



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.

1. APPLICANT INFORMATION

A. Applicants

Applicant: _____
First Last

Mailing Address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *Email Address: _____

B. Organizations

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

Name of Organization: Opal Creek Ancient forest Center (www.opalcreek.org)

Name and Title of Person Applying: Tom Atiyeh, Executive Director

Mailing Address or Organization: 1220 SW Morrison, Ste 527
Portland OR 97205
City State Zip

Phone : 503-892-2782
Day Evening

*Fax: _____ *Email Address: TATiyeh@opalcreek.org

*Optional

For Department Use		
App. No. <u>S-87472</u>	Permit No. _____	Date _____

Last Updated: 3/31/2009

Surface Water/1

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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 Tributary to: Opal Creek

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?

- 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.

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C. Property Ownership

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

Yes (Please check appropriate box below then skip to section 3 'Water Use')

- There are no encumbrances
- This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

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. *only affected landowner is federal government. Address below:*

Diversion and transport will take place on federal lands managed by the US Dept. of Agriculture, Forest Service, HC73 Box 320, Mill City, OR 97360.

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: 13
- 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
surface water	domestic	1000 <input type="radio"/> cfs <input checked="" type="radio"/> gpm <input type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af

1000 GALLONS PER DAY. CONCRETE PIPE 8" DIA.
FIELD ATTORNEY

C. Period of Use

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

If you will be applying water to land, indicate the total number of acres where water will be applied or used: N/A
(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): live flow

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): _____

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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 _____ Length _____

other, describe: pipe

D. Application/Distribution Method

What equipment will you use to apply water to your place of use?

no equipment use is anticipated

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.

policies regarding water use practices

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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:

no fish in evidence in stream

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

no excavation necessary

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

no equipment operation in stream necessary

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

no erosion or run-off waste anticipated

- 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: existing

Proposed date construction will be completed: _____

Proposed date beneficial water use will begin: _____

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

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.

Opal Creek Ancient forest Center is a 15-acre inholding surrounded by federal lands managed by the US forest service. It is an educational facility that has six rental units and seven staff cabins with residents in a year-round basis. The diversion and pipeline are existing. The unnamed tributary "falls" into Opal Creek over an approximately 50-foot drop, this tributary is the proposed source of surface water.

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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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

✓ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCRZO Chapter 13B

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: LISA MILLIMAN Title: ASSOCIATE PLANNER
 Signature: [Signature] Phone: 5035885238 Date: 6-30-09
 Government Entity: MARION COUNTY

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Opal Creek Ancient-forest Center
 Mailing Address: 1220 SW Morrison, Ste 527
 City: Portland State: OR Zip: 97205 Day Phone: 503-892-2782

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
8S	5E	2B		700		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	see below
				(ORSE 00760)		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
<i>(water is to be diverted and conveyed from an federal land.)</i>						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Marion

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water-Right Transfer
 Exchange of Water
 Allocation of Conserved Water
 Limited Water Use License
 Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond Ground Water Surface Water (name) unnamed creek

Estimated quantity of water needed: < 1 cfs
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for 13 household(s)
 Municipal
 Quasi-municipal
 Instream
 Other _____

Briefly describe: Opal Creek Ancient-forest Center is a 15 acre environmental education facility that has six rental units and seven staff cabins that operates mid-April to mid-November. See www.opalcreek.org.

Note to applicant: *If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.*

Receipt for Request for Land Use Information

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

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S-07492

Paretchan, Lynne M. (Perkins Coie)

From: Lisa Milliman [lmilliman@co.marion.or.us]
Sent: Tuesday, June 30, 2009 8:51 AM
To: Paretchan, Lynne M. (Perkins Coie)
Subject: Re: Land Use Information Form, for Opal Creek Ancient ForestCenter
Attachments: OpalCrLUCS.pdf

Here you go, see attached.
Lisa

Lisa Milliman
Natural Resources Planner
Marion County Planning Division
555 Court St NE
P.O. Box 14500
Salem, OR 97309
(503) 588-5038
lmilliman@co.marion.or.us

>>> "Paretchan, Lynne M. (Perkins Coie)" <LParetchan@perkinscoie.com> 6/29/2009 3:52 PM >>>

Lisa,

Attached is the Land Use Information Form that OWRD needs filled out for a water right application to be submitted by the Opal Creek Ancient Forest Center. The water right is to supply domestic water to the cabins at the site. As you will see the County maps and the attached map downloaded from www.ormap.org, this site is a 15-acre private inholding surrounded by US Forest Service land. I don't know what the zoning is on the site.

Thank you for your help on this.
Please call me with any questions and fax back the completed form to the number below.

