

STATE OF OREGON

COUNTY OF MARION

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

THIS PERMIT IS HEREBY ISSUED TO:

HAROLD M. MILLER
P.O. BOX 379
HUBBARD, OREGON 97032

503-651-2835

to construct SEVEN PONDS and to store INTERMITTENT SURFACE RUN-OFF/NURSERY RUN-OFF, tributary to SIDNEY DITCH, a tributary of WILLAMETTE RIVER, to be appropriated under Application 72403, Permit 51511, for PROPAGATION OF WETLAND PLANT SPECIES (PONDS 1-6), STORAGE OF WATER FOR AGRICULTURE USE (NURSERY OPERATIONS), and PRIMARY AND SUPPLEMENTAL IRRIGATION (POND 7).

This permit is issued approving Reservoir Application R-72402. The date of priority is MAY 11, 1992. The amount of water entitled to be stored each year is not more than 8.25 ACRE-FEET (AF), BEING 0.02 AF IN POND 1, 0.04 AF IN POND 2, 0.07 AF IN POND 3, 0.14 AF IN POND 4, 0.28 AF IN POND 5, 2.2 AF IN POND 6 AND 5.5 AF IN POND 7. STORAGE SHALL BE WITHIN A SERIES OF 6 PONDS IN WHICH GRAVITY WILL FEED NATURAL OVERFLOW TO THE NEXT POND IN SUCCESSION, WITH OVERFLOW FROM POND 6 BEING PIPED TO POND 7.

The dams will be located as follows:

SW 1/4 SW 1/4, SECTION 22, NW 1/4 NW 1/4, SECTION 27, T 9 S, R 3 W, W.M.

The total area proposed to be submerged by pond 1, when full, is 0.14 acre; the proposed maximum depth of water is 2.0 feet.

The total area proposed to be submerged by pond 2, when full, is 0.14 acre; the proposed maximum depth of water is 4.0 feet.

The total area proposed to be submerged by pond 3, when full, is 0.14 acre; the proposed maximum depth of water is 6.0 feet.

The total area proposed to be submerged by pond 4, when full, is 0.14 acre; the proposed maximum depth of water is 12.0 feet.

The total area proposed to be submerged by pond 5, when full, is 0.14 acre; the proposed maximum depth of water is 2.0 feet.

The total area proposed to be submerged by pond 6, when full, is 1.1 acres; the proposed maximum depth of water is 2.0 feet.

The total area proposed to be submerged by pond 7, when full, is 1.1 acres; the proposed maximum depth of water is 10.0 feet.

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

SW 1/4 SW 1/4
SECTION 22
NW 1/4 NW 1/4
SECTION 27
TOWNSHIP 9 SOUTH, RANGE 3 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Application R-72402 Water Resources Department

PERMIT R-11478

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device 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 meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring 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 shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before March 14, 1995 and shall be completed on or before October 1, 1995. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1996.

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 prior rights for maintaining instream flows.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, March 14, 1994.

/s/ A. REED MARBUT

Water Resources Department
Martha O. Pagel
Director