

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID ROGERS
26366 GAP RD
BROWNSVILLE OR 97327

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

APPLICATION FILE NUMBER: S-88285

SOURCE OF WATER: PIERCE CREEK, TUB RUN, AND RUNOFF, TRIBUTARIES
TO LITTLE MUDDY CREEK

PURPOSE OR USE: POND MAINTENANCE

MAXIMUM RATE/VOLUME: 0.625 CUBIC FOOT PER SECOND; 54.5 ACRE-FEET

PERIOD OF USE: PIERCE CREEK AND TUB RUN OCTOBER 15 - FEBRUARY
28/29 OF EACH YEAR; RUNOFF WHEN AVAILABLE

DATE OF PRIORITY: SEPTEMBER 9, 2016

POINTS OF DIVERSION:

POD 1: NWSW SECTION 2, T15S, R3W, W.M.; 1395 FEET SOUTH AND
3225 FEET EAST FROM NW CORNER, SECTION 2

POD 2: SWNE SECTION 2, T15S, R3W, W.M.; 3510 FEET SOUTH AND
565 FEET EAST FROM NW CORNER, SECTION 2

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼ 19.6 ACRES
SW ¼ NE ¼ 3.5 ACRES
NE ¼ NW ¼ 38.4 ACRES
NW ¼ NW ¼ 32.7 ACRES
SW ¼ NW ¼ 28.7 ACRES
SE ¼ NW ¼ 6.6 ACRES
NW ¼ SW ¼ 21.6 ACRES
SECTION 2

NE ¼ NE ¼ 24.2 ACRES
SE ¼ NE ¼ 21.9 ACRES
NE ¼ SE ¼ 15.1 ACRES

SECTION 3

TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

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 SHALL 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. This permit is subject to cancellation proceeding if water use begins before installation of fish screening and/or by-pass devices.

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 instream flows.

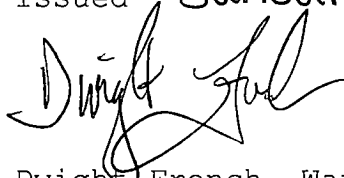
Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete 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

January 24, 2018



Dwight French, Water Right Services Division Administrator
for Thomas M. Byler, Director

