

STATE OF OREGON

COUNTY OF WASCO

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JUNIPER FLAT DIST. IMPROVEMENT CO.  
53333 RESERVATION RD  
MAUPIN, OREGON 97037-9708

(541) 328-6380

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

APPLICATION FILE NUMBER: S-60453

SOURCE OF WATER: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER

PURPOSE OR USE: IRRIGATION OF 2500.0 ACRES, LIMITED TO IRRIGATION OF 2107.49 ACRES DURING ANY SINGLE IRRIGATION SEASON. IF ANY WATER IS DIVERTED UNDER THIS PERMIT FOR POND MAINTENANCE DURING AN IRRIGATION SEASON, PERMITTEE MAY IRRIGATE ONLY 2101.64 ACRES DURING THAT IRRIGATION SEASON.

MAXIMUM AMOUNT: COMBINED RATE UNDER THIS PERMIT, CERTIFICATE 77326 AND CERTIFICATE 77733 IS LIMITED TO 52.69 CUBIC FEET PER SECOND UP TO JULY 1<sup>ST</sup> OF EACH YEAR AND THEREAFTER 26.34 CUBIC FEET PER SECOND OF LIVE FLOW FROM THREE SPRING AREAS, FROG CREEK AND CLEAR CREEK; 7500.0 ACRE-FEET FROM CLEAR LAKE RESERVOIR; FURTHER LIMITED AS DESCRIBED BELOW.

DATE OF PRIORITY: MAY 14, 1990

POINT OF DIVERSION LOCATION:

SPRING AREA #1: NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 11, T5S, R9E, W.M.; 1000 FEET SOUTH & 2050 FEET EAST FROM THE W  $\frac{1}{4}$  CORNER OF SECTION 11

SPRING AREA #2: S  $\frac{1}{2}$  NW  $\frac{1}{4}$ , SECTION 13, T5S, R9E, W.M.; 1400 FEET SOUTH & 1320 FEET EAST FROM THE NW CORNER OF SECTION 13

SPRING AREA #3: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 13, T5S, R9E, W.M.; 340 FEET SOUTH & 600 FEET WEST FROM THE E  $\frac{1}{4}$  CORNER OF SECTION 13

Application S-60453 Water Resources Department

Permit S-54068

FROG CREEK: NE ¼ NE ¼, SECTION 34, T4S, R9E, W.M.; 750 FEET SOUTH & 850 FEET WEST FROM THE NE CORNER OF SECTION 34

CLEAR CREEK: NE ¼ SE ¼, SECTION 10, T5S, R9E, W.M.; 680 FEET SOUTH & 1250 FEET WEST FROM THE E ¼ CORNER OF SECTION 10

CLEAR LAKE RESERVOIR: SE ¼ SE ¼, SECTION 32, T4S, R9E, W.M.; 880 FEET NORTH & 780 FEET WEST FROM THE SE CORNER OF SECTION 32

