

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GARY CRUICKSHANK
11600 AIRPORT RD
MCMINNVILLE, OREGON 97128

(503)472-3508

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

APPLICATION FILE NUMBER: R-80382

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF YAMHILL RIVER

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH/WILDLIFE HABITAT AND RIPARIAN
CONDITIONS

MAXIMUM STORAGE VOLUME: 4.8 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH APRIL 30 OF EACH YEAR

DATE OF PRIORITY: MAY 31, 1995

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 4.0 FEET.

DAM LOCATION: 1550 FEET SOUTH AND 85 FEET EAST OF THE NW CORNER
SECTION 35, TOWNSHIP 4 SOUTH RANGE 4 EAST, W.M. BEING WITHIN THE SE
1/4 NE 1/4, SECTION 34, SW 1/4 NW 1/4, SECTION 35, TOWNSHIP 4 SOUTH,
RANGE 4 WEST, W.M.

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

SE 1/4 NE 1/4
SECTION 34
SW 1/4 NW 1/4
SECTION 35
TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

A. The Director may require the permittee to install a meter or

Application R-80382 Water Resources Department

PERMIT R-12791

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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The total area to be submerged by the reservoir, when full shall be 4.0 acres; the maximum depth of water shall be 3.0 feet.

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.

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.

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.

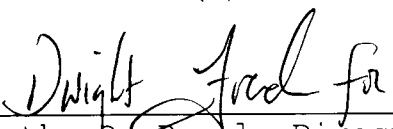
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 March 17 , 2001. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2004.

Dated March 17 , 2000


Martha D. Pagel, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application R-80382
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PERMIT R-12791
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