

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

A & B CRANBERRIES, INC.  
ROUTE 2, BOX 2165  
BANDON, OREGON 97411

541-347-4423

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

APPLICATION FILE NUMBER: G-13660

SOURCE OF WATER: A WELL IN CUT CREEK BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 5.1 ACRES

MAXIMUM RATE: 0.77 CUBIC FOOT PER SECOND (CFS) TOTAL, BEING 0.13 CFS FOR IRRIGATION, 0.26 CFS FOR FLOOD HARVESTING, AND NOT MORE THAN 0.77 CFS FOR TEMPERATURE CONTROL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 8, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 33, T27S, R14W, W.M.; 300 FEET NORTH AND 1100 FEET WEST FROM THE SE CORNER OF SECTION 33

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 SE 1/4 5.1 ACRES  
SECTION 33  
TOWNSHIP 27 SOUTH, RANGE 14 WEST, W.M.

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**Measurement, recording and reporting conditions:**

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall report a March static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements and calculations shall be provided to the Department on forms provided by the Department and shall be certified as to their accuracy by the individual making the measurements.

Use of water from the well(s) shall not be allowed if the well(s) displays an (A) average water level decline of 2 or more feet per year for 5 consecutive years, or (B) a water level decline of 10 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 10 or more feet, or (D) a hydraulic interference decline of 10 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

**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.

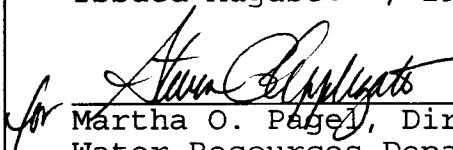
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 August 21, 1996

  
Martha O. Page, Director  
Water Resources Department

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Basin 17 Volume 2, Coquille River & Misc.  
MGMT.CODES 7DG, 7DR

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District 19