

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS  
2371 NE STEPHENS ST SUITE 100  
ROSEBURG, OR 97470

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

APPLICATION FILE NUMBER: S-87193

SOURCE OF WATER: SOUTH UMPQUA RIVER, A TRIBUTARY OF UMPQUA RIVER AND  
COW CREEK RESERVOIR 1, A TRIBUTARY OF SOUTH UMPQUA RIVER

PURPOSE OR USE: POND MAINTENANCE AND QUASI-MUNICIPAL USE

MAXIMUM RATE: 2.67 CUBIC FEET PER SECOND (CFS) OF WATER FROM SOUTH  
UMPQUA RIVER, A TRIBUTARY OF UMPQUA RIVER, BEING 1.34 CFS FOR POND  
MAINTENANCE AND 1.34 CFS FOR QUASI-MUNICIPAL USE AND 365.0 ACRE FEET  
OF WATER FROM COW CREEK RESERVOIR 1 FOR QUASI-MUNICIPAL USE

PERIOD OF USE:

SOUTH UMPQUA RIVER, A TRIBUTARY OF UMPQUA RIVER - DECEMBER 1  
THROUGH JUNE 30

COW CREEK RESERVOIR 1 - YEAR ROUND

DATE OF PRIORITY: JUNE 10, 2008

POINTS OF DIVERSION:

SOUTH UMPQUA RIVER, POD 1 - SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 22, T30S, R5W,  
W.M.; 535 FEET NORTH AND 950 FEET EAST FROM SW CORNER, SECTION 22

SOUTH UMPQUA RIVER, POD 2 - SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 21, T30S, R5W,  
W.M.; 1150 FEET NORTH AND 780 FEET WEST FROM SE CORNER, SECTION  
21

COW CREEK RESERVOIR 1 - NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 28, T30S, R5W, W.M.;  
1500 FEET NORTH AND 1700 FEET EAST FROM W1/4 CORNER, SECTION 28

THE PLACE OF USE IS LOCATED AS FOLLOWS:

**QUASI-MUNICIPAL**

NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 20

NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 21

NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 22

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 27

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 28

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 29

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
SECTION 33

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼

NE ¼ NW ¼

NW ¼ NW ¼

SW ¼ NW ¼

SE ¼ NW ¼

SECTION 34

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

**POND MAINTENANCE**

NE ¼ NW ¼

NW ¼ NW ¼

SW ¼ NW ¼

SE ¼ NW ¼

SECTION 28

TOWNSHIP 30 SOUTH, RANGE 5 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 at each point of diversion. The permittee shall maintain the meter(s) in good working order. The permittee 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(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.

At the time of certification, the total rate allowed for pond maintenance may be reduced, in accordance with Departmental standards, so as to be commensurate with the certified volume(s) of the reservoir(s).

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 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.

#### STANDARD CONDITIONS

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.

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.

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, shall be followed.

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 existing state or federal water quality standards due to reduced flows.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use 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 November 18, 2009



for Phillip C. Ward, Director  
Water Resources Department