

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNY UNGER
9816 BURNETT AVE
NORTH HILLS, CA 91343

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

APPLICATION FILE NUMBER: S-87365

SOURCES OF WATER:

1. HUTCHCROFT CREEK, A TRIBUTARY OF NORTH YAMHILL RIVER,
2. UNGER 1 RESERVOIR (CONSTRUCTED UNDER PERMIT R-14794), TRIBUTARY OF HUTCHCROFT CREEK, AND
3. UNGER 3 RESERVOIR (CONSTRUCTED UNDER PERMIT R-14765), TRIBUTARY OF HUTCHCROFT CREEK

PURPOSE OR USE: AGRICULTURE AND IRRIGATION USE ON 176.9 ACRES AND POND MAINTENANCE

MAXIMUM RATE OR VOLUME:

50.0 ACRE FEET (AF) OF WATER FROM UNGER 1 RESERVOIR AND 9.1 AF OF WATER FROM UNGER 3 RESERVOIR FOR AGRICULTURE AND IRRIGATION USE

0.5 CFS FROM HUTCHCROFT CREEK, A TRIBUTARY OF NORTH YAMHILL RIVER FOR AGRICULTURE USE

0.5 CFS FOR POND MAINTENANCE OF UNGER 1 RESERVOIR, AND 0.09 CFS FOR POND MAINTENANCE OF UNGER 3 RESERVOIR

PERIOD OF USE:

USE	SOURCE	PERIOD OF USE	MAXIMUM RATE/VOLUME
AGRICULTURE	HUTCHCROFT CREEK, A TRIBUTARY OF NORTH YAMHILL RIVER	DECEMBER 1 THROUGH THE END OF FEBRUARY	0.5 CFS
AGRICULTURE	UNGER 1 RESERVOIR	YEAR-ROUND	50.0 AF

USE	SOURCE	PERIOD OF USE	MAXIMUM RATE/VOLUME
AGRICULTURE	UNGER 3 RESERVOIR	YEAR-ROUND	9.1 AF
IRRIGATION	UNGER 1 RESERVOIR	MARCH 1 THROUGH OCTOBER 31	50.0 AF
IRRIGATION	UNGER 3 RESERVOIR	MARCH 1 THROUGH OCTOBER 31	9.1 AF
POND MAINTENANCE OF UNGER 3 RESERVOIR	HUTCHCROFT CREEK, A TRIBUTARY OF NORTH YAMHILL RIVER	DECEMBER 1 THROUGH THE END OF FEBRUARY	0.09 CFS
POND MAINTENANCE OF UNGER 1 RESERVOIR	HUTCHCROFT CREEK, A TRIBUTARY OF NORTH YAMHILL RIVER	DECEMBER 1 THROUGH THE END OF FEBRUARY	0.5 CFS

DATE OF PRIORITY: DECEMBER 12, 2008

POINT OF DIVERSION LOCATION:

POD 1 AND UNGER 1 DAM LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T2S, R5W, W.M.; 900 FEET NORTH AND 40 FEET EAST FROM SW CORNER, SECTION 36

POD 3 AND UNGER 3 DAM LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 36, T2S, R5W, W.M.; 815 FEET NORTH AND 2755 FEET EAST FROM SW CORNER, SECTION 36

HUTCHCROFT CREEK: NW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 36, T2S, R5W, W.M.; 1590 FEET NORTH AND 215 FEET EAST FROM SW CORNER, SECTION 36

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:

IRRIGATION USE AND AGRICULTURE USE
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.8 ACRE

SE ¼ SE ¼ 31.2 ACRES
SECTION 35

NE ¼ SW ¼ 0.5 ACRE
NW ¼ SW ¼ 7.1 ACRES
SW ¼ SW ¼ 34.0 ACRES
SE ¼ SW ¼ 33.3 ACRES
SW ¼ SE ¼ 3.4 ACRES
SECTION 36

TOWNSHIP 2 SOUTH, RANGE 5 WEST, W.M.

NE ¼ NE ¼ 20.5 ACRES
NW ¼ NE ¼ 38.8 ACRES
SW ¼ NE ¼ 7.3 ACRES
SECTION 2

TOWNSHIP 3 SOUTH, RANGE 5 WEST, W.M.

POND MAINTENANCE

SE ¼ SE ¼
SECTION 35

SW ¼ SW ¼
SE ¼ SW ¼
SW ¼ SE ¼
SECTION 36

TOWNSHIP 2 SOUTH, RANGE 5 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 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.
- C. 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.

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

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.

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.

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 November 30, 2009



for Phillip C. Ward, Director
Water Resources Department.