

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

DANIEL E. DAVIS
PO BOX 1741
BANDON OR 97411

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

APPLICATION FILE NUMBER: R-86767

SOURCE OF WATER: JOHNSON CREEK, TRIBUTARY TO PACIFIC OCEAN

STORAGE FACILITY: RESERVOIR 4

MAXIMUM VOLUME: 40.0 ACRE FEET, FURTHER LIMITED TO AN INSTANTANEOUS RATE OF 0.75 CUBIC FEET PER SECOND (CFS)

DATE OF PRIORITY: FEBRUARY 13, 2007

USE: MULTIPLE PURPOSE

WATER MAY BE APPROPRIATED DURING THE PERIOD: MAY 1 THROUGH JULY 31, AND OCTOBER 1 THROUGH OCTOBER 31

	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
POINT OF DIVERSION	29 S	14 W	WM	6	NE SE	3215 FEET SOUTH AND 1068 FEET WEST FROM NE CORNER, SECTION 6
CENTER OF RESERVOIR	29 S	14 W	WM	6	NE SE	2575 FEET SOUTH AND 804 FEET WEST FROM NE CORNER, SECTION 6

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
29 S	14 W	WM	6	NE SE

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, and 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; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall monitor stream flow at the Johnson Creek point of diversion prior to and during diversion, and only divert water when flows exceed the following amounts: 4.0 CFS in May, 4.0 CFS in June, 1.0 CFS in July, and 2.0 CFS in October. In addition, the permittee shall report annually to the Water Resources Department all the natural stream flow data measured at the point of diversion on Johnson Creek.

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.

Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish-screening and by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

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 allow unauthorized inundation of property not under the ownership of the permit holder.
6. 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.
7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
8. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.

9. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2013.
10. 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.
11. 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.
12. If no secondary permit exists and the reservoir capacity is 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 *Oct 14*, 2008.

Dwight Strickland for
for Phillip C. Ward, Director
Water Resources Department