

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

T. KENNETH OR BETTY LEE SMITH  
HC 52, BOX 318  
COOS BAY, OREGON 97420

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

APPLICATION FILE NUMBER: S-72862

SOURCE OF WATER: SOUTH FORK COOS RIVER, A TRIBUTARY OF COOS RIVER

PURPOSE OR USE: IRRIGATION OF 68.0 ACRES

MAXIMUM FLOW ALLOWED: 0.425 CUBIC FOOT PER SECOND

PERIOD OF USE: JUNE 1 THROUGH OCTOBER 31 OF EACH YEAR

DATE OF PRIORITY: OCTOBER 6, 1992

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 31, T25S, R11W, W.M.; 1030 FEET NORTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 31

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 0.2 ACRE  
SW 1/4 SW 1/4 21.0 ACRES  
SE 1/4 SW 1/4 24.0 ACRES

SECTION 31

TOWNSHIP 25 SOUTH, RANGE 11 WEST, W.M.

NE 1/4 NW 1/4 8.0 ACRES  
NW 1/4 NW 1/4 14.8 ACRES

SECTION 6

TOWNSHIP 26 SOUTH, RANGE 11 WEST, W.M.

SEE NEXT PAGE

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.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

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 water user shall install and maintain an in-line flow meter graduated in acre-feet for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the watermaster prior to beginning construction and shall be installed under the general supervision of the watermaster.

**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.

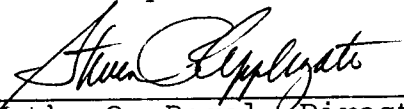
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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