

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RON HOCHSTEIN
38100 SW GNOS RD.
CORNELIUS, OREGON 97113

PHONE: (503) 357-5651

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

APPLICATION FILE NUMBER: R-80559

SOURCE OF WATER: AN UNNAMED STREAM (DAVIS CREEK), TRIBUTARY TO THE TUALATIN RIVER AND WITHIN THE WILLAMETTE BASIN

STORAGE FACILITY: RESERVOIR 2A

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-80558, PERMIT S-53342, FOR NURSERY OPERATIONS (IRRIGATION AND AGRICULTURE)

MAXIMUM VOLUME: 19.0 AF

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: AUGUST 3, 1995, FOR 5.0 AF IN RESERVOIR 2A AND MARCH 24, 1997, FOR 14.0 AF IN RESERVOIR 2A

The area submerged by the reservoir, when full, will be 1.7 acre and the maximum depth of water will be 22.0 feet. The maximum height of the dam shall not exceed 28.5 feet.

DAM LOCATION: SE 1/4 NW 1/4, SECTION 28, T1S, R3W, W.M., 90 FEET NORTH AND 2350 FEET EAST FROM THE WEST CORNER 1/4, SECTION 28

THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4
SECTION 28
TOWNSHIP 1 SOUTH, RANGE 3 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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter

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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.

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, namely the Tualatin River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

Use under this permit is limited to the reservoir areas. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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.

During the period of May 1 through October 31, the inflow must equal the outflow.

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 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 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 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 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 of asbuilt 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.

By law, the land use associated with this water use must be in compliance with statewide land-use goals, any local acknowledged land-use plan, and any conditional land use permits issued for the subject reservoir.

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.

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, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 25, 1998


Water Resources Department
Director

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