines/conditions. So no Certificate can legally be issued.

In light of the other Findings by WRD, the Finding here that there was "good cause" shown - is simply not accurate.⁵ Moreover, since there is no way for the WRD

⁴ See, Application p. 11, Resp. #16.

⁵ The WRD should at the very least explain how it squares the recognized habitat needs of Abe's Creek, with the Extension that is proposed, and with the other prior findings that also support denial.

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to legally issue a Certificate, on what will **still be** an already expired permit, there is legally no "good cause" for an Extension here.

Inaccurate Conclusions:

Conclusion of Law 3: This conclusion is legally incorrect. The applicant **cannot** "complete" the permit requirements "by October 1, 2002." As already outlined, both factually and legally, the Applicant will not be able to submit a CBU either "by" October 1, 2002 - or even "within 1 year" of 2002 under ORS 537.230(5). The CBU here was not submitted to WRD until 2012. So the permit had (and will have) long expired, at the time of the CBU.

Conclusion of Law 4: This conclusion is patently incorrect for the same reasons just outlined.

Conclusion of Law 5: This conclusion is also fundamentally flawed. As outlined, no "good cause" that has been shown. There was no evidence of good cause as to why the 2000 water use data was lost. Nor was there evidence on why the applicant has requested an Extension to a date that is still not sufficient to allow the use of the already filed CBU.⁶ In addition, the "good cause" conclusion drawn simply does not logically follow from the WRD's other factual findings of non-compliance with permit conditions, and the required importance of protecting the resources at issue from further appropriation.

Conclusion:

WRD should not exceed its statutory authority by issuing the requested Extension. This was an illegal use to begin with. Short time lines were set in the permit, **for a reason**. The applicant did not meet those time lines. There should be serious consequences for that.

Issuing an Extension on an already expired permit such as this effectively waives the consequences that should otherwise apply. In this particular instance, where the applicant also ignore cancellation notices, giving the applicant what would now be a **third** bite at the proverbial apple makes little or no sense. Such an approach would render ORS 537.230 and the *Cottage Grove* opinion meaningless.

Applicants are under a duty to comply with their permit. One of the requirements of this permit was timely submittal of water use data. Another was timely submittal of a CBU before the permit expired. Unless an applicant can prove extraordinary circumstances, failure to timely submit data - or to timely submit an Extension request to allow the timely submission of data or a CBU - should result in the permit being cancelled or invalidated.

⁶ Nor was there been evidence provided as to why the applicant made no timely response to the WRC cancellation notices.

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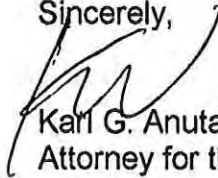
AUG 22 2018

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The whole point of the prior appropriation "use it or lose it" doctrine is to allow the next user in line to benefit when a permit holder fails to meet the conditions of their permit. Here, the Extension sought is too little, too late. The requested Extension - on an already expired permit - would not, even if granted, be sufficient for there to be a valid Certificated water right issued. It makes no sense, in such circumstances, for the WRD to issue the requested Extension. The PFO should be withdrawn and a revised PFO denying the Extension to October 2002 should be issued.

Thank you for your consideration of these points. If you have questions on any of these issues please do not hesitate to contact me.

Sincerely,



Karl G. Anuta
Attorney for the Croft Lake Association

KGA/ev
C: Client

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AUG 22 2018
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1 CERTIFICATE OF SERVICE

2 I hereby certify that I served a true copy of the foregoing proposed **PROTEST**
3 **OF PROPOSED FINAL ORDER** on:

4 Marc Van Camp
5 Stuntzner Engineering and Forestry
6 P.O. Box 118 (705 S. 4th St.)
7 Coos Bay, OR 97420

Virginia & David Hughes
86639 Croft Lake Ln
Bandon, OR 97411

8 by the following indicated method or methods:

- 9 by **faxing** full, true, and correct copies thereof to the attorneys at the fax
10 numbers shown above, which are the last-known fax numbers for the
11 attorneys' offices, on the date set forth below. The receiving fax
12 machines were operating at the time of service and the transmissions
13 were properly completed, according to the confirmation reports on file.
- 14 by **mailing** full, true, and correct copies thereof in sealed, first-class
15 postage-prepaid envelopes, addressed to the attorneys as shown
16 above, the last-known office addresses of the attorneys, and deposited
17 with the United States Postal Service at Portland, Oregon, on the date
18 set forth below.
- 19 by causing full, true, and correct copies thereof to be **hand-delivered** to
20 the attorneys in person or at the attorneys' last-known office addresses
21 listed above on the date set forth below.
- 22 I hereby declare that the above is true to the best of my knowledge and
23 belief. I understand that this document is made for use as evidence in
24 court and is subject to penalty of perjury.

25 DATED: August 22, 2018

26 /s/Karl G. Anua
KARL G. ANUTA, WSB No. 21346
Attorney for the Croft Lake Association

TRIAL ATTORNEY
LICENSED IN
OREGON & WASHINGTON

KARL G. ANUTA
LAW OFFICE OF KARL G. ANUTA, P.C.
735 SW FIRST AVENUE, 2ND FLOOR
PORTLAND, OREGON 97204
(503) 827-0320
FACSIMILE (503) 228-6551

E-MAIL
KGA@INTEGRA.NET

July 25, 2018

VIA REGULAR AND ELECTRONIC MAIL

Patricia.E.Mccarty@oregon.gov; Dwight.w.french@oregon.gov;
jefferey.d.pierceall@oregon.gov ;

Patricia McCarty
Water Right Services Division
Protest Coordinator
725 Sumner St NE, Suite A
Salem, OR 97301-1266

Dwight French
WRSD
Administrator
725 Sumner St NE, Suite A
Salem, OR 97301-1266

Jeffery Pierceall
CBU Specialist
725 Sumner St. NE, Suite A
Salem, OR 97301-1266

Re: My Client: Croft Lake Association
Application No; S-73290
Permit No.: S-53003
Comments on PFO to Grant Extension

Dear Mr. French, Ms. McCarty & Mr. Pierceall:

I submit these comments on behalf of the Croft Lake Association. These are comments regarding the Water Resources Department's (WRD's) Proposed Final Order (PFO) in the Matter of the Application S-73290. That application seeks an Extension of Time until October 2002 for Permit S-53003 to prove up a Claim of Beneficial Use (CBU).

These comments are provided well in advance of the August 24, 2018, deadline for a Protest. That has been done in order to give WRD the opportunity and plenty of time to "do the right thing" and to withdraw the PFO. The WRD should correct what appear to be both factual and legal errors in the current PFO.

These comments are submitted without waiver of the Association's right to file a Protest, if the PFO is not withdrawn before August 24, 2018.

Commentor:

Croft Lake Association is an unincorporated group of individuals and entities operating under a Trust Agreement. The Association and its members are the owners of property in the vicinity of Croft Lake. The PFO at issue is dated July 10, 2018 and it was Noticed for comment on that same date in the WRD Public Notice (on page 11).

Abe's Creek, where the use at issue occurs, is a tributary to and flows into Croft Lake. The Association and its members use the water of Croft Lake, and frequently enjoy the fisheries, wildlife, and other biological resources of the area. The use at issue currently reduces the water available to the already over-appropriated Croft Lake area. As a consequence, the Applicant's current and future use affects the Association and its members' water rights and use of Croft Lake.

The Association and its members have perfected water rights from Croft Lake and its aquifer, which will potentially be affected (either positively or negatively) by either the invalidation of, or the potential Certification of, the current permit. The Association believes WRD has unlawfully proposed to allow this Extension, despite findings of fact that - on balance - weigh against granting such an approval. In addition, the PFO conclusions of law are factually and legally flawed.

Moreover, granting the requested Extension will frustrate not only the purpose of the controlling law, but also the Applicant's stated purpose. That is because even with the requested Extension, WRD cannot lawfully issue a Certificate for this permit.

Background:

This permit was issued in 1997, for two **already illegally created** reservoirs on Abe's Creek. Those reservoirs provide water for cranberry bogs. The permit expired by its terms in 2000. No records exist, to our knowledge, which document water use between 1997 and 2000. The Applicant did submit water use records to WRD intermittently in 2002, 2003, and 2008.

In 2011, WRD cancelled the permit. That is as it should be. When a permit holder fails to timely submit proof of use or a CBU, the agency should cancel the expired permit.

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The Association and its members have a number of issues with the PFO. As a fundamental matter, **even** if the WRD could lawfully issue an Extension until October 2002, the permit will still have expired at the time that the Applicant requests a Certificate.² Despite past agency practice, it is now crystal clear that the WRD **cannot legally Certificate an already expired permit**. See e.g., *WaterWatch of Oregon, Inc. v. Water Res. Dep't*, 259 Or. App. 717, 729 & 736, 316 P.3d 330 (2013) *rev. allowed* 355 Or 317 (2014) *rev. dis. as improvidently granted* ___ Or ___ (February 5, 2015) (aka – the “Cottage Grove” decision).³

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Finding of Fact 28: This finding is both factually and legally flawed. It is factually flawed, because (as outlined) an Extension to October 1, 2002 will **not** be sufficient to allow a functional CBU. Even if the permit expiration is extended to 2002 no CBU was submitted before (or within 1 year of when) the permit expired. Thus, no Certificate can be issued.

Finding 28 is also legally flawed. As *WaterWatch, supra* illustrates, the WRD **cannot Certify a permit that has not been perfected or developed in accordance with the permit's own specified conditions and deadlines.** Since no CBU was submitted before the expiration date on this permit, it clearly has not been developed within the mandated deadlines/conditions. So no Certificate can legally be issued.

In light of the other Findings by WRD, the Finding here that there was "good cause" shown - is simply not accurate.⁵ Moreover, since there is no way for the WRD

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Issuing an Extension on an already expired permit such as this effectively waives the consequences that should otherwise apply. In this particular instance, where the applicant also ignore cancellation notices, giving the applicant what would now be a **third** bite at the proverbial apple makes little or no sense. Such an approach would render ORS 537.230 and the *Cottage Grove* opinion meaningless.

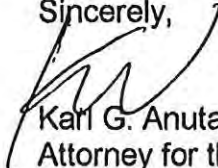
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⁶ Nor was there been evidence provided as to why the applicant made no timely response to the WRC cancellation notices.

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Thank you for your consideration of these points. If you have questions on any of these issues please do not hesitate to contact me.

Sincerely,



Karl G. Anuta

Attorney for the Croft Lake Association

KGA/ev

C: Client

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

Instructions are in Attachment A.

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TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

I, David Hughes

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

86639 Croft Lake Lane
ADDRESS

Bandon
CITY

OR
STATE

97411
ZIP

5417310628
PHONE

E-MAIL ADDRESS

RECEIVED

the permit holder of:

Application Number S-73290

Permit Number S-53003

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

MAY 25 2018

OWRD

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: 10 Day: 01 Year: 1999**, be extended to October 1, _____, [OAR 690-315-0020(3)(i)]
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: 10 Day: 1 Year: 2000**, be extended to October 1, 2002.
[OAR 690-315-0020(3)(i)]

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

Marc Van Camp 5-17-17
Signature Date
Marc Van Camp agent
Printed Name Title

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

- This completed Application for Extension of Time.
- Statutory fee of \$670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

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

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GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

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

Questions to complete this application for an Extension of Time

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

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

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: 01 Day: 31 Year: 1997

Details of construction and attach documentation: Per Claim of Beneficial Use Report (submitted 8/20/2012), both POD's pre-date permit issuance.

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

CHART-A

| Permit Conditions in this Permit | | Have Completed or Met? | Date satisfied/ or will be satisfied |
|-------------------------------------|---|---|--------------------------------------|
| Checkbox | Ground water Check those included on this permit | | |
| <input type="checkbox"/> | Installation of a meter/ totalizing flow meter/ in-line meter | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Submittal of annual water usage report | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Submittal of initial static water level measurement | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Submittal of annual static water level measurements in the month required | <input type="checkbox"/> Yes <input type="checkbox"/> No | RECEIVED MAY 25 2018 |
| <input type="checkbox"/> | Submittal of Seven consecutive static water level measurements in the month required | <input type="checkbox"/> Yes <input type="checkbox"/> No | OWRD |
| <input type="checkbox"/> | Special well construction standards | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Submittal of a monitoring plan | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Other (Specify): | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Surface Water or Reservoir | | | |
| <input checked="" type="checkbox"/> | Installation of a meter/totalizing flow meter | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 1/31/1997 |
| <input checked="" type="checkbox"/> | Submittal of annual water usage report | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 9/30/2002 |
| <input type="checkbox"/> | Installation a staff gauge | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Installation of a fish screen | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Installation of a fish by-pass device | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Installation of a fish passage | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Installation of an outlet gate/pipe/ conduit | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Submit as-built plans and specification | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Submittal of a letter from an engineer prior to storage | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input checked="" type="checkbox"/> | Other (Specify): Shall allow watermaster access | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 1/31/1997 |
| <input checked="" type="checkbox"/> | Other (Specify): Comply with Clean Water Act and utilize B.M.P's from the New River Alternative Dispute Resolution Team Agreement | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 1/31/1997 |
| <input type="checkbox"/> | Other (Specify): | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | Other (Specify): | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

Permit S53001 was not put to full beneficial use before the C-date of 10/1/2000 because of the annual water usage report condition. The measuring and recording conditions were met before 10/1/2000 with the use of dedicated electric meters at each POD, however reports of use were never submitted and subsequently lost. Mr. Hughes had previously submitted power company records for each dedicated electric meter that show these meters have been in service before 10/1/2000. The monthly power use from these meters have been lost over time, creating the need for this extension. Mr. Hughes began reporting water use with Water Year 2002, and as of 2012 installed totalizing flow meters to more accurately measure diversion. Mr. Hughes has consistently reported diversions for the past 3 years and will continue to do so. This extension is requesting the C-date be extended for 2 years, to 10/1/2002. This will allow Mr. Hughes's first water use report to be within the C-date, making it so Mr. Hughes applied water to full beneficial use complying with all permit conditions. Report ID 51217 , 51218, and 51220

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

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

CHART-B

| DATE | WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i> | COST* |
|-----------|--|-------------|
| 1/1/1997 | Per Claim of Beneficial Use Report, both POD's pre-date permit issuance. No more construction was conducted after permit issuance. At this time each POD had a dedicated electric meter which complied with the measurement condition. | \$50,000.00 |
| | | |
| DATE | WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i> | COST* |
| 1/31/1997 | Date the permit was signed - find date above signature on last page of permit. | |
| | | |
| | | |
| | | |
| | | |

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| | | |
|-------------------------------|---|--------------------|
| 10/1/2000 | Date the permit specified complete application of water to the use shall be made- all permits contain this date. | |
| DATE | WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i> | COST* |
| 9/30/2002 | Submit first annual report of water use to department | \$1,000.00 |
| 5/1/2012 | Install Totalizing flow meters for more accurate flow measurement and ease of record keeping | \$4,000.00 |
| | | |
| | | |
| Total Cost for Chart-B | | \$55,000.00 |

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

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

CHART-C

| DATE | WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i> | COST* |
|------------------------------|--|--------------|
| | "Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time. | |
| | | |
| | "Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time. | |
| DATE | WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i> | COST* |
| | | |
| Total Cost of Chart-C | | |

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

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5. Cost of project to date: \$55,000.00

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

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

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

Maximum rate used to date = 3.01 cfs (cubic feet per second) or,

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

Acre-feet stored to date = 4.1 AF

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

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

CHART-D

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

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No. T-_____

Has the Permit Amendment been approved? Yes No
If yes, on what date was the Permit Amendment approved? _____

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

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 20.4

b) List by year, the number of acres irrigated each year since permit issuance.

| Year | Acres | Year | Acres | Year | Acres |
|------|-------|------|-------|------|-------|
| 1997 | 20.4 | 2004 | 18.0 | 2011 | 20.4 |
| 1998 | 20.4 | 2005 | 20.4 | 2012 | 20.4 |
| 1999 | 20.4 | 2006 | 20.4 | 2013 | 20.4 |
| 2000 | 20.4 | 2007 | 20.4 | 2014 | 20.4 |
| 2001 | 20.4 | 2008 | 17 | 2015 | 18.2 |
| 2002 | 20.4 | 2009 | 17 | 2016 | 18.2 |
| 2003 | 18.0 | 2010 | 20 | 2017 | 17 |

c) Provide a copy of the application map identifying the acres irrigated.

See Attachment #2: Claim of Beneficial Use Map

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD)#1 Acres20.4

(POD) #2 Acres20.4

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Both POD's are used to service all 20.4 acres of cranberry bogs.

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

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

| APPROXIMATE DATE RANGE (projected) | WORK OR ACTION TO BE ACCOMPLISHED (projected) | ESTIMATED COST (projected) |
|------------------------------------|--|----------------------------|
| 10/1/2002 | This extension of time will allow WY2002 report to be within C-date and bring Mr. Hughes into full beneficial use in compliance with all permit conditions | 0 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Year: 10/1/2002 | Date intend to apply water to full beneficial use under the terms and conditions of this permit. | |
| Total Cost | | \$0.00 |

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

11. Estimated remaining cost to complete the project: 0

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

Upon approval of this extension to a C-date of 10/1/2002 all permit conditions within permit S-53003 will have been satisfied before the C-date. WY 2002 Report ID's 51217, 51218, and 51220 will bring Mr. Hugh's into full permit compliance. This will allow the Claim of Beneficial Use submitted 8/20/2012 to be complete.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The main justification for the time requested is to satisfy the reporting condition within permit S-53003. Mr. Hughes has been unable to find the records he kept for Water year 2000, he also never submitted them to OWRD. The extension to 10/1/2002 will allow the use of the WY 2002 report to comply with the annual reporting condition.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

Yes, these water rights are a vital source of irrigation for 20.4 acres of cranberries.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)* _____

No, this system has been used by Mr. Hughes's for over 20 years. The high capitol cost of an alternative water source would not be economically viable due to the current low annual income of cranberry bogs.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.)

No.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)

The loss of monthly records for WY2000 contributed to the delay of full beneficial use. If these records were not lost, permit S-53003 would have been in full permit condition compliance before the current C-date of 10/1/2000.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

No additional reasons.

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

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

Mr. Hughes has displayed good cause with regards to his monitoring condition. He installed totalizing flow meters at a significant cost of 2,000\$ per meter. S53003 was already in compliance with the metering condition with use of dedicated electric meters at each POD. Mr. Hughes installed more accurate totalizing flow meters any way which allow for easier and more accurate monitoring and reporting of diverted volumes.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail)

Yes.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?) N/A

Attach permit, and documentation to the application

ATTACHMENTS:

1: AGENT AUTHORIZATION

2: CLAIM OF BENEFICIAL USE MAP (IRRIGATED ACRES)

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I David Hughes, authorize Marc Van Camp of Stuntzner Engineering and Forestry to act as my agent regarding the Extension of Time for water right permit S53003.

Virginia Hughes

Signature

VIRGINIA HUGHES

Printed Name

5-22-18

Date

Virginia Hughes
86639 Croft Lake LN
Bandon, OR 97411
(541) 731-0628

Marc Van Camp
Stuntzner Engineering and Forestry
P.O. Box 118 (705 S. 4th St.)
Coos Bay, OR 97420
(541)267-2872 Ex. 218
Fax: (541)267-0588

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CLAIM OF BENEFICIAL USE

LOCATED IN THE SE $\frac{1}{4}$ -NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$ & NW $\frac{1}{4}$ -SE $\frac{1}{4}$, SEC. 11,
T.30S., R.15W., W.M., COOS COUNTY, OREGON

DATE: FEB. 2012

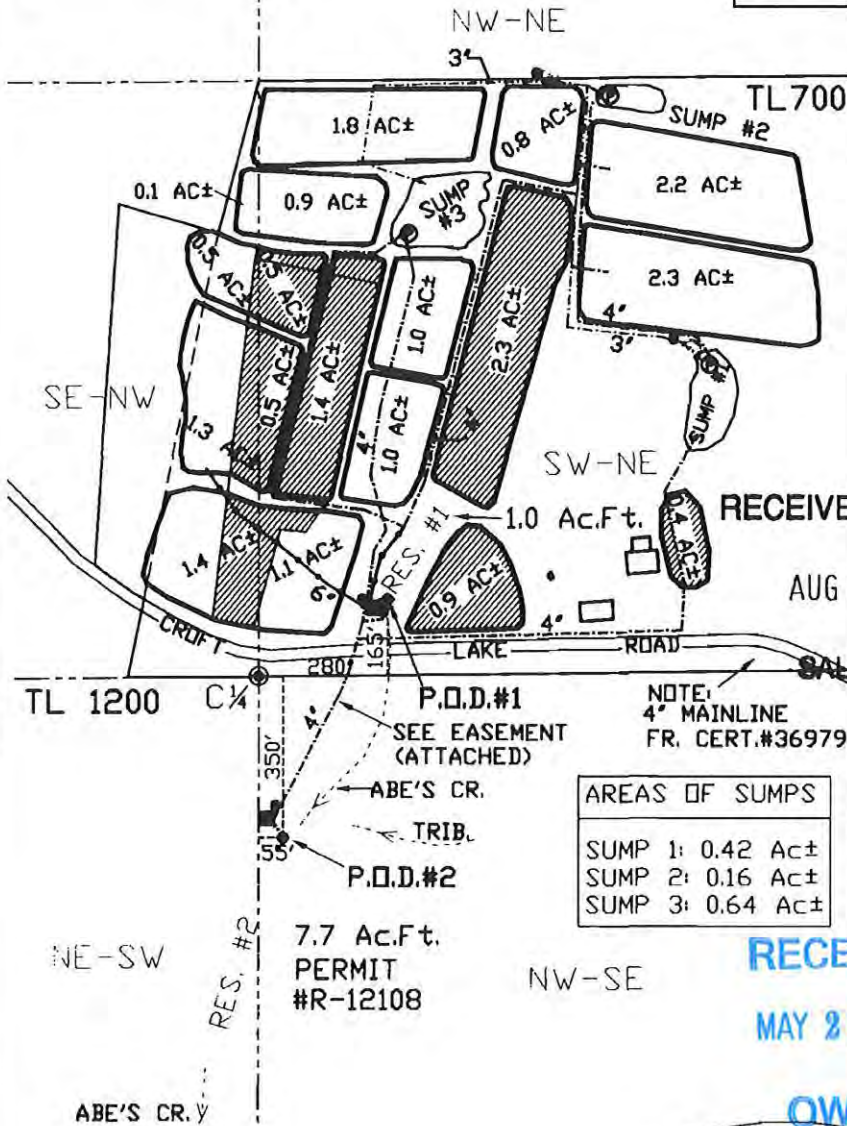
APPLICATION: S-73290

PREPARED FOR: DAVE HUGHES

PERMIT: S-53003

PREPARED BY: STUNTZNER ENG.
& FORESTRY, COOS BAY, OREGON

| | ACRES: | PRIMARY-SUPP. |
|--------------|-----------|---------------|
| SW-NE ACRES: | 17.1 AC.± | 10.8 6.3 |
| SE-NW ACRES: | 3.3 AC.± | 2.3 1.0 |
| TOTAL | 20.4 AC.± | 13.1 7.3 |



PIPELINE LENGTHS SHOWN:

| | | |
|-----|--------|----------|
| 3'x | 1600'± | (BURIED) |
| 4'x | 5400'± | (BURIED) |
| 6'x | 700'± | (BURIED) |

| P.O.A.# | NORTH | EAST |
|---------|--------|-------|
| #1: | 710'± | 940'± |
| #2: | 1300'± | 635'± |

MEASURED FROM C/M
(SHOWN THUS: -----635'±-----)

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AUG 20 2012

LEGEND

- ⊙ GOVT. CORNER
- EXIST. BOGS
- - - SECTION LINE (PER ASSESSOR)
- ▭ EXIST. BUILDINGS
- ⊗ EXISTING WELL
- ⊠ PUMP HOUSE WITH FLOW METERS
- PIPELINES (6')
- - - PIPELINES (3' & 4' AS NOTED)
- ⊙ FLOW METER
- RESERVOIRS
- ▨ SUPPLEMENTAL TO CERT. #36979
- - - EXISTING CREEKS
- ⊕ P.O.D. (POINT OF DIVERSION)
- ⊙ SURFACE PUMP

NOTE:
4" MAINLINE
FR. CERT.#36979

AREAS OF SUMPS

| | |
|---------|----------|
| SUMP 1: | 0.42 AC± |
| SUMP 2: | 0.16 AC± |
| SUMP 3: | 0.64 AC± |

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Certified Water Right Examiner
441WRE
Thomas M. Hoshall
Thomas M. Hoshall
June 13, 1997
STATE OF OREGON

SCALE 1" = 400 FT.



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP.

