

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KNUDSEN VINEYARDS
ATTN: ALLEN HOLSTEIN
PO BOX 280
DUNDEE, OREGON 97115

(503) 538-8520

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

APPLICATION FILE NUMBER: S-84810

SOURCE OF WATER: AN UNNAMED STREAM AND A RESERVOIR, ORIGINALLY CONSTRUCTED UNDER APPLICATION R-71763, PERMIT R-11455 AND TO BE ENLARGED UNDER APPLICATION R-84809, PERMIT R-13491, TRIBUTARIES OF HESS CREEK

PURPOSE OR USE: PRIMARY IRRIGATION OF 13.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 123.9 ACRES

MAXIMUM RATE: 0.99 CUBIC FOOT PER SECOND FROM AN UNNAMED STREAM AND 20.0 ACRE-FEET FROM KNUDSEN DAM 2 RESERVOIR

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 23, 2001

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, SECTION 33, T3S, R3W, W.M.; 75 FEET SOUTH & 1650 FEET WEST FROM NE CORNER, SECTION 33

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:

	PRIMARY	SUPPLEMENTAL
SW ¼ NE ¼	0.45 ACRES	29.30 ACRES
SE ¼ NE ¼	1.20 ACRES	0.10 ACRES
SW ¼ NW ¼	0.70 ACRES	4.80 ACRES

Application S-84810 Water Resources Department

PERMIT 53871

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE ¼ NW ¼	3.85 ACRES	29.80 ACRES
NE ¼ SW ¼	2.70 ACRES	19.20 ACRES
SE ¼ SW ¼		0.50 ACRES
NE ¼ SE ¼	0.70 ACRES	0.40 ACRES
NW ¼ SE ¼	2.40 ACRES	21.50 ACRES
SW ¼ SE ¼	1.90 ACRES	18.30 ACRES

SECTION 28

TOWNSHIP 3 SOUTH, 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.

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.

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 December 4, 2002


Paul E. Cleary, Director
Water Resources Department

Application S-84810 Water Resources Department
Basin 02 Volume 25 WILLAMETTE R N 1/2 MISC W
gaineyjw

PERMIT 53871
District 16

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. 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.