

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RODRICK FRASER
1320 N. MANZANITA ST.
ORANGE, CA 92867

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

APPLICATION FILE NUMBER: G-12701

SOURCE OF WATER: A SUMP WELL IN CROFT LAKE BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 2.4 ACRES AND SUPPLEMENTAL
CRANBERRY OPERATIONS ON 2.0 ACRES

MAXIMUM RATE: 0.35 CUBIC FOOT PER SECOND

PERIOD OF USE: JANUARY 1 THROUGH MAY 31 AND NOVEMBER 1 THROUGH DECEMBER
31

DATE OF PRIORITY: OCTOBER 31, 1991

SUMP WELL LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T30S, R15W, W.M.; 1120 FEET
SOUTH & 1600 FEET EAST FROM N1/4 CORNER, SECTION 13

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> |
|-----------------------------------|--|---------------------|
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 2.4 ACRES | 1.5 ACRES |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | --- | 0.5 ACRE |
| | SECTION 13 | |
| | TOWNSHIP 30 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 totalizing flow meter at each point of appropriation. The permittee shall maintain the meter(s) in good working order.
- B. The permittee shall allow the watermaster access to the meter(s); provided however, where any 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.

The wells shall produce ground water only from the alluvial ground water reservoir between 0 feet and 60 feet below land surface.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

If the riparian area is disturbed in the process of developing a point of diversion/appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

The well(s) 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.

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.

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.

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 substantially with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2013. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee 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 permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued NOVEMBER 17, 2008

E. Timothy Ward

for Phillip C. Ward, Director
Water Resources Department