

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LLOYD AND LOIS PIERCY
33927 RIVERVIEW DR
HERMISTON, OR 97838

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

APPLICATION FILE NUMBER: S-86717

DATE OF PRIORITY: NOVEMBER 17, 2006

SOURCE OF WATER: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: PRIMARY IRRIGATION USE ON 960.0 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 2289.4 ACRES, (*WHICH INCLUDES RAISING THE SOIL MOISTURE TO FIELD CAPACITY TO BE UTILIZED BY PLANT GROWTH IN THE SUBSEQUENT GROWING SEASON)

MAXIMUM RATE: 52.6 CUBIC FEET PER SECOND AS FURTHER LIMITED BELOW

USE	MAXIMUM RATE (CFS)	LIMIT (CFS PER ACRE)	DUTY (AF PER ACRE)	PERIOD OF USE
PRIMARY IRRIGATION*	24.0	1/40	4.5 MAX	MARCH 1 - APRIL 14 AND OCTOBER 1 - OCTOBER 31
PRIMARY IRRIGATION*	24.0	1/40	FURTHER LIMITED TO 1.5	NOVEMBER 1 - FEBRUARY 29
SUPPLEMENTAL IRRIGATION*	28.6	1/80	3.0 MAX	MARCH 1 - APRIL 14 AND OCTOBER 1 - OCTOBER 31
SUPPLEMENTAL IRRIGATION*	28.6	1/80	FURTHER LIMITED TO 1.5	NOVEMBER 1 - FEBRUARY 29

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 an annual total of 4.5 acre-feet per acre for primary irrigation, and 3.0 acre-feet per acre for supplemental irrigation.

POINT OF DIVERSION LOCATION: SW ¼ NW ¼, SECTION 8, T5N, R30E, W.M.; 2910 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 8

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼		18.8 ACRES
NW ¼ NE ¼		36.4 ACRES
SW ¼ NE ¼		17.6 ACRES
SE ¼ NE ¼		33.2 ACRES
NE ¼ NW ¼		27.6 ACRES
NW ¼ NW ¼		0.6 ACRE
SW ¼ NW ¼		0.2 ACRE
SE ¼ NW ¼		7.2 ACRES
SECTION 4		
NE ¼ NE ¼		35.4 ACRES
NW ¼ NE ¼		28.0 ACRES
SW ¼ NE ¼		29.6 ACRES
SE ¼ NE ¼		27.2 ACRES
SECTION 5		
TOWNSHIP 3 NORTH, RANGE 30 EAST, W.M.		
NE ¼ NW ¼		30.4 ACRES
NW ¼ NW ¼		35.4 ACRES
SW ¼ NW ¼		36.6 ACRES
SE ¼ NW ¼		33.2 ACRES
NE ¼ SW ¼		32.0 ACRES
NW ¼ SW ¼		35.4 ACRES
SW ¼ SW ¼		39.9 ACRES
SE ¼ SW ¼		28.8 ACRES
SECTION 27		
NE ¼ NE ¼		39.2 ACRES
NW ¼ NE ¼		39.6 ACRES
SW ¼ NE ¼		36.4 ACRES
SE ¼ NE ¼		34.0 ACRES
NE ¼ NW ¼		34.4 ACRES
NW ¼ NW ¼		31.6 ACRES
SW ¼ NW ¼		32.2 ACRES
SE ¼ NW ¼		30.8 ACRES
NE ¼ SW ¼		40.0 ACRES
NW ¼ SW ¼		31.6 ACRES
SW ¼ SW ¼		30.9 ACRES
SE ¼ SW ¼		40.0 ACRES
NE ¼ SE ¼		40.0 ACRES
NW ¼ SE ¼		38.0 ACRES
SW ¼ SE ¼		32.4 ACRES
SE ¼ SE ¼		39.8 ACRES
SECTION 28		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼		38.4 ACRES
NW ¼ NE ¼		31.1 ACRES
SW ¼ NE ¼		32.0 ACRES
SE ¼ NE ¼		33.0 ACRES
NE ¼ SE ¼		32.0 ACRES
NW ¼ SE ¼		30.4 ACRES
SW ¼ SE ¼		31.4 ACRES
SE ¼ SE ¼		42.2 ACRES

