



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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1. APPLICANT INFORMATION

A. Individuals

Applicant: WILLIAM LEET
First Last

Mailing address: 3485 OYSTER BAY AVE
DAVIS CA 95616
City State Zip

Phone: 530-759-0929 530-574-4869
Home Work Other

*Fax: _____ *E-Mail address: BILLEET@PRODIGY.NET

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: USDA FOREST SERVICE

Name and title of person applying: PHIL CRUZ, DISTRICT RANGER

Mailing address of organization: 1230 NE 3rd ST SUITE A-262
BEND OR 97701
City State Zip

Phone: 541-383-4000
Day Evening

*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. <u>5-86954</u>	Permit No. _____	Date _____

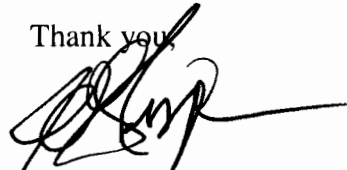
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3485 Oyster Bay Avenue
Davis, California 95616
June 7, 2007

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

The enclosed application to use surface water is for a system that has been in place for approximately 79 years. The spring from which the water is taken has a maximum flow of less than one cfs, and sinks into the ground again before reaching Elk Lake. Depending on the precipitation it flows from the time the snow melts through mid-September, although I have seen it go dry by early August. The spring emerges from the ground about 100 feet north of the average shoreline of Elk Lake. (Because the outlets to the lake are under water, the lake level fluctuates radically. The primitive system serves three cabins that are on permit land owned by the US Forest Service. The Forest Service has advised us to get permit for it.

Thank you,



William S. Leet

For LOTS J-4 ; J-5 + J-6

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2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: UNNAMED SPRING Tributary to: ELK LAKE
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). _____

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

N/A

- ☐ Yes.
- ☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- ☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

Surface Water/2

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C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Skip to section 3 "Water Use.")

☐ No (Please check the appropriate box below.)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 3
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount
SPRING	HUMAN CONSUMPTION	0.03 2000 ☒ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af

C. Period of Use

Indicate the time of year you propose to use the water: JUNE 1 - OCTOBER 1
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: _____
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- ☐ Pump (give horsepower and pump type): _____
- ☐ Head-gate (give dimensions): _____
- ☒ Other means (describe): GRAVITY THROUGH 1/2" PIPE

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☐ Weir ☐ Meter ☐ Periodic Sampling
- ☒ Other means (describe): ~~WEIR~~ BUCKET AND STOPWATCH

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C. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter 1/2" Length 400 FEET

☐ Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? NONE HOUSEHOLD FAUCETS

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| ☐ Flood | ☐ High-pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

Distribution method

- ☐ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

WATER IS USED FOR DRINKING AND
COOKING. ONLY USED AS NEEDED

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5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

☐ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: _____

☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: _____

☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: _____

☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: SPRING EMERGES INTO A

BUSHY BARREL FROM WHICH IT IS
EXTRACTED VIA A PIPE

☐ Other: _____

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6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: N/A

Proposed date construction will be completed: _____

Proposed date beneficial water use will begin: _____

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

PLEASE SEE COVER LETTER

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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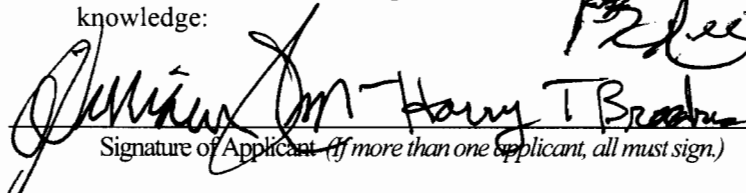
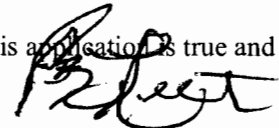
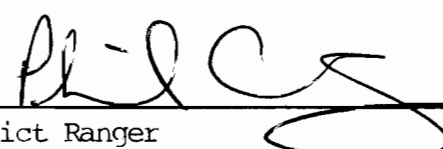
S-86956

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

 
Signature of Applicant (If more than one applicant, all must sign.) Date 6-7-07
 6-12-07
District Ranger Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
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File #:

Oregon Water Resources Department

Application Supplement for Human Consumption & Livestock Uses

For water use permit applications within or above scenic waterways, or from streams for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption use is limited to use of water for drinking, cooking, and sanitation, and does not include other uses such as lawn or garden watering or other related water uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266.

1. Can you reasonably obtain water from any other source? YES / NO
(circle one)

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)

THE SOURCE IS A SPRING, SO IN A
DENSE IT IS GROUND WATER

- b. Securing stored water from upstream reservoirs.

THERE ARE NONE

- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)

NONE AVAILABLE

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d. Community or municipal water suppliers.

NOT AVAILABLE

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e. Tying in to a neighboring property's spring.

THIS IS WHAT THE APPLICATION
IS FOR

g. Transferring existing water rights to your proposed use(s).

?

Please identify any other alternate water sources you have considered, and why they are not feasible:

NONE

2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

YES

NO

NOT APPLICABLE

(circle one)

If so, please describe how:

IT IS FOR HUMAN CONSUMPTION
AND IS THE ONLY SOURCE OTHER THAN
THE LAKE

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

YES

NO

NOT APPLICABLE

(circle one)

4. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

YES

NO

NOT APPLICABLE

(circle one)

Applicant Signature: [Signature]

Date: 6/7/07

Applicant Signature: Harry T Brooks

Date: 6/7/07

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7/28/07

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State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR. 97301-1271
(503) 986-0900
www.wrd.state.or.us

REV. 11/20/03

SPRING DESCRIPTION SHEET

1. Is the spring on the property owned by the applicant? YES ☐ NO ☒
2. If not, give name and address of legal owner: USDA FOREST SERVICE
1230 NE 3rd ST. STE A-262 BEND OR 97701
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES ☒ NO ☐
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES ☐ NO ☐
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?
What is the maximum flow? 0.5 GFS
Is flow measured or estimated? MEASURED ☐ ESTIMATED ☒
6. Does the stream flowing from the spring form a well defined natural channel?
YES ☒ NO ☐
7. Does the water flow off the lands on which it first arises? YES ☐ NO ☒
8. Give the name of the stream or other body of water into which the water from the spring flows: DISAPPEARS BEFORE REACHING ELK LAKE
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: 100 FEET
10. Remarks: _____

I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

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Applicant WILLIAM LEET

6-26-07

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Signature [Signature]

Date

WATER RESOURCES DEPT
SALEM, OR

Signature

Date

6-26-07

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U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE TERM SPECIAL USE PERMIT FOR RECREATION RESIDENCE Act of March 4, 1915, as amended July 18, 1956 (Ref. FSM 2720)	a. Record No. (1-2)	b. Region (3-4)	c. Forest (5-6)
	70	06	01
	d. District (7-8)	e. User No. (9-12)	f. Kind of Use (13-15)
	01	5523	123
	g. State (16-17)	h. County (18-20)	i. Card No. (21)
	41	017	1

William S. and Maureen H. Leet
(Name)

of 29 Sunset Way, San Rafael, CA 94901
(Post Office Address and Zip Code)

(hereafter called the permittee) is hereby authorized to use National Forest lands, for the construction and maintenance of a recreation residence for personal recreational use on the

Deschutes National Forest, subject to the provisions of this permit

including items 22 through 39, on page (s) 4 through 6.

