

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

DITCHEN LAND CO. LLP
7385 HOWELL PRAIRIE RD NE
SILVERTON OR 97381

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

APPLICATION FILE NUMBER: S-87142

SOURCE OF WATER: A RESERVOIR (CERTIFICATE 82194)

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE WITHIN DESIGNATED 209.53 ACRES
AND IRRIGATION USE WITHIN DESIGNATED 256.03 ACRES, NOT TO EXCEED 110.0 ACRES
OF COMBINED SUPPLEMENTAL AND IRRIGATION USE EACH SEASON

MAXIMUM VOLUME: 20.0 ACRE FEET

DATE OF PRIORITY: APRIL 14, 2008

PERIOD OF USE:

MARCH 1 THROUGH JUNE 30 - SUPPLEMENTAL IRRIGATION WITHIN DESIGNATED 209.53
ACRES AND IRRIGATION WITHIN DESIGNATED 46.5 ACRES

JULY 1 THROUGH OCTOBER 31 - IRRIGATION WITHIN DESIGNATED 209.53 ACRES

Authorized Point of Diversion 2:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	1	NW NE	905 FEET SOUTH AND 1870 FEET WEST FROM NE CORNER, SECTION 1

Authorized Point of Diversion 1 (point of re-diversion):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	3 W	WM	6	NE NW	390 FEET SOUTH AND 2150 FEET EAST FROM NW CORNER, SECTION 6

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.

Designated Authorized Place of Use for supplemental irrigation March 1 through June 30:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	31	SW NW	5.61
6 S	3 W	WM	31	NW SW	16.99
6 S	3 W	WM	31	SW SW	0.62
6 S	4 W	WM	36	SW NE	23.79
6 S	4 W	WM	36	SE NE	35.00

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	4 W	WM	36	SE NW	9.42
6 S	4 W	WM	36	NE SW	9.33
6 S	4 W	WM	36	SE SW	0.28
6 S	4 W	WM	36	NE SE	40.00
6 S	4 W	WM	36	NW SE	40.00
6 S	4 W	WM	36	SW SE	19.47
6 S	4 W	WM	36	SE SE	9.02

Designated Authorized Place of Use for supplemental irrigation March 1 through June 30:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	6	NE NW	3.50
7 S	3 W	WM	6	NW NW	12.80
7 S	3 W	WM	6	SW NW	23.60
7 S	3 W	WM	6	SE NW	2.50
7 S	4 W	WM	1	NE NE	2.80
7 S	4 W	WM	1	SE NE	1.30

Designated Authorized Place of Use for irrigation July 1 through October 31:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	31	SW NW	5.61
6 S	3 W	WM	31	NW SW	16.99
6 S	3 W	WM	31	SW SW	0.62
6 S	4 W	WM	36	SW NE	23.79
6 S	4 W	WM	36	SE NE	35.00
6 S	4 W	WM	36	SE NW	9.42
6 S	4 W	WM	36	NE SW	9.33
6 S	4 W	WM	36	SE SW	0.28
6 S	4 W	WM	36	NE SE	40.00
6 S	4 W	WM	36	NW SE	40.00
6 S	4 W	WM	36	SW SE	19.47
6 S	4 W	WM	36	SE SE	9.02

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. The permittee 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; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

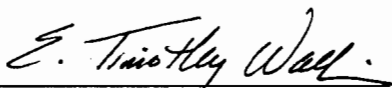
The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream 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.

The claim of beneficial use shall include verification of the area and depth of the reservoir (certificate 82194). The depth of the reservoir shall be measured at ten different locations scattered around the reservoir. The location of these ten measurements shall be shown on a map submitted with the claim of beneficial use.

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, 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. Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued DECEMBER 6, 2010



for Phillip C. Ward, Director
Water Resources Department