

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EUGENE BERNARDS
5000 NW WESTSIDE ROAD
MCMINNVILLE, OREGON 97128

503-472-5283

to use the waters of AN UNNAMED STREAM, PANTHER CREEK, AND A UNNAMED RESERVOIR, to be constructed under Application R-70282, Permit R-11457, tributaries of NORTH YAMHILL RIVER, for IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 95.0 ACRES AND RECREATION.

This Permit is issued approving Application 70283. The date of priority is APRIL 9, 1990. The use is limited to not more than 1.18 CUBIC FEET PER SECOND FROM UNNAMED STREAM WITH ANY DEFICIENCY IN THE SUPPLY TO BE APPROPRIATED FROM PANTHER CREEK FROM MARCH 1 TO APRIL 30, AND 8.5 ACRE-FEET OF STORED WATER ONLY FROM RESERVOIR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 NW 1/4, SECTION 4, T 4 S, R 4 W, W.M.; PANTHER CREEK - 1200 FEET NORTH AND 370 FEET EAST; UNNAMED STREAM - 880 FEET NORTH AND 540 FEET EAST, BOTH FROM W 1/4 CORNER, SECTION 4.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

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.

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:

- * PRIMARY FROM CREEK/SUPPLEMENTAL FROM RESERVOIR
- ** SUPPLEMENTAL FROM RESERVOIR ONLY

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NW 1/4	8.9 ACRES	16.1 ACRES
SE 1/4 NW 1/4	3.6 ACRES	0.4 ACRES
NW 1/4 SW 1/4	27.0 ACRES	10.0 ACRES
SECTION 4		
SE 1/4 NE 1/4	2.8 ACRES	10.3 ACRES
NE 1/4 SE 1/4	13.4 ACRES	2.5 ACRES
SECTION 5		
TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.		

Actual construction work shall begin on or before June 1, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use 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 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 prior rights for maintaining instream flows.

Issued this date, JUNE 1, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director