

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MARK BJORNSON
3635 BETHEL HEIGHTS ROAD NW
SALEM OR 97304

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

APPLICATION FILE NUMBER: R-88663

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY TO YAMHILL RIVER

STORAGE FACILITY: A RESERVOIR

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 9.0 FEET

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, AGRICULTURE USE, LIVESTOCK USE, AND FISH LIFE

MAXIMUM VOLUME: 60.0 ACRE-FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: AUGUST 13, 2018

POINT OF DIVERSION/DAM LOCATION:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|--|
| 7 S | 5 W | WM | 4 | SE NE | 540 FEET SOUTH AND 1060 FEET EAST FROM NW CORNER, ORCHARD DLC 41 |

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

| Twp | Rng | Mer | Sec | Q-Q |
|-----|-----|-----|-----|-------|
| 7 S | 5 W | WM | 4 | NE NE |
| 7 S | 5 W | WM | 4 | NW NE |
| 7 S | 5 W | WM | 4 | SW NE |
| 7 S | 5 W | WM | 4 | SE NE |

1. **Water Use Measurement, Recording, and Reporting Condition:**

- A. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. If the Director notifies the permittee to install a staff gage, the permittee shall install such device within the period stated in the

notice. Once installed, the permittee shall maintain the device in good working order and shall allow the watermaster access to the device.

B. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.

C. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. Fish Screening and Passage Conditions:

A. 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.

3. Riparian Condition:

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.

4. Water Quality Conditions:

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

B. Once the allocated volume has been stored, all live flow shall be passed downstream at a rate equal to that of the inflow in a method that protects instream water quality.

C. The permittee shall design and operate the water storage facility such that all water within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operation plan that details how water quality criteria and standards will be met. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.

D. The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603-095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow to provide the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff. Active management of livestock and/or a livestock exclusion fence is needed to protect riparian areas and provide the required functions.

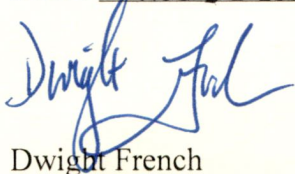
RESERVOIR CONDITIONS

1. 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.
2. The permittee shall pass all live flow outside the storage season described above.
3. 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.
4. 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.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 AUG 21 2019



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department