

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RENEWABLE RESOURCES INC.
DANIEL EKENBARGER
PO BOX 1111
CANBY, OREGON 97013

(503) 951-1847

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

APPLICATION FILE NUMBER: S-84800

SOURCE OF WATER: UNNAMED STREAMS, TRIBUTARIES OF ROCK CREEK AND DRESCHER CREEK, A TRIBUTARY OF BUTTE CREEK

PURPOSE OR USE: AGRICULTURAL (WORM HARVESTING)

MAXIMUM RATE: 0.79 CUBIC FOOT PER SECOND, BEING NO MORE THAN 60.0 GALLONS PER MINUTE (GPM) FROM POD 1 AND POD 8; 30.0 GPM FROM EACH OF POD 2, POD 4, POD 5, POD 6, POD 7 AND POD 9; 54.0 GPM FROM POD 3

PERIOD OF USE: JANUARY 1 THROUGH APRIL 30

DATE OF PRIORITY: JULY 13, 2001

POINT OF DIVERSION LOCATIONS:

- POD #1 SW ¼ NE ¼, SECTION 33, T5S, R1E, W.M.; 2640 FEET SOUTH & 1500 FEET WEST FROM NE CORNER, SECTION 33
- POD #2 NE ¼ SE ¼, SECTION 9, T5S, R1E, W.M.; 2650 FEET SOUTH & 60 FEET WEST FROM NE CORNER SECTION 9
- POD #3 SE ¼ NE ¼, SECTION 9, T5S, R1E, W.M.; 2100 FEET SOUTH & 530 FEET WEST FROM NE CORNER, SECTION 9
- POD #4 NW ¼ NE ¼, SECTION 10, T5S, R1E, W.M.; 170 FEET SOUTH & 1370 FEET WEST FROM NE CORNER, SECTION 10
- POD #5 NW ¼ SW ¼, SECTION 11, T5S, R1E, W.M.; 2300 FEET NORTH & 1280 FEET EAST FROM SW CORNER, SECTION 11
- POD #6 SW ¼ NE ¼, SECTION 33, T4S, R1E, W.M.; 2380 FEET SOUTH & 2340 FEET WEST FROM NE CORNER, SECTION 33
- POD #7 NW ¼ SE ¼, SECTION 33, T4S, R1E, W.M.; 3150 FEET SOUTH & 1750 FEET WEST FROM NE CORNER, SECTION 33
- POD #8 SW ¼ NW ¼, SECTION 4, T5S, R1E, W.M.; 1470 FEET SOUTH & 1200 FEET EAST FROM NW CORNER, SECTION 4

POD #9 SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 5S, R1E, W.M.; 960 FEET NORTH & 2050 FEET WEST FROM SE CORNER, SECTION 30

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 26.0 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 ACRES

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES

SECTION 33

TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 ACRES

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 ACRES

SECTION 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 16.0 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 13.7 ACRES

SECTION 9

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES

SECTION 10

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 24.0 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 ACRES

SECTION 11

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.0 ACRES

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 16.0 ACRES

SECTION 30

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.5 ACRES

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.5 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 1 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 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 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 waters decrease to the point that those waters no longer meet existing 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.

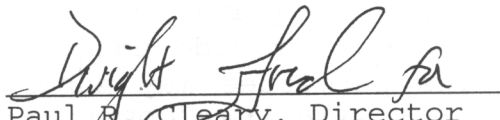
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

Complete application of the water to the use shall be made on or before October 1, 2007. 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 October 31, 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 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.

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Basin 02 Volume 15A ROCK CR MISC
Huffmaam WEEK 356

PERMIT 53860
District 16

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.



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