

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLENN WALTERS NURSERY, INC.
PO BOX 280
BANKS, OREGON 97106

503-693-1125

to construct MIDWAY NURSERY RESERVOIR and store the waters of AN UNNAMED STREAM, a tributary of McFEE CREEK, to be appropriated under Application 70335, Permit 51137, for NURSERY OPERATIONS.

This Permit is issued approving Reservoir Application R-70334. The date of priority is MAY 3, 1990. The amount of water entitled to be stored each year is not more than 45.0 ACRE-FEET. STORAGE OF WATER FROM DIRECT FLOW IS LIMITED TO THE PERIOD FROM NOVEMBER 1 THROUGH APRIL 30 EACH YEAR.

The dam will be located as follows:

SE 1/4 SW 1/4, SECTION 8, T 2 S, R 2 W, W.M.; 1030 FEET NORTH AND 2325 FEET EAST FROM SW CORNER, SECTION 8.

The area submerged by the reservoir, when full, will be 3.4 acres and the maximum depth of water will be 29.0 feet.

The area to be submerged by the reservoir is located within:

E 1/2 SW 1/4
SECTION 8
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.

This project was considered and approved by the Water Resources Commission on October 26, 1990.

The construction, operation and maintenance of the reservoir will be subject to the following conditions:

1. The structure shall be constructed under the supervision of a registered engineer licensed in Oregon.
2. The structure shall be constructed, operated and maintained in accordance with the approved plans and specifications and with the design intent.
3. No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department.
4. The outlet gate shall be cycled at least once each year in order to assure smooth operation.
5. The embankment and spillway shall be kept clear of trees, brush and other debris.
6. The embankment shall be kept free of burrowing animals.

*CERTIFICATE NO. 76646

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7. No fill shall be placed until excavation of the cutoff trench has been completed in its entirety and approved by the engineer.

8. A new topographical map and area-capacity curve, prepared by an engineer, must be submitted to this department if earth material is removed from the storage area during construction.

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

Actual construction work shall begin on or before December 17, 1991, and shall be completed on or before October 1, 1992. The reservoir shall be filled, and complete application of the stored water to the use shall be made on or before October 1, 1993.

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.

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

Issued this date, DECEMBER 17, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director