

STATE OF OREGON

COUNTY OF LINN

THIS PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS IS HEREBY ISSUED TO

RIVER REFUGE SEED LLC
26366 GAP RD
BROWNSVILLE, OR 97327

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

APPLICATION FILE NUMBER: R-87865

SOURCE OF WATER: RUNOFF AND DRAIN DITCH, TRIBUTARIES OF COURTNEY CREEK

STORAGE FACILITY: RESERVOIR 100-1, RESERVOIR 100-2, RESERVOIR 100-3, RESERVOIR 100-4, AND RESERVOIR 100-5

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK, IRRIGATION, AGRICULTURE, RECREATION, FISH LIFE, WILDLIFE, POLLUTION ABATEMENT, AND WETLAND ENHANCEMENT

MAXIMUM VOLUME: 47.7 ACRE FEET (AF) EACH YEAR, BEING 5.0 AF IN RESERVOIR 100-1, 24.5 AF IN RESERVOIR 100-2, 9.1 AF IN RESERVOIR 100-3, 2.9 AF IN RESERVOIR 100-4, AND 6.2 AF IN RESERVOIR 100-5

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

DATE OF PRIORITY: FEBRUARY 14, 2013

THE MAXIMUM HEIGHT OF EACH DAM SHALL NOT EXCEED 6.0 FEET.

DAM LOCATIONS:

RESERVOIR 100-1 - DLC 52, SECTION 12, T14S, R3W, W.M.; 1260 FEET SOUTH AND 1280 FEET WEST FROM NE CORNER, SECTION 12

RESERVOIR 100-2 - DLC 52, SECTION 12, T14S, R3W, W.M.; 1950 FEET SOUTH AND 1550 FEET WEST FROM NE CORNER, SECTION 12

RESERVOIR 100-3 - DLC 52, SECTION 12, T14S, R3W, W.M.; 1980 FEET SOUTH AND 610 FEET WEST FROM NE CORNER, SECTION 12

RESERVOIR 100-4 - DLC 52, SECTION 12, T14S, R3W, W.M.; 2120 FEET SOUTH AND 850 FEET WEST FROM NE CORNER, SECTION 12

RESERVOIR 100-5 - DLC 52, SECTION 12, T14S, R3W, W.M.; 2060 FEET SOUTH AND 1590 FEET WEST FROM NE CORNER, SECTION 12

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$
 NW $\frac{1}{4}$ NE $\frac{1}{4}$
 SW $\frac{1}{4}$ NE $\frac{1}{4}$
 SE $\frac{1}{4}$ NE $\frac{1}{4}$
 ALL WITHIN DLC 52
 SECTION 12
 TOWNSHIP 14 SOUTH, RANGE 3 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 and maintained in the reservoirs.
- 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 permittee shall not release stored water from the reservoirs July 1 through October 31 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

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.

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.

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.

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.

Notwithstanding that Oregon Department of Fish and Wildlife 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/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

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.

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 decreases to the point that those waters no longer meet 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.

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 April 3 , 2014



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director