

STATE OF OREGON
COUNTY OF YAMHILL

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

H E WINTERS
4700 SHEPERD RD
DUNDEE, OREGON 97115

(503) 538-9371

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

APPLICATION FILE NUMBER: R-74936

SOURCE OF WATER: A WELL AND AN UNNAMED STREAM, TRIBUTARY OF WILLAMETTE RIVER

STORAGE FACILITY: UPPER WINTERS RESERVOIR AND LOWER WINTERS RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-74937, PERMIT 52775, AND TO BE MAINTAINED UNDER APPLICATION G-13879, PERMIT G-12793, FOR RECREATION

AMOUNT/VOLUME OF WATER ALLOWED: 43.6 ACRE-FEET PER YEAR (AF) TOTAL, BEING 30.0 AF IN UPPER WINTERS RESERVOIR AND 13.6 AF IN LOWER WINTERS RESERVOIR EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: NOVEMBER 18, 1994

The area submerged by Upper Winters reservoir, when full, will be 3.0 acres and the maximum depth of water will be 15.0 feet. The maximum height of the dam shall not exceed 18.0 feet.

The area submerged by Lower Winters reservoir, when full, will be 2.5 acres and the maximum depth of water will be 19.5 feet. The maximum height of the dam shall not exceed 24.0 feet.

DAM LOCATION: NE 1/4 NE 1/4, SE 1/4 NE 1/4, SECTION 3, T4S, R3W, W.M.

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

NE 1/4 NE 1/4
SE 1/4 NE 1/4
SECTION 3
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

Application R-74936 Water Resources Department

PERMIT R-12030

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 may be required in the future to 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 outlet gate shall be cycled at least once each year and shall be fully operational.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior construction shall be documented in a letter to Dam Safety.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon. No fill shall be placed until excavation of the foundation has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer.

No water shall be stored until this department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of asbuilt drawings must accompany the engineer's written certification of completion.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated September 2, 1996, on file with the Water Resources Department.

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

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.

When in the judgment of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be subject to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming natural flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the general supervision of said Watermaster.

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.

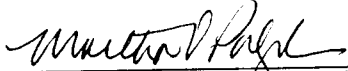
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

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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 September 11, 1996



Martha O. Page, Director
Water Resources Department

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Basin 02 Volume 25 Willamette River N1/2 & Misc. N1/2 District 16
MGMT.CODES 2AD, 2AW, 2BD, 2BW, 2 CD, 2CW, 2ED, 2EW, 3AW, 6EW