

STATE OF OREGON

COUNTY OF WASCO

PERMIT TO APPROPRIATE THE PUBLIC WATERS

JOHN W. PHILLIPS
V.P. OF DAYL ANN'S CHERRY LANE, INC
660 CARROL ROAD
MOSIER, OREGON 97040

503-478-3583

is hereby issued a permit to use the waters from MOSIER CREEK, a tributary of COLUMBIA RIVER, for FROST PROTECTION. The permit to the use of these waters is issued under Application 69528 with a date of priority of JANUARY 7, 1988. The permit is limited to not more than 0.89 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

NE 1/4 NE 1/4, Section 12, T 2 N, R 11 E, WM;
820 FEET SOUTH & 1290 FEET WEST FROM NE CORNER, SECTION 12.

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The permittee shall record and submit annually to the Water Resources Department all pertinent data pertaining to use of water for temperature control on forms furnished by the department.

In addition, the pump intake must be screened to meet Oregon Department of Fish and Wildlife's fish screening criteria and in order to be in compliance with ORS 498.248.

The place of use is as follows:

	ACRES	1/41/4	SECTION	TOWNSHIP	RANGE, WM
FROST PROT	14.40	NE NE	12	2 N	11 E
FROST PROT	0.10	NW NE	12	2 N	11 E
FROST PROT	5.00	NW NW	7	2 N	12 E

Total: 19.50 acres.

Actual construction work shall begin on or before January 31, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

"CERTIFICATE NO. 72358

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This permit is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

Issued this date, January 31, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director