

STATE OF OREGON
COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FUJI ORCHARDS, INC.
323 NORTH EVANS
MILTON-FREEWATER, OREGON 97862

503-938-6645

to use the waters of ONE WELL in the GOODMAN SPRING BRANCH BASIN for IRRIGATION OF 185.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 134.2 ACRES.

This Permit is issued approving Application G-11954. The date of priority is AUGUST 21, 1989. The use is limited to not more than 3.34 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 NW 1/4, SECTION 3, T 5 N, R 35 E, W.M.; 2590 FEET SOUTH FROM NW CORNER, SECTION 3.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. This permit shall be limited to any deficiency in the available supply of any prior permit for the same land and shall not exceed the limitation allowed herein.

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

The permit is further conditioned as follows:

- 1) Use of water from any well, as allowed herein, shall be regulated if any such well displays:
 - a) An average water level decline of four (4) or more feet per year for five (5) consecutive years; or
 - b) A water level decline of twenty (20) or more feet in fewer than five (5) consecutive years, or
 - c) A water level decline of twenty-five (25) or more feet, or
 - d) An hydraulic interference decline of twenty-five (25) or more feet in any neighboring well providing water for uses exempt from permit requirements or wells covered by prior rights.
- 2) Use of water from any well, as allowed herein, shall not commence until the initial water levels are determined at each well.
- 3) The Water Resources Director shall determine the initial and subsequent water levels from which the previously cited declines are referenced. As much as possible, those levels shall reflect annual high levels which are usually found in the spring of each year.

A description of the proposed place of use under the permit is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NW 1/4	5.7 ACRES	34.3 ACRES
SW 1/4 NW 1/4	22.5 ACRES	17.3 ACRES
NW 1/4 SW 1/4	35.2 ACRES	4.8 ACRES
SW 1/4 SW 1/4	40.0 ACRES	
SECTION 3		
NE 1/4 NE 1/4	6.2 ACRES	33.5 ACRES
NW 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NE 1/4	34.2 ACRES	5.8 ACRES
SE 1/4 NE 1/4	1.5 ACRES	38.5 ACRES
SECTION 4		
TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.		

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before MARCH 23, 1991, and shall be completed on or before October 1, 1991. Complete application of the water to the use shall be made on or before October 1, 1992.

cont. 10-1-93, 10-1-94

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 granted herein may be made only at times when sufficient water is available to satisfy all prior rights.

Issued this date, MARCH 23, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
 William H. Young
 Director