

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. 1 and to store the waters of DAIRY OPERATION WASTEWATER, to be appropriated under Application 71913, Permit 51594, for IRRIGATION AND AGRICULTURAL USE.

This permit is issued approving Reservoir Application R-71914. The date of priority is OCTOBER 9, 1991. The amount of water entitled to be stored each year is not more than 92.0 ACRE-FEET.

The dam will be located as follows:

SE 1/4 NW 1/4, SECTION 32, T 6 S, R 1 W, W.M.

The area submerged by the reservoir, when full, will be 8.9 acres and the maximum depth of water will be 11.0 feet. The dam height shall not exceed 13.0 feet.

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

SW 1/4 NE 1/4
SE 1/4 NW 1/4
SECTION 32
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 December 30, 1991 on file with the Water Resources Department.

An 8-inch overflow pipe shall be installed as approved by the Water Resources Department. It shall be installed by no later than October 1, 1997.

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

Application R-71914
Basin 2

Water Resources Department
Volume 13 Pudding River & Misc.
MGMT.CODE 2AD,2AW,2BD,2BW

PERMIT R-11534
District 16