

STATE OF OREGON

COUNTY OF MARION

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

A & R SPADA NURSERY AND FARMS  
7251 ST PAUL HWY NE  
ST PAUL, OREGON 97137

(503) 633-2941

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

APPLICATION FILE NUMBER: R-71953

SOURCE OF WATER: NURSERY RUN-OFF, TRIBUTARY TO MURPHY CREEK

STORAGE FACILITY: UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: To be appropriated under Permit 51962 for IRRIGATION AND AGRICULTURAL USES (NURSERY OPERATIONS).

VOLUME OF USE: 10.3 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED  
FOR STORAGE DURING THE PERIOD: YEAR ROUND FROM NURSERY OPERATION  
RUN-OFF

DATE OF PRIORITY: October 17, 1991

The area submerged by the reservoir, when full, will be 1.1 acres and the maximum depth of water will be 17.0 feet. The maximum height of the dam shall not exceed 26.0 feet.

DAM LOCATION: SW 1/4 SW 1/4, SECTION 14, T 4 S, R 2 W, W.M.; 34 FEET  
NORTH & 402 FEET WEST FROM SW CORNER OF D.L.C. 101 IN  
SECTION 14

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

SW 1/4 SW 1/4  
SECTION 14

SE 1/4 SE 1/4  
SECTION 15

TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

Application R-71953 Water Resources Department  
Measurement, recording and reporting conditions:

PERMIT R11676

- 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.
- 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.
- C. 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 outlet gate shall be cycled at least once each year and shall be fully operational. The embankment and spillway shall be kept clear of brush, debris, and burrowing animals.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated 10-17-91 on file with the Water Resources Department.

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 structure shall be constructed under the supervision of a registered engineer licensed in Oregon.

No fill shall be placed until excavation of the cutoff trench has been completed in its entirety and approved by the engineer.

A new topographical map and area-capacity curve, prepared by an engineer, must be submitted to this department if earth material is removed from the storage area during construction.

#### 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.

Application R-71953      Water Resources Department      PERMIT R11676  
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.

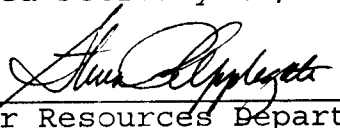
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 water shall be made on or before October 1, 1999.

Issued February 23, 1996

  
for Water Resources Department  
Martha O. Pagel  
Director

Application R-71953	Water Resources Department	PERMIT R11676
Basin 02	Volume 18A CHAMPOEG CREEK & MISC.	District 16
GH	MGMT.CODE 2AD, 2AW, 2BD, 2BW, 2CD, 2CW, 2ED, 2EW, 2FD, 2FW, 2GD, 2GW	