

STATE OF OREGON

COUNTY OF POLK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. FISH AND WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND, OREGON 97232 -4181

(503)231-6145

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

APPLICATION FILE NUMBER: R-74272

SOURCE OF WATER: MORGAN RESERVOIR, CONSTRUCTED UNDER PERMITS R-3093 AND R-4520 AND BASKETT SLOUGH, TRIBUTARIES OF RICKREALL CREEK

STORAGE FACILITY: CACKLER MARSH (SOUTH SLOUGH POND)

PURPOSE OR USE OF THE STORED WATER: WETLAND ENHANCEMENT AND WILDLIFE USE

MAXIMUM STORAGE VOLUME: 425.0 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: YEAR ROUND FROM MORGAN RESERVOIR, AND NOVEMBER 1 THROUGH APRIL 30 FROM BASKETT SLOUGH

DATE OF PRIORITY: JUNE 29, 1994

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 12.24 FEET.

POINT OF DIVERSIONS LOCATION:

MORGAN RESERVOIR DIVERSION: NW 1/4 NE 1/4, AS PROJECTED WITH SMITH DLC 44, SECTION 14, T7S, R5W, W.M.; 1680 FEET SOUTH AND 1690 FEET EAST FROM THE NW CORNER, SMITH DLC 44

BASKETT SLOUGH DIVERSION: SE 1/4 SE 1/4, SECTION 14, NE 1/4 NE 1/4, SE 1/4 NE 1/4, SECTION 23, T7S, R5W, W.M.; 3506 FEET NORTH AND 1425 FEET WEST FROM THE NORTHEAST CORNER OF J.W. BOYLE DLC 55

DAM LOCATION: SE 1/4 SE 1/4, SECTION 14, NE 1/4 NE 1/4, SE 1/4 NE 1/4, SECTION 23, T7S, R5W, W.M.; 3506 FEET NORTH AND 1425 FEET WEST FROM THE NORTHEAST CORNER OF J.W. BOYLE DLC 55

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

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 14

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

SECTION 23

TOWNSHIP 7 SOUTH, RANGE 5 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 total area to be submerged by the reservoir, when full shall be 189 acres; the maximum depth of water shall be 9.24 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.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 September 26, 1994. Any changes in the approved design shall be documented in letter to the Water Resources Dam Safety Engineer and/or illustrated on a final set of asbuilt drawings clearly marked as such, and stamped by a licensed engineer.

All construction shall be performed under the supervision of a professional engineer or a qualified engineer in the direct employ of the U.S. Fish and Wildlife Service; no fill shall be placed until excavation of the keyway has been completed and examined in its entirety and approved by the engineer of record and/or the Water Resources Dam Safety Engineer.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that

- 1) construction has been completed in strict accordance with the approved plan and specifications, or
- 2) construction has been completed as shown on a final set of asbuilt drawings stamped by a licensed 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 with the asbuilt drawings to confirm the estimated storage capacity of the impoundment.

Routine maintenance of the embankment and spillway shall be performed as determined necessary to remove trees, brush, debris and/or burrowing animals, or to repair areas of erosion.

Flashboards shall be installed and removed at those dates and/or flow conditions as specified in the terms and conditions of the permit.

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.

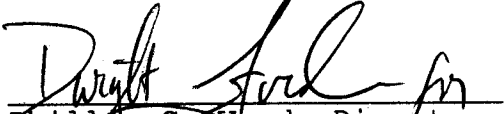
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 within one year from permit issuance. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2002.

Issued June 1, 2005


Phillip C. Ward, Director
Water Resources Department