

STATE OF OREGON

COUNTY OF POLK

PERMIT TO CONSTRUCT A RESERVOIR AND TO  
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

RICHARD D. OWEN  
2988 SUNDALE PLACE S.E.  
ALBANY, OREGON 97321

503-967-9550

to construct FOURTEEN UNNAMED RESERVOIRS and to store the waters of WINTER CREEK AND SOAP CREEK, tributaries of LUCKIAMUTE RIVER, for WETLAND ENHANCEMENT FOR WATERFOWL HABITAT.

This permit is issued approving Reservoir Application R-73159. The date of priority is JANUARY 11, 1993. The amount of water entitled to be stored each year is not more than 26.7 ACRE-FEET (AF). Filling of the reservoir is limited to November 1 through April 30.

The total area proposed to be submerged by the fourteen (14) reservoirs, when full, is 18.95 acres; the proposed maximum depth of water is 2.5 feet. The maximum height of the dam shall not exceed 3.0 feet.

The total area proposed to be submerged by the reservoir 2, when full, is 25.0 acres; the proposed maximum depth of water is 2.5 feet. The maximum height of the dam shall not exceed 10.0 feet.

The areas to be submerged by the reservoirs are located within:

SW 1/4 SW 1/4  
SECTION 6  
TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

SE 1/4 SE 1/4  
SECTION 1  
TOWNSHIP 10 SOUTH, RANGE 5 WEST, W.M.

NE 1/4 NE 1/4  
SECTION 12  
TOWNSHIP 10 SOUTH, RANGE 5 WEST, W.M.

Use of water under this permit is subject to all prior rights.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

A regulating device shall be installed pursuant to ORS 540-310. Contact the watermaster prior to construction for approval of plans. Construction of regulation device should be done under the supervision of the watermaster. The device is required between Winter Creek and the project.

Application R-73159 Water Resources Department

PERMIT R-11475

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The outlet gate shall be cycled a least once each year and shall be fully operational at all times. Routine maintenance of the embankment shall be performed as necessary to remove trees, brush, debris and/or burrowing animals.

The dam and dikedworks shall be constructed and maintained according to the plans and specifications on file with the Oregon Water Resources Department, approved and dated on May 26, 1993.

Construction shall be performed under the supervision of a professional engineer licensed in Oregon.

An Area-Capacity curve for Dike 1 Pond must be submitted to Dam Safety at time of final proof survey.

No water shall be stored until this Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. Upon receipt of written certification from the engineer, only then will this Department issue a letter authorizing the storage of water behind the dam.

In the event of a request for a change in point of diversion, an additional point of diversion or alteration of the diversion facility, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Under no circumstances, when the reservoirs are being filled, will the streams be dewatered.

Actual construction work shall begin on or before September 22, 1994 and shall be completed on or before October 1, 1995. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1996.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The storage of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, September 22, 1993.

***A. REED MARBUT***

*for* \_\_\_\_\_  
Water Resources Department  
Martha O. Pagel  
Director