

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. FISH AND WILDLIFE SERVICE

PAUL RAUCH

911 NE 11<sup>th</sup> STREET

PORTLAND, OREGON 97232-4181

PHONE: (503) 231-6261

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

APPLICATION FILE NUMBER: R-83470

SOURCE OF WATER: CHICKEN CREEK, A TRIBUTARY OF THE TUALATIN RIVER

STORAGE FACILITY: UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: WETLAND ENHANCEMENT

MAXIMUM VOLUME: 579.0 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: JUNE 23, 1997

The area submerged by the reservoir, when full, will be 256 acres and the maximum depth of water will be 9.0 feet. The maximum height of the dam shall not exceed 11.5 feet.

INITIAL DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 19, T2S, R1W, W.M.; 1587.51 FEET NORTH AND 3413.79 FEET WEST FROM THE SE CORNER DLC 41

DAM LOCATIONS: NE 1/4 NE 1/4, SECTION 19, SW 1/4 NE 1/4, NE 1/4 NW 1/4, NW 1/4 SE 1/4, SECTION 20, T2S, R1W, W.M.; WETLAND 1S CHECK DAM: 2832.82 FEET NORTH AND 3154.04 FEET WEST, WETLAND 5S CHECK DAM: 2832.82 FEET NORTH AND 3243.44 FEET WEST, POND 1P CHECK DAM: 2540.00 FEET NORTH AND 1154.90 FEET EAST, WETLAND 1S & 1SA CHECK DAM: 3114.13 FEET NORTH AND 150.99 FEET EAST, POND 2P CHECK DAM: 1037.58 FEET NORTH AND 369.77 FEET EAST ALL FROM SE CORNER DLC 41

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

NE 1/4 NE 1/4

SE 1/4 NE 1/4

SECTION 19

NW 1/4 NE 1/4

SW 1/4 NE 1/4

NE 1/4 NW 1/4

NW 1/4 NW 1/4

SW 1/4 NW 1/4

SE 1/4 NW 1/4

NE 1/4 SW 1/4

NW 1/4 SW 1/4

SW 1/4 SW 1/4

SE 1/4 SW 1/4

NW 1/4 SE 1/4

SW 1/4 SE 1/4

SECTION 20

TOWNSHIP 2 SOUTH, RANGE 1 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, 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 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 permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

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.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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.

When in the judgment of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be subject to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming natural flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the general supervision of said Watermaster.

The dam shall be constructed, operated, and maintained according to the plans and specifications approved May 6, 1997, 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 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, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.

The completed 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, or a professional engineer in the employ of the federal government, are required for any modification or rehabilitation of the dam, spillway or appurtenant structures.

## 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.

**This permit is issued to identify the correct permit number and to correctly describe the area to be submerged by the reservoir. Permit R-12552, dated May 14, 1999, is superseded by this instrument and is of no further force or effect.**

Actual construction work shall begin by May 14, 2000. The reservoir(s) shall be filled and complete application of water shall be made on or before October 1, 2003. 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 16, 1999

  
 Martha O. Pagel, Director  
 Water Resources Department

Application R-83470      Water Resources Department  
 Basin 02                      Volume 22 CHICKEN CREEK  
 LKS                              MGMT.CODE 2BD 2BW

PERMIT R-12652  
 District 18