

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

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

(503)231-6145

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

APPLICATION FILE NUMBER: R-83517

SOURCE OF WATER: DESPAIN GULCH, A TRIBUTARY OF COLD SPRINGS RESERVOIR

STORAGE FACILITY: MEMORIAL MARSH II RESERVOIR

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

MAXIMUM STORAGE VOLUME: 78.3 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: JANUARY 1
THROUGH APRIL 14 OF EACH YEAR

DATE OF PRIORITY: AUGUST 1, 1997

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 7.00 FEET.

DAM LOCATION: SW 1/4 NE 1/4, SE 1/4 NE 1/4, NW 1/4 SE 1/4, SECTION 12,
T4N, R29E, W.M.

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

SW 1/4 NE 1/4

SE 1/4 NE 1/4

NW 1/4 SE 1/4

SECTION 12

TOWNSHIP 4 NORTH, RANGE 29 EAST, 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

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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 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.

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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.

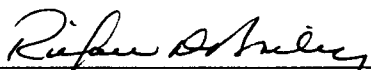
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2001.

Issued November 28, 1997



Martha O. Pagel, Director
Water Resources Department

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Basin 07
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Water Resources Department
VOLUME 4A STAGE & DESPAIN G
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DISTRICT 5