

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WATSON ESCOLA PARTNERS; C/O JAMES L. WATSON
PO BOX 449
NESKOWIN, OREGON 97149

(808)262-2766

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

APPLICATION FILE NUMBER: S-72420

SOURCE OF WATER: UMPQUA RIVER TRIBUTARY TO PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 406.5 ACRES

MAXIMUM RATE ALLOWED: 5.08 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR AND AS FURTHER LIMITED BELOW:

USE OF WATER AUTHORIZED UNDER THIS PERMIT MAY ONLY BE ALLOWED DURING THE MARCH 1 TO OCTOBER 31 PERIOD WHEN THE FOLLOWING UMPQUA RIVER STREAMFLOWS, AS MEASURED AT GAGE #14321000 UMPQUA RIVER NEAR ELKTON, ARE MET OR EXCEEDED: 1700 CFS MARCH 1 THROUGH JUNE 30, 1000 CFS JULY 1 THROUGH SEPTEMBER 30, AND 1560 CFS IN OCTOBER 1 TO OCTOBER 31. THE PERMITTEE SHALL BE RESPONSIBLE FOR TRACKING UMPQUA RIVER STREAMFLOW THROUGH CONSULTATION WITH THE WATERMASTER'S OFFICE TO ENSURE DIVERSION OF WATER UNDER THIS PERMIT ONLY OCCURS WHEN THE ABOVE DESCRIBED STREAMFLOWS ARE MET OR EXCEEDED.

DATE OF PRIORITY: MAY 29, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 5, T26S, R6W, W.M.; 2400 FEET NORTH & 5 FEET EAST FROM SW CORNER, SECTION 5

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet 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 8.3 ACRES
SECTION 5

NE 1/4 NE 1/4 1.3 ACRES
NW 1/4 NE 1/4 32.3 ACRES

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SW 1/4 NE 1/4 40.0 ACRES
 SE 1/4 NE 1/4 23.2 ACRES
 NE 1/4 SW 1/4 34.2 ACRES
 NW 1/4 SW 1/4 27.8 ACRES
 SW 1/4 SW 1/4 40.0 ACRES
 SE 1/4 SW 1/4 40.0 ACRES
 NE 1/4 SE 1/4 39.4 ACRES
 NW 1/4 SE 1/4 40.0 ACRES
 SW 1/4 SE 1/4 40.0 ACRES
 SE 1/4 SE 1/4 40.0 ACRES

SECTION 6

TOWNSHIP 26 SOUTH, RANGE 6 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.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW 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.

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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.

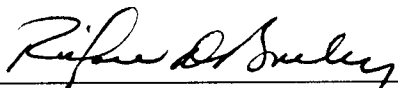
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of the water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 27, 1998



Water Resources Department
Director

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Basin 16 Volume 1A Umpqua River & Misc.

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District 15