

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICK L. & SHARON L. CLARK
PO BOX 51
GRANTS PASS, OREGON 97526

(541)476-0436

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

APPLICATION FILE NUMBER: S-83401

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF LIMPY CREEK

PURPOSE OR USE: DOMESTIC USE INCLUDING THE IRRIGATION OF NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA

MAXIMUM RATE ALLOWED: 0.01 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND. THIS RIGHT MAY BE EXERCISED WHENEVER NECESSARY FOR BENEFICIAL USE, OR AS FURTHER LIMITED AS DESCRIBED BELOW

DATE OF PRIORITY: MAY 20, 1997

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 21, T36S, R7W, W.M.; 129.5 FEET SOUTH & 588 FEET EAST FROM CN 1/16, SECTION 21

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SECTION 21
TOWNSHIP 36 SOUTH, RANGE 7 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.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require

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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 use of water allowed herein may be made only at times when waters from the creek would not, under natural conditions, contribute flow to Limpy Creek, or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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 an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to 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.

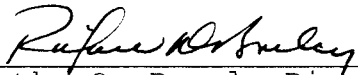
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction work shall begin by April 9, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 20, 1998



Martha O. Pagel, Director
Water Resources Department

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Basin 15
LKS

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District 14