

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HOYT LITTERELL  
43691 HWY 101  
PORT ORFORD, OREGON 97465

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

APPLICATION FILE NUMBER: S-72912

SOURCE OF WATER: THREE UNNAMED STREAMS, TRIBUTARIES OF ELK RIVER; AND TWO UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-72911, PERMIT R-11807

PURPOSE OR USE: CRANBERRY OPERATIONS ON 25.0 ACRES, LIVESTOCK USE, AND DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

VOLUME OF USE: 3.77 CUBIC FEET PER SECOND (CFS) BEING; CRANBERRY OPERATIONS - 3.75 CFS; LIVESTOCK USE - 0.01 CFS; DOMESTIC USE EXPANDED - 0.01 CFS, FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION DURING THE PERIOD LISTED BELOW. AND 18.0 ACRE-FEET (AF) STORED WATER ONLY, BEING 9.0 AF FROM RESERVOIR 1 AND 9.0 AF FROM RESERVOIR 2

PERIOD OF USE: LIVE FLOW USED FOR CRANBERRY OPERATIONS AND DOMESTIC USE EXPANDED - DECEMBER 1 THROUGH MARCH 30 AND JULY 1 THROUGH JULY 31; LIVE FLOW FOR HUMAN CONSUMPTION ONLY - APRIL 1 THROUGH JUNE 30 AND AUGUST 1 THROUGH NOVEMBER 30; STOCK WATERING AND RELEASE OF WATER LEGALLY STORED UNDER APPLICATION R-72911, PERMIT R-11807 FOR CRANBERRY OPERATIONS - YEAR ROUND

DATE OF PRIORITY: OCTOBER 27, 1992

POINT OF DIVERSION (POD) LOCATION: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 16; NE 1/4 NE 1/4, NE 1/4 NW 1/4, NE 1/4 SE 1/4, SECTION 21; SW 1/4 NW 1/4, SECTION 22; T32S, R15W, W.M.; POD #1 - 1670 FEET NORTH & 2090 FEET WEST, POD #2 - 110 FEET SOUTH & 3310 FEET WEST, POD #3 - 1930 FEET SOUTH & 310 FEET EAST, RESERVOIR #1 POD - 1040 FEET NORTH & 3095 FEET WEST, RESERVOIR #2 POD - 3820 FEET SOUTH & 1230 FEET WEST, STOCK POD - 650 FEET SOUTH & 1040 FEET WEST, DOMESTIC POD - 220 FEET NORTH & 2750 FEET WEST, ALL FROM THE NE CORNER OF SECTION 21, T32S, R15W, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4	1.2 ACRES	
SE 1/4 SW 1/4	2.7 ACRES	& DOMESTIC
NW 1/4 SE 1/4	7.1 ACRES	
SW 1/4 SE 1/4	4.0 ACRES	
SECTION 16		

Application S-72912 Water Resources Department

PERMIT 52289

NW 1/4 NE 1/4 LIVESTOCK  
NE 1/4 SE 1/4 8.2 ACRES  
SE 1/4 SE 1/4 1.8 ACRES  
SECTION 21

TOWNSHIP 32 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

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 and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

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.

**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.

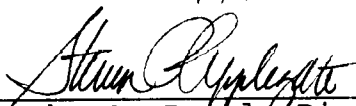
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 June 19, 1996

*for*   
Martha O. Pagel, Director  
Water Resources Department

RECORDED. See Elec. Rec. Vol. 8 174