

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DUANE B LINDSAY  
95 HARLEM AVE  
BANDON, OREGON 97411

541-347-4259

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

APPLICATION FILE NUMBER: S-73171

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF TWOMILE CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-73170, PERMIT R-11880

PURPOSE OR USE: SUPPLEMENTAL CRANBERRY OPERATIONS ON 10.0 ACRES

RATE OF USE: 1.5 CUBIC FEET PER SECOND (CFS) LIVE FLOW, AND 9.1 ACRE- FEET PER YEAR FROM STORED WATER ONLY

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FROM NATURAL FLOW AND YEAR ROUND FROM STORED WATER

DATE OF PRIORITY: JANUARY 15, 1993

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 13, T29S, R15W, W.M.; 3770 FEET SOUTH AND 4150 FEET WEST FROM THE NE CORNER OF SECTION 13

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SW 1/4 10.0 ACRES  
SECTION 13  
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.

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

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 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.

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 August 14, 1996

BC 99

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