

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OCEAN SPRAY CRANBERRIES INC.
PO BOX 570
BANDON, OREGON 97411

(541) 347-2446

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

APPLICATION FILE NUMBER: S-84883

SOURCE OF WATER: WINDHURST ROAD RESERVOIR, APPLICATION R-85445, PERMIT R-13622, A TRIBUTARY OF GEIGER CREEK

PURPOSE OR USE: STREAMFLOW AUGMENTATION AS MITIGATION FOR USE UNDER APPLICATION G-15612, PERMIT G-15561

MAXIMUM VOLUME: 5.0 ACRE FEET EACH YEAR, RELEASED AT A RATE OF 0.05 CUBIC FOOT PER SECOND

PERIOD OF USE: DURING THE FULL PERIOD OCTOBER 10 THROUGH NOVEMBER 29 DURING ANY CALENDAR YEAR IN WHICH WATER IS DIVERTED UNDER G-15612, PERMIT G-15561

DATE OF PRIORITY: SEPTEMBER 17, 2001

POINT OF DIVERSION LOCATION: NW ¼ SE ¼, SECTION 4, T29S, R14W, W.M.; 630 FEET SOUTH & 2300 FEET WEST FROM E1/4 CORNER, SECTION 4

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE ¼ NE ¼
SECTION 1
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.

- 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 permittee shall keep and maintain a record of the rate of water released. The Director 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 permittee shall release water from Windhurst Road Reservoir into Johnson Creek for mitigation during the full period October 10 through November 29 during any calendar year in which water is diverted under G-15612, Permit G-15561.

The permittee shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

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.

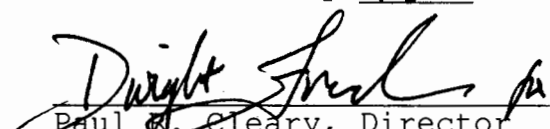
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 February 18, 2004


Paul G. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: 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.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.