

**Oregon Water Resources Department
Water Rights/Adjudications Division**

Water Rights Application
Number S-86866

Final Order Incorporating Settlement Agreement

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

Application History

On May 21, 2007, Kent Madison submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on April 13, 2010, recommending the application be approved and a permit with conditions be issued.

On April 27, 2010, the applicant amended the application by removing POD 3 as a proposed diversion point.

On May 25, 2010, a timely protest was filed by Ms. Lynne Paretchan, attorney, on behalf of the City of Hermiston.

A Settlement Agreement was signed by all parties as of July 20, 2010. The terms of the Settlement Agreement have been incorporated into this Final Order and a copy of the Settlement Agreement is included below.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the place of use. The Proposed Final Order omitted Section 28, Township 3 North, Range 27 East, W.M. in the listing of the place of use in the draft permit.

The Protestant and the Department have agreed to the following points of diversion which modify the Proposed Final Order:

POINTS OF DIVERSION LOCATIONS:

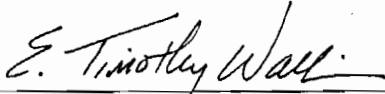
POD 1 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 2, T4N, R25E, W.M.; 150 FEET SOUTH AND 2990 FEET WEST FROM NE CORNER, SECTION 2

POD 2 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T5N, R27E, W.M.; 2270 FEET NORTH AND 940 FEET EAST FROM SW CORNER, SECTION 13

Order

Application S-86866 is therefore approved pursuant as proposed by the Proposed Final Order further modified by the Settlement Agreement, and Permit S-54675 is issued as limited by the conditions proposed by the Proposed Final Order and Settlement Agreement.

DATED September 30, 2010



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Kavanagh. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.


If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

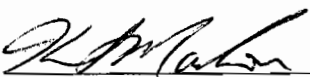
C. Terms of the Agreement

1. Within 90 days of the signing of this Agreement by all parties, the OWRD shall issue a Final Order Incorporating Settlement Agreement and permit consistent with the attached draft permit.
2. Each party to this Settlement Agreement represents, warrants, and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Settlement Agreement.
3. Each party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord.
4. Each party to this Settlement Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement and draft permit, and understands and agrees with the contents thereof.
5. The parties agree that nothing in this Settlement Agreement establishes factual, legal, or policy precedent.
6. This Settlement Agreement may be signed in counterparts.



Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department

7.12.10
Date



Kent Madison

7/20/10
Date

City of Hermiston

Date

**Oregon Water Resources Department
Water Rights/Adjudications Division**

Water Rights Application
Number S-86866

Draft Final Order Incorporating Settlement Agreement

Hearing and Appeal Rights

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A Settlement Agreement was signed by all parties as of _____. The terms of the Settlement Agreement have been incorporated into this Final Order and a copy of the Settlement Agreement is included below.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the place of use. The Proposed Final Order omitted Section 28, Township 3 North, Range 27 East, W.M. in the listing of the place of use in the draft permit.

The Protestant and the Department have agreed to the following points of diversion which modify the Proposed Final Order:

POINTS OF DIVERSION LOCATIONS:

POD 1 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 2, T4N, R25E, W.M.; 150 FEET SOUTH AND 2990 FEET WEST FROM NE CORNER, SECTION 2

POD 2 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T5N, R27E, W.M.; 2270 FEET NORTH AND 940 FEET EAST FROM SW CORNER, SECTION 13

Order

Application S-86866 is therefore approved with these modifications to the Proposed Final Order. Upon meeting the "Terms of Agreement" as described in the attached Settlement Agreement, a permit shall be issued authorizing the proposed water use.