This permit covers 0.60 acres.

Described as: (1) Lot 6 of Tract J. Elk Lake Recreation Unit XXXX.
(A plat of which is on file in the office of the Forest Supervisor.)

OR (2) _____ as shown on the attached map.
(Legal Description)

The following improvements are authorized in addition to the residence structure:

Water system, toilet, propane tank, guest house

Occupancy under this permit shall begin immediately XXXXXX. This use shall be exercised at least 15 days each year, unless otherwise authorized in writing. It shall not be used as a full time residence to the exclusion of a home elsewhere.

This permit is issued for the period ending December 31, 1999.

See Clause #23 (FEE = \$800/yr)

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This permit is accepted subject to all of its terms and conditions:

PERMITTEE'S NAME & SIGNATURE <u>William S. and Maureen H. Leet</u>	DATE <u>AUG 03 2007</u>
ACCEPTED <u>William S. and Maureen H. Leet</u>	WATER RESOURCES DEPT <u>3-25-86</u>
ISSUING OFFICER'S NAME & SIGNATURE <u>Walter C. Schloer, Jr.</u>	SALEM, OR <u>4/14/86</u>
TITLE <u>District Ranger</u>	DATE <u>4/14/86</u>

7700-18 (11/72)

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SALEM OFFICE

GENERAL PROVISIONS

1. Nothing in this permit shall be construed to imply permission to build or maintain any improvement not specifically named on the face of this permit or approved by the Forest Service in the form of a new permit or permit amendment. Additional improvements requiring specific approval shall include, but are not limited to: signs, fences, nameplates, mail boxes, newspaper boxes, boat houses, docks, pipelines, and television antennas.
2. Development plans, layout plans, construction, reconstruction, or alteration of improvements: or revision of layout or construction plans for this area must be prepared by a licensed engineer, architect, and/or landscape architect (in those States in which such licensing is required) or other qualified individual acceptable to the issuing officer. Such plans must be approved in advance by the Forest Supervisor.
3. No soil, trees or other vegetation may be removed from the permitted area without first obtaining permission from the Forest Service. All timber cut, destroyed, or injured shall be paid for at current stumpage rates applicable to the sale by the Forest Service of similar timber in the National Forest.
4. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the Forest Service.
5. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, state, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.
6. The permittee shall take all reasonable precaution to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the Forest Service.
7. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.
8. Avalanches, rising waters, high winds, falling limbs or trees and other hazardous natural phenomena in the forest present risks which the permittee assumes. The permittee has the responsibility of inspecting his site, lot, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and after securing permission from the Forest Service, to remove such hazards.
9. The permittee shall fully repair all damage other than ordinary wear and tear, to National Forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.
10. Personal recreation use is defined as non-commercial use by the permittee, members of his immediate family, and guest.
11. The permittee shall protect the scenic and esthetic values of the area under permit and the adjacent land as far as possible consistent with the authorized use during construction, maintenance, and use of improvements thereon.
12. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those named

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furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner above provided is qualified as a permittee, and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by a permit to him if in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

13. This permit is subject to all valid claims.

14. This permit may be terminated upon breach of any of the conditions herein by the issuing officer provided the permittee shall have had a reasonable time not to exceed ninety (90) days-within which to show cause why such termination should not be made.

15. Except as provided in Clause 16 below, upon abandonment, termination, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

16. If during the term of this permit or any extension thereof, the Secretary of Agriculture or any official of the Forest Service acting by or under his authority shall determine that the public interest requires termination of this permit shall terminate upon thirty days' written notice to the permittee of such determination, and the United States shall have the right thereupon to purchase the permittee's improvements, to remove them, or to require the permittee to remove them, at the option of the United States, and the United States shall be obligated to pay an equitable consideration for the improvements or for removal of the improvements and damages to the improvements resulting from their removal. The amount of the consideration shall be fixed by mutual agreement between the United States and the permittee and shall be accepted by the permittee in full satisfaction of all claims against the United States under this clause: provided, that if mutual agreement is not reached, the Forest Service shall determine the amount and if the permittee is dissatisfied with the amount to be due him he may appeal the determination in accordance with the Appeal Regulation (36 C.F.R. 211.20-211.37) and the amount as determined on appeal shall be final and conclusive on the parties hereto; provided further, That upon the payment to the permittee of 75 percent of the amount fixed by the Forest Service, the right of the United States to remove or require the removal of the improvements shall not be stayed pending final decision on appeal.

17. The permittee may sublease the use of improvements covered under this permit: provided the express written permission of the Forest Supervisor has been secured. The permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

18. This permit is for lot occupancy and does not provide for the furnishing of road maintenance, water, fire protection, or any other such services by a Government agency, utility association, or individual.

19. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom.

20. In case of change of address, the permittee shall immediately notify the Forest Supervisor.

21. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provisions thereof, the following clauses will control.

GPO 937-932

3

22. A13 Late Payment Charge. A late payment charge, in addition to the regular fees, shall be made for failure to meet the fee payment due date or any of the dates specified for submission of statements required for fee calculation. The late payment charge shall be \$20, or an amount calculated by applying the current rate prescribed by Treasury Fiscal Requirements Manual Bulletins to the overdue amount for each 30-day period or fraction thereof, that the payment is overdue, whichever is greater. If the due date falls on a nonworkday, the late payment charge will not apply until the end of the next workday. This permit may be terminated for nonpayment of fees and/or assessed late payment charges.

23. A17 Fee Clause - Recreation Residence Permits. In consideration for this use, the permittee shall pay to the Forest Service, U. S. Department of Agriculture, the sum of Eight Hundred Dollars (\$800.00) for the period from January 1, 1986 to December 1, 1986, and thereafter annually on January 1: provided, however, that the method of fee determination and/or annual fee may be adjusted when determined necessary by the Forest Service in order to place the charges on a basis commensurate with the value of the use authorized by this permit.

