

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CHARLES O'DONNELL
93141 FLORAS LAKE RD
LANGLOIS, OR 97450

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13220

SOURCE OF WATER: A WELL IN TWOMILE CREEK BASIN

PURPOSE OR USE: STORAGE OF WATER FOR IRRIGATION ON 2.7 ACRES AND
SUPPLEMENTAL IRRIGATION ON 3.8 ACRES FOR CRANBERRY OPERATIONS

MAXIMUM RATE: 0.18 CUBIC FOOT PER SECOND (80 GALLONS PER MINUTE) NOT
TO EXCEED THE STORAGE OF 7.0 ACRE FEET PER YEAR

PERIOD OF USE: PUMP INTO STORAGE: NOVEMBER 1 THROUGH APRIL 30; PUMP
FROM STORAGE FOR IRRIGATION: MAY 1 THROUGH OCTOBER 31; YEAR ROUND FOR
CRANBERRY OPERATIONS

DATE OF PRIORITY: DECEMBER 17, 1992

WELL LOCATION: SW ¼ NE ¼ SECTION 25, T29S, R15W, W.M.; 475 FEET NORTH
& 1350 FEET WEST FROM E ¼ CORNER, SECTION 25

RESERVOIR (OFF-CHANNEL) LOCATION: SE ¼ NE ¼ SECTION 25, T29S, R15W,
W.M.; 250 FEET NORTH & 1100 FEET WEST FROM E ¼ CORNER, SECTION 25

The amount of water diverted for cranberry operations, together with
amounts secured under any other rights existing for the same lands shall
not exceed a maximum of 3.0 acre feet per acre, and is further 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 irrigation of any other crop, the
amount of water diverted is limited to one eightieth of one cubic foot
per second and 2.5 acre feet per acre during the irrigation season of
each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW ¼ NE ¼	0.6 ACRE	
SE ¼ NE ¼	2.1 ACRES	3.8 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 water user shall install a totalizing flow meter at the diversion point as approved by the Director. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The water user shall maintain the meter in good working order.
- B. The water user 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 water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user 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 water user to submit alternative reporting procedures for review and approval.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of **March**. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the water user to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun
Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative

measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

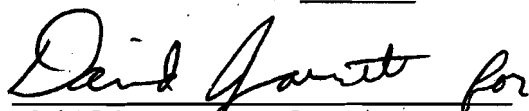
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 20, 2005


Phillip C. Ward, Director
Water Resources Department