

STATE OF OREGON  
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS  
4120 LOCUST RD.  
CANBY, OREGON 97013

PHONE: (503) 263-6066

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

APPLICATION FILE NUMBER: S-73837

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARIES TO THE WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 101.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 167.84 ACRES

VOLUME OF ALLOWED USE: 324.92 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 21, T3S, R1E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 SW 1/4	8.10 ACRES	13.60 ACRES
SW 1/4 SE 1/4	1.30 ACRES	13.00 ACRES
SECTION 20		
NE 1/4 SW 1/4	15.60 ACRES	
SW 1/4 SW 1/4	8.00 ACRES	
SE 1/4 SW 1/4	15.40 ACRES	
SW 1/4 SE 1/4	1.00 ACRE	
SECTION 21		
SW 1/4 NE 1/4	20.00 ACRES	
NW 1/4 NW 1/4		29.40 ACRES
SW 1/4 NW 1/4	14.80 ACRES	2.60 ACRES
SECTION 28		

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NE 1/4 NE 1/4		31.50 ACRES
NW 1/4 NE 1/4		22.20 ACRES
SW 1/4 NE 1/4		16.20 ACRES
SE 1/4 NE 1/4	17.10 ACRES	14.54 ACRES
NE 1/4 NW 1/4	0.10 ACRE	20.40 ACRES
SE 1/4 NW 1/4		4.40 ACRES

SECTION 29  
TOWNSHIP 3 SOUTH, RANGE 1 EAST, 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1027, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.

The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

#### 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, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued this date, April 18, 1996

*Martha O. Page*  
for Martha O. Page, Director  
Water Resources Department

AMENDED by special order

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