

STATE OF OREGON

COUNTY OF WASCO

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROCKY RIDGE RANCH INC.
27155 NW TRUITT ROAD
HILLSBORO, OREGON 97124

(503)647-2709

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

APPLICATION FILE NUMBER: R-83382

SOURCE OF WATER: LOST, BOULDER, AND FOREST CREEKS, TRIBUTARIES OF WHITE RIVER WITHIN THE DESCHUTES BASIN

STORAGE FACILITY: VANCONKLIN DAM (RESERVOIR 5)

PURPOSE OF USE OF THE STORED WATER: FISH REARING

MAXIMUM VOLUME: 127.6 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD OCTOBER 1 THROUGH APRIL 14

DATE OF PRIORITY: MAY 6, 1997

The area submerged by the reservoir, when full, will be 20.34 acres and the maximum depth of water will be 21.0 feet. The maximum height of the dam shall not exceed 21.0 feet.

DAM LOCATION: NW 1/4, NW 1/4, SECTION 8, T5S, R12E, W.M.; 90 FEET SOUTH AND 490 FEET WEST FROM THE NW CORNER SECTION 8

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

NE 1/4 NE 1/4
SECTION 7
NW 1/4 NW 1/4
SECTION 8

TOWNSHIP 5 SOUTH, RANGE 12 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as

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may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- 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.

The embankment and reservoir shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Department, stamped and dated August 5, 1994. Any changes in the approved design shall be documented in letter to the Water Resources Dam Safety Engineer and/or illustrated on a final set of asbuilt drawings clearly marked as such and stamped by a licensed engineer.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon; no fill shall be placed until excavation of the cutoff trench has been completed and examined in its entirety and approved by the engineer of record and/or 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 1) construction has been completed in accordance with the approved plans and specifications, or 2) construction has been completed as shown on a final set of asbuilt drawings stamped by a licensed engineer.

If borrow material is removed from the reservoir area during construction of the dam, a revised topographic map and area-capacity curve shall be submitted with the asbuilt drawings to confirm the estimated storage capacity of the impoundment.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times. Routine maintenance of the embankment and spillway shall be performed as determined necessary to remove trees, brush, debris and/or burrowing animals, or to repair areas of erosion.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. 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.

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.

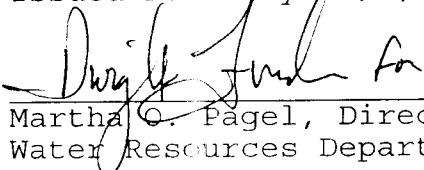
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by February 24, 2000. The reservoir(s) shall be filled and complete application of water shall be made on or before October 1, 2003. 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 24, 1999


Martha C. Pagel, Director
Water Resources Department