Lynne

FORM

<<OPAL CREEK.PDF>>

MAP

<<085e[1].pdf>>

Lynne M. Paretchan | Perkins Coie LLP
1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2076
FAX: 503.727.2222
E-MAIL: LParetchan@perkinscoie.com

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ORIGINAL

S-87492

Authorization ID: DET41
Contact ID: FRIENDS OF OPAL CREEK
Expiration Date: 12/31/2011
Use Code: 915

FS-2700-4 (8/99)
OMB 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT
AUTHORITY:

FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

FRIENDS OF OPAL CREEK of P.O. Box 318, Mill City, Oregon 97360 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Detroit Ranger District of the Willamette National Forest.

This permit covers 0.40 acre and is described as a strip of land ten (10) feet in width and 2172 feet in length located in Section 28 and 33, T.8S., R.4E., WM, as shown on the location map attached to and made a part of this permit, and is issued for the purpose of:

Maintaining a 9" PVC water transmission line and excavated water storage reservoir located on National Forest Land.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

- A. **Authority.** This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.
- B. **Authorized Officer.** The authorized officer is the Forest Supervisor or a delegated subordinate officer.
- C. **License.** This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.
- D. **Amendment.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.
- E. **Existing Rights.** This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.
- F. **Nonexclusive Use and Public Access.** Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.
- G. **Forest Service Right of Entry and Inspection.** The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

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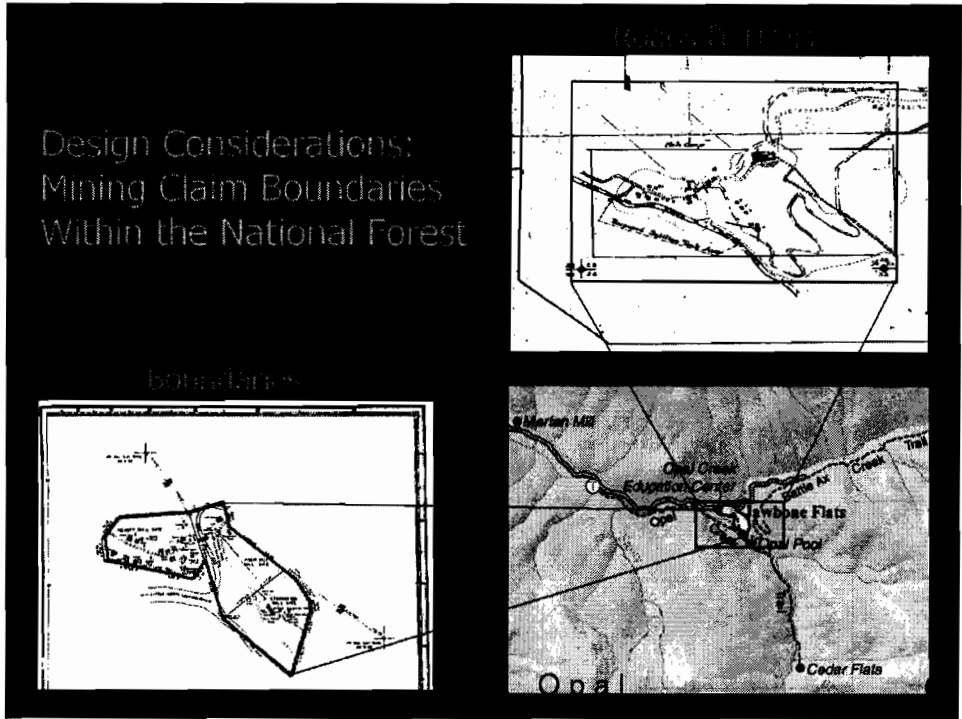


Figure 1

The map design took into consideration the influence of historic mining in the area. The land holdings of FOC are artifacts of private mining claims that exist within the Willamette National Forest boundaries. The abstraction process of the complex G.I.S. data for road, trail and boundary features was simplified by consulting historic mineral surveys from 1910 (Figure 1 left) and 1972 (Figure 1 right). The surveys revealed what features in the GIS data directly related to areas under the influence of the organization. Researching the history of the claims revealed patterns in the data that were not readily apparent in the GIS data.

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Promoting ancient forest stewardship through educational experiences inspired by O

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Cultural History of Opal Creek

See also Natural History of Opal Creek.

The Opal Creek Forest was first inhabited by Native Americans. Points and lithic scatter dating back at least 2,000 years have been found across the watershed. The site that is now Jawbone Flats is believed to have been a summer camp for the Santiam Kalapuya Indians. Whetstone Mountain may have been a place where Native Americans retreated for vision quests. The Whetstone Mountain Trail which crosses the valley, is believed to have been a frequent trade route for area tribes.

Part of the forest has survived two forest fires, estimated to have occurred around 1550 and 1835. Forest fires in old-growth forests are rarely totally devastating. In this forest, many of the big trees survived, particularly those located in cool, wet places along the area's hundreds of streams.

