

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RAY BENZEL JR
NANCY BENZEL
5080 BOSWELL ROAD
YONCALLA, OREGON 97499

(541) 849-2527

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

APPLICATION FILE NUMBER: R-72363

SOURCE OF WATER: AN UNNAMED SPRING, A TRIBUTARY OF ELK CREEK

STORAGE FACILITY: ONE UNNAMED STOCK WATERING RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK WATER

MAXIMUM RATE/VOLUME ALLOWED: 0.3 ACRE-FOOT EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD OF DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: APRIL 24, 1992

The area submerged by the reservoir, when full, will be 0.2 acre and the maximum depth of water will be 4.0 feet. The maximum height of the dam shall not exceed 6.0 feet.

DAM LOCATION: SE 1/4 SE 1/4, SECTION 13, T22S, R5W, W.M.; 1150 FEET NORTH AND 450 FEET WEST FROM THE SE CORNER OF SECTION 13

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

SE 1/4 SE 1/4
SECTION 13
TOWNSHIP 22 SOUTH, RANGE 5 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.

Application R-72363 Water Resources Department

PERMIT R-11948

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.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

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.

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.

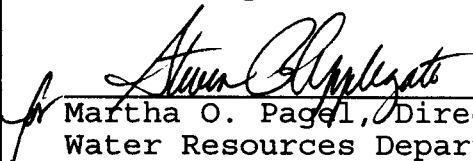
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 August 21, 1996


Martha O. Pagel, Director
Water Resources Department