

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STAEHELY BROTHERS DAIRY  
C/O ROY & ARTHUR STAEHELY  
21303 S CENTRAL POINT RD  
OREGON CITY, OREGON 97045

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-70623

SOURCE OF WATER: BEAVER CREEK, A TRIBUTARY OF WILLAMETTE RIVER

STORAGE FACILITY: TWO CELL RESERVOIR

PURPOSE OR USE OF THE STORED WATER: To be appropriated under Application S-70621 for IRRIGATION

VOLUME OF USE: 3.0 ACRE-FEET EACH YEAR.

PERIOD OF ALLOWED USE: Water may be appropriated for storage from Beaver Creek during the period November 1 through June 30.

DATE OF PRIORITY: September 5, 1990

The area submerged by the reservoir, when full, will be 0.388 acre and the maximum depth of water will be 10 feet. The maximum height of the dam shall not exceed 7.0 feet.

DAM LOCATION: SE 1/4 NW 1/4, SECTION 24, T3S, R1E, W.M.

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4  
SECTION 24  
TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

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.

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.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

This 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.

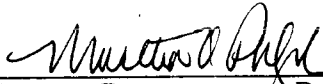
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance 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.

Issued December 14, 1995

  
Water Resources Department  
Martha O. Pagel  
Director