## 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:

CONRAD H. KONING 5705 KINGSWAY ANACORTES, WASHINGTON 98221 SUMMER ADDRESS

11 PRINCEVILLE LANE 206-293-8805 LAS VEGAS, NEVADA 89113 702-871-6123 WINTER ADDRESS

to construct RESERVOIRS A, B, C, and D, and to store the waters of AN UNNAMED STREAM, a tributary of CROWLEY CREEK, to be appropriated under Application 72624, Permit 51523, for IRRIGATION, LIVESTOCK WATER AND RECREATION.

This permit is issued approving Reservoir Application R-72623. The date of priority is AUGUST 21, 1992. The amount of water entitled to be stored each year is not more than 36.4 ACRE-FEET (AF), BEING 9.1 AF IN EACH RESERVOIR.

The dams will be located as follows:

SW 1/4 NW 1/4, NW 1/4 SW 1/4, SW 1/4 SW 1/4, SECTION 6, T 7 S, R 4 W, W.M.

The total area proposed to be submerged by the reservoirs, when full is 1.1 acres in A, 1.2 acres in B, 1.2 acres in C and 1.1 acres in D; the proposed maximum depth of water in feet is 6 feet in each reservoir; the maximum height of the dam is 9.71 feet for each.

The area to be submerged by the reservoir is located within:

SW 1/4 NW 1/4 NW 1/4 SW 1/4 SW 1/4 SW 1/4 SECTION 6

TOWNSHIP 7 SOUTH, RANGE 4 WEST, W.M.

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

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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Application R-72623 Water Resources Department

**PERMIT R-11489** 

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

Actual construction work shall begin on or before May 10, 1995 and shall be completed on or before October 1, 1996. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1997.

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, May 10, 1994.

/s/ A.REED MARBUT

Water Resources Department Martha O. Pagel Director