

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

CLIFFORD ELLIS AND GERALDINE CARROL WORTHYLAKE  
87279 HADSALL CREEK ROAD  
MAPLETON, OREGON 97453

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

APPLICATION FILE NUMBER: S-71161

SOURCE OF WATER: AN UNNAMED SPRING AND DEADWOOD CREEK TRIBUTARIES OF LAKE CREEK

PURPOSE OR USE: DEADWOOD CREEK - IRRIGATION OF 25.0 ACRES. UNNAMED SPRING - DOMESTIC USE FOR TWO HOUSEHOLDS INCLUDING THE IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ½ ACRE IN AREA FOR EACH, LIVESTOCK USE, AND HUMAN CONSUMPTION FOR TWO HOUSEHOLDS

MAXIMUM RATE ALLOWED: NOT TO EXCEED A CUMULATIVE TOTAL OF 0.08 CFS BEING:

- 0.06 CFS FROM DEADWOOD CREEK FOR IRRIGATION
- 0.01 CFS FROM THE SPRING FOR DOMESTIC EXPANDED USE
- 0.01 CFS FROM THE SPRING FOR LIVESTOCK USE
- 0.01 CFS FROM THE SPRING FOR HUMAN CONSUMPTION (0.005 CFS PER HOUSEHOLD)

PERIOD OF USE:

- MARCH THROUGH JULY FOR IRRIGATION FROM DEADWOOD CREEK AND AS FURTHER LIMITED BELOW
- NOVEMBER THROUGH JULY FOR DOMESTIC EXPANDED FROM THE SPRING
- YEAR ROUND FOR LIVESTOCK USE FROM THE SPRING.

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- AUGUST THROUGH OCTOBER FOR HUMAN CONSUMPTION FROM THE SPRING.

DATE OF PRIORITY: FEBRUARY 4, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 34, SW 1/4 SW 1/4, SECTION 35, T16S, R9W, W.M.; SPRING- 345 FEET NORTH & 1302.5 FEET EAST; DEADWOOD CREEK- 1250 FEET NORTH & 1483 FEET EAST; DEADWOOD CREEK- 1690 FEET NORTH & 1190 FEET EAST, ALL FROM THE E 1/16 CORNER BETWEEN SECTIONS 3 AND 34.

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:

SE 1/4 SE 1/4	11.1 ACRES, DOMESTIC, LIVESTOCK SECTION 34
SW 1/4 SW 1/4	9.9 ACRES, DOMESTIC, LIVESTOCK
SE 1/4 SW 1/4	4.0 ACRES, LIVESTOCK SECTION 35

TOWNSHIP 16 SOUTH, RANGE 9 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at all points of diversion on Deadwood 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. During the proposed season of use for irrigation, the permittee shall keep a complete record of the rate and duty of water diverted from Deadwood Creek each month and submit a report which includes this information to the Department annually or more frequently as may be required by the Director.

The Water Resources Department shall establish and maintain a low to medium flow rating curve for the staff gage closest to the proposed points of diversion on Deadwood Creek. The staff gage and rating curve shall be maintained unless the Water Resources Commission and the Director of Oregon Department of Fish and Wildlife finds, in a public hearing, that maintaining the gage and rating curve on Deadwood Creek is no longer a priority considering budget, staffing, and other high priority instream flow monitoring needs.

During the month of July, irrigation diversions from Deadwood Creek shall be subordinate to Instream Water Right Certificate 73146 and the permittee shall:

- be responsible for monitoring streamflows in Deadwood Creek so that diversion for irrigation does not occur when Instream Water Right Certificate 73146 is not met.
- prior to any diversion of water for irrigation from Deadwood Creek, the permittee shall make an observation of the staff gage on Deadwood Creek and shall only divert water if flow is sufficient to meet the flows authorized under Instream Water Right Certificate 73146 and the irrigation use.
- while irrigation diversion from Deadwood Creek is occurring, the permittee shall record weekly observations of the staff gage and shall report such measurements along with other water use measurements described above.
- in the event maintenance of the staff gage is discontinued by the Water Resources Commission, irrigation use in the month of July is not allowed unless the applicant can demonstrate, to the satisfaction of the Department, that instream flows are measured and met prior to diversion of water for irrigation.

Prior to water use, the permittee shall install and thereafter maintain fish screens on all points of diversion on Deadwood Creek. 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.

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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.

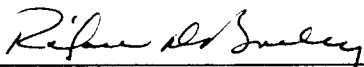
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 2002.

Issued December 17, 1997



Water Resources Department  
Director

Basin 18  
Application S-71161

Volume 2 Lake Crk & Misc.  
Water Resources Department

District 02  
Permit 53300