

STATE OF OREGON

COUNTY OF DOUGLAS

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

THIS PERMIT IS HEREBY ISSUED TO:

CREEK BANK FARM INC.
149 ROLLING RIDGE ROAD
OAKLAND, OREGON 97462

503-459-59

to construct RESERVOIRS 2 AND 3 and to store the waters of TWO UNNAMED STREAMS, tributaries of CALAPOOYA CREEK, to be appropriated under Application 72693, Permit 51512, for FISH CULTURE, IRRIGATION, LIVESTOCK WATER AND DOMESTIC USE EXPANDED FOR ONE FAMILY.

This permit is issued approving Reservoir Application R-72692. The date of priority is SEPTEMBER 23, 1992. The amount of water entitled to be stored each year is not more than 7.42 ACRE-FEET (AF), BEING 1.98 AF IN RESERVOIR 2 AND 5.44 AF IN RESERVOIR 3.

Water may be appropriated for storage from November 1 through September 30 of each year.

The dams will be located as follows:

NE 1/4 NE 1/4, SE 1/4 NE 1/4, SECTION 11, T 25 S, R 6 W, W.M.

The total area proposed to be submerged by Reservoir 2, when full, is 0.5 acre; the proposed maximum depth of water is 9.9 feet. The maximum height of the dam shall be 9.9 feet.

The total area proposed to be submerged by Reservoir 3, when full, is 0.8 acre; the proposed maximum depth of water is 17 feet. The maximum height of the dam shall be 19 feet.

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

NE 1/4 NE 1/4 - RESERVOIR 2
SE 1/4 NE 1/4 - RESERVOIR 2 AND 3
SECTION 11
SW 1/4 NW 1/4 - RESERVOIR 3
SECTION 12

TOWNSHIP 25 SOUTH, RANGE 6 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.

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.

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- 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.

FURTHER CONDITIONS ON RESERVOIR #3

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.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated March 5, 1993 on file with the Water Resources 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 of record.

If borrow material is removed from the reservoir area during construction, a revised topographic map and area-capacity curve shall be submitted to this Department to confirm the estimated storage capacity of the impoundment.

No water shall be stored until this department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. Upon receipt of written certification from the engineer, only then will this Department issue a letter authorizing the storage of water behind the dam.

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 24, 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 25, 1994.

/s/ Martha O. Pagel

Water Resources Department
Martha O. Pagel
Director