

STATE OF OREGON

COUNTY OF POLK

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BROADMEAD TRUST
HEIDI HARPER, TRUSTEE
3250 MARY ST., SUITE 206
COCONUT GROVE, FL 33133-5232

PHONE: (305)361-1099

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

APPLICATION FILE NUMBER: R-81521

SOURCE OF WATER: SALT CREEK, TRIBUTARY OF SOUTH YAMHILL RIVER

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER PERMIT
53555 FOR NURSERY OPERATIONS

MAXIMUM VOLUME: 41.0 ACRE-FEET(AF) EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: SEPTEMBER 10, 1996, FOR 20.4 AF; JUNE 27, 1997, FOR
20.6 AF

The area submerged by the reservoir, when full, will be 4.8 acres and
the maximum depth of water will be 10.58 feet. The maximum height of
the dam shall not exceed 15.0 feet.

DAM LOCATION: SW 1/4 SW 1/4, SECTION 11, T6S, R5W, W.M.; 400 FEET NORTH
AND 1100 FEET EAST FROM THE SW CORNER SECTION 11

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

SW 1/4 SW 1/4
SECTION 11
TOWNSHIP 6 SOUTH, RANGE 5 WEST, W.M.

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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 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, namely the Yamhill 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 area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

No water shall be stored until the Water Resources Department receives written certification from the engineer 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.

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, dated July 10, 1997, 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, or both.

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 or rehabilitation of the dam, spillway or appurtenant structures.

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 by April 16, 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 April 16, 1999


 Martha O. Pagel, Director
 Water Resources Department

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 Basin 2 Volume 11A SALT CREEK
 RWK MGMT.CODE 6EW

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 District 16