

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WALTER J. HUMBERT
EASTSIDE ORCHARDS
54107 BIRCH CREEK ROAD
MILTON FREEWATER, OREGON 97862

PHONE: (541) 938-5778

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

APPLICATION FILE NUMBER: S-83751

SOURCE OF WATER: WALLA WALLA RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE OR USE: FROST PROTECTION ON 7.0 ACRES

MAXIMUM RATE ALLOWED: 0.78 CUBIC FOOT PER SECOND (CFS) IN MARCH AND 0.29 CFS IN APRIL

PERIOD OF USE: MARCH 1 THROUGH APRIL 14

DATE OF PRIORITY: JANUARY 12, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 24, T6N, R35E, W.M.;
560 FEET NORTH & 920 FEET EAST FROM SE CORNER, SECTION 24

The amount of water used for TEMPERATURE CONTROL is limited to a diversion of 0.15 cubic foot per second per acre.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4 7.0 ACRES
SECTION 24
TOWNSHIP 6 NORTH, RANGE 35 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

Application S-83751 Water Resources Department

PERMIT 53618

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.

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.

The use of water allowed under this permit may be made only when the flows measured at or near the point of diversion exceed 132 cfs.

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

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.

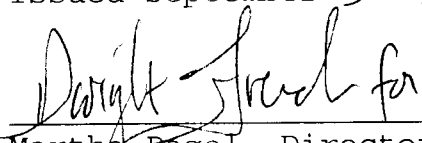
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 January 12, 2000. Complete application of the 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 September 30, 1999



Martha Pagel, Director
Water Resources Department