

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: 1.28 CFS, BEING 0.3 CFS FROM SUMP 1, 0.1 CFS FROM SUMP 2, 0.15 CFS FROM SUMP 3, 0.1 CFS FROM SUMP 4, 0.1 CFS FROM SUMP 5, 0.28 CFS FROM SUMP 6, AND 0.25 CFS FROM SUMP 7

PERIOD OF USE: YEAR ROUND

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.

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Water Resources Department

PERMIT G-13133

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.
- 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

If the number, location, or construction of any sump deviates from that proposed in the permit, the conclusions of the Final Order under which this permit is granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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.

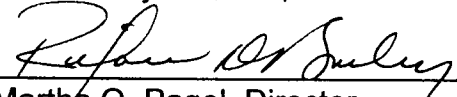
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

This permit is issued to correctly describe the season of allowed use. Permit G-12605, dated July 17, 1996 is superseded by this instrument and is of no further force or effect.

Actual construction of the sump shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued May 24, 1997


Martha O. Pagel, Director
Water Resources Department

Basin 17

Volume 3 Twomile Creek (29S) & Misc.
MGMT.CODE 7BG,7BR

District 19

Application G-12600

Water Resources Department

PERMIT G-13133