

STATE OF OREGON

COUNTY OF LINCOLN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KERNVILLE-GLENEDEN BEACH-LINCOLN BEACH WATER DISTRICT  
6596 GLENEDEN BEACH LOOP  
GLENEDEN BEACH, OREGON 97388

PHONE: (541) 764-2475

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

APPLICATION FILE NUMBER: S-84416

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF DRIFT CREEK

PURPOSE OR USE: SUPPLEMENTAL MUNICIPAL USE

MAXIMUM RATE ALLOWED: 2.0 CUBIC FEET PER SECOND AS FURTHER LIMITED BELOW

PERIOD OF USE: OCTOBER 15 THROUGH MAY 15

DATE OF PRIORITY: APRIL 21, 2000

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 12, T8S, R11W, W.M.; 210 FEET SOUTH & 1380 FEET WEST FROM NE CORNER, SECTION 12

THE PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE SERVICE DISTRICT BOUNDARY OF  
KERNVILLE-GLENEDEN BEACH-LINCOLN BEACH WATER DISTRICT

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 submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86 within 150 days from issuance of the final order approving this permit.

The use of water under this permit may be made only when the permittee cannot divert water under Permits S 54186 and S 54187 (superseding permits S 29267 and S 35106, respectively), during high flow events which result in turbidity levels on Drift Creek that are unacceptable for adequate filtering or due to equipment failure. Water diverted under this permit shall be limited to the amount of water by which use of water under Permits 29267 or 35106 for the service district boundary of Kernville-Gleneden Beach-Lincoln Beach Water District is reduced due to unacceptable turbidity levels or equipment failures at the permittee's Drift Creek point of diversion and further limited to a maximum diversion of 2.0 cfs.

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.

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 or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Prior to diversion of water under this permit the permittee shall contact the Army Corps of Engineers and Division of State Lands to determine if the diversion of water from the unnamed tributary to Drift Creek will require a Clean Water Act 404 permit or Division of State Lands fill and removal permit, and acquire any necessary permit. The permittee shall submit for the Departments file either a copy of the required permit or evidence that such permit is not required.

Any instream work shall be accomplished during a work window specified by the Oregon Department of Fish and Wildlife and increases in turbidity and/or sediment shall be kept to a minimum (no more than a 10 percent cumulative increase in natural stream turbidity as measured relative to a control point immediately upstream of the project).

During diversion of water under this permit a bypass flow of 1.0 CFS shall be maintained in the unnamed tributary to Drift Creek.

#### **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, 2009. 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 November 21, 2005



Dwight French  
Administrator of Water Rights and Adjudications  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department

Date

Nov. 21, 2005

