

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT NELSON  
ROUTE 1, BOX 966  
BANDON, OREGON 97411

503-347-2657

to use the waters of AN UNNAMED STREAM AND NELSON 1 AND 2 RESERVOIRS, to be constructed under Application R-70423, Permit R-11364, tributaries of TWOMILE CREEK, for CRANBERRY OPERATIONS ON 10.5 ACRES.

This permit is issued approving Application 70424. The date of priority is JUNE 18, 1990. The use is limited to stored water only during the period from June 1 through October 31 of each year and not more than 1.58 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 SE 1/4, SECTION 18; NW 1/4 NE 1/4, SECTION 19, T 29 S, R 14 W, W.M.; NELSON 2 - 420 FEET NORTH AND 700 FEET EAST; NELSON 1 - 350 FEET SOUTH AND 300 FEET EAST, BOTH FROM N 1/4 CORNER, SECTION 19.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

When required by the Department, the water user shall install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

SW 1/4 SE 1/4 7.0 ACRES  
SECTION 18

NW 1/4 NE 1/4 3.5 ACRES  
SECTION 19

TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.

Actual construction work shall begin on or before April 1, 1992, and shall be completed on or before October 1, 1993. Complete application of the water to the use shall be made on or before October 1, 1994.

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 rights for maintaining instream flows.

Issued this date, APRIL 1, 1991.

/s/ WILLIAM H. YOUNG

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Water Resources Department  
William H. Young  
Director

B Ext. to 10-1-94  
B+C Ext. to 10-1-95,  
B+C ext to 10-1-96,  
EXT. BC97

Application 70424  
Basin 17  
70424.SB

Water Resources Department  
Volume 3 Twomile Creek S29 & Misc.  
MGMT.CODE 5AW, 1AW

PERMIT 51208  
District 15