

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TDM CO.

THOMAS C. AND DONNA J. MILLER

11710 SW FOX RIDGE RD.

MCMINNVILLE, OREGON 97128

PHONE: (503) 472-5343

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

APPLICATION FILE NUMBER: R-83820

SOURCE OF WATER: SPRINGS AND RUNOFF, TRIBUTARY TO COZINE CREEK

STORAGE FACILITY: MUHS QUARRY RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION PERMIT S-53993 FOR IRRIGATION USE

MAXIMUM VOLUME: 202.5 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: APRIL 30, 1998

The area submerged by the reservoir, when full, will be 7.0 acres and the maximum depth of water will be 40.0 feet. The maximum height of the dam shall not exceed 40.0 feet.

DAM LOCATION: SW 1/4 SW 1/4, SECTION 18, T4S, R4W, W.M.; 530 FEET NORTH & 1325 FEET EAST FROM SW CORNER, SECTION 18

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

SW 1/4 SW 1/4

SE 1/4 SW 1/4

SECTION 18

TOWNSHIP 4 SOUTH, RANGE 4 WEST, 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.

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 or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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.

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 dam shall be constructed, operated, and maintained according to the plans and specifications approved May 18, 1998, on file with the Water Resources Department.

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

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 emergency spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications 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 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 of reproducible asbuilt drawings must accompany the engineer's written certification of completion.

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.

The permittee shall not use the emergency spillway on this reservoir unless water inflow into the reservoir exceeds the outflow capacity of the 10" water transmission pipe that serves as an outflow for this reservoir.

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.

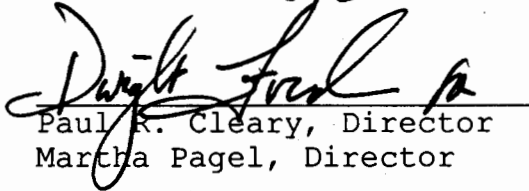
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 within one year from issuance of the final order approving the use. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2008. 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 January 16, 2004


Paul R. Cleary, Director
Marcha Pagel, Director