

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GREENBERRY IRRIGATION DISTRICT  
30742 VENELL PLACE  
CORVALLIS, OR 97333

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

APPLICATION FILE NUMBER: S-87621

SOURCE OF WATER: WILLAMETTE RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE OR USE: AGRICULTURE USE

MAXIMUM RATE: 22.0 CUBIC FEET PER SECOND, FURTHER LIMITED TO 10,618 ACRE FEET ANNUALLY

PERIOD OF USE: SEPTEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: JUNE 16, 2010

POINT OF DIVERSION (POD) LOCATIONS:

POD 1: SW ¼ SW ¼, SECTION 25, T13S, R5W, W.M.; 1300 FEET NORTH AND 1300 FEET EAST FROM SW CORNER, SECTION 25

POD 2: SW ¼ NW ¼, SECTION 19, T13S, R4W, W.M.; 3146 FEET NORTH AND 1281 FEET EAST FROM SW CORNER, SECTION 19

THE PLACE OF USE IS LOCATED AS FOLLOWS:

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## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded report 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 or measuring device; provided however, where any meter or measuring device 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.

Use of water under this water right is allowed only when flows in the mainstem Willamette River are met or exceeded based the flows as identified in the table below. Flows must be met at Albany (USGS ID# 1417000) except during the out-migration period of April, May, and June when minimum flows shall be met at both Salem (USGS ID# 14191000) and Albany before withdrawal is allowed.

Period	Minimum Flows (CFS) for Willamette River at Albany, USGS ID# 1417000:	Minimum Flows (CFS) for Willamette River at Salem, USGS ID# 14191000
Sep 1 - Oct 14	3980	---
Oct 15 - Mar 31	4160	---
Apr 1 - 30	4160	15000
May 1 - 15	4160	15000
May 16 - 31	3980	15000
Jun 1 - 15	3980	12600
Jun 16 - 30	3980	8500

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.

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 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.

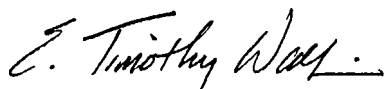
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 April 19 , 2012



for Phillip C. Ward, Director  
Water Resources Department