

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FOLEY FAMILY FARMS LP  
 1701 VILLAGE CENTER CIRCLE  
 LAS VEGAS NV 89134

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

APPLICATION FILE NUMBER: S-88827

SOURCE	TRIBUTARY TO	VOLUME/RATE	PERIOD OF USE
REIMER RESERVOIR, CONSTRUCTED UNDER PERMIT R-2147	YAMHILL RIVER	34.65 ACRE-FEET	MARCH 1 THROUGH OCTOBER 31
UNNAMED STREAM	YAMHILL RIVER	0.87 CUBIC FOOT PER SECOND	MARCH 1 THROUGH APRIL 30

PURPOSE OR USE OF THE WATER: IRRIGATION OF 69.3 ACRES

DATE OF PRIORITY: MARCH 25, 2020

AUTHORIZED POINTS OF DIVERSION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD #1 – REIMER RESERVOIR	7 S	5 W	WM	4	NE SE	2280 FEET NORTH AND 520 FEET WEST FROM SE CORNER, SECTION 4
POD #2 – UNNAMED STREAM	7 S	5 W	WM	3	SW SW	1095 FEET NORTH AND 185 FEET EAST FROM SW CORNER, SECTION 3

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	5 W	WM	3	NW NW	3.6
7 S	5 W	WM	3	SW NW	16.1
7 S	5 W	WM	3	NE SW	15.5
7 S	5 W	WM	3	NW SW	28.4
7 S	5 W	WM	4	NE NE	0.7
7 S	5 W	WM	4	SE NE	2.6
7 S	5 W	WM	4	NE SE	2.4



**1. Water Use Measurement, Recording, and Reporting Condition:**

- 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 device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

**2. Fish Screen Condition:**

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 prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

**3. Fish Passage Condition:**

As required by ORS 509.585, the permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of this state that are inhabited, or were historically inhabited, by native migratory fish without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW).

The permittee shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish passage facility, waiver, or exemption must be obtained prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow, and the permittee shall submit proof to ODFW that fish passage has been implemented per the plan, waiver, or exemption prior to diversion of water. The permittee is hereby directed to schedule a consultation with the ODFW Fish Passage Coordinator.

The permittee shall maintain adequate passage of native, migratory fish at all times (ORS 509.601) as per the approved plan, waiver, or exemption.



**4. Riparian Condition:**

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.

**5. Water Quality Condition:**

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

**6. Agricultural Water Quality Management Area Rules Condition:**

The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603-095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff. Active management of livestock and/or a livestock exclusion fence is needed to protect riparian areas and provide the required functions.

**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. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
7. Complete 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.

8. 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.

Issued MAR 09 2021



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department