

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BENJAMIN A. AND REBECCA L. FLUGSTAD
2700 SW REDMOND HILL ROAD
McMINNVILLE, OREGON 97128

503-472-2674

to use the waters of AN UNNAMED STREAM AND FLUGSTAD RESERVOIR, to be constructed under Application R-70226, Permit R-11239, tributaries of COZINE CREEK, for IRRIGATION OF 35.9 ACRES.

This Permit is issued approving Application 70227. The date of priority is MARCH 8, 1990 FOR 0.225 CFS AND JULY 11, 1990 FOR 0.225 CFS. The use is limited to not more than 0.45 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

During the period August 1 through October 31 each year, use of direct flow from the unnamed stream is not allowed. This limitation does not apply to the use of waters legally stored in Flugstad Reservoir.

The points of diversion are located as follows:

SE 1/4 SE 1/4, SECTION 24, T 4 S, R 5 W, W.M.; STREAM - 620 FEET NORTH AND 860 FEET WEST; RESERVOIR - 615 FEET NORTH AND 833 FEET WEST, BOTH FROM SE CORNER, SECTION 24.

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 from direct flow and storage.

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 this Permit is as follows:

NE 1/4 SE 1/4 5.8 ACRES
NW 1/4 SE 1/4 4.8 ACRES
SW 1/4 SE 1/4 11.6 ACRES
SE 1/4 SE 1/4 13.7 ACRES

SECTION 24
TOWNSHIP 4 SOUTH, RANGE 5 WEST, W.M.

Actual construction work shall begin on or before AUGUST 6, 1991, and shall be completed on or before October 1, 1992. Complete application of the water to the use shall be made on or before October 1, 1993.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued this date, AUGUST 6, 1990.

 /s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director