

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID C WALZ
586 SHUTTERS CREEK RD
NORTH BEND, OREGON 97459

(541) 756-3734

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-81136

SOURCE OF WATER: A SPRING, A TRIBUTARY OF SHUTTERS CREEK

PURPOSE OR USE: DOMESTIC USE FOR TWO HOUSEHOLDS INCLUDING IRRIGATION OF A LAWN OR NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA

MAXIMUM RATE OF ALLOWED USE: 0.001 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: APRIL 1 THROUGH NOVEMBER 31 FOR DOMESTIC USE EXPANDED AND LIMITED TO HUMAN CONSUMPTION DURING THE PERIOD DECEMBER 1 THROUGH MARCH 1

DATE OF PRIORITY: MAY 6, 1996

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 33, T 23 S, R 12 W, W.M.; SOUTH 80 DEGREES 30 MINUTES EAST 1220 FEET FROM W 1/4 CORNER, SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SW 1/4
SECTION 33
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.

Application S-81136 Water Resources Department

PERMIT 53078

ASSIGNED See Memo. Re: W.R. 8

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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.

The use of water allowed herein may be made only at times when waters from the spring would not otherwise flow into Shutter Creek or sufficient water is available to satisfy all prior rights, including rights for maintaining instream 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.

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2000.

Issued February 12, 1997



Martha O. Pagel, Director
Water Resources Department

Application S-81136 Water Resources Department
Basin 17 Volume
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PERMIT 53078
District 19