DATED

-- DRAFT ---

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Kavanagh. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTIES OF UMATILLA AND MORROW

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

KENT MADISON
29299 MADISON RD
ECHO, OR 97826

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

APPLICATION FILE NUMBER: S-86866

DATE OF PRIORITY: MAY 21, 2007

SOURCE OF WATER: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 7614.6 ACRES TO MAKE UP IN DEFICIENCY IN RATE/VOLUME (*WHICH INCLUDES RAISING THE SOIL MOISTURE TO FIELD CAPACITY TO BE UTILIZED BY PLANT GROWTH IN THE SUBSEQUENT GROWING SEASON)

MAXIMUM RATE: 22.3 CUBIC FEET PER SECOND (CFS) AS FURTHER LIMITED BELOW

USE	LIMIT (CFS PER ACRE)	DUTY (AF PER ACRE)	PERIOD OF USE
IRRIGATION*	1/40	4.5 MAX	MARCH 1 - APRIL 14 AND OCTOBER 1 - NOVEMBER 1
IRRIGATION*	1/40	FURTHER LIMITED TO 1.5	NOVEMBER 2 - FEBRUARY 29

The amount of water secured under this permit, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet per each acre irrigated during the periods from March 1 through April 14 and from October 1 through November 1, not to exceed 1.5 acre-feet per acre irrigated during the period from November 2 through the end of February, provided the use of water shall not exceed 4.5 acre-feet for each acre irrigated in any one year.

POINTS OF DIVERSION LOCATIONS:

POD 1 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 2, T4N, R25E, W.M.; 150 FEET SOUTH AND 2990 FEET WEST FROM NE CORNER, SECTION 2

POD 2 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T5N, R27E, W.M.; 2270 FEET NORTH AND 940 FEET EAST FROM SW CORNER, SECTION 13

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.55 ACRES
SECTION 1
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.3 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.2 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 31.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 31.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 31.2 ACRES
SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.5 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 25.7 ACRES
SECTION 6

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 24.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.2 ACRE
SECTION 7

TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.3 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.3 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.2 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.2 ACRES

SECTION 8

TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.25 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.25 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.25 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.25 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.25 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.25 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.25 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.25 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.6 ACRE
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.6 ACRE
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.7 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.8 ACRES

SECTION 24

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 26.0 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 32.3 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.4 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 23.9 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23.0 ACRES

SECTION 25

TOWNSHIP 3 NORTH, RANGE 26 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.19 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 18.48 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 16.7 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.07 ACRE
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 26.88 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.13 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 33.77 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.99 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.83 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.58 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 24.42 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 31.14 ACRES

SECTION 1

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.3 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26.9 ACRES
 SECTION 2

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.4 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.1 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.8 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.5 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.5 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.2 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.8 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.6 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.3 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 26.1 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 29.4 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.2 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.3 ACRES
 SECTION 11

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 19.8 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.24 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.1 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.8 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.82 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 27.2 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 29.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.7 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28.8 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.8 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 29.9 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 18.9 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.6 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.4 ACRES
 SECTION 12

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 29.8 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.2 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.4 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.1 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.6 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 37.5 ACRES
 SECTION 13

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED) :

SW ¼ NW ¼	34.2	ACRES
SE ¼ NW ¼	21.0	ACRES
NE ¼ SW ¼	0.5	ACRE
NW ¼ SW ¼	35.5	ACRES
SW ¼ SW ¼	10.1	ACRES
NE ¼ SE ¼	32.3	ACRES
NW ¼ SE ¼	30.4	ACRES
SW ¼ SE ¼	35.6	ACRES
SE ¼ SE ¼	29.0	ACRES

SECTION 13

NE ¼ NE ¼	33.9	ACRES
NW ¼ NE ¼	39.2	ACRES
SW ¼ NE ¼	32.3	ACRES
SE ¼ NE ¼	33.6	ACRES
NE ¼ NW ¼	30.4	ACRES
NW ¼ NW ¼	21.0	ACRES
SW ¼ NW ¼	9.7	ACRES
SE ¼ NW ¼	32.5	ACRES
NE ¼ SW ¼	40.0	ACRES
NW ¼ SW ¼	15.5	ACRES
SE ¼ SW ¼	3.9	ACRES
NE ¼ SE ¼	39.6	ACRES
NW ¼ SE ¼	16.6	ACRES
SE ¼ SE ¼	12.7	ACRES

