

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KYOTARU OF AMERICA
500 HAWTHORNE SE
SALEM, OREGON 97301

503-585-1611

to use the waters of ONE WELL in the MILL CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 8.95 ACRES.

This permit is issued approving Application G-12230. The date of priority is SEPTEMBER 14, 1990. The use is limited to not more than 0.112 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, SECTION 36, T 7 S, R 3 W, W.M.; 2950 FEET NORTH AND 140 FEET WEST FROM NW CORNER DLC 39.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

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

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

NE 1/4 NE 1/4 8.95 ACRES
SECTION 36
TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M.

The use of water under this permit for supplemental irrigation of lands having an existing right does not in anyway relinquish any right to surface water under Certificate 54286.

By issuance of this permit, authority to use water under Certificate 54286 from the well to the extent that the use does not interfere with any prior right is hereby approved.

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a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

ASSIGNED. See Misc. Rec., Vol. 8 Page 152

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before February 3, 1993 , and shall be completed on or before October 1, 1994. Complete application of the water shall be made on or before October 1, 1995.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 shall be limited when it interferes with any prior surface or ground water rights.

Issued this date, February 3, 1992.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director