

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HERB AND MADELYN KLEWITZ
RT 1 BOX 798
BANDON OREGON 97411

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

APPLICATION FILE NUMBER: S-69813

SOURCE OF WATER: CROOKED CREEK AND KLEWITZ RESERVOIR, CONSTRUCTED UNDER APPLICATION R-71122, PERMIT R-11830, TRIBUTARIES OF THE PACIFIC OCEAN

PURPOSE OR USE: CRANBERRY OPERATIONS AND IRRIGATION OF 3.5 ACRES

MAXIMUM RATE ALLOWED: 0.088 CUBIC FOOT PER SECOND FROM CROOKED CREEK; 4.5 ACRE-FEET PER YEAR FROM STORED WATER

PERIOD OF USE: JUNE 1 TO OCTOBER 31 FROM CROOKED CREEK; YEAR ROUND FROM STORED WATER

DATE OF PRIORITY: FEBRUARY 10, 1992

POINT OF DIVERSION (POD) LOCATION: SW 1/4 NW 1/4, SECTION 7, T29S, R14W, W.M.; POD 1 - 2400 FEET SOUTH AND 120 FEET EAST; POD 2 - 2050 FEET SOUTH AND 200 FEET EAST, BOTH FROM THE NW 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:

SW 1/4 NW 1/4 3.5 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.

Diversion of water from Crooked Creek between the period from June 1 to October 31 of each year shall be limited to a total withdrawal for all purposes to 0.088 cubic foot per second.

The diversion design shall be mutually satisfactory to the applicant and the Oregon Department of Fish and Wildlife.

The permittee shall install, operate and maintain, at their expense, all fish screening and by-pass devices required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering any diversion of water from Crooked Creek under this permit. Such screening and bypass devices may be examined at all reasonable times by representatives of ODFW.

Permittee shall not construct, operate or maintain any dam or artificial obstruction in the channel of Crooked Creek.

Permittee shall allow ODFW to inspect and observe the fishery in Crooked Creek at or near the point of diversion at all reasonable times.

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.

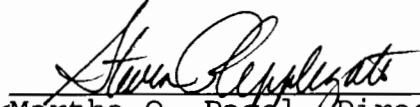
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use 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.

This permit is issued to correctly describe the maximum quantity of water allowed under the terms of the settlement agreement signed by all affected parties and the subsequent Order dated August 23, 1990. Permit 52521, dated July 17, 1996 is superseded by this instrument and is of no further force or effect.

Issued August 14, 1996


for Martha O. Pagel, Director
Water Resources Department