SECTION 14

NW ¼ NW ¼	13.6	ACRES
SW ¼ NW ¼	15.5	ACRES

SECTION 15

NE ¼ NE ¼	33.9	ACRES
NW ¼ NE ¼	12.7	ACRES
SW ¼ NE ¼	13.4	ACRES
SE ¼ NE ¼	38.0	ACRES
NE ¼ NW ¼	37.7	ACRES
NW ¼ NW ¼	25.53	ACRES
SW ¼ NW ¼	24.53	ACRES
SE ¼ NW ¼	37.4	ACRES
NE ¼ SW ¼	30.7	ACRES
NW ¼ SW ¼	31.4	ACRES
SW ¼ SW ¼	32.5	ACRES
SE ¼ SW ¼	31.9	ACRES

SECTION 16

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

NE ¼ NE ¼ 34.52 ACRES
 NW ¼ NE ¼ 27.61 ACRES
 SW ¼ NE ¼ 28.52 ACRES
 SE ¼ NE ¼ 34.52 ACRES
 NE ¼ NW ¼ 33.34 ACRES
 NW ¼ NW ¼ 32.58 ACRES
 SW ¼ NW ¼ 34.5 ACRES
 SE ¼ NW ¼ 38.56 ACRES
 NE ¼ SW ¼ 3.26 ACRES
 NW ¼ SW ¼ 2.13 ACRES

SECTION 17

NE ¼ NE ¼ 31.25 ACRES
 NW ¼ NE ¼ 31.25 ACRES
 SW ¼ NE ¼ 31.25 ACRES
 SE ¼ NE ¼ 31.25 ACRES
 NE ¼ NW ¼ 31.25 ACRES
 NW ¼ NW ¼ 31.25 ACRES
 SW ¼ NW ¼ 31.25 ACRES
 SE ¼ NW ¼ 31.25 ACRES
 NE ¼ SE ¼ 37.7 ACRES
 NW ¼ SE ¼ 18.3 ACRES
 SW ¼ SE ¼ 18.0 ACRES
 SE ¼ SE ¼ 37.3 ACRES

SECTION 19

SW ¼ NE ¼ 31.3 ACRES
 SE ¼ NW ¼ 31.3 ACRES
 NE ¼ SW ¼ 31.2 ACRES
 NW ¼ SW ¼ 6.9 ACRES
 SW ¼ SW ¼ 6.9 ACRES
 NW ¼ SE ¼ 31.2 ACRES

SECTION 20

NE ¼ NE ¼ 26.1 ACRES
 NW ¼ NE ¼ 24.7 ACRES
 SW ¼ NE ¼ 34.0 ACRES
 SE ¼ NE ¼ 35.0 ACRES
 NE ¼ SE ¼ 1.9 ACRES
 NW ¼ SE ¼ 2.0 ACRES

SECTION 23

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.5 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.9 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28.7 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.5 ACRES
 SECTION 24

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.8 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.4 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.5 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.9 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.9 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.7 ACRES
 SECTION 25

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 13.5 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.5 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.5 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.15 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 21.25 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 28.25 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.45 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.25 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.25 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.25 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.25 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.02 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.13 ACRES
 SECTION 26

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.2 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19.3 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 9.1 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.1 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 17.7 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 9.7 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12.2 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.3 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.5 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 12.7 ACRES
 SECTION 27

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

NE ¼	NE ¼	37.4	ACRES
NW ¼	NE ¼	5.8	ACRES
SW ¼	NE ¼	5.8	ACRES
SE ¼	NE ¼	36.5	ACRES
NE ¼	SE ¼	38.1	ACRES
NW ¼	SE ¼	7.0	ACRES
SW ¼	SE ¼	6.9	ACRES
SE ¼	SE ¼	37.2	ACRES

