

STATE OF OREGON

COUNTY OF COLUMBIA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

R BRUCE FLEMING
7527 SW LA VIEW DR
PORTLAND, OR 97219

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

APPLICATION FILE NUMBER: S-87883

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF NEHALEM RIVER, AND NEHALEM RIVER, A TRIBUTARY OF NEHALEM BAY

PURPOSE OR USE: WILDLIFE AND POND MAINTENANCE FOR FLEMING POND, CONSTRUCTED UNDER PERMIT R-13974

MAXIMUM RATE: 0.5 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.111 CFS FOR POND MAINTENANCE

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 30

DATE OF PRIORITY: APRIL 3, 2013

POINT OF DIVERSION LOCATIONS:

UNNAMED STREAM - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T6N, R5W, W.M.; 220 FEET NORTH AND 1060 FEET WEST FROM S1/4 CORNER, SECTION 9

NEHALEM RIVER - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T6N, R5W, W.M.; 603 FEET NORTH AND 234 FEET WEST FROM S1/4 CORNER, SECTION 9

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 9
TOWNSHIP 6 NORTH, RANGE 5 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 or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.

Application S-87883 Water Resources Department

PERMIT S-54917

- 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 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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 permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

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.

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.

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.

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 instead flows.

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 19 2015*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director