

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OREGON DEPARTMENT OF FISH AND WILDLIFE  
29555 CAMP ADAIR ROAD  
MONMOUTH, OREGON 97361

(541) 745-5334

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

APPLICATION FILE NUMBER: R-75511

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF SOAP CREEK

STORAGE FACILITY: RESERVOIRS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10

PURPOSE OR USE OF THE STORED WATER: WETLANDS RESTORATION

MAXIMUM STORAGE VOLUME: 56.3 ACRE-FEET (AF) EACH YEAR, BEING 2.1 AF IN RESERVOIR 1, 1.6 AF IN RESERVOIR 2, 9.1 AF IN RESERVOIR 3, 9.0 AF IN RESERVOIR 4, 4.4 AF IN RESERVOIR 5, 8.8 AF IN RESERVOIR 6, 6.5 AF IN RESERVOIR 7, 4.8 AF IN RESERVOIR 8, 3.6 AF IN RESERVOIR 9, AND 6.4 AF IN RESERVOIR 10

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

DATE OF PRIORITY: DECEMBER 19, 1994

THE MAXIMUM HEIGHT OF THE DAMS SHALL NOT EXCEED 9.9 FEET.

DAM LOCATION: SE 1/4 NE 1/4 RES 5, 2000 FEET SOUTH & 600 FEET WEST; SE 1/4 NE 1/4 RES 6, 2500 FEET SOUTH & 600 FEET WEST FROM NE COR SECTION 7; RES 9, 1650 FEET NORTH & 900 FEET WEST FROM SE COR SECTION 7, T10S, R4W, W.M.; NW 1/4 NE 1/4 RES 3, 1050 FEET SOUTH & 500 FEET EAST FROM THE NE COR SEC 8, T10S, R4W, W.M.; NW 1/4 NW 1/4 RES 1, 1100 FEET SOUTH & 500 FEET EAST; SW 1/4 NW 1/4 RES 2, 1600 FEET SOUTH & 0 FEET EAST; SE 1/4 NW 1/4 RES 4, 1550 FEET SOUTH & 2200 FEET EAST; RES 7, 2000 FEET SOUTH & 2200 FEET EAST; RES 8, 2400 FEET S & 1800 FEET EAST, ALL FROM THE NW CORNER SECTION 8; SE 1/4 SW 1/4, RES 10, 400 FEET NORTH & 2700 FEET WEST FROM SE CORNER SECTION 8; SECTION 8, T10S, R4W, W.M.

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

SE 1/4 NE 1/4 RES 2, 5, 6

NE 1/4 SE 1/4 Res 6, 9

SECTION 7

NW 1/4 NE 1/4 RES 3

SW 1/4 NE 1/4 RES 3

NE 1/4 NW 1/4 RES 3

NW 1/4 NW 1/4 RES 1

SE 1/4 NW 1/4 RES 3, 4, 7, 8

NE 1/4 SW 1/4 RES 8

SE 1/4 SW 1/4 RES 10

SW 1/4 SE 1/4 RES 10

SECTION 8

TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. 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.

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

The total area to be submerged by Reservoir 1, when full shall be 3.5 acres; the maximum depth of water shall be 1.5 feet.

The total area to be submerged by Reservoir 2, when full shall be 2.0 acres; the maximum depth of water shall be 2.0 feet.

The total area to be submerged by Reservoir 3, when full shall be 7.25 acres; the maximum depth of water shall be 5.0 feet.

The total area to be submerged by Reservoir 4, when full shall be 4.5 acres; the maximum depth of water shall be 5.0 feet.

The total area to be submerged by Reservoir 5, when full shall be 2.75 acres; the maximum depth of water shall be 4.0 feet.

The total area to be submerged by Reservoir 6, when full shall be 5.5 acres; the maximum depth of water shall be 4.0 feet.

The total area to be submerged by Reservoir 7, when full shall be 3.25 acres; the maximum depth of water shall be 5.0 feet.

The total area to be submerged by Reservoir 8, when full shall be 3.0 acres; the maximum depth of water shall be 4.0 feet.

The total area to be submerged by Reservoir 9, when full shall be 3.0 acres; the maximum depth of water shall be 3.0 feet.

The total area to be submerged by Reservoir 10, when full shall be 4.0 acres; the maximum depth of water shall be 4.0 feet.

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.

#### 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 by March 31, 2001. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2004. 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).

**This permit is issued to correctly identify the dam locations. Permit R-12813 dated March 31, 2001 is superseded by this instrument and is of no further force or effect.**

Issued August 21, 2003

  
Paul R. Cleary, Director  
Water Resources Department

NOTE: 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.