

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:

MARY ANNE PUHL
P.O. BOX 807
PORT ORFORD, OREGON 97465

503-332-1345

to construct BULL CREEK RESERVOIR 1, BULL CREEK RESERVOIR 2, EASTSIDE RECOVERY POND, SANDPIT RECOVERY POND, CAMP CREEK RESERVOIR 2, WESTSIDE RECOVERY POND 1, AND WESTSIDE RECOVERY POND 2 and to store the waters of CAMP CREEK, BULL CREEK, AND SURFACE RUNOFF, tributaries of ELK RIVER, to be appropriated under Application 71828, PERMIT 51700, for CRANBERRY USE.

This permit is issued approving Reservoir Application R-71828. The date of priority is SEPTEMBER 10, 1991 FOR 49.28 ACRE-FEET (AF) AND AUGUST 11, 1994 FOR 137.92 AF. The amount of water entitled to be stored each year is not more than 187.2 AF; being 5.81 AF in Bull Creek Reservoir 1; 14.3 AF in Bull Creek Reservoir 2; 6.69 AF in East Side Recovery Pond; 6.0 AF in Sand Pit Recovery Pond; 136.0 AF in Camp Creek Reservoir 2; 9.2 AF in West Side Recovery Pond 1; and 9.2 AF in West Side Recovery Pond 2. Water may be appropriated for storage during the period of November 1 through April 30 of each year.

The dams will be located as follows:

NW 1/4
NE 1/4 SW 1/4
NW 1/4 SE 1/4
SECTION 16
Township 32 South, Range 15 West, WM

The total area proposed to be submerged by the Bull Creek Reservoir 1, when full is 1.28 acres; the proposed maximum depth of water in feet is 7; the maximum height of the dam is 9.9 feet.

The total area proposed to be submerged by the Bull Creek Reservoir 2, when full is 1.27 acres; the proposed maximum depth of water in feet is 15; the maximum height of the dam is 9.9 feet.

The total area proposed to be submerged by the Eastside Recovery Pond, when full is 1.6 acres; the proposed maximum depth of water in feet is 17; the maximum height of the dam is 20.0 feet.

Application R-71828 Water Resources Department

PERMIT R-11579

The total area proposed to be submerged by the Sandpit Recovery Pond when full is 0.75 acre; the proposed maximum depth of water in feet is 10; the maximum height of the dam is 6.0 feet.

The total area proposed to be submerged by the Camp Creek Reservoir 2 when full is 7.65 acres; the proposed maximum depth of water in feet is 20.0; the maximum height of the dam is 25.0 feet.

The total area proposed to be submerged by the Westside Recovery Pond 1 when full is 1.0 acre; the proposed maximum depth of water in feet is 11; the maximum height of the dam is 14.0 feet.

The total area proposed to be submerged by the Westside Recovery Pond 2 when full is 1.0 acre; the proposed maximum depth of water in feet is 11; the maximum height of the dam is 14.0 feet.

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

NW 1/4
NE 1/4 SW 1/4
NW 1/4 SE 1/4
SECTION 16
TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

Bull Creek Reservoir Dam #1 shall be constructed with outlet conduit and a fully functional conduit/gate assembly having a minimum diameter of 8 inches capable of passing natural stream flow.

Conditions for Camp Creek Dam #2:

- A. The outlet gate shall be cycled at least once each year and shall be fully operational at all times.
- B. Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to repair spalls, cracks, areas of erosion, or defective equipment.
- C. The dam and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design during construction shall meet the prior approval of the Water Resources Dam Safety program.
- D. 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 the Water Resources Dam Safety Engineer.

- E. 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 deviates from the approved design, a set of as-built drawings must accompany the engineer's written certification of completion.
- F. The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

For reservoirs proposing the storage of greater than 9.2 af of water under this permit, there shall be no storage of water until the reservoir construction has been completed in accordance with the approved plans and specifications on file in the Water Resources Department.

Plans and specifications shall be approved by the watermaster before installation. Work shall be done under the general supervision of the watermaster. Weirs will be required both upstream and downstream of the reservoirs.

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 and approved by an ODFW representative prior to diversion of any water.

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

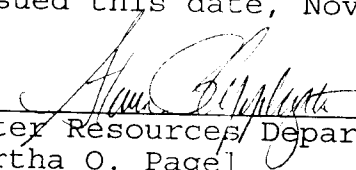
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The storage of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including 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, November 8, 1995.

BC 199


for Water Resources Department
Martha O. Pagel
Director