

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT L ATEN
RT 1 BOX 2012
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-71745

SOURCE OF WATER: BANDON RESERVOIR, CONSTRUCTED UNDER PERMIT R-6280, TO BE ENLARGED UNDER APPLICATION R-71744, PERMIT R-11819, AND AN UNNAMED STREAM, TRIBUTARIES OF CHINA CREEK

PURPOSE OR USE: CRANBERRY USE ON 10.0 ACRES

RATE OF USE: 1.50 CUBIC FOOT PER SECOND (CFS), BEING FURTHER LIMITED DURING THE PERIODS LISTED BELOW; AND 8.1 ACRE-FEET STORED WATER ONLY

PERIOD OF ALLOWED USE: NOVEMBER 1 THROUGH JANUARY 31 FOR 1.50 CFS, FURTHER LIMITED FROM FEBRUARY 1 THROUGH APRIL 30 TO 0.50 CFS, MAY 1 THROUGH JUNE 30 TO 0.25 CFS, AND JULY 1 THROUGH OCTOBER 31 TO 0.01 CFS FROM LIVE FLOW; YEAR ROUND FOR WATER LEGALLY STORED

DATE OF PRIORITY: JULY 8, 1991 FOR WATER FROM LIVE FLOW; FEBRUARY 15, 1994 FOR STORED WATER

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 7, T29S, R14W, W.M.; 880 FEET NORTH & 500 FEET EAST FROM THE SW CORNER OF SECTION 7

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 SW 1/4	0.6 ACRE	5.0 ACRES
SW 1/4 SW 1/4	4.4 ACRES	

SECTION 7
TOWNSHIP 29 SOUTH, RANGE 14 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

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.

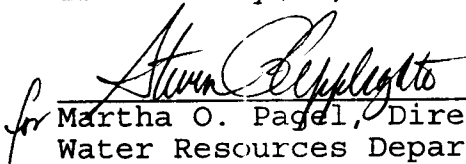
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 July 17, 1996


for Martha O. Pagel, Director
Water Resources Department