

STATE OF OREGON

COUNTY OF LINCOLN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DEVILS LAKE WATER IMPROVEMENT DISTRICT
P.O. BOX 974
LINCOLN CITY, OREGON 97367

(541) 994-5330

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

APPLICATION FILE NUMBER: S-71813

SOURCE OF WATER: D RIVER, TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: RECREATION AND WATER QUALITY

MAXIMUM RATE ALLOWED: 0.662 CUBIC FOOT PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH JULY 31 OF EACH YEAR; HOWEVER, DURING AUGUST AND SEPTEMBER OF EACH YEAR, THE INFLOW MUST EQUAL THE OUTFLOW

DATE OF PRIORITY: AUGUST 27, 1991

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 15, T7S, R11W, W.M.; 250 FEET NORTH AND 375 FEET EAST FROM THE C-W 1/4 CORNER OF SECTION 15

THE PLACE OF USE IS LOCATED AS FOLLOWS:

W 1/2
SECTION 1
E 1/2
SECTION 2
E 1/2
SECTION 11
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SECTION 12
N 1/2
SECTION 14
SE 1/4 NE 1/4
SECTION 15
TOWNSHIP 7 SOUTH, RANGE 11 WEST, W.M.

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Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The Devils Lake Water Improvement District is authorized by Oregon Department of Fish and Wildlife (ODFW) to use the existing fish screen structure at the outlet of Devils Lake for controlling lake level as long as the integrity and function of the structure is maintained and uncompromised.

ODFW district office personnel in Newport shall be notified if movement of adult fish into the lake or juvenile fish out of the lake is, or is likely to be, impaired. If passage is impeded, appropriate measures as directed by ODFW shall be taken by the Devils Lake Water Improvement District to facilitate passage.

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 October 10, 1996



Martha O. Pagel, Director
Water Resources Department