24. B08 Indemnification of United States. The permittee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.

25. X073 Personal Recreation Use Defined. Personal recreation use is defined as noncommercial use by the permittee, members of his immediate family, and guests. It does not include the use of the facilities to the exclusion of a permanent place of residence elsewhere.

26. R6F08 Slash Cleanup. The permittee shall clear and keep cleared all readily burnable vegetation such as dry grass, brush and small trees, and from an area not less than 30 feet, or to the lot boundary, whichever is closer, on each side of any structure.

Single, live specimens of native trees, shrubs, or other plants used to maintain a natural appearance or for soil erosion control purposes may be maintained, provided they are sufficiently separated so as not to form a means of transmitting fire from the surrounding lands to any structure or vice versa.

27. R6F27 Heat Producing Appliances, Stoves, Fireplaces, Chimneys, and Vents.

All heat producing appliances, stoves, fireplaces, chimneys, and vents shall be installed as required by the latest editions of the following codes and/or standards: National Electrical Code (NEC), National Fire Protection Association (NFPA) standards, Uniform Building Code.

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28. R6F28 Debris Removal. The permittee agrees to haul from National Forest lands all slash, logs, stumps, and debris resulting from clearing the permitted area, as directed by the Forest Officer in charge.

29. B18 Area Maintenance. The permitted area will be maintained to present a clean, neat, and orderly appearance. Trash, debris, unusable machinery, improvements, etc., will be disposed of currently. Building materials, firewood, etc., will be neatly stacked.

30. D02 Water Pollution. No waste or byproducts shall be discharged if it contains any substances in concentrations which will result in substantial harm to fish and wildlife, or to human water supplies.

Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters, or channels leading into water, that would result in substantial harm to fish and wildlife or to human water supplies.

31. R5D30 Tree and Shrubbery Damage. The damaging of trees and shrubbery is prohibited. Trees may not be cut or damaged in any manner. Signs, wires or other materials may not be nailed or tied to trees without prior approval of the District Ranger. The permittee shall also require all visitors to comply with this stipulation.

32. R6E14 Suspension of Use. Use of this permit may be suspended by the Forest Service for breach of any stipulation contained within. Continued use of the permit area or facilities thereon during suspension may result in cancellation of the permit.

33. F05 Roof. The roof shall be kept reasonably clear of leaves, twigs, and other debris.

34. F25 Fireworks. No fireworks shall be stored or used on the land covered by this permit, or in the structures thereon.

35. X003 Implied Permission. Nothing in this permit shall be construed to imply permission to build or maintain any structure not specifically named on the face of this permit, or approved by the Forest Service in the form of a new permit or permit amendment. Additional structures requiring specific approval shall include, but are not limited to: signs, fences, nameplates, mailboxes, newspaper boxes, boathouses, docks, pipelines, and television antenna.

36. X007 Animals and Fowl. No animals or fowl, other than household pets, shall be kept upon the premises.

37. X040 Permittee's and Users' Conduct. Disorderly or otherwise objectionable conduct by the permittee or those occupying the premises with his permission shall upon proof thereof, be cause for termination of this permit.

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38. R5X110 Superseded Permit. This permit supersedes the special-use permit issued to Towner M. and Elizabeth G. Menefee on 2/9/73 and signed by Harold D. Siegworth ASsting Forest Supervisor.

39. Any permit for the site covered by this permit issued to any subsequent owner of the improvements thereon will cover the same period as this permit, unless otherwise mutually agreed upon.

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J-6

United States Department of Agriculture Forest Service	Record No. 70	Region (3-4) 06	Forest 01
AMENDMENT NO. 1 FOR SPECIAL USE PERMIT (Ref. FSM 2714)	District 01	User No. 5523/01	Kind of Use 123
This Amendment is attached to and made a part of the (Term/Annual) permit.	State 41	County 17	Card No. 01

For Recreation Residence issued to

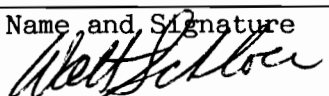
William and Maureen Leet, on 1/23/89

which is hereby amended as follows:

1. Change of permit ownership name as follows:

Changed from William and Maureen Leet to William Leet only.

This Amendment is accepted subject to the conditions set forth herein, and to conditions _____ to _____ attached hereto and made a part of this Amendment.

PERMITTEE	Name of Permittee WILLIAM LEET	Signature of Authorized Officer 	Date 12/30/89
		Title	
ISSUING OFFICER	Name and Signature 	Title District Ranger	Date 2/2/90
	WALTER C. SCHLOER, JR.		

2700-23 (3/72)

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WATER RESOURCES DEPT
CALIF. STATE

5-86956

J-5

United States Department of Agriculture Forest Service	Record No. 70	Region (3-4) 06	Forest 01
AMENDMENT 1 FOR SPECIAL USE PERMIT (Ref. FSM 2714)	District 01	User No. 5557	Kind of Use 123
This Amendment is attached to and made a part of the (Term) permit.	State 41	County 017	Card No. 01

For Recreation Residence _____ issued to

Harry T. Brooks _____, on 01/15/80

which is hereby amended as follows:

1. Delete the acreage for the permit area on page 1 of the permit and replace with the following language:

The permit covers .38 acres (including .01 acres for the off-lot facilities).

2. Add the following statement to page 1 of the permit:

Plats showing the lot and approved off-lot facilities are attached and made a part of the permit.

3. Add the following to the improvements authorized in addition to the recreation residence structure on page 1 of the permit:

Maintaining an off-summer-home-lot water supply system (including pipeline, pump, and storage tank) for domestic use only. A strip of land approximately 225 feet in length and 2 feet in width to accomodate a buried pipeline between Elk Lake and the SW boundary of Tract J Lot 7.

4. Ownership and maintenace of the pipeline, pump, and water tank are to be shared equally with the permittees of Tract J Lots 4, 5, and 6.

5. All other provisions and conditions of the Special Use Permit issued 01/15/80 remain the same.

This Amendment is accepted subject to the conditions set forth herein, and to conditions 1 to 5 attached hereto and made a part of this Amendment.

