

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SANDAN LLC  
10280 NE OAK SPRINGS FARM RD  
CARLTON OR 97111

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

APPLICATION FILE NUMBER: R-88779

SOURCE OF WATER: WELL 1 (YAMH 704/L127717), WELL 2 (YAMH 57912/L127721), AND WELL 3 (YAMH 57913/L127722), AUTHORIZED UNDER PERMIT G-18559, IN THE CHEHALEM CREEK BASIN, RUNOFF, AND A SPRING, TRIBUTARIES TO CHEHALEM CREEK

STORAGE FACILITY: NORTH POND

MAXIMUM DAM HEIGHT: 15.1 FEET

MAXIMUM VOLUME: 9.11 ACRE-FEET

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD:

RUNOFF AND A SPRING: NOVEMBER 1 THROUGH JUNE 31

GROUNDWATER: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: NOVEMBER 15, 2019

DAM LOCATION/POINT OF DIVERSION:

POA/POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
RUNOFF	3 S	3 W	WM	19	NW SE	1780 FEET NORTH AND 3555 FEET WEST FROM SE CORNER, SECTION 19
SPRING	3 S	3 W	WM	19	SW SE	1060 FEET NORTH AND 2900 FEET WEST FROM SE CORNER, SECTION 19
WELL 1	3 S	3 W	WM	19	SE SW	660 FEET NORTH AND 2950 WEST FROM SE CORNER, SECTION 19
WELL 2	3 S	3 W	WM	19	SE SW	490 FEET NORTH AND 3015 WEST FROM SE CORNER, SECTION 19
WELL 3	3 S	3 W	WM	19	SE SW	160 FEET NORTH AND 3270 WEST FROM SE CORNER, SECTION 19

POND LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	3 W	WM	19	NW SE	1780 FEET NORTH AND 3555 FEET WEST FROM SE CORNER, SECTION 19

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q
3 S	3 W	WM	19	NW SE

**PERMIT SPECIFIC 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. **Water Use Measurement, Recording, and Reporting:**
  - 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.

**3. In-Water Work:**

Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 15 through September 30, unless an alternate time period is approved by Oregon Department of Fish and Wildlife.

**4. Pond Construction:**

Permittee shall construct the pond off channel.

**5. Pond Releases:**

Permittee shall not release off-channel stored water into waters of the state unless under emergency situations. For routine maintenance, the Permittee shall land apply stored water or provide treatment prior to releasing it and may only release instream November through March. Permittee shall treat released water to comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage.

**6. Water Quality and Prohibited Activities:**

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 and or federal water-quality standards. Permittee may not cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). If the Department of Environmental Quality determines that pollution of waters of the state is occurring, DEQ shall notify OWRD of the violation and the water right may be restricted if the permittee fails to implement corrective actions as directed by the Department of Environmental Quality.

**7. Agricultural Water Quality Management Area Rules:**

Permittee must comply with basin-specific Agriculture 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 of overland runoff. Active management of livestock and/or a livestock exclusion fence is needed to protect riparian areas and provide the required functions.

8. 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.
9. The permittee shall pass all live flow outside the storage season described above.
10. 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.
11. The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

12. 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.

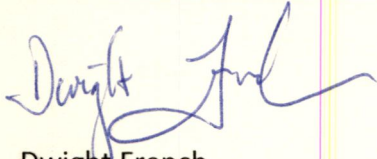
### **STANDARD CONDITIONS**

1. 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.
2. 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.
3. 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.

### **DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS**

1. 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.
2. 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.
3. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
4. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
5. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued OCT 01 2021



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

