

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID BERNERT
4330 IMPERIAL DR
WEST LINN, OREGON 97068

(503)598-8145

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-74022

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

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-78402, PERMIT 53117 FOR NURSERY OPERATIONS.

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

QUANTITY OF WATER ALLOWED: 0.73 ACRE-FEET PER YEAR

DATE OF PRIORITY: April 20, 1994

The area submerged by the reservoir, when full, will be 0.28 acre and the maximum depth of water will be 3.0 feet. The maximum height of the dam shall not exceed 3.0 feet.

DAM LOCATION: SE 1/4 SW 1/4, SECTION 23, T3S, R1W, W.M.; 850 FEET NORTH AND 1550 FEET EAST FROM THE SW CORNER OF SECTION 23.

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

SE 1/4 SW 1/4
SECTION 23
TOWNSHIP 3 SOUTH, RANGE 1 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

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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 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.

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.

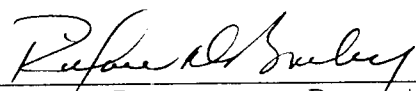
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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(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. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued April 17, 1997



for Water Resources Department
Martha O. Pagel
Director

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Basin 02 Volume 25 Willamette R. N1/2 & Misc. N1/2 District 16
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