

STATE OF OREGON

COUNTY OF CLATSOP

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KEN & KAREN DAVID  
16020 NW FOXBOROUGH CIRCLE  
PORTLAND, OREGON 97006

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

APPLICATION FILE NUMBER: S-77611

SOURCE OF WATER: NORTH FORK NEHALEM RIVER, A TRIBUTARY OF NEHALEM RIVER

PURPOSE OR USE: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

MAXIMUM RATE/VOLUME ALLOWED: 0.01 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE EXPANDED AND FURTHER LIMITED DURING THE PERIOD LISTED BELOW TO 0.005 CFS FOR HUMAN CONSUMPTION ONLY

PERIOD OF USE: DECEMBER 1 THROUGH MARCH 31 FOR DOMESTIC USE EXPANDED AND APRIL 1 THROUGH NOVEMBER 30 FOR HUMAN CONSUMPTION ONLY

DATE OF PRIORITY: FEBRUARY 9, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 31, T4N, R9W, W.M.; 1668 FEET NORTH & 97 FEET WEST FROM SE CORNER, SECTION 31

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4  
SECTION 31  
TOWNSHIP 4 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.

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- 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.

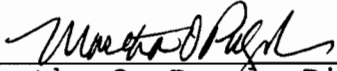
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) 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 September 30, 1996



Martha O. Page, Director  
Water Resources Department