

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EUGENE G. AND ARLENE D. FISCHER
20990 SOUTH FISCHER MILL ROAD
OREGON CITY, OREGON 97045

503-631-3411

to use the waters of TWO SPRING STREAMS, tributaries of CLEAR CREEK, for MAINTENANCE OF A RESERVOIR constructed under Application R-73060, PERMIT R-11545, for FISH AND WILDLIFE USE.

This permit is issued approving Application 73061. The date of priority is DECEMBER 8, 1992. The use is limited to not more than 0.015 cubic foot per second, or its equivalent in case of rotation, measured at the point of diversion from the source. Water may be appropriated to maintain the reservoirs during the period November 1 through May 31.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 4, T 3 S, R 3 E, W.M.; 2380 FEET SOUTH AND 620 FEET WEST FROM THE NE CORNER OF SECTION 4.

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:

SE 1/4 NE 1/4
SECTION 4
TOWNSHIP 3 SOUTH, RANGE 3 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Actual construction work shall begin on or before April 24, 1996 and shall be completed on or before October 1, 1997. Complete application of water shall be made on or before October 1, 1998.

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 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, April 24, 1995.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director