

STATE OF OREGON

COUNTY OF CLACKAMAS

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

THIS PERMIT IS HEREBY ISSUED TO:

SAM AND JAN BARKLEY
DBA BARKLEY FLORAL AND NURSERY
10486 SE TELFORD ROAD
BORING, OREGON 97009

503-663-1047

to construct TWO UNNAMED RESERVOIRS and to store the waters of AN UNNAMED STREAM, a tributary of JOHNSON CREEK, for MULTI-PURPOSE USE (LIVESTOCK WATERING, FISH PROPAGATION, RECREATION, AESTHETICS AND WILDLIFE USES).

This permit is issued approving Reservoir Application R-73504. The date of priority is JULY 23, 1993. The amount of water entitled to be stored each year is not more than 11.9 ACRE-FEET TOTAL, BEING 8.65 ACRE-FEET IN RESERVOIR 1 AND 3.25 ACRE-FEET IN RESERVOIR 2. The appropriation of water for storage is limited to December 1 through June 1 of each year.

The dams will be located as follows:

SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 25, T 1 S, R 3 E, W.M.;
RESERVOIR #1 - 590 FEET NORTH AND 215 FEET EAST, RESERVOIR #2 - 250 FEET NORTH AND 85 FEET EAST, BOTH FROM THE SOUTH 1/4 CORNER OF SECTION 25.

The total area proposed to be submerged by RESERVOIR 1 when full, is 2.275 acres and the proposed maximum depth of water is 10.0 feet. reservoir. The maximum height of the dam shall not exceed 9.75 feet.

The total area proposed to be submerged by RESERVOIR 2 when full, is 0.357 acre and the proposed maximum depth of water is 10.0 feet. The maximum height of the dam shall not exceed 9.75 feet.

The area to be submerged by the reservoirs are located within:

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 25
Township 1 SOUTH, RANGE 3 EAST, W.M.

The dam hereby permitted may be constructed without inclusion of an outlet conduit. However, if at any time the Director determines the provided alternative for passing flow is not adequate, the Director reserves the right to require installation of an outlet conduit at any time in the future if the Director finds that the conduit is needed for dam safety, to pass flow for the benefit of other water rights, or to pass flow for the benefit of minimum perennial streamflows.

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.

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 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, APRIL 24, 1995.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director