

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID ROGERS  
26366 GAP RD  
BROWNSVILLE OR 97327

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

APPLICATION FILE NUMBER: R-88284

SOURCE OF WATER: PIERCE CREEK, TUB RUN, AND RUNOFF, TRIBUTARIES  
TO LITTLE MUDDY CREEK

PURPOSE OR USE: STORAGE FOR IN-RESERVOIR IRRIGATION

MAXIMUM VOLUME: 212.3 ACRE-FEET

PERIOD OF USE: NOVEMBER 1 THROUGH FEBRUARY 28/29

DATE OF PRIORITY: SEPTEMBER 9, 2016

POINTS OF DIVERSION:

RESERVOIR (R1A): NESE SECTION 3, T15S, R3W, W.M.; 3430 FEET  
SOUTH AND 595 FEET WEST FROM NW CORNER, SECTION 2

RESERVOIR (R2A): SENE SECTION 3, T15S, R3W, W.M.; 1535 FEET  
SOUTH AND 115 FEET WEST FROM NW CORNER, SECTION 2

RESERVOIR (R1B): NESE SECTION 3, T15S, R3W, W.M.; 3480 FEET  
SOUTH AND 55 FEET WEST FROM NW CORNER, SECTION 2

RESERVOIR (R1C): NWSW SECTION 2, T15S, R3W, W.M.; 3510 FEET  
SOUTH AND 380 FEET EAST FROM NW CORNER, SECTION 2

RESERVOIR (R1D): NWSW SECTION 2, T15S, R3W, W.M.; 3520 FEET  
SOUTH AND 875 FEET EAST FROM NW CORNER, SECTION 2

RESERVOIR (R2B): NWNW SECTION 2, T15S, R3W, W.M.; 1360 FEET  
SOUTH AND 1190 FEET EAST FROM NW CORNER, SECTION 2

RESERVOIR (R2C): SWNW SECTION 2, T15S, R3W, W.M.; 1370 FEET SOUTH AND 1900 FEET EAST FROM NW CORNER, SECTION 2

RESERVOIR (R3A): SENW SECTION 2, T15S, R3W, W.M.; 1475 FEET SOUTH AND 2315 FEET EAST FROM NW CORNER, SECTION 2

RESERVOIR (R2E): SENW SECTION 2, T15S, R3W, W.M.; 1380 FEET SOUTH AND 2555 FEET EAST FROM NW CORNER, SECTION 2

RESERVOIR (R2F): SWNE SECTION 2, T15S, R3W, W.M.; 1350 FEET SOUTH AND 2975 FEET EAST FROM NW CORNER, SECTION 2

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  19.6 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  3.5 ACRES  
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  38.4 ACRES  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  32.7 ACRES  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  28.7 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  6.6 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  21.6 ACRES  
SECTION 2

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  24.2 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  21.9 ACRES  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  15.1 ACRES  
SECTION 3

TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

Measurement Devices, and Recording/Reporting of Annual Water Use 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 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.

There shall be no direct discharge from ponds to Pierce Creek or Tub Run. Applicant shall land-apply water drained from the ponds.

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.

## 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.

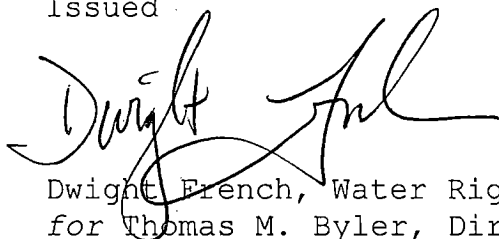
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Construction of the water system shall begin within 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 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



Dwight French, Water Right Services Division Administrator  
for Thomas M. Byler, Director

