

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JENSEN HOLDINGS LLC
6532 HOWELL PRAIRIE RD NE
SILVERTON, OR 97381

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

APPLICATION FILE NUMBER: R-87950

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

STORAGE FACILITY: YAMHILL FARM DAM RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH LIFE, RECREATION, WETLAND
ENHANCEMENT AND IRRIGATION

MAXIMUM VOLUME: 132.6 ACRE FEET EACH YEAR

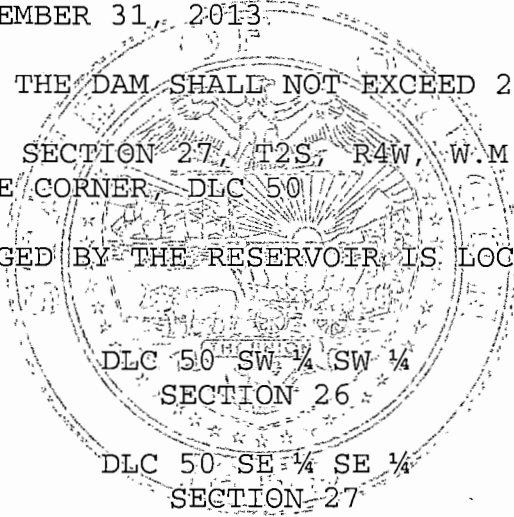
WATER MAY BE DIVERTED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH
JUNE 30

DATE OF PRIORITY: DECEMBER 31, 2013

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 26.0 FEET.

DAM LOCATION: DLC 50, SECTION 27, T2S, R4W, W.M.; 3206 FEET SOUTH AND
2887 FEET WEST FROM NE CORNER, DLC 50

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



DLC 50 SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 26

DLC 50 SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 27

DLC 50 NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 34

DLC 50 NW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 35

TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

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.

DAM CONDITIONS

The permittee shall submit "as-built" drawings prior to filling the reservoir.

All plans and specifications must be approved by the State Engineer prior to the start of construction. The plans and specifications must include an analysis indicating that the embankment slopes are stable under static and pseudo-seismic loadings.

Clearing of the site may start prior to the approval of plans and specifications by the State Engineer. However, no other earth work, including excavation of the core trench, may take place until the plans and specifications have been approved by the State Engineer.

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 as described 690-020-0250 including, but 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.

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

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 rapid increase in 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 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 *JUNE 21 2017*

E. Timothy Wallin

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