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE ACRE FOOT PER ACRE OR ACRE EQUIVALENT DURING ANY 30-DAY PERIOD UP TO JULY 1<sup>ST</sup> OF EACH YEAR AND NOT TO EXCEED 3 ACRE FEET PER ACRE OR ACRE EQUIVALENT DURING ANY IRRIGATION SEASON; PROVIDED, THAT THE RATE OF FLOW SHALL NOT EXCEED 1/40 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT UP TO JULY 1<sup>ST</sup> OF EACH YEAR AND THEREAFTER NOT TO EXCEED 1/80 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT, EXCEPT IN CASE OF ROTATION.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
SW 1/4 SW 1/4	14.30		ACRES	ODFW
		SECTION 13		
NW 1/4 NW 1/4	5.00		ACRES	ODFW
		SECTION 24		
SE 1/4 NE 1/4	6.00		ACRES	Hammond
NE 1/4 SW 1/4	1.20		ACRES	Muncie
		SECTION 25		
		TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.		
NE 1/4 NW 1/4	4.10		ACRES	V. Woodside
SW 1/4 NW 1/4	9.60		ACRES	V. Woodside
SE 1/4 NW 1/4	5.10		ACRES	V. Woodside
SE 1/4 NW 1/4	3.20		ACRES	McCorkle
NW 1/4 SW 1/4	2.00		ACRES	V. Woodside
SE 1/4 SW 1/4	7.00		ACRES	McCorkle
		SECTION 1		
SW 1/4 SW 1/4	14.40		ACRES	Schmidt
NE 1/4 SE 1/4	19.10		ACRES	V. Woodside
SE 1/4 SE 1/4	5.50		ACRES	V. Woodside
		SECTION 2		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
SE 1/4 SE 1/4	18.20		ACRES	Schmidt
		SECTION 3		
SW 1/4 NW 1/4	2.80		ACRES	Ambrose
NW 1/4 SW 1/4	13.20		ACRES	Ambrose
SW 1/4 SW 1/4	20.30		ACRES	Ambrose
		SECTION 9		
NE 1/4 NE 1/4	3.70		ACRES	Schmidt
		SECTION 10		
SW 1/4 NE 1/4	4.70		ACRES	McLeod
SE 1/4 NE 1/4	26.00		ACRES	McLeod
NE 1/4 SE 1/4	17.80		ACRES	Endersby
NW 1/4 SE 1/4	17.90		ACRES	Endersby
SW 1/4 SE 1/4	23.00		ACRES	Endersby
SE 1/4 SE 1/4	23.00		ACRES	Endersby
		SECTION 11		
NW 1/4 NE 1/4	13.50		ACRES	McLeod
SW 1/4 NE 1/4	2.60		ACRES	McLeod
NE 1/4 NW 1/4	23.50		ACRES	McLeod
NW 1/4 NW 1/4	0.80		ACRE	McLeod
SE 1/4 NW 1/4	9.90		ACRES	McLeod
		SECTION 12		
NW 1/4 NW 1/4	3.70		ACRES	Williamson
SW 1/4 NW 1/4	0.20		ACRE	Williamson
NW 1/4 SW 1/4	1.20		ACRES	Williamson
		SECTION 13		
NE 1/4 NE 1/4	11.40		ACRES	Williamson
NW 1/4 NE 1/4	9.60		ACRES	Groce
SE 1/4 NE 1/4	7.60		ACRES	Williamson
NE 1/4 NW 1/4	3.70		ACRES	Groce
SW 1/4 NW 1/4	0.70		ACRE	Claymier
NW 1/4 SW 1/4	19.40		ACRES	Claymier
SW 1/4 SE 1/4	5.80		ACRES	Claymier
SE 1/4 SE 1/4	4.10		ACRES	Claymier
		SECTION 14		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>	<u>OWNER</u>
SW 1/4 NE 1/4		1.00	ACRE Dodge
NE 1/4 SW 1/4		33.90	ACRES Dodge
NW 1/4 SW 1/4		3.50	ACRES Dodge
SW 1/4 SW 1/4		5.90	ACRES Dodge
NE 1/4 SE 1/4		0.30	ACRE Dodge
NW 1/4 SE 1/4		34.70	ACRES Dodge
SW 1/4 SE 1/4		7.50	ACRES Dodge
SE 1/4 SE 1/4		0.60	ACRE Dodge
	SECTION 18		
NE 1/4 SW 1/4		6.70	ACRES Confederated Tribes
SE 1/4 SW 1/4		17.40	ACRES Confederated Tribes
	SECTION 19		
SE 1/4 NE 1/4	6.00		ACRES Capps
	SECTION 20		
SW 1/4 NE 1/4	9.40		ACRES Hundley
SE 1/4 NE 1/4	3.80		ACRES Hundley
NE 1/4 SE 1/4	3.00		ACRES Hundley
NW 1/4 SE 1/4	1.30		ACRES Hundley
SE 1/4 SE 1/4	7.10		ACRES Hundley
	SECTION 21		
SE 1/4 NE 1/4	8.60		ACRES Claymier
NE 1/4 NW 1/4	0.80		ACRE S. Woodside
NW 1/4 NW 1/4	0.60		ACRE S. Woodside
SW 1/4 NW 1/4	12.20		ACRES S. Woodside
SE 1/4 NW 1/4	4.40		ACRES S. Woodside
SE 1/4 SW 1/4	6.20		ACRES S. Woodside
NE 1/4 SE 1/4	0.50		ACRE Claymier
	SECTION 22		
NW 1/4 NE 1/4	6.00		ACRES Claymier
SW 1/4 NE 1/4	0.30		ACRE Claymier
SE 1/4 NE 1/4	18.10		ACRES Aschoff
NE 1/4 NW 1/4	3.30		ACRES Claymier
NW 1/4 NW 1/4	3.30		ACRES Claymier
SW 1/4 NW 1/4	18.80		ACRES Claymier
SE 1/4 NW 1/4	9.00		ACRES Claymier
NW 1/4 SW 1/4	0.60		ACRE Claymier
SE 1/4 SE 1/4	6.00		ACRES L. Woodside
	SECTION 23		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
NE 1/4 NW 1/4	0.30		ACRE	Carter
NW 1/4 NW 1/4	2.50	5.30	ACRES	Carter
SW 1/4 NW 1/4	5.80	10.10	ACRES	Carter
SE 1/4 NW 1/4	4.40		ACRES	Carter
SE 1/4 SE 1/4	0.30		ACRE	Meredith
SECTION 24				
NW 1/4 NE 1/4	5.90		ACRES	L. Woodside
SW 1/4 NE 1/4	1.50		ACRES	L. Woodside
SECTION 25				
NE 1/4 NE 1/4	10.20		ACRES	Pinheiro
NW 1/4 NE 1/4	11.90		ACRES	L. Woodside
SW 1/4 NE 1/4	26.80		ACRES	L. Woodside
SE 1/4 NE 1/4	4.30		ACRES	Pinheiro
NE 1/4 NW 1/4	6.90		ACRES	L. Woodside
NW 1/4 NW 1/4	2.20		ACRES	L. Woodside
SW 1/4 NW 1/4	0.90		ACRE	L. Woodside
SE 1/4 NW 1/4	12.20		ACRES	L. Woodside
NW 1/4 SE 1/4	2.40		ACRES	Beebe
SECTION 26				
SE 1/4 NE 1/4	10.00		ACRES	L. Woodside
NE 1/4 NW 1/4	4.50		ACRES	S. Woodside
NW 1/4 NW 1/4	1.20		ACRES	S. Woodside
NE 1/4 SE 1/4	7.50		ACRES	Hammer
NW 1/4 SE 1/4	4.00		ACRES	Hammer
SE 1/4 SE 1/4	12.10		ACRES	Tolentino
SECTION 27				
SW 1/4 SW 1/4	10.60		ACRES	Blake
NE 1/4 SE 1/4	0.10		ACRE	Graybill
SW 1/4 SE 1/4	11.80		ACRES	Graybill
SE 1/4 SE 1/4	0.20		ACRE	Graybill
SECTION 29				
NE 1/4 SE 1/4	0.70		ACRE	Blake
NW 1/4 SE 1/4	0.10		ACRE	Blake
SW 1/4 SE 1/4	2.20		ACRES	Blake
SE 1/4 SE 1/4	10.50		ACRES	Blake
SECTION 30				
NW 1/4 NE 1/4	12.10		ACRES	Hill
SECTION 32				

