

STATE OF OREGON

COUNTY OF MARION

PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

U.S. FISH & WILDLIFE SERVICE
 911 NE 11TH AVE
 PORTLAND OR 97232-4181

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

APPLICATION FILE NUMBER: R-86726

SOURCE OF WATER: RUNOFF, TRIBUTARY TO BASHAW CREEK

STORAGE FACILITY: EGRET MARSH

MAXIMUM VOLUME: 70.0 ACRE FEET

DATE OF PRIORITY: DECEMBER 14, 2006

WATER MAY BE APPROPRIATED DURING THE PERIOD:

Use	Period
MULTIPLE PURPOSE	NOVEMBER 1 - JUNE 30

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
9 S	3 W	WM	20	SE NW	44	1370 FEET SOUTH AND 3560 FEET WEST FROM NE CORNER, SECTION 20

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q	DLC
9 S	3 W	WM	17	SW SW	44
9 S	3 W	WM	17	SE SW	44
9 S	3 W	WM	20	NE NW	44
9 S	3 W	WM	20	SE NW	44

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool level must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in-channel, then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and a gated outlet valve must be installed. The permittee shall maintain such devices 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. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

- B. The permittee shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

The permittee shall pass all live flow outside the storage season described above.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir purposes, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.
6. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2011.
7. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
8. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

9. If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
- a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued July 5, 2007.

E. Timothy Ward for

Phillip C. Ward, Director
Water Resources Department

