

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ULUPALAKUA RANCH INC.  
PO BOX 901  
ULUPALAKUA, MAUI, HI 96790

(808) 878-1202

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14150

SOURCE OF WATER: A WELL IN CROOKED RIVER BASIN

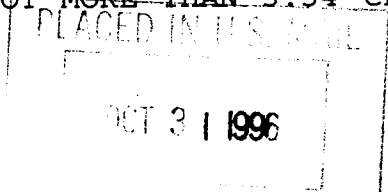
PURPOSE OR USE OF WATER: IRRIGATION OF 270.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 268.6 ACRES

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND (CFS) TOTAL, BEING NOT MORE THAN 3.05 CFS FOR PRIMARY IRRIGATION, AND NOT MORE THAN 3.34 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: AUGUST 11, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 19, T15S, R16E, W.M.; 125 FEET SOUTH AND 60 FEET EST FROM THE NW CORNER OF SECTION 19



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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	7.1 ACRES	
SE 1/4 SE 1/4	16.9 ACRES	13.0 ACRES
SECTION 13		
NE 1/4 NE 1/4	10.4 ACRES	27.2 ACRES
NW 1/4 NE 1/4	31.5 ACRES	6.2 ACRES
SW 1/4 NE 1/4	16.4 ACRES	16.0 ACRES
SE 1/4 NE 1/4	5.2 ACRES	34.1 ACRES
NE 1/4 SE 1/4	20.0 ACRES	21.4 ACRES
NW 1/4 SE 1/4	25.3 ACRES	1.6 ACRES
SW 1/4 SE 1/4	28.3 ACRES	
SE 1/4 SE 1/4	13.9 ACRES	29.8 ACRES
SECTION 24		

NE 1/4 NE 1/4	2.1 ACRES	
NW 1/4 NE 1/4	20.2 ACRES	
SECTION 25		
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.		
SW 1/4 NW 1/4	0.6 ACRE	
SE 1/4 NW 1/4	0.8 ACRE	
NE 1/4 SW 1/4	0.1 ACRE	
NW 1/4 SW 1/4	12.2 ACRES	
SW 1/4 SW 1/4	12.9 ACRES	
SECTION 18		
NW 1/4 NE 1/4	3.3 ACRES	
NE 1/4 NW 1/4	23.1 ACRES	10.8 ACRES
NW 1/4 NW 1/4	19.7 ACRES	18.8 ACRES
SW 1/4 NW 1/4		32.7 ACRES
SE 1/4 NW 1/4		7.3 ACRES
NW 1/4 SW 1/4		30.8 ACRES
SW 1/4 SW 1/4		18.5 ACRES
SECTION 19		
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount 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 Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

#### STANDARD CONDITIONS

The wells 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.

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

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.

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.

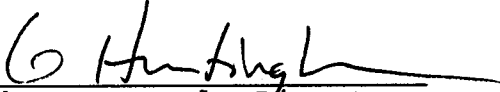
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued October 28, 1996

BCØS



Martha O. Pagel, Director  
Water Resources Department