EXPIRES 06/30/2013

Stuntzner Engineering & Forestry, L.L.C.
 Environmental • Land Development • Forestry
 Planning • Timber Harvest
 750 South 4th St. Phone: (541) 867-8072
 Post Office Box 118 Fax: (541) 867-0668
 Coos Bay, Oregon 97602
 Name: Chris Stuntzner Date: February 2012
 Number: T3W Number: 12-3-000
 Author: JTB
 Date: 12/2/11
 Number: COB/ - Surface Sheet 2 of 2

Extension PFO Checklist for Other than Muni or Quasi-Municipal

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

Application: S-73290 Permit: S-53003 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: David & Virginia Hughes
 Permit Holder's Mailing Address: 86639 Craft Lake (N. Bandon, OR 97411) email _____

Phone Number: 541-731-0628

POD Location: Township 30S Range 15W Section 11 1/4 SWNE & NESW

Drainage Basin: 17 County: COOS Watermaster District: 19 Watermaster: _____
South Coast

Date Permit was issued: Jan 31, 1997 Priority Date: March 17, 1993 Date of PN: June 5, 2018
 Source: Abe's Creek and Reservoirs 1 and 2, const. under App R-73289, Per R-12108, Tris of Craft Lake
 Use: Cranberry Operations on 22.65 acres
 "Q": 3.0 cfs & 4.1 AF/yr, from stored water only, being 2.3 AF from Res 1 & 1.8 AF from Res 2

Orig "A" Date: Jan 31, 1997 Orig "B" Date: 10/1/1999 Orig "C" Date: 10/1/2000

Extension request rec'd: May 25, 2018 Last Authorized "B" Date: 10/1/ Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): 1 Proposed "B" Date: 10/1/2002 Proposed C Date: 10/1/2002

Conditions of Permit:

| Condition Met? | Condition Not Met? | Permit Condition |
|-------------------------------------|-------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>meter</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>AWUR (2002 1st report)</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>New River Alt dispute Res.</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Construction began</u> |

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

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$ 59,000 Estimated Remaining Cost: \$ 0
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 3.01 cfs 4.1 af of the total permitted quantity of water on 20.4 acres

GW REVIEW: Y N _____
 MITIGATION REVIEW: Y N _____

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area _____
- within a Withdrawn Area? Name of area _____
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints (Years: _____)

Other: _____

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

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

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

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: Jessica Date: May 24 2018

2012:

Fish Habitat 2014: -
Is in Deschutes Study Area: -
Deschutes Zone Impact: -
Deschutes Zone Overlay: -
Scenic Water Way: -

Hydrography:

OWRD Streamcode: 17156000300005 - Unn Str
Waterbody Name: -
HUC 10: 1710030601
HUC Watershed: New River-Frontal Pacific Ocean
WAB Wshed Order: 1
WAB Analysis: [NEW R > PACIFIC OCEAN - AT MOUTH](#)
Streamflow: OWRD Opportunities: Fair
ODFW Needs: High
Combined Priority: Current resources priority

Gaging Station Data: -

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. DEM 10m. --

Elevation. Lidar Elevation. DOGAMI Bare Earth 1:3.

OWRD Administrative Basins. Oregon Water Resources Department. January 1, 1995.

Oregon Counties. Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

OWRD Watermaster Districts. Oregon Water Resources Department. March 31, 2014.

OWRD Regions. Oregon Water Resources Department. January 1, 1995.

ODFW Districts and Regions. Oregon Department of Fish and Wildlife. August 28, 2012.

Water Organizations Oregon Water Resources Department. April 1, 2013. 1:24,000.

Large Dams Inventory. Oregon Water Resources Department. August 12, 2014. 1:24,000.

Rules

Withdrawal Authority Areas. Oregon Water Resources Commission. January 1, 2007.

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMA's). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

OAR Chapter 690, Division 33 - HUC 10 . Oregon Department of Fish & Wildlife. April 20, 2010.

Irrigation Season of Use. Oregon Water Resources Department, 2017.. March 24, 2017.



**Oregon Water Resources Department
Attribute Report**

Report Date: May 29, 2018

General:

TRSQQ: WM30.00S15.00W11NWSE
WM30.00S15.00W11SWNE
WM30.00S15.00W11SENW
WM30.00S15.00W11NESW

DLC: -

Latitude: 42.9898431515

Longitude: -124.4427857374

Buffer ft: 1000

DEM Elev. ft. (NAVD1929): 22.9394

Lidar Elev. ft. (NAVD1988): 40.28

Basin Name: South Coast

Basin Plan: 1-Sixes

County: Coos

WM District: 19

WM Region: SOUTHWEST

ODFW Region, District: Southwest Region, South Coast District

Irrigation District AOI: -

Irrigation District, Other: -

Dams (Permit): -

Water Rights: -

- [Platcard for WM30.00S15.00W11](#)
- [Platcard for WM30.00S15.00W11](#)
- [Platcard for WM30.00S15.00W11](#)
- [Platcard for WM30.00S15.00W11](#)

Well Logs: [Logs for WM30.00S15.00W11](#)
[Logs for WM30.00S15.00W11](#)
[Logs for WM30.00S15.00W11](#)
[Logs for WM30.00S15.00W11](#)

Rules:

Withdrawn Authority: -

Groundwater Restricted: -

GW Restricted Subunit: -

GW ODEQ Management Area: -

GW Umatilla Muni Wells (5mile): -

Rule 4D: Rules apply

Division 33 (Area, Watershed, species): STATEWIDE, New River-Frontal Pacific Ocean, Coho Salmon, Steelhead

Irrigation Season of Use: **(unajudicated, west side)**
Adj. Status: Unadjudicated
Subarea: undefined
Irr. Season: Mar 1 to Oct 31
Duty: 2.5
Rate: 1/80

Water Quality Limited Pollutant -

Oregon Water Quality Assessment 2012. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

Oregon Fish Habitat 2014. Oregon Department of Fish and Wildlife. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. n.d. 1:24,000.

Deschutes USGS Groundwater Study Area. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

Deschutes Zones of Impact. Oregon Water Resources Department.. October 25, 2007.

Deschutes Zones Overlay. Oregon Water Resources Department. October 25, 2007.

Oregon State Scenic Waterway areas. Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

Hydrography

Routed OWRD Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 11, 2014.

OWRD Lake Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 7, 2015.

Watershed Boundary Dataset (WBD), 10-digit (watershed). Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

Water Availability Basins. Oregon Water Resources Department.. n.d. 1:100,000.

Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

Stream Gage Stations. Oregon Water Resources Department and US Geological Survey. n.d.

[close](#)

[Print Report](#)

Application: S-73290

Permit: S-53003

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

Applicant/Permit

Holder(s) David & Virginia Hughes ✓
86639 Croft Lake Ln.
Randon, OR 97411

WRIG...Money Received on: 5-25-18

Extension Specialist ...

Added to tracking spreadsheet

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

Stacy Phillips...

N/A Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 10-5-18

Update WRIS Database

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

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

Yes or No: Return file to Extension Specialist after PN Jeffrey

NOTES:



Oregon
Kate Brown, Governor

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

May 30, 2018

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-73290 (Permit S-53003)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Water Availability Analysis

NEW R > PACIFIC OCEAN - AT MOUTH
 SOUTH COAST BASIN
 Water Availability as of 5/31/2018

Watershed ID #: 31730602 ([Map](#))
 Date: 5/31/2018

Exceedance Level: 80%
 Time: 8:45 AM

[View Map](#)

[Limiting Watersheds](#)

[Complete Water Availability Analysis](#)

Water Availability

Select any Watershed for Details

| Select | Nesting Order | Watershed ID # | Stream Name |
|------------------------|---------------|----------------|--------------------------------|
| | 1 | 31730602 | NEW R> PACIFIC OCEAN- AT MOUTH |

| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Sto |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-73290

Final Order

Application History

On March 17, 1993, KENNETH HUNNICUTT 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.

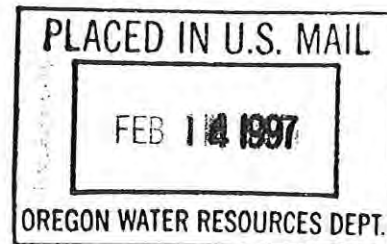
The proposed use would not impair or be detrimental to the public interest.

Order

Application S-73290 therefore is approved as proposed by the Proposed Final Order, and Permit 53003 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 APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNETH HUNNICUTT
ROUTE 1, BOX 1485
BANDON, OREGON 97411

(541) 347-2785

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

APPLICATION FILE NUMBER: S-73290

SOURCE OF WATER: ABE'S CREEK AND RESERVOIRS 1 AND 2, CONSTRUCTED UNDER APPLICATION R-73289, PERMIT R-12108, TRIBUTARIES OF CROFT LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON 22.65 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 3.01 CUBIC FEET PER SECOND (CFS) AND 4.1 ACRE-FEET (AF) PER YEAR, FROM STORED WATER ONLY, BEING 2.3 AF FROM RESERVOIR 1 AND 1.8 AF FROM RESERVOIR 2

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM ABE'S CREEK AND YEAR ROUND FOR STORED WATER FROM RESERVOIRS 1 AND 2

DATE OF PRIORITY: MARCH 17, 1993

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, NE 1/4 SW 1/4, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 170 FEET NORTH & 270 FEET EAST; RESERVOIR 2 - 840 FEET SOUTH & 90 FEET WEST; BOTH FROM THE SOUTHWEST CORNER, NE 1/4

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:

SW 1/4 NE 1/4 19.34 ACRES
SE 1/4 NW 1/4 3.31 ACRES
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

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

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

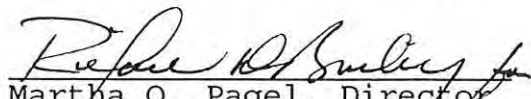
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance 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 31, 1997


Martha O. Pagel, Director
Water Resources Department

Mailing List for Proposed Order of Certification

Scheduled Mailing Date:

Application: S-73290
 Permit: S-53003

Permit Holder:

David and Virginia Hughes
 86639 Croft Lake Lane
 Bandon OR 97411-9295

Copies Mailed

by: Connie Jones

(STAFF)

on: MAR 17 2017

(DATE)

Copies of Order to be sent to:

1. Watermaster (Proposed Order): # 19
2. ~~Data Center (include copy of map)~~
3. ~~Water Availability~~
4. ~~Vault~~
5. File

Other persons to receive copies: (include map):

6. Stuntzner Engineering & Forestry LLC, CWRE - *COOS Bay*

*expire
5/21/17*

7014 1200 0000 8250 6275

| | |
|--|----|
| U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) | |
| For delivery information visit our website at www.usps.com | |
| OFFICIAL USE | |
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |
| Postmark Here | |
| Sent To <u>S-73290</u> | |
| Street, Apt. No., or PO Box No. | |
| City, State, ZIP+4 | |
| PS Form 3800, August 2006 See Reverse for Instructions | |

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S-73290
DAVID or VIRGINIA HUGHES
86639 CROFT LAKE LANE
BANDON OR 97411-9295



9590 9402 1280 5246 7549 07

2. Article Number (Transfer from service label)

7014 1200 0000 8250 6275

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Virginia Hughes*

- Agent
- Addressee

B. Received by (Printed Name)

VIRGINIA HUGHES

C. Date of Delivery

3-20-17

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

RECEIVED

MAR 23 2017

OWRD

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

WR CV



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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Certified # 7014 1200 0000 8250 6275

DATE MAILED: MAR 17 2017

NOTICE

Reference: Permit S-53003 Application S-73290

Enclosed is a proposed order of certificate. The order proposes to cancel the permit.

If you do not agree with the proposed order, 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 order.

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

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

Sincerely,

Dwight French
Water Right Services Division Administrator

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

Order of Certification in the Matter of)
Cancellation of Permit S-53003)
)

FINAL ORDER

PROPOSED

Findings of Fact

1. Application S-73290, in the name of Kenneth Hunnicutt, was received March 17, 1993. Permit S-53003 was issued January 31, 1997, approving the application. On June 17, 1997, the file was assigned to David and Virginia Hughes.
2. Permit S-53003 allowed the use of Abe's Creek and Reservoirs 1 and 2, constructed under application R-73289, tributaries of Croft Lake, for cranberry operations on 22.65 acres.
3. The date for the complete application of water (C-Date) was originally set for October 1, 2000.
4. The Department received a Claim of Beneficial Use on August 20, 2012.
5. The permit contained the below listed conditions that were not complied with:

Before water use may begin under this permit, the permittee **shall install meter or other suitable device** as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and **shall submit a report which includes the recorded water use measurements to the Department annually** or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

6. In reviewing the Claim Report, it was found that the measuring devices were installed in May 2012, after the C-Date of October 1, 2000.
7. The Departments' records do not contain documentation pursuant to the report for 'recorded water use measurements' condition described above. The first water use report received is for the 2001 water year.

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.

PROPOSED

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Permit S-53003 is lost.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

Now, therefore, it is ORDERED:

Permit S-53003 is cancelled and is of no further force or effect.

Issued _____

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

PROPOSED

CLAIM OF BENEFICIAL USE

LOCATED IN THE SE $\frac{1}{4}$ -NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$ & NW $\frac{1}{4}$ -SE $\frac{1}{4}$, SEC. 11,
T.30S., R.15W., W.M., COOS COUNTY, OREGON

DATE: FEB. 2012

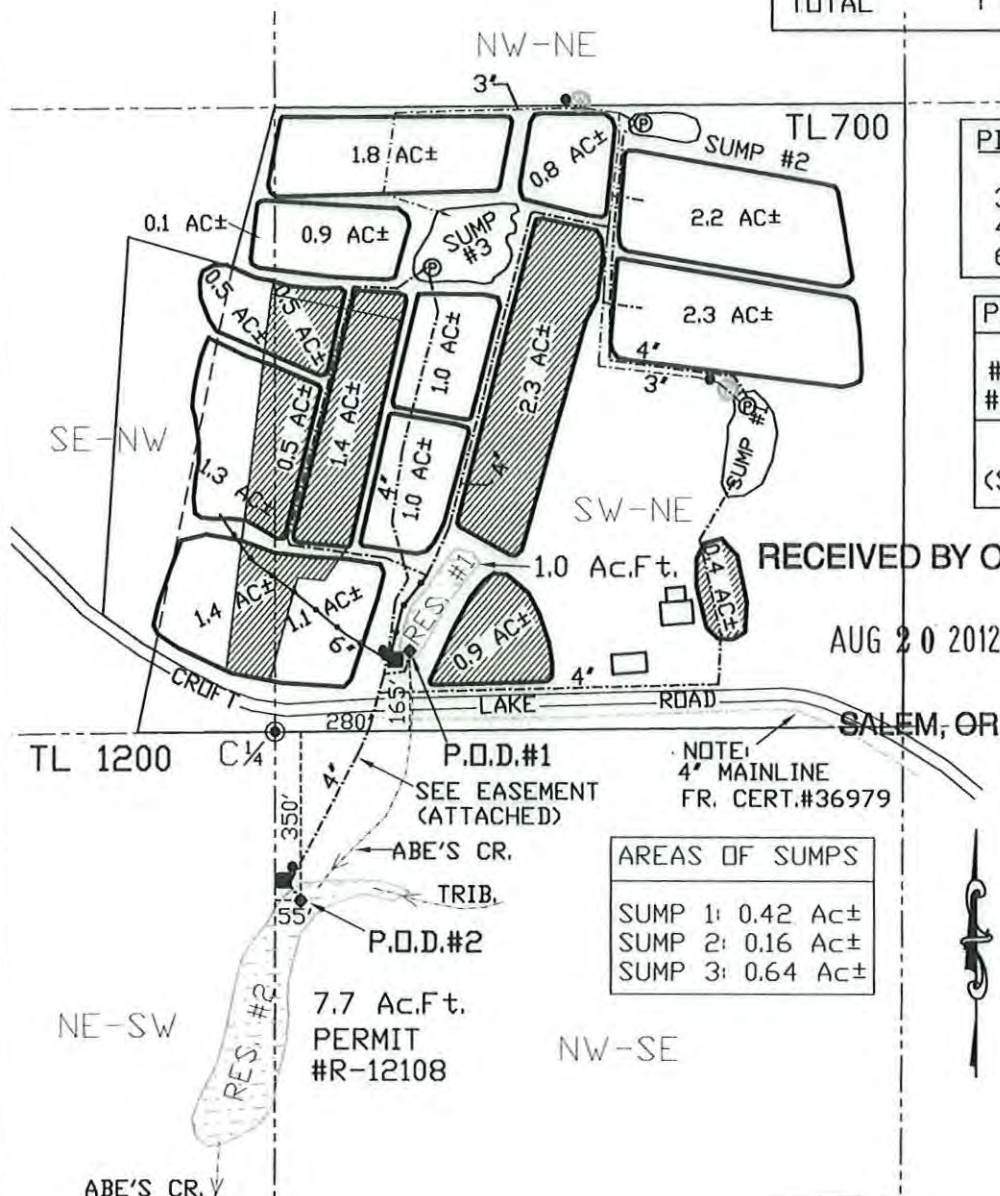
APPLICATION: S-73290

PREPARED FOR: DAVE HUGHES

PERMIT: S-53003

PREPARED BY: STUNTZNER ENG.
& FORESTRY, COOS BAY, OREGON

| | ACRES | PRIMARY | SUPP. |
|--------------|-----------|---------|-------|
| SW-NE ACRES: | 17.1 Ac.± | 10.8 | 6.3 |
| SE-NW ACRES: | 3.3 Ac.± | 2.3 | 1.0 |
| TOTAL | 20.4 AC.± | 13.1 | 7.3 |



PIPELINE LENGTHS SHOWN:

| | |
|------------|----------|
| 3'x 1600'± | (BURIED) |
| 4'x 5400'± | (BURIED) |
| 6'x 700'± | (BURIED) |

| P.O.D.# | NORTH | EAST |
|---------|--------|-------|
| #1: | 710'± | 940'± |
| #2: | 1300'± | 635'± |

MEASURED FROM C $\frac{1}{4}$
(SHOWN THUS: ---635'±---)

RECEIVED BY OWRD
AUG 20 2012

- LEGEND**
- ⊙ GOVT. CORNER
 - EXIST. BOGS
 - - - SECTION LINE (PER ASSESSOR)
 - ▭ EXIST. BUILDINGS
 - ⊕ EXISTING WELL
 - ⊠ PUMP HOUSE WITH FLOW METERS
 - PIPELINES (6")
 - - - PIPELINES (3"&4" AS NOTED)
 - FLOW METER
 - RESERVOIRS
 - ▨ SUPPLEMENTAL TO CERT. #36979
 - - - EXISTING CREEKS
 - ⊕ P.O.D. (POINT OF DIVERSION)
 - ⊙ SURFACE PUMP

AREAS OF SUMPS

| | |
|---------|----------|
| SUMP 1: | 0.42 Ac± |
| SUMP 2: | 0.16 Ac± |
| SUMP 3: | 0.64 Ac± |

Certified Water Right Examiner
441WRE
Thomas M. Hoshall
Thomas M. Hoshall
June 13, 1997
STATE OF OREGON

Stuntzner Engineering & Forestry, L.L.C.
ENGINEERING • LAND SURVEYING FORESTRY
PLANNING • WATER RIGHTS

705 South 4th St.
Post Office Box 118
Coos Bay, Oregon 97420

Phone: (541) 267-2872
Fax: (541) 267-0568

Drawn By: Ervin Slingley Date: February 2012
Checked By: TMI Revolving No.: 12-5-005
Designed By: Arbores
Job Name: Hughes COBU - Surface Sheet 5 of 3

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP.

EXPIRES 06/30/2013

CLAIM OF BENEFICIAL USE

LOCATED IN THE SE $\frac{1}{4}$ -NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$ & NW $\frac{1}{4}$ -SE $\frac{1}{4}$, SEC. 11,
T.30S., R.15W., W.M., COOS COUNTY, OREGON

DATE: FEB. 2012

APPLICATION: S-73290

PREPARED FOR: DAVE HUGHES

PERMIT: S-53003

PREPARED BY: STUNTZNER ENG.
& FORESTRY, COOS BAY, OREGON

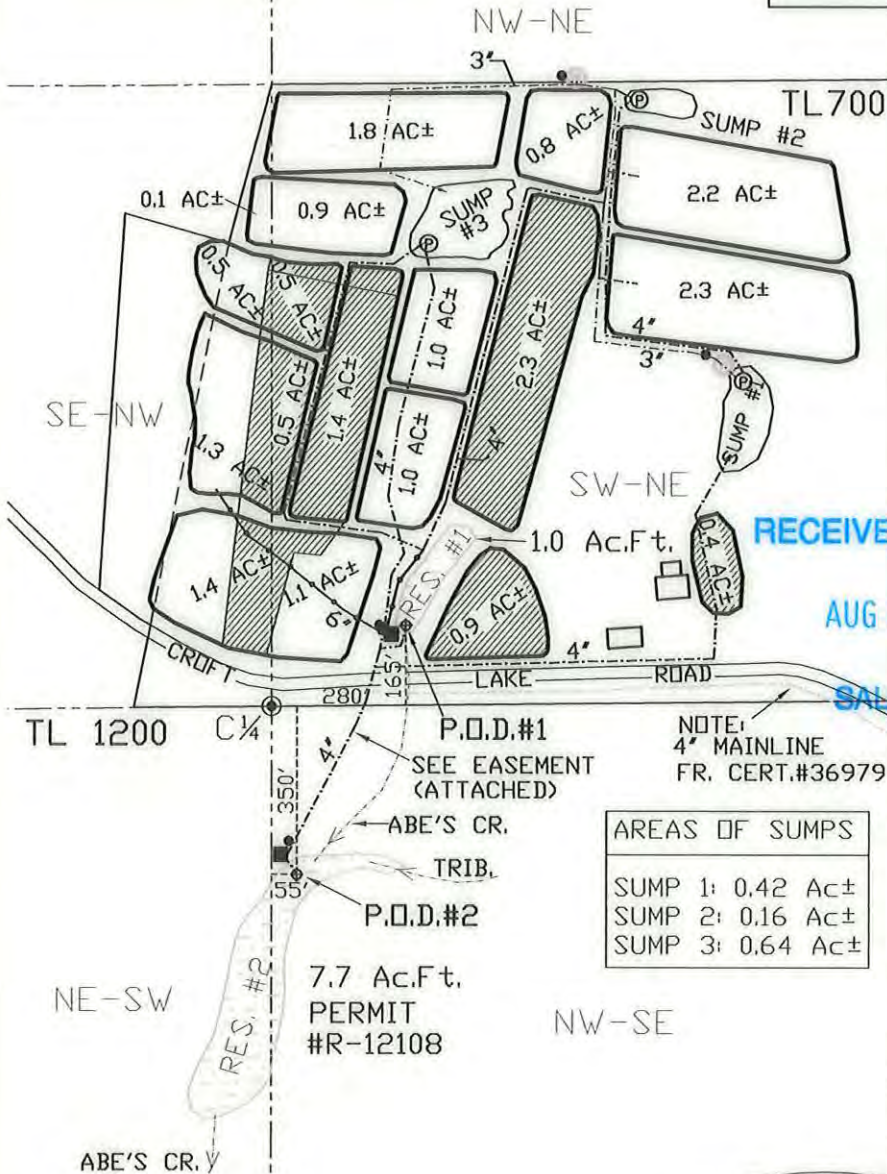
| | ACRES: | PRIMARY-SUPP. | |
|--------------|-----------|---------------|-----|
| SW-NE ACRES: | 17.1 Ac.± | 10.8 | 6.3 |
| SE-NW ACRES: | 3.3 Ac.± | 2.3 | 1.0 |
| TOTAL | 20.4 Ac.± | 13.1 | 7.3 |

PIPELINE LENGTHS SHOWN:

3"x 1600'± (BURIED)
4"x 5400'± (BURIED)
6"x 700'± (BURIED)

| P.O.A.# | NORTH | EAST |
|---------|--------|-------|
| #1: | 710'± | 940'± |
| #2: | 1300'± | 635'± |

MEASURED FROM C¼
(SHOWN THUS: -----635'±-----)



RECEIVED BY OWRD
AUG 20 2012
SALEM, OR

LEGEND

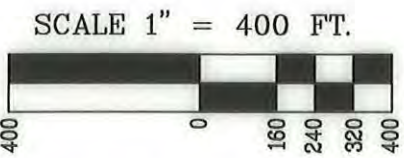
- ⊙ GOVT. CORNER
- EXIST. BOGS
- - - SECTION LINE (PER ASSESSOR)
- ▭ EXIST. BUILDINGS
- ⊕ EXISTING WELL
- ⊠ PUMP HOUSE WITH FLOW METERS
- PIPELINES (6")
- - - PIPELINES (3"&4" AS NOTED)
- FLOW METER
- RESERVOIRS
- ▨ SUPPLEMENTAL TO CERT. #36979
- - - EXISTING CREEKS
- ⊕ P.O.D. (POINT OF DIVERSION)
- ⊙ SURFACE PUMP

| AREAS OF SUMPS |
|------------------|
| SUMP 1: 0.42 Ac± |
| SUMP 2: 0.16 Ac± |
| SUMP 3: 0.64 Ac± |

Certified Water Right Examiner
441WRE
Thomas M. Hoshall
Thomas M. Hoshall
June 13, 1997
STATE OF OREGON

Stuntzner Engineering & Forestry, L.L.C.
ENGINEERING • LAND SURVEYING FORESTRY
PLANNING • WATER RIGHTS
705 South 4th St. Phone: (541) 267-2872
Post Office Box 118 Coos Bay, Oregon 97430 Fax: (541) 267-0558

| | |
|---------------------------------|-----------------------|
| Drawn By: Elvin Slingsby | Date: February 2012 |
| Checked By: TMH | Drawing No.: 12-3-005 |
| Designed By: | Revised: |
| Job Name: Hughes COBU - Surface | Sheet 3 of 3 |



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP.

