

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENTON GREGORY  
3737 SW COUNCIL CREST DR  
PORTLAND, OR 97239

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

APPLICATION FILE NUMBER: S-87175

SOURCE OF WATER: RUNOFF, CASCADE VIEW RESERVOIR (CONSTRUCTED UNDER PERMIT R-14671), AND TWIN OAKS RESERVOIR (CONSTRUCTED UNDER PERMIT R-14672), TRIBUTARIES OF WILLIAMS CANYON

PURPOSE OR USE: IRRIGATION USE ON 91.9 ACRES AND POND MAINTENANCE OF CASCADE VIEW RESERVOIR AND TWIN OAKS RESERVOIR

MAXIMUM RATE: 0.5 CUBIC FOOT PER SECOND (CFS), BEING 0.33 CFS FOR IRRIGATION USE, 0.09 CFS FOR POND MAINTENANCE OF CASCADE VIEW RESERVOIR, AND 0.08 CFS FOR POND MAINTENANCE OF TWIN OAKS RESERVOIR

MAXIMUM VOLUME: 17.1 ACRE FEET (AF), BEING 9.1 AF FROM CASCADE VIEW RESERVOIR AND 8.0 AF FROM TWIN OAKS RESERVOIR FOR IRRIGATION USE

PERIOD OF USE:

SOURCE (TRIBUTARIES OF WILLIAMS CANYON)	USE	PERIOD OF USE
RUNOFF	IRRIGATION	MARCH 1 - APRIL 30
RUNOFF	POND MAINTENANCE	DECEMBER 1 - APRIL 30
CASCADE VIEW RESERVOIR	IRRIGATION	MARCH 1 - OCTOBER 31
TWIN OAKS RESERVOIR	IRRIGATION	MARCH 1 - OCTOBER 31

DATE OF PRIORITY: MAY 14, 2008

POINTS OF DIVERSION LOCATIONS:

CASCADE VIEW RESERVOIR AND RUNOFF: SWSE, SECTION 8, T2S, R4W, W.M.;  
815 FEET NORTH AND 3015 FEET EAST FROM SW CORNER, SECTION 8

TWIN OAKS RESERVOIR AND RUNOFF: NWSE, SECTION 8, T2S, R4W, W.M.;  
1565 FEET NORTH AND 2875 FEET EAST FROM SW CORNER, SECTION 8

Application S-87175

Water Resources Department

PERMIT S-54614

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:

**POND MAINTENANCE**

NW  $\frac{1}{4}$  SE  $\frac{1}{4}$

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

**IRRIGATION**

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  3.3 ACRES

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  16.6 ACRES

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  0.5 ACRE

NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  37.3 ACRES

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  18.5 ACRES

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  0.1 ACRE

SECTION 8

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  5.8 ACRES

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  9.8 ACRES

SECTION 17

TOWNSHIP 2 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 totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall allow the watermaster access to the meter; provided however, where any 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.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Irrigation allowed under this permit shall be by drip irrigation or by an equally efficient method.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

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**

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.

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.

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 635-415, shall be followed.

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.

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 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.

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 OCTOBER 27, 2009



for Phillip C. Ward, Director  
Water Resources Department