

STATE OF OREGON

COUNTY OF CURRY

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

THIS PERMIT IS HEREBY ISSUED TO:

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OREGON 97415

503-469-2163

to construct TEN RESERVOIRS and to store the waters of CHETCO RIVER, a tributary of PACIFIC OCEAN, to be appropriated under Application 73397, Permit 51595, for SUPPLEMENTAL IRRIGATION.

This permit is issued approving Reservoir Application R-73396. The date of priority is MAY 13, 1993. The amount of water entitled to be stored each year is not more than 62.3 ACRE-FEET, BEING 7.4 ACRE-FEET IN RESERVOIR 1, 8.3 ACRE-FEET IN RESERVOIR 2, 4.9 ACRE-FEET IN RESERVOIR 3, 7.7 ACRE-FEET IN RESERVOIR 4, 5.3 ACRE-FEET IN RESERVOIR 5, 8.3 ACRE-FEET IN RESERVOIR 6, 5.3 ACRE-FEET IN RESERVOIR 7, 3.7 ACRE-FEET IN RESERVOIR 8, 3.4 ACRE-FEET IN RESERVOIR 9, AND 8.0 ACRE-FEET IN RESERVOIR 10.

The dams will be located as follows:

SE 1/4 SW 1/4, SECTION 35, T 40 S, R 13 W, W.M., SW 1/4 NE 1/4, NE 1/4 NW 1/4, NW 1/4 NW 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 2, NE 1/4 NE 1/4, SECTION 11, T 41 S, R 13 W, W.M.

Water may be appropriated for storage during the period December 1 through March 1 of each year.

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

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

SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 35
TOWNSHIP 40 SOUTH, RANGE 13 WEST, W.M.

SW 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SECTION 2
TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M.

NE 1/4 NE 1/4
SECTION 11
TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M.

The total area proposed to be submerged by Reservoir 1, when full is 1.1 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 2, when full is 1.2 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 3, when full is 0.7 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 4, when full is 1.1 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 5, when full is 0.8 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 6, when full is 1.2 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 7, when full is 0.8 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 8, when full is 0.6 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 9, when full is 0.4 acres; the proposed maximum depth of water in feet is 13.0; the maximum height of the dam is 0.0 feet.

The total area proposed to be submerged by Reservoir 10, when full is 0.8 acres; the proposed maximum depth of water in feet is 13.0; the maximum height of the dam is 0.0 feet.

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 to install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the average monthly rate and total amount of water put into the ponds 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. The permittee shall also report general water use information, including the place and nature of use 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Regulating devices shall be installed pursuant to ORS 340.310. Plans and specifications shall be approved by the watermaster before installation. Work shall be done under the general supervision of the watermaster.

The permittee shall 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 required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water. In addition, the storage and use of water under this permit is contingent upon compliance with the screening and passage requirements in Permit 51383.

90 days before water use is initiated under this Permit, the permittee shall submit to the Director for review its water Management Plan (Plan) for the Golf Course. The Plan shall contain (1) measures to increase water use efficiency, including installation and use of water saving devices and a program for performing water audits of the irrigation system; (2) operation and maintenance guidelines for the golf course that will result in efficient use of water; and (3) measures to implement the conditions in the Final Order of the Curry County Planning Commission, dated July 8, 1992, approving Application C-9205. After a sixty day public comment period, the Director shall review and approve the Plan if she finds that the Plan will result in efficient use of water and protection of ground and surface water quality and riparian areas. The permittee shall include a report on the implementation of the Plan as part of the general water use reporting requirement of this Permit.

Actual construction work shall begin on or before February 22, 1996 and shall be completed on or before October 1, 1997. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1998.

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.

Water stored under this Permit shall be used only for irrigation and any water right certificate issued to perfect this Permit shall be conditioned to prohibit any change in use of the water right.

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, February 22, 1995.

/s/ Martha O. Pagel

Water Resources Department
Martha O. Pagel
Director