

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NESIKA BEACH-OPHIR WATER DISTRICT
32892 NESIKA RD
GOLD BEACH, OR 97444

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

APPLICATION FILE NUMBER: G-15960

SOURCE OF WATER: A WELL IN GREGGS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND (CFS); BEING 1.0 CFS FROM NOVEMBER 1 THROUGH JUNE 30; 0.9 CFS FROM JULY 1 THROUGH JULY 31; 0.7 CFS FROM AUGUST 1 THROUGH AUGUST 31; 0.6 CFS FROM SEPTEMBER 1 THROUGH SEPTEMBER 30; AND 0.6 CFS FROM OCTOBER 1 THROUGH OCTOBER 31

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 25, 2003

WELL LOCATION: SE ¼ NW ¼, SECTION 20, T35S, R14W, W.M.; 560 FEET NORTH & 1835 FEET EAST FROM W1/4 CORNER, SECTION 20

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 8

NW ¼ SW ¼
SW ¼ SW ¼
SECTION 17

NE ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 19

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SW ¼
SW ¼ SW ¼
NW ¼ NW ¼
SECTION 20

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼

SE 1/4 NW 1/4
NE 1/4 SW 1/4
SE 1/4 SW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4

SECTION 30

SW 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4

SECTION 31

SE 1/4 NE 1/4
NE 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 14
WEST, W.M.

SE 1/4 NE 1/4
NE 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 15
WEST, W.M.

NE 1/4 SW 1/4
SW 1/4 SW 1/4
NW 1/4 SE 1/4
SECTION 5

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SE 1/4
SECTION 6

NW 1/4 NW 1/4
SECTION 7

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 8

SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 9

NE 1/4 NW 1/4

SECTION 16

NW 1/4 NE 1/4
SW 1/4 NE 1/4
NW 1/4 SE 1/4
SECTION 17

TOWNSHIP 36 SOUTH, RANGE 14 WEST,
W.M.

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 12

TOWNSHIP 36 SOUTH, RANGE 15 WEST,
W.M.

By-pass flows:

- A. The permittee shall measure the water flow in Greggs Creek in a manner and location approved by the watermaster as appropriate to determine the impact of water use under this permit on Greggs Creek.
- B. If the flow of water in Greggs Creek at the location described in the paragraph above is 0.05 cfs or less, and the watermaster determines that all other appropriators of water from Greggs Creek are appropriating water legally, the permittee shall cease to appropriate water or reduce its rate of appropriation, as directed by the watermaster, under this permit until the flow in that location is more than 0.05 cfs.

Measurement, recording and reporting conditions:

- A. 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.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter 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.
- D. Before water use begins under this permit, permittee shall obtain all necessary easements and approvals to install a staff gage on the bridge over Greggs Creek on Ophir Road/Coast Highway and install a staff gage at that location in a manner satisfactory to the watermaster. In addition to the staff gage, permittee may install any other measuring device at the location, as approved by the watermaster. Permittee shall maintain the staff gage in good working order.

- E. For the first five years after the issuance of this permit and beginning within two months of issuance of this permit, permittee shall take staff gage readings, or other stream measurements meeting the watermaster's approval, three (3) days each week during the period of April 1 through November 30 of each year. Permittee shall compile these readings or measurements in legible logs and submit those logs to the watermaster annually.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Within three months after the permittee begins appropriating water under this permit, the permittee shall send a letter to the Oregon Department of Fish and Wildlife requesting annual stream surveys of Greggs Creek in the vicinity of the well authorized by this permit. Permittee will request the surveys occur during the months of July, August or September.

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

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 August 23, 2004



Philip C. Ward, Acting 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.