

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LOSHBAUGH INCORPORATED  
P.O. BOX 857  
BANDON, OREGON 97411

(541) 347-3726

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

APPLICATION FILE NUMBER: R-73022

SOURCE OF WATER: AN UNNAMED STREAM, TRIBUTARY OF FOURMILE CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-73023, PERMIT 53001 FOR SUPPLEMENTAL CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 5.0 ACRE-FEET PER YEAR

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD DECEMBER 1 THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 1, 1992

The area submerged by the reservoir, when full, will be 1.0 acre and the maximum depth of water will be 10.0 feet. The reservoir will be entirely below natural ground level with a low berm around it.

DAM LOCATION: SE 1/4 SW 1/4, SECTION 1, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 1110 FEET NORTH & 1130 FEET WEST FROM S 1/4 CORNER, SEC. 1

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4  
SECTION 1  
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more

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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.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

#### 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.

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.

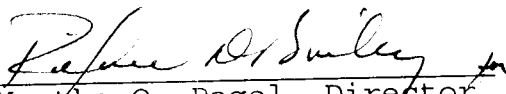
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

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 work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997

  
Martha O. Pagel, Director  
Water Resources Department

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Basin 17 Volume 3 Fourmile Creek & Misc.

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District 19