

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CARY BOGS

ROUTE 1 BOX 1507

PHONE: (541) 347-2381

BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-83543

SOURCE OF WATER: RUNOFF, TRIBUTARY TO CONNER CREEK, WITHIN THE SOUTH COAST BASIN

STORAGE FACILITY: THREE UNNAMED RESERVOIRS (RESERVOIR 1, RESERVOIR 2, AND RESERVOIR 3)

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER PERMIT 53501 FOR CRANBERRY OPERATIONS

MAXIMUM VOLUME: 56.6 ACRE-FEET (AF) PER YEAR EACH YEAR, BEING 9.0 AF IN RESERVOIR 1, 20.0 AF IN RESERVOIR 2, AND 27.6 AF IN RESERVOIR 3

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

DATE OF PRIORITY: AUGUST 29, 1997

The area submerged by the reservoir, when full, will be 1.0 acre for Reservoir 1, 1.2 acres for Reservoir 2, and 2.0 acres for Reservoir 3 and the maximum depth of water will be 16.0 feet for Reservoir 1, 25.0 feet for Reservoir 2, and 23 feet for Reservoir 3. The maximum height of the dams shall not exceed 9.5 feet for Reservoir 1, 5.0 feet for Reservoir 2, and 8.5 feet for Reservoir 3.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 7, T30S, R14W, W.M.; RESERVOIR 1 - 455 FEET NORTH & 60 FEET EAST, RESERVOIR 2 - 115 FEET NORTH & 400 FEET EAST, AND RESERVOIR 3 - 60 FEET NORTH & 750 FEET EAST ALL FROM W1/4 CORNER, SECTION 7

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

SW 1/4 NW 1/4
SECTION 7
TOWNSHIP 30 SOUTH, RANGE 14 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 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 or I. 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 require the permittee to report general water use information, including the place and nature of use of water under the permit.

Use under this permit is limited to the reservoir areas. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

Before water use may begin under this permit, a weir must be installed upstream and downstream of the reservoir(s). 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.

The storage of water allowed herein in Reservoir 2 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 storage of water in Reservoir 1 and 3 allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

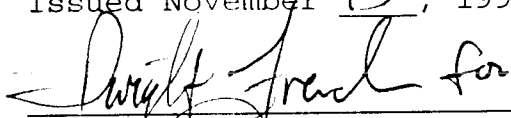
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by June 8, 1999. The reservoir shall be filled and complete application of the stored water to the use 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 November 13, 1998


Water Resources Department
Martha Pagel, Director