

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN A AND WILLA M KEMP
20210 SW CONZELMANN RD
SHERWOOD, OR 97140-8956

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

APPLICATION FILE NUMBER: R-86781

SOURCE OF WATER: SPRING #1 AND SPRING #2, TRIBUTARIES TO WEST FORK CHICKEN CREEK

STORAGE FACILITIES: AN UNNAMED RESERVOIR AND HAWK'S VIEW RESERVOIR #1

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE (TO BE APPROPRIATED UNDER PERMIT S-54431 FOR IRRIGATION USE)

MAXIMUM VOLUME: 12.0 ACRE FEET (AF) EACH YEAR, BEING 0.5 AF IN AN UNNAMED RESERVOIR AND 11.5 AF IN HAWK'S VIEW RESERVOIR #1

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: JANUARY 25, 2007

RESERVOIR LOCATIONS:

AN UNNAMED RESERVOIR - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, T2S, R2W, W.M.;
1986 FEET SOUTH AND 773 FEET EAST FROM NW CORNER, SECTION 25

HAWK'S VIEW RESERVOIR #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, T2S, R2W, W.M.;
1772 FEET SOUTH AND 1234 FEET EAST FROM NW CORNER, SECTION 25

THE AREA SUBMERGED BY HAWK'S VIEW RESERVOIR #1, WHEN FULL, WILL BE 1.1 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 8.5 FEET.

POINT OF DIVERSION (POD) LOCATIONS:

SPRING #1 - POD #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, T2S, R2W, W.M.; 1986 FEET SOUTH AND 763 FEET EAST FROM NW CORNER, SECTION 25

SPRING #2 - POD #2 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, T2S, R2W, W.M.; 1445 FEET SOUTH AND 1284 FEET EAST FROM NW CORNER, SECTION 25

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

SW ¼ NW ¼
SECTION 25
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.
- 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.
- C. 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.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

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 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.

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.

Construction shall be completed, the reservoir shall be filled, and complete application of the water to the use shall be made on or before October 1, 2012. 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 December 10, 2007



for Phillip C. Ward, Director
Water Resources Department