

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GEORGE P & JAMES A BUSSMAN
2090 NORTH BANK ROAD
BANDON, OREGON 97411

(541) 347-4105

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-79634

SOURCE OF WATER: SUMMERS CREEK, A TRIBUTARY OF SIXES RIVER

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-71131, PERMIT 53422, FOR CRANBERRY USE

THE AMOUNT OF STORAGE: 18.0 ACRE-FEET (AF) PER YEAR, BEING 9.0 AF IN EACH RESERVOIR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: MARCH 6, 1995

The area submerged by the reservoir, when full, will be 0.8 acre in Reservoir 1 and 1.0 acre in Reservoir 2. The maximum depth of water will be 14.0 feet in Reservoir 1 and 10.0 feet in Reservoir 2. The maximum height of the dam shall not exceed 12.0 feet for Reservoir 1 and 10.0 feet for Reservoir 2.

DAM LOCATION: NW 1/4 NW 1/4, SECTION 4, TOWNSHIP 32 SOUTH, RANGE 15 WEST; RESERVOIR 1 - 350 FEET SOUTH AND 640 FEET EAST; RESERVOIR 2 - 940 FEET SOUTH AND 1220 FEET EAST, BOTH FROM THE NW CORNER SECTION 4

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

NW 1/4 NW 1/4
SECTION 4
TOWNSHIP 32 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 meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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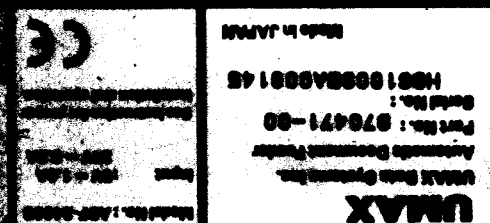
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ASSIGNED See Misc. Rec., Vol.

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- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device 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.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

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.

The water user shall install and maintain, both upstream and downstream of the reservoir, a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

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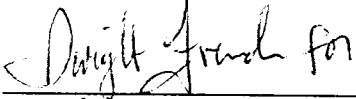
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 of 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 July 17, 1998



Martha O. Pagel, Director
Water Resources Department

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RWK

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