

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENT SHANE
47768 HWY 101 S
LANGLOIS, OREGON 97450

PHONE: (541) 348-2458

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

APPLICATION FILE NUMBER: S-81959

SOURCE OF WATER: THREE UNNAMED RESERVOIRS, CONSTRUCTED UNDER PERMIT R-12494, TRIBUTARY TO FLORAS CREEK

PURPOSE OR USE: CRANBERRY OPERATIONS ON 9.5 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 27.0 ACRE-FEET, BEING 9.0 ACRE-FEET FROM EACH RESERVOIR

PERIOD OF USE: YEAR ROUND FROM STORED WATER ONLY

DATE OF PRIORITY: FEBRUARY 11, 1997

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 10, T31S, R15W, W.M.; RES. 1 - 55 FEET SOUTH & 920 FEET, RES. 2 - 165 FEET SOUTH & 820 FEET WEST, RES. 3 - 660 FEET SOUTH & 1250 FEET WEST ALL FROM NE CORNER, SECTION 10

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 NE 1/4 9.5 ACRES
SECTION 10
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter 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

Application S-81959 Water Resources Department

PERMIT 53419

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.

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.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

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 by July ~~9~~, 1999. 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 July 29, 1998

Dwight French for

Water Resources Department
Director

Application S-81959
Basin 17
LKS

Water Resources Department
Volume 3 FLORAS CR & MISC
MGMT.CODE 3EW

PERMIT 53419
District 19