

STATE OF OREGON

COUNTY OF COLUMBIA

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JEFF AND TAMI KEMP  
27623 KINGSLEY RD  
SCAPPOOSE, OREGON 97056

(503) 543-8343

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

APPLICATION FILE NUMBER: R-84500

SOURCE OF WATER: NORTH SCAPPOOSE CREEK, TRIBUTARY OF SCAPPOOSE CREEK

STORAGE FACILITY: RESERVOIR

PURPOSE OR USE OF THE STORED WATER: DOMESTIC EXPANDED USE TO BE APPROPRIATED UNDER APPLICATION S-84249, PERMIT 53752, WILDLIFE, AQUATIC LIFE, FIRE PROTECTION AND RECREATION

MAXIMUM STORAGE VOLUME: 1.0 ACRE-FOOT EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: AUGUST 4, 2000

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 0.00 FEET.

DAM LOCATION: SW 1/4 SE 1/4, SECTION 13, T4N, R3W, W.M.;

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4  
SECTION 13  
TOWNSHIP 4 NORTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such

Application R-84500 Water Resources Department

PERMIT R-13085

installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. 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.

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.

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

The permittee shall install, maintain, and operate, at the expense of the applicant, all fish screening and by-pass devices that Oregon Department of Fish and Wildlife determines necessary to prevent fish from leaving North Fork Scappoose Creek and entering the proposed diversion.

The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

#### 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.

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. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2004. 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.

Issued September 21, 2001

  
Paul R. Cleary, Director  
Water Resources Department

SEE NEXT PAGE

Application R-84500  
Basin 02

Water Resources Department  
VOLUME 4 N SCAPPOOSE CR MISC

PERMIT R-13085  
DISTRICT 20

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 R-84500  
Basin 02

Water Resources Department  
VOLUME 4 N SCAPPOOSE CR MISC

PERMIT R-13085  
DISTRICT 20