

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COOS BAY-NORTH BEND WATER BOARD
P.O. BOX 539
COOS BAY, OREGON 97420

PHONE: (503) 267-3128

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

APPLICATION FILE NUMBER: S-80302

SOURCE OF WATER: UPPER PONY CREEK RESERVOIR, CONSTRUCTED UNDER PERMITS R-1064 AND R-8518 AND TO BE ENLARGED UNDER PERMIT R-12822, TRIBUTARY TO PONY CREEK

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE/VOLUME ALLOWED: 4,100.0 ACRE-FEET PER YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MAY 11, 1995

POINT OF DIVERSION LOCATION: ^{R13W (LKS 11/1/00)} NE 1/4 NE 1/4, SW 1/4 SW 1/4, SECTION 28, T25S, R13E, W.M.; MERRIT LAKE POD: 500 FEET SOUTH AND 900 FEET WEST FROM NE CORNER, SECTION 28; UPPER PONY DAM POD - 970 FEET NORTH AND 440 FEET EAST FROM SW CORNER, SECTION 28

THE PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE SERVICE AREA OF THE COOS BAY NORTH BEND WATER BOARD

In order for water to be diverted under this permit there must be a valid Memorandum of Understanding between the permittee and ODFW waiving the fish passage requirements for the Upper Pony Creek Reservoir Expansion Project under Application R-80301. A copy of the MOU shall be kept on file with the Department of Water Resources.

In order for water to be diverted under this permit the permittee must be in substantial compliance with the conditions set out in the final order and permit for reservoir Application R-80301.

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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

The permittee shall install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

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.

Within three years of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this time line to complete the required water management and conservation plan.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

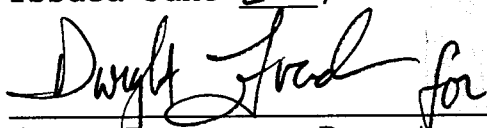
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

This permit is issued to correctly identify the coordinates to the point of diversion on Upper Pony Dam. Permit 53671, dated April 7, 2000, is superseded by this instrument and is of no further force or effect.

Complete application of water to the use shall be made on or before October 1, 2004. 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 20, 2000


Water Resources Department
Director