

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT H. STOLZ
ROUTE 1, BOX 2030
BANDON, OREGON 97411

(541) 347-3440

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

APPLICATION FILE NUMBER: S-69537

SOURCE OF WATER: CROOKED CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER PERMIT R-1031, TRIBUTARIES OF THE PACIFIC OCEAN

PURPOSE OR USE: CRANBERRY OPERATIONS ON 4.08 ACRES AS FURTHER LIMITED BELOW

MAXIMUM RATE ALLOWED AND PERIOD OF USE:

DECEMBER 1 THROUGH MARCH 31 - 0.612 CUBIC FOOT PER SECOND (CFS) FROM CROOKED CREEK FOR TEMPERATURE CONTROL

APRIL 1 THROUGH NOVEMBER 30 - DURING THIS TIME PERIOD LIVE FLOW APPROPRIATION FROM CROOKED CREEK UNDER THIS PERMIT IN COMBINATION WITH CERTIFICATE 66902, OR SUBSEQUENT CERTIFICATES, SHALL NOT EXCEED 0.19 CFS AND IS FURTHER LIMITED TO 0.19 CFS FOR TEMPERATURE CONTROL, 0.19 CFS FOR FLOOD HARVEST AND 0.10 CFS FOR IRRIGATION.

2.2 ACRE-FEET FROM AN UNNAMED RESERVOIR FOR FLOOD HARVEST.

DATE OF PRIORITY: FEBRUARY 23, 1988

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 8, T29S, R14W, W.M.; 60 FEET NORTH & 670 FEET EAST FROM SW 1/16th CORNER SECTION 8

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 SW 1/4 4.08 ACRES
SECTION 8
TOWNSHIP 29 SOUTH, RANGE 14 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 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
- 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 not construct any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

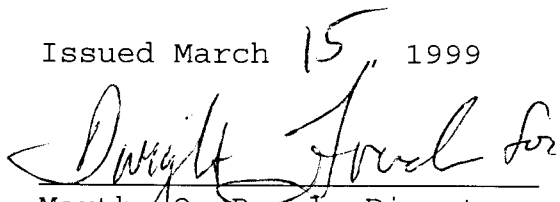
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 March 12, 2000. Complete application of water to the use shall be made on or before October 1, 2003. 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 March 15, 1999


Martha O. Pagel, Director
Water Resources Department