

STATE OF OREGON

COUNTY OF MARION

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FRED RHYME  
% MARK MITCHELL  
11604 EVERGREEN ROAD NE  
SILVERTON, OREGON 97381

(503) 873-8989

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-72221

SOURCE OF WATER: ABIQUA CREEK, A TRIBUTARY OF PUDDING RIVER

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE MAINTAINED UNDER APPLICATION S-72222, PERMIT 51992, FOR RECREATION AND FIRE PROTECTION

VOLUME OF USE: 18.0 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM DECEMBER 1 THROUGH APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: FEBRUARY 18, 1992 - 12.7 ACRE-FEET AND MARCH 19, 1992 - 5.3 ACRE-FEET

The area submerged by the reservoir, when full, will be 5.0 acres and the maximum depth of water will be 5.2 feet. The reservoir is a sump and therefore does not have a "dam height" to measure.

POND LOCATION: NW 1/4 SW 1/4, SECTION 22, T6S, R1W, W.M.; 1270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 22

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NW 1/4 SW 1/4  
SW 1/4 SW 1/4  
SECTION 22  
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

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.

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- 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.

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.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

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.

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.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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 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.

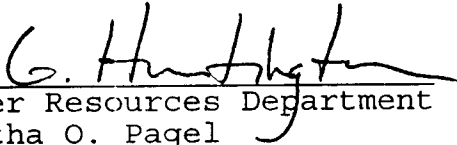
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use 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 finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of water shall be made on or before October 1, 1999.

Issued February 29, 1996



Water Resources Department  
Martha O. Pagel  
Director