

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LARRY DUTTON
CHERYL DUTTON
17100 SE NECK RD
DAYTON, OREGON 97114

(503) 864-2004

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

APPLICATION FILE NUMBER: S-70477

SOURCE OF WATER: YAMHILL RIVER, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 72.1 ACRES AND FROST PROTECTION ON 5.0 ACRES

RATE OF USE: 0.90 CFS, BEING 0.90 CFS FOR IRRIGATION AND 0.75 CFS FOR FROST PROTECTION

PERIODS OF ALLOWED USE: IRRIGATION: MARCH 1 THROUGH OCTOBER 31
FROST PROTECTION: YEAR-ROUND

DATE OF PRIORITY: July 13, 1990

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 16, T 4 S, R 3 W, W.M.; 950 FEET NORTH & 1980 FEET WEST FROM SE CORNER, SECTION 16

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>IRRIGATION</u>	<u>FROST</u>
SW 1/4 SE 1/4 SECTION 16	19.2 ACRES	5.0 ACRES
NW 1/4 NE 1/4	32.8 ACRES	
SW 1/4 NE 1/4	13.2 ACRES	
NE 1/4 NW 1/4	3.2 ACRES	
SE 1/4 NW 1/4	3.7 ACRES	
SECTION 21		

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

Application S-70477

Water Resources Department

PERMIT S-53072

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.

For the purposes of water use regulation, for the period May 1 to October 31 of each year, this water right shall be subordinate to Instream Water Right Certificate 72968 which establishes a water right for 31.7 cfs in the Yamhill River from River Mile 5 to the mouth of the Yamhill River.

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 screen is to be in place and functional prior to diversion of any water.

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.

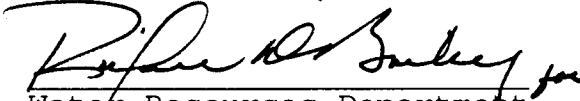
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued *February 5*, 1997


Water Resources Department
Martha O. Pagel
Director