EXPIRES 06/30/2013

CLAIM OF BENEFICIAL USE

LOCATED IN THE SE $\frac{1}{4}$ -NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$ & NW $\frac{1}{4}$ -SE $\frac{1}{4}$, SEC. 11,
T.302., R.15W., W.M., COOS COUNTY, OREGON

DATE: FEB. 2013

PREPARED FOR: DAVE HUGHES

PREPARED BY: STUNTNER ENG.
& FORESTRY, COOS BAY, OREGON

APPLICATION: 2-73520
PERMIT: 2-23003

| | | | |
|----------------------|---------------|------|-----|
| TOTAL | 1.04 AC \pm | 1.31 | 7.3 |
| 2E-NW ACRES | 3.3 AC \pm | 5.3 | 1.0 |
| 2W-NE ACRES | 17.1 AC \pm | 10.8 | 6.3 |
| ACRES: PRIMARY-SUPP. | | | |

| | |
|-------------------------|---------------------|
| PIPELINE LENGTHS SHOWN: | 6" x 700' (BURIED) |
| | 4" x 2400' (BURIED) |
| | 3" x 1600' (BURIED) |

| P.D.# | NORTH | EAST |
|---------------------------------|-------------|------------|
| #S1 | 1300' \pm | 940' \pm |
| #S2 | 710' \pm | 632' \pm |
| MEASURED FROM CM | | |
| (SHOWN THUS: ----- 632' \pm) | | |

LEGEND

- ⊙ SURFACE PUMP
- ⊕ P.D.D. (POINT OF DIVERSION)
- EXISTING CREEKS
- ▨ CERT. #3629 SUPPLEMENTAL TO
- RESERVOIR
- FLOW METER
- PIPELINES (3" & 4" AS NOTED)
- PIPELINES (6")
- FLOW METERS
- ⊕ PUMP HOUSE WITH
- ⊕ EXISTING WELL
- ▭ EXIST. BUILDING
- SECTION LINE (PER ASSESSOR)
- EXIST. BODS
- ⊙ GOVT. CORNER

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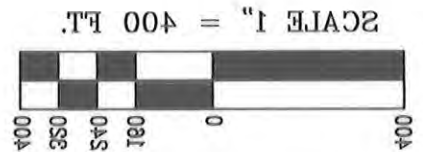
AUG 20 2013

SALEM, OR

| AREAS OF SUMPS | |
|----------------|---------------|
| SUMP 1: | 0.45 AC \pm |
| SUMP 2: | 0.16 AC \pm |
| SUMP 3: | 0.64 AC \pm |

STATE OF OREGON
 Certified Water Right Examiner
Thomas M. Hoshall
 Thomas M. Hoshall
 June 13, 1997
 441 WRE

EXPIRES 06/30/2013



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP.

Stuntner Engineering & Forestry, L.L.C.

ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS

705 South 4th St.
 Coos Bay, Oregon 97331
 Phone: (541) 867-8815
 Fax: (541) 867-6818

| | |
|-------------|----------------|
| Project No. | 13-2-003 |
| Client | Edwin Stuntner |
| Issue Date | February 2013 |

Completion Checklist for CWRE Claims of Beneficial Use

Application # S-73290

Date Received 8/20/2012
 CWRE Name Thomas Hoshall Claim Logged
 File Marked
 Oversized Map # _____
 Read the file and attach a copy of the permit or transfer final order. _____



Map Review:

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

Report Review:

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- _____ Tax lot information (OAR 690-014)
- _____ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- _____ Source(s) of water (OAR 690-014-0100)
- _____ Point of diversion/appropriation location (OAR 690-014-0100)
- _____ Use, period of use, and rate for use (OAR 690-014-0100)
- _____ Place of use location (OAR 690-014-0100)
- _____ Type of use (OAR 690-014-0100)
- _____ Extent of use (OAR 690-014-0100)
- _____ Rate and Duty (OAR 690-014-0100)
- _____ Diversion rate for each use (OAR 690-014-0100)
- _____ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- _____ System capacity (OAR 690-014-0100)
 - _____ Calculated capacity of system (required)
 - _____ Measured amount of use (optional)
- _____ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - _____ Time limits
 - _____ Initial water level measurements
 - _____ Annual static water level measurements
 - _____ Measurement, recording, and reporting
 - _____ Meter/measuring device
 - _____ Water use reporting
 - _____ Fish screening and/or by-pass
 - _____ Pump test (ground water)
 - _____ Other conditions
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient
 N/A = Not Applicable

Certificate Issuance Processing Checklist

- Map and COBU reviewed
- Conflict check (include copy of plat card printout) Any Conflicts? _____
- Check for ownership

Staff Recommendations:

- Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
- Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
- Proof to the Satisfaction has not been established for the following reasons: _____
Proposed Actions:
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?
 Yes

If "Yes":

Proposed
 Final Certificate # _____

Mailing list:

Proposed:

Final:

CLAIM OF BENEFICIAL USE

for Permits claiming more than 0.1 cfs and All Transfers



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

No fee is required for submitting this form for a transfer.

**A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))**

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

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

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

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

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

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SECTION 1 GENERAL INFORMATION

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SALEM, OR

1. File Information

| | | |
|--|--|---|
| APPLICATION # (G, R, S OR T) S-73290 | PERMIT # (IF APPLICABLE) S-53003 | PERMIT AMENDMENT # (IF APPLICABLE) NA |
|--|--|---|

2. Property Owner (current owner information)

| | | | | |
|---|---------------------|----------------------------------|---------------------------------------|--|
| APPLICANT/BUSINESS NAME David and Virginia Hughes | | PHONE NO. 541-347-2785 | ADDITIONAL CONTACT NO. NONE | |
| ADDRESS 86639 CROFT LAKE LANE | | | | |
| CITY BANDON | STATE OR. | ZIP 97411 | E-MAIL NONE | |
| | | | | |

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by each permit or transfer holder of record.**

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

| | | |
|--|-------|-----|
| PERMIT OR TRANSFER HOLDER OF RECORD KENNETH HUNNICUTT (DECEASED) | | |
| ADDRESS NA | | |
| CITY | STATE | ZIP |

| | | |
|---|-------|-----|
| ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD NA | | |
| ADDRESS | | |
| CITY | STATE | ZIP |

4. Date of Site Inspection:

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

| NAME | DATE | ASSOCIATION WITH THE PROJECT |
|---------------------|-----------------|-------------------------------|
| DAVID HUGHES | 2/8/2012 | OWNER/APPLICANT/GROWER |
| | | |

6. County:

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

**Mark "NA" if there are no owners of property not included in this claim

| | | |
|------------------------------|-------|-----|
| OWNER OF RECORD NA | | |
| ADDRESS | | |
| CITY | STATE | ZIP |

| | | |
|---|-------|-----|
| ADDITIONAL OWNER OF RECORD NA | | |
| ADDRESS | | |
| CITY | STATE | ZIP |

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SALEM, OR

SECTION 2
SYSTEM DESCRIPTION

A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

| POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP) | WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE) | WELL TAG # (IF APPLICABLE) |
|---|--|-------------------------------|
| POD #1 (from Reservoir #1) | NA | |
| POD #2 (from Reservoir #2) | " | |

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

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

| POD/POA NAME OR NUMBER | SOURCE | TRIBUTARY |
|---------------------------|--------------------|-------------------|
| POD #1 | ABE'S CREEK | CROFT LAKE |
| POD #2 | " " | " " |
| | | |

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

| POD/POA NAME OR NUMBER | USES | IF IRRIGATION, LIST CR TYPE | SEASON OR MONTHS WHEN WATER WAS USED | RATE OR VOLUME FOR USE (CFS, GPM, OR AF) |
|-------------------------------------|---------------------------------|--------------------------------|--|--|
| POD #1 | CRANBERRY OPERATIONS | CRANBERRIES | 1/1- 5/31 LIVE FLOW- YEAR ROUND FROM STORAGE RESVS. | 3.01 CFS AND 4.1 AF (2.3 RESV.#1 PLUS 1.8 AF RESV.#2) |
| POD #2 | " | " | " | " |
| Total Quantity of Water Used | | | | 3.01 CFS/4.1 AF |

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

FROM POD# 2 (RESV.#2) A 10 HP PUMP FEEDS A 4"X 500' BURIED MAINLINE TO THE COMPUTER CONTROLLED 6" PVC OUTLET MANIFOLD FROM RESV.#1. GATE VALVES ALLOW FLOW TO RESV.# 1 FROM THE 4" LINE, AS WELL AS TO AND FROM PUMPS AT SUMPS # 1,2 AND 3 TO RESV.#1.

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| | | | | | | | | | | | | | | | |
|------|--------------|----------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 2003 | <u>51218</u> | ABES CREEK | 0.01 | 0.02 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 | 0.01 | 0.01 | 0.08 |
| 2003 | <u>51219</u> | USE FROM RES 1 | 0.03 | 0.08 | 0.00 | 0.00 | 0.01 | 0.05 | 0.08 | 0.12 | 0.05 | 0.06 | 0.05 | 0.04 | 0.56 |
| 2003 | <u>51220</u> | USE FROM RES 2 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2002 | <u>51217</u> | STORAGE IN RES 2 | 0.00 | 0.02 | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 | 0.01 | 0.01 | 0.01 | 0.02 |
| 2002 | <u>51218</u> | ABES CREEK | 0.01 | 0.02 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 | 0.01 | 0.01 | 0.08 |
| 2002 | <u>51220</u> | USE FROM RES 2 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right b used by other rights using this same POD.
- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume impounded on approximately the same day each month.
- Water Use amounts have all been converted to “acre-feet” (AF), regardless of the original measurement unit reported. water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report was received for that year.

Water Use Report Based on Water Ri excel text

Permit: S 53003 *

HUGHES, DAVID 86639 CROFT LAKE LANE BANDON, OR 97411

Records per page: 100

Acre-feet (AF) of Water Used

| <u>Water Year*</u> | <u>Report ID</u> | <u>Facility</u> | <u>Oct</u> | <u>Nov</u> | <u>Dec</u> | <u>Jan</u> | <u>Feb</u> | <u>Mar</u> | <u>Apr</u> | <u>May</u> | <u>Jun</u> | <u>Jul</u> | <u>Aug</u> | <u>Sep</u> | <u>Total Water Used</u> | <u>Irrigated Acres</u> |
|--------------------|------------------|----------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------------------|------------------------|
| 2016 | <u>51217</u> | STORAGE IN RES 2 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 18.20 |
| 2016 | <u>51218</u> | ABES CREEK | 0.02 | 0.05 | 0.00 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 | 0.02 | 0.01 | 0.05 | 0.03 | 0.20 | 18.20 |
| 2016 | <u>51219</u> | USE FROM RES 1 | 0.30 | 0.30 | 0.00 | 0.00 | 0.00 | 0.40 | 0.20 | 0.00 | 0.60 | 0.50 | 0.10 | 0.00 | 2.40 | 18.20 |
| 2016 | <u>51220</u> | USE FROM RES 2 | 0.20 | 0.20 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.40 | 0.10 | 0.40 | 0.10 | 1.40 | 18.20 |
| 2015 | <u>51217</u> | STORAGE IN RES 2 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| 2015 | <u>51218</u> | ABES CREEK | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.02 | 0.00 | 0.02 | 0.04 | 0.05 | 0.03 | 0.23 | 18.20 |
| 2015 | <u>51219</u> | USE FROM RES 1 | 0.50 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.50 | 0.40 | 2.30 | 18.20 |
| 2015 | <u>51220</u> | USE FROM RES 2 | 0.20 | 0.10 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 1.20 | 0.60 | 0.30 | 0.90 | 0.10 | 4.40 | 18.20 |
| 2013 | <u>51217</u> | STORAGE IN RES 2 | 0.05 | 0.05 | 0.05 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.04 | 0.04 | 0.04 | 0.05 | |
| 2013 | <u>51218</u> | ABES CREEK | 0.51 | 0.53 | 0.53 | 0.25 | 0.25 | 0.26 | 0.29 | 0.31 | 0.32 | 0.37 | 0.42 | 0.47 | 4.51 | |
| 2008 | <u>51217</u> | STORAGE IN RES 2 | 0.20 | 0.01 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 | 0.13 | 0.11 | 0.13 | 0.13 | 0.14 | 0.20 | |
| 2008 | <u>51218</u> | ABES CREEK | 0.01 | 0.02 | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 | 0.01 | 0.01 | 0.01 | 0.09 | |
| 2003 | <u>51217</u> | STORAGE IN RES 2 | 0.02 | 0.02 | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 | 0.02 | 0.01 | 0.01 | 0.02 | |

Pump Capacity Calculator

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 30
Efficiency = 6.61
Lift = 10
PSI = 45

Results Calculated

(hp)(efficiency) = 198.3
Head based on psi = 114.3
Total dynamic head = 124.3
(head + lift)

Pump Capacity = 1.595 cubic feet per second

Pump Capacity Calculator

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

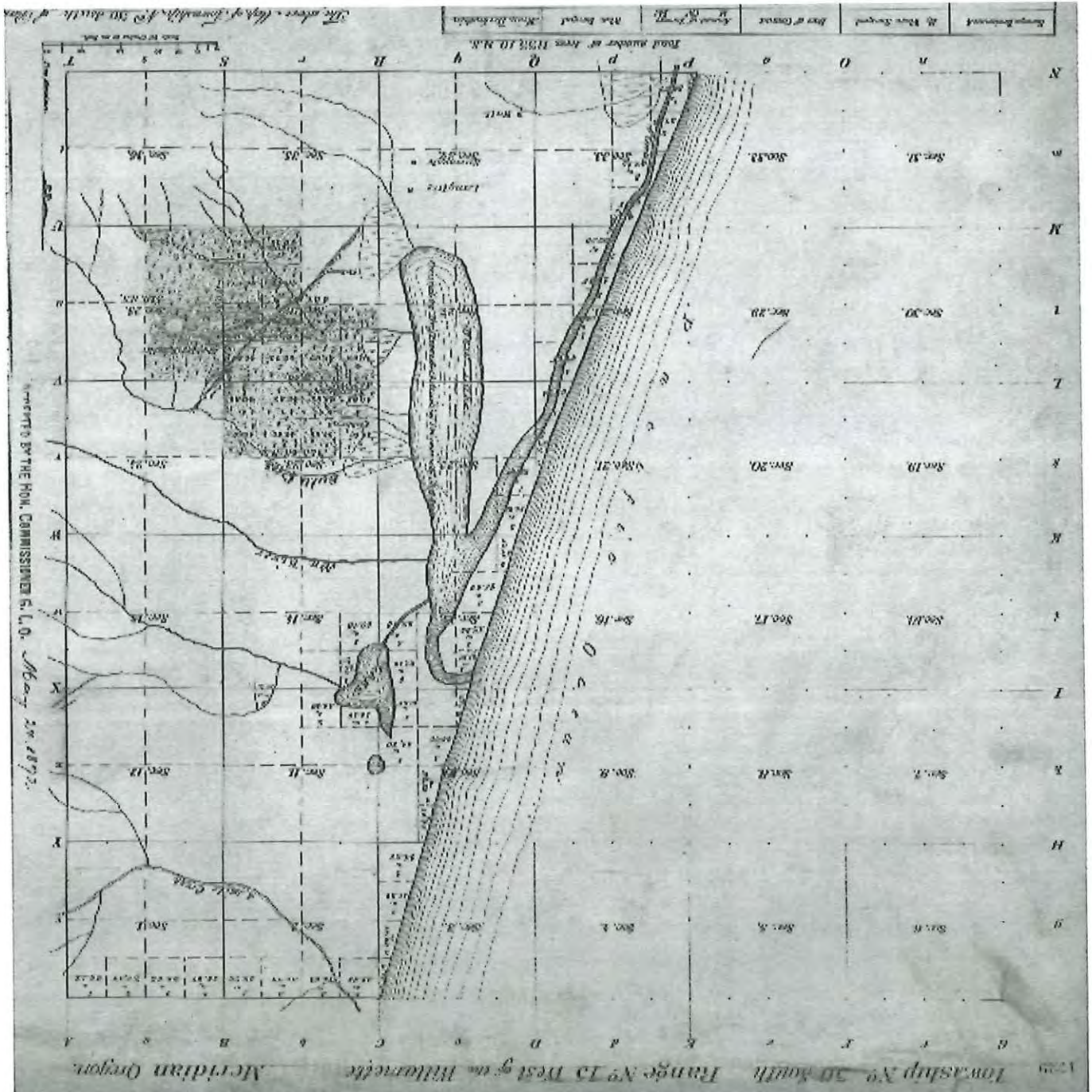
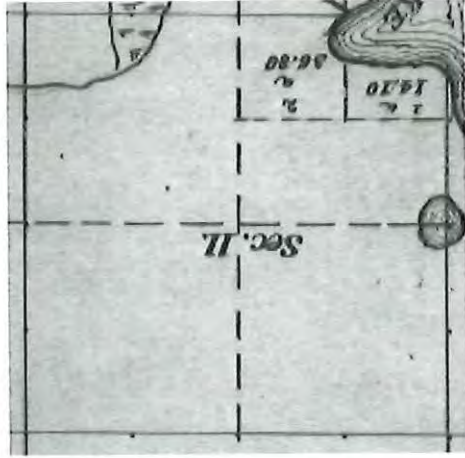
Data Entry (fill in underlined blanks)

HP = 10
Efficiency = 6.61
Lift = 8
PSI = 50

Results Calculated

(hp)(efficiency) = 66.1
Head based on psi = 127.0
Total dynamic head = 135.0
(head + lift)

Pump Capacity = 0.490 cubic feet per second



| | | | | | | | | | | | | | | | | | | | |
|--------|--|------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|------|-----|
| | App: R81900 Permit: R14056 | | | | | | | | | | | | | | | | | | |
| Select | Permit: R 14055 * | 1/23/1997 | STORAGE | | | | | | | | | | | | | | | | |
| | Additional Info: QUAIL MEADOW FARMS INC. App: R81899 Permit: R14055 | | | | | | | | | | | | | | | | | | |
| Select | Permit: R 8453 * | 7/20/1982 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | | | | | | | | | | | | | | | | |
| | Additional Info: ALAN FOSTER App: R61485 Permit: R8453 | | | | | | | | | | | | | | | | | | |
| Select | Permit: S 46813 * | 7/20/1982 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | | | | | | | | | | | | | | | 0.35 | |
| | Additional Info: ALAN FOSTER App: S61486 Permit: S46813 | | | | | | | | | | | | | | | | | | |
| Select | Cert:50353 OR CN | 11/25/1974 | SUPPLEMENTAL CN IRRIGATION (Suppl'mtl) | | | | | | | | | | | | | | | | 2.5 |
| | Additional Info: JAMES C/MARION MCBEE App: S52602 Permit: S39820 Cert: 50353 | | | | | | | | | | | | | | | | | | |
| Select | Cert:51718 RR * | 11/25/1974 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | | | | | | | | | | | | | | | | 2.5 |
| | Additional Info: JAMES C/MARION MCBEE App: S52602 Permit: S39820 Cert: 51718 | | | | | | | | | | | | | | | | | | |
| Select | Cert:48708 OR * | 12/7/1970 | TEMPERATURE CONTROL | | | | | | | | | | | | | | | 1.8 | 1.2 |
| | Additional Info: GEORGE W VINCENT App: G5375 Permit: G4959 Cert: 48708 | | | | | | | | | | | | | | | | | | |
| Select | Cert:72449 OR * | 4/26/1989 | TEMPERATURE CONTROL | | | | | | | | | | | | | | | | |
| | Additional Info: HARRY SPENCER App: R69883 Permit: R11203 Cert: 72449 | | | | | | | | | | | | | | | | | | |
| Select | Cert:72450 OR * | 4/26/1989 | TEMPERATURE CONTROL | | | | | | | | | | | | | | | | |
| | Additional Info: HARRY SPENCER App: S69884 Permit: S50948 Cert: 72450 | | | | | | | | | | | | | | | | | | |
| Select | Cert:88142 CF * | 12/26/1969 | TEMPERATURE CONTROL | | | | | | | | | | | | | | | | |
| | Additional Info: GEORGE VINCENT App: G5063 Permit: G4773 Cert: 88142 | | | | | | | | | | | | | | | | | | |
| Select | Cert:89641 OR * | 6/1/1988 | TEMPERATURE CONTROL | | | | | | | | | | | | | | | | |
| | Additional Info: STEPHANIE ARRIOLA App: S69631 Permit: S50603 Cert: 89641 | | | | | | | | | | | | | | | | | | |

Acreage Legend: 12.25 Regular acreage -12.25- Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspe

| Permit: S50948 Cert: 72450 | | | | | | | | | | | | | | | |
|--|-----------------|------------------------------|---|---|--|--|-----|--|--|----|--|------|---|---|---|
| Select Cert:88142 CF * | 12/26/1969 | IRRIGATION | | | | | | | | 3 | | 4.5 | | | |
| Additional Info: GEORGE VINCENT App: G5063 Permit: G4773 Cert: 88142 | | | | | | | | | | | | | | | |
| Select Cert:89641 OR * | 6/1/1988 | IRRIGATION | | | | | | | | | | | | | |
| Additional Info: STEPHANIE ARRIOLA App: S69631 Permit: S50603 Cert: 89641 | | | | | | | | | | | | | | | |
| Select Permit: R 8662 * | 7/6/1982 | IRRIGATION OF CRANBERRIES | * | * | | | | | | | | | * | | |
| Additional Info: WAYNE FOSTER App: R63735 Permit: R8662 | | | | | | | | | | | | | | | |
| Select Cert:36979 OR * | 4/12/1967 | IRRIGATION OF CRANBERRIES | | | | | 5.9 | | | | | 1.4 | | | |
| Additional Info: ERNEST A STORM App: S43469 Permit: S32513 Cert: 36979 | | | | | | | | | | | | | | | |
| Select Cert:47690 OR CN | 12/26/1969 | IRRIGATION OF CRANBERRIES CN | | | | | | | | -3 | | -4.5 | | | |
| Additional Info: GEORGE W VINCENT App: G5063 Permit: G4773 Cert: 47690 | | | | | | | | | | | | | | | |
| Select Cert:47789 OR * | 11/25/1974 | IRRIGATION OF CRANBERRIES | | | | | | | | | | 2.69 | | | |
| Additional Info: ADOLPH L MOLTHU App: G6739 Permit: G6265 Cert: 47789 | | | | | | | | | | | | | | | |
| Select Permit: G 11404 CN | 10/4/1991 | NURSERY USES CN | | | | | | | | | | | | | |
| Additional Info: HARRY SPENCER App: G12685 Permit: G11404 | | | | | | | | | | | | | | | |
| Select Cert:76791 OR CN | T9005 10/4/1991 | NURSERY USES CN | | | | | | | | | | | | | |
| Additional Info: BRIAN ARRIOLA App: G12685 Permit: G11826 Cert: 76791 | | | | | | | | | | | | | | | |
| Select Cert:67855 OR * | 2/5/1990 | RECREATION | | | | | | | | | | | | * | * |
| Additional Info: CROFT LAKE ASSOCIATION App: R70188 Permit: R11245 Cert: 67855 | | | | | | | | | | | | | | | |
| Select Cert:67856 OR * | 2/5/1990 | RECREATION | | | | | | | | | | | | * | * |
| Additional Info: CROFT LAKE ASSOCIATION App: S70189 Permit: S51064 Cert: 67856 | | | | | | | | | | | | | | | |
| Select App: R 73460 WD | | STORAGE WD | | | | | | | | | | | | | * |
| Additional Info: WAYNE FOSTER App: R73460 | | | | | | | | | | | | | | | |
| Select Cert:50352 OR * | 11/25/1974 | STORAGE | | | | | | | | | | | * | | |
| Additional Info: JAMES C/MARION MCBEE App: R52601 Permit: R6381 Cert: 50352 | | | | | | | | | | | | | | | |
| Select Cert:72449 OR * | 4/26/1989 | STORAGE | | | | | | | | | | | | | |
| Additional Info: HARRY SPENCER App: R69883 Permit: R11203 Cert: 72449 | | | | | | | | | | | | | | | |
| Select Permit: R 14056 * | 1/23/1997 | STORAGE | | | | | | | | | | | | | |
| Additional Info: QUAIL MEADOW FARMS INC. | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | | | |
|--|------------------|------------|---------------------------|--|---|--|--|------|------|-----|-----|--|--|-----|-----|---|--|--|-------|
| Permit: G4773 Cert: 47690 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:47789 OR * | 11/25/1974 | FROST PROTECTION | | | | | | | | | | | | | * | | | |
| Additional Info: ADOLPH L MOLTHU App: G6739 Permit: G6265 Cert: 47789 | | | | | | | | | | | | | | | | | | | |
| Select | Permit: R 8453 * | 7/20/1982 | GREENHOUSE | | | | | | | | | | | | | * | | | |
| Additional Info: ALAN FOSTER App: R61485 Permit: R8453 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:36979 OR * | 4/12/1967 | HARVESTING OF CRANBERRIES | | * | | | | | | | | | | * | | | | |
| Additional Info: ERNEST A STORM App: S43469 Permit: S32513 Cert: 36979 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:47690 OR CN | 12/26/1969 | HARVESTING OF CRANBERRIES | | | | | + | | | | | | | + | | | | |
| Additional Info: GEORGE W VINCENT App: G5063 Permit: G4773 Cert: 47690 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:47789 OR * | 11/25/1974 | HARVESTING OF CRANBERRIES | | | | | | | | | | | | | * | | | |
| Additional Info: ADOLPH L MOLTHU App: G6739 Permit: G6265 Cert: 47789 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:88142 CF * | 12/26/1969 | HARVESTING OF CRANBERRIES | | | | | * | | | | | | | * | | | | |
| Additional Info: GEORGE VINCENT App: G5063 Permit: G4773 Cert: 88142 | | | | | | | | | | | | | | | | | | | |
| Select | App: G 13731 DN | 7/1/1994 | IRRIGATION DN | | | | | | | | | | | | | | | | -13.1 |
| Additional Info: WAYNE FOSTER App: G13731 | | | | | | | | | | | | | | | | | | | |
| Select | Permit: G 8626 * | 3/30/1979 | IRRIGATION | | | | | | | | | | | 1.8 | 1.2 | | | | |
| Additional Info: GEORGE W VINCENT App: G9183 Permit: G8626 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:21453 OR CN | 12/19/1947 | IRRIGATION CN | | | | | | | | | | | | | | | | -2.85 |
| Additional Info: ISAAC/HARRY L STORM App: S22723 Permit: S18029 Cert: 21453 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:21903 OR CN | 6/3/1947 | IRRIGATION CN | | | | | 0.25 | 0.15 | 2.6 | 0.5 | | | | | | | | |
| Additional Info: ISAAC T STORM App: S22601 Permit: S17826 Cert: 21903 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:50353 OR CN | 11/25/1974 | IRRIGATION CN | | | | | | | | | | | | | | | | |
| Additional Info: JAMES C/MARION MCBEE App: S52602 Permit: S39820 Cert: 50353 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:51557 RR * | 12/19/1947 | IRRIGATION | | | | | | | | | | | | | | | | 2.85 |
| Additional Info: ISAAC/HARRY STORM App: S22723 Permit: S18029 Cert: 51557 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:51718 RR * | 11/25/1974 | IRRIGATION | | | | | | | | | | | | | | | | |
| Additional Info: JAMES C/MARION MCBEE App: S52602 Permit: S39820 Cert: 51718 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:72450 OR * | 4/26/1989 | IRRIGATION | | | | | | | | | | | | | | | | |
| Additional Info: HARRY SPENCER App: S69884 | | | | | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | | | | | |
|---|------------|--------------------------|-----------|----|-------|--|------|---|--|-----|------|--|--|--|--|--|--|--|--|--|------|
| App: G11280 Permit: G10450 | | | | | | | | | | | | | | | | | | | | | |
| <u>Select</u> Permit: G 11404 CN Additional Info: HARRY SPENCER App: G12685 Permit: G11404 | 10/4/1991 | CRANBERRY | CN | | | | | | | | | | | | | | | | | | |
| <u>Select</u> Permit: G 13026 * Additional Info: DAVID HUGHES App: G13329 Permit: G13026 | 3/17/1993 | CRANBERRY | | | 19.34 | | | | | | 3.31 | | | | | | | | | | |
| <u>Select</u> Permit: G 13056 * Additional Info: GEORGE W VINCENT App: G13056 Permit: G13056 | 7/31/1992 | CRANBERRY (Suppl'mtl) | | | | | 23.2 | | | 1.8 | 5.7 | | | | | | | | | | |
| <u>Select</u> Permit: G 13056 * Additional Info: GEORGE W VINCENT App: G13056 Permit: G13056 | 7/31/1992 | CRANBERRY | | | | | | | | | 2.8 | | | | | | | | | | |
| <u>Select</u> Permit: S 46813 * Additional Info: ALAN FOSTER App: S61486 Permit: S46813 | 7/20/1982 | CRANBERRY | | | | | | | | | | | | | | | | | | | 5.96 |
| <u>Select</u> Permit: S 47592 * Additional Info: WAYNE FOSTER App: S63744 Permit: S47592 | 7/6/1982 | CRANBERRY | | | | | | | | | | | | | | | | | | | |
| <u>Select</u> Cert:76791 OR CN Additional Info: BRIAN ARRIOLA App: G12685 Permit: G11826 Cert: 76791 | T9005 | 10/4/1991 | CRANBERRY | CN | | | | | | | | | | | | | | | | | |
| <u>Select</u> App: S 85618 WD Additional Info: WAYNE FOSTER App: S85618 | 5/27/2003 | CRANBERRY | WD | | | | | | | | | | | | | | | | | | |
| <u>Select</u> Inchoate: T 9005 CF (REG) * Additional Info: BRIAN ARRIOLA App: G12685 Permit: G11826 | 10/4/1991 | CRANBERRY | | | | | | | | | | | | | | | | | | | |
| <u>Select</u> Cert:80526 RR * Additional Info: BRIAN ARRIOLA App: G12685 Permit: G11826 Cert: 80526 | 10/4/1991 | CRANBERRY | | | | | | | | | | | | | | | | | | | |
| <u>Select</u> Permit: S 53003 * Additional Info: DAVID HUGHES App: S73290 Permit: S53003 | 3/17/1993 | CRANBERRY | | | 19.34 | | | | | | 3.31 | | | | | | | | | | |
| <u>Select</u> Permit: R 12108 * Additional Info: DAVID HUGHES App: R73289 Permit: R12108 | 3/17/1993 | CRANBERRY | | | * | | | | | | * | | | | | | | | | | |
| <u>Select</u> Permit: S 46813 * Additional Info: ALAN FOSTER App: S61486 Permit: S46813 | 7/20/1982 | FROST PROTECTION | | | | | | | | | | | | | | | | | | | 2.85 |
| <u>Select</u> Cert:36979 OR * Additional Info: ERNEST A STORM App: S43469 Permit: S32513 Cert: 36979 | 4/12/1967 | FROST PROTECTION | | | * | | | | | | * | | | | | | | | | | |
| <u>Select</u> Cert:47690 OR CN Additional Info: GEORGE W VINCENT App: G5063 | 12/26/1969 | FROST PROTECTION | CN | | | | | * | | | * | | | | | | | | | | |



