

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GEORGE P. BUSSMAN
2090 N BANK RD
BANDON, OREGON 97411

(503) 347-4105

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

APPLICATION FILE NUMBER: S-71131

SOURCE OF WATER: SUMMERS CREEK AND TWO UNNAMED RESERVOIRS CONSTRUCTED UNDER APPLICATION R-79634, TRIBUTARIES OF SIXES RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 20.0 ACRES

RATE OF USE: 0.5 CUBIC FOOT PER SECOND (CFS) AND 18.0 ACRE-FEET OF STORED WATER

PERIOD OF ALLOWED USE: NOVEMBER 1 THROUGH APRIL 30 FROM SUMMERS CREEK AND YEAR ROUND FROM STORED WATER ONLY.

DATE OF PRIORITY: JANUARY 17, 1991 FROM SUMMERS CREEK AND MARCH 6, 1995 FROM STORED WATER.

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 4, T32S, R15W, W.M.; 300 FEET SOUTH & 640 FEET EAST FROM NW CORNER, SECTION 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:

NW 1/4 NW 1/4 10.0 ACRES
SW 1/4 NW 1/4 10.0 ACRES
SECTION 4
TOWNSHIP 32 SOUTH, RANGE ~~14~~ WEST, W.M.
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Application S-71131

Water Resources Department

PERMIT 53422

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.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

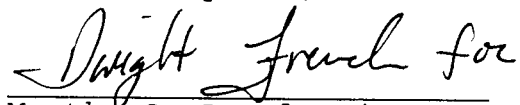
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction work shall begin by July 17, 1999. Complete application of 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 17, 1998



Martha O. Pagel, Director
Water Resources Department