



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

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APR 14 2009

WATER RESOURCES DEPT  
 SALEM, OREGON

Application for a Permit to Use  
**Surface Water**

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

1. APPLICANT INFORMATION

**A. Applicants**

Applicant: RICHARD KATZENBACH  
First Last

Mailing Address: 6700 NEW HOPE ROAD  
GRANTS PASS OREGON 97527  
City State Zip

Phone: 541-479-1664 RETIRED  
Home Work Other

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

**B. Organizations**

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: \_\_\_\_\_

Name and Title of Person Applying: \_\_\_\_\_

Mailing Address or Organization: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Phone : \_\_\_\_\_  
Day Evening

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

\*Optional

For Department Use		
App. No. <u>S-87438</u>	Permit No. _____	Date _____

Last Updated: 6/25/2008

Surface Water/1

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2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: FRANCES POND Tributary to: APPLEGATE R  
 Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
 Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
 Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Permit R-14727

HAVE APPLIED FOR STORAGE PERMIT

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

Yes

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If all sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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**C. Property Ownership**

Do you own all the land where you propose to divert, transport, and use water?

Yes (Please check appropriate box below then skip to section 3 'Water Use')

- There are no encumbrances
- This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s) )

No (Please check the appropriate box below)

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

**3. WATER USE**

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

**A. Type(s) of Use(s)**

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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**B. Amount of Water**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount
FRANCES BND	IRRIGATION	.75 <input type="radio"/> cfs <input type="radio"/> gpm <input checked="" type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af

**C. Period of Use**

Indicate the time of year you propose to use the water: 4-1 to 10/31  
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 4.6 ACRES  
 (This number should be consistent with your application map.)

**4. WATER MANAGEMENT**

**A. Diversion**

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): GAS ENGINE FORD 40HP TORAN PUMP
- Head-gate (give dimensions): \_\_\_\_\_
- other means (describe): \_\_\_\_\_

**B. Monitoring**

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling

other means (describe): \_\_\_\_\_

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**C. Transport**

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width \_\_\_\_\_ Depth \_\_\_\_\_

Is the ditch or canal to be lined?  Yes  No

Pipe (give diameter and total length): (Pump to pipe from pond)

Diameter 3" Length ~ 500'

other, describe: \_\_\_\_\_

**D. Application/Distribution Method**

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

- Flood
- High pressure sprinkler
- Low pressure sprinkler
- Drip
- Water Cannons
- Center pivot system
- Hand Lines
- Wheel Lines
- Siphon tubes or gated pipe with furrows
- other, describe: \_\_\_\_\_

Distribution method

- Direct pipe from source  In-line storage (tank or pond)  Open Canal
- Portable pipe from pond to sprinklers*

**E. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

*will use sprinklers*  
*DRIP DOESN'T WORK FOR PASTURE*

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5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions:

NA - NO FISH

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

POND ALREADY EXISTS, SOURCE IS RUNOFF

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:

NA

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe:

POND ALREADY EXISTS

Other:

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Surface Water/6

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## 6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: IRRIGATION LINES ARE PORTABLE  
POND ALREADY EXISTS

Proposed date construction will be completed: SEE ABOVE

Proposed date beneficial water use will begin: WHEN PERMIT RECEIVED  
APRIL 1, 2009 if possible

## 7. REMARKS

*If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.*

## 8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:

x Richard Katushach 11-19-08  
 Signature of Applicant (If more than one applicant, all must sign.) Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

WRD on the web:  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

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# Oregon Water Resources Department

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## FORM I

### FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

**Primary**     **Supplemental**

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 4.6 Acres

Secondary: \_\_\_\_\_ Acres

Permit # for Pond R14727

List the permit or certificate number of the primary water right:

— HAVE APPLIED FOR STORAGE PERMIT No. \_\_\_\_\_

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. PASTURE                       Full season     Partial season (from: 4-1 to 10-31)
- 2. \_\_\_\_\_                       Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 3. \_\_\_\_\_                       Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 4. \_\_\_\_\_                       Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

0.75 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours                       Daily during nighttime hours
- Two or three times weekly during daytime                       Two or three times weekly during nighttime
- Weekly, during daytime hours                       Weekly, during nighttime hours
- Other, explain: \_\_\_\_\_

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SALEM, OREGON



# Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: RICHARD KATZENBACH  
Mailing Address: 6700 NEW HOPE ROAD  
City: GRANTS PASS State: OR Zip: 97527 Day Phone: 541-479-1664

This application is related to a Measure 37 claim.  Yes  No

### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
37S	6W	24	NWNW	1802		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	POND
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	IRRIGATION
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

POND ALREADY EXISTS  
PUMP ALREADY IN POND  
NO NEW INFRASTRUCTURE

List all counties and cities where water is proposed to be diverted, conveyed, or used. Josephine

### B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Allocation of Conserved Water
- Permit Amendment or Ground Water Registration Modification
- Water-Right Transfer
- Limited Water Use License
- Exchange of Water

Source of water: Reservoir/Pond  Ground Water  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: \_\_\_\_\_  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-municipal  Instream  Other \_\_\_\_\_

Briefly describe: Pond already exists. Source is surface runoff. will irrigate pasture land.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

### Receipt for Request for Land Use Information

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SALEM, OREGON

State of Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 64.020.A
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
<b>RECEIVED</b>		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
APR 14 2009		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
WATER RESOURCES DEPT SALEM, OREGON		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

The property is zoned Exclusive Farm (EF); pond and irrigation equipment is existing per applicant; water will be used to irrigate pasture; agriculture/farm use allowed outright.

