

STATE OF OREGON

COUNTY OF UNION

PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

DEE WAYNE JOHNSON
CONLEY FARMS
61050 CONLEY RD
COVE OR 97824

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

APPLICATION FILE NUMBER: R-86833

SOURCE OF WATER: CATHERINE CREEK

STORAGE FACILITY: A RESERVOIR

MAXIMUM VOLUME: 192.0 ACRE FEET

DATE OF PRIORITY: APRIL 20, 2007

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

WATER MAY BE APPROPRIATED DURING THE PERIOD:

JANUARY 1 THROUGH JULY 31
OCTOBER 1 THROUGH OCTOBER 31
DECEMBER 1 THROUGH DECEMBER 31

Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	39 E	WM	12	SE SE	798 FEET NORTH AND 359 FEET WEST FROM SE CORNER, SECTION 12

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
3 S	39 E	WM	12	SW SW
3 S	39 E	WM	12	SE SW
3 S	39 E	WM	12	SW SE
3 S	39 E	WM	12	SE SE
3 S	39 E	WM	13	NE NE
3 S	39 E	WM	13	NW NE
3 S	39 E	WM	13	NE NW
3 S	39 E	WM	13	NW NW
3 S	39 E	WM	13	SE NW
3 S	40 E	WM	7	SW SW
3 S	40 E	WM	18	NW NW

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter(s) in good working order. The permittee 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(s); provided however, where any meter 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

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 capacity is equal to or greater than 9.2 acre-feet.

Issued SEPTEMBER 27, 2007.

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

