

STATE OF OREGON

COUNTY OF HOOD RIVER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HOWARD HOUSTON
2630 OLD COLUMBIA RIVER HWY
HOOD RIVER, OREGON 97031-9523

(541)386-4333

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

APPLICATION FILE NUMBER: S-84318

SOURCE OF WATER: AN UNNAMED SLOUGH, TRIBUTARY OF THE COLUMBIA RIVER

PURPOSE OR USE: INDUSTRIAL, COMMERCIAL AND MINING USE

MAXIMUM RATE ALLOWED: 0.223 CUBIC FOOT PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH APRIL 14 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 27, 1999

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 30, T3N, R11E,
W.M.; 523.91 FEET NORTH & 769.2 FEET EAST FROM SW CORNER, SECTION 30

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4
SECTION 25
SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 30

TOWNSHIP 3 NORTH, RANGE 11 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.

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 water user shall install and maintain adequate treatment facilities meeting current Department of Environmental Quality 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.

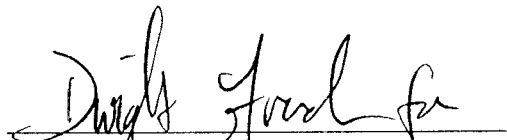
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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 September 4, 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.