

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAST VALLEY WATER DISTRICT
PO BOX 1046
MT ANGEL, OREGON 97362

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

APPLICATION FILE NUMBER: R-83919

SOURCE OF WATER: ROCK CREEK, A TRIBUTARY OF PUDDING RIVER

STORAGE FACILITY: THE ROCK CREEK RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION AND SUPPLEMENTAL IRRIGATION

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER SECONDARY APPLICATIONS FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION.

MAXIMUM VOLUME: 7000 ACRE-FEET PER YEAR

PERIOD OF ALLOWED USE: NOVEMBER 1 THROUGH MAY 31.

DATE OF PRIORITY: AUGUST 27, 1998.

The area submerged by the reservoir, when full, will be 650.0 acres and the maximum depth of water will be 45.0 feet. The maximum height of the dam shall not exceed 50.0 feet.

DAM LOCATION: SE 1/4 NE 1/4 SECTION 14, T56S, R1E, W.M.; 2000 FEET SOUTH AND 800 FEET WEST FROM NE CORNER, SECTION 21

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

1859
NE 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 14
SE 1/4 SE 1/4
SECTION 15
SE 1/4 NE 1/4
NE 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 21

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 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
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 22

SW 1/4 NE 1/4
SE 1/4 NE 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
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 23

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
NW 1/4 SW 1/4
SW 1/4 SW 1/4

SECTION 24

NE 1/4 NE 1/4
NW 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
NW 1/4 SW 1/4

SECTION 26

NE 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 SE 1/4

SECTION 27

TOWNSHIP 5 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Prior to water being stored in the reservoir authorized by this permit, the permittee shall install meters or other suitable measuring devices approved by the Watermaster, at points on Rock Creek approved by the Watermaster that are slightly above and slightly below the reservoir. The meters or measuring devices shall be capable of measuring reservoir inflow and outflow year-round, except under extreme flood conditions.
- B. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

Between June 1 and October 31, the permittee shall pass all streamflow entering the reservoir.

The permittee may not begin construction of the reservoir authorized under this permit until the Department approves final plans, specifications and supporting information for the dam. Additional dam safety conditions required by the Department shall be incorporated into the requirements of this permit.

The permittee shall provide upstream and downstream fish passage over the dam. Approval of the proposed fish passage facility must be obtained from the Oregon Department of Fish and Wildlife (ODFW) prior to dam construction. In lieu of providing fish passage over the dam the permittee may obtain a fish passage waiver from ODFW pursuant to ORS 509.585 prior to dam construction. If ODFW grants permittee a fish passage waiver, permittee shall provide a copy to the Department for filing in the Application R-83919 file.

Construction of the proposed reservoir shall not commence until the permittee, in cooperation with the ODFW, develops an approved operational plan for the reservoir that minimizes fishery impacts. The operational plan shall be mutually acceptable to ODFW and the Water Resources Department (WRD), however, the final approval of the operational plan shall be made by WRD. The approved operational plan shall be incorporated into the requirements of this permit and enforced by WRD.

The approved operational plan shall be reviewed, in consultation with ODFW and WRD, every 5 years.

Prior to water being stored in the reservoir authorized by this permit, the permittee shall resolve "water right conflicts" with permits G-8561 and G-9252.

Prior to water being stored in the reservoir authorized by this permit, the permittee shall submit to the Department evidence that the permittee owns, or has written authorization or an easement permitting access to, all lands to be inundated by the reservoir.

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.

STANDARD CONDITIONS

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.

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, 2018. 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 October 21st, 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 258.920 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-83919
 Basin 2

Water Resources Department
 Volume 15A ROCK CREEK MISC

PERMIT R-13773
 District 16