

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY OF OREGON
9615 GRAND RONDE RD
GRAND RONDE, OREGON 97347

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

APPLICATION FILE NUMBER: S-85070

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

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 0.512 CUBIC FOOT PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH MARCH 31

DATE OF PRIORITY: MARCH 7, 2002

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 17, T6S, R7W, W.M.; SOUTH
61° 42' 20" WEST 2703 FEET FROM THE SE CORNER OF DLC 57

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SECTION ALIQUOT PARTS

30 W $\frac{1}{2}$
31 ALL
32 W $\frac{1}{2}$

TOWNSHIP 5 SOUTH, RANGE 6 WEST, W.M.

SECTION ALIQUOT PARTS

27 ALL
28 ALL
30 - 36 ALL

TOWNSHIP 5 SOUTH, RANGE 7 WEST, W.M.

SECTION ALIQUOT PARTS

25 ALL
 29 - 36 ALL
 TOWNSHIP 5 SOUTH, RANGE 8 WEST, W.M.

SECTION ALIQUOT PARTS

5 W ½
 6 ALL
 7 ALL
 8 W ½
 15 - 22 ALL
 27 - 29 ALL
 32 - 34 ALL
 TOWNSHIP 6 SOUTH, RANGE 6 WEST, W.M.

SECTION ALIQUOT PARTS

1 - 18 ALL
 21 - 28 ALL
 TOWNSHIP 6 SOUTH, RANGE 7 WEST, W.M.

SECTION ALIQUOT PARTS

1 - 3 ALL
 4 N ½
 4 N ½ S ½
 5 N ½
 5 N ½ S ½
 6 E ½ NE ¼
 6 NE ¼ SE ¼
 10-15 ALL
 TOWNSHIP 6 SOUTH, RANGE 8 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a flow 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.

If the flows in the South Yamhill River fall below flows designated by instream water right certificate #59461 (150 CFS during October and 200 CFS during November through March) the use of water from live flow shall be reduced to human consumption and shall be further limited to a maximum rate of 100 gallons per minute. Irrigation during such times shall be allowed from reclaimed water only.

Prior to any use of water during the month of October, the permittee shall implement a mitigation plan which includes the following elements:

The permittee shall transfer irrigation rights of not less than 16.2 acres of irrigation to the South Yamhill River from June 1 through July 31 of each year. The instream flow shall be provided at or above river mile 16.5. The right(s) to be transferred shall have a priority date of 1975 or earlier.

The permittee shall maintain conservation measures at the primary place of use of at least their current level, including the utilization of reclaimed water and use of water-conserving fixtures.

The permittee shall cease the daily use of water delivered from the Grand Ronde Community Water Association (GRCWA) at the primary place of use. The permittee shall maintain an intertie with GRCWA's system to allow the delivery of water between the permittee and the GRCWA to meet emergency or short duration needs of each entity.

For the purpose of enforcing these conditions, the "primary place of use" is designated as follows: Polk County Assessor Map 6.7.8C, Lots 1100, 1200, 1300, 1400, and 1500; Map 6.7.17, Lots 801, 802, 803, and 1001; and Map 6.7.18, Lot 101. These tax lots were accurate as of the date the application was filed. A map of this area is located in the application file.

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.

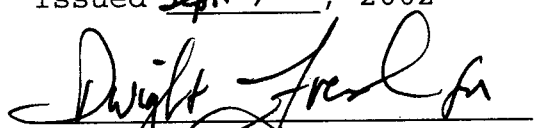
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

Complete application of the water to the use shall be made no later than five years from the date of permit issuance. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 Sept. 16, 2002


 Paul R. Cleary, Director
 Water Resources Department

REAL ESTATE TRANSACTIONS: 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

Application S-85070 Water Resources Department
 Basin 02 Volume 11 ROWELL CR & MISC
 engelcc WEEK 350

PERMIT 53832

purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



Application S-85070
Basin 02
engelcc WEEK 350

Water Resources Department
Volume 11 ROWELL CR & MISC

PERMIT 53832