

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DON L. AND ALBERTA R. STEWART  
24616 LLEWELLYN ROAD  
CORVALLIS, OREGON 97333

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-75281

SOURCE OF WATER: TWO UNNAMED SPRINGS AND SHEET RUNOFF (UNNAMED INTERMITTENT STREAM), TRIBUTARIES OF BULL RUN CREEK

STORAGE FACILITY: FOUR UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: WILDLIFE, RECREATION, AND TO BE APPROPRIATED UNDER APPLICATION S-75282, PERMIT 53217 FOR IRRIGATION

MAXIMUM VOLUME ALLOWED: 21.1 ACRE-FEET (AF) PER YEAR, BEING 2.5 AF IN RESERVOIR 1, 16.6 AF IN RESERVOIR 2, 0.6 AF IN RESERVOIR 3, 1.4 AF IN RESERVOIR 4

PERIOD OF DURING WHICH WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 8, 1994

Reservoir 1 - The total area to be submerged by the reservoir, when full, shall be 0.5 acre; the maximum depth of water shall be 10.0 feet. The maximum height of the dam shall not exceed 10.0 feet.

Reservoir 2 - The total area to be submerged by the reservoir, when full, shall be 1.6 acres; the maximum depth of water shall be 28.0 feet. The maximum height of the dam shall not exceed 24.0 feet.

Reservoir 3 - The total area to be submerged by the reservoir, when full, shall be 0.2 acre; the maximum depth of water shall be 8.0 feet. The maximum height of the dam shall not exceed 15.0 feet.

Reservoir 4 - The total area to be submerged by the reservoir, when full, shall be 0.2 acre; the maximum depth of water shall be 12.0 feet. The maximum height of the dam shall not exceed 20.0 feet.

DAM LOCATIONS: SE 1/4 SE 1/4, SECTION 34, SW 1/4 SW 1/4, SECTION 35, TOWNSHIP 12 SOUTH, RANGE 6 WEST, W.M.

Application R-75281 Water Resources Department

PERMIT R-12205

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

SE 1/4 SE 1/4  
SECTION 34  
SW 1/4 SW 1/4  
SECTION 35

TOWNSHIP 12 SOUTH, RANGE 6 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.
- 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.

- If it is determined at some later date that an outlet conduit is necessary for water distribution needs or public safety, a gated conduit shall be installed using appropriate safeguards and construction techniques, or the structure may be breached or reconstructed.
- Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.
- The earthen dam and resultant reservoir shall be maintained according to the approved asbuilt drawings on file with Oregon Water Resources Dam Safety program.
- The existing structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification to the dam, spillway or appurtenant structures.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

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 the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an 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.

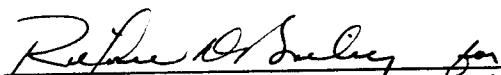
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued July 16, 1997

  
Water Resources Department  
Martha O. Pagel  
Director

Application R-75281      Water Resources Department  
Basin 02                      Volume 4A Muddy Creek & Misc.  
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District 16