

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BLACK FAMILY TRUST
550 WEST C ST SUITE 1300
SAN DIEGO, CA 92101

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

APPLICATION FILE NUMBER: S-86370

SOURCE OF WATER: AN UNNAMED STREAM; NEW EAST BLACK POND, CONSTRUCTED UNDER FINAL ORDER APPROVING T-10112; CENTRAL BLACK POND, CONSTRUCTED UNDER PERMIT R-14325; AND WEST BLACK POND, CONSTRUCTED UNDER PERMIT R-14236 AND MODIFIED BY FINAL ORDER APPROVING T-10112, TRIBUTARIES OF STAG HOLLOW CREEK

PURPOSE OR USE: IRRIGATION OF 89.4 ACRES

MAXIMUM RATE AND VOLUME: 0.267 CUBIC FOOT PER SECOND (CFS) FROM AN UNNAMED STREAM; 33.0 ACRE FEET (AF), BEING 20.0 AF FROM NEW EAST BLACK POND, 9.0 AF FROM CENTRAL BLACK POND, AND 4.0 AF FROM WEST BLACK POND

PERIOD OF USE: MARCH 1 THROUGH APRIL 30 FROM AN UNNAMED STREAM; MARCH 1 THROUGH OCTOBER 31 FROM NEW EAST BLACK POND, CENTRAL BLACK POND, AND WEST BLACK POND

DATE OF PRIORITY: JULY 5, 2005

POINTS OF DIVERSION LOCATIONS:

UNNAMED STREAM - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 12, T3S, R4W, W.M.; 2800 FEET SOUTH AND 805 FEET EAST FROM NE CORNER OF SECTION 11

NEW EAST BLACK POND - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11, T3S, R4W, W.M.; 2900 FEET SOUTH OF NE CORNER OF SECTION 11

CENTRAL BLACK POND - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 12, T3S, R4W, W.M.; 2800 FEET SOUTH AND 805 FEET EAST FROM NE CORNER OF SECTION 11

WEST BLACK POND - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11, T3S, R4W, W.M.; 2900 FEET SOUTH OF NE CORNER OF SECTION 11

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 and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 13.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 19.4 ACRES
 SECTION 11

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.2 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.9 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 27.4 ACRES
 SECTION 12

TOWNSHIP 3 SOUTH, RANGE 4 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.

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, shall be followed.

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, 2013. 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 28, 2009



for Phillip C. Ward, Director
Water Resources Department