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
NW 1/4 NW 1/4	12.10		ACRES	Reinwand
SECTION 33 TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.				
NE 1/4 NE 1/4	2.00		ACRES	Mayhew
NE 1/4 SW 1/4	2.00		ACRES	Larkin
SE 1/4 SW 1/4	9.70		ACRES	Larkin
NW 1/4 SE 1/4	7.80		ACRES	Larkin
SW 1/4 SE 1/4	18.20		ACRES	Larkin
SECTION 2				
NW 1/4 NE 1/4	9.20		ACRES	Gabel
SW 1/4 NE 1/4	27.40		ACRES	Gabel
SW 1/4 NW 1/4	16.60		ACRES	Gabel
SE 1/4 NW 1/4	20.00		ACRES	Gabel
NW 1/4 SW 1/4	1.20		ACRES	Bothwell
SECTION 3				
NW 1/4 NW 1/4	8.70		ACRES	Paulson
SW 1/4 NW 1/4	5.30		ACRES	Paulson
SECTION 4				
NW 1/4 NE 1/4	17.80		ACRES	Paulson
SW 1/4 NE 1/4	5.00		ACRES	Paulson
SE 1/4 SW 1/4	5.50		ACRES	Carter
SECTION 5				
SE 1/4 NE 1/4	16.00		ACRES	L. Woodside
SW 1/4 NW 1/4	4.00		ACRES	Walters
SE 1/4 NW 1/4	14.60		ACRES	Walters
NE 1/4 SW 1/4	7.30		ACRES	Walters
NW 1/4 SW 1/4	2.30		ACRES	Walters
SW 1/4 SW 1/4	6.30		ACRES	Walters
SE 1/4 SW 1/4	6.70		ACRES	Walters
NE 1/4 SE 1/4	8.00		ACRES	Walters
NW 1/4 SE 1/4	3.90		ACRES	Walters
SE 1/4 SE 1/4	0.40		ACRE	Walters
SECTION 7				
NE 1/4 NE 1/4	35.30		ACRES	Carter
NW 1/4 NE 1/4	37.60		ACRES	Carter
SW 1/4 NW 1/4	18.90		ACRES	L. Woodside
SW 1/4 SW 1/4	4.50		ACRES	Hawthorne
SE 1/4 SW 1/4	13.80		ACRES	Hawthorne
SECTION 8				

