

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GARY GANT
P.O. BOX 113
BANDON, OREGON 97411

503-347-9860

to use the waters of AN UNNAMED STREAM, JOHNSON CREEK AND TWO UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-69927, PERMIT R-11466, tributaries of PACIFIC OCEAN, for CRANBERRY OPERATIONS ON 8.0 ACRES.

This permit is issued approving Application 69928. The date of priority is JUNE 1, 1989. The use is limited to not more than 13.0 ACRE-FEET OF STORED WATER AND 1.2 CUBIC FEET PER SECOND FROM UNNAMED STREAM WITH ANY DEFICIENCY TO BE MADE UP FROM JOHNSON CREEK, or its equivalent in case of rotation, measured at the point of diversion from the source. **Water may be appropriated from live flow only during the period November 1 through June 30 of each year.**

The points of diversion are located as follows:

SW 1/4 NW 1/4, SECTION 9, T 29 S, R 14 W, W.M.; JOHNSON CREEK - 1370 FEET SOUTH AND 840 FEET EAST, UNNAMED STREAM - 1450 FEET SOUTH AND 100 FEET EAST, BOTH FROM NW CORNER, SECTION 9.

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

The water user is required to 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 NW 1/4 8.0 ACRES
SECTION 9
TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.

Actual construction work shall begin on or before August 17, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

ext. 395/C96
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.

Issued this date, AUGUST 17, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director