

STATE OF OREGON

COUNTY OF MALHEUR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MERLE MAINE ENTERPRISES  
MERLE MAINE  
PO BOX 457  
ONTARIO, OREGON 97914

(541) 889-9198

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

APPLICATION FILE NUMBER: S-84015

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY OF CANYON NO 1

PURPOSE OR USE: DUST ABATEMENT AND AGGREGATE WASHING

MAXIMUM RATE ALLOWED: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH APRIL 14

DATE OF PRIORITY: DECEMBER 9, 1998

POINT OF DIVERSION (POD) LOCATION: NW1/4 SE1/4, SECTION 19, T17S, R47E,  
W.M.; NORTH POD - 1910 FEET NORTH & 2090 FEET WEST; SOUTH POD - 1580  
FEET NORTH & 1840 FEET WEST, BOTH FROM THE SE CORNER SECTION 19

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4  
SE 1/4 NE 1/4  
SW 1/4 NW 1/4  
SE 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4  
SE 1/4 SW 1/4  
NW 1/4 SE 1/4  
SW 1/4 SE 1/4

SECTION 19

TOWNSHIP 17 SOUTH, RANGE 47 EAST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. 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 to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

**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 July 30, 2000. Complete application of water to the use shall be made on or before October 1, 2003. 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 July 30, 1999



Martha O. Pagel, Director  
Water Resources Department