

STATE OF OREGON
COUNTY OF JEFFERSON

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TOM NORTON
PO BOX 728
MADRAS, OREGON 97741

(541) 475-6681

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

APPLICATION FILE NUMBER: R-70233

SOURCE OF WATER: CLOVER CREEK, A TRIBUTARY OF TROUT CREEK WITHIN THE DESCHUTES RIVER BASIN

STORAGE FACILITY: UNNAMED OFF CHANNEL RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK WATERING

VOLUME OF ALLOWED USE: 4.23 ACRE-FEET EACH YEAR

THE PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FOR THE MONTH OF JANUARY AND FROM MARCH 1 TO APRIL 30 ONLY

DATE OF PRIORITY: MARCH 12, 1990

The area submerged by the reservoir, when full, will be 0.88 acre and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 10.0 feet.

DAM LOCATION: SW 1/4 SW 1/4, SECTION 32, T 10 S, R 17 E, W.M.

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

SW 1/4 SW 1/4
SECTION 32
TOWNSHIP 10 SOUTH, RANGE 17 EAST, 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.

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.

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.

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.

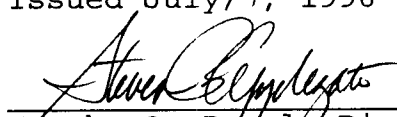
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued July 17, 1996


Martha O. Pagel, Director
Water Resources Department