

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNETH HUNNICUTT
ROUTE 1, BOX 1485
BANDON, OREGON 97411

(541)347-2785

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

APPLICATION FILE NUMBER: S-73290

SOURCE OF WATER: ABE'S CREEK AND RESERVOIRS 1 AND 2, CONSTRUCTED UNDER APPLICATION R-73289, PERMIT R-12108, TRIBUTARIES OF CROFT LAKE

PURPOSE OR USE: CRANBERRY OPERATIONS ON 22.65 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 3.01 CUBIC FEET PER SECOND (CFS) AND 4.1 ACRE-FEET (AF) PER YEAR, FROM STORED WATER ONLY, BEING 2.3 AF FROM RESERVOIR 1 AND 1.8 AF FROM RESERVOIR 2

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM ABE'S CREEK AND YEAR ROUND FOR STORED WATER FROM RESERVOIRS 1 AND 2

DATE OF PRIORITY: MARCH 17, 1993

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, NE 1/4 SW 1/4, SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 1 - 170 FEET NORTH & 270 FEET EAST; RESERVOIR 2 - 840 FEET SOUTH & 90 FEET WEST; BOTH FROM THE SOUTHWEST CORNER, NE 1/4

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 NE 1/4 19.34 ACRES
SE 1/4 NW 1/4 3.31 ACRES
SECTION 11
TOWNSHIP 30 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department 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.
- 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.

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.

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