

STATE OF OREGON

COUNTY OF YAMHILL

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

THIS PERMIT IS HEREBY ISSUED TO:

BAILEY NURSERIES, INC.
9855 N.W. PIKE ROAD
YAMHILL, OREGON 97148

503-662-3244

to construct KATZ FARM RESERVOIR and to store the waters of the NORTH YAMHILL RIVER, an UNNAMED DRAINAGE DITCH and an UNNAMED INTERMITTENT TRIBUTARY OF NORTH YAMHILL RIVER, all being tributaries of the YAMHILL RIVER, to be appropriated under Application 73261, Permit 51527, for AGRICULTURAL USE, IRRIGATION AND WILDLIFE USE.

This permit is issued approving Reservoir Application R-73260. The date of priority is FEBRUARY 24, 1993. The amount of water entitled to be stored each year is not more than 675.0 ACRE-FEET (AF), BEING 575.0 AF FOR AGRICULTURAL AND IRRIGATION USE AND 100 AF FOR WILDLIFE USE. Water may be appropriated for storage during the period November 1 through June 30.

The dam will be located as follows:

SE 1/4 NW 1/4, SECTION 33, T 3 S, R 4 W, W.M.; 1850 FEET SOUTH AND 2390 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 33.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The total area proposed to be submerged by the reservoir, when full, is 72.3 acres; the proposed maximum depth of water is 12.5 feet. The maximum height of the dam shall not exceed 16.0 feet.

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

NE 1/4
SE 1/4 NW 1/4
SECTION 33

NW 1/4 NW 1/4
SW 1/4 NW 1/4
SECTION 34

TOWNSHIP 3 SOUTH, RANGE 4 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. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director.

"CERTIFICATE NO. 76458 76522

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Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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 9, 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 for both the lower embankment and outside edges of the upper dike (STA 0+00 -1+50 & 8+70-15+60) 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 that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

Actual construction work shall begin on or before July 29, 1995 and shall be completed on or before October 1, 1996. Complete application of water shall be made on or before October 1, 1997.

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 Commission found the proposed uses of water described by this permit, as conditioned, would not impair or be detrimental to the public interest at its July 22, 1994 Commission meeting.

Issued this date, July 29, 1994.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director