

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

E DEAN SMITH  
RT 1 BOX 745  
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-70737

SOURCE OF WATER: AN UNNAMED STREAM AND SMITH RESERVOIR, CONSTRUCTED UNDER APPLICATION R-70738, PERMIT R-11786, TRIBUTARIES OF JOHNSON CREEK

PURPOSE OR USE: NURSERY OPERATIONS ON 3.8 ACRES

RATE OF USE: 0.2 CUBIC FOOT PER SECOND OF LIVE FLOW AND 0.8 ACRE-FOOT OF STORED WATER

PERIOD OF ALLOWED USE: LIVE FLOW BETWEEN DECEMBER 1 THROUGH MARCH 31; WATER LEGALLY STORED CAN BE USED AT ANY TIME.

DATE OF PRIORITY: OCTOBER 10, 1990

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 1, T29S, R15W, W.M.; 20 FEET SOUTH AND 450 FEET EAST FROM THE E 1/4 CORNER OF SECTION 1

The amount of water used for Nursery Operations is limited to a diversion of 0.15 Cubic foot per second per acre. For the Irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 Acre feet per acre per year. For the Irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 Acre feet per acre per year. The use of water for Agricultural use may be made at anytime of the year that the use is beneficial. For the Irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 Acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 3.8 ACRES  
SECTION 1  
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

B - ext. to 10/1/04

C - ext. to 10/1/04