

STATE OF OREGON

COUNTY OF WHEELER

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BRIDGE CREEK RANCH LLC  
355 GOODPASTURE ISLAND RD  
EUGENE, OR 97401

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

APPLICATION FILE NUMBER: R-84459

SOURCE OF WATER: BEAR CREEK, A TRIBUTARY OF BRIDGE CREEK AND BRIDGE CREEK, A TRIBUTARY OF JOHN DAY RIVER

STORAGE FACILITY: PAINTED HILLS RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH LIFE

MAXIMUM VOLUME: 500.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE: APRIL 1 THROUGH APRIL 14

DATE OF PRIORITY: JUNE 21, 2000

DAM LOCATION: NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 25, T10S, R20E, W.M.; 1620 FEET NORTH & 240 FEET WEST FROM SOUTH  $\frac{1}{4}$  CORNER, SECTION 25

POINTS OF DIVERSION:

POD #1 (BEAR CREEK) SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 35, T10S, R20E, W.M.; 2550 FEET SOUTH & 2600 FEET WEST FROM NE CORNER, SECTION 35

POD #2 (BRIDGE CREEK) NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 6, T11S, R21E, W.M.; 590 FEET SOUTH & 2160 FEET EAST FROM NORTH  $\frac{1}{4}$  CORNER, SECTION 6

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

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 25

Application R-84459 Water Resources Department

PERMIT R-15180

SE ¼ SE ¼  
SECTION 26

NE ¼ NE ¼  
SECTION 35

NW ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SE ¼ NW ¼  
SECTION 36

TOWNSHIP 10 SOUTH, RANGE 20 EAST, 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. 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 a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate

upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

The permittee shall install and maintain gaging stations with real time access. Operation of the gaging station shall occur during April 1 through April 14 of each year.

The permittee shall measure the total storage capacity on a weekly basis and shall submit the information to the watermaster within two days after April 1, April 7 and April 14 of each year.

The report shall include the volume stored (in acre-feet) on April 1 and April 14, and the average cubic feet per second diversion from each creek on a daily basis.

The permittee shall also measure the total storage capacity of the reservoir on a monthly basis outside the allowed storage period. This information shall be submitted to the watermaster on a regular basis as required by the watermaster.

No water shall be stored until the Department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from the Department.

#### **STANDARD CONDITIONS**

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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.

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 of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

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 complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued *July 29 2016*



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