

STATE OF OREGON

COUNTY OF POLK

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MARK WETZLER
 5215 15TH AVE NE, APT 3
 SEATTLE, WA 98105-3431

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

APPLICATION FILE NUMBER: R-87976

Res #	Res Name	Dam Height	Storage Capacity (acre-feet)	Source	Use*		
					IR	LV	RC
1	Exeter	12 feet	0.8	Seasonal Stream #4	x	x	
2	Moya	12 feet	1.0	Seasonal Stream #4	x	x	
3	Pegasus	14 feet	4.0	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	x
4	Serenity	12 feet	0.7	Seasonal Stream #1	x	x	
5	Talyn	12 feet	0.8	Seasonal Stream #1	x	x	
6	Aurora	12 feet	0.4	Seasonal Stream #2	x	x	
7	Blackbird	12 feet	0.8	Seasonal Stream #2	x	x	
8	Bebop	12 feet	0.6	Seasonal Stream #3	x	x	
9	Firefly	12 feet	5.0	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	
10	Enterprize	12 feet	1.0	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	
11	Discovery 1	12 feet	3.9	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	x
12	Tardis	12 feet	1.0	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	x

*IR = Irrigation LV = Livestock RC = Recreation

MAXIMUM VOLUME: 20.0 ACRE FEET EACH YEAR

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

DATE OF PRIORITY: APRIL 30, 2014

DAM LOCATIONS:

EXETER RESERVOIR: SW ¼ NE ¼, SECTION 5, T7S, R5W, W.M.; 3000 FEET NORTH AND 1530 FEET WEST FROM SE CORNER, SECTION 5

MOYA RESERVOIR: SW ¼ NE ¼, SECTION 5, T7S, R5W, W.M.; 2710 FEET NORTH AND 1700 FEET WEST FROM SE CORNER, SECTION 5

PEGASUS RESERVOIR: NE ¼ SE ¼, SECTION 5, T7S, R5W, W.M.; 2000 FEET NORTH AND 590 FEET WEST FROM SE CORNER, SECTION 5

SERENITY RESERVOIR: NE ¼ SE ¼, SECTION 5, T7S, R5W, W.M.; 2010 FEET NORTH AND 1220 FEET WEST FROM SE CORNER, SECTION 5

TALYN RESERVOIR: NE ¼ SE ¼, SECTION 5, T7S, R5W, W.M.; 2010 FEET NORTH AND 1310 FEET WEST FROM SE CORNER, SECTION 5

AURORA RESERVOIR: NE ¼ SE ¼, SECTION 5, T7S, R5W, W.M.; 1590 FEET NORTH AND 1180 FEET WEST FROM SE CORNER, SECTION 5

BLACKBIRD RESERVOIR: NE ¼ SE ¼, SECTION 5, T7S, R5W, W.M.; 1520 FEET NORTH AND 1250 FEET WEST FROM SE CORNER, SECTION 5

BEBOP RESERVOIR: SE ¼ SE ¼, SECTION 5, T7S, R5W, W.M.; 1050 FEET NORTH AND 1210 FEET WEST FROM SE CORNER, SECTION 5

FIREFLY RESERVOIR: NE ¼ SE ¼, SECTION 5, T7S, R5W, W.M.; 1770 FEET NORTH AND 1270 FEET WEST FROM SE CORNER, SECTION 5

ENTERPRIZE RESERVOIR: NE ¼ SE ¼, SECTION 5, T7S, R5W, W.M.; 1660 FEET NORTH AND 750 FEET WEST FROM SE CORNER, SECTION 5

DISCOVERY 1 RESERVOIR: SE ¼ NE ¼, SECTION 5, T7S, R5W, W.M.; 3080 FEET NORTH AND 960 FEET WEST FROM SE CORNER, SECTION 5

TARDIS RESERVOIR: SE ¼ NE ¼, SECTION 5, T7S, R5W, W.M.; 2905 FEET NORTH AND 830 FEET WEST FROM SE CORNER, SECTION 5

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

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
SECTION 5

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

Measurement devices, and recording/reporting of annual water storage 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 device in good working order.

- B. 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.
- C. The Director may require the permittee to keep and maintain a record of the 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.
- D. 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.

The Director may require the user to measure inflow and outflow, above and below the reservoirs 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.

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.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the proposed diversion.

Water for livestock use must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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 waters from the seasonal streams #1, #2, #3, and #4 would not otherwise flow into a tributary of the South Yamhill River or sufficient water is available to satisfy all prior rights, including 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 *MAY 22 2015*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director