

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BANDON CRANBERRY WATER CONTROL DISTRICT  
PO BOX 1832  
BANDON, OREGON 97411

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

APPLICATION FILE NUMBER: R-83356

SOURCE OF WATER: JOHNSON CREEK, A TRIBUTARY OF PACIFIC OCEAN

STORAGE FACILITY: JOHNSON CREEK RESERVOIR

PURPOSE OR USE OF THE STORED WATER: AGRICULTURE, CRANBERRY USE,  
IRRIGATION, AND LIVESTOCK

MAXIMUM VOLUME: 550.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: JANUARY 1 THROUGH  
JULY 31 AND OCTOBER 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 9, 1997

DAM LOCATION: NW 1/4 NW 1/4, SECTION 9, T29S, R14W, W.M.; 2088 FEET NORTH AND  
180 FEET EAST FROM W 1/4 CORNER, SECTION 9

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

NW 1/4 NW 1/4  
SW 1/4 NW 1/4  
SE 1/4 NW 1/4  
SECTION 9

TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.

Measurement devices, and recording/reporting of annual water storage 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. If no dead-pool, the gage must measure the full depth of the reservoir.

B. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage 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.

C. The permittee shall install suitable measuring devices, above and below the reservoir, and shall measure and annually report inflow and outflow respectively, to ensure that live flow is not impeded outside the storage season.

D. The permittee shall maintain the devices in good working order, and shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

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 construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without Oregon Department of Fish and Wildlife's (ODFW's) approval of a fish-passage plan, or approval of a waiver or exemption, and/or provided any mitigation required by ODFW. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of native migratory fish at all times (ORS 509.601) as per the approved plan, waiver or exemption. 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.

Prior to storage of water, fish screening and by-pass devices consistent with current ODFW standards shall be in place and functional. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The permittee shall maintain and operate fish screening and by-pass devices consistent with current ODFW standards. The permittee shall obtain **written approval** from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe with a minimum diameter of 30 inches. 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 permit holder may not begin construction of the reservoir until the Department approves the engineering plans and specifications.

#### **DAM CONDITIONS**

Conditions may be added upon approval of dam designs and specifications.

#### **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 ten 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                     AUGUST 10                     2015

                    E. Timothy Wallin                    

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