

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MILTON SMITH  
P.O. BOX 6  
LANGLOIS, OREGON 97450

(541)348-2219

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

APPLICATION FILE NUMBER: S-73403

SOURCE OF WATER: AN UNNAMED STREAM AND AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-73402, PERMIT R-12109, TRIBUTARIES OF BUTTE CREEK

PURPOSE OR USE: CRANBERRY OPERATIONS ON 15.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.56 CUBIC FOOT PER SECOND OF LIVE FLOW AND 9.1 ACRE-FEET PER YEAR, FROM STORED WATER ONLY

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FOR LIVE FLOW FROM AN UNNAMED STREAM AND YEAR ROUND FOR STORED WATER FROM AN UNNAMED RESERVOIR

DATE OF PRIORITY: MAY 18, 1993

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 26, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.; 2500 FEET NORTH & 1640 FEET WEST FROM THE SOUTHEAST CORNER, SECTION 26

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:

NE 1/4 NW 1/4 15.0 ACRES  
SECTION 26  
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

Application S-73403 Water Resources Department

PERMIT 53004

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.

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.

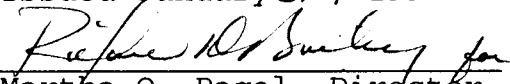
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

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-73403 Water Resources Department  
Basin 17

PERMIT 53004  
District 19