

STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DON & LE'ANN MARJAMA
dba MARJAMA NURSERY COMPANY
11333 SW BLUFF RD
SANDY, OREGON 97055

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

APPLICATION FILE NUMBER: R-71530

SOURCE OF WATER: IRRIGATION RUNOFF AND WATERS OF BEAR CREEK, A TRIBUTARY OF SANDY RIVER

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-71531, PERMIT 52081, FOR IRRIGATION (GENERAL NURSERY OPERATIONS)

RATE/VOLUME: 10.35 ACRE-FEET, BEING 1.25 ACRE-FEET IN RESERVOIR #1 AND 9.10 ACRE-FEET IN RESERVOIR #2

PERIOD OF ALLOWED USE FOR STORAGE: DECEMBER 1 THROUGH FEBRUARY 28 AND APRIL 1 THROUGH APRIL 30

DATE OF PRIORITY: APRIL 25, 1991

The total area submerged by reservoirs: #1 when full is 0.28 acres and #2 when full is 1.20 acres. The maximum depth of water in reservoirs: #1 is 10.0 feet and #2 is 10.0 feet. The maximum height of dams shall not exceed: #1 will be 3.0 feet and #2 will be 3.0 feet.

DAM LOCATION: SE 1/4 NW 1/4, SECTION 35, T1S, R4E, W.M.; RESERVOIR #1 - NORTH 7 DEGREES 18 MINUTES 47 SECONDS WEST 970 FEET; RESERVOIR #2 - NORTH 30 DEGREES 12 MINUTES 50 SECONDS WEST 1122 FEET, BOTH FROM THE C 1/4 OF SECTION 35

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

SE 1/4 NW 1/4
SECTION 35
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

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.
- 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 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 screen is to be in place and functional prior to diversion of any water.

STANDARD CONDITIONS

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

Issued April 26, 1996

Steven C. Applegate

for Water Resources Department
Martha O. Pagel
Director