

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SCHARF BROTHERS FARMS
JOHN E. SCHARF
9950 BETHEL ROAD
AMITY, OREGON 97101

(503)835-6445

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

APPLICATION FILE NUMBER: S-84168

SOURCE OF WATER: RESERVOIR 1 CONSTRUCTED UNDER PERMIT R-5319 AND
RESERVOIR 2 CONSTRUCTED UNDER PERMIT R-6543, TRIBUTARIES OF SALT CREEK

PURPOSE OR USE: IRRIGATION OF 722.2 ACRES

MAXIMUM VOLUME ALLOWED: 65.3 ACRE-FEET (AF) PER YEAR, BEING 29.5 AF IN
RESERVOIR 1 AND 35.8 AF IN RESERVOIR 2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 9, 1999

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SW 1/4 SW 1/4, SECTION 15,
T6S, R5W, W.M.; RESERVOIR 1 - 680 FEET NORTH AND 1590 FEET WEST FROM THE
S 1/4 CORNER SECTION 15; RESERVOIR 2 - 1970 FEET NORTH & 600 FEET EAST
FROM SW CORNER, SECTION 15

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:

SE 1/4 SW 1/4 3.0 ACRES

SW 1/4 SE 1/4 5.1 ACRES

SE 1/4 SE 1/4 5.5 ACRES

SECTION 8

SW 1/4 SW 1/4 5.3 ACRES

SE 1/4 SW 1/4 3.5 ACRES

SECTION 9

SW 1/4 NW 1/4 12.5 ACRES
 NW 1/4 SW 1/4 6.7 ACRES
 SW 1/4 SW 1/4 1.1 ACRES

SECTION 14

SE 1/4 NE 1/4 40.0 ACRES
 SW 1/4 NW 1/4 8.6 ACRES
 NE 1/4 SW 1/4 33.9 ACRES
 NW 1/4 SW 1/4 27.1 ACRES
 SW 1/4 SW 1/4 15.9 ACRES
 SE 1/4 SW 1/4 4.1 ACRES
 NE 1/4 SE 1/4 30.5 ACRES
 NW 1/4 SE 1/4 25.8 ACRES
 SW 1/4 SE 1/4 19.1 ACRES
 SE 1/4 SE 1/4 2.7 ACRES

SECTION 15

NW 1/4 NE 1/4 3.9 ACRES
 SW 1/4 NE 1/4 4.2 ACRES
 SE 1/4 NE 1/4 13.8 ACRES
 NE 1/4 NW 1/4 18.0 ACRES
 NW 1/4 NW 1/4 27.3 ACRES
 SW 1/4 NW 1/4 8.3 ACRES
 SE 1/4 NW 1/4 2.8 ACRES
 NE 1/4 SW 1/4 17.7 ACRES
 NW 1/4 SW 1/4 40.0 ACRES
 SW 1/4 SW 1/4 33.5 ACRES
 SE 1/4 SW 1/4 15.4 ACRES
 NE 1/4 SE 1/4 0.3 ACRES

SECTION 16

NE 1/4 NE 1/4 40.0 ACRES
 NW 1/4 NE 1/4 40.0 ACRES
 SW 1/4 NE 1/4 40.0 ACRES
 SE 1/4 NE 1/4 40.0 ACRES
 NE 1/4 NW 1/4 22.7 ACRES
 SE 1/4 NW 1/4 22.8 ACRES
 NE 1/4 SW 1/4 10.9 ACRES
 NE 1/4 SE 1/4 31.4 ACRES
 NW 1/4 SE 1/4 19.0 ACRES
 SE 1/4 SE 1/4 19.8 ACRES

SECTION 17

TOWNSHIP 6 SOUTH, RANGE 5 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.

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.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before 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 March 3, 2001. Complete application of the water to the use shall be made on or before October 1, 2004. 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 3, 2000


Martha O. Pagel, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.