

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:

MASATOSHI AND SUSAN YAMANAKA
233 HOWELL PRAIRIE ROAD S.E.
SALEM, OREGON 97301

503-371-4673

to construct A WILDLIFE RESERVOIR and to store the waters of AN UNNAMED
STREAM, a tributary of LITTLE PUDDING RIVER, for WILDLIFE.

This permit is issued approving Reservoir Application R-72473. The date
of priority is JUNE 18, 1992. The amount of water entitled to be stored
each year is not more than 0.13 ACRE-FOOT. The appropriation of water
for storage is limited to the period of November 1 through April 30 of
each year.

The dam will be located as follows:

NE 1/4 NE 1/4, SECTION 35, TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.;
NORTH 14 DEGREES WEST 930 FEET FROM THE MOST SOUTHERLY SW CORNER OF JOHN
EOFF DLC 65.

The total area proposed to be submerged by the reservoir, when full, is
0.5 acre; the proposed maximum depth of water is 4.0 feet. The maximum
height of the dam shall not exceed 4.0 feet.

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

NE 1/4 NE 1/4
SECTION 35
TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.

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

The Director may waive this requirement if the Director determines that
the conduit is not needed for dam safety and will not be needed to pass
flow for the benefit of other water rights, minimum perennial
streamflows, or if the Director determines an adequate alternative for
passing flow is provided.

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.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

Actual construction work shall begin on or before DECEMBER 20, 1995 and shall be completed on or before October 1, 1996. The reservoir shall be filled and complete application of the stored water to the use 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 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, December 20, 1994.

A. REED MARBUT

Water Resources Department
for Martha O. Pagel
Director