

STATE OF OREGON

COUNTY OF WASCO

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DOG RIVER ORCHARDS, LLC  
PO BOX 445  
PARKDALE, OR 97041

NORTHWEST FARM CREDIT SERVICES, FLCA  
3591 KLINDT DR. STE 110  
THE DALLES, OR 97058

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

APPLICATION FILE NUMBER: R-86923

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF WHITE RIVER

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION AND LIVESTOCK USE

MAXIMUM VOLUME: 381.9 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: JANUARY 1  
THROUGH APRIL 14

DATE OF PRIORITY: JUNE 27, 2007

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 38.0 FEET.

DAM LOCATION: SE ¼ NE ¼, SECTION 4, T5S, R12E, W.M.; 2013 FEET SOUTH  
AND 1122 FEET WEST FROM NE CORNER, SECTION 4

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

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
SE ¼ NW ¼  
SECTION 4

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir.
- B. The permittee shall maintain all required devices in good working order.
- C. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The permittee 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.
- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any

additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

Use of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at Deschutes River near Biggs, OR, gage 14103000, and discontinue storage when the flows specified below are unmet. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the Watermaster may regulate storage under this right if it is determined by the Department that the flows listed below are unmet.

Deschutes River Scenic Waterway	
<b>Month</b>	<b>Minimum Flow (cfs)</b>
January	4500
February	4500
March 1 through March 15	4500
March 16 through March 31	4000
April 1 through April 14	4000

**DAM CONDITIONS**

All construction shall be performed under the supervision of the engineer of record, Darrin Eckman, from Tenneson Engineering. If the engineer of record will not oversee dam construction, the Oregon Water Resources Department (OWRD) State Engineer must be notified in writing, prior to construction activity, with the name of a new engineer of record to oversee dam construction.

The State Engineer must be notified in writing prior to construction activity and also 48 hours prior to completion of the cutoff trench and stripping for materials at the foundation of the dam. No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the State Engineer, or both.

The constructed works shall conform to the approved design reports, drawings and specifications as approved by the State Engineer on April 6, 2015. The engineer of record shall notify the OWRD Dam Safety Program before making any significant change to the approved design prior to or during construction.

All dam construction, maintenance, repair and modification activity shall comply with the rules for dam safety, OAR 690-020-0000 through OAR 690-020-0500.

No water shall be stored until the OWRD receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. As built drawings, including a revised reservoir capacity graph, must accompany the engineer's letter of completion.

Operation of the reservoir must comply with the operations and maintenance guidelines for this dam as dated April 6, 2015 and as approved by OWRD.

Routine maintenance or repair of the dam, its spillway, and all appurtenant structures shall be performed to include, but not limited to the following: removal of woody or high vegetation from the embankment, abutments, and spillway; removal of debris from the reservoir; and annual or more frequent cycling of the valve or gate for the low level conduit.

Repair or replacement of defective or worn out equipment (including but not limited to gates, valves, and conduits) shall be completed as needed to keep the dam safe.

If the dam is enlarged, modified or otherwise altered, this work must be based on design plans and specifications prepared by a Registered Professional Engineer licensed in Oregon. These plans must be approved by the OWRD Dam Safety Program prior to such alterations of the dam, its spillway, or any appurtenant structure(s).

Fully cycle all operating valve(s) - to a fully open and fully closed position, at least one time per year.

#### **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.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

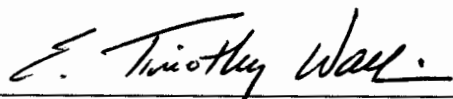
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Construction shall be completed and the permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after storage of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued OCTOBER 9 2015



for Thomas M. Byler, Director  
Water Resources Department