

STATE OF OREGON

COUNTY OF GRANT

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TRIPLE 7 RANCH LLC  
PO BOX 787  
BAKER CITY OR 97814

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

APPLICATION FILE NUMBER: R-88320

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF COTTONWOOD CREEK

STORAGE FACILITIES: RESERVOIRS N4, N5, AND N6

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, LIVESTOCK, FIRE PROTECTION, FISH LIFE, WILDLIFE, POLLUTION ABATEMENT, AND RECREATION

MAXIMUM VOLUME: 3.0 ACRE-FEET (AF), BEING 1.0 AF IN RESERVOIR N4; 1.0 AF IN RESERVOIR N5; 1.0 AF IN RESERVOIR N6

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: JANUARY 1 THROUGH APRIL 14

DATE OF PRIORITY: NOVEMBER 30, 2016

THE RESERVOIRS ARE ENTIRELY BELOW GROUND SURFACE; THERE ARE NO DAMS.

RESERVOIR LOCATIONS:

	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
RESERVOIR N4	9 S	28 E	WM	18	NE NE	420 FEET SOUTH AND 2230 FEET EAST FROM N1/4 CORNER, SECTION 18
RESERVOIR N5	9 S	28 E	WM	17	NW NW	550 FEET SOUTH AND 2650 FEET EAST FROM N1/4 CORNER, SECTION 18
RESERVOIR N6	9 S	28 E	WM	17	NW NW	820 FEET SOUTH AND 2900 FEET EAST FROM N1/4 CORNER, SECTION 18

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

Twp	Rng	Mer	Sec	Q-Q
9 S	28 E	WM	17	NW NW
9 S	28 E	WM	18	NE NE

**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 the reservoir. If no dead-pool, the gage shall 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
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

**Scenic Waterway Condition:**

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at John Day River at McDonald Ferry, Oregon, gage 14048000, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows are subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

John Day Scenic Waterway	
Month	Minimum Flow (CFS)
January	500
February	1000
March	2000
April	2000

**Storage Conditions:**

If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.

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.

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.

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 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 April 3, 2018

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

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