PERMITTEE	Name of Permittee	Signature of Authorized Officer	Date
		Title	
ISSUING OFFICER	Name and Signature	Title	Date
	WALTER C. SCHLOER, JR.	District Ranger	

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WATER RESOURCES DEPT
SALEB OFFICE

5-86956

1. B26 Health, Safety, and Environmental Protection

Holder shall take all measures necessary to protect the health and safety of all persons affected by its activities performed in connection with the construction, operation, maintenance, or termination of the right-of-way, and shall promptly abate as completely as possible any physical or mechanical procedure, activity, event, or condition, existing or occurring at any time: (1) that is susceptible to abatement by the holder, (2) which arises out of, or could adversely affect the construction, operation, maintenance, or termination of all or any part of the pipeline right-of-way, and (3) that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety, or (b) serious and irreparable harm or damage to the environment (including but not limited to areas of vegetation or timber, fish or other wildlife populations, or their habitats, or any other natural resource). Holder shall immediately notify the authorized officer of all serious accidents which occur in connection

2. X33 Improvement Relocation

This permit is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

3. X49 Nonexclusive Use

This permit is not exclusive; that is, the Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not interfere with the rights and privileges hereby authorized.

4. X74 Water Rights

This permit confers no right to the use of water by the holder.

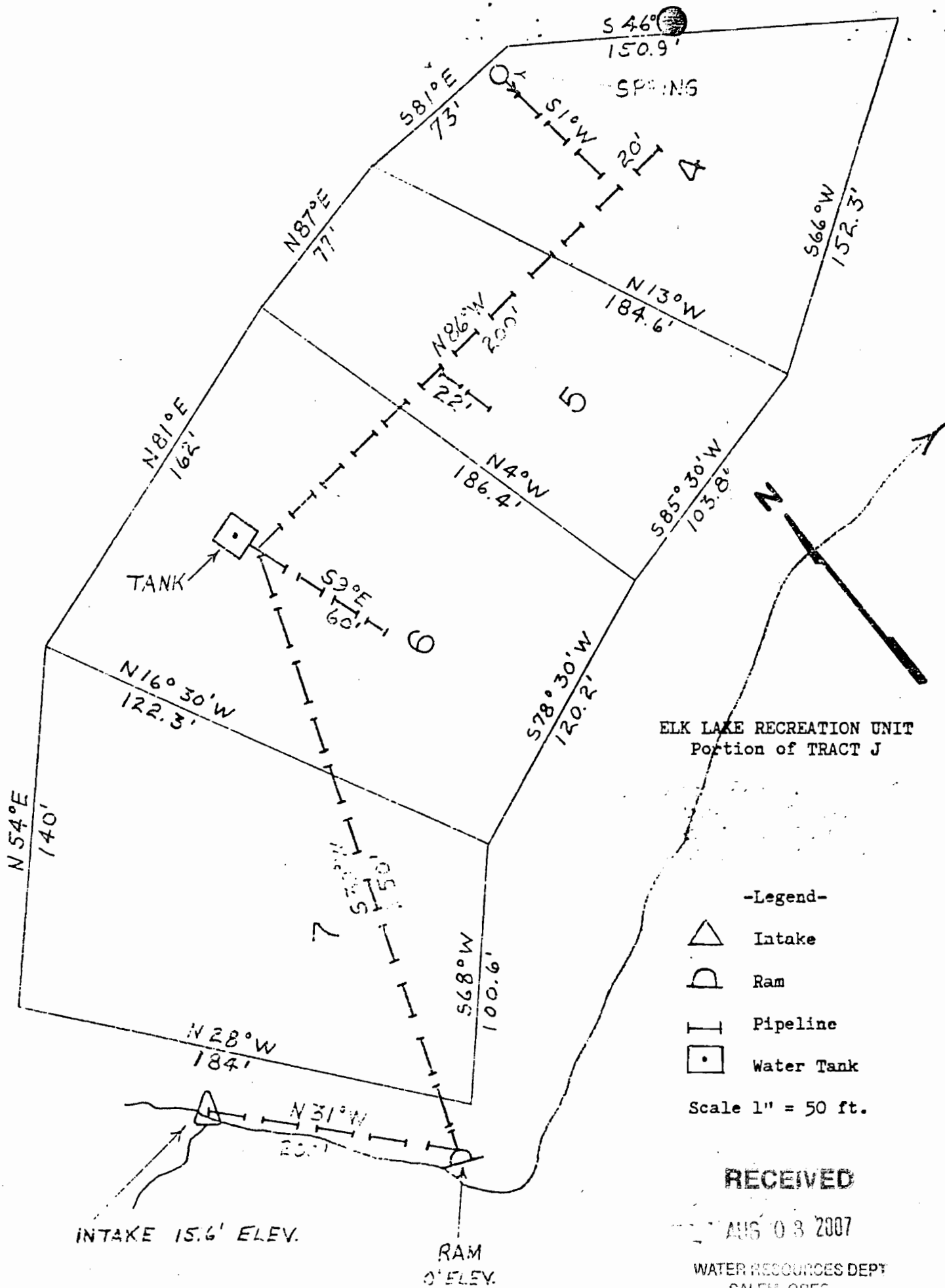
5. X19 Area Access

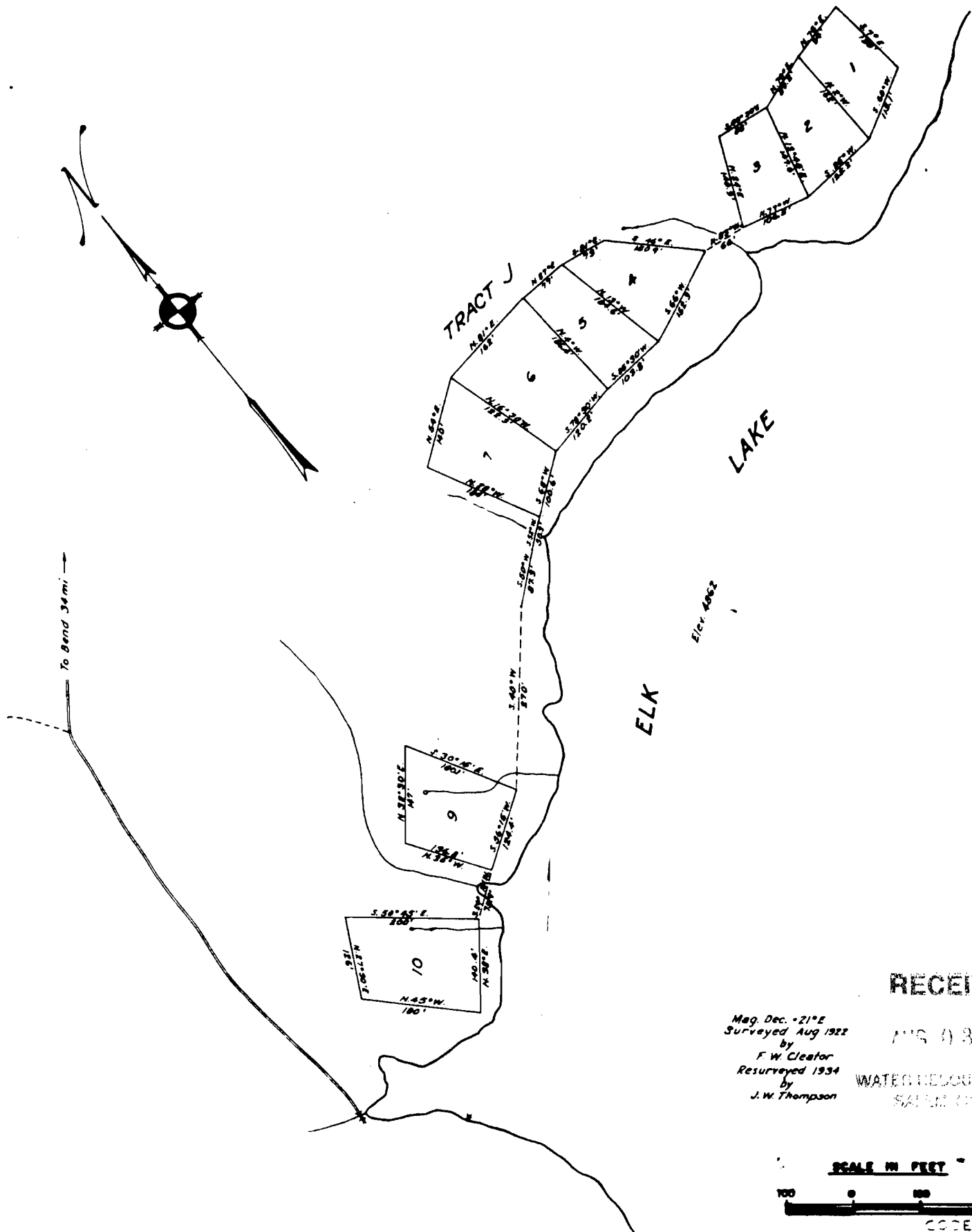
The holder agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the holder of the privileges thereof.

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Mag. Dec. $\pm 21^{\circ}E$
 Surveyed Aug 1922
 by
 F. W. Cleator
 Resurveyed 1934
 by
 J. W. Thompson

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 SALT LAKE CITY

SCALE IN FEET



CODE-5

DESIGNED BY _____ DATE _____
 DRAWN BY _____ DATE _____
 APPROVED _____ DATE _____
 APPROVED _____ DATE _____
 FOREST SUPERVISOR
 ACTING REGIONAL FORESTER

U. S. DEPARTMENT OF AGRICULTURE
 FOREST SERVICE
 DESCHUTES NATIONAL FOREST
 THE PACIFIC NORTHWEST REGION

SITE PLAN
 ELK LAKE REC RES.

TRACT J
 T15S.; R5E., W. 1/4
 N.F.R.S. NO. 8,0 SCALE 1" = 100'

topozone



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☒ Automatic selection

Map Size

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☐ Medium

☒ Large

View Scale

1 : 25,000

Coordinate Format

UTM

Map Datum

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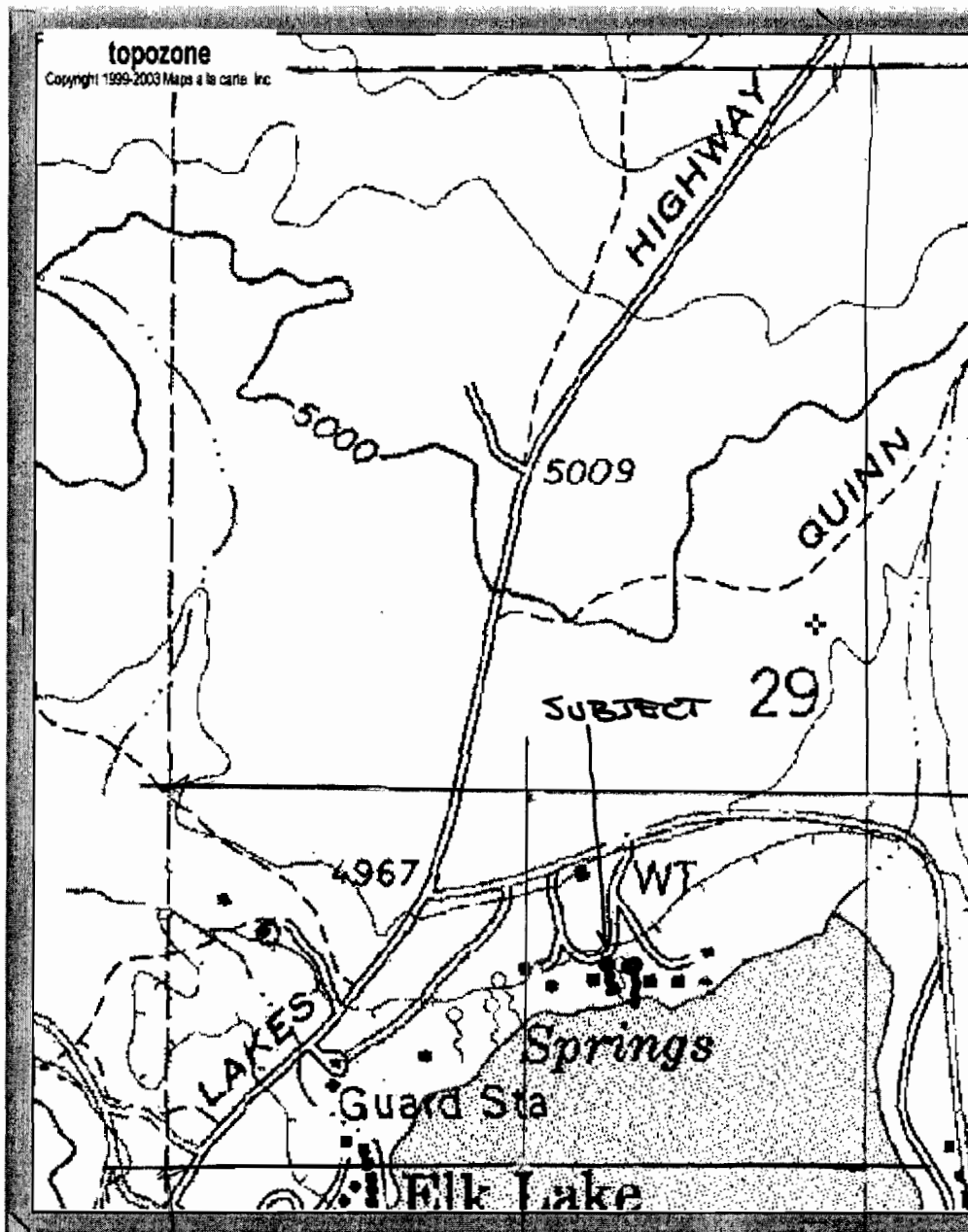


