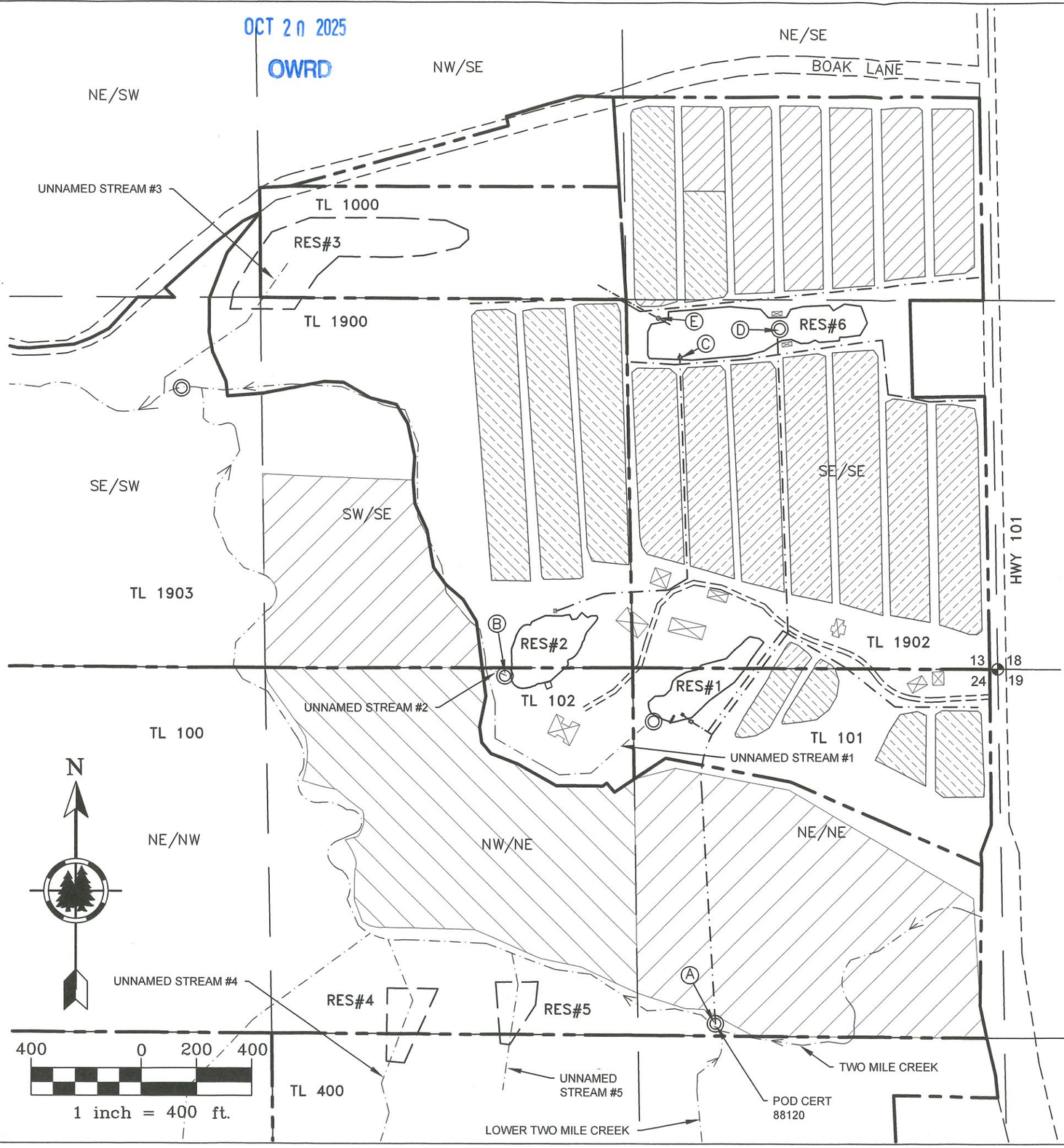
Received
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OWRD

CLAIM OF BENEFICIAL USE MAP

LOCATION: T29S, R15W, W.M. TAX LOTS 1000, 1900 AND 1902 OF SECTION 13, AND TAX LOTS 101 AND 102 OF SECTION 24, COOS COUNTY, OR
STREET ADDRESS: 48500 HIGHWAY 101, BANDON OR 97411

PREPARED FOR: FUGATE FARMS, LLC APPLICATION R-73855, PERMIT R-12894



THIS CLAIM OF BENEFICIAL USE ADDRESSES ONLY THE FUGATE PROPERTY.
FUGATE FARMS SOLD PROPERTY TO BANDON BIOTA IN THE EARLY 2000.

FUGATE FARMS PROPERTY, RESERVOIRS 2 + 6. LOCATED: T29S, R15W: SECTION 13, TAX LOTS 1000, 1900, 1902. SECTION 24, TAX LOTS 101 AND 102.

