

STATE OF OREGON

COUNTY OF COOS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JACK, SHERI OR BARBARA FUGATE
RT 1 BOX 965
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-73855

SOURCE OF WATER: THREE UNNAMED STREAMS (#2, 4, 5) AND FIELD RUNOFF, TRIBUTARIES OF TWO MILE CREEK, AND TWO MILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN

STORAGE FACILITIES: RESERVOIRS #2, #4, #5, #6, & #7

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-73857, PERMIT 53694 FOR CRANBERRY OPERATIONS

VOLUME: 32.0 ACRE-FEET (AF) TOTAL EACH YEAR, BEING 5.0 AF IN RESERVOIR #2, 5.0 AF IN RESERVOIR #4, 4.0 AF IN RESERVOIR #5, 9.0 AF IN RESERVOIR #6, AND 9.0 AF IN RESERVOIR #7

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

DATE OF PRIORITY: JANUARY 20, 1994

THE AREAS TO BE SUBMERGED BY THE RESERVOIRS ARE LOCATED WITHIN:

NE 1/4 SE 1/4
SW 1/4 SE 1/4
SECTION 13

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NW 1/4 NE 1/4
SW 1/4 NE 1/4
SECTION 24
TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

DAMS ARE TO BE LOCATED AS FOLLOWS: NE 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 13; NW 1/4 NE 1/4, SW 1/4 NE 1/4, SECTION 24, T29S, R15W, W.M.; RESERVOIR #2 - 137 FEET NORTH & 3680 FEET EAST, RESERVOIR #4 - 1170 FEET SOUTH & 3150 FEET EAST, RESERVOIR #5 - 1150 FEET SOUTH & 3520 FEET EAST, RESERVOIR #6 - 1810 FEET NORTH & 4600 FEET EAST, RESERVOIR #7 - 2220 FEET SOUTH & 3370 FEET EAST, ALL FROM THE SW CORNER OF SECTION 13

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.
- 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.

Before water use may begin under this permit, a totalizing flow meter 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 install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

The storage of water in Reservoirs #6 and #7 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.

STANDARD CONDITIONS

The storage of water in Reservoirs #2, #4, and #5 allowed herein is subject to the installation and maintenance of a 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.

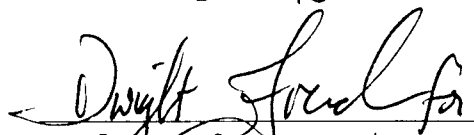
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. The reservoir shall be filled and complete application of the water to the use shall be made on or before October 1, 2004.

Dated August 15, 2000



Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

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Basin 17

Water Resources Department
Volume 3 Twomile Creek & Misc

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District 19