

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DONALD R. AND WANDA L. MCELROY
P.O. BOX 43, 13530 RIVER LN
SWISSHOME, OREGON 97480

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

APPLICATION FILE NUMBER: S-71220

SOURCE OF WATER: LAKE CREEK, A TRIBUTARY OF SIUSLAW RIVER

PURPOSE OR USE: IRRIGATION OF 0.5 ACRE

MAXIMUM RATE ALLOWED: 0.006 CUBIC FOOT PER SECOND

MAXIMUM VOLUME ALLOWED: MAXIMUM VOLUME FOR THE SEASON OF USE SHALL BE NO MORE THAN 20,000 GALLONS, WITH A TOTAL VOLUME OF NO MORE THAN 4,000 GALLONS PER MONTH.

PERIOD OF USE: MARCH 1 THROUGH JULY 31

DATE OF PRIORITY: FEBRUARY 12, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 29, T17S, R9W, W.M.; 1124.2 FEET SOUTH & 438 FEET WEST FROM THE E 1/4 CORNER, SECTION 29.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 0.5 ACRES
SECTION 29
TOWNSHIP 17 SOUTH, RANGE 9 WEST, W.M.

Application S-71220

Water Resources Department

Draft S-53288

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the point of diversion on Lake Creek. The meter shall be sufficient to determine the actual rate of diversion at any time and the total volume of water diverted over a particular period of time. The meter shall be designed and installed to the satisfaction of the District 2 watermaster.
- B. The permittee shall maintain the meter in good working order and allow the watermaster access to the meter at any time. If the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the rate and volume of water diverted from Lake Creek each month and submit a report which includes this information to the Department on a monthly basis.

Prior to water use, the permittee shall install and thereafter maintain fish screens at the point of diversion. Fish screens shall be designed, installed and operated to Oregon Department of Fish and Wildlife specifications.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

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.

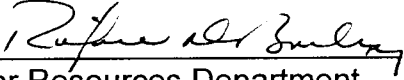
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued December 10, 1997



Water Resources Department
Director

Basin 18

Volume 2 Siuslaw River & Misc

District 02

Application S-71220

Water Resources Department

Draft S-53288