

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. FISH AND WILDLIFE SERVICE  
911 NE 11TH AVE  
PORTLAND, OREGON 97232 -4181

(503) 231-6251

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

APPLICATION FILE NUMBER: R-81145

SOURCE OF WATER: DONNER UND BLITZEN RIVER AND UNNAMED SPRINGS, TRIBUTARIES OF MALHEUR LAKE WITHIN THE MALHEUR LAKE BASIN

STORAGE FACILITY: MUD CREEK BROOD POND

PURPOSE OR USE OF THE STORED WATER: WETLAND ENHANCEMENT, WILDLIFE AND AQUATIC LIFE

VOLUME: 190.0 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD YEAR ROUND

DATE OF PRIORITY: MAY 10, 1996

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 9.9 FEET.

DAM LOCATION: NW 1/4 NE 1/4, SECTION 5, TOWNSHIP 32 SOUTH, RANGE 32 1/2 EAST, W.M.;

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

NW 1/4 NE 1/4  
SW 1/4 NE 1/4  
NE 1/4 NW 1/4  
SE 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SE 1/4

SECTION 5

TOWNSHIP 32 SOUTH, RANGE 32.5 EASTW.M.

Application R-81145 Water Resources Department

PERMIT R-11985

## 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

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.

**STANDARD CONDITIONS**

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

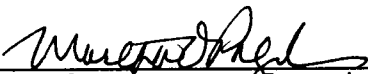
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 September 25, 1996

  
\_\_\_\_\_  
Martha O. Pagel, Director  
Water Resources Department

Application R-81145    Water Resources Department    PERMIT R-11985  
Basin 12    Volume 1A Donner Und Blitzen River & Misc.    District 10  
JKS