

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO CONSTRUCT, A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM AND BETTY DILLARD, dba WM DILLARD WHOLESALE NURSERY;  
23055 SE TILLSTROM RD (503)665-0515  
GRESHAM, OREGON 97080

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

APPLICATION FILE NUMBER: R-81963

SOURCE OF WATER: AN UNNAMED STREAM TRIBUTARY OF JOHNSON CREEK within  
the Willamette basin

STORAGE FACILITY: RESERVOIR 3

PURPOSE OR USE OF THE STORED WATER: RECREATION, FISH PROPAGATION AND  
AESTHETICS

MAXIMUM VOLUME: 0.189 AF PER YEAR EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE  
DECEMBER 1 THROUGH JUNE 1

DATE OF PRIORITY: JANUARY 28, 1997

The area submerged by the reservoir, when full, will be 0.11 acre and  
the maximum depth of water will be 6 feet. The maximum height of the  
dam shall not exceed 6 feet.

DAM LOCATION: NW 1/4 SE 1/4, SECTION 34, T 1S, R3E, W.M.; 2335 FEET  
NORTH & 105 FEET EAST FROM S1/4 CORNER, SECTION 34

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

NW 1/4 SE 1/4  
SECTION 34  
TOWNSHIP 1 SOUTH, RANGE 3 EAST, 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 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.

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.

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.

#### 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.

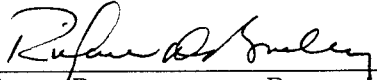
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report.

Issued February 18, 1998



Water Resources Department  
Director