

STATE OF OREGON

COUNTY OF TILLAMOOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MICHAEL E HENNINGSSEN
4875 GRIFFITH DR.
BEAVERTON, OREGON 97603

PHONE: (503) 644-2800

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

APPLICATION FILE NUMBER: S-73435

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY OF SALMONBERRY RIVER

PURPOSE OR USE: HUMAN CONSUMPTION PURPOSES ONLY FOR 5 CABINS

MAXIMUM RATE/VOLUME ALLOWED: 0.01 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 8, 1993

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 10, T3N, R8W, W.M.; POD #1 - 50 FEET NORTH & 230 FEET WEST; POD #2 - 320 FEET NORTH & 10 FEET EAST, BOTH FROM S 1/4 CORNER, SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

TAX LOT 203
TAX LOT 300
TAX LOT 400
TAX LOT 600
TAX LOT 700
SW 1/4 SE 1/4
SECTION 10

TOWNSHIP 3 NORTH, RANGE 8 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

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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 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 permittee may provide evidence that the Oregon Department of Fish and Wildlife has determined that fish screens and/or fishway passage is not necessary. 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.

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.

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, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued March *26*, 1997

Rufus W. Sulley
for Water Resources Department
Director

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Basin 01 Volume 2 Salmonberry River & Misc.

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District 01