

STATE OF OREGON

COUNTY OF LANE

PERMIT TO CONSTRUCT RESERVOIRS AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF EUGENE
1820 ROOSEVELT BLVD
EUGENE, OR 97402

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

APPLICATION FILE NUMBER: R-88313

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF COYOTE CREEK

STORAGE FACILITY: COYOTE PRAIRIE NORTH WETLAND MITIGATION BANK

PURPOSE OR USE OF THE STORED WATER: STORAGE FOR WETLAND ENHANCEMENT

MAXIMUM VOLUME: 19.5 ACRE FEET EACH YEAR

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

DATE OF PRIORITY: NOVEMBER 3, 2016

The maximum height of the dam shall not exceed 3 feet.

DAM LOCATIONS:

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND A - NW ¼ NW ¼
SECTION 1, T18S, R5W, W.M.; SOUTH 44 DEGREES 11 MINUTES 20
SECONDS EAST, 140 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND B - NW ¼ NW ¼
SECTION 1, T18S, R5W, W.M.; SOUTH 30 DEGREES 25 MINUTES 14
SECONDS EAST, 931 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND C - NW ¼ NW ¼
SECTION 1, T18S, R5W, W.M.; SOUTH 38 DEGREES 17 MINUTES 48
SECONDS EAST, 1105 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND D - NW ¼ NW ¼
SECTION 1, T18S, R5W, W.M.; SOUTH 52 DEGREES 16 MINUTES 41
SECONDS EAST, 1342 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND E - NE ¼ NW ¼
SECTION 1, T18S, R5W, W.M.; SOUTH 62 DEGREES 05 MINUTES 20
SECONDS EAST, 1498 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND F - NE ¼ NW ¼
SECTION 1, T18S, R5W, W.M.; SOUTH 62 DEGREES 11 MINUTES 09
SECONDS EAST, 1907 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND G - NE ¼ NW ¼ SECTION 1, T18S, R5W, W.M.; SOUTH 57 DEGREES 58 MINUTES 44 SECONDS EAST, 2057 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND H - SE ¼ NW ¼ SECTION 1, T18S, R5W, W.M.; SOUTH 44 DEGREES 02 MINUTES 38 SECONDS EAST, 2140 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND I - SW ¼ NW ¼ SECTION 1, T18S, R5W, W.M.; SOUTH 32 DEGREES 14 MINUTES 58 SECONDS EAST, 2139 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND J - SW ¼ NW ¼ SECTION 1, T18S, R5W, W.M.; SOUTH 31 DEGREES 12 MINUTES 31 SECONDS EAST, 1814 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND K - SW ¼ NW ¼ SECTION 1, T18S, R5W, W.M.; SOUTH 29 DEGREES 19 MINUTES 56 SECONDS EAST, 1671 FEET FROM NW CORNER, SECTION 1

COYOTE PRAIRIE N WETLAND MITIGATION BANK POND L - SW ¼ NW ¼ SECTION 1, T18S, R5W, W.M.; SOUTH 18 DEGREES 24 MINUTES 10 SECONDS EAST, 1637 FEET FROM NW CORNER, SECTION 1

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

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
SECTION 1

TOWNSHIP 18 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, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in each 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 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.
- 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 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.

A fishway to ensure adequate upstream and downstream passage for fish is required for any in-channel obstruction, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission.

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.

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 of the water system shall begin within ten 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 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 3 2017*



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