

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF PHOENIX
CITY HALL 510 W 1ST ST
PHOENIX, OREGON 97535

(541)535-1955

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71996

SOURCE OF WATER: LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-8140,
A TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE/VOLUME ALLOWED: 3.1 CUBIC FEET PER SECOND NOT TO EXCEED
600.0 ACRE-FEET PER YEAR OF STORED WATER ONLY (PER CONTRACT)

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 15, 1991

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 13, T36S, R2W, W.M.;
SOUTH 25 DEGREES 27 MINUTES 48 SECONDS, 4408.38 FEET FROM THE NE CORNER
OF DLC 42

THE PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE CITY OF PHOENIX SERVICE AREA

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use 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.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

Within one year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

The use of water under this right is subject to the terms and conditions of contract No. DACW57-91-H-0002, or a satisfactory replacement, between the United States of America and the applicant, a copy of which is on file in the records of the Water Resources Department.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

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.

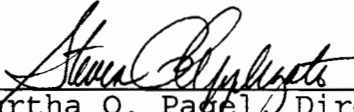
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 21, 1996

for 
Martha O. Pagel, Director
Water Resources Department

Application S-71996
Basin 15

Water Resources Department
Volume 2A, Lost Creek
MGMT.CODES 1BF, 1BW

PERMIT 52650
District 14