USGS Elk Lake (OR) Topo

TopoZone Pro: View Aerial Photos, Download

UTM 10 596447E 4871062N (NA

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0 0.2 0.4

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SALEM, OREG

5-86956

5.4

USDA - Forest Service TERM SPECIAL USE PERMIT For Recreation Residences Act of March 4, 1915, As Amended (Ref. FSM 2710)	Holder No. 5266/01	Type Site 123	Authority 712
	Auth. Type 18	Issue Date 01/01/89	Expir. Date 12/31/08
	Location Sequence No. 0601014101702		Stat. Ref.
	Latitude - -	Longitude - -	LOS Case

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Charles L. Martin of

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(Holder Name)	(Billing Address - 1)	(City)	(State)	(Zip Code)
3651 Florence Street	Redwood City	CA	94063	
(Billing Address - 2)	(City)	(State)	(Zip Code)	

WATER RESOURCES DEPT
SALEM, OREGON

(hereafter called the holder) is hereby authorized to use National Forest lands, for a recreation residence for personal recreational use on the Deschutes National Forest, subject to the provisions of this permit including items I. through XI., on page(s) 2 through 8. This permit covers 0.39 acres.

Described as: (1) Lot EL J 04 of the Elk Lake tract.
(A plat of which is on file in the office of the Forest Supervisor.)

OR////////(2)//////////as shown on the attached map/
(Legal Description)

The following improvements, whether on or off the site, are authorized in addition to the residence structure:

On-lot facilities: Toilet, fire ring.

Off-lot facilities: Maintaining an off-summer-home-lot water supply system (including pipe line, pump, and storage tank) for domestic use only. A strip of land approximately 225 feet in length and 2 feet in width to accommodate a buried pipe line between Elk Lake and the southwest boundary of Tract J, Lot 7.

This use shall be exercised at least 15 days each year, unless otherwise authorized in writing. It shall not be used as a full-time residence to the exclusion of a home elsewhere.

THIS PERMIT IS NOT TRANSFERABLE
PURCHASERS OF IMPROVEMENTS ON SITES AUTHORIZED BY THIS PERMIT MUST SECURE A NEW PERMIT FROM THE FOREST SERVICE.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL OF ITS TERMS AND CONDITIONS.

ACCEPTED: Charles L. Martin

Charles L. Martin 2/1/89

HOLDER'S NAME AND SIGNATURE

DATE

APPROVED: *Walter C. Schloer*
WALTER C. SCHLOER

District Ranger

5-16-89

AUTHORIZED OFFICER'S NAME AND SIGNATURE

TITLE

DATE

5-86956

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TERMS AND CONDITIONS

I. AUTHORITY AND USE AND TERM AUTHORIZED.

WATER RESOURCES DEPT

A. This permit is issued under the authority of the Act of March 4, 1915, as amended (16 U.S.C. 497), and Title 36, Code of Federal Regulations, Sections 251.50-251.64. Implementing Forest Service policies are found in the Forest Service Directives System (FSM 2720, 2340; FSH 2709.11, Chap. 10-50). Copies of the applicable regulations and policies will be made available to the holder at no charge upon request made to the office of the Forest Supervisor.

B. The authorized officer under this permit is the Forest Supervisor, or a delegated subordinate officer.

C. This permit authorizes only personal recreation use of a noncommercial nature by the holder, members of the holder's immediate family, and guests. Use of the permitted improvements as a principal place of residence is prohibited and shall be grounds for termination of this permit.

D. Unless specifically provided as an added provision to this permit, this authorization is for site occupancy and does not provide for the furnishing of structures, road maintenance, water, fire protection, or any other such service by a Government agency, utility association, or individual.

E. Expiration at End of Term: This authorization is for a term of 20 years and will expire on December 31, 2008.

II. OPERATION AND MAINTENANCE.

A. The authorized officer, after consulting with the holder, will prepare an operation and maintenance plan which shall be deemed a part of this permit. The plan will be reviewed annually and updated as deemed necessary by the authorized officer and will cover requirements for at least the following subjects:

1. Maintenance of vegetation, tree planting, and removal of dangerous trees and other unsafe conditions.
2. Maintenance of the facilities.
3. Size, placement and descriptions of signs.
4. Removal of garbage or trash.
5. Fire protection.
6. Identification of the person responsible for implementing the provisions of the plan, if other than the holder, and a list of names, addresses, and phone numbers of persons to contact in the event of an emergency.

III. IMPROVEMENTS.

A. Nothing in this permit shall be construed to imply permission to build or maintain any improvement not specifically named on the face of this permit or approved in writing by the authorized officer in the operation and maintenance plan. Improvements requiring specific approval shall include, but are not limited to: signs, fences, name plates, mailboxes, newspaper boxes, boathouses, docks, pipelines, antennas, and storage sheds.

B. All plans for development, layout, construction, reconstruction or alteration of improvements on the site, as well as revisions of such plans, must be prepared by a licensed engineer, architect, and/or landscape architect (in those states in which such licensing is required) or other qualified individual acceptable to the authorized officer. Such plans must be approved by the authorized officer before the commencement of any work.

IV. RESPONSIBILITIES OF HOLDER.

A. The holder, in exercising the privileges granted by this permit, shall comply with all present and future regulations of the Secretary of

Agriculture and all present and future federal, state, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit. However, the Forest Service assumes no responsibility for enforcing laws, regulations, ordinances and the like which are under the jurisdiction of other government bodies.

B. The holder shall exercise diligence in preventing damage to the land and property of the United States. The holder shall abide by all restrictions on fires which may be in effect within the forest at any time and take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during a closed fire season established by law or regulation without written permission from the authorized officer.

C. The holder shall protect the scenic and esthetic values of the National Forest System lands as far as possible consistent with the authorized use, during construction, operation, and maintenance of the improvements.

D. No soil, trees, or other vegetation may be removed from the National Forest System lands without prior permission from the authorized officer. Permission shall be granted specifically, or in the context of the operations and maintenance plan for the permit.

E. The holder shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer. The holder shall fully repair and bear the expense for all damage, other than ordinary wear and tear, to National Forest lands, roads and trails caused by the holder's activities.

F. The holder assumes all risk of loss to the improvements resulting from acts of God or catastrophic events, including but not limited to, avalanches, rising waters, high winds, falling limbs or trees and other hazardous natural events. In the event the improvements authorized by this permit are destroyed or substantially damaged by acts of God or catastrophic events, the authorized officer will conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. The analysis will be provided to the holder within 6 months of the event.