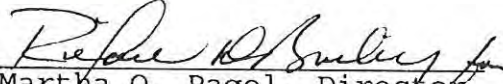
Search Criteria

Meridian: Township: Range: Section: Records per Page:

| Water Right | Changing Xfers | Priority | Use | Use Status | DLC | Gov't Lot | ac(40): Q(160) | NE NE | NW NE | SW NE | SE NE | NE NW | NW NW | SW NW | SE NW | NE SW | NW SW | SW SW | SE SW | NI SI | |
|---|----------------|------------|--|------------|-----|-----------|-------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-------|
| Select App: P 81857 * <u>Additional Info:</u> WAYNE FOSTER App: P81857 | | 12/23/1996 | AGRICULTURE USES | | | | | | | | | | | | | | | | | | |
| Select Cert:47790 OR * <u>Additional Info:</u> ADOLPH L MOLTHU App: S52603 Permit: S39179 Cert: 47790 | | 11/25/1974 | AGRICULTURE USES (Suppl'mtl) | | | | | | | | | | | | 2.69 | | | | | | |
| Select Cert:48708 OR * <u>Additional Info:</u> GEORGE W VINCENT App: G5375 Permit: G4959 Cert: 48708 | | 12/7/1970 | AGRICULTURE USES | | | | | | | | | | | 1.8 | 1.2 | | | | | | |
| Select Cert:50352 OR * <u>Additional Info:</u> JAMES C/MARION MCBEE App: R52601 Permit: R6381 Cert: 50352 | | 11/25/1974 | AGRICULTURE USES | | | | | | | | | | | | | * | | | | | |
| Select Cert:50353 OR CN <u>Additional Info:</u> JAMES C/MARION MCBEE App: S52602 Permit: S39820 Cert: 50353 | | 11/25/1974 | AGRICULTURE USES | | | | | | | | | | | | | * | | | | | |
| Select Cert:51718 RR * <u>Additional Info:</u> JAMES C/MARION MCBEE App: S52602 Permit: S39820 Cert: 51718 | | 11/25/1974 | AGRICULTURE USES | | | | | | | | | | | | | * | | | | | |
| Select Cert:72851 OR * <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: IS72836 Cert: 72851 | | 9/8/1992 | ANADROMOUS AND RESIDENT FISH HABITAT | | | | | | | | | | | | | | | | | | |
| Select App: G 13731 DN <u>Additional Info:</u> WAYNE FOSTER App: G13731 | | 7/1/1994 | CRANBERRY | | | | | | | | | | | | | | | | | | * |
| Select App: P 81857 * <u>Additional Info:</u> WAYNE FOSTER App: P81857 | | 12/23/1996 | CRANBERRY | | | | | | | | | | | | | | | | | | |
| Select App: P 82247 * <u>Additional Info:</u> WAYNE FOSTER App: P82247 | | 1/31/1997 | CRANBERRY | | | | | | | | | | | | | | | | | | |
| Select App: S 73459 WD <u>Additional Info:</u> WAYNE FOSTER App: S73459 | | | CRANBERRY | | | | | | | | | | | | | | | | | | 24.74 |
| Select Permit: G 10080 CN <u>Additional Info:</u> WAYNE FOSTER App: G10769 Permit: G10080 | | 7/6/1982 | CRANBERRY (Suppl'mtl) | | | | | | | | | | | | | | | | | | |
| Select Permit: G 10450 * <u>Additional Info:</u> ARRIOLA CRANBERRY CO. LLC | | 9/12/1984 | CRANBERRY | | | | | | | | | | | | | | | | | | 22 |

Actual construction work 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 31, 1997


Martha O. Pagel, Director
Water Resources Department

Measurement, recording and reporting conditions:

- METERS
INSTALLED
5/2012
- First report
00-01 water
Year.
- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

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

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

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

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

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

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNETH HUNNICUTT
ROUTE 1, BOX 1485
BANDON, OREGON 97411

(541)347-2785

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

APPLICATION FILE NUMBER: S-73290

SOURCE OF WATER: ABE'S CREEK AND RESERVOIRS 1 AND 2, CONSTRUCTED UNDER APPLICATION R-73289, PERMIT R-12108, TRIBUTARIES OF CROFT LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON ~~22.65~~^{20.4 AC} ACRES

MAXIMUM RATE/VOLUME ALLOWED: ~~3.01~~^{LIMIT CFS} CUBIC FEET PER SECOND (CFS) AND ~~4.1~~^{3.7} ACRE-FEET (AF) PER YEAR, FROM STORED WATER ONLY, BEING ~~2.3~~^{1.0} AF FROM RESERVOIR 1 AND ~~1.8~~^{2.7 AF} AF FROM RESERVOIR 2

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM ABE'S CREEK AND YEAR ROUND FOR STORED WATER FROM RESERVOIRS 1 AND 2

DATE OF PRIORITY: MARCH 17, 1993

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, NE 1/4 SW 1/4, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 170 FEET NORTH & 270 FEET EAST; RESERVOIR 2 - 840 FEET SOUTH & 90 FEET WEST; BOTH FROM THE SOUTHWEST CORNER, NE 1/4

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:

SW 1/4 NE 1/4 19.34 ACRES
SE 1/4 NW 1/4 3.31 ACRES
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Determination

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

___ 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):

X 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):
- METER NOT INSTALLED TIMELY
- WATER USE REPORTING NOT DONE IN WINDOW OF TIME

Processing

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

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

___ 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:

MEMO - Proof to Satisfaction (March 17, 2014)

| | | | | | |
|-------------------|-------------|----------|-----------|------------|--|
| Application # | S-13290 | Permit # | S-53003 | Transfer # | |
| WRD Reviewer | C. Holmes | Date | 1.20.2017 | | |
| WRD Peer Reviewer | Mary Bjorak | Date | 1-31-17 | | |

CRANBERRY 22.65 AC
3.01 cfs & 2 RES

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
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

- n/a Fish Conditions
- NO Meter/measuring device SHALL - install 5/2012
- NO Water Use Reporting SHALL
- n/a Pump Test (post December 19, 1988)
- ↓ Other Conditions _____
- ↓ SWL
- NO C-Date Oct. 1 2000
Sign 1/31/1997

_____ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

FIRST WATER MSMT IS Oct. 2000 - Oct. 2001 PER GERRY doesnt work

LIMIT LIVE FLOW TO PUMP CAPACITY = 2.06 cfs; being ...

Landowner info in R-13289 = T.L. 700 & 301 David & Virginia J. Hughes

86639 Croft Lake LN Bandon 97411-9295

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|------|-----|-----|-------|-------|
| 30 S | 15 W | WM | 11 | SW NE | 17.1 |
| 30 S | 15 W | WM | 11 | SE NW | 3.3 |

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same lands.

Diversion and use of water under this right 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.

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

Issued _____

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

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID HUGHES
VIRGINIA HUGHES
86639 CROFT LAKE LANE
BANDON OR 97411

confirms the right to the use of water perfected under the terms of Permit S-53003. 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 FILE NUMBER: S-73290

SOURCE OF WATER: ABE'S CREEK AND RESERVOIRS 1 AND RESERVOIR 2, CONSTRUCTED UNDER APPLICATION R-73289, PERMIT R-12108, TRIBUTARIES OF CROFT LAKE

PURPOSE or USE: CRANBERRY OPERATIONS ON 20.4 ACRES

MAXIMUM RATE: 2.1 CUBIC FEET PER SECOND AND 3.7 ACRE-FEET (AF) PER YEAR, FROM STORED WATER ONLY, BEING 1.0 AF FROM RESERVOIR 1 AND 2.7 AF FROM RESERVOIR 2

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM ABE'S CREEK AND YEAR ROUND FROM STORED WATER FROM RESERVOIRS 1 AND 2

DATE OF PRIORITY: MARCH 17, 1993

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 30 S | 15 W | WM | 11 | SW NE | POD 1 - 165 FEET NORTH AND 280 FEET EAST FROM C1/4 CORNER, SECTION 11 |
| 30 S | 15 W | WM | 11 | NW SE | POD 2 - 350 FEET SOUTH AND 55 FEET EAST FROM C1/4 CORNER, SECTION 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.

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.

Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 10
Efficiency = 6.61
Lift = 8
PSI = 50

Results Calculated

(hp)(efficiency) = 66.1
Head based on psi = 127.0
Total dynamic head = 135.0
(head + lift)

Pump Capacity = 0.49 feet per second

RECEIVED BY OWRD

AUG 20 2012

SALEM, OR

Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 30
Efficiency = 6.61
Lift = 10
PSI = 45

Results Calculated

(hp)(efficiency) = 198.3
Head based on psi = 114.3
Total dynamic head = 124.3
(head + lift)

Pump Capacity = 1.60 feet per second

RECEIVED BY OWRD

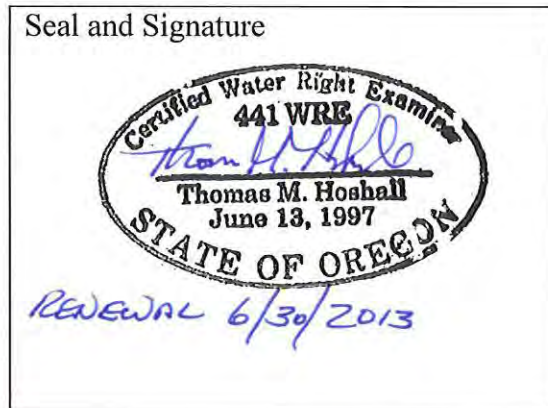
AUG 20 2012

SALEM, OR

**SECTION 8
SIGNATURES**

CWRE Statement, Seal and Signature

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



| | | | |
|---------------------------------------|---------------------|----------------------------------|---|
| CWRE NAME THOMAS M. HOSHALL | | PHONE No. 541-267-2872 | ADDN. CONTACT NA |
| ADDRESS PO BOX 118 | | | |
| CITY COOS BAY | STATE OR. | ZIP 97420 | E-MAIL tomhoshall@stuntzner.com |

Permit or Transfer Holder's of Record Signature or Acknowledgement

This Claim of Beneficial Use must be signed by each permit or transfer holder of record.

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

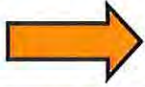
| SIGNATURE | PRINT OR TYPE NAME | DATE |
|------------------------|------------------------|----------------|
| <i>David Hughes</i> | DAVID HUGHES | <i>8-16-12</i> |
| <i>Virginia Hughes</i> | VIRGINIA HUGHES | <i>8-16-12</i> |

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SALEM, OR

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



THE ATTACHED MAP WAS DRAWN BASED ON SITE INSPECTION , COOS COUNTY GIS-ASSESSORS DATA BASE, GOGGLE AND FLASH EARTH ON LINE AERIALS AND APPLICATION MAP BY JOHN PRAHAR (PLS-CWRE).

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

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

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OWNER STATES SOME "WATER USE REPORTS" HAVE BEEN SUBMITTED – SEE WRD FILE

**SECTION 4
VARIATIONS**

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

THE PERMIT ALLOWS FOR 22.65 ACRES, 20.4 ACRES ARE DEVELOPED. IT WAS ALSO FOUND 7.3 AC. OF THE ABOVE 20.4 AC IS SUPPLEMENTAL USE TO ACREAGE PROVIDED FOR IN CERTIFICATE #36979.

**SECTION 5
ATTACHMENTS**

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

| ATTACHMENT NAME | DESCRIPTION |
|-------------------------|---|
| "EASEMENT" | PROVIDES FOR ACCESS TO RESERVOIR # 2/ POD #2 |
| "AGREEMENT" | " " " |
| PUMP CALULATIONS | POD #1 AND #2 PUMP CAPACITY SHEETS |

COBU MAP

**SECTION 6
CLAIM SUMMARY**

| POD / POA NAME OR # | MAXIMUM RATE AUTHORIZED | CALCULATED THEORETICAL RATE BASED ON SYSTEM | AMOUNT OF WATER MEASURED | USE | # OF ACRES ALLOWED | # OF ACRES DEVELOPED |
|----------------------|------------------------------------|---|--|------------------------|--------------------|----------------------|
| POD #1 AND #2 | 3.01 CFS BOTH POD'S 1&2 | PUMPS 2.9 CFS, SPRINKLERS 1.6 CFS | SYSTEM NOT IN SERVICE AT INSPECT. | CRAN-BERRY OPS. | 22.65 AC | 20.4 AC |
| | | | | | | |

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SECTION 7

SALEM, OR

CLAIM OF BENEFICIAL USE MAP

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

b. Has a meter been installed?

YES

c. Meter Information

| POD/POA NAME OR # | MANUFACTURER | SERIAL # | CONDITION (WORKING OR NOT) | CURRENT METER READING | DATE INSTALLED |
|-------------------|--------------|----------|----------------------------|--------------------------|----------------|
| POD #1 | McCROMETER | unkown | working | "033811" (gals x 100) | 5/2012 |
| POD #2 | MASTERMETER | 2215841 | working | "00113700" | 5/2012 |

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

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES

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

b. Have the reports been submitted?

YES

| METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC) | WATER USER REPORTING ID |
|---|-------------------------|
| SEE APPLICANT SUBMITTALS - PAPER | UNKNOWN |

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

9. Fish Screening

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

NO

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

10. By-pass Devices

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

NO

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

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

a. Were there special well construction standards?

NO

b. Was submittal of a ground water monitoring plan required?

NO

c. Was the water user required to restore the riparian area if it was disturbed?

NO

d. Was a fishway required?

NO

e. Was submittal of a letter from an engineer required prior to storage of water?

NO

f. Was submittal of a water management and conservation plan required?

NO

g. Other conditions?

NO

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

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SECTION 3 CONDITIONS

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

1. Time Limits:

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

| | DATE FROM PERMIT OR TRANSFER | DATE ACCOMPLISHED* | DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS |
|-----------------------------------|------------------------------|--|---|
| ISSUANCE DATE | 1/31/1997 | | |
| BEGIN CONSTRUCTION (A) | 1/31/1998 | POD #1 AND #2 PREXISTED APPLICATION | NA |
| COMPLETE CONSTRUCTION (B) | 10/1/1999 | “ | NA |
| COMPLETE APPLICATION OF WATER (C) | 10/1/2000 | “ | REPLACED ORIG. PUMPING DOCK AT POD #2 W/NEW PUMP HOUSE IN 2000 |

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

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

RECEIVED BY OWRD **NO**

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

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4. Initial Water Level Measurements:

SALEM, OR

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

NO

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

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

NO

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

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

a. Did the permit require the submittal of a pump test?

NO

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

7. Measurement Conditions:

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

YES

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

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

D. Groundwater Source Information (Well and Sump)

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

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

E. Storage

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

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

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

Bulge in System / Reservoir **YES**

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

2. Storage Tank:

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

3. Bulge in System / Reservoir:

| RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP) | APPROXIMATE DAM HEIGHT | APPROXIMATE CAPACITY (IN ACRE FEET) |
|---|---------------------------|--|
| SUMP #1, #2 AND #3 | ALL EXCAVATED | 3.0 AF |

F. Gravity Flow Pipe

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

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

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

G. Gravity Flow Canal or Ditch

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

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

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

H. Reservoir (SEE RESERVOIR #1 COBU- APPL. R-73289/PERMIT # R-12108)

1. Does the claim involve a reservoir modified through a transfer? **NO**

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

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

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5. Provide pump calculations:

SEE ATTACHED PUMP CAPACITY CALCULATION SHEET

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

| INITIAL METER READING | ENDING METER READING | DURATION OF TIME OBSERVED | TOTAL PUMP OUTPUT (IN CFS) |
|-----------------------|-----------------------|---------------------------|----------------------------|
| SYSTEM WAS | NOT IN SERVICE | AT TIME OF | INSPECTION |

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

7. Is the distribution system piped? **YES**

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

8. Mainline Information

| MAINLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|---------------|-------------|--------------|--------------------------------------|
| 4" | 500' | PVC | BURIED to POD # 1 and RES. #1 |
| | | | |

9. Lateral or Handline Information

| LATERAL OR HANDLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|--------------------------|-------------------|------------------|----------------------------|
| SEE POD #1 | PREVIOUSLY | DESCRIBED | DISTRIBUTION SYSTEM |
| | | | |

10. Sprinkler Information

| SIZE | OPERATING PSI | SPRINKLER OUTPUT (GPM) | TOTAL NUMBER OF SPRINKLERS | MAXIMUM NUMBER USED | TOTAL SPRINKLER OUTPUT (CFS) |
|-----------|---------------|------------------------|----------------------------|---------------------|------------------------------|
| NA | | | | | |
| | | | | | |

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

11. Pivot Information

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

12. Additional notes or comments related to the system:

ABOVE ONLY DESCRIBED PIPING FROM POD # 2 TO POD #1

D. Groundwater Source Information (Well and Sump)

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SALEM, OR

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

YES

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

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

POD #2 (@ RESV. #2 – PERMIT R-12108)

B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

| TWP | RNG | MER | SEC | QQ | GLOT | DLC | USE | IF IRRIGATION, # PRIMARY ACRES | IF IRRIGATION, # SUPPLEMENTAL ACRES |
|------------------------------|------------|-----------|-----------|-------------|-----------|-----------|---------------------|--------------------------------|-------------------------------------|
| 30S | 15W | WM | 11 | SWNE | NA | NA | CRAN - BERRY | 10.8 AC. | 6.3 AC. |
| " | " | " | " | SENW | " | " | OPS. | 2.3 AC. | 1.0 AC. |
| Total Acres Irrigated | | | | | | | | 13.1 AC. | 7.3 AC. |

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

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

| MANUFACTURER | MODEL | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE) | INTAKE SIZE | DISCHARGE SIZE |
|-------------------------|---------------------|------------------|--|-------------|---------------------------|
| PACIFIC PUMP CO. | 5K4254XA1 Y1 | VTJ701210 | CENTRIFUGAL | 2" | 3" to 4" to POD #1 |

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3. Motor Information

| MANUFACTURER | HORSEPOWER |
|-------------------------|--------------|
| PACIFIC PUMP CO. | 10 HP |
| | |

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SALEM, OR

4. Theoretical Pump Capacity

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|--------------|---------------|--|--------------------------------|----------------------------|
| 10 HP | 50 PSI | 4' | 4' | 0.49 CFS |

5. Provide pump calculations:

SEE ATTACHED PUMP CAPACITY CALCULATION SHEET- POD #1

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

| INITIAL METER READING | ENDING METER READING | DURATION OF TIME OBSERVED | TOTAL PUMP OUTPUT (IN CFS) |
|-----------------------|------------------------|---------------------------|----------------------------|
| SYSTEM NOT IN | SERVICE AT TIME | OF INSPECTION | |

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

7. Is the distribution system piped?

YES

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

8. Mainline Information

| MAINLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|---------------|--------------|--------------|------------------------|
| 4" | 5400' | PVC | BURIED |
| 6" | 700' | " | " |

9. Lateral or Handline Information

| LATERAL OR HANDLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|--------------------------|----------------|--------------|------------------------|
| 1" | 24,000' | PVC | BURIED |

10. Sprinkler Information

| SIZE | OPERATING PSI | SPRINKLER OUTPUT (GPM) | TOTAL NUMBER OF SPRINKLERS | MAXIMUM NUMBER USED | TOTAL SPRINKLER OUTPUT (CFS) |
|--------------|---------------|------------------------|----------------------------|----------------------------------|------------------------------|
| 1/8 " | 40 PSI | 2.9 GPM | 734 | 250 (MAX. UNDER ROTATION) | 1.6 CFS |

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

11. Pivot Information

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

12. Additional notes or comments related to the system:

ABOVE PIPELINE DATA (ITEMS 8 AND 9) CAN BE USED FROM POD #1 OR #2 OR BOTH.

