

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS L HULTIN
RT 2 BOX 2115
BANDON, OREGON 97411

(503) 347-3010

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

APPLICATION FILE NUMBER: G-12930

SOURCE OF WATER: A WELL WITHIN FAHYS CREEK BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 9.7 ACRES

RATE OF USE: 0.27 CUBIC FOOT PER SECOND (CFS)

PERIOD OF ALLOWED USE: YEAR ROUND FOR 5.3 ACRES AND NOVEMBER 1 THROUGH SEPTEMBER 30 FOR 4.4 ACRES

DATE OF PRIORITY: MAY 21, 1992

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 4, T28S, R14W, W.M.; 210 FEET NORTH AND 1740 FEET WEST FROM E 1/4 CORNER, SECTION 4, T28S, R14W, W.M.

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:

YEAR ROUND USE

NOVEMBER 1 THROUGH SEPT 30

SW 1/4 NE 1/4 5.2 ACRES
SE 1/4 NE 1/4 0.1 ACRES

SW 1/4 NE 1/4 4.4 ACRES

SECTION 4

TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

- A. 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.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter 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.

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.

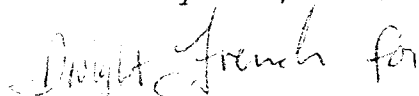
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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. Complete application of the water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

This permit is issued to resolve issues related to the applicant's protest to the final order issued May 28, 1996. Permit G-12483 is canceled and is of no further force or effect.

Issued July 17, 1998



Martha O. Pagel, Director
Water Resources Department