

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.
P.O. BOX 280
BANKS, OREGON 97106

503-693-1125

to ENLARGE MIDWAY NURSERY RESERVOIR, ORIGINALLY CONSTRUCTED UNDER PERMIT R-11266 and to store the waters of AN UNNAMED INTERMITTENT STREAM, a tributary of MCFEE CREEK, to be appropriated under Application 71699, Permit 51390, for NURSERY OPERATIONS.

This permit is issued approving Reservoir Application R-71698. The date of priority is JUNE 17, 1991. The amount of water entitled to be stored each year is not more than 10.0 ACRE-FEET. Storage of water from direct flow is limited to the period from November 1 through April 30 of 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 4.9 acres and the maximum depth of water will be 32.5 feet.

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

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

The outlet gate shall be cycled at least once each year and shall be fully operational. The embankment and spillway shall be kept clear of brush, debris, and burrowing animals. on file with the Water Resources Department.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated October 26, 1990, as amended by plans received June 13, 1991.

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.

The structure shall be constructed under the supervision of a registered engineer licensed in Oregon.

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

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.

*CERTIFICATE NO. 76648

Application R-71698

Water Resources Department

PERMIT R-11425

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.

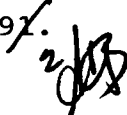
Actual construction work shall begin on or before January 6, 1993, and shall be completed on or before October 1, 1993. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1994.

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, JANUARY 6, 1993. 

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director