

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TOM MAC & JOYCE A KERNS
45296 POCAHONTAS RD
HAINES, OREGON 97833

PHONE: (541) 856-3351

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

APPLICATION FILE NUMBER: R-81903

SOURCE OF WATER: PINE CREEK RESERVOIR, TRIBUTARY OF POWDER RIVER

STORAGE FACILITY: ENLARGEMENT OF PINE CREEK RESERVOIR, ORIGINALLY
CONSTRUCTED UNDER PERMIT R-660

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER
APPLICATION S-83516, PERMIT 53908, FOR SUPPLEMENTAL IRRIGATION

MAXIMUM VOLUME: 30.0 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: OCTOBER 1
THROUGH APRIL 14

DATE OF PRIORITY: NOVEMBER 22, 1996

The area submerged by the reservoir, when full, will be 20.2 acres and
the maximum depth of water will be 9.0 feet. The maximum height of
the dam shall not exceed 18.0 feet.

DAM LOCATION: SW 1/4 SE 1/4, SECTION 32, T8S, R38E, W.M.; 2310 FEET
SOUTH AND 1360 FEET WEST FROM NE CORNER, SECTION 32

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

SW 1/4 SE 1/4

SECTION 32

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

Application R-81903 Water Resources Department

PERMIT R-13566

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.

Routine maintenance of the dam, its spillway and appurtenant structures shall be performed as determined necessary by the Water Resources Dam Safety program, including but not limited to the timely removal of woody vegetation and debris, the repair of areas of erosion or to repair defective equipment.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change in the approved design prior to or during construction.

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

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 final construction deviates from the approved design a set reproducible as-constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's written certification of completion.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alternation of the dam or any 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.

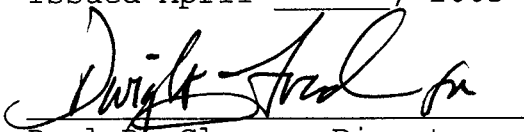
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

The reservoir shall be filled and complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 April 10, 2003


 Paul R. Cleary, Director
 Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Application R-81903 Water Resources Department
 Basin 09 Volume 01 PINE CR
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PERMIT R-13566
 District 8