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
SW 1/4 NE 1/4	4.50		ACRES	Kelly
NW 1/4 NW 1/4	7.30		ACRES	Kelly
SW 1/4 NW 1/4	25.40		ACRES	Kelly
SE 1/4 NW 1/4	4.40		ACRES	Kelly
NE 1/4 SW 1/4	5.00		ACRES	Kelly
SECTION 9				
NE 1/4 NW 1/4	2.20		ACRES	Larkin
SECTION 11				
NW 1/4 NW 1/4	6.50		ACRES	Hawthorne
SECTION 17				
NE 1/4 NE 1/4	5.40		ACRES	Hawthorne
SE 1/4 SE 1/4	1.20		ACRES	Bender
SECTION 18				
NW 1/4 SW 1/4	0.30		ACRE	Meredith
SECTION 19				
NE 1/4 NW 1/4	10.00		ACRES	Tom Morelli
SW 1/4 NW 1/4	2.60		ACRES	Tom Morelli
NE 1/4 SW 1/4	2.10		ACRES	Dodge
SW 1/4 SW 1/4	5.40		ACRES	Dodge
SE 1/4 SW 1/4	3.60		ACRES	Dodge
SE 1/4 SE 1/4	15.10		ACRES	Dodge
SECTION 21				
NW 1/4 NW 1/4	1.20		ACRES	Lorraine Gabel
SECTION 28				
SW 1/4 NE 1/4	2.30		ACRES	Fosberg
NE 1/4 NW 1/4	10.70		ACRES	Fosberg
NW 1/4 NW 1/4	32.20		ACRES	Fosberg
SW 1/4 NW 1/4	11.00		ACRES	Fosberg
SE 1/4 NW 1/4	27.30		ACRES	Fosberg
SECTION 29				
SW 1/4 NE 1/4		0.20	ACRE	Nelson
SE 1/4 NW 1/4		1.80	ACRES	Nelson
NE 1/4 SW 1/4	1.60	17.00	ACRES	Nelson
NW 1/4 SW 1/4	3.90		ACRES	Nelson
NW 1/4 SE 1/4		4.50	ACRES	Nelson
SECTION 30				

