

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

RYAN MAXSON
8005 DEJONG RD
AMITY OR 97101

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

APPLICATION FILE NUMBER: S-87129

SOURCE OF WATER: MAXSON PONDS – SOUTH POND (PERMIT R-14609) AND MAXSON PONDS – NORTH POND (PERMIT R-14610)

PURPOSE OR USE: IRRIGATION OF 197.9 ACRES

MAXIMUM VOLUME: 35.0 ACRE FEET

DATE OF PRIORITY: MARCH 18, 2008

WATER MAY BE APPROPRIATED DURING THE PERIOD: MARCH 1 THROUGH OCTOBER 31

USE: IRRIGATION USE

Authorized Point of Diversion from Maxson Ponds – South Pond:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	17	SW SW	260 FEET NORTH AND 660 FEET EAST FROM SW CORNER, SECTION 17

Authorized Point of Diversion from Maxson Ponds – North Pond:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	17	SW SW	590 FEET NORTH AND 370 FEET EAST FROM SW CORNER, SECTION 17

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	5 W	WM	17	SW NW	7.8
6 S	5 W	WM	17	NE SW	16.6
6 S	5 W	WM	17	NW SW	40.0
6 S	5 W	WM	17	SW SW	35.0
6 S	5 W	WM	17	SE SW	13.5
6 S	5 W	WM	18	SE NE	7.0
6 S	5 W	WM	18	NE SE	40.0
6 S	5 W	WM	18	SE SE	38.0

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion, and maintain the meter(s) in good working order.
- B. The permittee shall allow the watermaster access to the meter(s); where a meter 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 water user 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 water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.
7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
8. Complete application of the water to the use shall be made on or before October 1, 2013. If the water is not completely applied before this date, and the water user wishes to continue

development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

9. Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued NOVEMBER 13, 2008

E. Timothy Way.

for Phillip C. Ward, Director
Water Resources Department