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SALEM, OR

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

YES

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

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

| |
|--|
| POD #1 (@ RESV.#1- PERMIT R-12108) |
| |

B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

| TWP | RNG | MER | SEC | QQ | GLot | DLC | USE | IF IRRIGATION, # PRIMARY ACRES | IF IRRIGATION, # SUPPLEMENTAL ACRES |
|------------------------------|-----|-----|-----|------|------|-----|------------|--------------------------------|-------------------------------------|
| 30S | 15W | WM | 11 | SWNE | NA | NA | CRAN-BERRY | 10.8 AC. | 6.3 AC |
| " | " | " | " | SEnw | " | " | OPS. | 2.3 AC. | 1.0 AC. |
| Total Acres Irrigated | | | | | | | | 13.1 AC. | 7.3 AC. |

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

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

| MANUFACTURER | MODEL | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE) | INTAKE SIZE | DISCHARGE SIZE |
|--------------|--------|---------------|--|-------------|----------------|
| BERKLEY | B4EPBL | 7481038 | CENTRIFUGAL | 4" | 4" |

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3. Motor Information

| MANUFACTURER | HORSEPOWER |
|---------------|------------|
| GOULD CENTURY | 30 HP |

AUG 20 2012

SALEM, OR

4. Theoretical Pump Capacity

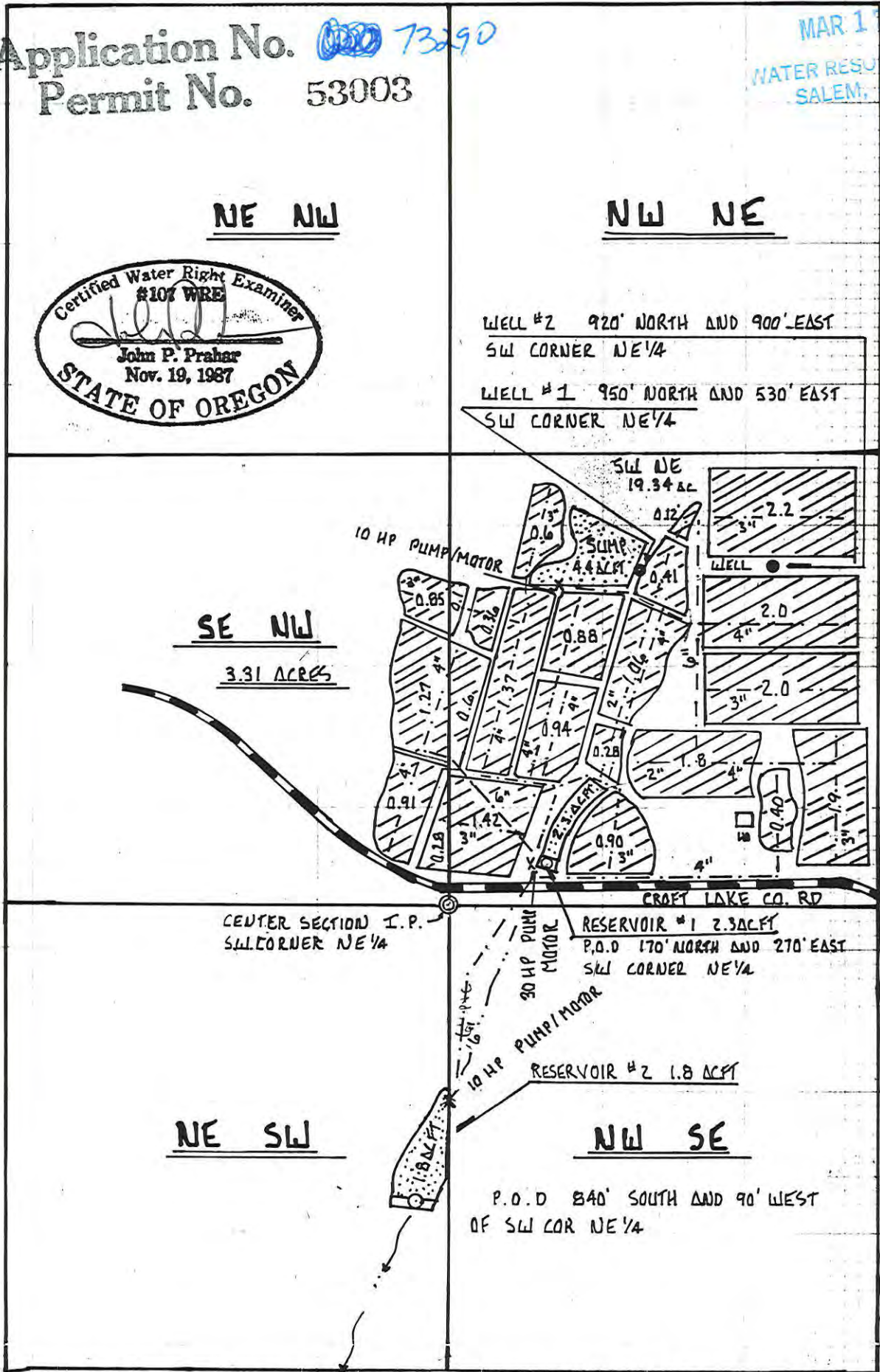
| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|------------|---------------|--|--------------------------------|----------------------------|
| 30 HP | 45 PSI | 5' | 5' | 1.60 CFS |

T.30S. R.15W.W.M.
SEC. 11

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Application No. ~~000~~ 73290
Permit No. 53003

MAR 1 1993
WATER RESOURCES DEPT.
SALEM, OREGON



MAP TO ACCOMPANY THE APPLICATIONS TO APPROPRIATE, CONSTRUCT 2 RESERVOIRS AND APPROPRIATE GROUND WATERS IN COOS COUNTY, STATE OF OREGON

PREPARED FOR: Kenneth Hunnicutt
Rt. 1 Box 1485
Bandon, OR 97411
(503) 347-2785

PREPARED BY: Prahar Surveying
1045 Baltimore #1
Bandon, OR 97411
(503) 347-9517

LEGEND

- ⊙ monuments found
- stream
- Croft Lake Rd
- points of diversions
- main waterlines
- ▨ reservoirs/sumps
- x pump/motors
- wells

DATE: Feb. 24, 1993

Disclaimer: This map was prepared for the sole purpose of locating a water right and is not intended to give legal dimensions or show property ownership lines.



2000

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

615541 **573290**
R 73289

USER-ID 28176

2001



| | | | | | |
|------------------|----------|-------|-----------|----------|---------|
| Locality | 38121 | | | | |
| POB-ID | 38122 CR | 51220 | 51216 ST | 51217 ST | 51218 |
| October - 2000 | 0 | 0 | .027 af | 0 af | .012 af |
| November - 2000 | 0 | 0 | .090 af | .014 af | .019 af |
| December - 2000 | 0 | 0 | 0 | 0 af | 0 |
| January - 2001 | 0 | 0 | .018 af | 0 af | 0 |
| February - 2001 | 0 | 0 | 0 | 0 | 0 |
| March - 2001 | 0 | 0 | .087 af | 0 | 0 |
| April - 2001 | 0 | 0 | .10 af | .005 af | 0 |
| May - 2001 | 0 | 0 | .135 af | .008 af | .007 af |
| June - 2001 | 0 | 0 | .054 af | .008 af | .009 af |
| July - 2001 | 0 | 0 | .063 af | .011 af | .009 af |
| August - 2001 | 0 | 0 | .054 af | .011 af | .009 af |
| September - 2001 | 0 | 0 | .045 af | .014 af | .012 af |
| TOTAL * | 0 | 0 | 4.0 ac ft | 4.24 af | 4.55 af |

* 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: calculation. If use is irrigation, total number acres irrigated 19

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

Dave Hughes
Signature

owner
Title

Reporting Entity

1/30/02 RECEIVED
Date

MAY 01 2002

WATER RESOURCES DEPT.
SALEM, OREGON

5 402 over →

| | |
|-------|---------|
| | 51219 |
| oct | .033 aF |
| nov | .082 aF |
| Dec | 0 |
| Jan | .016 |
| Feb | 0 |
| Mar | .066 |
| Apr. | .074 |
| may | .116 |
| June | .049 |
| July | .058 |
| Aug | .041 |
| Sept. | .039 |
| total | 34.3 aF |
| | |
| | |

COPY



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

August 27, 2012

David and Virginia Hughes
86639 Croft Lake Lane
Bandon OR 97411

On August 20, 2012 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Applications S-73290 Permit S-53003

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

Customer Service phone: (503) 986-0801

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Your receipt is enclosed.

Cc: file

Jerry Sauter

From: Tom Hoshall <tomhoshall@stuntzner.com>
Sent: Thursday, June 28, 2012 12:29 PM
To: Jerry Sauter
Subject: COBU's for Application's R-73289 and S-73290

Hi Jerry, I'm still working with the Hughes on the above referenced claims, they are installing new meters and having economic delays. Also, we have a large bill we want paid before more work to complete claims. The claims are 95% completed.

The owner works in Alaska during summer urchin harvest and will likely submit COBU's in fall.

Thanks for filing this update and working with the Hughes and I.

Tom Hoshall CWRE 441
Stuntzner Engineering
541-267-2872

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT R-12108) ORDER

Findings of Fact

1. On September 15, 2011 the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The Permittee requested reconsideration of the December 7, 2011 order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and necessary re-instatement fees required under ORS 536.050 were received.

PERMITS TO CONSTRUCT RESERVOIRS AND STORE WATER:

| <u>NAME</u> | <u>BASIN #</u> | <u>WM #</u> | <u>FILE #</u> | <u>PERMIT #</u> |
|--------------|----------------|-------------|---------------|-----------------|
| DAVID HUGHES | 17 | 19 | R-73289 | R-12108 |


Conclusions of Law

1. Permit(s) may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permits listed above are reinstated.
2. The Department will take no action to cancel this permit until January 17, 2012, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on *DECEMBER 19* 2011.



E. Timothy Wallin, Water Rights Program Manager, for
Phillip C. Ward, Director

PLACED IN U.S. MAIL DEC 19 2011
BY OREGON WATER RESOURCES DEPARTMENT

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

Special Order Volume *85* Page *828*

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

| Name | Basin Number | Watermaster District | Application Number | Permit Number |
|-----------------|--------------|----------------------|--------------------|---------------|
| DAVID HUGHES | 17 | 19 | S-73290 | S-53003 |
| VIRGINIA HUGHES | | | | |

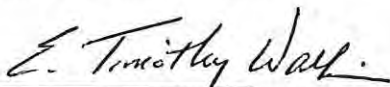
Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on SEPTEMBER 15 2011.



E. Timothy Wallin, Water Rights Program Manager, for
Phillip C. Ward, Director

SEP 15 2011

PLACED IN U.S. MAIL
BY OREGON WATER RESOURCES DEPARTMENT

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

Special Order Volume 85 Page 400

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>X <i>Virginia Hughes</i></p> |
| <p>1. Article Addressed to:</p> <p>S-73290 jks DAVID HUGHES VIRGINIA HUGHES 86639 CROFT LAKE RD BANDON OR 97411</p> | <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>VIRGINIA HUGHES</i> <i>9-19-11</i></p> |
| <p>2. Article Number (Transfer from service label)</p> | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> |
| <p>0243 7599 WR-jks</p> | <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p> | |

Mailing List for Cancellation Special Order Copies

Application # S-73290 Permit # S-53003

Cancellation Date: 9/15/2011

Original filed in Volume 85 Page 400

| | |
|----------------------|-------|
| Copies Mailed | |
| By: <u>LTG</u> | _____ |
| (support staff) | |
| On: <u>9.15.11</u> | _____ |
| (date) | |

Certified Mail Return Receipt Received (date) _____
Cert #: 0243 7599

Copies sent to:

1. Permit Holder: DAVID HUGHES, VIRGINIA HUGHES, 86639 CROFT LAKE RD, BANDON, OR 97411
2. WRD – File #S-73290
3. Water Availability – Ken Stahr
4. WRD – Watermaster # 19
5. CWRE - JOHN PRAHAR, CWRE



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

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

June 1, 2011

Certified mail number 0244 4092
Return receipt requested

DAVID HUGHES
VIRGINIA HUGHES
RT 1 BOX 1485
BANDON OR 97411

Reference: Application S-73290, Permit S-53003

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by 10/1/2000.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of 10/1/2000. The fee for submitting a claim of beneficial use is \$150.00. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$500.00. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (July 31, 2011) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$400.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (3)

cc: File S-73290
OWRD Watermaster District 19
JOHN PRAHAR, CWRE

PERMIT STATUS REVIEW BY JS DATE 4/21/2011 FILE # P-73290

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: update appropriate db

NO Extension pending _____

NO Assignment is pending _____

NO Cancellation has been requested _____

NO Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was 60 days notice allowed? Y N If No, How Much Time? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check? Y N date _____ successful? Y N

Re-send Cert. Letter? Y N date _____

Send cancellation order Y N

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF **NONE** OF THE ABOVE APPLY

YES

Send certified "C" date notice packet to permit holder.

"C" DATE 10-1-2000 BASIN NUMBER 17 WM # 19

CWRE or AGENT John A. Prather #107

PERMIT STATUS REVIEW BY JF DATE 4/27/04 FILE # S-73290

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: update appropriate db

NO Permit is for municipal or quasi-municipal use (per DF, when in doubt about MU/QM, change database code) or in Bonanza study area or New River

NO Extension pending _____

NO Assignment is pending _____

NO Cancellation has been requested _____

NO Dept. has already sent a certified "Form 100" letter (date _____, # _____)

Was 60 days notice allowed? _____

Was mail deliverable as addressed? _____ date _____

Send cancellation letter _____

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

Send certified "C" date notice packet to permit holder.

"C" DATE _____ BASIN NUMBER _____

CWRE or AGENT _____

S:\groups\wr\PERMIT C jdc date checklist.wpd

~~✗~~ In Notes (New River file)
Pull G-13329 / Not on list
↑ expires in 05'

2002

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

USER-ID 28176
2003
WRD

APP 73240

| Facility POD-ID | well | well | | | | | | | |
|--------------------|-------|------|---|-------|-------|-------|-------|-------|-------|
| October - 2002 | 0 | 0 | 0 | 51220 | 51216 | 51217 | 51218 | 51219 | 51219 |
| November - 2002 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| December - 2002 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| January - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| February - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| March - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| April - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| May - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| June - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| July - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| August - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| September - 2003 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL * | 40139 | 0 | 0 | 40 | 40 | 40 | 40 | 40 | 40 |

* 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: calculation If use is irrigation, total number acres irrigated 19

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

Signature Dave Hughes

Title Owner

Name - Please Print

Dave Hughes

RECEIVED

Reporting Entity

Date

APR 01 2004

3-30-04

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

WATER RESOURCES DEPT
SALEM, OREGON

* 1000 AF



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

DAVID HUGHES
HUGHES, VIRGINIA
86639 CROFT LAKE LANE
BANDON OR 97411

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>
User-ID 28176
Password: 28176

| | | | | | | | | | | | | | | | | | |
|-------|-----|---------|-------|-----------|----|---|----|---|----|---|----|------|------|---|---|---------------|---------|
| 38121 | 0 G | 13026 G | 13329 | 3/17/1993 | CR | L | 30 | S | 15 | W | 11 | SWNE | 0.38 | C | P | WELL 1 | CROFT L |
| 38122 | 0 G | 13026 G | 13329 | 3/17/1993 | CR | L | 30 | S | 15 | W | 11 | SWNE | 0.38 | C | A | WELL 2 | CROFT L |
| 51216 | 0 R | 12108 R | 73289 | 3/17/1993 | CR | L | 30 | S | 15 | W | 11 | SWNE | 2.3 | A | F | ABES CR/RES 1 | CROFT L |
| 51217 | 0 R | 12108 R | 73289 | 3/17/1993 | CR | L | 30 | S | 15 | W | 11 | NESW | 1.8 | A | F | ABES CR/RES 2 | CROFT L |
| 51218 | 0 S | 53003 S | 73290 | 3/17/1993 | CR | L | 30 | S | 15 | W | 11 | | 3.01 | C | F | ABES CR | CROFT L |
| 51219 | 0 S | 53003 S | 73290 | 3/17/1993 | CR | L | 30 | S | 15 | W | 11 | NESW | 2.3 | A | P | RESERVOIR 1 | ABES CR |
| 51220 | 0 S | 53003 S | 73290 | 3/17/1993 | CR | L | 30 | S | 15 | W | 11 | NESW | 1.8 | A | P | RESERVOIR 2 | ABES CR |

2001

APP 5 13325 CR

Oregon Water Resources Department
 October 2001 through September 2002
 Annual Water Use - Monthly Quantities Form
 App 73290

USER-ID 28176
 2002

APP R 73289 -
 App 73290



| Facility POD-ID | well | well | | | | | |
|--------------------|-------|------|-------|-------|-------|-------|--|
| October - 2001 | 0 | 0 | 51220 | 51216 | 51217 | 51218 | |
| November - 2001 | 0 | 0 | 0 | 092 | 016 | 020 | |
| December - 2001 | 0 | 0 | 0 | 0 | 0 | 0 | |
| January - 2002 | 0 | 0 | 0 | 0 | 0 | 0 | |
| February - 2002 | 0 | 0 | 0 | 0 | 0 | 0 | |
| March - 2002 | 16380 | 0 | 0 | 056 | 0 | 0 | |
| April - 2002 | 25026 | 0 | 0 | 12 | 005 | 0 | |
| May - 2002 | 15000 | 0 | 0 | 125 | 006 | 005 | |
| June - 2002 | 10000 | 0 | 0 | 050 | 000 | 010 | |
| July - 2002 | 0 | 0 | 0 | 065 | 012 | 010 | |
| August - 2002 | 0 | 0 | 0 | 052 | 011 | 009 | |
| September - 2002 | 0 | 0 | 0 | 049 | 013 | 011 | |
| TOTAL * | 66320 | 0 | 0 | 39505 | 42405 | 455 | |

* 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: calculation If use is irrigation, total number acres irrigated 19
 I certify this information is true and accurate to the best of my knowledge.

Signature: Dave Hughes Title: Owner
 Reporting Entity: _____ Date: 2-15-03
 Name - Please Print: Dave Hughes

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: Your water use report for October 2001 to September 2002 has not been received by our office. 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 Grainey



DAVID HUGHES
HUGHES, VIRGINIA
86639 CROFT LAKE LANE
BANDON OR 97411

USER-ID 28176

| POD-ID | FACILITY | CERT | PERMIT | APPL | PRIORITY | USE | L/S | TWP | RANGE | SEC | Q/Q | RATE | SOURCE | TRIBUTARY TO |
|--------|----------|------|--------|------|----------|-----------|-----|-----|-------|------|-----|-------|-----------------------|--------------|
| 38121 | | 0 G | 13026 | G | 13329 | 3/17/1993 | CR | L | 30 S | 15 W | 11 | SWNE | 0.38 C P WELL 1 | CROFT L |
| 38122 | | 0 G | 13026 | G | 13329 | 3/17/1993 | CR | L | 30 S | 15 W | 11 | SWNE | 0.38 C A WELL 2 | CROFT L |
| 51216 | | 0 R | 12108 | R | 73269 | 3/17/1993 | CR | L | 30 S | 15 W | 11 | SWNE | 2.3 A P ABES CR/RES 1 | CROFT L |
| 51217 | | 0 R | 12108 | R | 73269 | 3/17/1993 | CR | L | 30 S | 15 W | 11 | SWNE | 1.8 A P ABES CR/RES 2 | CROFT L |
| 51218 | | 0 S | 53003 | S | 73250 | 3/17/1993 | CR | L | 30 S | 15 W | 11 | | 3.01 C P ABES CR | CROFT L |
| 51219 | | 0 S | 53003 | S | 73250 | 3/17/1993 | CR | L | 30 S | 15 W | 11 | NESSW | 2.3 A P RESERVOIR 1 | ABES CR |
| 51220 | | 0 S | 53003 | S | 73290 | 3/17/1993 | CR | L | 30 S | 15 W | 11 | NESSW | 1.8 A P RESERVOIR 2 | ABES CR |

RECEIVED

MAY 27 2003

WATER RESOURCES DEPT.
SALEM, OREGON

3/5/2003

USER-ID

28176



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

DAVID and VIRGINIA HUGHES
ROUTE 1 BOX 1485
BANDON OR 97411

Application(s): G-13329, R-73289, S-73290

Permit Number(s): G-13026, R-12108, S-53003

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

Change all M&R ^(Surface, R&S & GW) to Read as shown in
73184 & As ~~As~~ shown in NW letter of
11/2. (check 2nd to last sentence)

Except Do Not change the following -

73734, 73290, G 12089, G 13039, G 13208
These three should be M&R Large

Some still need Agreement's signed ^(By Applicants) - They must be signed ~~there~~
Before a FO is done under ADR Conditions. If NO
Agreement, FO would be modified to reflect standard processing
limitations - Div. 33, TRIAGE, WA, etc.

Hull, Isenhart, Jensen, Quail Meadow Farms (Foster)

Change DATE in BMP CONDITION TO ~~"December 1996"~~
See 73734

~~See~~ Revised Fish Conditions in 75032 & 70170
See NW letter dated 11/22/96 modified by Todd Carter
12/12/96

See Revised Period close - 72561

JUN - 2 1997

REQUEST FOR ASSIGNMENT

I, (permit holder, applicant) KEVIN O. HUNN WATER RESOURCES DEPARTMENT SALEM, OREGON
Rt 1 Bx 1485 Bandon Or 97411 347-9579
 (mailing address) (city) (state) (zip) (phone)

CHECK ONE

- hereby assign all my interest in and to application/permit;
see attached list

- hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);

- hereby assign a portion of my interest in and to application/permit;

| File # | Permit # |
|---------|----------|
| G-13329 | G-13026 |
| R-73289 | R-12108 |
| S-73290 | 53003 |

Application # _____, Permit OR GR Statement # _____, GR Certificate # _____ as filed in the office of the Water Resources Department

DAVID & VIRGINIA HUGHES

(name of new owner)

(541)

Rt 1 Bx 1485 BANDON OR 97411 347-2785
 (address) (city) (state) (zip) (phone) *FA

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

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

Witness my hand this 28 day of May, 19 97.

applicant/permit holder [Signature]

applicant/permit holder _____

DO NOT WRITE IN THIS BOX

STATE OF OREGON,)
) ss
 County of Marion.)
 I certify that the within was received by me on the 2nd day of June, 19 97, at 8 o'clock A. m., and was recorded in the Miscellaneous Records, Vol. 7 Page 3431
 Water Resources Director

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

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



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

June 17, 1997

DAVID & VIRGINIA HUGHES
RT 1 BOX 1485
BANDON OR 97411

REFERENCE: Files G-13329, R-73289, & 73290

The assignment of Permits G-13026, R-12108, and 53003 from Kenneth Hunnicutt to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipt number 12732 covering the recording fee of \$10 you submitted.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

Enclosure

cc: John Drolet, Watermaster
John Prahar, CWRE
Kenneth Hunnicutt

tile

Oregon

WATER
RESOURCES
DEPARTMENT

March 7, 1997

KENNETH HUNNICUTT
RT 1BOX 1485
BANDON, OR 97411



REFERENCE: REFUND, APPLICATION FILES G13329 & 73290

Enclosed is a check, no. 4402012, in the amount of \$401.30. This is a refund of excess recording fees paid for the above referenced application files, being \$275.30 and \$126 respectively. Your permits are not affected by this refund of excess fees.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503) 378-3739.

Sincerely,

Douglas L. Baer
Senior Water Rights Technician

enclosure

CC: Watermaster # 19



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

365084

WARRANT NO.
114402012

WATER RESOURCES DEPARTMENT

(503) 378-8455

| INVOICE NO. | INVOICE DATE | INVOICE DESCRIPTION | AGY | DOCUMENT | AMOUNT |
|-------------|--------------|------------------------|-----|----------|--------|
| | | REV REF G-13329 111163 | 690 | VP002960 | 275.30 |
| | | REV REF 73290 111167 | 690 | VP002995 | 126.00 |

| | | | | | |
|----------------|--------------------|-------------|----------|----------------|--------|
| VENDOR NAME: | HUNNICUTT, KENNETH | ISSUE DATE: | 03/03/97 | WARRANT AMOUNT | 401.30 |
| VENDOR NUMBER: | 9690000001 | | | | |

REMOVE CHECK AT PERFORATION

STATE OF OREGON

Dept of Administrative Services
To the State Treasurer, Salem, OR 97310

| |
|--------------|
| DATE ISSUED: |
| MO-DAY-YR |
| 03/03/97 |

| |
|------------|
| VOID AFTER |
| MO-DAY-YR |
| 03/03/99 |



96-10
1232

| | |
|-------|-------------|
| BANK: | WARRANT NO. |
| 11 | 4402012 |

VENDOR NO
9690000001

| |
|-----------------|
| PAY THIS AMOUNT |
| \$401.30 |

*****FOUR HUNDRED ONE AND 30/100 DOLLARS*****

PAY TO THE ORDER OF:

HUNNICUTT, KENNETH
RT 1 BOX 1485
BANDON

OR 97411



STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

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

SUBJECT: REQUEST FOR REFUND CHECK

*Kenneth Hinnicutt
Rt 1 Box 1485
Gardon 97411*

PLEASE REFUND \$ 126⁰⁰ TO Applicant
FILE # 73290, RECEIPT # 111167. THESE FUNDS ARE
REFUNDED DUE TO :

- APPLICATION REJECTED
- APPLICATION WITHDRAWN
- EXCESS FEES COLLECTED FOR APPLICATION
- FILE CLOSED
- PROTEST FILING FEE
- OTHER: _____

PLEASE INCLUDE THE FOLLOWING MAILING ADDRESS ON THE CHECK:

OK Dwight Fred *0202*

NOV 22 1996

November 20, 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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

Re: PFO for Application No. R-73290, Reservoirs & Abe's
Creek/Croft Lake, Kenneth Hunnicutt

Dear Mr. French,

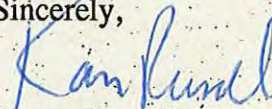
We reviewed this Proposed Final Order (PFO) to ensure that was consistent with the agreements reached by all the parties, including the Water Resources Department, in the New River Alternate Dispute Resolution process (ADR). Our comments below outline where the PFO does not reflect the agreements reached 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 PFO¹ with the following which is consistent with the ADR:

- As agreed in the ADR, the applicant, Mr. Hunnicutt, 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. Kenneth Hunnicutt
Al Cook, WRD
Todd Confer, ODFW

¹ Please note that the measurement and reporting condition as proposed in the PFO (the Department's "large" condition) is the correct condition and should remain as proposed in the PFO.

