

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WINDHURST ROAD WATERING CORPORATION
P.O. BOX 503
BANDON, OREGON 97411

(541)347-3062

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

APPLICATION FILE NUMBER: S-69654

SOURCE OF WATER: BILL CREEK, A TRIBUTARY OF BEAR CREEK, AND LEGALLY STORED WATER UNDER PERMIT R-12928

PURPOSE OR USE: CRANBERRY OPERATIONS ON 162.4 ACRES, AGRICULTURAL USE ON 27.7 ACRES, AND SUPPLEMENTAL CRANBERRY OPERATIONS ON 18.1 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 614.0 ACRE-FEET OF STORED WATER; MAXIMUM INSTANTANEOUS DIVERSION RATE FROM BILL CREEK AUTHORIZED UNDER THIS PERMIT, COMBINED WITH THE DIVERSION AUTHORIZED UNDER PERMIT R-12928, SHALL NOT EXCEED 2.75 CFS AND IS FURTHER LIMITED AS DESCRIBED BELOW.

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FROM NATURAL FLOW AND YEAR ROUND FROM STORED WATER ONLY

DATE OF PRIORITY: JUNE 30, 1988

POINT OF DIVERSION LOCATION: BILL CREEK - NE 1/4 SW 1/4, SECTION 3, T29S, R14W, W.M.; 1030 FEET SOUTH & 2480 FEET EAST FROM W1/4 CORNER, SECTION 3; STORED WATER FROM 23 RESERVOIRS DESCRIBED IN PERMIT R-12928.

Prior to any appropriation under this permit, the permittee shall install a staff gage downstream from the confluence of Bear Creek and Bill Creek and develop a medium flow rating curve for the range 10 cfs to 25 cfs. The staff gage shall be installed under the supervision of the District 19 watermaster at a suitable location within Section 34, Township 28 South, Range 14 West, W.M. and shall be accessible to ODFW and Water Resources staff. The staff gage and rating curve shall be maintained by the permittee to the satisfaction of the watermaster and shall at a minimum include two streamflow measurements per year. The rating curve and streamflow

measurements shall be on file at the District 19 watermaster office and at the Water Resources Department in Salem.

Prior to any appropriation under this permit, the permittee shall also install a standardized weir and staff gage at the point of diversion. The weir shall be designed and installed to the satisfaction of the District 19 watermaster and the Coos-Coquille ODFW District Biologist. The weir shall be accessible to ODFW and Water Resources staff. The weir and staff gage shall be maintained by the permittee to the satisfaction of the watermaster. The weir shall not obstruct fish passage without providing a fishway to ensure adequate upstream and downstream passage for fish.

Appropriation of water under this permit, combined with the diversion authorized under application R-69708, shall only occur when the flow on Bear Creek, as measured at the staff gage, exceeds 17 cfs. While appropriation is occurring under this permit, and any permit authorizing R-69708, a flow of at least 17 cfs shall be maintained at the staff gage on Bear Creek. At no time shall the permittee, under this permit, in combination with any permit issued for R-69708, divert more than 50% of the flow from Bill Creek, as measured at the weir, and at no time shall the combined diversions from this permit and any permit issued for R-69708 exceed 2.75 cfs. The permittee shall be responsible for monitoring streamflows so that these conditions are not violated.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>*1CRANBERRY</u>	<u>*2AGRICULTURE</u>	<u>*3SUPPLEMENTAL CRANBERRY</u>
NE 1/4 NE 1/4	5.9 ACRES		4.3 ACRES
NW 1/4 NE 1/4	5.0 ACRES		
SE 1/4 NE 1/4	4.3 ACRES		0.7 ACRE

SECTION 32

NW 1/4 NW 1/4	25.0 ACRES
SW 1/4 NW 1/4	18.0 ACRES
SE 1/4 NW 1/4	7.0 ACRES

SECTION 33

TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

NW 1/4 SW 1/4	7.0 ACRES
---------------	-----------

SECTION 3

NW 1/4 SW 1/4	15.0 ACRES	6.0 ACRES	
SW 1/4 SW 1/4	1.2 ACRES		13.1 ACRES

	<u>*1CRANBERRY</u>	<u>*2AGRICULTURE</u>	<u>*3SUPPLEMENTAL CRANBERRY</u>
SE 1/4 SW 1/4	15.2 ACRES		
NE 1/4 SE 1/4	12.0 ACRES		

SECTION 4

NE 1/4 NE 1/4	7.0 ACRES	0.4 ACRE
NW 1/4 NE 1/4	1.2 ACRES	0.1 ACRE
SW 1/4 NE 1/4		2.0 ACRES
SE 1/4 NE 1/4	8.2 ACRES	3.9 ACRES
NE 1/4 SE 1/4	6.0 ACRES	5.0 ACRES
SE 1/4 SE 1/4	0.2 ACRE	

SECTION 5

NE 1/4 NE 1/4	4.7 ACRES	3.0 ACRES
NW 1/4 NE 1/4	16.5 ACRES	
SW 1/4 NE 1/4	3.0 ACRES	7.3 ACRES

SECTION 9

TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.

*1 - Use of water is for primary irrigation and agriculture use for Cranberry Operations.

*2 - Use of water is for primary agriculture use and supplemental Irrigation use for Cranberry Operations.

*3 - Use of water is for supplemental agriculture use and irrigation use for Cranberry Operations.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the point of diversion from Bill Creek. The permittee shall maintain the meter 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; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

At the point of diversion from Bill Creek the permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The point of diversion works shall not obstruct fish passage without providing a fishway to ensure adequate upstream and downstream passage for fish. The required screens and, if necessary fishways, shall be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in each reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

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.

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.

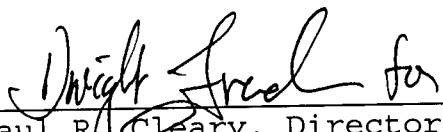
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 2005. 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 October 10 , 2000



Paul R. Cleary, Director
Water Resources Department