

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

G. M. NICLABAR TRUST  
GEORGE AND MYRNA COON, GRANTOR TRUSTEES  
269565 CECIL PO BOX 93  
ALSEA, OREGON 97324

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

APPLICATION FILE NUMBER: S-74279

SOURCE OF WATER: AN UNNAMED SPRING AND ALSEA RIVER, TRIBUTARIES OF ALSEA BAY

PURPOSE OR USE: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

RATE OF USE: 0.01 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD; FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION DURING THE PERIOD LISTED BELOW

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH JUNE 15 FOR DOMESTIC USE EXPANDED; FURTHER LIMITED FROM JUNE 16 THROUGH NOVEMBER 30 TO HUMAN CONSUMPTION ONLY

DATE OF PRIORITY: JULY 5, 1994

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 7, T14S, R8W, W.M.; 100 FEET NORTH AND 893 FEET EAST FROM THE SW CORNER OF SECTION 7

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4  
SECTION 7  
TOWNSHIP 14 SOUTH, RANGE 8 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

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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 fish screening to prevent fish from 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 required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before 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.

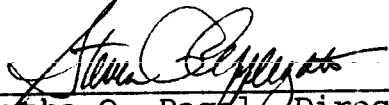
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

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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 July 8, 1996

  
for Martha O. Pagel Director  
Water Resources Department