

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SUMMERWOOD INC.

JUDITH C. AND BURRLE E. ELMORE

1885 LAKESHORE DRIVE

EUGENE, OREGON 97408

(541) 686-9925

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

APPLICATION FILE NUMBER: S-84312

SOURCE OF WATER: BUCK CREEK, A TRIBUTARY OF PASS CREEK

PURPOSE OR USE AND PERIOD OF USE: BUCK CREEK - DOMESTIC USE INCLUDING THE IRRIGATION OF LAWN OR NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA DECEMBER 1 THROUGH MARCH 31 AND HUMAN CONSUMPTION USE APRIL 1 THROUGH JULY 31 AND SEPTEMBER 1 THROUGH NOVEMBER 30; GRAY WATER SYSTEM - DOMESTIC PURPOSES INCLUDING THE IRRIGATION OF LAWN OR NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA YEAR ROUND

MAXIMUM RATE ALLOWED FROM BUCK CREEK: 0.01 CUBIC FOOT PER SECOND (CFS) DECEMBER 1 THROUGH MARCH 31 AND 0.005 CFS FROM APRIL 1 THROUGH JULY 31 AND SEPTEMBER 1 THROUGH NOVEMBER 30

MAXIMUM RATE ALLOWED FROM GRAY WATER SYSTEM: THE USE OF WATER FROM THE GRAY WATER SYSTEM MAY BE USED FOR DOMESTIC PURPOSES INCLUDING THE IRRIGATION OF LAWN OR NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA YEAR ROUND WITHOUT LIMITATION

DATE OF PRIORITY: DECEMBER 22, 1999

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 33, T21S, R4W, W.M.; 1606 NORTH & 2270 FEET WEST FROM SE CORNER SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SE 1/4
SECTION 33
TOWNSHIP 21 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee

Application S-84312 Water Resources Department

PERMIT 53743

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.

Planting of native plants including 8 conifers per 100 feet of riparian length is required to mitigate for the impact of the use.

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 screen is to be in place and functional prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

Prior to use the permittee shall install low flow water fixtures including faucets, showers, and toilets.

The use of water beyond the purposes of drinking, cooking, and sanitation shall be made from a gray water system during the period April 1 through November 30.

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.

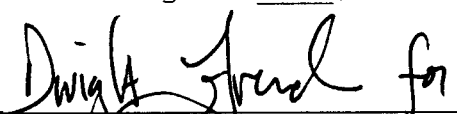
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Complete application of the water to the use shall be made on or before October 1, 2005. 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 2, 2001


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.