

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PACIFIC FARMS CO, LLC  
PO BOX 1144  
DALLAS OR 97338

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

APPLICATION FILE NUMBER: R-89153

SOURCE OF WATER: RUNOFF, TRIBUTARY TO AN UNNAMED STREAM, AND AN UNNAMED STREAM,  
TRIBUTARY TO ASH SWALE

STORAGE FACILITY, VOLUME, AND MAXIMUM DAM HEIGHT:

Pond	Volume (Acre-Feet)	Dam Height (Feet)
1A	15.3	3.0
1B	2.9	1.2
2A	15.7	2.9
2B	1.7	2.5
2C	1.2	1.8
2D	1.0	1.8
3A	9.4	2.9
3B	0.7	1.9
3C	1.6	0.1
3D	1.1	0.8

PURPOSE OR USE OF THE STORED WATER: WETLAND ENHANCEMENT

MAXIMUM VOLUME: 50.6 ACRE-FEET

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

DATE OF PRIORITY: AUGUST 2, 2021

**DAM LOCATIONS:**

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Dam Height (feet)	Area (acres)
RESERVOIR 1A	6 S	5 W	WM	36	NW NW	125 FEET SOUTH AND 400 FEET EAST FROM NW CORNER, SECTION 36	3.0	10.92
RESERVOIR 1B	6 S	5 W	WM	36	NW NW	815 FEET SOUTH AND 405 FEET EAST FROM NW CORNER, SECTION 36	1.2	2.13
RESERVOIR 2A	6 S	5 W	WM	35	NE NE	715 FEET SOUTH AND 45 FEET WEST FROM NE CORNER, SECTION 35	2.9	4.69
RESERVOIR 2B	6 S	5 W	WM	35	NE NE	800 FEET SOUTH AND 380 FEET WEST FROM NE CORNER, SECTION 35	2.5	0.82
RESERVOIR 2C	6 S	5 W	WM	35	NE NE	940 FEET SOUTH AND 235 FEET WEST FROM NE CORNER, SECTION 35	1.8	0.99
RESERVOIR 2D	6 S	5 W	WM	35	NE NE	940 FEET SOUTH AND 650 FEET WEST FROM NE CORNER, SECTION 35	1.8	0.67
RESERVOIR 3A	6 S	5 W	WM	35	SE NE	1565 FEET SOUTH AND 175 FEET WEST FROM NE CORNER, SECTION 35	2.9	3.72
RESERVOIR 3B	6 S	5 W	WM	35	SE NE	1505 FEET SOUTH AND 355 FEET WEST FROM NE CORNER, SECTION 35	1.9	0.96
RESERVOIR 3C	6 S	5 W	WM	35	SE NE	2005 FEET SOUTH AND 395 FEET WEST FROM NE CORNER, SECTION 35	0.1	2.07
RESERVOIR 3D	6 S	5 W	WM	35	SE NE	1810 FEET SOUTH AND 680 FEET WEST FROM NE CORNER, SECTION 35	0.8	0.73

**THE AREA TO BE SUBMERGED BY THE RESERVOIRS:**

Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	35	NE NE
6 S	5 W	WM	35	SE NE
6 S	5 W	WM	36	NW NW
6 S	5 W	WM	36	SW NW

## 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. The watermaster may determine an alternate measuring device is suitable. If the Director notifies the permittee to install a measuring device, 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. **Fish Passage:**

The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of the state that are inhabited, or were historically inhabited, by native migratory fish (ORS 509.585) without obtaining approval for the artificial obstruction from the Oregon Department of Fish and Wildlife (ODFW).

The permittee shall submit a proposal for fish passage to ODFW or apply for a fish passage waiver or exemption. Approval of the proposed fish passage facility, waiver, or exemption shall be obtained **prior to construction** of any in-channel obstruction or **prior to diversion of water** that may create an artificial obstruction due to low flow. The permittee shall submit proof to ODFW that fish passage has been implemented per the plan, waiver, or exemption **prior to diversion of water**.

The permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.610) as per the approved plan, waiver, or exemption. The permittee is hereby directed to schedule a consultation with an ODFW Fish Passage Coordinator.

### 4. **Fish Screen:**

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional, and approved

in writing by ODFW **prior to diversion of any water**. The permittee shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screen Coordinator.

**5. Riparian Area Restoration:**

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.

**6. 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.

**7. Water Quality:**

All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not 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. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards. Permittee is responsible for obtaining any necessary state and federal permits.

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

The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

**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. 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 work must be supervised by the Engineer of Record for the project. 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, which includes a map and report, prepared by a Certified Water Rights Examiner.

**FEB 02 2024**

ISSUED \_\_\_\_\_



Katherine Ratcliffe  
Water Rights Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department