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STATE OF OREGON

JUL 26 2000

COUNTY OF COOS

**WATER RESOURCES DEPT.  
SALEM, OREGON**

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STAN KURZET  
PO BOX 5039  
COOS BAY, OREGON 97420

(541) 888-9269

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

APPLICATION FILE NUMBER: S-69770

SOURCE OF WATER: EAST FORK BIG CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-69769, Permit R-12793.

TRIBUTARY OF: PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 149.0 ACRES, LIVESTOCK AND AGRICULTURE (BARN WASHING)

MAXIMUM RATE ALLOWED: 1.865 CUBIC FEET PER SECOND (CFS), BEING 1.86 CFS FOR IRRIGATION AND 0.005 CFS FOR LIVESTOCK AND AGRICULTURE (BARN WASHING), FURTHER LIMITED TO 0.005 CFS FOR LIVESTOCK ONLY, AND 16.03 AF, BEING 11.41 AF FOR IRRIGATION AND 2.62 AF FOR LIVESTOCK AND AGRICULTURE (BARN WASHING)

PERIOD OF USE: MARCH 1 THROUGH MARCH 30 FOR IRRIGATION FROM LIVE FLOW AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER; MARCH 1 THROUGH MARCH 30 FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM LIVE FLOW AND YEAR ROUND FOR LIVESTOCK AND AGRICULTURE (BARN WASHING) FROM STORED WATER

DATE OF PRIORITY: DECEMBER 5, 1988

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 22, TOWNSHIP 26 SOUTH, RANGE 14 WEST W.M.; POD 1 - 10 FEET NORTH & 990 FEET EAST; POD 2 - 660 FEET NORTH & 180 FEET EAST; BOTH FROM THE SOUTH 1/4 CORNER, SECTION 22

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	11.9 ACRES	9.7 ACRES
NW 1/4 SE 1/4	2.1 ACRES	2.5 ACRES
SE 1/4 SE 1/4	3.1 ACRES	15.3 ACRES
SECTION 16		
NE 1/4 NE 1/4	6.0 ACRES	15.1 ACRES
SW 1/4 NE 1/4	3.0 ACRES	
SE 1/4 NE 1/4	5.6 ACRES	6.3 ACRES
NE 1/4 SE 1/4	6.5 ACRES	
NW 1/4 SE 1/4	5.0 ACRES	
SW 1/4 SE 1/4	1.0 ACRES	
SE 1/4 SE 1/4	12.0 ACRES	
SECTION 21		
NW 1/4 NW 1/4	1.0 ACRES	0.2 ACRE AND BARN
SW 1/4 NW 1/4		12.2 ACRES
NE 1/4 SW 1/4		4.8 ACRES
NW 1/4 SW 1/4		3.7 ACRES
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4		3.0 ACRES
SECTION 22		
NW 1/4 NW 1/4	4.5 ACRES	
SECTION 27		
NE 1/4 NE 1/4	9.5 ACRES	
SW 1/4 NE 1/4	1.0 ACRES	
SE 1/4 NE 1/4	2.0 ACRES	
SECTION 28		
TOWNSHIP 26 SOUTH, RANGE 14 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,

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including the place and nature of ~~WATER RESOURCES DEPT.~~ under the permit.  
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- 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.

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 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 required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

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 17, 2001. Complete application of the water to the use shall be made on or before October 1, 2004.

Issued March 17, 2000



Martha O. Pagel, Director  
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application S-69770 Water Resources Department  
Basin 17 Volume  
AMH MGMT.CODE

PERMIT 53663  
District 19