

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KIRK ARNOT DAY  
ROUTE 1, BOX 1389  
BANDON, OREGON 97411

(541) 347-4277

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

APPLICATION FILE NUMBER: R-72442

SOURCE OF WATER: LAUREL CREEK

TRIBUTARY OF: FOURMILE CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-72443, PERMIT 53378, FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 16.0 ACRE-FEET per year

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

DATE OF PRIORITY: JUNE 8, 1992 FOR 0.58 ACRE-FOOT AND MARCH 21, 1996, FOR 15.42 ACRE-FEET

The area submerged by the reservoir, when full, will be 0.08 acre and the maximum depth of water will be 18.0 feet. There will be no dam.

DAM LOCATION: SW 1/4 SE 1/4, SECTION 35, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.; 136 FEET SOUTH & 193 FEET WEST FROM SOUTHEAST 1/16 CORNER, SECTION 35

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

SW 1/4 SE 1/4  
SECTION 35  
TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument and be United States

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Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. The permittee shall take a reading from the gage once a month and keep a record of these measurements and shall be responsible for maintaining the gage. 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 measure water use more frequently or report annually or more frequently as may be required by the Director. Further, the Director may be 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, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The permittee shall install, maintain and operate fish screening to divert fish from entering the proposed diversion.

The permittee shall also meter water being pumped from the point of diversion to the pond.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement, November 26, 1996, on file with the Department.

#### 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.

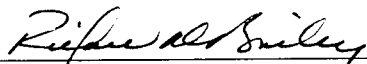
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The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. The reservoir(s) shall be filled and complete application of water 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).

Issued April 15, 1998



Water Resources Department  
Martha O. Pagel, Director

Application R-72442 Water Resources Department  
Basin 17 Volume 3 Fourmile Creek & Misc.  
LS MGMT.CODE

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District 19