

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICKREALL DAIRY, L.L.C.
8845 RICKREALL RD
RICKREALL, OREGON 97371-9701

(503) 623-8422

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-80537

SOURCE OF WATER: WASTEWATER AND THREE RESERVOIRS, TO BE CONSTRUCTED UNDER APPLICATION R-80536, PERMIT R-12122, TRIBUTARIES OF BASKETT SLOUGH. ALL USE IS FROM STORAGE OR WASTEWATER ONLY FROM DAIRY OPERATIONS. NO LIVE FLOW IS ALLOWED UNDER THE TERMS OF THIS PERMIT.

PURPOSE OR USE: PRIMARY IRRIGATION OF 259.0 ACRES, SUPPLEMENTAL IRRIGATION OF 112.6 ACRES, AND DAIRY OPERATIONS

AMOUNT/VOLUME OF WATER ALLOWED: 6.68 CUBIC FEET PER SECOND (CFS) TOTAL FROM WASTEWATER FOR DAIRY OPERATIONS, BEING NOT MORE THAN 6.68 CFS FROM EITHER RESERVOIR A OR RESERVOIR B; AND 205.05 ACRE-FEET (AF) PER YEAR FROM STORED WATER FOR IRRIGATION, BEING 157.5 AF FROM RESERVOIR A, 1.55 AF FROM RESERVOIR B, AND 46.0 AF FROM RESERVOIR C

PERIOD OF ALLOWED USE: YEAR ROUND FOR DAIRY OPERATION; MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: JULY 20, 1995

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 28, NW 1/4 SW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SECTION 29, T7S, R4W, W.M.; DIV. A - 1150 FEET NORTH AND 625 FEET EAST, DIV. B - 1125 FEET NORTH AND 775 FEET EAST, DIV. C - 550 FEET NORTH AND 200 FEET EAST, ALL FROM THE NW CORNER OF SAMUEL BURCH DLC 47; DIV. D - 2400 FEET NORTH AND 300 FEET EAST FROM THE NE CORNER OF SAMUEL BURCH DLC 47

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NW 1/4	25.0 ACRES	
SW 1/4 NW 1/4	35.0 ACRES	
NW 1/4 SW 1/4	1.0 ACRE	

SECTION 28

Application S-80537

Water Resources Department

PERMIT 53034

NE 1/4 NE 1/4	19.2 ACRES	4.8 ACRES
NW 1/4 NE 1/4	8.5 ACRES	9.5 ACRES
SW 1/4 NE 1/4	24.5 ACRES	12.7 ACRES
SE 1/4 NE 1/4	34.0 ACRES	4.9 ACRES
NE 1/4 NW 1/4	2.0 ACRES	27.0 ACRES
NW 1/4 NW 1/4		3.7 ACRES
SW 1/4 NW 1/4		10.2 ACRES
SE 1/4 NW 1/4	3.0 ACRES	34.0 ACRES
NE 1/4 SW 1/4	30.2 ACRES	5.8 ACRES
SE 1/4 SW 1/4	7.6 ACRES	
NE 1/4 SE 1/4	19.0 ACRES	
NW 1/4 SE 1/4	40.0 ACRES	
SW 1/4 SE 1/4	6.0 ACRES	
SE 1/4 SE 1/4	4.0 ACRES	

SECTION 29

TOWNSHIP 7 SOUTH, RANGE 4 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, 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.

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

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.

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

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.

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.

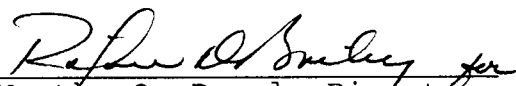
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 December 12, 1996


Martha O. Pagel, Director
Water Resources Department

Application S-80537 Water Resources Department
Basin 02 Volume 10, Rickreall Creek & Misc.

PERMIT 53034
District 16