

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FRANK F. RAND JR.  
DOUBLE EAGLE RANCH  
PO BOX 277  
YAMHILL, OREGON 97148

(503) 357-2029

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

APPLICATION FILE NUMBER: S-72543

SOURCE OF WATER: PONDS #1 & #2, CONSTRUCTED UNDER PERMIT R-1517, AND #3 AND #4 CONSTRUCTED AND ENLARGED UNDER APPLICATION R-72542, PERMIT R-11801, TRIBUTARIES OF STAG HOLLOW CREEK

PURPOSE OR USE: LIVESTOCK WATERING USE, WILDLIFE USE, RECREATION USE AND SUPPLEMENTAL IRRIGATION USE ON 39.8 ACRES

RATE/VOLUME: 13.30 ACRE-FEET (AF) OF STORED WATER ONLY, BEING 4.80 AF FROM POND #1 FOR SUPPLEMENTAL IRRIGATION USE, 0.50 AF FROM POND #1 FOR LIVESTOCK WATERING USE, AND 1.00 AF FROM POND #1 FOR RECREATION USE, 1.05 AF FROM POND #2 FOR SUPPLEMENTAL IRRIGATION USE, 2.45 AF FROM POND #2 FOR LIVESTOCK WATERING USE, 1.00 AF FROM POND #3 FOR LIVESTOCK WATERING USE, 0.50 AF FROM POND #4 FOR LIVESTOCK WATERING USE, AND 2.00 AF FROM POND #4 FOR RECREATION USE

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION USE AND RECREATION USE; YEAR ROUND FOR LIVESTOCK WATERING USE

DATE OF PRIORITY: July 8, 1992

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 36, T2S, R4W, W.M.; NW 1/4 NE 1/4, SW 1/4 NE 1/4, SECTION 1, T3S, R4W, W.M.; POD #1 - 820 FEET SOUTH & 2550 FEET WEST, POD #2 - 1270 FEET NORTH & 3150 FEET WEST, POD #3 - 1600 FEET SOUTH & 1800 FEET WEST, POD #4 - 1225 FEET NORTH & 1700 FEET WEST, ALL FROM THE SE CORNER OF SECTION 36

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 stored water only for each acre irrigated during the irrigation season of each year.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 4.0 ACRES & LIVESTOCK  
SE 1/4 SW 1/4 7.4 ACRES & LIVESTOCK

SECTION 36

TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

NE 1/4 NW 1/4 9.6 ACRES & LIVESTOCK  
NW 1/4 NW 1/4 18.8 ACRES & LIVESTOCK

SECTION 1

TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. 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.

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 upstream fish ways, 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 upstream fish ways and screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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 the 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.

#### 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.

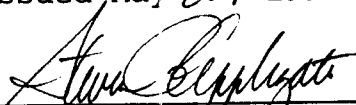
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 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 May 20, 1996

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