

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EDWARD BIRKENFELD JR.
213 SURREY LANE
MYRTLE CREEK, OREGON 97457

PHONE: (541) 863-3315

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

APPLICATION FILE NUMBER: S-81951

SOURCE OF WATER: AN UNNAMED STREAM AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER PERMIT R-12478, TRIBUTARIES OF SOUTH MYRTLE CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 2.0 ACRES AND DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED $\frac{1}{2}$ ACRE IN AREA

MAXIMUM RATE/VOLUME ALLOWED: UNNAMED STREAM: 0.01 CUBIC FOOT PER SECOND FOR DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED $\frac{1}{2}$ ACRE IN AREA; UNNAMED RESERVOIR: 1.0 ACRE-FOOT (AF), BEING 0.5 AF FOR SUPPLEMENTAL IRRIGATION OF 2.0 ACRES AND 0.5 AF FOR SUPPLEMENTAL DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED $\frac{1}{2}$ ACRE IN AREA

PERIOD OF USE: UNNAMED STREAM: DECEMBER 1 THROUGH MAY 31 FOR DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED $\frac{1}{2}$ ACRE IN AREA; UNNAMED RESERVOIR: YEAR ROUND FOR DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED $\frac{1}{2}$ ACRE IN AREA AND MAY 1 THROUGH OCTOBER 31 FOR SUPPLEMENTAL IRRIGATION OF 2.0 ACRES

DATE OF PRIORITY: FEBRUARY 7, 1997

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 25, T29S, R5W, W.M.; NORTH 51 DEGREES WEST 700 FEET FROM SE CORNER, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 25

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 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.75 ACRES & DOMESTIC USE
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.25 ACRES
SECTION 25
TOWNSHIP 29 SOUTH, RANGE 5 WEST, W.M.

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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 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

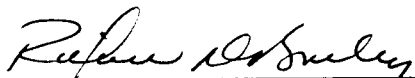
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 May 1, 1999. Complete application of the 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 June 29, 1998



Water Resources Department
Director

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Basin 16 Volume 4 MYRTLE CR
LKS MGMT.CODE 3BW

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District 15