

STATE OF OREGON

COUNTY OF MARION

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

THIS PERMIT IS HEREBY ISSUED TO:

ROBERT AND TODD KUENZI
1973 HIBBARD ROAD
SILVERTON, OREGON 97381

503-364-3353

to construct A RESERVOIR and to store the waters of AN UNNAMED STREAM, a tributary of BEAR CREEK, to be appropriated under Application 73346, Permit 51540, for IRRIGATION and RECREATION.

This permit is issued approving Reservoir Application R-73345. The date of priority is APRIL 16, 1993. The amount of water entitled to be stored each year is not more than 22.0 ACRE-FEET (AF), BEING 20.0 AF FOR IRRIGATION AND 2.0 AF FOR RECREATION. Water may be appropriated for storage during the period November 1 through April 30.

The dam will be located as follows:

NW 1/4 NW 1/4, SECTION 20, T 7 S, R 1 W, W.M.; 810 FEET SOUTH AND 1260 FEET EAST FROM THE NW CORNER OF SECTION 20.

The total area proposed to be submerged by the reservoir, when full, is 3.0 acres; the proposed maximum depth of water is 14.2 feet. The maximum height of the dam shall not exceed 16.0 feet.

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

NW 1/4 NW 1/4
SECTION 20
TOWNSHIP 7 SOUTH, RANGE 1 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.

Actual construction work shall begin on or before September 8, 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.

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.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated May 28, 1993, on file with the Oregon Water Resources Department. on file with the Water Resources Department.

The structure shall be constructed under the supervision of a registered engineer licensed in Oregon.

No fill shall be placed until excavation of the cutoff trench has been completed in its entirety and approved by the engineer of record.

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. Only then will this Department issue a letter authorizing for storage of water behind the dam.

Following completion of the project, a revised area-capacity curve shall be submitted to this Department to confirm the height of the dam and the estimated storage capacity of the impoundment.

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 8, 1994.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

Application R-73345 Water Resources Department PERMIT R-11503
Basin 2 Volume 13 Pudding River & Misc. District 16
MGMT.CODE 2AD, 2AW, 2BD, 2BW, 2CD, 2CW, 2ED, 2EW, 2FD, 2FW, 2GD, 2GW, 6EW