

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NEAL DAVIS
PO BOX 1242
BANDON, OR 97411

DALE AND PATRICIA PIKE
86764 SYDNAM LANE
BANDON, OR 97411

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

APPLICATION FILE NUMBER: S-71046

SOURCE OF WATER: AN UNNAMED STREAM AND SPENCER RESERVOIR, CONSTRUCTED UNDER PERMIT R-8204, TRIBUTARIES OF DAVIS CREEK

PURPOSE OR USE: TEMPERATURE CONTROL (HEAT PROTECTION) ON 20.8 ACRES

MAXIMUM RATE/VOLUME: 1.35 CUBIC FEET PER SECOND AND 2.5 ACRE FEET

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 31 FROM AN UNNAMED STREAM
YEAR ROUND FROM SPENCER RESERVOIR

DATE OF PRIORITY: DECEMBER 13, 1990

POINT OF DIVERSION LOCATION: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 14, T30S, R15W, W.M.;
1810 FEET SOUTH & 300 FEET WEST FROM NE CORNER, SECTION 14

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.8 ACRES
SECTION 14
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee 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 and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The fish screening will need to be designed and sized to protect emergent fry.

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

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Actual construction of the well shall begin within one year from permit issuance. Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 29, 2006

E. Timothy Ward for

Phillip C. Ward, Director
Water Resources Department

