

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
206-293-8805

11 PRINCEVILLE LANE
LAS VEGAS, NEVADA 89113
702-871-6123

to construct RESERVOIRS E, F, G and H, and to store the waters of UNNAMED STREAMS, tributaries of ASH SWALE, to be appropriated under Application 72659, Permit 51534, for IRRIGATION, LIVESTOCK WATER AND RECREATION.

This permit is issued approving Reservoir Application R-72658. The date of priority is SEPTEMBER 8, 1992. The amount of water entitled to be stored each year is not more than 218.2 ACRE-FEET (AF), BEING 100 AF IN RESERVOIR E, 100 AF IN RESERVOIR F, 9.1 AF IN RESERVOIR G AND 9.1 AF IN RESERVOIR H. Water may be appropriated for storage between November 1 through April 30.

The dams will be located as follows:

NE 1/4 NE 1/4, NW 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 31, T 6 S, R 4 W., SW 1/4 NW 1/4, SECTION 5, SE 1/4 NE 1/4, SECTION 6, T 7 S, R 4 W, W.M.

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

The total area proposed to be submerged by the reservoirs, when full is 10.6 acres in E, 15.8 acres in F, 2.0 acres in G and 2.0 acres in H; the proposed maximum depth of water in feet is 20.5 feet in E, 22.0 feet in F, 6.0 feet in G, and 5.0 feet in H; the maximum height of the dam is 23.2 feet in E, 24.0 feet in F, 9.75 feet in G and 9.75 feet in H.

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

RESERVOIR G
NE 1/4 NE 1/4

RESERVOIR H
NW 1/4 NE 1/4

RESERVOIR F
NE 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 31

TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

RESERVOIR E
SW 1/4 NW 1/4
SECTION 5
NE 1/4 NE 1/4
NW 1/4 NE 1/4
SE 1/4 NE 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.

Application R-72658 Water Resources Department

PERMIT R-11498

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.

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

The embankment and reservoir shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Department, stamped and dated on July 1, 1994.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon; no fill shall be placed until excavation of the cutoff trench has been completed and examined in its entirety and approved by the engineer of record or Water Resources Dam Safety Engineer.

If borrow material is removed from the reservoir area during construction of the dam, a revised topographic map and area-capacity curve shall be submitted to this Department to confirm the estimated storage capacity of the impoundment.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviated from the original design, a set asbuilt drawings must accompany the engineer's written certification of completion.

Actual construction work shall begin on or before August 12, 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. *ext. B97*

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, August 12, 1994.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

BC99