

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES A BUSSMANN
PO BOX 211
SIXES, OREGON 97476

(541) 332-6611

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

APPLICATION FILE NUMBER: S-72496

SOURCE OF WATER: AN UNNAMED STREAM AND BUSSMANN #1 RESERVOIR, CONSTRUCTED UNDER R-72495, PERMIT R-11810, TRIBUTARIES OF SIXES RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 28.0 ACRES

RATE OF USE: 4.2 CUBIC FEET PER SECOND FROM AN UNNAMED STREAM; 2.07 ACRE-FEET OF STORED WATER

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FROM AN UNNAMED STREAM; YEAR ROUND FROM BUSSMANN #1 RESERVOIR, IF AVAILABLE

DATE OF PRIORITY: JUNE 29, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 4, T32S, R15W, W.M.; 700 FEET SOUTH AND 1220 FEET EAST FROM THE W 1/4 CORNER OF SECTION 4

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 PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 28.0 ACRES
SECTION 4
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

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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, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 28, 1996



Martha O. Pagel, Director
Water Resources Department

BCP