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
SW 1/4 SW 1/4		38.80	ACRES	Larsell
SE 1/4 SW 1/4		37.30	ACRES	Larsell
SECTION 13				
SW 1/4 NE 1/4	0.50		ACRE	Tom Morelli
SE 1/4 NW 1/4	10.40		ACRES	Tom Morelli
SE 1/4 SW 1/4	2.80		ACRES	Tom Morelli
NE 1/4 SE 1/4	9.30		ACRES	Tom Morelli
NW 1/4 SE 1/4	7.60		ACRES	Tom Morelli
SW 1/4 SE 1/4	6.60		ACRES	Tom Morelli
SE 1/4 SE 1/4	4.10		ACRES	Tom Morelli
SECTION 22				
NE 1/4 NE 1/4	9.90		ACRES	McElheran
NW 1/4 NE 1/4	21.80		ACRES	McElheran
SW 1/4 NE 1/4	23.70		ACRES	McElheran
NE 1/4 NW 1/4	26.00		ACRES	McElheran
SE 1/4 NW 1/4	27.40		ACRES	McElheran
NE 1/4 SW 1/4		40.00	ACRES	McReynolds
NW 1/4 SW 1/4		1.10	ACRES	McReynolds
SE 1/4 SW 1/4		15.70	ACRES	McReynolds
SECTION 23				
NE 1/4 NW 1/4		3.90	ACRES	Larsell
NW 1/4 NW 1/4		4.60	ACRES	Larsell
SECTION 24				
SE 1/4 NE 1/4	3.30		ACRES	Harth
SECTION 25				
NE 1/4 NE 1/4	29.40		ACRES	Tim Morelli
NW 1/4 NE 1/4	1.90		ACRES	Tom Morelli
SW 1/4 NE 1/4	26.70		ACRES	Tim Morelli
SE 1/4 NE 1/4	28.60		ACRES	Tim Morelli
NE 1/4 NW 1/4	13.00		ACRES	Tom Morelli
NW 1/4 NW 1/4	25.50		ACRES	Tom Morelli
SW 1/4 NW 1/4	20.70		ACRES	Tom Morelli
SE 1/4 NW 1/4	1.70		ACRES	Tom Morelli
NE 1/4 SE 1/4	4.80		ACRES	Tom Morelli
NW 1/4 SE 1/4		16.90	ACRES	Tom Morelli
SW 1/4 SE 1/4		12.40	ACRES	Tom Morelli
SE 1/4 SE 1/4	3.50		ACRES	Tom Morelli
SECTION 27				
SW 1/4 SW 1/4	0.50		ACRE	V. Woodside
SE 1/4 SW 1/4	8.50		ACRES	V. Woodside
SECTION 29				



	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
NE 1/4 NE 1/4	1.50		ACRES	Gutzler
SW 1/4 NE 1/4	5.00		ACRES	Gutzler
SE 1/4 NE 1/4	1.40		ACRES	Gutzler
NE 1/4 SE 1/4	1.80		ACRES	Gutzler
NW 1/4 SE 1/4	14.40		ACRES	Gutzler
SW 1/4 SE 1/4	7.50		ACRES	Gutzler
SE 1/4 SE 1/4	1.80		ACRES	Gutzler
SECTION 31				
NE 1/4 SE 1/4		16.00	ACRES	Paulson
NW 1/4 SE 1/4		4.00	ACRES	Paulson
SW 1/4 SE 1/4	7.70		ACRES	Paulson
SECTION 32				
NE 1/4 SW 1/4	4.20	0.20	ACRES	Paulson
NW 1/4 SW 1/4	0.40		ACRE	Paulson
SW 1/4 SW 1/4	6.80		ACRES	Paulson
SE 1/4 SW 1/4		9.80	ACRES	Paulson
SECTION 33				
NW 1/4 NW 1/4	19.50		ACRES	Reckman Estate
SW 1/4 NW 1/4	4.60		ACRES	Don Reckman
SW 1/4 SW 1/4	4.90		ACRES	Odom
SECTION 34				
SE 1/4 NE 1/4	16.80		ACRES	Mayhew
NE 1/4 SE 1/4	17.40		ACRES	Mayhew
NW 1/4 SE 1/4	7.80		ACRES	Mayhew
SECTION 35				
NE 1/4 NW 1/4	32.50		ACRES	Mayhew
NW 1/4 NW 1/4	32.50		ACRES	Mayhew
SW 1/4 NW 1/4	32.50		ACRES	Mayhew
SE 1/4 NW 1/4	32.50		ACRES	Mayhew
NE 1/4 SW 1/4		29.80	ACRES	Mayhew
NW 1/4 SW 1/4		29.60	ACRES	Mayhew
SW 1/4 SW 1/4		38.60	ACRES	Mayhew
SE 1/4 SW 1/4		32.00	ACRES	Mayhew
SECTION 36				
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.				

