

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
2371 NE STEPHENS ST SUITE 100
ROSEBURG, OR 97470

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

APPLICATION FILE NUMBER: R-87192

SOURCE OF WATER: SOUTH UMPQUA RIVER, A TRIBUTARY OF UMPQUA RIVER

STORAGE FACILITY: COW CREEK RESERVOIR 1

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-87193 (PERMIT s-54617) FOR QUASI-MUNICIPAL USE

MAXIMUM VOLUME: 365.0 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: JUNE 10, 2008

The area submerged by the reservoir, when full, will be 12.0 acres. The maximum height of the dam shall not exceed 86.0 feet.

POINTS OF DIVERSION:

SOUTH UMPQUA RIVER, POD 1 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 22, T30S, R5W, W.M.;
535 FEET NORTH AND 950 FEET EAST FROM SW CORNER, SECTION 22

SOUTH UMPQUA RIVER, POD 2 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T30S, R5W, W.M.;
1150 FEET NORTH AND 780 FEET WEST FROM SE CORNER, SECTION 21

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

NE $\frac{1}{4}$ NW $\frac{1}{4}$

NW $\frac{1}{4}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ NW $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

SECTION 28

TOWNSHIP 30 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 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. 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.
- C. 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 permittee shall develop and implement a short-term and long-term monitoring, surveillance, evaluation, and reporting program for the purpose of establishing a record of performance that demonstrates that the construction and operation of the off-channel storage reservoir(s), dam(s) and associated works are protective of life and property and to submit reports on a regular basis to the Department containing information and data gathered by the program related to the performance of the off-channel storage reservoir(s), dam(s) and associated works.

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.

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, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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.

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.

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, shall be followed.

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.

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.

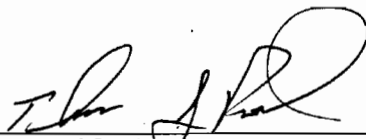
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued November 18, 2009



for Phillip C. Ward, Director
Water Resources Department