

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID O. JAY
ROUTE 1 BOX 1030
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-73263

SOURCE OF WATER: AN UNNAMED STREAM AND JAY NO. 1 AND JAY NO. 2 RESERVOIRS, CONSTRUCTED UNDER APPLICATION R-73262, PERMIT R-11615

PURPOSE OR USE: CRANBERRY OPERATIONS OF 6.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.9 CUBIC FOOT PER SECOND (CFS) OF LIVE FLOW; 6.4 ACRE-FEET (AF) OF STORED WATER, BEING 3.8 AF FROM JAY NO. 1 AND 2.6 AF FROM JAY NO. 2 RESERVOIRS

PERIOD OF USE: DECEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW; YEAR ROUND FOR USE OF STORED WATER

DATE OF PRIORITY: FEBRUARY 24, 1993

POINT OF DIVERSION (POD) LOCATION: NE 1/4 NE 1/4, SE 1/4 NE 1/4, SECTION 25, T29S, R15W, W.M.; POD 1 - 830 FEET NORTH AND 600 FEET WEST, POD 2 - 1440 FEET NORTH AND 390 FEET WEST, BOTH FROM THE E 1/4 CORNER OF SECTION 25

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.

SEE NEXT PAGE

Application S-73263 Water Resources Department

PERMIT 51855

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 1.4 ACRES
SE 1/4 NE 1/4 4.6 ACRES
SECTION 25
TOWNSHIP 29 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.
- 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 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.

STANDARD CONDITIONS

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

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.

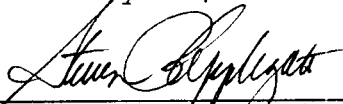
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued May 20, 1996



for Martha O. Pagel, Director
Water Resources Department