

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ERNEST AND PETE BUSSMAN
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The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-73021

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SIXES RIVER, WITHIN THE SOUTH COAST BASIN

STORAGE FACILITY: ONE EARTHFILL RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER PERMIT 53423 FOR CRANBERRY OPERATIONS AND IRRIGATION

MAXIMUM RATE/VOLUME OF USE: 43.0 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH APRIL 30 AND JULY 1 THROUGH JULY 31 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 8, 1992

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 8.25 ACRES AND THE MAXIMUM DEPTH OF WATER WILL BE 17.0 FEET. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 20.0 FEET.

DAM LOCATION: NE 1/4 SE 1/4 AND NW 1/4 SE 1/4, SECTION 5, T32S, R15W, W.M.; 2560 FEET SOUTH AND 1330 FEET WEST FROM NE CORNER, SECTION 5

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

SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 5

TOWNSHIP 32 SOUTH, RANGE 15 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.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated April 11, 1995, on file with the Water Resources Department.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times. Routine maintenance of the embankment and spillway shall be performed as necessary to remove trees, brush, debris and/or burrowing animals, or to repair areas of erosion.

The embankment and reservoir shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Department, stamped and dated on April 11, 1995.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon; no fill shall be placed until excavation of the cutoff trench has been completed and examined in its entirety and approved by the engineer of record or the Water Resources Dam Safety Engineer.

If borrow material is removed from the reservoir area during construction of the dam, a revised topographic map and area-capacity curve shall be submitted to this Department to confirm the estimated storage capacity of the impoundment.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of asbuilt drawings must accompany the engineer's written certification of completion.

Neither shall the existing structure, nor the plans, specifications or asbuilt drawings be altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative.

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 and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

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.

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Actual construction work shall begin within one year from permit issuance. The reservoir(s) shall be filled and complete application of water shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued July 29, 1998



Water Resources Department
Director

Application R-73021
Basin 17
LKS

Water Resources Department
Volume 3 SIXES RIVER & MISC.
MGMT.CODE 2AD 2AW

PERMIT R-12497
District 19