

STATE OF OREGON

COUNTY OF POLK

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNETH DAVID CRUIKSHANK
5545 MILL CREEK RD
SHERIDAN, OREGON 97378

(503)843-2696

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

APPLICATION FILE NUMBER: R-81584

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF MILL CREEK A TRIBUTARY OF SOUTH YAMHILL RIVER

STORAGE FACILITY: TIMBER HILL RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION 81585, PERMIT 53285 FOR IRRIGATION

MAXIMUM VOLUME: 9.1 ACRE-FEET PER YEAR

PERIOD ALLOWED FOR STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE BETWEEN NOVEMBER 1 THROUGH APRIL 30 AND DURING JUNE

DATE OF PRIORITY: October 3, 1996

The area submerged by the reservoir, when full, will be 1.4 acre and the maximum depth of water will be 9.9 feet. The maximum height of the dam shall not exceed 9.9 feet.

DAM LOCATION: NE 1/4 SW 1/4, SECTION 33, T 6 S, R 6 W, WM.;1380 FEET SOUTH & 400 FEET WEST OF NW CORNER, HENRY W EADS DLC 75

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

NE 1/4 SW 1/4
SECTION 33
T6S, R6W, 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

Application R-81584 Water Resources Department

PERMIT R-12320

measuring device in good working order and shall allow the watermaster access to the meter or measuring 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 permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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.

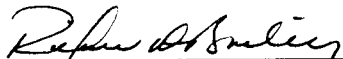
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2001.

Issued November 25, 1997



Martha O. Pagel, Director
Water Resources Department

Application R-81584 Water Resources Department
Basin 02 Volume 11A MILL CR
DSM MGMT.CODE

PERMIT R-12320
District 18