

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RON BENTZ
133 W REGIS
STAYTON, OREGON 97383

(503) 769-6355

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71630

SOURCE OF WATER: NEAL CREEK (aka BURMESTER CREEK), A TRIBUTARY OF THOMAS CREEK

PURPOSE OR USE: FISH CULTURE

RATE OF ALLOWED USE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: YEAR-ROUND

DATE OF PRIORITY: JANUARY 26, 1996 (DATE OF COMMISSION APPROVAL TO ACCEPT APPLICATION)

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 17, T10S, R1E, W.M.; 1160 FEET SOUTH AND 475 FEET WEST FROM THE N 1/4 CORNER OF SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NW 1/4
SECTION 17
TOWNSHIP 10 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device 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.

The permittee shall not construct, operate or maintain any dam or artificial obstruction in the channel of Neal Creek.

The permittee shall install, maintain, and operate both upstream and downstream fish screening for fish passage facilities, raceways, and ponds as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering and escaping from the fish hatchery system. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

The use is to be largely non-consumptive in nature. Any consumptive use would not be allowed under the terms of this permit.

The permittee shall not divert any amount of water that would cause the flow of Neal Creek (aka Burmester Creek) to be less than 0.50 cfs below the point of diversion.

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.

STANDARD CONDITIONS

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

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 and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued April 11, 1996



for Martha O. Page1, Director
Water Resources Department