

STATE OF OREGON

COUNTY OF LINCOLN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON
PO BOX 549
SILETZ, OR 97380

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

APPLICATION FILE NUMBER: S-86525

SOURCE OF WATER: NINE RESERVOIRS CONSTRUCTED UNDER APPLICATION R-86524, PERMIT R-14441, BEING RESERVOIR #4A, RESERVOIRS #5 - #12, AND AN UNNAMED STREAM, TRIBUTARIES OF DEVILS LAKE

PURPOSE OR USE: IRRIGATION USE ON 78.0 ACRES

MAXIMUM VOLUME AND RATE: 19.8 ACRE FEET, BEING 4.8 AF IN RESERVOIR #4A, 1.9 AF IN RESERVOIR #5, 4.4 AF IN RESERVOIR #6, 0.4 AF IN RESERVOIR #7, 3.4 AF IN RESERVOIR #8, 0.5 AF IN RESERVOIR #9, 1.6 AF IN RESERVOIR #10, 0.9 AF IN RESERVOIR #11, AND 1.9 AF IN RESERVOIR #12, AND 0.975 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 2, 2006

POINTS OF DIVERSION LOCATIONS:

RESERVOIR 4A - SE $\frac{1}{4}$ SE $\frac{1}{4}$, GOVT LOT: 31, SECTION 35, T6S, R11W, W.M.; 520 FEET NORTH & 940 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 5 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, GOVT LOT: 3, SECTION 2, T7S, R11W, W.M.; 940 FEET SOUTH & 1610 FEET WEST FROM NE CORNER, SECTION 2

RESERVOIR 6 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 480 FEET SOUTH & 1430 FEET WEST FROM NE CORNER, SECTION 2

RESERVOIR 7 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, GOVT LOT: 3, SECTION 2, T7S, R11W, W.M.; 440 FEET SOUTH & 1610 FEET WEST FROM NE CORNER, SECTION 2

RESERVOIR 8 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, GOVT LOT: 3, SECTION 2, T7S, R11W, W.M.; 290 FEET SOUTH & 1530 FEET WEST FROM NE CORNER, SECTION 2

RESERVOIR 9 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, GOVT LOT: 31, SECTION 35, T6S, R11W, W.M.; 390 FEET NORTH & 740 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 10 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, GOVT LOT: 31, SECTION 35, T6S, R11W, W.M.; 1070 FEET NORTH & 770 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 11 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, GOVT LOT: 32, SECTION 35, T6S, R11W, W.M.; 1210 FEET NORTH & 600 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 12 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T6S, R11W, W.M.; 1080 FEET NORTH & 660 FEET EAST FROM SW CORNER, SECTION 36

UNNAMED STREAM - SW $\frac{1}{4}$ SE $\frac{1}{4}$ GOVT LOT: 30 SECTION 35, T6S, R11W, W.M.; 20 FEET NORTH & 1420 FEET WEST FROM SE CORNER, SECTION 35

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

(LOT 18) NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18.6 ACRES
 (LOT 19) NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.7 ACRES
 (LOT 30) SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.7 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.5 ACRES
 SECTION 35

(LOT 23) NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 ACRE
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.7 ACRES
 SECTION 36

TOWNSHIP 6 SOUTH, RANGE 11 WEST, W.M.

 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.5 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.9 ACRES
 (LOT 14) SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.4 ACRES
 SECTION 2

TOWNSHIP 7 SOUTH, RANGE 11 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. 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.

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 Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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.

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.

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.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