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

Ⓐ POD FOR CERTIFICATES 88120 AND 73636. LOCATION OF 25 HP PORTABLE PUMP, ACTIVE FISH SCREEN, McCROMETER TOTALIZING METER ON BURIED MAINLINE, POD FOR RESERVOIR #6 FOR THIS CLAIM.
LOCATED 1285'S AND 1020'W OF THE NE CORNER OF SEC. 24

Ⓑ RESERVOIR #2 POD, DAM, STAFF GAGE ON END OF WALKWAY TO FLASH BOARDS.
LOCATED 25'S AND 1785'W OF THE NE CORNER OF SEC. 24.

Ⓒ METER FOR TRANSFER OF WATER FROM RES. 2 TO RES 6. (AT RES. 6)
LOCATED 1126'N AND 1152W OF THE NE CORNER OF SEC. 24.

Ⓓ RESERVOIR #6, NO DAM, EXCAVATION ONLY.
LOCATED 1230'N AND 784'W FROM THE NE CORNER OF SEC. 24.

Ⓔ RESERVOIR #6, OUTLET PIPE AND FLASHBOARD STAND PIPE.
LOCATED 1280'N AND 1260'W FROM THE NE CORNER OF SEC. 24.

LEGEND

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

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CERTIFIED WATER RIGHT EXAMINER
#53,005
William L. Flatz
May, 21 2001
STATE OF OREGON
EXPIRES 12/31/2025

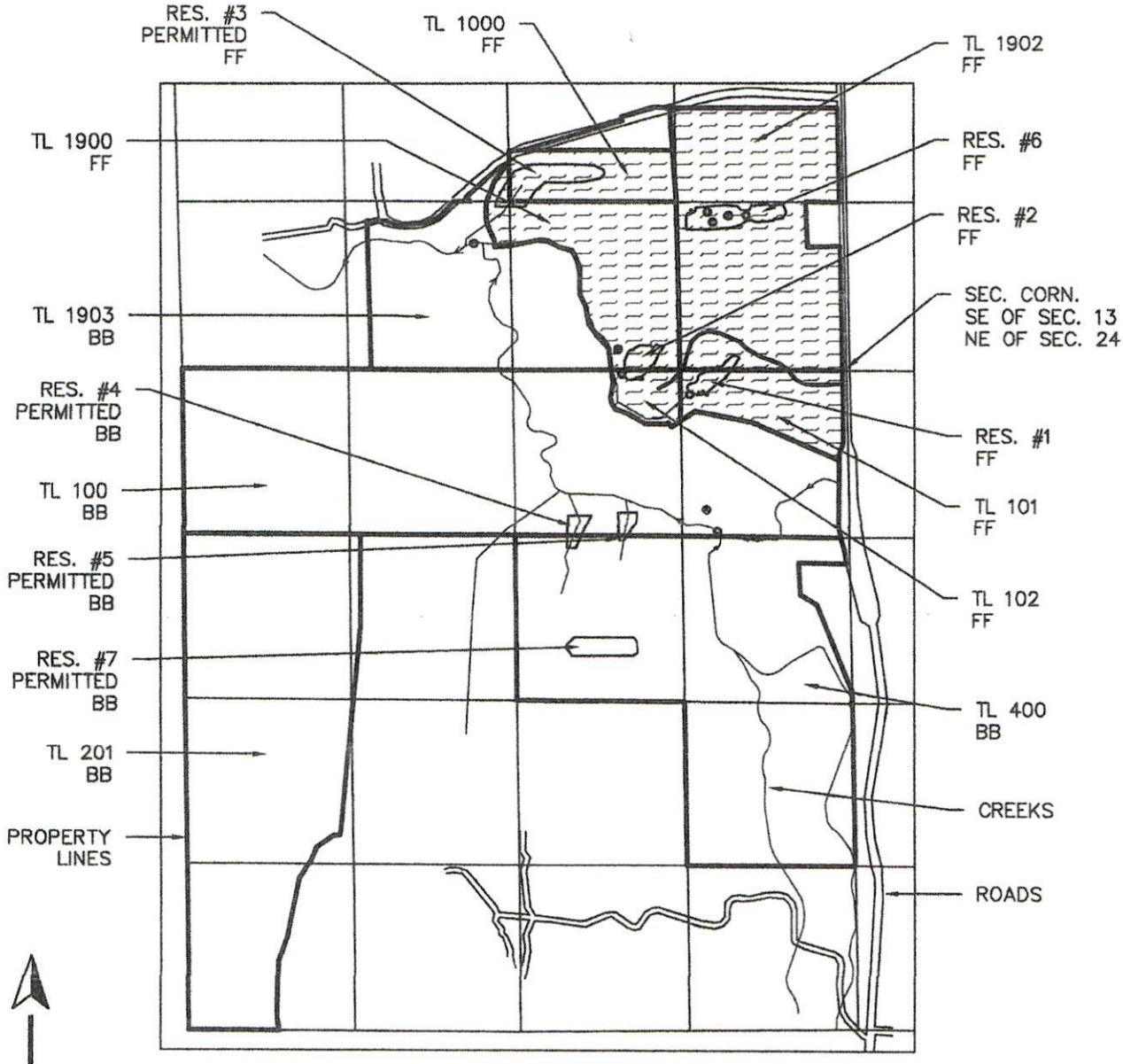
Project: 2025-066
Drawing Name:
FUGATE COBU MAP R-12894
Drawn By: WLF
Checked by: WLF
REVISED 08-22-25

