

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STERLING GARDNER  
99720 SOUTHBANK CHETCO RD  
BROOKINGS, OR 97415

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

APPLICATION FILE NUMBER: S-86443

SOURCE OF WATER: A SPRING, A TRIBUTARY OF CHETCO RIVER

PURPOSE OR USE: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.005 CUBIC FOOT PER SECOND

AND PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: OCTOBER 17, 2005

POINT OF DIVERSION LOCATION:

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 36, T40S, R13W, W.M.; 950 FEET SOUTH AND 40 FEET  
WEST FROM N1/4 CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SECTION 36  
TOWNSHIP 40 SOUTH, RANGE 13 WEST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

- A. The Director may require the permittee to install a totalizing flow meter, or other suitable measuring device as approved by the Director, at each point of diversion. If the Director notifies the permittee to install a measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order, and shall allow the watermaster access to the device.

- B. The Director may require the permittee to keep and maintain a record of the volume of water diverted, 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.

#### **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.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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, except where those instream water rights allow for the use authorized herein.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued MARCH 13, 2014

E. Timothy Wall, Jr.

Phillip C. Ward, Director  
Water Resources Department