

STATE OF OREGON

COUNTY OF TILLAMOOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MISTVALE FARM INC.

MARION FLETCHER

3513 TWELFTH STREET

(503) 842-7200

TILLAMOOK, OREGON 97141

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

APPLICATION FILE NUMBER: G-14868

SOURCE OF WATER: A WELL IN TRASK RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 178.8 ACRES AND AGRICULTURAL USE FOR A DAIRY

MAXIMUM RATE: 1.11 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR ROUND FOR AGRICULTURAL USE

DATE OF PRIORITY: NOVEMBER 16, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 31, T1S, R9W, W.M.; 580 FEET SOUTH & 490 FEET WEST FROM NE CORNER, SECTION 31

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4 0.3 ACRE

SECTION 30

NE 1/4 NE 1/4 33.5 ACRES

SE 1/4 NE 1/4 39.7 ACRES

SECTION 31

NE 1/4 NW 1/4 15.6 ACRES
NW 1/4 NW 1/4 33.8 ACRES
SW 1/4 NW 1/4 36.6 ACRES
SE 1/4 NW 1/4 16.0 ACRES
NE 1/4 SW 1/4 3.3 ACRES

SECTION 32

TOWNSHIP 1 SOUTH, RANGE 9 WEST, 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

Back siphon prevention equipment, as outlined in OAR 690-215-017, shall be installed on any water system connected to a ground water source when manure, fertilizers, or any other chemical is applied through that system.

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

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.

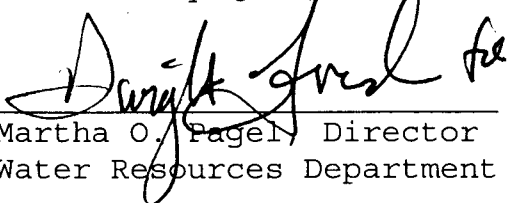
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by June 18, 2000. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued July 30, 1999


Martha O. Pagel, Director
Water Resources Department