

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT NICOLAW
7323 SOUTH ALAMEDA
LOS ANGELES, CALIFORNIA 90001

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

APPLICATION FILE NUMBER: S-70667

SOURCE OF WATER: AN UNNAMED SPRING AND AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-70668, PERMIT R-11840, TRIBUTARIES OF THE WEST FORK ILLINOIS RIVER

PURPOSE OR USE: IRRIGATION OF UP TO 1/2 ACRE NONCOMMERCIAL GARDEN AND FISH CULTURE

MAXIMUM VOLUME ALLOWED: 0.01 CUBIC FOOT PER SECOND OF WATER FROM AN UNNAMED SPRING AND 3.58 ACRE-FEET STORED WATER ONLY FROM THE UNNAMED RESERVOIR

PERIOD OF USE: APRIL 1 THROUGH APRIL 30 OF LIVE FLOW FOR IRRIGATION OF UP TO 1/2 ACRE OF NONCOMMERCIAL GARDEN; JANUARY 1 THROUGH APRIL 30 OF LIVE FLOW FOR FISH CULTURE; APRIL 1 THROUGH NOVEMBER 1 OF STORED WATER FOR IRRIGATION OF UP TO 1/2 ACRE OF NONCOMMERCIAL GARDEN; AND YEAR-ROUND OF STORED WATER FOR FISH CULTURE

DATE OF PRIORITY: SEPTEMBER 17, 1990

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 25, TOWNSHIP 40 SOUTH, RANGE 9 WEST, W.M.; (SPRING)-120 FEET SOUTH & 180 FEET EAST, (POND)-200 FEET SOUTH AND 300 FEET EAST, BOTH FROM NORTHWEST CORNER, SE 1/4 NE 1/4, SECTION 25

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 0.5 ACRES
SECTION 25
TOWNSHIP 40 SOUTH, RANGE 9 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 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.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

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.

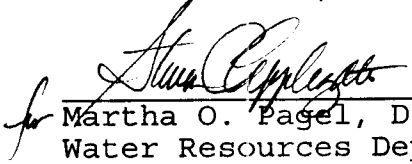
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 June 19, 1996


Martha O. Pagel, Director
Water Resources Department