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

FLATZ ENGINEERING
1228 GOLDENEYE COURT
LAS CRUCES, NM 88007
503-939-8381

ASSIGNMENT MAP

FUGATE FARMS; APPLICATION R-73855, PERMIT R-12894



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

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

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1320 0 660 1320

1 inch = 1320 ft.

CERTIFIED WATER RIGHT EXAMINER
#53,005
William L. Flatz
May, 21 2001
STATE OF OREGON
EXPIRES 12/31/2025

PREPARED FOR:
FUGATE FARMS, LLC

Project: FUGATE FARMS
Name: ASSIGNMENT MAP
Drawn By: WLF
Checked by: WLF
REVISED 06-26-25

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OCT 20 2025
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Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time	) FINAL
for Permit S-53694, Water Right Application S-73857	) ORDER
in the name of Jack, Sheri or Barbara Fugate	) DENIAL

Permit Information

Application:	S-73857
Permit:	S-53694
Basin:	South Coast / Watermaster District 15
Date of Priority:	January 21, 1994
Source of Water:	three unnamed streams and Reservoir R-1, to be constructed under Application R-73854, Permit R-12893, Reservoirs R-2, R-4, R-5, R-6, and R-7, to be constructed under Application R-73855, Permit R-12894, and Reservoir ~~R-1~~(R-3), to be constructed under Application R-73856, Permit R-12895, tributaries of Twomile Creek; and Twomile Creek, a tributary of the Pacific Ocean
Purpose of Use:	cranberry operations
Maximum Rate and Volume:	2.0 cubic feet per second (cfs), being 1.7 cfs from Twomile Creek, 0.1 cfs from each of three unnamed streams (#2, 4 and 5); and 110.0 acre feet (AF) of water stored in 7 reservoirs, being 30.0 AF in Reservoir #1; 5.0 AF in Reservoir #2; 48.0 AF in Reservoir #3; 5.0 AF in Reservoir #4; 4.0 AF in Reservoir #5; 9.0 AF in Reservoir #6; 9.0 AF in Reservoir #7

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

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Application History

On August 15, 2000, Permit S-53694 was issued by the Department. The permit called for complete application of water to beneficial use by October 1, 2004. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1,2015. On January 28, 2022, a Final Order on Extension of Time was issued, resulting in the date for full application of water being extended to October 1, 2024. The Final Order placed two conditions on the Permit; 1) requiring the submittal of a Permit Amendment Application requesting authorization of the point of diversion developed on Two Mile Creek by no later than June 1, 2022, or the extension of time to October 1, 2024, would be terminated, and 2) limiting the development to no more than 37.52 acres of cranberry use, with limitations on the maximum rate that could be diverted from Two Mile Creek, and limitations on the volumes of water than could be used from the reservoirs authorized as sources under the permit. The required permit amendment was not filed, and the date for complete application of water reverted back to October 1, 2015. On November 14, 2025, Jack Fugate submitted an Application for Extension of Time for Permit S-53694. In accordance with OAR 690-315-0050(2), on March 10, 2026, the Department issued a Proposed Final Order proposing to deny the time to apply water to full beneficial use from October 1, 2015, to October 1, 2031. The protest period closed, April 17, 2026, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated March 10, 2026.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may not be extended.

CONCLUSION OF LAW

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

continued on following page

ORDER

The extension of time for Application S-73857, Permit S-53694, therefore, is Denied.

DATED: June 5, 2026

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-979-3213.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Mailing List for Extension FO Copies

FO Date: June 5, 2026 Copies Mailed ___

Application: S-73857 By: _____
Permit: S-53694 On: _____

Original mailed to Applicant:

Jack, Sheri or Barbara Fugate
P.O. Box 426
Bandon, OR 97411

Copies sent to**:**

1. WRD - App. File S-73857/ Permit S-53694
2. Agents or CWRE's representing the Permit Holder

   Fee paid as specified under ORS 536.050 to receive copy:

3. None

   Receiving notification via e-mail FO available in WRIS for review
   (DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 15, Susan Douthit
5. WRD – SWR Regional Manager, Jake Johnstone if DENIAL

CASEWORKER: JDP