

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES V. AND POLLY L. DEVORE  
5195 JUDSON WAY  
SAN DIEGO, CALIFORNIA 92115

619-286-0676

to use the waters of MILL CREEK AND HURD CREEK RESERVOIR, constructed under Permit R-8201, tributaries of the ROGUE RIVER, for DOMESTIC USE FOR ONE FAMILY.

This Permit is issued approving Application 70842. The date of priority is OCTOBER 31, 1990. The use is limited to not more than 0.005 CUBIC FOOT PER SECOND from Mill Creek limited to the period December 1 through July 31 of each year and use of 0.12 acre-foot of the waters stored in Hurd Reservoir constructed under Permit R-8201, not to exceed one-fifth of the capacity of said reservoir as a supplemental supply during the period January 1 through December 31 of each year.

The points of diversion are located as follows:

MILL CREEK - NW 1/4 SE 1/4, SECTION 28, T 32 S, R 3 E, W.M., HURD CREEK RESERVOIR - SW 1/4 NW 1/4, SECTION 11, T 33 S, R 2 E, W.M.; MILL CREEK - 1860 FEET NORTH AND 2690 FEET EAST FROM THE SW CORNER, SECTION 28, HURD CREEK - 1050 FEET NORTH AND 90 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 11.

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

A description of the proposed place of use under this Permit is as follows:

SW 1/4 NW 1/4  
SECTION 11  
TOWNSHIP 33 SOUTH, RANGE 2 EAST, 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 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.

Actual construction work shall begin on or before January 18, 1995 and shall be completed on or before October 1, 1995. Complete application of the water to the use shall be made on or before October 1, 1996.

Before use may begin under this permit, diversion screening and/or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications. The permittee shall maintain the diversion screening and/or fish passage facilities.

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 rights for maintaining instream flows.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, January 18, 1994.

/s/ MARTHA O. PAGEL

Water Resources Department  
Martha O. Pagel  
Director