

STATE OF OREGON

COUNTY OF CLATSOP

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JACK BURKHART
ROUTE 3, BOX 403
ASTORIA, OREGON 97103

(503) 325-2316

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

APPLICATION FILE NUMBER: S-73861

SOURCE OF WATER: AN UNNAMED SPRING, TRIBUTARY OF LEWIS & CLARK RIVER

PURPOSE OR USE: DOMESTIC USE EXPANDED FOR THREE HOUSEHOLDS

MAXIMUM FLOW ALLOWED: 0.02 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 26, 1994

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 29, T7N, R9W, W.M.;
58 FEET NORTH AND 195 FEET EAST FROM THE W 1/4 CORNER OF SECTION 29

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4

SW 1/4 NE 1/4

SECTION 30

TOWNSHIP 7 NORTH, 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 use of water allowed herein may be made only at times when waters from the spring do not flow into a tributary of the Lewis and Clark River.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.

The use may be restricted if the quality of the source stream, namely the Lewis and Clark River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

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.

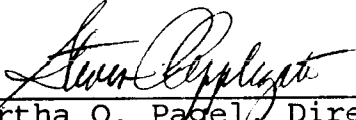
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 25, 1996

for 

Martha O. Pagel, Director
Water Resources Department