

STATE OF OREGON

COUNTY OF Yamhill

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS J. SCHMIDT  
13940 SW HIGHWAY 18  
MCMINNVILLE, OREGON 97128

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

APPLICATION FILE NUMBER: S-70187

SOURCE OF WATER: SOUTH YAMHILL RIVER AND AN UNNAMED RESERVOIR CONSTRUCTED UNDER APPLICATION R-70270, PERMIT R-11583, TRIBUTARIES OF YAMHILL RIVER

PURPOSE OR USE: IRRIGATION OF 154.4 ACRES

MAXIMUM FLOW: 1.23 CUBIC FEET PER SECOND FROM LIVE FLOW AND 9.2 ACRE- FEET STORED WATER ONLY

SEASON OF USE: April 1 through April 30 for live flow. Stored water from the unnamed reservoir may be appropriated during the period April 1 through September 30

DATE OF PRIORITY: February 5, 1990

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 6, T 5 S, R 4 W, W.M.; 3800 FEET SOUTH & 1450 FEET EAST FROM NW CORNER, SECTION 6

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:

NE 1/4 NW 1/4 14.5 ACRES  
NW 1/4 NW 1/4 19.0 ACRES  
SW 1/4 NW 1/4 38.8 ACRES  
SE 1/4 NW 1/4 22.0 ACRES  
NE 1/4 SW 1/4 8.5 ACRES  
NW 1/4 SW 1/4 12.1 ACRES

SECTION 6

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

SE 1/4 NE 1/4 34.0 ACRES  
NE 1/4 SE 1/4 5.5 ACRES

SECTION 1

TOWNSHIP 5 SOUTH, RANGE 5 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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications. The required screens and by-pass devices are to be inspected by an ODFW representative prior to the diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the South Yamhill River.

#### STANDARD CONDITIONS

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

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.

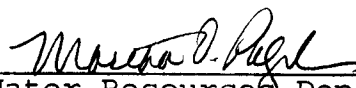
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

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 work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued October 17, 1995

  
 Water Resources Department  
 Martha O. Pagel  
 Director