

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RON KASPER
PO BOX 2070
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: S-70447

SOURCE OF WATER: JOHNSON CREEK, TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: CRANBERRY OPERATIONS, BEING IRRIGATION, TEMPERATURE CONTROL, AND FLOOD HARVEST

RATE OF USE: NOT TO EXCEED 1.721 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 0.15 CFS FOR IRRIGATION ON 6.1 ACRES, 0.30 CFS FOR FLOOD HARVEST ON 6.1 ACRES, AND 1.271 CFS FOR TEMPERATURE CONTROL ON 26.4 ACRES, FURTHER LIMITED DURING THE PERIODS JUNE 1 - JUNE 30 AND OCTOBER 1 - OCTOBER 31 (SEE BELOW)

MAXIMUM RATE AND PERIODS OF ALLOWED USE:

MAY 1 - MAY 31 - 1.721 CFS
JUNE 1 - JUNE 30 - 1.34 CFS
JULY 1 - JULY 31 - 1.721 CFS; AND
OCTOBER 1 - OCTOBER 31 - 0.67 CFS

DATE OF PRIORITY: JUNE 2, 1990

POINT OF DIVERSION LOCATION: POD #3 - SW 1/4 SW 1/4, SECTION 5, T 29 S, R 14 W, W.M.; 80 FEET NORTH & 1130 FEET EAST FROM SW CORNER, SECTION 5

The amount of water diverted for cranberry operations, together with amounts secured under any other rights existing for the same lands, shall not exceed a maximum of 3.0 acre feet per acre, and is further 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 irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	Irrigation	Temperature Control	Flood Harvest
SW 1/4 NE 1/4	0.3 ACRE	0.7 ACRE	0.3 ACRE
NE 1/4 NW 1/4		0.4 ACRE	
SW 1/4 NW 1/4	0.6 ACRE	4.1 ACRES	0.6 ACRE
SE 1/4 NW 1/4	5.1 ACRES	18.7 ACRES	5.1 ACRES
NE 1/4 SW 1/4	0.1 ACRE	2.1 ACRES	0.1 ACRE
NW 1/4 SW 1/4		0.4 ACRE	

SECTION 8

TOWNSHIP 29 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 totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from

entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

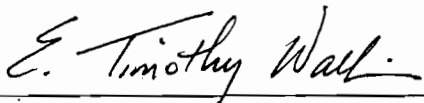
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction shall begin within one year of permit issuance. Completion application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued January 6 , 2011



for Phillip C. Ward, Director
Water Resources Department