

STATE OF OREGON  
COUNTY OF YAMHILL

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

L FRANK SETNIKER  
3601 HILL RD N  
MCMINNVILLE, OREGON 97218

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

APPLICATION FILE NUMBER: R-72995

SOURCE OF WATER: BERRY CREEK, A TRIBUTARY OF BAKER CREEK TO BE APPROPRIATED UNDER APPLICATION 71064, PERMIT 51854

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION

PURPOSE OR USE OF THE STORED WATER: To be appropriated/maintained under Application S-71064 for IRRIGATION.

RATE OF USE: 200.3 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 TO APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: November 16, 1992

The total area proposed to be submerged by the reservoir, when full is 16.05 acres; the proposed maximum depth of water in feet is 10.8 feet; the maximum height of the dam is 12.8 feet.

DAM LOCATION: SE 1/4, SECTION 12, TOWNSHIP 4 SOUTH, RANGE 5 WEST, W.M.

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

NW 1/4 SE 1/4  
SW 1/4 SE 1/4  
SE 1/4 SE 1/4  
SECTION 12  
TOWNSHIP 4 SOUTH, RANGE 5 WEST, W.M.

SEE NEXT PAGE

## 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times. Routine maintenance of the embankment and spillway shall be performed as necessary to remove trees, brush, debris and/or burrowing animals.

The dam and diked works shall be constructed and maintained according to the plans and specifications on file with the Oregon Water Resources Department, approved and dated April 7, 1993.

All design and construction shall be performed under the supervision of a professional engineer licensed in Oregon.

If borrow material is removed from the reservoir area during construction of the dam, a revised topographic map and area-capacity curve shall be submitted to this Department to confirm the estimated storage capacity of the impoundment.

No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department.

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 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, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued February 23, 1996

  
for Martha O. Pagel, Director  
Water Resources Department