Application S-73290

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-73290

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: **LAND OWNER - J. McBEE, Rt. 1 Box 1491, Bandon OR 97411**

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

| | | |
|------------------|--------------------|-----------------------------|
| Jim McBee | Al Walsh | Cegavske, Johnston & Assoc. |
| Rt 1, Box 1491 | P.O. Box 99 | P.O. Box 218 |
| Bandon, OR 97411 | Coquille, OR 97423 | Roseburg, OR 97470 |

WW-FO

CASEWORKER : BW

FO CHECKLIST

FILE # 73290
WEEK # 64

REVIEW DATE: 11, 27, 96
INITIALS: DB

PFO TO FO CONVERSION

In preparing the FO, you should check the following:

1. / 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. / Have affected landowners been notified? *(By TR)*
4. / Is the file lacking a signed oath of accuracy for the application?
5. / 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. / Is water use prohibited for one or more months of the normal use period?
7. / 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. \$126 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. *LCFS = \$250*
 - (2) Issue FO w/o permit if fees are lacking *\$450*

| | |
|------------|------------|
| 576 | 200 Exam |
| -450 | 250 Rec |
| <u>126</u> | <u>450</u> |

9. / 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 Requested changes COMMENTS
Incorporated into fo/permit wording

- 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)

- 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. / Team leader review completed

3.0 CFS Cran use From Live Flow (+ some stored water too)

| | |
|-------|-------------|
| 200 | Exam |
| 100 | Rec 1st CFS |
| 150 | 3 CFS x 50 |
| <hr/> | |
| \$450 | owed |
| 576 | paid |
| \$126 | refund |

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-73290

Proposed Final Order

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

Application History

On March 17, 1993, KENNETH HUNNICUTT submitted an application to the Department for the following water use permit:

- Amount of Water: 3.01 CUBIC FEET PER SECOND (CFS) AND 4.1 ACRE-FEET (AF), BEING 2.3 AF FROM RESERVOIR 1 AND 1.8 AF FROM RESERVOIR 2
- Use of Water: CRANBERRY OPERATIONS 22.65 ACRES
- Source of Water: ABE'S CREEK AND RESERVOIRS 1 AND 2, CONSTRUCTED UNDER APPLICATION R-73289, TRIBUTARIES OF CROFT LAKE
- Area of Proposed Use: Coos County within SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: The applicant proposes to divert water using a 30 horsepower, centrifugal pump on Reservoir 1, a 10 horsepower, centrifugal pump on Reservoir 2 and a 10 horsepower pump/motor on Abe's Creek.

The Department mailed the applicant notice of its Technical Review April 7, 1994, determining that the USE OF 3.01 CFS FROM ABE'S CREEK FOR CRANBERRY OPERATIONS ON 22.65 ACRES IS ALLOWED YEAR ROUND. The 60-day objection period closed June 16, 1994.

Within the 60-day period, objections were received from the Oregon Department of Fish and Wildlife (6/14/94) and WaterWatch (6/14/94).

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 use for live flow from Abe's Creek and to allow the use of stored water for the period year round 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 ABE'S CREEK AND RESERVOIRS 1 AND 2, TRIBUTARIES OF CROFT LAKE or on downstream waters.

ABE'S CREEK AND RESERVOIRS 1 AND 2, TRIBUTARIES OF CROFT LAKE is not within or above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) for the period YEAR ROUND.

The Department finds that no more than 3.01 CFS AND 4.1 AF, BEING 2.3 AF FROM RESERVOIR 1 AND 1.8 AF FROM RESERVOIR 2, would be necessary for the proposed use. The amount of water requested, 3.01 CFS AND 4.1 AF, BEING 2.3 AF FROM RESERVOIR 1 AND 1.8 AF FROM RESERVOIR 2, is allowable.

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 use for live flow from Abe's Creek has been limited to NOVEMBER 1 THROUGH MAY 31 OF EACH YEAR. The period of allowed use for stored water from Reservoirs 1 and 2 is YEAR ROUND.

Diversion 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 date (blank), 1996 on file with the Department.

Conclusions of Law

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

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

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

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

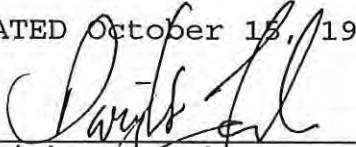
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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

Recommendation

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

DATED 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!!!

DRAFT

STATE OF OREGON

COUNTY OF COOS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

KENNETH HUNNICUTT
ROUTE 1, BOX 1485
BANDON, OREGON 97411

(541)347-2785

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

APPLICATION FILE NUMBER: S-73290

SOURCE OF WATER: ABE'S CREEK AND RESERVOIRS 1 AND 2, CONSTRUCTED UNDER APPLICATION R-73289

TRIBUTARIES OF: CROFT LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON 22.65 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 3.01 CUBIC FEET PER SECOND (CFS) AND 4.1 ACRE-FEET (AF), BEING 2.3 AF FROM RESERVOIR 1 AND 1.8 AF FROM RESERVOIR 2

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM ABE'S CREEK AND YEAR ROUND FOR STORED WATER FROM RESERVOIRS 1 AND 2

DATE OF PRIORITY: MARCH 17, 1993

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, NE 1/4 SW 1/4, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 170 FEET NORTH & 270 FEET EAST; RESERVOIR 2 - 840 FEET SOUTH & 90 FEET WEST; BOTH FROM THE SOUTHWEST CORNER, NE 1/4

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.

Application S-73290 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 19.34 ACRES
SE 1/4 NW 1/4 3.31 ACRES
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Diversion 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 date (blank), 1996 on file with the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the 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

Application No. _____

73290



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) Kenneth Hunnicutt

(Please print or type - use dark ink)

Mailing Address: Rt. 1 Box 1485

Bandon

City

OR

State

97411

Zip

(503)347-2785

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Abe's Creek,
a tributary of Croft Lake.

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 3.39 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: 3.01 cfs from Abe's creek, 2.3 acre feet stored water from res #1, 1.8 acre feet stored water from res. #2 and 4.4 acre feet stored water from sump Well #1, 0.19cfs Well #2, 0.19cfs

3. **INTENDED USE(s) OF WATER:** 22.65 acres of cranberry production

If for more than one use, give the quantity of water from each source for each use; n/a

If for **DOMESTIC** use, state the number of households to be supplied; n/a

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

n/a

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; n/a

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation _____

Other (describe) 22.65 acres cranberry production

RECEIVED

MAR 17 1993

WATER RESOURCES DEPT.
DEVELOPMENT DIVISION
ASHELAND, OREGON

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

Res #1: Earthfill dam 70' long 20' wide and 8' high, 30hp "Berkley" centrifugal pump motor.

Res #2 Earthfill dam 140' long, 20' wide and 8.5' high, 10hp" Berkley centrifugal pump motor.

sump: 10hp "Genral Electric" pump/motor

Main waterlines are shown and dimensionized of accompanying map.

Well #1: 50' deep having a 6" casing. This well is used to supply the sump

Well #2: 50' deep having a 6" casing. This well is used to supply the sump.

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

Proposed date construction work will begin Oct 1994

Proposed date construction work will be completed Oct 1995

Proposed date water use will be completed Oct 1996

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.

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

 Applicant X 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 X CWRE Other (Identify in REMARKS section)

7. *Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? 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.*

REMARKS: Included in this application is a copy of an easement to Reservoir #2
currently owned by: Jim McBee

Rt. 1 Box 1491

Bandon, OR 97411

(503)347-3328

RECEIVED
MAR 17 1993

WATER RESOURCES
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:



Signature

3/1/93
Date

Signature

Date

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.


Signature of Applicant

3/1/93
Date

Signature of Co-Applicant, if any

Date

RECEIVED

MAR 17 1993

WATER RESOURCES DEPT.
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19__.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 17th day of March, 19 93, at 8:00 o'clock, A M.

APPLICATION NO: 73290

PERMIT NO: _____

72430
72560
73460

TOWNSHIP 30 S RANGE 15 W W. M. card # 1 SECTION 11

| NE | | | | NW | | | | SW | | | | SE | | | | APPLICATION NUMBER | PERMIT NUMBER | CERTIFICATE NUMBER |
|--|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------------------|---------------|--------------------|
| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT | | | | | | | | | | | | | | | | | | |
| Lot 1 Lot 2 | | | | | | | | | | | | | | | | | | |
| 1410 3680 | | | | | | | | | | | | | | | | | | |
| Cancelled - sp. or Rec. Vol. <u>37</u> P. <u>297</u> | | | | | | | | | | | | | | | | | | |
| 5.9 | | | | | | | | | | | | | | | | | | |
| Temp Crank 3 | | | | | | | | | | | | | | | | | | |
| 1 4 | | | | | | | | | | | | | | | | | | |
| Loop Crank 45 | | | | | | | | | | | | | | | | | | |
| Frost-Crank berry harvest | | | | | | | | | | | | | | | | | | |
| Frost Harvest 269 | | | | | | | | | | | | | | | | | | |
| 2.85 | | | | | | | | | | | | | | | | | | |
| 0.55 | | | | | | | | | | | | | | | | | | |
| Cancelled - sp. or Rec. Vol. <u>37</u> P. <u>297</u> | | | | | | | | | | | | | | | | | | |
| Res | | | | | | | | | | | | | | | | | | |
| Cancelled - sp. or Rec. Vol. <u>37</u> P. <u>297</u> | | | | | | | | | | | | | | | | | | |
| Res | | | | | | | | | | | | | | | | | | |
| Cancelled - sp. or Rec. Vol. <u>37</u> P. <u>297</u> | | | | | | | | | | | | | | | | | | |
| Flood Harvesting | | | | | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | | | | | |

(SEE BACK OF CARD FOR PLAT OF SECTION)

22601 17826 21903
51557
22723 18029 24453
43469 32513 36979
G-5063 G-4773 47690
G-5375 G-4959 48708
G-6739 G-6265 47789
52603 39179 47790
R-52601 R-6381 50352
Supplemental 51718
52602 39820 50353
52602 39820 51718
G-9183 G-8626

CONFLICT FLAG
NCR
NCR
NCR
NCR
NCR
NCR
NCR

TOWNSHIP 30 S RANGE 15 W W. M. card # 2 SECTION 11

| NE | | | | NW | | | | SW | | | | SE | | | | APPLICATION NUMBER | PERMIT NUMBER | CERTIFICATE NUMBER |
|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------------------|---------------|--------------------|
| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES | | | | | | | | | | | | | | | | | | |
| Res | | | | | | | | | | | | | | | | | | |
| 0.35 supp | | | | | | | | | | | | | | | | | | |
| R-61485 | | | | | | | | | | | | | | | | | | |
| R-61496 | | | | | | | | | | | | | | | | | | |
| R-63735 | | | | | | | | | | | | | | | | | | |
| 63744 | | | | | | | | | | | | | | | | | | |
| Cancelled | | | | | | | | | | | | | | | | | | |
| Temp Crank 3 | | | | | | | | | | | | | | | | | | |
| G-11280 | | | | | | | | | | | | | | | | | | |
| 610450 | | | | | | | | | | | | | | | | | | |
| 69280 | | | | | | | | | | | | | | | | | | |
| Temp Crank 3 | | | | | | | | | | | | | | | | | | |
| 69631 | | | | | | | | | | | | | | | | | | |
| 50603 | | | | | | | | | | | | | | | | | | |
| Res R-69883 | | | | | | | | | | | | | | | | | | |
| R-11203 | | | | | | | | | | | | | | | | | | |
| 73 | | | | | | | | | | | | | | | | | | |
| 69884 | | | | | | | | | | | | | | | | | | |
| 50948 | | | | | | | | | | | | | | | | | | |
| RES | | | | | | | | | | | | | | | | | | |
| R-70188 | | | | | | | | | | | | | | | | | | |
| R-11245 | | | | | | | | | | | | | | | | | | |
| 67855 | | | | | | | | | | | | | | | | | | |
| 70189 | | | | | | | | | | | | | | | | | | |
| 51064 | | | | | | | | | | | | | | | | | | |
| 67856 | | | | | | | | | | | | | | | | | | |
| 12 | | | | | | | | | | | | | | | | | | |
| R-12485 | | | | | | | | | | | | | | | | | | |
| 67856 | | | | | | | | | | | | | | | | | | |

SP*35621-690

TOWNSHIP 30 S RANGE 15 W W. M. CARD # 3 SECTION 11

| NE | | | | NW | | | | SW | | | | SE | | | | APPLICATION NUMBER | PERMIT NUMBER | CERTIFICATE NUMBER |
|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------------------|---------------|--------------------|
| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES | | | | | | | | | | | | | | | | | | |
| Res #1 | | | | | | | | | | | | | | | | | | |
| 1931 | | | | | | | | | | | | | | | | | | |
| 1931 | | | | | | | | | | | | | | | | | | |
| Res #2 | | | | | | | | | | | | | | | | | | |
| 321 | | | | | | | | | | | | | | | | | | |
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| RES | | | | | | | | | | | | | | | | | | |
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| RES | | | | | | | | | | | | | | | | | | |
| CRANK 386 | | | | | | | | | | | | | | | | | | |
| R-73289 | | | | | | | | | | | | | | | | | | |
| 73290 | | | | | | | | | | | | | | | | | | |
| G-13329 | | | | | | | | | | | | | | | | | | |
| R-73460 | | | | | | | | | | | | | | | | | | |
| 73459 | | | | | | | | | | | | | | | | | | |

CONFLICT

April 7, 1994

KENNETH HUNNICUTT
RT 1, BOX 1485
BANDON, OR 97411

Reference: File 73290

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.



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

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.

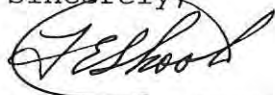
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before JUNE 16, 1994, or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water 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: April 7, 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: JUNE 16, 1994,

1. APPLICATION FILE NUMBER - 73290

2. MINIMUM APPLICATION INFORMATION

KENNETH HUNNICUTT
RT 1, BOX 1485
BANDON, OR 97411
COOS COUNTY 503-347-2785

Date application received for filing and/or tentative date of priority: 3/17/93

SOURCE: ABE'S CREEK AND TWO RESERVOIRS TRIBUTARY TO: CROFT LAKE

Purpose and/or use: CRANBERRY OPERATIONS

Flow: 3.01 CUBIC FEET PER SECOND (CFS)

Point of Diversion Location:
T 30 S, R 15 W, W.M.; SECTION 11, SWNE, NESW

Place of use:

| | IRRIGATION | AGRICULTURAL USE |
|----------------------|-------------|------------------|
| SWNE | 19.34 ACRES | X |
| SENE | 3.31 ACRES | X |
| SECTION 11 | | |
| T 30 S, R 15 W, W.M. | | |

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% 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 existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 3.01 CFS is likely available for 12 months. 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: 73290

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 use: YEAR ROUND
3. Rate of use: 3.01 CFS
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. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
10. 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.

WaterWatch

By FAX and Regular Mail

June 14, 1994

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

Re: Objection to Technical Report for:

G 13231, Donaldson, Cranberry & Irrigation, Willow Crk
G 13329, R 73289, 73290, Hunnicutt, Cranberry, Abe's Creek, Croft Lake
72492, R 72416, Bussman, Cranberry, Unnamed, 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 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.

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 has been identified by the U.S. Fish and Wildlife Service as

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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

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.

quality that is essential for these public uses of the lake.

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 its 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 its feeder streams, Conner and Davis Creek, or the New River.

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

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:

For G 13231, there is no analysis of water availability for Willow Creek - the proposed source of water. Any analysis of Willow creeks must take into account flows

requested in the senior pending instream water right application for Willow Creek. This analysis will show that there is no water available from April through November. There was also no water availability analysis for the New River, which Willow and Floras Creek are tributary to.

For G 13329, R 73289 and 73290, there was no analysis of water availability for Abe's Creek. For the groundwater application there was a finding of interference with surface waters - but no water availability analysis of surface water. In addition, the analysis used for these applications is based upon estimates - not actual - flows in the New River.

For 72492 and R 72416 the analysis did not take into account any water rights of record because it was based upon estimated average natural flows. This is contrary to the allocation policy. This analysis also failed to take into account senior pending instream water rights for Fourmile Creek. If the analysis had taken into account flows requested in these applications it must be concluded that there is no water available for further appropriation from April thorough November.

None of the analyses for these applications take into account the full amount of water rights of record. 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).

Finally, there has been no review of the cumulative effects of these and other pendings applications on the resources and flows in the New River Basin. 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 for the groundwater applications because essential information appears to be missing.**

Proposed permit conditions for the groundwater 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 an 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 the condition should be amended 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 of surface water will impair the public interest because fish screening and passage facilities are not clearly mandatory conditions of use.**

The technical reports do not require mandatory fish screening and passage facilities prior to diversion and use of water. 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.

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.

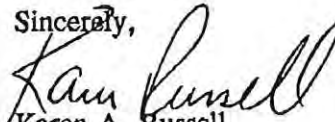
Protection of instream water flow also furthers statewide policies, priorities and

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

14 June 1994

RECEIVED

JUN 16 1994

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

GOLD BEACH
DISTRICT OFFICE

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

RE: Water Right Application #73289 and 73290; Hunnicutt,
Abe's Cr.

This diversion has a low probability for negative impact to fish or other aquatic life in the subject stream and in downstream reaches. Because there are no fish in the immediate area of the subject appropriation, no fish screening or passage facilities are to be required.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Nemeth", written over a large, stylized flourish.

Doug Nemeth
Assistant District Biologist
South Coast District

c: ODFW, Habitat Conservation Division



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

APPLICATION NO. R-73289, S-73290, G-13329
 Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in
 Addition to Classified Uses

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

MAR 17 1993

Applicant's Name: Kenneth Hunnicutt
 Address: Rt. 1 Box 1485
 City: Bandon State: OR Zip: 97411 Day Phone: 347-2785

WATER RESOURCES
 SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, 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 |
| | | X | X | X |
| 28-11-11 | | | | |
| 30-14-11 | | | | |
| 30-15-11-700 | <u>EFU 10</u> | | | |

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

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

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

WRD Applicant Name: _____

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

City or County: COOS COUNTY

Staff Contact: [Signature] Phone: 396-3121

Signature: [Signature] Date of Information Request: 3-1-93

COPY FROM FORM IN RES. FILE

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: _____

Title: _____

Signature: _____

Date: _____

Phone: _____

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

Lined area for additional comments.

Application No. R-73289
Permit No.

TECHNICAL REVIEW CHECKLIST

- 1. Application: 73290
- 2. Review Date: 4-7-94

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>S</u> | Land Use |
| <u>NA</u> /yes/no | Substantial SW interference (if yes, see results of surface water availability analysis) |
| <u>S</u> | Conflicts |
| <u>S</u> | Water Availability (<u>17</u> ⁵⁰⁰⁰) <small>(Water Availability Sub-basin)</small> |
| <u>J</u> | The application, map and supporting data are complete and free of defects. |

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. J Application fees:

| | | | |
|--|-------|------------|--------------|
| Examination fee: | \$200 | IR 10-100 | AG USE 100-1 |
| Recording fee: | \$376 | 13-26 | 150-13 |
| TOTAL REQUIRED | \$576 | <u>126</u> | <u>250</u> |
| TOTAL SUBMITTED | \$200 | | |
| AMOUNT DUE prior to issuance of permit | \$376 | | 376 |
| AMOUNT OVERPAID | \$ | | |
| refund due applicant | \$ | | |

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

7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)

8. 5 A written copy of the legal description of the property on which the water is to be used.
9. 5 A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
10. N/A No statement of ownership was required for applications filed before August, 1990.
11. 5 The proposed use is not restricted or prohibited by statute.
12. 5 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. 5 AK USE IRR use(s) is/are classified uses(s) under the S.C. Basin Program, OAR 690 - 517001(8)

Land Use Compatibility:

14. As expressed by the Planning Department of Clatsop County
15. 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 _____).
16. N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. 5 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 reservoir applications:

18. N/A Plans, specifications and supporting information for the dam and impoundment area.

March 22, 1993

KENNETH HUNNICUTT

RT 1 BOX 1485
BANDON, OR 97411

REFERENCE: File(s) G-13329, R-73289, S-73290

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications which have been received in proper form with required maps, documentation, and fees can be considered for processing as time allows.

At present the Water Resources Department has a backlog of applications for water use permits; therefore there may be some delay in our application processing time. Applications are processed in the order in which they are received.

When your application comes up for processing the Department will conduct a specialized analysis called a technical review. During the course of the evaluation, additional information may be required to complete the processing of your application. We will let you know if additional information is needed when we begin the technical evaluation of your application.

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department must also conduct a public interest review of each application for a water use permit.



REFERENCE: File(s) - G-13329, R-73289, S-73290

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

Laurie Beth English
Water Rights Program Analyst

cc:CWRE

RECEIVED

11-25-74
R-6381

JAN 18 1994

52601

Reservoir-14 -1-76

WATER RESOURCES DEPT.

SALEM, OREGON

SP-33855-600

STATE OF OREGON

COUNTY OF CLATSOP

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES C. and MARION M. McBEE
of 88869 Evers Road, Elmira, State of Oregon 97437, has made
proof to the satisfaction of the Water Resources Director, of a right to store the waters of
Abe's Creek, tributary Croft Lake, appropriated under Permit 39820

for the purposes of
irrigation and flood harvesting
under Reservoir Permit No. R-6381 and that said right to store said waters has been
perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed
dates from November 25, 1974

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 5.0 acre-feet

The reservoir is located in

NE 1/4 SW 1/4
NW 1/4 SE 1/4
Section 11
Township 30 South, Range 15 West, WM

17. 1983
Croft Lake, Eugene

WITNESS the signature of the Water Resources Director, affixed
this date, December 3, 1981

James E. Larson
Water Resources Director

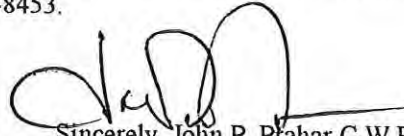
January 12, 1994

State of Oregon
Water Resources Dept.
3850 Portland Road NE
Salem, Oregon 97310

RECEIVED
JAN 18 1994
WATER RESOURCES DEPT.
SALEM, OREGON

RE: Files: G-13329, R-73289 and S-73290

Enclosed please find two permits showing that Reservoir No. 2 per above mentioned Reference files does already exist. Being certificate R-6381 and permit R-8453.



Sincerely, John P. Pfahar C.W.R.E # 107

Abstract of Permit

JAN 18 1994

RECEIVED

R-8453
7-20-82

WATER RESOURCES DEPT.

This is to certify that I have examined APPLICATION R-61485 and do hereby grant the same SUBJECT TO EXISTING RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

This permit is issued to James C. and Marion M. McBee of 88869 Evers Road, Elsieira, Oregon 97437, phone 935-7326, for the enlargement of a reservoir constructed under Permit R-6381 and storage of water from Abe's Creek to be appropriated under Application 61486, Permit 46813, for supplemental irrigation, temperature-control and flood harvesting of cranberries.

The dam will be LOCATED in the: NE-1/4-SW-1/4 of Section 14, Township 38-South, Range 45 West, WM, in the County of Coos.

The maximum height will be 9.9 feet above the stream bed or ground surface at the centerline. The top width will be 12.0 feet, slope of upstream face 1.5:1, slope of downstream face 1.5:1, and height of dam above water line when full 2.0 feet.

The area submerged by the reservoir, when full, will be 1.5 acres, and the maximum depth of water will be 10.0 feet.

The location and dimensions of the spillway are: A half culvert 18 inches in diameter at center of dam. The distance between the crest of the dam and the crest of the spillway will be 30 inches

The dimension of the outlet or bypass: Two 18-inch C.M. pipes.

The structure is in the channel.

The dam will be earthfill construction.

The right hereunder shall be limited to the storage of 3.6 acre-feet, being 1.2 acre-feet for supplemental irrigation, 1.2 acre feet for temperature control and 1.2 acre-feet for flood harvesting.

The PRIORITY DATE of this permit is July-20, 1982.

Actual construction work shall begin on or before August 16, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

WITNESS my hand this 16th day of August, 1982.

WATER RESOURCES DIRECTOR

APPLICATION R-61485

PERMIT R 8453

Craft Lake & more
Book 17 Vol. 3

Basin:

Limiting Water Availability Subbasins
 For Water Availability Subbasin 5000000000000000
 Water Availability By Month for Exceedance Level 80
 12:38 04/07/1994

| Month | Limiting Subbasin | Water Available? | Net Water Available |
|-------|-------------------|------------------|---------------------|
| 1 | 5000000000000000 | YES | 496.0 |
| 2 | 5000000000000000 | YES | 574.0 |
| 3 | 5000000000000000 | YES | 538.0 |
| 4 | 5000000000000000 | YES | 348.0 |
| 5 | 5000000000000000 | YES | 194.0 |
| 6 | 5000000000000000 | YES | 115.0 |
| 7 | 5000000000000000 | YES | 80.2 |
| 8 | 5000000000000000 | YES | 62.3 |
| 9 | 5000000000000000 | YES | 64.1 |
| 10 | 5000000000000000 | YES | 62.7 |
| 11 | 5000000000000000 | YES | 199.0 |
| 12 | 5000000000000000 | YES | 478.0 |
| Stor | 5000000000000000 | YES | 374000.0 |

Basin:

Detailed Report for Water Availability Subbasin 5000000000000000
 Water Availability By Month for Exceedance Level 80
 12:37 04/07/1994

| Month | Natural Stream Flow | CU + Stor Prior to 1/1/93 | Water Available 1/1/93 | CU + Stor After 1/1/93 | Net Minimum Flow | Instream Water Rights | Net Water Available |
|-------|---------------------|---------------------------|------------------------|------------------------|------------------|-----------------------|---------------------|
| 1 | 497.00 | 1.00 | 496.00 | .22 | 496.00 | .00 | 496.00 |
| 2 | 576.00 | 2.00 | 574.00 | .26 | 574.00 | .00 | 574.00 |
| 3 | 538.00 | .00 | 538.00 | .20 | 538.00 | .00 | 538.00 |
| 4 | 349.00 | 1.00 | 348.00 | .12 | 348.00 | .00 | 348.00 |
| 5 | 197.00 | 3.00 | 194.00 | .00 | 194.00 | .00 | 194.00 |
| 6 | 124.00 | 9.00 | 115.00 | .00 | 115.00 | .00 | 115.00 |
| 7 | 93.90 | 13.70 | 80.20 | .00 | 80.20 | .00 | 80.20 |
| 8 | 73.50 | 11.20 | 62.30 | .00 | 62.30 | .00 | 62.30 |
| 9 | 68.90 | 4.80 | 64.10 | .00 | 64.10 | .00 | 64.10 |
| 10 | 63.40 | .70 | 62.70 | .00 | 62.70 | .00 | 62.70 |
| 11 | 200.00 | 1.00 | 199.00 | .00 | 199.00 | .00 | 199.00 |
| 12 | 479.00 | 1.00 | 478.00 | .25 | 478.00 | .00 | 478.00 |
| Stor | 377000 | 2900 | 374000 | 62 | 374000 | 0 | 374000 |

COMPLETED
AC 10-4-95

COMPLETENESS DETERMINATION CHECKLIST

| Application # | Review Date | Reviewer |
|---------------|-------------|----------|
| S-73290 | 10/4/95 | GERRY |

200 Exam
23 AC CR

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

- _____ 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.

