

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JACK, SHERI OR BARBARA FUGATE
RT 1 BOX 965
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-73857

SOURCE OF WATER: THREE UNNAMED STREAMS AND RESERVOIR R-1, TO BE CONSTRUCTED UNDER APPLICATION R-73854, PERMIT R-12893 RESERVOIRS R-2, R-4, R-5, R-6, AND R-7, TO BE CONSTRUCTED UNDER APPLICATION R-73855, PERMIT R-12894, AND RESERVOIR R-1, TO BE CONSTRUCTED UNDER APPLICATION R-73856, PERMIT R-12895, TRIBUTARIES OF TWOMILE CREEK; AND TWOMILE CREEK, A TRIBUTARY OF THE PACIFIC OCEAN

PURPOSE OR USE: CRANBERRY OPERATIONS

RATE OF USE: 2.0 CUBIC FEET PER SECOND (CFS), BEING 1.7 CFS FROM TWOMILE CREEK, 0.1 CFS FROM EACH OF THREE UNNAMED STREAMS (#2, 4 AND 5); AND 110.0 ACRE-FEET (AF) OF WATER STORED IN 7 RESERVOIRS, BEING 30.0 AF IN RESERVOIR #1; 5.0 AF IN RESERVOIR #2; 48.0 AF IN RESERVOIR #3; 5.0 AF IN RESERVOIR #4; 4.0 AF IN RESERVOIR #5; 9.0 AF IN RESERVOIR #6; 9.0 AF IN RESERVOIR #7

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH MARCH 31 FROM LIVE FLOW; STORED WATER MAY BE USED AT ANY TIME

DATE OF PRIORITY: JANUARY 21, 1994

THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS: SE 1/4 SW /14, NE 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 13; NE 1/4 NE 1/4, NW 1/4 NE 1/4, SW 1/4 NE 1/4, SECTION 24; T29S, R15W, W.M.; POD #1 - 990 FEET SOUTH & 3330 FEET EAST, POD #2 - 1030 FEET NORTH & 2380 FEET EAST, RESERVOIR #1 - 171 FEET SOUTH & 3970 FEET EAST, RESERVOIR #2 - 137 FEET NORTH & 3680 FEET EAST, RESERVOIR #3 - 1310 FEET NORTH & 2620 FEET EAST, RESERVOIR #4 - 1170 FEET SOUTH & 3150 FEET EAST, RESSERVOIR #5 - 1150 FEET SOUTH & 3520 FEET EAST, RESERVOIR #6 - 1810 FEET NORTH

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& 4600 FEET EAST, RESERVOIR #7 - 2220 FEET SOUTH & 3370 FEET EAST,
ALL FROM THE SW CORNER OF SECTION 13

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 SE 1/4 15.0 ACRES
NW 1/4 SE 1/4 3.0 ACRES
SW 1/4 SE 1/4 4.0 ACRES
SE 1/4 SE 1/4 18.0 ACRES
SECTION 13

SW 1/4 NE 1/4 20.0 ACRES
SE 1/4 NE 1/4 2.2 ACRES
NE 1/4 SE 1/4 7.8 ACRES
SECTION 24

TOWNSHIP 29 SOUTH, RANGE 15 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, including the place and nature of use of water under the permit.

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.

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.

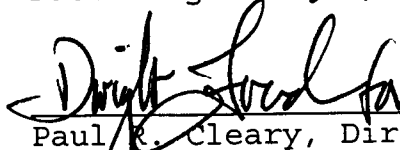
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2004.

Dated August 15, 2000



Paul R. Cleary, 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.