

STATE OF OREGON  
COUNTY OF BENTON  
PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOSEPH CLINTON MONTFALCONE  
ESTI SLABBERT MONTFALCONE  
24704 ALPINE RD  
MONROE OR 97456

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

APPLICATION FILE NUMBER: R-88888

SOURCE OF WATER: HAMMER CREEK, RUNOFF, AND SEEPAGE, TRIBUTARY TO MARYS RIVER

STORAGE FACILITY: ALPINE FARM RESERVOIR

THE RESERVOIR IS ENTIRELY BELOW GROUND SURFACE; THERE IS NO DAM.

MAXIMUM VOLUME: 15.0 ACRE-FEET

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

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

DATE OF PRIORITY: OCTOBER 22, 2020

AUTHORIZED POINTS OF DIVERSION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
RUNOFF	14 S	6 W	WM	26	NW SE	100 FEET SOUTH AND 600 FEET EAST FROM C1/4 CORNER, SECTION 26
H1	14 S	6 W	WM	26	NE SW	375 FEET SOUTH AND 50 FEET WEST FROM C1/4 CORNER, SECTION 26
H2	14 S	6 W	WM	26	NW SE	375 FEET SOUTH AND 55 FEET EAST FROM C1/4 CORNER, SECTION 26
H3	14 S	6 W	WM	26	NW SE	390 FEET SOUTH AND 450 FEET EAST FROM C1/4 CORNER, SECTION 26
H4	14 S	6 W	WM	26	NW SE	330 FEET SOUTH AND 820 FEET EAST FROM C1/4 CORNER, SECTION 26

CENTER OF RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	6 W	WM	26	NW SE	100 FEET SOUTH AND 600 FEET EAST FROM C1/4 CORNER, SECTION 26

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q
14 S	6 W	WM	26	SW NE
14 S	6 W	WM	26	NW SE

**1. Water Use Measurement, Recording, and Reporting Condition:**

- 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 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.

**2. Fish Screen/By-Pass Condition:**

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

**3. Riparian Condition:**

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.

#### 4. **Water Quality Condition:**

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

#### 5. **In-Water Work Condition:**

Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 1 through October 15, unless an alternate time period is approved by Oregon Department of Fish and Wildlife.

6. 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.
7. The permittee shall pass all live flow outside the storage season described above.
8. 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.
9. 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.
10. 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.

#### **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 to the Oregon Water Resources Department.
8. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
9. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued APR 09 2021



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