Total
576 Received

NUMBER

96443

Check 676 NO 70 Cash

- Surface Application \$376
- Reservoir Application Record
- Ground Water Application
- Transfer
- Power Cla
- Hydroelec:
- Hydroelect.
- Copying
- Assignment
- Extension of
- Other
- P-6
- Quadrangle
- Basin
- Protest
- Constructors Examination
- Constructors License
- Adjudication

Timmie
73290

3240

96-7423/3232

4/14/94 19

to Dept _____ \$ 676 ⁷⁰

_____ DOLLARS ®

[Signature]
240



the Resources Dept
2nd St N.E.
Oregon 97310



APR 18 1994

WATER RESOURCES DEPT.
SALEM, OREGON

April 7, 1994

KENNETH HUNNICUTT
RT 1, BOX 1485
BANDON, OR 97411

Reference: File 73290

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.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$576.00; being an examination fee of \$200.00, permit recording fee for the irrigation of 22.65 acres of \$126.00 and permit recording fee for AGRICULTURAL USE of \$250.00. Since you have previously submitted \$200.00, an additional amount of \$376.00 is required.

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: PRAHAR, CWRE



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

| | | |
|--------------------|---------|---------|
| 6-72685 | R-73289 | S-73290 |
| 13056 | 73460 | 73459 |
| 13329 | 72157 | 71842 |
| 12655-corg | 72430 | 72158 |
| 12640 | 72560 | 72431 |
| 12701-corg | 71841 | 72561 |
| 12809 | | 71976 |
| 12844 ✓ | | |
| 12705 scB | | |

Croft Lake Assoc.
 Brod Howe
 690-1063 (w)
 665-9242 (H)

Wants to be sent
 a copy of Tech Review

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 73290

WATERWATCH

ODF&W

WATERMASTER # 19

REGIONAL MANAGER - SW

CWRE - PRA HAR

DEO

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES: Jim McBee; Al Walsh; Ceguske, Johnston & Assoc. P.C.

SEE G-13329 for addresses

CASEWORKER SHOOK
4-794

ORIGINAL TO APPLICANT 2/03/94

RECEIVED

COMMENT FORM

APR - 8 1993

WATER RESOURCES DEPT.
SALEM, OREGON
Please list below the Application Number of the water use application(s) that are of interest to you. When the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s 613329 , R 73289 , 73290

Send to: AC WALSH Trustee
PO BOX 99
COQUILLE, OR 97423

Please include specific comments or concerns. Use additional sheets if necessary.

See attached letter

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the MAR/24/1993 Public Notice.

ALFRED C. WALSH, JR.

APR - 8 1993

ATTORNEY AT LAW
April 7, 1993

WATER RESOURCES DEPT.
SALEM, OREGON

280 N. COLLIER - P. O. BOX 99
COQUILLE, OREGON 97423-0099
Telephone (503) 396-2169

State of Oregon
Water Resources
3850 Portland Rd. NE
Salem, OR 97310

Attn: Director

Re: G 13329, R 73289, 73290 (Hunnicut)

Dear Sir or Madam:

I am the trustee owner of 220 acres surrounding and including Croft Lake (tax lots 1300, 300, 100 and 400).

I wish to protest the above application for the following reasons:

Croft Lake is used solely for recreation and wildlife purposes. We are very concerned about keeping a high level of water quality for fish and wildlife and recreation purposes.

Such high water quality is vitally dependent on fresh water interchange.

Conner Creek and Davis Creek are the primary providers of such fresh water. Abe's Creek is also a tributary.

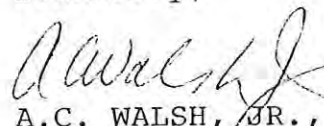
The proliferation of surface and ground water permits--and now water storage permits on these streams--can only mean a huge decrease in fresh water flow into Croft Lake.

We beg your department to review this application very closely, keeping in mind all of the other existing rights on Conner Creek and determine the availability of water in the Conner/Davis Creek watershed before allowing this permit. It is our feeling that ground water usage can impact total water flow to the lake.

Our comment form is enclosed.

Please keep me advised of all steps in this permit process.

Sincerely,



A.C. WALSH, JR., Trustee

ACW:pl
cc: John Drolet
ODFW
BLM
Bob Taylor

RECEIVED

MAR 29 1993

COMMENT FORM

WATER RESOURCES DEPT

Please list below the Application Number of the water use application(s) that are of interest to ~~SALEM~~ **SALEM**, OREGON the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s G-13329 R-73289 73290

LAW OFFICES

CEGAVSKE, JOHNSTON & ASSOCIATES, P.C.

425 S.E. JACKSON STREET
P.O. BOX 218
ROSEBURG, OREGON 97470

MAR 25 1993
03-26-93 2:12 PM

EUGENE OR 974

Oregon Water Resources Dept.
3850 Portland Road N.E.
Salem, Oregon 97310

97310-8770



Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the MAR/24/1993 Public Notice.

WaterWatch

O F O R E G O N

March 28, 1993

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

RE: Application for Permit #R73289, 73290, K. Hunnicutt
Croft Lk. Tribs., Coos Co., Cranberry Production

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? Does the Department have adequate data to accurately determine the 80% exceedence level?

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).

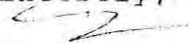
Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

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 review of this application.

Sincerely,


Jim Myron

bc:
WaterWatch of Oregon, Inc. 921 S.W. Morrison. Suite 438 Portland, Oregon 97205 (503) 295-4039

Permit No.

Description of Water Use

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

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

Applicant Name: Kenneth Hunnicutt
 Address: Rt. 1 Box 1485
Bandon, OR 97411
 Phone: 347-2785

RECEIVED

MAR 17 1993

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

| Indicate sources for the proposed water use below: | Indicate the estimated quantity of water the use will require. |
|--|---|
| <input checked="" type="checkbox"/> Surface Water Name sources: <u>Abe's creek</u> _____ _____ | <u>3.39</u> Cubic feet per second. _____ Gallons per minute. <u>8.5</u> Acre-Feet |
| <input checked="" type="checkbox"/> Reservoir or pond | |
| <input checked="" type="checkbox"/> Ground Water | |

84 1 07056

WATER
S

S DEPT.
ION

Application No. G13329

Permit No.

Beginning at a point on the East line of the SW 1/4 of the SE 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, 1265.75 feet North of the Southeast corner of said quarter quarter; thence North along the 1/16th line 1400 feet to the Northeast corner of the NW 1/4 of the SE 1/4 of said Section 11; thence West along the quarter line 157 feet; thence South 7° West 630 feet; thence West 420 feet; thence North 7° East 630 feet to the quarter section line; thence West along the quarter section line 1593 feet, more or less, to the Northwest corner of the East 850 feet to the NE 1/4 of the SW 1/4; thence South and parallel to the N-S 1/4 Section line 1790 feet to a point 850 feet North of the South line of said Section 11; thence East 850 feet to the quarter section line running North and South in said section; thence North 01° 43' 11" East along the quarter section line 417.75 feet; thence South 88° 55' East 1296.84 feet to the point of beginning.-----

Ja
Ja

84 1 07055

State of Oregon
County of Coos
I hereby certify that the within instrument was filed for record in the Coos County Deed Records.

WITNESS my hand and seal of County affixed

MARY ANN WILSON
County Clerk

By *[Signature]* deputy

Return to
TICOR TITLE INSURANCE

Fee 9

RECORDED BY
TICOR TITLE INSURANCE
48-551
Coos County Branch

KNOW ALL MEN BY THESE PRESENTS, that I, DORIS GEORGE, do hereby grant unto ERNEST A. STORM, his heirs and assigns, an easement to reconstruct, maintain and operate an irrigation pipe-line, pump, diversion facility and electric power line at the place of existing facilities generally described as being a point of diversion 1047 feet West and 390 feet South from the Southeast corner of the SW 1/4 NE 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian and running thence along the pipe line Northerly to and across Croft Lake Road to the said SW 1/4 NE 1/4. This easement is appurtenant to the SW 1/4 NE 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian and that portion of the E 1/2 SE 1/4 NW 1/4 of said Section 11 described as beginning at Southwest corner of NW 1/4 NE 1/4 of said Section 11; thence South to Southwest corner of SW 1/4 NE 1/4 of said section; thence Westerly along the quarter section line 250 feet to a stake; thence in a straight line in a North-easterly direction to the point of beginning.

Witness my hand this 28th day of SEPTEMBER, 1973.

Doris George

STATE OF OREGON)
) ss
County of Coos)

On the 28th day of SEPTEMBER, 1973, there appeared before me the aforementioned Doris George, who personally acknowledged to me that she executed the foregoing instrument freely and voluntarily for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written.

Lillian E. Spady
Notary Public for Oregon
My Commission expires: Oct. 12, 1976

Application No. G13329
Permit No.

THIS AGREEMENT, Between ISAAC STORM AND ETHEL E. STORM
(HUSBAND AND WIFE) and ERNEST A. STORM

MAR 7 1993

REGISTRATION DIVISION
SALEM, OREGON

WITNESSETH: That the said ISAAC STORM AND ETHEL E. STORM
in consideration of the covenants
herein mentioned, does hereby lease unto the said ERNEST A. STORM
his executors or administrators, for
a period of NINETY-NINE YEARS
from the 25th day of JANUARY, 1940, to and including the 25th day of
JANUARY, 1939 the following described premises, to-wit:

The right to use and pump the water from Abo's Crook running through
Section 11, Township 30 North, Range 15 West of Willamette Meridian.

and the said ERNEST A. STORM
does hereby promise and agree to pay said
ISAAC STORM AND ETHEL E. STORM
therefor the rent following, to-wit: One (\$1.00) Dollar.

Application No. 613329
Permit No.

payable on DEMAND
and to return said premises at the expiration of said time in as good order and condition as they are now
in, reasonable wear and tear, fire and unavoidable casualties excepted.

IN WITNESS WHEREOF, The said parties have hereunto set their hands to duplicates hereof, at
BANDON, OREGON, this 25th day of JANUARY, A. D. 1940.

Executed in the presence of
Isaac Storm (SEAL)
Ethel E. Storm (SEAL)
Ernest A. Storm (SEAL)

| DATE | INITIALS |
|---------|----------|
| 3-17-93 | Ja |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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 yes 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 _____

| | |
|---------|-------|
| 3/30/93 | CAK |
| " | " |
| " | " |
| " | " |
| " | " |
| _____ | _____ |

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: _____

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?
9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
10. 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 See permit for watering specs Duty _____ Irrigation Season _____
12. Period of Allowed Use Nov 1 ~ May 3 Live Flow from Awe's Creek
13. Is use from a B.O.R. project and if so, is a signed contract in the file?
Year Round from stored water
14. 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 (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) 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. Ddes Ken Stahl 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: 10/8/96 BW

Application No. _____

73290



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) Kenneth Hunnicutt

(Please print or type - use dark ink)

Mailing Address: Rt. 1 Box 1485

Bandon

City

OR

State

97411

Zip

(503) 347-2785

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Abe's Creek,
a tributary of Croft Lake.

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 3.39 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: 3.01 cfs from Abe's creek, 2.3 acre feet stored water from res #1, 1.8 acre feet stored water from res. #2 and 4.4 acre feet stored water from sump Well #1, 0.19cfs Well #2, 0.19cfs

3. **INTENDED USE(s) OF WATER:** 22.65 acres of cranberry production

If for more than one use, give the quantity of water from each source for each use; n/a

If for **DOMESTIC** use, state the number of households to be supplied; n/a

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

n/a

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; n/a

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation _____

Other (describe) 22.65 acres cranberry production

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MAR 17 1993

WATER RESOURCES DEPT.
STATE OF OREGON

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

Res #1: Earthfill dam 70' long 20' wide and 8' high, 30hp "Berkley" centrifugal pump motor.

Res #2 Earthfill dam 140' long, 20' wide and 8.5' high, 10hp" Berkley centrifugal pump motor.

sump: 10hp "Genral Electric" pump/motor

Main waterlines are shown and dimensionized of accompanying map.

Well #1: 50' deep having a 6" casing. This well is used to supply the sump

Well #2: 50' deep having a 6" casing. This well is used to supply the sump.

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

Proposed date construction work will begin Oct 1994

Proposed date construction work will be completed Oct 1995

Proposed date water use will be completed Oct 1996

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.

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

 Applicant X 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 X CWRE Other (Identify in REMARKS section)

7. *Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? 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.*

REMARKS: Included in this application is a copy of an easement to Reservoir #2
currently owned by: Jim McBee

RECEIVED

Rt. 1 Box 1491

MAR 17 1993

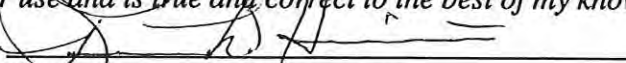
Bandon, OR 97411

WATER RESOURCES E

(503)347-3328

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:


Signature

3/1/93
Date

Signature

Date

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.*


Signature of Applicant

3/1/93
Date

Signature of Co-Applicant, if any

Date

RECEIVED

MAR 17 1993

WATER RESOURCES DEPT.
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19__.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 17th day of March, 1993, at 8:00 o'clock, AM.

APPLICATION NO: 73290

PERMIT NO: _____

April 7, 1994

KENNETH HUNNICUTT
RT 1, BOX 1485
BANDON, OR 97411

Reference: File 73290

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.



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

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.

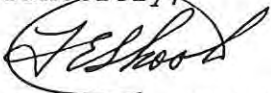
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before JUNE 16, 1994, or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water 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: April 7, 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: JUNE 16, 1994,

1. APPLICATION FILE NUMBER - 73290

2. MINIMUM APPLICATION INFORMATION

KENNETH HUNNICUTT
RT 1, BOX 1485
BANDON, OR 97411
COOS COUNTY 503-347-2785

Date application received for filing and/or tentative date of priority: 3/17/93

SOURCE: ABE'S CREEK AND TWO RESERVOIRS TRIBUTARY TO: CROFT LAKE

Purpose and/or use: CRANBERRY OPERATIONS

Flow: 3.01 CUBIC FEET PER SECOND (CFS)

Point of Diversion Location:
T 30 S, R 15 W, W.M.; SECTION 11, SWNE, NESW

Place of use:

| | IRRIGATION | AGRICULTURAL USE |
|----------------------|-------------|------------------|
| SWNE | 19.34 ACRES | X |
| SENE | 3.31 ACRES | X |
| SECTION 11 | | |
| T 30 S, R 15 W, W.M. | | |

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% 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 existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 3.01 CFS is likely available for 12 months. 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: 73290

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 use: YEAR ROUND *Nov - May 31 Ave flow*
3. Rate of use: 3.01 CFS
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. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit. *Copy*
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
10. 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

Application: 732.90Review Date: 4-7-94

- 2.
- S indicates information was completed or adequately addressed.
 U indicates information is needed, or incomplete, or inadequately addressed
 N/A indicates Not Applicable

SUMMARY

S Land Use

NA/yes/no Substantial SW interference
 (if yes, see results of surface
 water availability analysis)

S Conflicts

S Water Availability (17 500)
 (Water Availability Sub-basin)

J The application, map and supporting
 data are complete and free of defects.

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. J Application fees:

| | |
|---|----------------|
| Examination fee: | \$200 |
| Recording fee: | \$376 |
| TOTAL REQUIRED | \$576 |
| TOTAL SUBMITTED | \$200 |
| AMOUNT DUE prior to issuance of permit | \$376 |
| AMOUNT OVERPAID refund due applicant | \$ <u> </u> |

IR 10-100
13-26
126

AG USE 100-1
150-~~13~~
250

376

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

S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)

8. S A written copy of the legal description of the property on which the water is to be used.
9. S A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
10. N/A No statement of ownership was required for applications filed before August, 1990.
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 AK USE IRR use(s) is/are classified uses(s) under the S.C. Basin Program, OAR 690 - 517001(2)

Land Use Compatibility:

14. As expressed by the Planning Department of Cass County
15. 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 _____).
16. N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. 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 reservoir applications:

18. N/A Plans, specifications and supporting information for the dam and impoundment area.

March 22, 1993

KENNETH HUNNICUTT

RT 1 BOX 1485
BANDON, OR 97411

REFERENCE: File(s) G-13329, R-73289, S-73290

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications which have been received in proper form with required maps, documentation, and fees can be considered for processing as time allows.

At present the Water Resources Department has a backlog of applications for water use permits; therefore there may be some delay in our application processing time. Applications are processed in the order in which they are received.

When your application comes up for processing the Department will conduct a specialized analysis called a technical review. During the course of the evaluation, additional information may be required to complete the processing of your application. We will let you know if additional information is needed when we begin the technical evaluation of your application.

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department must also conduct a public interest review of each application for a water use permit.



REFERENCE: File(s) - G-13329, R-73289, S-73290

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

Laurie Beth English
Water Rights Program Analyst

cc:CWRE

January 12, 1994

State of Oregon
Water Resources Dept.
3850 Portland Road NE
Salem, Oregon 97310

RE: Files: G-13329, R-73289 and S-73290

Enclosed please find two permits showing that Reservoir No. 2 per above mentioned Reference files does already exist. Being certificate R-6381 and permit R-8453.



Sincerely, John P. Pfahar C.W.R.E # 107

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JAN 18 1994

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

11-25-74
R-6381

JAN 18 1994

52601

Reservoir-1b-1-74

WATER RESOURCES DEPT.
SALEM, OREGON

SP-32955-620

STATE OF OREGON

COUNTY OF CLATSOP

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES C. and MARION M. McBEE
of 88869 Evers Road, Elmira, State of Oregon 97437, has made
proof to the satisfaction of the Water Resources Director, of a right to store the waters of
Abe's Creek, tributary Croft Lake, appropriated under Permit 39820

irrigation and flood harvesting

for the purposes of

under Reservoir Permit No. R-6381 and that said right to store said waters has been
perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed
dates from November 25, 1974

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 5.0 acre-feet

The reservoir is located in

NE 1/4 SW 1/4
NW 1/4 SE 1/4
Section 11
Township 30 South, Range 15 West, WM

17. 1981. 3 Croft Lake, & misc

WITNESS the signature of the Water Resources Director, affixed
this date. December 3, 1981

James E. Larson
Water Resources Director

RECEIVED

R-8453
7-20-82

Abstract of Permit

JAN 18 1994

WATER RESOURCES DEPT.

This is to certify that I have examined APPLICATION R-61485 and ~~SALEM OREGON~~ grant the same SUBJECT TO EXISTING RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

This permit is issued to James C. and Marion M. McBee of 88869 Evers Road, Elmira, Oregon 97437, phone 935-7326, for the enlargement of a reservoir constructed under Permit R-6381 and storage of water from Abe's Creek to be appropriated under Application 61486, Permit 46813, for supplemental irrigation, temperature control and flood harvesting of cranberries.

The dam will be LOCATED in the: NE 1/4-SW 1/4 of Section 14, Township 38-South, Range 15 West, WM, in the County of Coos.

The maximum height will be 9.9 feet above the stream bed or ground surface at the centerline. The top width will be 12.0 feet, slope of upstream face 1.5:1, slope of downstream face 1.5:1, and height of dam above water line when full 2.0 feet.

The area submerged by the reservoir, when full, will be 1.5 acres, and the maximum depth of water will be 10.0 feet.

The location and dimensions of the spillway are: A half culvert 18 inches in diameter at center of dam. The distance between the crest of the dam and the crest of the spillway will be 30 inches

The dimension of the outlet or bypass: Two 18-inch C.M. pipes.

The structure is in the channel.

The dam will be earthfill construction.

The right hereunder shall be limited to the storage of 3.6 acre-feet, being 1.2 acre-feet for supplemental irrigation, 1.2 acre feet for temperature control and 1.2 acre-feet for flood harvesting.

The PRIORITY DATE of this permit is July-20, 1982.

Actual construction work shall begin on or before August 16, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

WITNESS my hand this 16th day of August, 1982.

WATER RESOURCES DIRECTOR

APPLICATION R-61485

PERMIT R 8453

Craft Lake & more
Book 17 Vol. 3

Basin:

Limiting Water Availability Subbasins
For Water Availability Subbasin 5000000000000000
Water Availability By Month for Exceedance Level 80
12:38 04/07/1994

| Month | Limiting Subbasin | Water Available? | Net Water Available |
|-------|-------------------|------------------|---------------------|
| 1 | 5000000000000000 | YES | 496.0 |
| 2 | 5000000000000000 | YES | 574.0 |
| 3 | 5000000000000000 | YES | 538.0 |
| 4 | 5000000000000000 | YES | 348.0 |
| 5 | 5000000000000000 | YES | 194.0 |
| 6 | 5000000000000000 | YES | 115.0 |
| 7 | 5000000000000000 | YES | 80.2 |
| 8 | 5000000000000000 | YES | 62.3 |
| 9 | 5000000000000000 | YES | 64.1 |
| 10 | 5000000000000000 | YES | 62.7 |
| 11 | 5000000000000000 | YES | 199.0 |
| 12 | 5000000000000000 | YES | 478.0 |
| Stor | 5000000000000000 | YES | 374000.0 |

Basin:

Detailed Report for Water Availability Subbasin 5000000000000000
 Water Availability By Month for Exceedance Level 80
 12:37 04/07/1994

| Month | Natural Stream Flow | CU + Stor Prior to 1/1/93 | Water Available 1/1/93 | CU + Stor After 1/1/93 | Net Minimum Flow | Instream Water Rights | Net Water Available |
|-------|---------------------|---------------------------|------------------------|------------------------|------------------|-----------------------|---------------------|
| 1 | 497.00 | 1.00 | 496.00 | .22 | 496.00 | .00 | 496.00 |
| 2 | 576.00 | 2.00 | 574.00 | .26 | 574.00 | .00 | 574.00 |
| 3 | 538.00 | .00 | 538.00 | .20 | 538.00 | .00 | 538.00 |
| 4 | 349.00 | 1.00 | 348.00 | .12 | 348.00 | .00 | 348.00 |
| 5 | 197.00 | 3.00 | 194.00 | .00 | 194.00 | .00 | 194.00 |
| 6 | 124.00 | 9.00 | 115.00 | .00 | 115.00 | .00 | 115.00 |
| 7 | 93.90 | 13.70 | 80.20 | .00 | 80.20 | .00 | 80.20 |
| 8 | 73.50 | 11.20 | 62.30 | .00 | 62.30 | .00 | 62.30 |
| 9 | 68.90 | 4.80 | 64.10 | .00 | 64.10 | .00 | 64.10 |
| 10 | 63.40 | .70 | 62.70 | .00 | 62.70 | .00 | 62.70 |
| 11 | 200.00 | 1.00 | 199.00 | .00 | 199.00 | .00 | 199.00 |
| 12 | 479.00 | 1.00 | 478.00 | .25 | 478.00 | .00 | 478.00 |
| Stor | 377000 | 2900 | 374000 | 62 | 374000 | 0 | 374000 |

COMPLETED
Ac 10-4-95

COMPLETENESS DETERMINATION CHECKLIST

| Application # | Review Date | Reviewer |
|---------------|-------------|----------|
| S-73290 | 10/4/95 | GERRY |

200 Exam
23 ACCR

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

Total
576 Received

- 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.

14 June 1994

RECEIVED

JUN 15 1994

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

GOLD BEACH
DISTRICT OFFICE

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

RE: Water Right Application #73289 and 73290; Hunnicutt,
Abe's Cr.

This diversion has a low probability for negative impact to fish or other aquatic life in the subject stream and in downstream reaches. Because there are no fish in the immediate area of the subject appropriation, no fish screening or passage facilities are to be required.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Nemeth", written over a horizontal line.

Doug Nemeth
Assistant District Biologist
South Coast District

c: ODFW, Habitat Conservation Division



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

WaterWatch

By FAX and Regular Mail

June 14, 1994

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

Re: Objection to Technical Report for:

G 13231, Donaldson, Cranberry & Irrigation, Willow Crk
G 13329, R 73289, 73290, Hunnicutt, Cranberry, Abe's Creek, Croft Lake
72492, R 72416, Bussman, Cranberry, Unnamed, 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 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.

