

STATE OF OREGON  
COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

STAEHELY BROTHERS DAIRY  
C/O ROY AND 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-70622

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

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: To be appropriated under Application S-70621, PERMIT 51814 for IRRIGATION.

Volume of use: 4.5 ACRE-FEET EACH YEAR

Period of allowed use: Water may be appropriated for storage from April 1 through June 30.

DATE OF PRIORITY: September 5, 1990

The area submerged by the reservoir, when full, will be 0.87 acres and the maximum depth of water will be 7.0 feet. The maximum height of the dam shall not exceed 9.0 feet.

Notwithstanding other limits as described herein, the permittee shall comply with the terms and conditions of the agreement signed between permittees and Ronald C. Menke, et al., on September 10, 1991, or any satisfactory replacement, a copy of which is on file in the records of the Water Resources Department.

DAM LOCATION: NW 1/4 SE 1/4, SECTION 13, T3S, R1E, W.M.; 984 FEET NORTH & 17 FEET EAST FROM S 1/4 CORNER, SECTION 13

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

NW 1/4 SE 1/4  
SW 1/4 SE 1/4  
SECTION 13  
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.

All flashboards are to be removed from the spillway during the period from October 2 to March 31 of each year.

**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.

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

A regulating device shall be installed pursuant to ORS 540-310.

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.

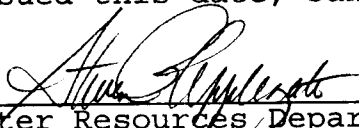
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin on or before December 14, 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.

This permit is issued to incorporate reference to the agreement signed between permittees and Ronald C. Menke, et al., on September 10, 1991. Permit R-11550 is superseded by this instrument and is of no further force or effect.

Issued this date, January 19, 1996

  
Water Resources Department  
for Martha O. Pagel  
Director