

STATE OF OREGON
COUNTY OF YAMHILL

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HENRY L GORGAS III
PO BOX 459
CARLTON, OREGON 97111

(503) 852-7378

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

APPLICATION FILE NUMBER: R-75522

SOURCE OF WATER: RUNOFF AND AN INTERMITTENT SPRING, TRIBUTARIES OF PANTHER CREEK

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH LIFE AND WILDLIFE

VOLUME OF USE: 4.9 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: DECEMBER 20, 1994

The area submerged by the reservoir, when full, will be 100.0 feet by 100.0 feet and the maximum depth of water will be 20.0 feet. The maximum height of the dam shall not exceed 7.0 feet.

DAM LOCATION: NW 1/4 SW 1/4, SECTION 21, T3S, R5W, W.M.

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

NW 1/4 SW 1/4
SECTION 21
TOWNSHIP 3 SOUTH, RANGE 5 WEST, 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 not construct, operate, maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact the Oregon Department of Fish and Wildlife Fish Passage coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The permittee shall comply with state and federal water quality standards.

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.

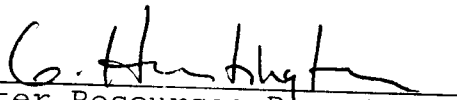
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 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 29, 1996



Water Resources Department
Martha O. Fagel
Director