

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNETH L. AND ESTHER L. CONKLIN
15150 NW JACKSON SCHOOL ROAD
HILLSBORO, OREGON 97124

(503) 647-2234

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

APPLICATION FILE NUMBER: S-74277

SOURCE OF WATER: JESUS CREEK, TRIBUTARY OF MCKAY CREEK

PURPOSE OR USE: COMMERCIAL (DOMESTIC TYPE USES ONLY), LIVESTOCK, AND DOMESTIC USE FOR THREE HOUSEHOLDS

MAXIMUM RATE ALLOWED: A MAXIMUM CUMULATIVE TOTAL OF 0.02 CUBIC FOOT PER SECOND (CFS), BEING 0.005 CFS FOR DOMESTIC USE FOR ONE HOUSEHOLD, AND 0.004 CFS FOR COMMERCIAL (DOMESTIC TYPE USES ONLY), BOTH FROM DIVERSION POINT 1; AND 0.003 CFS FOR LIVESTOCK, AND 0.01 CFS FOR DOMESTIC USE FOR TWO HOUSEHOLDS FROM DIVERSION POINT 2

PERIOD OF USE: DECEMBER 1 THROUGH APRIL 30 FOR COMMERCIAL (DOMESTIC TYPE USES ONLY) AND DOMESTIC USE FOR THREE HOUSEHOLDS; FURTHER LIMITED MAY 1 THROUGH NOVEMBER 30 TO HUMAN CONSUMPTION ONLY; YEAR ROUND FOR LIVESTOCK

DATE OF PRIORITY: JULY 1, 1994

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, NE 1/4 SW 1/4, SECTION 29, T2N, R2W, W.M.; DIVERSION POINT 1 - 140 FEET SOUTH AND 120 FEET EAST, DIVERSION POINT 2 - 1020 FEET SOUTH AND 850 FEET WEST, BOTH FROM THE NE CORNER OF ELI DAVIS DLC 42

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 COMMERCIAL AND DOMESTIC USE
SE 1/4 NW 1/4 LIVESTOCK USE
NE 1/4 SW 1/4 LIVESTOCK USE
NW 1/4 SW 1/4 DOMESTIC AND LIVESTOCK USE
SE 1/4 SW 1/4 DOMESTIC USE

SECTION 29

TOWNSHIP 2 NORTH, RANGE 2 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

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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.

The permittee shall install, maintain and operate fish screening and bypass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream, namely the Tualatin River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

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 of the well shall begin within one year from permit issuance. 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 August 21, 1998



Martha O. Pagel, Director
Water Resources Department

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Basin 02 Volume 21, MCKAY CREEK & MISC.
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District 18