G. The holder has the responsibility of inspecting the site, authorized rights-of-way, and adjoining areas for dangerous trees, hanging limbs, and other evidence of hazardous conditions which could affect the improvements and or pose a risk of injury to individuals. After securing permission from the authorized officer, the holder shall remove such hazards.

H. In case of change of permanent address or change in ownership of the recreation residence, the holder shall immediately notify the authorized officer.

V. LIABILITIES.

A. This permit is subject to all valid existing rights and claims outstanding in third parties. The United States is not liable to the holder for the exercise of any such right or claim.

B. The holder shall hold harmless the United States from any liability from damage to life or property arising from the holder's occupancy or use of National Forest lands under this permit.

C. The holder shall be liable for any damage suffered by the United States resulting from or related to use of this permit, including damages to National Forest resources and costs of fire suppression. Without limiting available civil and criminal remedies which may be available to the United States, all timber cut, destroyed, or injured without authorization shall be paid for at stumpage rates which apply to the unauthorized cutting of timber in the state wherein the timber is located.

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VI. FEES.

A. Fee Requirement: This special use authorization shall require payment in advance of an annual rental fee.

B. Appraisals:

1. Appraisals to ascertain the fair market value of the site will be conducted by the Forest Service at least every 20 years. The next appraisal will be implemented in 2003.

2. Appraisals will be conducted and reviewed in a manner consistent with the Uniform Standards of Professional Appraisal Practice, from which the appraisal standards have been developed giving accurate and careful consideration to all market forces and factors which tend to influence the value of the site.

3. If dissatisfied with an appraisal utilized by the Forest Service in ascertaining the permit fee, the holder may employ another qualified appraiser at the holder's expense. The authorized officer will give full and complete consideration to both appraisals provided the holder's appraisal meets Forest Service standards. If the two appraisals disagree in value by more than 10 percent, the two appraisers will be asked to try and reconcile or reduce their differences. If the appraisers cannot agree, the Authorized Officer will utilize either or both appraisals to determine the fee. When requested by the holder, a third appraisal may be obtained with the cost shared equally by the holder and the Forest Service. This third appraisal must meet the same standards of the first and second appraisals and may or may not be accepted by the authorized officer.

C. Fee Determination:

1. The annual rental fee shall be determined by appraisal and other sound business management principles. (36 CFR 251.57(a)). The fee shall be 5 percent of the appraised fair market fee simple value of the site for recreation residence use.

Fees will be predicated on an appraisal of the site as a base value, and that value will be adjusted in following years by utilizing the percent of change in the Implicit Price Deflator - Gross National Product (IPD-GNP) index as of the previous June 30. A fee from a prior year will be adjusted upward or downward, as the case may be, by the percentage change in the IPD-GNP, except that the maximum annual fee adjustment shall be 10 percent when the IPD-GNP index exceeds 10 percent in any one year with the amount in excess of 10 percent carried forward to the next succeeding year where the IPD-GNP index is less than 10 percent. The base rate from which the fee is adjusted will be changed with each new appraisal of the site, at least every 20 years.

2. If notice of nonrenewal has been given, the annual fee in the tenth year will be taken as the base, and the fee each year during the last 10-year period will be one-tenth of the base multiplied by the number of years then remaining on the permit. If a new 20-year permit should later be issued, the holder shall pay the United States one-half of the amount of fees foregone, for the most recent 10-year period in which the permit has been under nonrenewal notice, by the United States while the previous permit was under a nonrenewal notice. This amount may be paid in equal annual installments over a 10-year period in addition to those fees for existing permits. Such amounts owing will run with the property and will be charged to any subsequent purchaser of the improvements.

D. Initial Fee: The initial fee may be based on an approved Forest Service appraisal existing at the time of this permit, with the present day value calculated by applying the IPD-GNP index to the intervening years.

E. Payment Schedule: Based on the criteria stated herein, the initial payment is set at \$990.00 per year and the fee is due and payable annually on January 1 (insert date). Payments will be credited on the date received by the

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designated collection center or deposit location. If due date(s) for any of the above payments or fee calculation statements fall on a nonworkday, the charges shall not apply until the close of business of the next workday. Any payments not received within 30 days of the due date shall be delinquent.

F. Interest and Penalties:

1. A fee owed the United States which is delinquent will be assessed interest based on the most current rate prescribed by the United States Department of Treasury Financial Manual (TFM-6-8020). Interest shall accrue on the delinquent fee from the date the fee payment was due and shall remain fixed during the duration of the indebtedness.

2. In addition to interest, certain processing, handling, and administrative costs will be assessed on delinquent accounts and added to the amounts due.

3. A penalty of 6 percent per year shall be assessed on any indebtedness owing for more than 90 days. This penalty charge will not be calculated until the 91st day of delinquency, but shall accrue from the date that the debt became delinquent.

4. When a delinquent account is partially paid or made in installments, amounts received shall be applied first to outstanding penalty and administrative cost charges, second to accrued interest, and third to outstanding principal.

G. Nonpayment Constitutes Breach: Failure of the holder to make the annual payment, late payment charge, or any other charges when due shall be grounds for termination of this authorization. However, no permit will be terminated for nonpayment of any monies owed the United States unless payment of such monies is more than 90 days in arrears.

H. Applicable Law: Delinquent fees and other charges shall be subject to all the rights and remedies afforded the United States pursuant to federal law and implementing regulations. (31 U.S.C. 3711 et seq.).

VII. TRANSFER, SALE, AND RENTAL.

A. Nontransferability: Except as provided in this section, this permit is not transferable.

B. Transferability Upon Death of the Holder:

1. If the holder of this permit is a married couple and one spouse dies, this permit will continue in force, without amendment or revision, in the name of the surviving spouse.

2. If the holder of this permit is an individual who dies during the term of this permit and there is no surviving spouse, an annual renewable permit will be issued, upon request, to the executor or administrator of the holder's estate. Upon settlement of the estate, a new permit incorporating current Forest Service policies and procedures will be issued for the remainder of the deceased holder's term to the eligible family member (parent(s), children, and grandchildren) as shown by an order of a court, bill of sale, or other evidence to be the owner of the improvements.

C. Divestiture of Ownership: If the holder through voluntary sale, transfer, enforcement of contract, foreclosure, or other legal proceeding shall cease to be the owner of the physical improvements, this permit shall be terminated. If the person to whom title to said improvements is transferred is deemed by the authorizing officer to be qualified as a holder, then such person to whom title has been transferred will be granted a new permit. Such new permit can be, at the discretion of the authorized officer, for a full term or for the remainder of the term of the original holder.

