

STATE OF OREGON

COUNTY OF MARION

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

A & R SPADA 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-80563

SOURCE OF WATER: WATERS OF SURFACE RUNOFF, A TRIBUTARY OF CHAMPOEG CREEK

STORAGE FACILITY: NURSERY RUN-OFF NO. 2 RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-80564, PERMIT 52890, FOR IRRIGATION AND AGRICULTURAL USE

VOLUME OF USE: 19.5 ACRE-FEET EACH YEAR

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

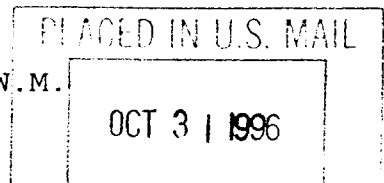
DATE OF PRIORITY: AUGUST 9, 1995

The area submerged by the reservoir, when full, will be 1.7 acres and the maximum depth of water will be 21.0 feet. The maximum height of the dam shall not exceed 25.0 feet.

DAM LOCATION: SW 1/4 SE 1/4, SECTION 15, T4S, R2W, W.M.; 1900 FEET NORTH AND 1100 FEET EAST FROM THE SE CORNER OF PETTIER DLC 92

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

SW 1/4 SE 1/4
SECTION 15
TOWNSHIP 4 SOUTH, RANGE 2 WEST, 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.

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by R12123

- 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 at all times.

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

The earthen dam 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 to 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 cutoff trench has been completed and examined in its entirety and approved by the engineer of record or the Water Resources Dam Safety Engineer.

No water shall be stored until the Water Resources 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 as built drawings must accompany the engineer's written certification of completion.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification to the dam, spillway or appurtenant structures.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of a 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.

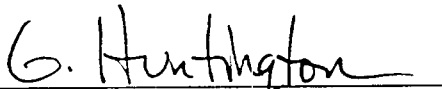
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued October 28, 1996



Martha O. Pagel, Director
Water Resources Department

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Basin 02 Volume 18A, Champoeg Creek & Misc. District 16
MGMT.CODES 2AD, 2AW, 2BD, 2BW, 2CD, 2CW, 2ED, 2EW, 2FD, 2FW

Py R 12123