

STATE OF OREGON  
COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ELTON D KEMNITZ  
33711 S DRYLAND RD  
MOLALLA, OREGON 97038

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

APPLICATION FILE NUMBER: R-71342

SOURCE OF WATER: GARRET CREEK, A TRIBUTARY OF ROCK CREEK,

STORAGE FACILITY: FARM POND RESERVOIR

PURPOSE OR USE OF THE STORED WATER: To be appropriated under Application S-71343, PERMIT 51816 for IRRIGATION.

AMOUNT STORED EACH YEAR: 2.68 ACRE-FEET EACH YEAR

PERIOD OF USE: Water may be appropriated for storage during the period November 1 through April 30 each year.

DATE OF PRIORITY: December 10, 1993

The area submerged by the reservoir, when full, will be 0.67 acre and the maximum depth of water will be 11.0 feet. A 6.0 foot berm will surround the excavation.

POINT-OF-DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 23, T 5 S, R 1 E, W.M.; 800 FEET SOUTH AND 1400 FEET WEST FROM CENTER SECTION 23.

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:  
NW 1/4 SW 1/4, SECTION 23, TOWNSHIP 5 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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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.

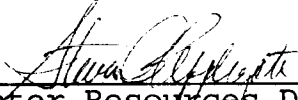
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 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 November 30, 1995



*for*  
Water Resources Department  
Martha O. Pagel  
Director