

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DENI AND DALE BORDERS  
1985 ROSA ROAD  
BANDON, OREGON 97411

(541) 347-1824

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

APPLICATION FILE NUMBER: S-70043

SOURCE OF WATER: CHINA CREEK AND MANES RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-70042, PERMIT R-12062, TRIBUTARIES OF THE PACIFIC OCEAN

PURPOSE OR USE: SUPPLEMENTAL CRANBERRY IRRIGATION, SUPPLEMENTAL FLOOD HARVESTING AND SUPPLEMENTAL TEMPERATURE CONTROL ON 10.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.56 CUBIC FEET PER SECOND (CFS) FROM CHINA CREEK AND 9.0 ACRE-Feet (AF) PER YEAR OF STORED WATER FROM MANES RESERVOIR, BEING 0.26 CFS AND 1.25 AF FOR SUPPLEMENTAL IRRIGATION, 0.52 CFS AND 2.0 AF FOR SUPPLEMENTAL FLOOD HARVESTING, AND 1.56 CFS AND 1.25 AF FOR SUPPLEMENTAL TEMPERATURE CONTROL

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 31 FROM CHINA CREEK; YEAR ROUND OF STORED WATER ONLY FROM MANES RESERVOIR

DATE OF PRIORITY: AUGUST 23, 1989

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 18, T29S, R14W, W.M.; 2802 FEET SOUTH AND 1051 FEET WEST FROM THE NE CORNER OF SECTION 18

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.

Application S-70043 Water Resources Department

PERMIT 52901

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4 10.4 ACRES  
SECTION 18  
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.

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.

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 shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The permittee may submit evidence that the Oregon Department of Fish and Wildlife has determined a fishway is not necessary. The required screens and fishways are to be in place, functional, and approved by the Oregon Department of Fish and Wildlife before diversion of any water.

## 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.

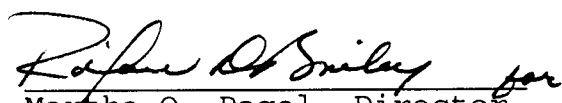
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

This permit is issued to modify the condition requiring fish screening and passage. Permit R-11894, dated July 24, 1996, is superseded by this permit and is of no further force or effect.

Issued October 25, 1996

  
Martha O. Pagel, Director  
Water Resources Department

Application S-70043    Water Resources Department  
Basin 17                Volume 3 China Creek & Misc.

PERMIT 52901  
District 19