

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CO-GEN II LLC
PO BOX 66
RIDDLE, OREGON 97469

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

APPLICATION FILE NUMBER: S-84687

SOURCE OF WATER: COW CREEK AND GALESVILLE RESERVOIR, TRIBUTARIES OF SOUTH UMPQUA RIVER

PURPOSE OR USE: SAWMILL, INDUSTRIAL AND POWER GENERATION

MAXIMUM RATE: 1.4 CUBIC FEET PER SECOND FROM COW CREEK AND 300.0 ACRE FEET OF STORED WATER ONLY FROM GALESVILLE RESERVOIR

PERIOD OF USE: DECEMBER 1 THROUGH JUNE 30 FROM LIVE FLOW FROM COW CREEK, YEAR ROUND FROM STORED WATER FROM GALESVILLE RESERVOIR

DATE OF PRIORITY: MARCH 21, 2001

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 24, T30S, R6W, W.M.; 650 FEET NORTH AND 1750 FEET WEST FROM E1/4 CORNER, SECTION 24

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 13

TOWNSHIP 30 SOUTH, RANGE 6 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.

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 suction intake shall be adequately screened with 3/32 inch mesh screen to correspond with National Marine Fisheries Service (NMFS) criteria.

The use of water under this right is subject to the terms and conditions of contract No. U&I 2001-1, or a satisfactory replacement, between the Douglas County 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.

Complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 25, 2007



Phillip C. Ward, Director
Water Resources Department

