

STATE OF OREGON
COUNTY OF WASHINGTON

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES W BAYLESS
2509 MALARKEY DR
WARRENTON, OREGON 97146

(503) 861-2759

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

APPLICATION FILE NUMBER: R-73440

SOURCE OF WATER: AN UNNAMED DRAINAGE, A TRIBUTARY OF FANNO CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: WILDLIFE HABITAT

VOLUME OF ALLOWED STORAGE: 1.0 ACRE FOOT EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JUNE 11, 1993

The area submerged by the reservoir, when full, will be 1.0 acre and the maximum depth of water will be 2.0 feet. The maximum height of the dam shall not exceed 3.0 feet.

DAM LOCATION: SE 1/4 NE 1/4, SECTION 13, T1S, R1W, W.M.

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

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

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or

measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. 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.

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.

When in the judgment of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be subject to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming natural flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the general supervision of said Watermaster.

The permittee may be required in the future to 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.

The use may be restricted if the quality of Fanno Creek, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

STANDARD CONDITIONS

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.

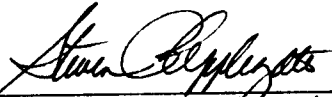
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 the stored water to the use shall be made on or before October 1, 1999.

Issued April 26, 1996

for 
Martha O. Pagel, Director
Water Resources Department

Application R-73440
Basin 02

Water Resources Department
Volume 22 FANNO CR
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PERMIT R-11681
District 18