

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEAVIEW BOGS, INC.
ROUTE 2, BOX 533
BANDON, OREGON 97411

(541) 347-9791

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-72688

SOURCE OF WATER: AN UNNAMED STREAM, A DRAINAGE DITCH AND THREE RESERVOIRS, CONSTRUCTED UNDER APPLICATION R-72687, PERMIT R-12105, TRIBUTARIES OF NEW RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 19.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.05 CUBIC FOOT PER SECOND (CFS) OF LIVE FLOW FROM A DRAINAGE DITCH AND 15.0 ACRE-FEET (AF) OF STORED WATER, BEING DIVERTED FROM AN UNNAMED STREAM AT A RATE NOT TO EXCEED 0.45 CFS, FURTHER LIMITED TO 2.0 AF FROM RESERVOIR 1, 4.0 AF FROM RESERVOIR 2 AND 9.0 AF FROM RESERVOIR 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 21, 1992

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 14, NE 1/4 NW 1/4, SECTION 23, TOWNSHIP 30 SOUTH, RANGE 15 WEST W.M.; RESERVOIR 1 - 1220 FEET NORTH & 590 FEET WEST; RESERVOIR 2 - 1170 FEET NORTH & 250 FEET WEST; RESERVOIR 3 & DRAINAGE DITCH - 720 FEET NORTH & 2100 FEET WEST; UNNAMED STREAM - 1040 FEET SOUTH & 3750 FEET WEST; ALL FROM THE SOUTHEAST CORNER, SECTION 14

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.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 18.2 ACRES
SE 1/4 SE 1/4 0.8 ACRES
SECTION 14
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report 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.

The permittee shall not appropriate water from the stream to the point it is pumped dry. Some flow of water shall remain in the stream channel at all times.

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

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement on file with the Department.

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.

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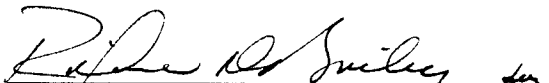
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The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997


Martha O. Pagel, Director
Water Resources Department

Application S-72688
Basin 17

Water Resources Department
Volume 3 Basin 17 Misc.

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District 19