Name: James Black Title: Planner II  
 Signature: [Signature] Phone: 474-5421 Date: 11/21/08  
 Government Entity: Josephine County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: Richard Katzenbach

City or County: Josephine Staff contact: James Black  
 Signature: [Signature] Phone: 474-5421 Date: 11/14/08

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Oregon Water Resources Department  
Land Use Information Form

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						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	IRRIGATION
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

POND ALREADY EXISTS

PUMP ALREADY IN POND

NO NEW

~~INFRASTRUCTURE~~  
INFRASTRUCTURE

List all counties and cities where water is proposed to be diverted, conveyed, or used. \_\_\_\_\_

Josephine

**B. Description of Proposed Use**

Type of application to be filed with the Water Resources Department:

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- Limited Water Use License
- Exchange of Water

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Source of water: Reservoir/Pond  Ground Water  Surface Water (name) \_\_\_\_\_ WATER RESOURCES DEPT SALEM, OREGON

Estimated quantity of water needed: \_\_\_\_\_  cubic feet per second  gallons per minute  acre-feet

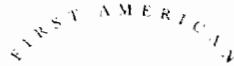
Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-municipal  Instream  Other \_\_\_\_\_

Briefly describe: Pond already exists, source is surface runoff, will irrigate pasture land.

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**Receipt for Request for Land Use Information**

State of Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266



### **First American Title Insurance Company of Oregon**

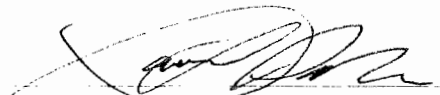
200 S.W. Market St. • Portland, Oregon 97201 • (503) 222-3651

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, a Oregon corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

Countersigned



Authorized Officer

### **Title Insurance Company of Oregon**

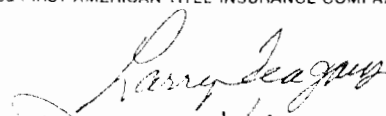
dba FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON

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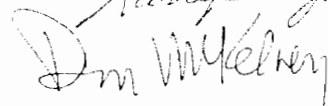
WATER RESOURCES DEPT  
SALEM, OREGON

BY



PRESIDENT

ATTEST



SECRETARY

SCHEDULE "A"

POLICY NO. 163680/83143

AMOUNT OF INSURANCE: \$67,000.00

PREMIUM: \$356.00

DATE OF POLICY: January 7, 1991 at 9:36 A.M.

1. Name of Insured:

RICHARD D. KATZENBACH AND FRANCES D. KATZENBACH

2. The estate or interest in the land which is covered by this policy is:

an estate in fee simple

3. Title to the estate or interest in the land is vested in:

RICHARD D. KATZENBACH AND FRANCES D. KATZENBACH,  
as tenants by the entirety

4. The land referred to in this policy is set forth in Description Sheet attached.

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DESCRIPTION SHEET

The land referred to in this report/policy is situated in the State of Oregon, County of Josephine, and is described as follows:

Commencing at the Northwest corner of Section 24, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence along the Section line South  $01^{\circ}08'30''$  West, 264.0 feet to the point of beginning; thence South  $01^{\circ}08'30''$  West, 396.0 feet; thence South  $89^{\circ}18'00''$  East, 660 feet, more or less, to the East line of the West Half of the Northwest Quarter of the Northwest Quarter of said Section 24; thence North along said East line 396 feet; thence North  $89^{\circ}18'00''$  West, 660 feet, more or less, to the point of beginning.

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WATER RESOURCES DEPT  
SALEM, OREGON

Report/Policy No. 83143

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

RICHARD KATZENBACH  
6700 NEW HOPE RD  
GRANTS PASS OR 97527

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SALEM, OREGON

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

APPLICATION FILE NUMBER: R-87352

SOURCE OF WATER: RUNOFF, TRIBUTARY TO APLEGATE RIVER

STORAGE FACILITY: FRANCES POND

MAXIMUM VOLUME: 0.95 ACRE FOOT

DATE OF PRIORITY: NOVEMBER 21, 2008

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

USE: MULTIPLE PURPOSE

**Dam Location/Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	6 W	WM	24	NW NW	400 FEET SOUTH AND 600 FEET EAST FROM NW CORNER, SECTION 24

**The Area To Be Submerged:**

Twp	Rng	Mer	Sec	Q-Q
37 S	6 W	WM	24	NW NW

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a staff gage or other suitable measuring device(s) as approved by the Department. If the Director notifies the permittee to install a measuring device(s), the permittee shall install such devices within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the devices in good working order and shall allow the Watermaster access to the devices. The Director may provide an opportunity for the permittee to submit alternative measurement procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

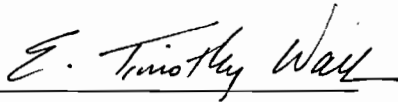


the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.

11. 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 APRIL 3, 2009.



for Phillip C. Ward, Director  
Water Resources Department

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APR 14 2009

WATER RESOURCES DEPT  
SALEM, OREGON

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permittee shall pass all live flow outside the storage season described above.

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.

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.

Diversion of water under this right may be regulated while state Scenic Waterway flows are unmet.

#### **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. 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.
6. 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.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction shall be completed and up to the permitted volume of water shall be stored within five years of the date of permit issuance.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. 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