

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ERNEST BUSSMAN
P.O. BOX 282
SIXES, OREGON 97476

PHONE: (541) 332-7375

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

APPLICATION FILE NUMBER: S-81718

SOURCE OF WATER: AN UNNAMED STREAM AND BUSSMAN RESERVOIR, CONSTRUCTED UNDER PERMIT R-12497, A TRIBUTARY OF SIXES RIVER

PURPOSE OR USE: CRANBERRY OPERATIONS ON 30.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.30 CFS LIVE FLOW FROM UNNAMED STREAM AND 43.0 ACRE-FEET PER YEAR FROM BUSSMAN RESERVOIR

PERIOD OF USE: UNNAMED STREAM: DECEMBER 1 THROUGH APRIL 30; BUSSMAN RESERVOIR: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 15, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 5, T32S, R15W, W.M.; 2560 FEET SOUTH & 1330 FEET WEST FROM NE CORNER, SECTION 5

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 17.7 ACRES
NW 1/4 NE 1/4 2.6 ACRES
SW 1/4 NE 1/4 0.7 ACRE
SE 1/4 NE 1/4 9.0 ACRES
SECTION 5
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Application S-81718 Water Resources Department

PERMIT 53423

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.
- 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.
- 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 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 screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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.

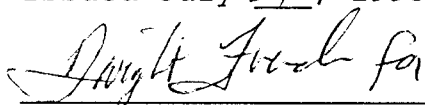
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 of the well 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.

Issued July 29, 1998



Martha O. Pagel, Director
Water Resources Department