In 1859, miners arrived in the valley and discovered gold. The Jawbone Flats mining camp was built beginning in 1930 by "Grandpa" James P. Hewitt, a relative of the Atiyeh family, who mined lead, zinc, copper and silver. Some of the mining roads and the Gold Creek Bridge were constructed in 1939 under President Roosevelt's New Deal. In 1992, mining ceased and the Shiny Rock Mining Company gave Friends Of Opal Creek a land gift valued at \$12.6 million. Included were 151 acres of land: Jawbone Flats and a stand of old-growth forest.

Friends Of Opal Creek was established in 1989 to lead the effort to secure permanent protection of the Opal Creek ecosystem by increasing public understanding of the natural and cultural resources scenic beauty, plant and animal diversity and ecological complexity of this extraordinary area.

Learn about the final political debate over protection of Opal Creek in Sen. Mark Hatfield's speech on the 5th anniversary of Opal Creek's protection.

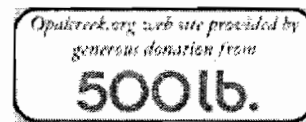
S-87492

donated lands and mining claims in the Opal Creek protected area to public ownership, as did other landowners. The Opal Creek forest has received international attention and is enjoyed by over 50,000 visitors each year.

Our organization changed its name to Opal Creek Ancient Forest Center in 2005 to reflect our evolving mission of education and stewardship.

If you want to learn more about the history of the Opal Creek Ancient Forest Center, look for the book *Showdown at Opal Creek, The Battle for America's Last Wilderness* by David Seideman, current editor of *Audubon Magazine* and a former reporter for *Time*. *Showdown* is currently out of print but available at libraries around the country.

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Opal Creek Ancient Forest Center**LEGAL DESCRIPTION**

DESCRIPTION OF HEWITT, POOR BOY AND STARVATION MILLSITES SITUATED IN SECTION 28, TOWNSHIP 8 SOUTH, RANGE 5 EAST, WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON PURSUANT TO MINERAL SURVEY NO. 990 OREGON PREPARED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT ON AUGUST 27, 1980, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER OF SECTIONS 28 AND 33 , TOWNSHIP 8 SOUTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, MONUMENTED WITH AN IRON POST WITH A BRASS CAP;

THENCE SOUTH 52°56' EAST A DISTANCE OF 1,331.39 FEET;

THENCE SOUTH 50°47' EAST A DISTANCE OF 451.89 FEET;

THENCE SOUTH 13°29' EAST A DISTANCE OF 166.89 FEET;

THENCE NORTH 74°54' EAST A DISTANCE OF 231.61 FEET;

THENCE NORTH 86°10' EAST A DISTANCE OF 472.55 FEET;

THENCE NORTH 36°22' EAST A DISTANCE OF 162.33 FEET;

THENCE NORTH 3°33' WEST A DISTANCE OF 150.26 FEET;

THENCE NORTH 77°00' WEST A DISTANCE OF 587.16 FEET;

THENCE SOUTH 33°14' WEST A DISTANCE OF 148.38 FEET;

THENCE NORTH 16°31' WEST A DISTANCE OF 415.65 FEET;

THENCE NORTH 48°58' WEST A DISTANCE OF 592.35 FEET;

THENCE SOUTH 17°04' WEST A DISTANCE OF 448.87 FEET;

THENCE SOUTH 8°52' EAST A DISTANCE OF 72.02 FEET;

THENCE SOUTH 27°57' EAST A DISTANCE OF 164.88 FEET;

THENCE SOUTH 50°47' EAST 117.02 FEET; TO THE POINT OF BEGINNING.

STATE OF OREGON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: LITTLE N SANTIAM R tributary to N SANTIAM R

County: MARION

Purpose: Providing required stream flows for spring chinook salmon, winter steelhead, rainbow and cutthroat trout, and white fish for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

LITTLE NORTH SANTIAM RIVER FROM BATTLE AX CREEK AT RIVER MILE 26.0 (SWSW, SECTION 28, TOWNSHIP 8S, RANGE 5E WM); TO THE MOUTH AT RIVER MILE 0.0 (NWSE, SECTION 18, TOWNSHIP 9S, RANGE 2E WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 10/18/1990 .

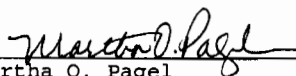
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	180.0	180.0	180.0	180.0	180.0	180.0	40.0	40.0	60.3	134.0	180.0	180.0
2nd½	180.0	180.0	180.0	180.0	180.0	60.0	40.0	40.0	60.3	134.0	180.0	180.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For the purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director, affixed AUGUST 20, 1996.


Martha O. Pagel

Recorded in State Record of Water Right Certificate number 72598.