

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LAWRENCE DUYCK
11220 NW ROY ROAD
BANKS, OREGON 97106

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

APPLICATION FILE NUMBER: S-71305

SOURCE OF WATER: AN UNNAMED STREAM, EAST FORK DAIRY CREEK, AND DUYCK RESERVOIR, CONSTRUCTED UNDER PERMIT R-12633 TRIBUTARIES OF DAIRY CREEK

PURPOSE OR USE: IRRIGATION OF 44.4 ACRES FROM UNNAMED STREAM AND EAST FORK DAIRY CREEK, SUPPLEMENTAL IRRIGATION OF 61.1 ACRES FROM EAST FORK DAIRY CREEK, AND SUPPLEMENTAL IRRIGATION OF 105.5 ACRES FROM STORED WATER ONLY

MAXIMUM RATE: 0.555 CUBIC FOOT PER SECOND AS FURTHER LIMITED BELOW AND 8.63 ACRE-FEET

The irrigation of lands from live flow under this permit is limited to a maximum rate of 0.555 cfs. The maximum rate for this permit combined with that authorized under certificate 37475 shall not exceed a maximum cumulative total diversion rate of 1.04 cfs or a lesser amount if the above named certificate is superseded by a certificate issued for less than the currently authorized amount of 0.76 cfs.

PERIOD OF USE: MARCH 1 THROUGH JULY 31 FROM LIVE FLOW. MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER FOR SUPPLEMENTAL IRRIGATION OF 44.4 ACRES. MAY 1 THROUGH SEPTEMBER 30 FOR SUPPLEMENTAL IRRIGATION OF 61.1 ACRES.

DATE OF PRIORITY: FEBRUARY 19, 1991

POINT OF DIVERSION LOCATION: FOR LIVE FLOW DIVERSION POINTS #1 & #2, STORED WATER FROM DIVERSION POINT #2 ONLY. SE 1/4 SW 1/4, SECTION 26, T2N, R3W, W.M.: #1 - 330 FEET NORTH & 1400 FEET EAST; #2 - 725 FEET NORTH & 2040 FEET EAST, BOTH FROM SW CORNER, SECTION 26

Application S-71305 Water Resources Department

PERMIT 53547

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>LIVE FLOW</u> <u>E FK DAIRY CR</u> <u>AND UNNAMED</u> <u>STREAM</u> <u>MAR - JUL</u> | <u>SUPPLEMENTAL</u> <u>LIVE FLOW</u> <u>E FK DAIRY CR</u> <u>MAR - JUL</u> | <u>SUPPLEMENTAL</u> <u>STORED</u> <u>WATER</u> <u>MAR-OCT</u> | <u>SUPPLEMNTL</u> <u>STORED</u> <u>WATER</u> <u>MAY-SEPT</u> |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------|
| NE 1/4 SW 1/4 | 5.8 ACRES | | 5.8 ACRES | |
| SE 1/4 SW 1/4 | 26.0 ACRES | 7.2 ACRES | 26.0 ACRES | 7.2 ACRES |
| NW 1/4 SE 1/4 | 0.9 ACRES | | 0.9 ACRES | |
| SW 1/4 SE 1/4 | 11.7 ACRES | 7.7 ACRES | 11.7 ACRES | 7.7 ACRES |
| SECTION 26 | | | | |
| NW 1/4 NE 1/4 | | 11.4 ACRES | | 11.4 ACRES |
| SW 1/4 NE 1/4 | | 1.6 ACRES | | 1.6 ACRES |
| NE 1/4 NW 1/4 | | 27.8 ACRES | | 27.8 ACRES |
| SE 1/4 NW 1/4 | | 5.4 ACRES | | 5.4 ACRES |
| SECTION 35 | | | | |
| TOWNSHIP 2 NORTH, RANGE 3 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 may be required in the future and shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

For lands listed as supplemental irrigation 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 certificate 37475 shall not exceed 1.04 cfs.

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.

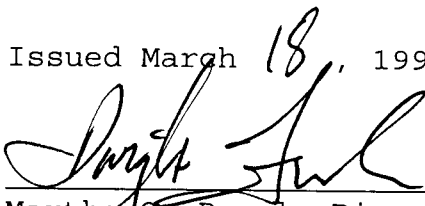
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by March *15*, 2000. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued March *18*, 1999



Martha O. Pagel, Director
Water Resources Department