

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:

MALLORIE'S DAIRY, INC.
P.O. BOX 618
SILVERTON, OREGON 97381

503-873-5346

to construct EFFLUENT HOLDING RESERVOIR NO. 2 and to store DAIRY OPERATIONS WASTEWATER, a tributary of PUDDING RIVER, to be appropriated under Application 71913, Permit 51594, for IRRIGATION AND AGRICULTURAL USE.

This permit is issued approving Reservoir Application R-71810. The date of priority is AUGUST 26, 1991 FOR 55.0 ACRE-FEET (AF) AND OCTOBER 9, 1991 FOR 29 AF. The amount of water entitled to be stored each year is not more than 84.0 AF.

The dam will be located as follows:

SE 1/4 SE 1/4, SECTION 29, T 6 S, R 1 W, W.M.

The area submerged by the reservoir, when full, will be 7.5 acres and the maximum depth of water will be 8.0 feet.

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

SE 1/4 SE 1/4
SECTION 29
TOWNSHIP 6 SOUTH, RANGE 1 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.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated October 17, 1991 on file with the Water Resources Department.

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.

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.
- 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.

- C. 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.

Actual construction work shall begin on or before April 24, 1996 and shall be completed on or before October 1, 1997. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1998.

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.

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, April 24, 1995.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director