

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

VIVIAN BROWN
ROUTE 1, BOX 1026
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: G-12600

SOURCE OF WATER: SEVEN SUMPS IN TWOMILE CREEK BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 56.2 ACRES

MAXIMUM FLOW ALLOWED: 8.43 CUBIC FEET PER SECOND (CFS), BEING 2.55 CFS FROM SUMP 1, 0.76 CFS FROM SUMP 2, 0.08 CFS FROM SUMP 3, 0.59 CFS FROM SUMP 4, 1.07 CFS FROM SUMP 5, 1.31 CFS FROM SUMP 6 AND 2.07 CFS FROM SUMP 7

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: JULY 3, 1991

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, NE 1/4 SW 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 24, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.; NE 1/4 NW 1/4, NW 1/4 NW 1/4, SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.; SUMP 1 - 2240 FEET NORTH & 330 FEET WEST, SUMP 2 - 1370 FEET NORTH & 440 FEET WEST, SUMP 3 - 1050 FEET NORTH & 350 FEET WEST, SUMP 4 - 680 FEET NORTH & 400 FEET WEST, SUMP 5 - 250 FEET NORTH & 500 FEET WEST, SUMP 6 - 370 FEET NORTH & 1700 FEET WEST, SUMP 7 - 270 FEET SOUTH & 250 FEET WEST, ALL FROM THE S 1/4 CORNER OF SECTION 24

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4 8.0 ACRES
 NE 1/4 SW 1/4 10.6 ACRES
 SW 1/4 SW 1/4 4.9 ACRES
 SE 1/4 SW 1/4 15.6 ACRES

SECTION 24

NE 1/4 NW 1/4 15.7 ACRES
 NW 1/4 NW 1/4 1.4 ACRES

SECTION 25

TOWNSHIP 29 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.

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

STANDARD CONDITIONS

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

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

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

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

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

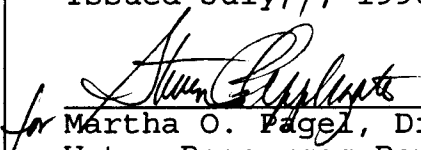
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 17, 1996


Martha O. Pagel, Director
Water Resources Department