SECTION 28

NE ¼	NE ¼	34.75	ACRES
NW ¼	NE ¼	20.75	ACRES
SW ¼	NE ¼	13.15	ACRES
SE ¼	NE ¼	34.25	ACRES-
SW ¼	NW ¼	5.95	ACRES
SE ¼	NW ¼	10.35	ACRES
NE ¼	SW ¼	39.45	ACRES
NW ¼	SW ¼	36.15	ACRES
SW ¼	SW ¼	28.1	ACRES
SE ¼	SW ¼	36.2	ACRES
NE ¼	SE ¼	39.65	ACRES
NW ¼	SE ¼	33.75	ACRES
SW ¼	SE ¼	20.45	ACRES
SE ¼	SE ¼	37.35	ACRES

SECTION 34

NW ¼	NE ¼	3.4	ACRES
SW ¼	NE ¼	1.8	ACRES
NE ¼	NW ¼	31.25	ACRES
NW ¼	NW ¼	31.25	ACRES
SW ¼	NW ¼	31.25	ACRES
SE ¼	NW ¼	31.25	ACRES
NW ¼	SW ¼	22.6	ACRES
SW ¼	SW ¼	17.2	ACRES

SECTION 35

NE ¼	NW ¼	1.88	ACRES
SW ¼	NW ¼	3.35	ACRES
NW ¼	SW ¼	4.35	ACRES
SW ¼	SW ¼	1.14	ACRES
SE ¼	SE ¼	4.0	ACRES

SECTION 36

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.69 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 22.03 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.19 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28.83 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28.7 ACRES
 SECTION 6

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 34.7 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.9 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 29.2 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 23.5 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.1 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 24.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.8 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.1 ACRES
 SECTION 7

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 37.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.0 ACRES
 SECTION 17

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.6 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17.4 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.1 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.9 ACRE
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28.5 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SECTION 18

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

NE ¼ NE ¼	40.0	ACRES
NW ¼ NE ¼	1.9	ACRES
SE ¼ NE ¼	40.0	ACRES
NE ¼ NW ¼	3.8	ACRES
SE ¼ NW ¼	0.6	ACRE
NE ¼ SE ¼	8.0	ACRES
NW ¼ SE ¼	40.0	ACRES
SW ¼ SE ¼	0.6	ACRE
SE ¼ SE ¼	4.2	ACRES

SECTION 19

NE ¼ NW ¼	2.0	ACRES
NW ¼ NW ¼	36.0	ACRES
SW ¼ NW ¼	15.0	ACRES

SECTION 20

NW ¼ SW ¼	1.1	ACRES
SW ¼ SW ¼	0.9	ACRE
NE ¼ SE ¼	20.4	ACRES
NW ¼ SE ¼	11.8	ACRES
SW ¼ SE ¼	16.7	ACRES
SE ¼ SE ¼	28.0	ACRES

SECTION 30

NE ¼ SW ¼	35.7	ACRES
NW ¼ SW ¼	15.9	ACRES
SW ¼ SW ¼	9.1	ACRES
SE ¼ SW ¼	37.0	ACRES
NW ¼ SE ¼	9.0	ACRES
SW ¼ SE ¼	9.0	ACRES

SECTION 31

NE ¼ SW ¼	31.3	ACRES
NW ¼ SW ¼	31.3	ACRES
SW ¼ SW ¼	31.2	ACRES
SE ¼ SW ¼	31.2	ACRES
NE ¼ SE ¼	6.7	ACRES
NW ¼ SE ¼	31.3	ACRES
SW ¼ SE ¼	31.2	ACRES
SE ¼ SE ¼	31.2	ACRES

SECTION 32

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

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(s) or measuring device(s) 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(s) or measuring device(s); 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.

The use allowed herein may be made when water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season.

The use of water for out-of-season irrigation allowed herein shall not establish priority of right against future appropriations for beneficial uses or storage for such beneficial uses, other than those for irrigation during the allowed period of out-of-season use.

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 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

DRAFT - THIS IS **NOT** A PERMIT

for Phillip C. Ward, Director
Water Resources Department