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
NE 1/4 NE 1/4	1.70	2.20	ACRES	Marsh
NW 1/4 NE 1/4	3.30	21.90	ACRES	Marsh
SW 1/4 NE 1/4		19.00	ACRES	Marsh
SE 1/4 NE 1/4		5.10	ACRES	Marsh
NE 1/4 SE 1/4	1.00		ACRE	Marsh
SECTION 19				
NE 1/4 NW 1/4	21.90		ACRES	Marsh
SE 1/4 NW 1/4	29.60		ACRES	Marsh
NE 1/4 SW 1/4	6.50		ACRES	Marsh
NW 1/4 SW 1/4	31.00		ACRES	Marsh
SW 1/4 SW 1/4	14.10		ACRES	Marsh
SECTION 20				
NE 1/4 SW 1/4	1.00		ACRE	Harth
LOT 3 (NW 1/4 SW 1/4)	1.70		ACRES	Harth
SECTION 30				
LOT 4 (SW 1/4 SW 1/4)		19.20	ACRES	Duling
SE 1/4 SW 1/4		28.50	ACRES	Duling
SECTION 31				
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.				

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order, shall keep a complete record of the amount of water used each month and shall submit a report that includes the recorded water use measurements to the Oregon Water Resources Department headquarters ("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. In addition, before water use may begin under this permit, the permittee or landowner shall install a meter(s) or measuring device(s) for each parcel served under this permit. The meters or measuring devices shall meet standards established by the Department or the United States Geological Survey. The permittee shall annually report to the Department the annual cumulative total at each measuring point. Irrigation is illegal for any year in which the

Department has not received annual reports for the previous year.

- C. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than is already authorized under certificates 77326 and 77733, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total number of acres irrigated during an irrigation season, instantaneous diversion rate or the annual duty of water diverted by the permittee.

The permittee shall install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversions, unless ODFW notifies the Department that such screening devices are not required.

The permittee shall install, maintain and operate a fishway as required by ODFW to ensure adequate upstream and downstream passage for fish, unless ODFW notifies the Department that such a fishway is not required.

#### Mapping and tabulation conditions

Each irrigation season, prior to the commencement of any irrigation from water delivered by the district, the permittee shall provide the Department's Salem office and the watermaster with a tabulation of the acres to be irrigated on a form provided by the Department and a map of sufficient quality (as determined by the Department) to clearly show the acres to be irrigated during that irrigation season. Water use under this permit is illegal until the Department's Salem office and the watermaster have received the first map and tabulation. Subsequent maps and tabulations are due prior to commencement of irrigation or April 1 of each year, whichever is earlier. If maps and tabulations are not received by both the Department's Salem office and the watermaster by that date, irrigation under this permit for that irrigation season is subject to the map and tabulation for the previous year.

Identification of lands to be irrigated under this permit in the annual tabulation for a given irrigation season, and the associated authorization of a rate and duty limitation, will result in an equal

reduction in the rate and duty limitation authorized under Certificates 77326 and 77733 during that irrigation season.

Transfer conditions

- A. Transfer of a primary right covered by this permit must also include the transfer or cancellation of any supplemental right for the same land.
- B. If a portion of the water right under this permit is transferred outside permittee's boundaries, this right will be reduced by the number of acres transferred.

**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.

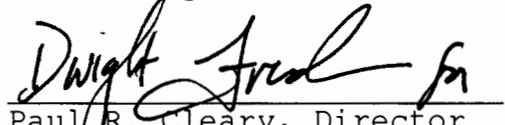
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year of permit issuance. Complete application of the water to the use shall be made on or before October 1, 2008. 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 May 13<sup>th</sup>, 2004

  
Paul R. Cleary, Director  
Water Resources Department

**ASSIGNMENT OF PERMIT:** Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

**MAILING ADDRESS CHANGES:** If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

**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.

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