

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.
54829 SMOCK ROAD
WAMIC, OREGON 97063

(541) 544-2094

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

APPLICATION FILE NUMBER: R-84344

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY OF WHITE RIVER

STORAGE FACILITY: RESERVOIR 2, 3, 3a, 4, AND 6

PURPOSE OR USE OF THE STORED WATER: FISH AND WILDLIFE USE

MAXIMUM VOLUME: 407.8 ACRE-FEET PER YEAR, BEING 69.9 AF IN RESERVOIR 2, 60.0 AF IN RESERVOIR 3, 10.0 AF IN RESERVOIR 3A, 70.9 AF IN RESERVOIR 4, AND 197.0 AF IN RESERVOIR 6

PERIOD OF ALLOWED USE: JANUARY 1 THROUGH APRIL 14

DATE OF PRIORITY: FEBRUARY 18, 2000

Reservoir 2: The area submerged by the reservoir, when full, will be 5.7 acre and the maximum depth of water will be 22.0 feet. The maximum height of the dam shall not exceed 24.5 feet.

Reservoir 3: The area submerged by the reservoir, when full, will be 5.4 acre and the maximum depth of water will be 20.0 feet. The maximum height of the dam shall not exceed 19.0 feet.

Reservoir 3a: The area submerged by the reservoir, when full, will be 1.8 acre and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 9.9 feet.

Reservoir 4: The area submerged by the reservoir, when full, will be 7.2 acre and the maximum depth of water will be 18.0 feet. The maximum height of the dam shall not exceed 18.0 feet.

Reservoir 6: The area submerged by the reservoir, when full, will be 8.9 acre and the maximum depth of water will be 40.0 feet. The maximum height of the dam shall not exceed 50.0 feet.

DAM LOCATION: NE 1/4 SW 1/4, SECTION 5, NE 1/4 NE 1/4, NW 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4, SECTION 7, T5S, R12E, W.M.; RESERVOIR 6 - 1500 FEET NORTH & 2620 FEET EAST; RESERVOIR 4 - 778.59 FEET SOUTH & 854.07 FEET WEST; RESERVOIR 3A - 810 FEET SOUTH & 1694.1 FEET WEST; RESERVOIR 3 - 1400 FEET SOUTH & 1980 FEET WEST; RESERVOIR 2 - 1450 FEET SOUTH & 2800 FEET WEST, ALL FROM SW CORNER SECTION 5

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

NE 1/4 SW 1/4
SECTION 5
NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NW 1/4
SECTION 7

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

Routine maintenance of the dams, spillways and all appurtenant structures or mechanical works shall be performed as necessary to remove

trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dams, the resultant reservoirs, and the emergency spillways all shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Dam Safety program. Any significant change in the approved design prior to or during construction shall be documented by the project engineer in a letter to Dam Safety. All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No fill shall be placed until preparation of the foundation and excavation of each core trench has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

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 reproducible asbuilt drawings, including revised reservoir capacity graphs/tables, must accompany the engineer's written certification of completion.

The completed structures 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 significant modification, alteration, or rehabilitation of any of the dams, spillways, appurtenant structures or mechanical works.

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.

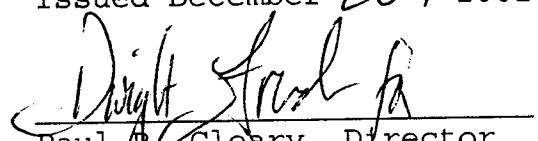
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 December 20, 2001


Paul R. Cleary, 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.