

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

DONG KUEN CHAEY
3705 MARKET ST NE
SALEM, OREGON 97301

503-581-4441

to construct RESERVOIRS A, B, C, D, E, F, G, H, I, and J, and to store the waters of AN UNNAMED STREAM, a tributary of SALT CREEK, to be appropriated under Application 72927, PERMIT 51613, for RECREATION AND IRRIGATION.

This permit is issued approving Reservoir Application R-72926. The date of priority is September 23, 1993. The amount of water entitled to be stored each year is not more than 409.25 ACRE FEET. Water may be appropriated for storage during the period November 1 through April 30.

A description of the proposed points of diversions is as follows:

NE 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 4, SW 1/4 NE 1/4, NW 1/4,
NE 1/4 SW 1/4 SECTION 9, T 7 S, R 5 W, W.M.

The area to be submerged by the reservoirs is located as follows:

N 1/2 SW 1/4
SE 1/4 SW 1/4
SECTION 4

SW 1/4 NE 1/4
NW 1/4

N 1/2 SW 1/4
SECTION 9

T 7 S, R 5 W, W.M.

The dams hereby permitted may be constructed without the inclusion of an outlet conduit. **However, if at any time the Director determines the provided alternative for passing flow is not adequate, the Director reserves the right to require installation of an outlet conduit at any time in the future if the Director finds that the conduit is needed for dam safety, to pass flow for the benefit of other water rights, or to pass flow for the benefit of minimum perennial streamflows.**

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.

Application R-72926 Water Resources Department

PERMIT R-11548

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

The total area proposed to be submerged by Reservoir B, when full is 7.6 acres; the proposed maximum depth of water is 10.0 feet; the maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by Reservoir C, when full is 2.1 acres; the proposed maximum depth of water is 10.0 feet; the maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by Reservoir D, when full is 3.8 acres; the proposed maximum depth of water is 10.0 feet; the maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by Reservoir E, when full is 1.3 acres; the proposed maximum depth of water is 10.0 feet; the maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by Reservoir F, when full is 1.1 acres; the proposed maximum depth of water is 10.0 feet; the maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by Reservoir G, when full is 1.2 acres; the proposed maximum depth of water is 10.0 feet; the maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by Reservoir H, when full is 1.1 acres; the proposed maximum depth of water is 10.0 feet; the maximum height of the dam shall not exceed 10.0 feet.

The total area proposed to be submerged by Reservoir I, when full is 1.2 acres; the proposed maximum depth of water is 10.0 feet; the maximum height of the dam shall not exceed 8.0 feet.

The total area proposed to be submerged by Reservoir J, when full is 10.0 acres; the proposed maximum depth of water in feet is 43.0; the maximum height of the dam shall not exceed 45.0 feet.

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

The outlet gate shall be cycled at least once each year and shall be fully operational. The embankment and spillway shall be kept clear of brush, debris, and burrowing animals.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated September 16, 1994 on file with the Water Resources Department.

No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this 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.

A new topographical map and area-capacity curve, prepared by an engineer, must be submitted to this department if earth material is removed from the storage area during construction.

Actual construction work shall begin on or before April 12, 1996 and shall be completed on or before October 1, 1998. Complete application of the water shall be made on or before October 1, 1999.

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.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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 use of water shall be limited when it interferes with any prior surface or ground water rights.

The Water Resources Commission has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest on April 6, 1995.

Issued this date, April 12, 1995.

/s/ Steven P. Applegate

Water Resources Department
Martha O. Pagel
Director

B Ø3
C Ø4