D. Notice to Prospective Purchasers: When considering a voluntary sale of the recreation residence, the holder shall provide a copy of this special use permit to the prospective purchaser before finalizing the sale. The

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SALEM, OREGON

holder cannot make binding representations to the purchaser as to whether the Forest Service will reauthorize the occupancy.

E. Rental: The holder may rent or sublet the use of improvements covered under this permit only with the express written permission of the authorized officer. In the event of an authorized rental or sublet, the holder shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

VIII. TERMINATION.

A. Termination for Cause: This permit may be terminated for cause by the authorized officer upon breach of any of the terms and conditions of this permit or applicable law. Prior to such termination for cause, the holder shall be given notice and provided a reasonable time--not to exceed ninety (90) days--within which to correct the breach.

B. Termination in the Public Interest During the Permit Term:

1. This permit may be revoked or terminated during its term at the discretion of the authorized officer for reasons in the public interest. (36 CFR 251.60(b)). In the event of such termination in the public interest, the holder shall be given one hundred and eighty (180) days prior written notice to vacate the premises, provided that the authorized officer may prescribe a date for a shorter period in which to vacate ("prescribed vacancy date") if the public interest objective reasonably requires the site in a shorter period of time.

2. The Forest Service and the holder agree that in the event of a termination in the public interest, the holder shall be paid damages. Termination in the public interest and payment of damages is subject to the availability of funds or appropriations.

a. Damages in the event of a public interest termination shall be the lesser amount of either (1) the cost of relocation of the approved improvements to another site which may be authorized for residential occupancy (but not including the costs of damages incidental to the relocation which are caused by the negligence of the holder or a third party), or (2) the replacement costs of the approved improvements as of the date of termination. Replacement cost shall be determined by the Forest Service utilizing standard appraisal procedures giving full consideration to the improvement's condition, remaining economic life and location, and shall be the estimated cost to construct, at current prices, a building with utility equivalent to the building being appraised using modern materials and current standards, design and layout as of the date of termination. If the holder has received notification that the permit will not be renewed, then the amount of damages shall be adjusted as of the date of termination by multiplying the replacement cost by a fraction which has as the numerator the number of full months remaining to the term of the permit prior to termination (measured from the date of the notice of termination) and as the denominator, the total number of months in the original term of the permit.

b. The amount of the damages determined in accordance with paragraph a. above shall be fixed by mutual agreement between the authorized officer and the holder and shall be accepted by the holder in full satisfaction of all claims against the United States under this clause: Provided, That if mutual agreement is not reached, the authorized officer shall determine the amount and if the holder is dissatisfied with the amount to be paid may appeal the determination in accordance with the Appeal Regulations (36 CFR 211.18) and the amount as determined on appeal shall be final and conclusive on the parties hereto: Provided further, That upon the payment to the holder of the amount fixed by the authorized officer, the right of the Forest Service to remove or require the removal of the improvements shall not be stayed pending final decision on appeal.

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IX. RENEWAL.

A. This permit may be renewed for another term up to 20 years in duration if the site is still being used for the purposes previously authorized and is being continually operated and maintained in accordance with all the provisions of the permit. In making a renewal, the authorized officer may modify the terms, conditions, and special stipulations to reflect any new requirements imposed by current federal and state land use plans, laws, regulations, or other management decisions. (36 CFR 251.64).

B. The authorized officer may decide to renew this authorization at any time prior to the expiration date of this permit. Ten years prior to the expiration date of this permit, the authorized officer will make a renewal decision. If it is determined that the use may continue, a new 20-year authorization will be granted upon the holder's surrendering of the existing authorization.

C. In the event the authorized officer decides not to renew the permit, the holder shall be notified in writing. The holder will be given at least 10 years to utilize the site in the event of a decision not to renew the permit. To the extent that the 10 years would run beyond the expiration date of the permit, the permit term shall be extended to accommodate the 10-year notice, provided that the total tenure of the holder's occupancy does not exceed 30 years by such extension.

D. Two years before permit expiration, the holder may request the Forest Supervisor to review the reason for nonrenewal of the permit in the light of any change in circumstances, and the Forest Supervisor shall determine whether or not changed circumstances warrant continuation of the use. The authorized officer will notify holder in a timely manner of his or her right to make such a request. Determinations under such reviews are not decisions for purposes of the Secretary of Agriculture's administrative appeal regulations.

E. Nonrenewal decisions based on a higher public use of the site by the Forest Service will be documented by an environmental analysis which demonstrates the higher priority use of a site for the benefit of the general public, that is timely, in public demand, and where other sites to satisfy the need cannot reasonably be made available.

X. RIGHTS AND RESPONSIBILITIES UPON TERMINATION OR NONRENEWAL.

A. Removal of Improvements Upon Termination or Nonrenewal: At the end of the term of occupancy authorized by this permit, or upon abandonment, or termination for cause, Act of God, or catastrophic event, or in the public interest, the holder shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall return the site to a condition approved by the authorized officer unless otherwise agreed to in writing or in this permit. If the holder fails to remove all such structures or improvements within a reasonable period--not to exceed one hundred and eighty (180) days from the date the authorization of occupancy is ended--the improvements shall become the property of the United States, but in such event, the holder remains obligated and liable for the cost of their removal and the restoration of the site.

B. In case of termination or nonrenewal, except if termination is for cause, the authorized officer will make every reasonable effort to locate and reserve in-lieu sites available at that time that could be offered the permit holder for building or relocation of improvements. Such sites will be nonconflicting locations within the National Forest containing the residence being terminated or under nonrenewal or in adjacent National Forests. Any in-lieu site offered the holder must be accepted within 90 days of the offer or within 90 days of the final disposition of an appeal on the termination or

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nonrenewal under the Secretary of Agriculture administrative appeal regulations, whichever is later, or this opportunity will terminate.

XI. MISCELLANEOUS PROVISIONS.

- A. This permit replaces a special use permit issued to:
Charles L. Martin on 4/29/70

(Holder Name)

(Date)

B. The Forest Service reserves the right to enter upon the property to inspect for compliance with the terms of this permit. Reports on inspection for compliance will be furnished to the holder.

C. Issuance of this permit shall not be construed as an admission by the Government as to the title to any improvements. The Government disclaims any liability for the issuance of any permit in the event of disputed title.

D. If there is a conflict between the foregoing standard printed clauses and any special clauses added to the permit, the standard printed clauses shall control.

E. The holder agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the holder of the privileges thereof.

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