SECTION 29

NE ¼ NE ¼	40.0 ACRES
NW ¼ NE ¼	40.0 ACRES
SW ¼ NE ¼	40.0 ACRES
SE ¼ NE ¼	40.0 ACRES
NE ¼ SE ¼	40.0 ACRES
NW ¼ SE ¼	40.0 ACRES
SW ¼ SE ¼	40.0 ACRES
SE ¼ SE ¼	40.0 ACRES

SECTION 30

NE ¼ NE ¼	40.0 ACRES
NW ¼ NE ¼	40.0 ACRES
SW ¼ NE ¼	40.0 ACRES
SE ¼ NE ¼	40.0 ACRES
NE ¼ SE ¼	40.0 ACRES
NW ¼ SE ¼	40.0 ACRES
SW ¼ SE ¼	40.0 ACRES
SE ¼ SE ¼	40.0 ACRES

SECTION 31

NE ¼ NE ¼		31.4 ACRES
NW ¼ NE ¼		15.2 ACRES
SW ¼ NE ¼		38.8 ACRES
SE ¼ NE ¼		35.0 ACRES
NE ¼ NW ¼	40.0 ACRES	
NW ¼ NW ¼	40.0 ACRES	
SW ¼ NW ¼	40.0 ACRES	
SE ¼ NW ¼	40.0 ACRES	
NE ¼ SW ¼	40.0 ACRES	
NW ¼ SW ¼	40.0 ACRES	
SW ¼ SW ¼	40.0 ACRES	
SE ¼ SW ¼	40.0 ACRES	
NE ¼ SE ¼		36.0 ACRES
NW ¼ SE ¼		35.2 ACRES
SW ¼ SE ¼		10.5 ACRES
SE ¼ SE ¼		16.0 ACRES

SECTION 32

<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼	37.2 ACRES
NW ¼ NE ¼	38.8 ACRES
SW ¼ NE ¼	40.0 ACRES
SE ¼ NE ¼	34.4 ACRES
NE ¼ NW ¼	38.1 ACRES
NW ¼ NW ¼	39.4 ACRES
SW ¼ NW ¼	38.5 ACRES
SE ¼ NW ¼	39.1 ACRES
NE ¼ SW ¼	24.1 ACRES
NW ¼ SW ¼	40.0 ACRES
SW ¼ SW ¼	24.4 ACRES
SE ¼ SW ¼	17.4 ACRES
NE ¼ SE ¼	18.8 ACRES
NW ¼ SE ¼	39.0 ACRES
SW ¼ SE ¼	13.2 ACRES
SE ¼ SE ¼	22.4 ACRES

SECTION 33

NE ¼ NW ¼	38.6 ACRES
NW ¼ NW ¼	38.5 ACRES
SW ¼ NW ¼	37.0 ACRES
SE ¼ NW ¼	34.0 ACRES
NE ¼ SW ¼	12.8 ACRES
NW ¼ SW ¼	27.9 ACRES
SW ¼ SW ¼	2.8 ACRES

SECTION 34

TOWNSHIP 4 NORTH, RANGE 30 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, 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.

The use allowed herein may be made when water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season.

The use of water for out-of-season irrigation allowed herein shall not establish priority of right against future appropriations for beneficial uses or storage for such beneficial uses, other than those for irrigation during the allowed period of out-of-season use.

The supplemental use allowed herein may, in the interest of conserving ground water supplies, be exercised at times even when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Should this permit be used as the base right for an aquifer storage and recovery project, the limited period of use stipulated herein shall not apply to water withdrawn from storage.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

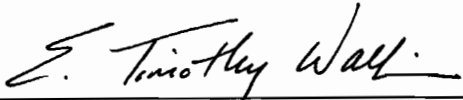
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. 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 March 15, 2007

 for
Phillip C. Ward, Director
Water Resources Department