

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HOLLIS LAND AND TIMBER LLC
13984 CHELSEA DR
LAKE OSWEGO, OR 97035

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

APPLICATION FILE NUMBER: R-87985

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF BRYAN CREEK

STORAGE FACILITY: HOLLIS RESERVOIR

PURPOSE OR USE OF THE STORED WATER: STORAGE FOR IRRIGATION,
AESTHETICS, FIRE PROTECTION, RECREATION, AND WILDLIFE

MAXIMUM VOLUME: 100.0 ACRE FEET

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

DATE OF PRIORITY: JUNE 11, 2014

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 38.0 FEET

DAM LOCATION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 35, T2S, R3W, W.M.; 1370 FEET SOUTH AND
340 FEET EAST FROM NW CORNER, SECTION 35

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 34

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 35

TOWNSHIP 2 SOUTH, RANGE 3 WEST, W.M.

Application R-87985 Water Resources Department

PERMIT R-15182

Measurement devices, and recording/reporting of annual water storage 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. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
- B. 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.
- C. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage 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.
- D. 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.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the proposed diversion.

The permittee shall maintain the grass-lined channel for the spillway.

If reservoir construction is greater to or equal to 1.0 acre in extent, permittee must contact Department of Environmental Quality (DEQ) (Kristy Sewell 541-686-7858) to determine if a DEQ 1200 C permit is required.

DAM CONDITIONS

All construction shall be performed under the supervision of the engineer of record. If the engineer of record cannot supervise construction, the Water Resources Department Dam Safety Engineer must be notified in writing, prior to construction activity, with the name of the engineer supervising construction.

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 Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety Program. The engineer of record shall notify the Water Resources Dam Safety Program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written confirmation from the engineer of record that construction has been completed as demonstrated by "as-built" drawings submitted by the engineer of record. A revised reservoir capacity graph must accompany the engineer's letter of completion.

Routine maintenance shall be completed as described 690-020-0250. This includes, but is not limited to, brush and tree removal and mowing or other control of other vegetation on the embankment and spillway; removal of burrowing animals and filling burrows; control of surface erosion; maintenance of freeboard and adequate crest width; ensuring nothing reduces spillway capacity; at least annual cycling of all valves, with lubrication as necessary; and ensuring cracked concrete structures have been properly patched, sealed, caulked, or replaced to prevent deterioration.

The spillway shall not be altered without written approval from the State Engineer.

Routine repair or replacement of defective or worn out equipment (including but not limited to gates, valves, and conduits) shall be completed when operation of gates or valves becomes difficult, or if there is potential for water leakage, or other condition affecting the safety of the structure.

The dam shall not be modified to increase water storage or reduce safety of the dam. Any modification that would increase storage shall require a new water right, design by an engineer, and approval by the State Engineer.

No valve shall be installed at the downstream end of the low level conduit, and the low level conduit shall not be operated in a pressurized condition unless approved plans and specifications include specifics for pressurized operations, including an operations manual and special inspections as necessary, of pressurized conduits for the dam.

Any new or muddy leakage, overtopping of the dam, or other emergency condition shall be immediately reported to the State Engineer.

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 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 of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

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 *DECEMBER 14 2016*



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director