

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICHARD KINDWALL  
14550 ORCHARD KNOB RD  
DALLAS, OREGON 97338

(503) 623-5255

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

APPLICATION FILE NUMBER: S-73822

SOURCE OF WATER: AN UNNAMED STREAM, TRIBUTARY OF LITTLE LUCKIAMUTE RIVER

PURPOSE OR USE: MAINTENANCE OF KINDWALL RESERVOIR, PROCESSED UNDER HB 2153, AND DOMESTIC USE EXPANDED FOR ONE FAMILY INCLUDING IRRIGATION OF ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN

RATE/VOLUME: 0.09 CFS, BEING 0.08 CFS FOR RESERVOIR MAINTENANCE AND 0.01 CFS FOR DOMESTIC USE EXPANDED INCLUDING IRRIGATION OF ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN

PERIOD OF ALLOWED USE: NOVEMBER 1 THROUGH APRIL 30 FOR RESERVOIR MAINTENANCE AND YEAR ROUND FOR DOMESTIC USE EXPANDED

DATE OF PRIORITY: December 29, 1993 FOR 0.01 CFS FOR DOMESTIC USE EXPANDED, and May 20, 1994 FOR 0.08 CFS FOR RESERVOIR MAINTENANCE

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 1, T9S, R6W, W.M.; 2380 FEET NORTH & 850 FEET EAST FROM SW CORNER, JONES DLC 38

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4  
SECTION 1  
TOWNSHIP 9 SOUTH, RANGE 6 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 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.

The permittee shall install, maintain, and operate upstream fish ways, fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required upstream fish ways, screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

#### 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.

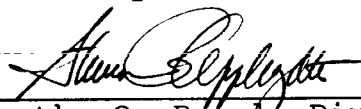
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 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 26, 1996



for Martha O. Pagel, Director  
Water Resources Department