

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID EDWARD SMITH  
DEVORE ARM BOAT RT  
LAKESIDE, OREGON 97449

(541) 759-3519

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

APPLICATION FILE NUMBER: S-73763

SOURCE OF WATER: A SPRING, WITH ANY DEFICIENCY TO BE MADE UP FROM A POINT OF DIVERSION ON TENMILE LAKE, TRIBUTARIES OF TENMILE CREEK

PURPOSE OR USE: HUMAN CONSUMPTION FOR ONE HOUSEHOLD

RATE OF ALLOWED USE: LIMITED TO 0.005 CUBIC FOOT PER SECOND, WITH ANY DEFICIENCY TO BE MADE UP FROM A POINT OF DIVERSION ON TENMILE LAKE

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 12, 1993

POINT OF DIVERSION LOCATION: SPRING POD - NE 1/4 SE 1/4, SECTION 19, T 23 S, R 12 W, W.M.; NORTH 10 DEGREES 23 MINUTES WEST, 1561 FEET FROM SE CORNER SECTION 19, LAKE POD - NE 1/4 SE 1/4, SECTION 19, T 23 S, R 12 W, W.M.; NORTH 8 DEGREES 22 MINUTES WEST, 1840 FEET FROM SE CORNER SECTION 19

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4  
SECTION 19  
TOWNSHIP 23 SOUTH, RANGE 12 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 and by-pass devices for the POINT OF DIVERSION ON THE LAKE ONLY, as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional 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(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 July 17, 1996

*for*   
Martha O. Pagel, Director  
Water Resources Department