

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEFT COAST CELLARS LLC
PO BOX 219
RICKREALL, OR 97371

VICKI BROWNRIGG REVOCABLE TRUST
63430 OB RILEY RD
BEND, OR 97701

LARUE FAMILY TRUST
JACK & CHERI LARUE
PO BOX 137
RICKREALL, OR 97371

This superseding permit is issued to describe amendments for a change in place of use, change in point of diversion, and additional points of diversion proposed under Permit Amendment Application T-12963 and approved by Special Order Volume 122, Page 810 entered April 11, 2022, and a correcting order approved by Special Order Volume 125, Page 807, entered SEP 30 2022, and to describe an extension of time for complete application of water approved June 16, 2017 and November 5, 2021, and to describe assignments to new permittees approved January 6, 2015, August 4, 2017, April 9, 2018 and May 30, 2018. This permit supersedes Permit S-55249.

to use the waters of RESERVOIRS E, F, G, and H, CONSTRUCTED UNDER APPLICATION R-72658, PERMIT R-11498, a tributary of ASH SWALE, for IRRIGATION OF 300.2 ACRES, LIVESTOCK WATER.

This permit is issued approving Application 72659. The date of priority is SEPTEMBER 8, 1992. The use is limited to not more than 218.2 ACRE-FEET (AF), BEING 100 AF EACH FROM RESERVOIRS E AND F, AND 9.1 AF EACH FROM RESERVOIRS G AND H, or its equivalent in case of rotation, measured at the point of diversion from the source.

THE STORAGE ALLOWED IS AS FOLLOWS: FOR IRRIGATION, 90.0 AF EACH IN RESERVOIRS E AND F AND 8.6 AF EACH IN RESERVOIRS G AND H: 1.0 AF EACH FOR STOCK IN E AND F AND 0.2 AF EACH IN G AND H: AND 9.0 AF EACH FOR RECREATION IN E AND F AND 0.3 AF EACH IN G AND H.

Stored water for irrigation can be used between March 1 through October 31, and water legally stored can be used year-round for recreational and stock. The use of water to maintain a freshwater condition is not allowed.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	4 W	WM	31	NE NE	RESERVOIR G – 955 FEET SOUTH AND 420 FEET WEST FROM THE NE CORNER OF SECTION 31
6 S	4 W	WM	31	SW NE	RESERVOIR H -1780 FEET SOUTH AND 2140 FEET WEST FROM THE NE CORNER OF SECTION 31
6 S	4 W	WM	31	NE SE	RESERVOIR F -1800 FEET NORTH AND 800 FEET WEST FROM THE SE CORNER OF SECTION 31
7 S	4 W	WM	6	NE NE	POD #9 – RES. L - 640 FEET SOUTH AND 1105 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NE	POD #10 – RES. M - 945 FEET SOUTH AND 810 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NW NE	POD #8 – RES. K - 270 FEET SOUTH AND 1354 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	SW NE	RESERVOIR E – POD #5 – S. SIDE - 1800 FEET SOUTH AND 350 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	SW NE	POD #5 – RES. E - N. SIDE - 1400 FEET SOUTH AND 200 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NW	POD #6 – RES. I - 1090 FEET SOUTH AND 3730 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NW	POD #7 – RES. J - 717 FEET SOUTH AND 2685 FEET WEST FROM THE NE CORNER OF SECTION 6

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year from stored water only. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	POD
6 S	4 W	WM	31	NE SE	21.1	1-4
6 S	4 W	WM	31	NE SE	1.2	2
6 S	4 W	WM	31	NW SE	12.3	2
6 S	4 W	WM	31	SW SE	23.0	1-4
6 S	4 W	WM	31	SW SE	12.2	2
6 S	4 W	WM	31	SW SE	0.8	1,5-10
6 S	4 W	WM	31	SE SE	2.3	2
6 S	4 W	WM	31	SW SW	10.9	1,5-10
6 S	4 W	WM	31	SE SW	0.8	1,5-10
6 S	4 W	WM	31	SW NW	13.6	1,5-10
7 S	4 W	WM	5	NW NW	2.3	1-4
7 S	4 W	WM	5	SW NW	9.9	1-4
7 S	4 W	WM	6	NE NE	30.3	1-4
7 S	4 W	WM	6	NW NE	34.1	1-4
7 S	4 W	WM	6	NW NE	1.2	1,5-10
7 S	4 W	WM	6	SE NE	7.5	1-4
7 S	4 W	WM	6	SE NE	8.5	1,5-10
7 S	4 W	WM	6	SW NE	9.1	1,5-10
7 S	4 W	WM	6	NE NW	0.7	1,5-10
7 S	4 W	WM	6	NE SE	1.9	1,5-10
7 S	4 W	WM	6	NW SE	1.8	1,5-10
Total					205.5	

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POD
6 S	4 W	WM	31	SE NE	2.9	1-4
6 S	4 W	WM	31	NW SE	0.8	1-4
6 S	4 W	WM	31	SE SE	31.3	1-4
6 S	4 W	WM	31	NW SW	29.2	1,5-10
6 S	4 W	WM	31	SW SW	24.3	1,5-10
7 S	4 W	WM	6	SW NE	6.2	1-4
Total					94.7	

Permit Amendment T-12963 Conditions:

The combined quantity of water diverted at the new additional points of diversion (POD #5 – RES. E - N. SIDE, POD #6- RES. I, POD #7- RES. J, POD #8 – RES. K, POD #9 – RES. L, and POD #10 – RES. M), together with that diverted at the old points of diversion (RESERVOIR E, RESERVOIR F, RESERVOIR G, and RESERVOIR H), shall not exceed the quantity of water lawfully available at the original points of diversion (RESERVOIR E, RESERVOIR F, RESERVOIR G, and RESERVOIR H).

The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Water shall be acquired from the same surface water source as the original points of diversion (RESERVOIR E, RESERVOIR F, RESERVOIR G, and RESERVOIR H).

The former place of use shall no longer be irrigated as part of this permit.

Extension of Time Conditions:

This shall be the last extension of time granted for Permit S-51534. Any future extensions of time request will be denied

Original Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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 or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Actual construction work was to begin on or before August 11, 1995 and was to be completed on or before October 1, 1996. Complete application of the water to the use was to be made on or before October 1, 1997. By Extension of Time final order dated November 5, 2021, the completion of the construction and application of the water to the use was extended to on or before October 1, 2022.

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.

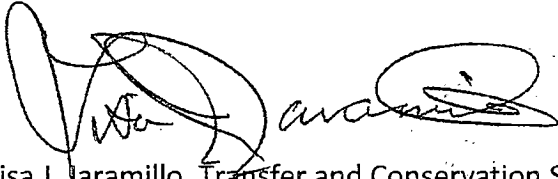
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued SEP 30 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department