

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 places of use 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 to describe assignments to new permittees approved December 8, 2010. This permit supersedes Permit S-55250.

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

APPLICATION FILE NUMBER: S-86459

SOURCE OF WATER: RESERVOIR E. N. SIDE, PERMIT R-11498; RESERVOIR I, PERMIT R-14300; RESERVOIR J, PERMIT R-14301; RESERVOIR K, PERMIT R-14302, RESERVOIR L, PERMIT R-14303; AND RESERVOIR M, PERMIT R-14304; ALL TRIBUTARIES OF ASH SWALE

PURPOSE OR USE: IRRIGATION OF 195.8 ACRES

MAXIMUM VOLUME: 91.0 ACRE FEET (AF) EACH YEAR, BEING 52.5 AF FROM RESERVOIR E; 4.5 AF FROM RESERVOIR I; 9.0 AF FROM RESERVOIR J; 10.0 AF FROM RESERVOIR K; 8.0 AF FROM RESERVOIR L; AND 7.0 AF FROM RESERVOIR M

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 8, 2005

DAM LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	5	SW NW	RESERVOIR E - 1990 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 5
7 S	4 W	WM	6	NE NE	RESERVOIR L -640 FEET SOUTH AND 1103 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NE	RESERVOIR M -945 FEET SOUTH AND 808 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NW NE	RESERVOIR K -270 FEET SOUTH AND 1354 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NW	RESERVOIR I -1115 FEET SOUTH AND 3673 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NW	RESERVOIR J - 717 FEET SOUTH AND 2685 FEET WEST FROM THE NE CORNER OF SECTION 6

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	5	SW NW	RESERVOIR E - 1990 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 5
7 S	4 W	WM	6	SE NE	POD #5 – RES. 'E' S.SIDE- 1800 FEET SOUTH AND 350 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 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						
Twp	Rng	Mer	Sec	DLC	Q-Q	Acres
6 S	4 W	WM	31		SE SW	10.4
6 S	4 W	WM	31		SW SE	1.3
7 S	4 W	WM	5		NW NW	3.9
7 S	4 W	WM	5		SW NW	5.0
7 S	4 W	WM	6		NE NE	3.2
7 S	4 W	WM	6		NW NE	3.1
7 S	4 W	WM	6		SW NE	11.9
7 S	4 W	WM	6		SE NE	4.0
7 S	4 W	WM	6		NE NW	39.3
7 S	4 W	WM	6		NW NW	1.2
7 S	4 W	WM	6		SW NW	0.3
7 S	4 W	WM	6		SE NW	37.8
7 S	4 W	WM	6		NE SW	3.6
7 S	4 W	WM	6	38	NE SE	1.0
7 S	4 W	WM	6	38	NW SE	11.6
7 S	4 W	WM	6	38	SW SE	37.1
7 S	4 W	WM	6	38	SE SE	14.3
7 S	4 W	WM	6	38	NE SW	1.6
7 S	4 W	WM	6	38	SE SW	5.2
Total						195.8

Permit Amendment T-12963 Conditions:

The combined quantity of water diverted at the new additional point of diversion (POD #5 – RES. 'E' – S.SIDE), together with that diverted at the old points of diversion (RESERVOIR E) shall not exceed the quantity of water lawfully available at the original points of diversion (RESERVOIR E).

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).

The former place of use shall no longer be irrigated as part of Permit S-55250.

Extension of Time Conditions:Permit Amendment Condition

The use of any water outside of the authorized POU under S-54692 is subject to this condition.

The permit holder shall submit an application for a permit amendment within six months of issuance of a Final Order to approve this Extension of Time. Use of water under permit S-54692 on lands not authorized shall be discontinued until such a time that a Permit Amendment authorizing the POU is approved.

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2020.

- a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the

Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250

- b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Original Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the point of diversion at Reservoir "E". The permittee shall maintain the meter in good working order.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

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.

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.

Completion of construction and application of the water was to be made on or before December 27, 2015. By Extension of Time Final Order dated June 16, 2017, the completion of construction and application of water was extended to on or before October 1, 2023. 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 SEP 30 2022



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