

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TERRY BEHRENS
10004 WAGNER RD
LYONS OR 97358

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

APPLICATION FILE NUMBER: R-88293

SOURCE OF WATER: RUNOFF AND SPRINGS, TRIBUTARIES TO PUDDING RIVER

STORAGE FACILITIES: EAST RESERVOIR AND WEST RESERVOIR

PURPOSE OR USE OF THE STORED WATER: STORAGE FOR IRRIGATION, LIVESTOCK, AGRICULTURE, AND WILDLIFE

MAXIMUM VOLUME: 179.1 ACRE-FEET, BEING 103.5 ACRE-FEET IN EAST RESERVOIR AND 75.6 ACRE-FEET IN WEST RESERVOIR

MAXIMUM DAM HEIGHT: 9.5 FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: SEPTEMBER 21, 2016

DAM LOCATIONS:

Name	Twp	Rng	Sec	Mer	QQ	Measurements
East Reservoir	8S	1E	20	WM	SW NW	1350 FEET SOUTH AND 1500 FEET WEST FROM N1/4 CORNER, SECTION 20
West Reservoir	8S	1E	20	WM	NW NW	1200 FEET SOUTH AND 1950 FEET WEST FROM N1/4 CORNER, SECTION 20

THE AREA TO BE SUBMERGED BY THE RESERVOIRS:

Name	Twp	Rng	Sec	Mer	QQ
East Reservoir	8S	1E	20	WM	SW NW
	8S	1E	20	WM	SE NW
West Reservoir	8S	1E	20	WM	NW NW
	8S	1E	20	WM	SW NW

1. Measurement Devices and Recording/Reporting of Annual Water Storage Conditions:

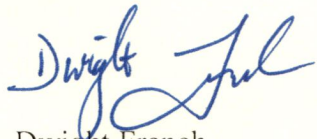
- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device 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.
- 2. 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.
 - 3. The permittee shall pass all live flow outside the storage season described above.
 - 4. 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.
 - 5. 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.
 - 6. The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage.
 - 7. The reservoir must be constructed off-channel.
 - 8. The permittee may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the proposed diversion.

9. All live flow shall be passed downstream at a rate equal to the inflow anytime the biologically necessary flows identified in In-Stream Water Rights 72956, 72957, and 59468 are not available immediately upstream of the impacted area or 2) bypass (pass-through) flows shall be passed downstream at a minimum **equal to** the flows identified in certificates 72956, 72957, and 59468 when live flow immediately upstream of the impacted area is greater than or equal to the biologically necessary flows identified in 72956, 72957, and 59468 [OAR 690-410-0070(2)(c)]. Once the reservoir has reached the permitted capacity, all live flow shall be passed downstream at a rate equal to the inflow.
10. 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.
11. 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.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 AUG 15 2019



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