

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

D.S. PARKLANE DEVELOPMENT INC.  
10700 BEAVERTON-HILLSDALE HIGHWAY, SUITE 501  
PORTLAND, OREGON 97005

PHONE: (503) 350-0800

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

APPLICATION FILE NUMBER: S-81904

SOURCE OF WATER: SCOGGINS RESERVOIR, CONSTRUCTED UNDER PERMIT R-5777,  
TRIBUTARY TO SCOGGINS CREEK

PURPOSE OR USE: IRRIGATION OF 231.2 ACRES AND TO MAINTAIN 5 PONDS, TO BE  
CONSTRUCTED UNDER APPLICATION R-81905

MAXIMUM RATE/VOLUME ALLOWED: 552.5 ACRE-FEET FOR IRRIGATION AND POND  
MAINTENANCE FROM STORED WATER ONLY. POND MAINTENANCE SHALL BE  
FURTHER LIMITED TO NO MORE THAN 0.305 CUBIC FOOT PER SECOND (CFS), TO  
MAINTAIN 5 PONDS, BEING 0.169 CFS FOR POND 1, 0.086 CFS FOR POND 2, 0.02 CFS  
FOR POND 3, 0.015 CFS FOR POND 4, AND 0.015 CFS FOR POND 5

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR  
ROUND FOR POND MAINTENANCE OR AS FURTHER LIMITED BY CONTRACT WITH  
BUREAU OF RECLAMATION

DATE OF PRIORITY: JANUARY 30, 1997

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 16, T1S, R2W, W.M.; 2170  
FEET SOUTH AND 2400 FEET WEST FROM NE CORNER, SECTION 16

The amount of water used for irrigation under this right, together with the amount secured  
under any other right existing for the same lands, is limited to a diversion of 2.5 acre-feet for  
each acre irrigated during the irrigation season of each year.

ASSIGNED. See Misc. Rec., Vol. 8

Page 62

Application S-81904

Water Resources Department

PERMIT 53162

## THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4 7.1 ACRES

## SECTION 9

SW 1/4 SW 1/4 5.6 ACRES

## SECTION 10

SW 1/4 NE 1/4 22.1 ACRES

NE 1/4 NW 1/4 1.5 ACRES

NW 1/4 NW 1/4 33.4 ACRES

SW 1/4 NW 1/4 30.8 ACRES

SE 1/4 NW 1/4 33.5 ACRES

NE 1/4 SW 1/4 32.6 ACRES

NW 1/4 SW 1/4 7.6 ACRES

SE 1/4 SW 1/4 16.4 ACRES

NW 1/4 SE 1/4 27.4 ACRES

SW 1/4 SE 1/4 0.8 ACRE

## SECTION 15

NE 1/4 NE 1/4 5.9 ACRES

SE 1/4 NE 1/4 6.5 ACRES

## SECTION 16

TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter as approved by the Director. The permittee shall maintain the meter in good working order, shall keep a complete record of the rate and duty of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the permittee shall report general water use information, including the place and nature of use of water under the permit, in the report submitted to the Department.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Prior to the 1998 irrigation season, the permittee shall submit, to the Department, a Water Quality Management plan and implementation schedule. The plan and implementation schedule shall be developed in consultation with the Washington County Soil and Water Conservation District and shall at a minimum include the relevant elements under OAR 603-95-0140 and 603-95-0160. The plan shall specifically address water conservation and water use efficiency measures and pesticide and herbicide management.

Following the 1998 irrigation season the permittee shall provide annual reports on the implementation of the Water Quality Management Plan.

The use of water under this permit shall be subject to the terms and conditions of a valid contract between the permittee and the Bureau of Reclamation. Said contract shall be on file in the records of the water Resources Department.

All lands authorized under this permit shall be for primary irrigation, however, the transfer of underlying water rights must be completed prior to October 1, 2000, the date for complete application of water. If the transfer is not completed before this date, the lands under this permit with other existing water rights shall be made supplemental.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

The use may be restricted if the quality of the source stream, namely the Tualatin River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows resulting from diversions authorized under this permit.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

#### STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued May 14, 1997



Water Resources Department  
Director

Basin 02

Volume 19 TUALATIN R  
MGMT.CODE 1B

District 18

Application S-81904

Water Resources Department

PERMIT 53162