

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SCOTT H. MCKENZIE
P.O. BOX 281
SIXES, OREGON 97476

(541)332-3381

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

APPLICATION FILE NUMBER: S-74012

SOURCE OF WATER: TWO UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-74011, PERMIT R-12096, TRIBUTARIES OF FLORAS LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON 70.0 ACRES

MAXIMUM VOLUME ALLOWED: 125.0 ACRE-FEET (AF) PER YEAR, BEING 100.0 AF FROM RESERVOIR 1 (89.0 AF FOR CRANBERRY OPERATIONS AND 11.0 AF FOR BY-PASS) AND 25.0 AF FROM RESERVOIR 2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 11, 1994

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SW 1/4 SW 1/4, SECTION 29, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 2360 FEET NORTH & 1120 FEET EAST; RESERVOIR 2 - 50 FEET NORTH & 170 FEET EAST; BOTH FROM SOUTHWEST CORNER, SECTION 29

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:

NW 1/4 SW 1/4 15.0 ACRES
SW 1/4 SW 1/4 25.0 ACRES
SECTION 29
NW 1/4 NW 1/4 30.0 ACRES
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Application S-74012 Water Resources Department

PERMIT 52994

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.

Before water use may begin under this permit, a V-notch weir must be installed downstream of Reservoir 1 and the outflow must be metered.

Diversions 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.

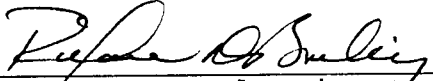
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2000.

Issued March 12, 1997



Martha O. Pagel, Director
Water Resources Department

"B" Ext to: 10-1-2010

"C" Ext to: 10-1-2010

AMENDED by special order
v. 53 pg. 768

Application S-74012 Water Resources Department
Basin 17 Volume 3A Floras Lake & Misc.
BW

PERMIT 52994
District 19