

STATE OF OREGON

COUNTY OF POLK

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KEN BROWN  
700 N FIR VILLA RD  
DALLAS, OR 97338

DAN DAIL  
830 N FIR VILLA RD  
DALLAS, OR 97338

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

APPLICATION FILE NUMBER: R-87591 (DEPARTMENT DAM FILE B-45)

SOURCE OF WATER: UNNAMED STREAM AND RUNOFF, TRIBUTARY TO BASKETT SLOUGH

STORAGE FACILITY: BROWN-HARLAND RESERVOIR

PURPOSE OR USE OF THE STORED WATER: RECREATION, WILDLIFE AND IRRIGATION

MAXIMUM VOLUME: 29.0 ACRE FEET EACH YEAR

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

DATE OF PRIORITY: MARCH 12, 2010

The area submerged by the reservoir, when full, will be 3.5 acres and  
the maximum depth of water will be 17.0 feet. The maximum height of the  
dam shall not exceed 20.5 feet.

DAM LOCATION: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 23, T7S, R5W, W.M.; 300 FEET WEST FROM  
SW CORNER, HARRISON BRUNK DLC 61

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

NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 23

TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.

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 storage 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.

- B. The permittee shall maintain all required devices in good working order.
- C. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may require the permittee to keep and maintain a record of the amount (volume) of water stored, and may require the permittee to report water storage 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.
- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

This permit allows an annual appropriation (not to exceed the specified volume). 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 to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

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 635-415, 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 permittee shall not release stored water from the reservoir(s) July 1 through September 1 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

#### **DAM SAFETY CONDITIONS**

The control works for the sliding gate valve (sluice gate) shall be cycled on an annual basis.

Woody vegetation shall be controlled on slopes and crest of dam and spillway, and the trickle tube and screen shall be kept clean and free of debris.

#### **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.

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 and the permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, 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 storage 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 JUNE 2 2011

E. Timothy Ward.

for Phillip C. Ward, Director  
Water Resources Department