

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUSSELL & PATTI FRASER
45965 HWY 101
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: G-12655

SOURCE OF WATER: TWO WELLS AND ONE SUMP IN CROFT LAKE BASIN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 10.0 ACRES AND SUPPLEMENTAL
CRANBERRY OPERATIONS ON 26.0 ACRES

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND (CFS), BEING 0.33 CFS FROM WELL
1, 0.33 CFS FROM WELL 2, AND 0.11 CFS FROM THE SUMP

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

DATE OF PRIORITY: SEPTEMBER 16, 1991

WELL LOCATIONS:

Well 1: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T30S, R15W, W.M.; 440 FEET SOUTH & 60
FEET EAST FROM N1/4 CORNER, SECTION 13

Well 2: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T30S, R15W, W.M.; 1320 FEET SOUTH & 120
FEET EAST FROM N1/4 CORNER, SECTION 13

Sump: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 12, T30S, R15W, W.M.; 800 FEET NORTH & 1170
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>
SW ¼ SE ¼	10.0 ACRES SECTION 12	---
NW ¼ NE ¼	---	2.0 ACRES
NE ¼ NW ¼	---	24.0 ACRES
	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. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- 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.

The wells and sump 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 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.

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.

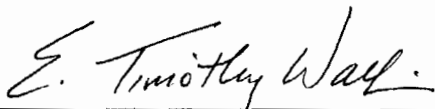
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may

submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued JANUARY 29, 2009



for Phillip C. Ward, Director
Water Resources Department