

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT J. HOFFMAN  
20374 S BUTTE RD  
BEAVERCREEK, OREGON 97004

(503) 632-3571

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-72351

SOURCE OF WATER: CEDAR CREEK FOR RESERVOIRS #1 AND #2; AND SPRINGS FOR RESERVOIRS #3 AND #4, TRIBUTARIES OF MILK CREEK

STORAGE FACILITY: RESERVOIRS 1,2,3, & 4

PURPOSE OR USE OF THE STORED WATER: FIRE PROTECTION, AESTHETICS, FISH PRODUCTION, RECREATION, AND TO BE APPROPRIATED UNDER APPLICATION S-72352, PERMIT 53427, NURSERY OPERATIONS

VOLUME ALLOWED: 7.5 ACRE-FOOT EACH YEAR

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

DATE OF PRIORITY: APRIL 27, 1992

The area submerged by the reservoirs, when full, totals 1.785 acres; being Reservoir #1 - 0.0778 acre, Reservoir #2 - 1.48 acres, Reservoir #3 - 0.0859 acre, and Reservoir #4 - 0.141 acre; the maximum depth of water in Reservoir #1 is 4.0 feet; #2 is 9.0 feet; #3 is 4.0 feet; #4 is 8.0 feet. The maximum height of the dams shall not exceed 7.0 feet for Reservoir #1 and 13.5 feet for Reservoir #2; Reservoirs #3 and #4 are excavated.

DAM LOCATION: NW ¼ SW ¼, SW ¼ SW ¼, SECTION 9; SW ¼ NW ¼, SECTION 17; T4S, R3E, W.M.; RESERVOIR 1 - NORTH 39 DEGREES 19 MINUTES 47 SECONDS EAST 1713 FEET, RESERVOIR 2 - NORTH 0 DEGREES 51 MINUTES 19 SECONDS WEST 565 FEET, RESERVOIR 3 - NORTH 20 DEGREES 50 MINUTES 36 SECONDS EAST 775 FEET, ALL FROM SW CORNER OF SECTION 9, RESERVOIR 4 - SOUTH 28 DEGREES 52 MINUTES 45 SECONDS EAST 2290 FEET FROM THE NW CORNER OF SECTION 17

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

NW ¼ SW ¼  
SW ¼ SW ¼  
SECTION 9

SW ¼ NW ¼  
SECTION 17  
TOWNSHIP 4 SOUTH, RANGE 3 EAST, 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 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 storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of that right.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

**STANDARD CONDITIONS**

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.

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.

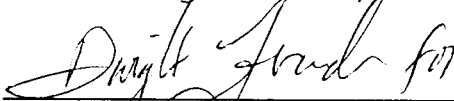
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 of permit issuance. The reservoir(s) shall be filled and complete application of water 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 August 12, 1998

  
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Martha O. Pagel, Director  
Water Resources Department