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 has been identified by the U.S. Fish and Wildlife Service as

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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

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.

quality that is essential for these public uses of the lake.

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 its 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 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).

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:

For G 13231, there is no analysis of water availability for Willow Creek - the proposed source of water. Any analysis of Willow creeks must take into account flows

requested in the senior pending instream water right application for Willow Creek. This analysis will show that there is no water available from April through November. There was also no water availability analysis for the New River, which Willow and Floras Creek are tributary to.

For G 13329, R 73289 and 73290, there was no analysis of water availability for Abe's Creek. For the groundwater application there was a finding of interference with surface waters - but no water availability analysis of surface water. In addition, the analysis used for these applications is based upon estimates - not actual - flows in the New River.

For 72492 and R 72416 the analysis did not take into account any water rights of record because it was based upon estimated average natural flows. This is contrary to the allocation policy. This analysis also failed to take into account senior pending instream water rights for Fourmile Creek. If the analysis had taken into account flows requested in these applications it must be concluded that there is no water available for further appropriation from April thorough November.

None of the analyses for these applications take into account the full amount of water rights of record. 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).

Finally, there has been no review of the cummulative effects of these and other pendings applications on the resources and flows in the New River Basin. 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 for the groundwater applications because essential information appears to be missing.

Proposed permit conditions for the groundwater 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 an should be obtained prior to a final public interest determination. If, after this information is obtained, and these uses are found to be in

ATT 20



Application No. 73290

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) Kenneth Hunnicutt
(Please print or type - use dark ink)

Mailing Address: Rt. 1 Box 1485
Bandon OR 97411 (503) 347-2785
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

- SOURCE OF WATER** for the proposed use: Abe's Creek,
a tributary of Croft Lake.
- TOTAL AMOUNT OF WATER** to be applied to beneficial use: 3.39 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: 3.01 cfs from Abe's creek, 2.3 acre feet stored water from res #1, 1.8 acre feet stored water from res. #2 and 4.4 acre feet stored water from sump Well #1, 0.19cfs Well #2, 0.19cfs
- INTENDED USE(S) OF WATER:** 22.65 acres of cranberry production

If for more than one use, give the quantity of water from each source for each use; n/a

If for DOMESTIC use, state the number of households to be supplied; n/a

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)
n/a

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; n/a

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation _____
Other (describe) 22.65 acres cranberry production

S73290
HUNNICUTT
PRIORITY DATE: 3/17/93
TR MAILED: 4/7/94
Source: Abe's creek and 2 reservoirs tributary to Croft Lake
Use: Cranberry operations
3.01 CFS

MAR 17 1993

WATER RESOURCES DEPT. OREGON

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

Res #1: Earthfill dam 70' long 20' wide and 8' high, 30hp "Berkley" centrifugal pump motor.

Res #2 Earthfill dam 140' long, 20' wide and 8.5' high, 10hp" Berkley centrifugal pump motor.

sump: 10hp "Genral Electric" pump/motor

Main waterlines are shown and dimensionized of accompanying map.

Well #1: 50' deep having a 6" casing. This well is used to supply the sump

Well #2: 50' deep having a 6" casing. This well is used to supply the sump.

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

Proposed date construction work will begin Oct 1994

Proposed date construction work will be completed Oct 1995

Proposed date water use will be completed Oct 1996

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.

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

 Applicant X 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 X CWRE Other (Identify in REMARKS section)

7. *Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? 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.*

REMARKS: Included in this application is a copy of an easement to Reservoir #2
currently owned by: Jim McBee

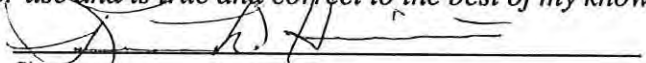
RECEIVED

Rt. 1 Box 1491
Bandon, OR 97411
(503)347-3328

MAR 17 1993

WATER RESOURCES
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:



Signature

3/1/93
Date

Signature

Date

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.


Signature of Applicant

3/1/93
Date

Signature of Co-Applicant, if any

Date

RECEIVED

MAR 17 1993

WATER RESOURCES DEPT.
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19__.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 17th day of March, 19 93, at 8:00 o'clock, AM.

APPLICATION NO: 73290

PERMIT NO: _____

April 7, 1994

KENNETH HUNNICUTT
RT 1, BOX 1485
BANDON, OR 97411

Reference: File 73290

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.



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

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.

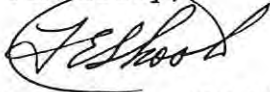
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before JUNE 16, 1994, or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water 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: April 7, 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: JUNE 16, 1994,

1. APPLICATION FILE NUMBER - 73290

2. MINIMUM APPLICATION INFORMATION

KENNETH HUNNICUTT
RT 1, BOX 1485
BANDON, OR 97411
COOS COUNTY 503-347-2785

Date application received for filing and/or tentative date
of priority: 3/17/93

SOURCE: ABE'S CREEK AND TWO RESERVOIRS TRIBUTARY TO: CROFT
LAKE

Purpose and/or use: CRANBERRY OPERATIONS

Flow: 3.01 CUBIC FEET PER SECOND (CFS)

Point of Diversion Location:
T 30 S, R 15 W, W.M.; SECTION 11, SWNE, NESW

Place of use:

| | IRRIGATION | AGRICULTURAL USE |
|------|-------------|------------------|
| SWNE | 19.34 ACRES | X |
| SENE | 3.31 ACRES | X |

SECTION 11
T 30 S, R 15 W, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% 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 existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 3.01 CFS is likely available for 12 months. 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: 73290

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 use: YEAR ROUND
3. Rate of use: 3.01 CFS
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. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
10. 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.

T.30S.

R.15 W.W.M.

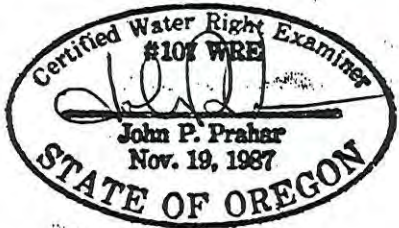
SEC. 11

Application No. ~~000~~ 73290
Permit No.

MAR 1 1993
WATER RESOURCES DEPT.
SALEM, OREGON

NE NW

NW NE

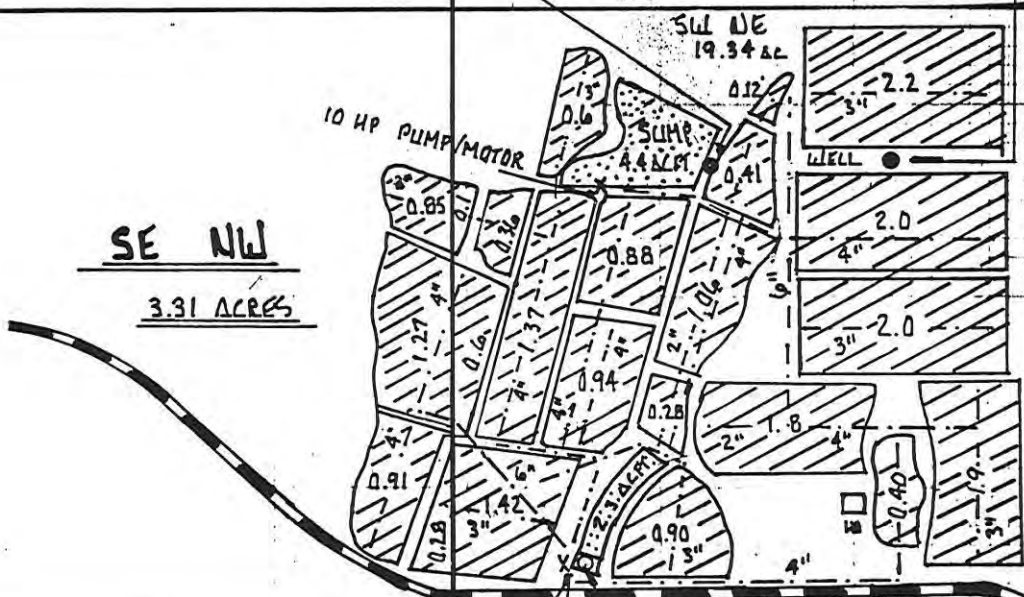


WELL #2 920' NORTH AND 900' EAST
SW CORNER NE 1/4

WELL #1 950' NORTH AND 530' EAST
SW CORNER NE 1/4

SE NW

3.31 ACRES



1" = 400'

CENTER SECTION I.P.
SW CORNER NE 1/4

RESERVOIR #1 2.3 ACFT
P.O.D 170' NORTH AND 270' EAST
SW CORNER NE 1/4

RESERVOIR #2 1.8 ACFT

NE SW

NW SE

P.O.D 840' SOUTH AND 90' WEST
OF SW COR NE 1/4

MAP TO ACCOMPANY THE APPLICATIONS TO APPROPRIATE, CONSTRUCT 2 RESERVOIRS AND APPROPRIATE GROUND WATERS IN COOS COUNTY, STATE OF OREGON

PREPARED FOR: Kenneth Hunnicutt
Rt. 1 Box 1485
Bandon, OR 97411
(503)347-2785

PREPARED BY: Prahar Surveying
1045 Baltimore #1
Bandon, OR 97411
(503)347-9517

LEGEND

- ⊙ monuments found
- stream
- Croft Lake Rd
- points of diversions
- main waterlines
- ▨ reservoirs/sumps
- x pump/motors
- wells

E: Feb. 24, 1993

Disclaimer: This map was prepared for the sole purpose of locating a water right and is not intended to give legal dimensions or show property ownership lines.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX)

RECEIPT # 97990

RECEIVED FROM: Kenneth O. Hennicutt
BY:

| | |
|-------------|-------|
| APPLICATION | 73290 |
| PERMIT | |
| TRANSFER | |

CASH: CHECK: # 96-7423 OTHER: (IDENTIFY)

TOTAL REC'D \$ 525.30

01-00-0 WRD MISC CASH ACCT

| | | |
|---------|-------------------------|----|
| 842.010 | ADJUDICATIONS | \$ |
| 831.087 | PUBLICATIONS/MAPS | \$ |
| 830.650 | PARKING FEES Name/month | \$ |
| | OTHER: (IDENTIFY) | \$ |

REDUCTION OF EXPENSE

| | |
|------------|----|
| CASH ACCT. | \$ |
| VOUCHER # | |

COST CENTER AND OBJECT CLASS

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

| | | |
|---------|--------------------------|----|
| 840.001 | COPY FEES | \$ |
| 850.200 | RESEARCH FEES | \$ |
| 880.109 | MISC REVENUE: (IDENTIFY) | \$ |
| 520.000 | OTHER (P-6): (IDENTIFY) | \$ |

WATER RIGHTS:

| | | | | |
|---------|---------------|---------|---------|----|
| 842.001 | SURFACE WATER | \$ 200. | 842.002 | \$ |
| 842.003 | GROUND WATER | \$ | 842.004 | \$ |
| 842.005 | TRANSFER | \$ | 842.006 | \$ |

WELL CONSTRUCTION

| | | | | |
|---------|------------------------|----|---------|----|
| 842.022 | WELL DRILL CONSTRUCTOR | \$ | 842.023 | \$ |
| 842.016 | WELL DRILL OPERATOR | \$ | 842.019 | \$ |
| | LANDOWNER'S PERMIT | \$ | 842.024 | \$ |

06-00-0 WELL CONST START FEE

| | | | | |
|---------|----------------------|----|--------|--|
| 842.013 | WELL CONST START FEE | \$ | CARD # | |
| | MONITORING WELLS | \$ | CARD # | |

45-00-0 LOTTERY PROCEEDS

| | | |
|---------|------------------|----|
| 864.000 | LOTTERY PROCEEDS | \$ |
|---------|------------------|----|

07-00-0 HYDRO ACTIVITY

| | | |
|---------|---------------------------|----|
| 842.011 | POWER LICENSE FEE(FW/WRD) | \$ |
| 842.115 | HYDRO LICENSE FEE(FW/WRD) | \$ |

HYDRO APPLICATION \$

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # 111167

RECEIVED FROM: Kenneth O. Hennicutt
BY:

| | |
|-------------|-------|
| APPLICATION | 73290 |
| PERMIT | |
| TRANSFER | |

CASH: CHECK: # 96-7423 OTHER: (IDENTIFY)

TOTAL REC'D \$ 676.70

01-00-0 WRD MISC CASH ACCT

| | | |
|---------|---------------------------|----|
| 842.010 | ADJUDICATIONS | \$ |
| 831.087 | PUBLICATIONS / MAPS | \$ |
| 830.650 | PARKING FEES Name / month | \$ |
| | OTHER: (IDENTIFY) | \$ |

REDUCTION OF EXPENSE

| | |
|------------|----|
| CASH ACCT. | \$ |
| VOUCHER # | |

COST CENTER AND OBJECT CLASS

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

| | | |
|---------|--------------------------|----|
| 840.001 | COPY FEES | \$ |
| 850.200 | RESEARCH FEEDS | \$ |
| 880.109 | MISC REVENUE: (IDENTIFY) | \$ |
| 520.000 | OTHER (P-6) (IDENTIFY) | \$ |

WATER RIGHTS:

| | | | | |
|---------|---------------|----|---------|---------|
| 842.001 | SURFACE WATER | \$ | 842.002 | \$ 376. |
| 842.003 | GROUND WATER | \$ | 842.004 | \$ |
| 842.005 | TRANSFER | \$ | 842.006 | \$ |

WELL CONSTRUCTION

| | | | | |
|---------|------------------------|----|---------|----|
| 842.022 | WELL DRILL CONSTRUCTOR | \$ | 842.023 | \$ |
| | LANDOWNER'S PERMIT | \$ | 842.024 | \$ |
| | OTHER (IDENTIFY) | \$ | | |

06-00-0 WELL CONST START FEE

| | | | | |
|---------|----------------------|----|--------|--|
| 842.013 | WELL CONST START FEE | \$ | CARD # | |
| | MONITORING WELLS | \$ | CARD # | |

45-00-0 LOTTERY PROCEEDS

| | | |
|---------|------------------|----|
| 864.000 | LOTTERY PROCEEDS | \$ |
|---------|------------------|----|

07-00-0 HYDRO ACTIVITY

| | | |
|---------|----------------------------|----|
| 842.011 | POWER LICENSE FEE (FW/WRD) | \$ |
| 842.115 | HYDRO LICENSE FEE (FW/WRD) | \$ |

HYDRO APPLICATION \$

RECEIPT # 97990

DATED: 3-17-93 BY: D Bushnell

RECEIPT # 111167

DATED: 4-18-94 BY: D Bushnell

NUMBER

96443

Check 676 NO 70 Cash

- Surface Application \$376
- Reservoir Application Record
- Ground Water Application
- Transfer
- Power Cla
- Hydroelec
- Hydroelect.
- Copying
- Assignment
- Extension of
- Other
- P-6
- Quadrangle
- Basin
- Protest
- Constructors Examination
- Constructors License
- Adjudication

Timmie
73290

3240

96-7423/3232

4/14/94 19

to Dept \$ *676* ^{*70*}

240 DOLLARS ®

[Signature]

240



to Reservoir Dept
1st St N.E.

Oregon 97310 210



APR 18 1994

WATER RESOURCES DEPT.
SALEM, OREGON

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 73290

WATERWATCH

ODF&W

WATERMASTER # 19

REGIONAL MANAGER - SW

CWRE - PRAKAR

DEO

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES:

Jim McBoe; Al Walsh; Legueta Johnston & Assoc P.C.
SEE 8-13329 for addresses

CASEWORKER

STOOL

4-7-94

ORIGINAL TO APPLICANT 2/03/94

April 7, 1994

KENNETH HUNNICUTT
RT 1, BOX 1485
BANDON, OR 97411

Reference: File 73290

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.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$576.00; being an examination fee of \$200.00, permit recording fee for the irrigation of 22.65 acres of \$126.00 and permit recording fee for AGRICULTURAL USE of \$250.00. Since you have previously submitted \$200.00, an additional amount of \$376.00 is required.

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: PRAHAR, CWRE



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

| | | |
|--------------------|----------|----------|
| 6-75685 | R- 73289 | S- 73290 |
| 13056 | 73460 | 73459 |
| 13329 | 72157 | 71842 |
| 12655-cory | 72430 | 72158 |
| 12646 | 72560 | 72431 |
| 12701-cory | 71841 | 72561 |
| 12809 | | 71976 |
| 12544 | | |
| 12705 scb | | |

Croft Lake Assoc.
 Brod Howe
 690-1063 (w)
 665-9242 (H)

Wants to be sent
 a copy of Tech Review

RECEIVED

COMMENT FORM

APR - 8 1993

WATER RESOURCES DEPT.
SALEM, OREGON
Please list below the Application Number of the water use application(s) that are of interest to you. When the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s 513329 , R 73289 , 73290

Send to: AC WALSH TRUSTEE
PO BOX 99
COOVILLE, OR 97423

Please include specific comments or concerns. Use additional sheets if necessary.

See attached letter

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the MAR/24/1993 Public Notice.

ALFRED C. WALSH, JR.

APR - 8 1993

ATTORNEY AT LAW
April 7, 1993

WATER RESOURCES DEPT.
SALEM, OREGON

280 N. COLLIER - P. O. BOX 99
COQUILLE, OREGON 97423-0099
Telephone (503) 396-2169

State of Oregon
Water Resources
3850 Portland Rd. NE
Salem, OR 97310

Attn: Director

Re: G 13329, R 73289, 73290 (Hunnicut)

Dear Sir or Madam:

I am the trustee owner of 220 acres surrounding and including Croft Lake (tax lots 1300, 300, 100 and 400).

I wish to protest the above application for the following reasons:

Croft Lake is used solely for recreation and wildlife purposes. We are very concerned about keeping a high level of water quality for fish and wildlife and recreation purposes.

Such high water quality is vitally dependent on fresh water interchange.

Conner Creek and Davis Creek are the primary providers of such fresh water. Abe's Creek is also a tributary.

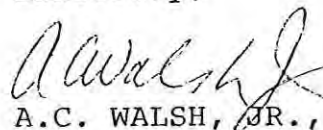
The proliferation of surface and ground water permits--and now water storage permits on these streams--can only mean a huge decrease in fresh water flow into Croft Lake.

We beg your department to review this application very closely, keeping in mind all of the other existing rights on Conner Creek and determine the availability of water in the Conner/Davis Creek watershed before allowing this permit. It is our feeling that ground water usage can impact total water flow to the lake.

Our comment form is enclosed.

Please keep me advised of all steps in this permit process.

Sincerely,



A.C. WALSH, JR., Trustee

ACW:pl
cc: John Drolet
ODFW
BLM
Bob Taylor

WaterWatch

O F O R E G O N

March 28, 1993

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

RE: Application for Permit #R73289, 73290, K. Hunnicutt
Croft Lk. Tribs., Coos Co., Cranberry Production

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? Does the Department have adequate data to accurately determine the 80% exceedence level?

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).

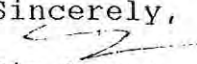
Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

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 review of this application.

Sincerely,


Jim Myron

bc:
WaterWatch of Oregon, Inc. 921 S.W. Morrison. Suite 438 Portland, Oregon 97205 (503) 295-4039

RECEIVED

MAR 29 1993

COMMENT FORM

WATER RESOURCES DEPT

Please list below the Application Number of the water use application(s) that are of interest to SALEM, OREGON
the technical is completed a report of the technical review of these applications will be delivered to you.

G-13329

R-73289

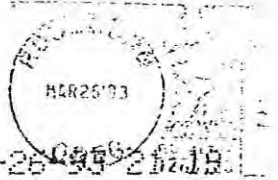
73290

Application #s _____

LAW OFFICES

CEGAVSKE, JOHNSTON & ASSOCIATES, P.C.

425 S.E. JACKSON STREET
P.O. BOX 218
ROSEBURG, OREGON 97470

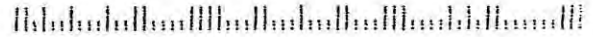


EUGENE OR 974

03-25-93 2:12 PM

Oregon Water Resources Dept.
3850 Portland Road N.E.
Salem, Oregon 97310

97310-0770



Return to:

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the MAR/24/1993 Public Notice.

Permit No.

Description of Water Use

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

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

Applicant Name: Kenneth Hunnicutt
 Address: RE. 1 Box 1485
Bandon, OR 97411
 Phone: 347-2785

RECEIVED

MAR 17 1993

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

| Indicate sources for the proposed water use below: | Indicate the estimated quantity of water the use will require. |
|--|---|
| <input checked="" type="checkbox"/> Surface Water Name sources: <u>Abe's creek</u> _____ _____ | <u>3.39</u> Cubic feet per second. _____ Gallons per minute. <u>8.5</u> Acre-Feet |
| <input checked="" type="checkbox"/> Reservoir or pond | |
| <input checked="" type="checkbox"/> Ground Water | |

84 1 07056

WATER S DEPT. ON

Application No. G13329

Permit No.

Beginning at a point on the East line of the SW 1/4 of the SE 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, 1265.75 feet North of the Southeast corner of said quarter quarter; thence North along the 1/16th line 1400 feet to the Northeast corner of the NW 1/4 of the SE 1/4 of said Section 11; thence West along the quarter line 157 feet; thence South 7° West 630 feet; thence West 420 feet; thence North 7° East 630 feet to the quarter section line; thence West along the quarter section line 1593 feet, more or less, to the Northwest corner of the East 850 feet to the NE 1/4 of the SW 1/4; thence South and parallel to the N-S 1/4 Section line 1790 feet to a point 850 feet North of the South line of said Section 11; thence East 850 feet to the quarter section line running North and South in said section; thence North 01° 43' 11" East along the quarter section line 417.75 feet; thence South 88° 55' East 1296.84 feet to the point of beginning.-----

Jan
Ja

84 1 07056 4756

State of Oregon
County of Coos
I hereby certify that the within instrument was filed for record in the Coos County Deed Records.

WITNESS my hand and seal of County affixed

MARY ANN WILSON
Deputy County Clerk

By *[Signature]* deputy

Return to TICOR TITLE INSURANCE

Fee 9

RECORDED BY
TICOR TITLE INSURANCE
Coos County Branch

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that I, DORIS GEORGE, do hereby grant unto ERNEST A. STORM, his heirs and assigns, an easement to reconstruct, maintain and operate an irrigation pipe-line, pump, diversion facility and electric power line at the place of existing facilities generally described as being a point of diversion 1047 feet West and 390 feet South from the Southeast corner of the SW 1/4 NE 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian and running thence along the pipe line Northerly to and across Croft Lake Road to the said SW 1/4 NE 1/4. This easement is appurtenant to the SW 1/4 NE 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian and that portion of the E 1/2 SE 1/4 NW 1/4 of said Section 11 described as beginning at Southwest corner of NW 1/4 NE 1/4 of said Section 11; thence South to Southwest corner of SW 1/4 NE 1/4 of said section; thence Westerly along the quarter section line 250 feet to a stake; thence in a straight line in a North-easterly direction to the point of beginning.

Witness my hand this 28th day of SEPTEMBER

1973.

Doris George

STATE OF OREGON)
) ss
County of Coos)

On the 28th day of SEPTEMBER, 1973, there appeared before me the aforementioned Doris George, who personally acknowledged to me that she executed the foregoing instrument freely and voluntarily for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written

Lillian E. [Signature]

Notary Public for Oregon
My Commission expires: Oct. 12, 1976

Application No. G13329
Permit No.

THIS AGREEMENT, Between ISAAC STORM AND ETHEL E. STORM
(HUSBAND AND WIFE) and ERNEST A. STORM

MAR 17 1993

LAND RECORDS DEPT OREGON

WITNESSETH: That the said ISAAC STORM AND ETHEL E. STORM

in consideration of the covenants herein mentioned, does hereby lease unto the said ERNEST A. STORM

his executors or administrators, for a period of FIFTY-THREE YEARS

from the 25th day of JANUARY, 1940, to and including the 25th day of JANUARY, 1963, the following described premises, to-wit:

The right to use and pump the water from Abo's Crook running through Section 11, Township 30 North, Range 15 West of Willamette Meridian.

and the said ERNEST A. STORM

does hereby promise and agree to pay said

ISAAC STORM AND ETHEL E. STORM

therefor the rent following, to-wit: One (\$1.00) Dollar.

Application No. G17329
Permit No.

payable on TENNIS and to return said premises at the expiration of said time in as good order and condition as they are now in, reasonable wear and tear, fire and unavoidable casualties excepted.

IN WITNESS WHEREOF, The said parties have hereunto set their hands to duplicates hereof, at BASTON, OREGON, this 25th day of JANUARY, A. D. 1940.

Executed in the presence of

Isaac Storm (SEAL)
Ethel E. Storm (SEAL)
Ernest A. Storm (SEAL)

| DATE | INITIALS |
|---------|----------|
| 3-17-93 | Ju |
| _____ | _____ |
| _____ | _____ |
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| _____ | _____ |
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| _____ | _____ |

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 yes 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 _____

| | |
|---------|-------|
| 3/30/93 | CAR |
| " | " |
| " | " |
| " | " |
| " | " |
| _____ | _____ |

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: _____

Mailing List for Extension PFO Copies

PFO Date: July 10, 2018

Copies Mailed

Application: S-73290

By: SP

Permit: S-53003

On: 7.10.18

Original mailed to Applicant:

David and Virginia Hughes
86639 Croft Lake Lane
Bandon, OR 97411

Copies sent to:

1. WRD - App. File S-73290/ Permit S-53003
2. Marc Van Camp
Stuntzner Engineering
P.O. Box 118
Coos bay, OR 97420
3. Other permit holders of record besides applicant

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. WRD - Watermaster District 19, Greg Wacker

CASEWORKER: JDP