

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

H. EARL JONES
12500 LOOKINGGLASS RD.
ROSEBURG, OREGON 97470

PHONE: (541) 679-6642

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

APPLICATION FILE NUMBER: S-84352

SOURCE OF WATER: BEN IRVING RESERVOIR, CONSTRUCTED UNDER PERMITS R-7256 AND R-8444, TRIBUTARY TO BERRY CREEK, AND LOOKINGGLASS CREEK, TRIBUTARY TO THE SOUTH UMPQUA RIVER

PURPOSE OR USE: IRRIGATION OF 94.3 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.99 CUBIC FOOT PER SECOND FROM LOOKINGGLASS CREEK AND 198.0 ACRE-FEET FROM BEN IRVING RESERVOIR

PERIOD OF USE: MARCH 1 THROUGH APRIL 30 FROM LOOKINGGLASS CREEK AND MARCH 1 THROUGH OCTOBER 31 FROM BEN IRVING RESERVOIR

DATE OF PRIORITY: FEBRUARY 28, 2000

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 19, T28S, R6W, W.M.; 1200 FEET SOUTH & 1460 FEET WEST FROM NE CORNER, SECTION 19

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:

NE 1/4 SW 1/4 4.1 ACRES
SE 1/4 SW 1/4 16.0 ACRES
NE 1/4 SE 1/4 15.0 ACRES
NW 1/4 SE 1/4 4.0 ACRES
SW 1/4 SE 1/4 5.2 ACRES
SE 1/4 SE 1/4 28.0 ACRES
SECTION 18

NE 1/4 NE 1/4 22.0 ACRES
SECTION 19
TOWNSHIP 28 SOUTH, RANGE 6 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.
- 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 use of water under this right is subject to the terms and conditions of contract No. 232, or a satisfactory replacement, between the Lookingglass-Olalla Water Control District and the applicant, a copy of which is on file in the records of the Water Resources Department.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact a ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

There shall be no overland flow due to excessive irrigation.

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.

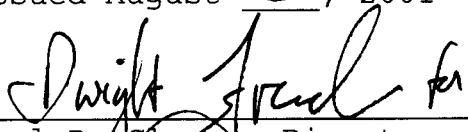
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

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 August 2, 2001


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.

Application S-84352 Water Resources Department
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JWG - WEEK 298 MGMT.CODE 1BF 1BW

PERMIT 53744
District 15