

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MUDDY CREEKS IRRIGATION PROJECT
32255 BOWERS DRIVE
HARRISBURG, OREGON 97446

503-995-6332

to use the waters of MCKENZIE RIVER, a tributary of WILLAMETTE RIVER,
for IRRIGATION OF 893.5 ACRES.

This Permit is issued approving Application 70410. The date of priority
is JUNE 12, 1990. The use is limited to not more than 10.0 CUBIC FEET
PER SECOND, or its equivalent in case of rotation, measured at the point
of diversion from the source.

The point of diversion is located as follows:

SECTION 5, T 17 S, R 3 W, W.M.; 4440 FEET SOUTH AND 5250 FEET EAST
FROM SE CORNER, DLC 79.

The amount of water used for irrigation, together with the amount
secured under any other right existing for the same lands, shall be
limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its
equivalent for each acre irrigated and shall be further limited to a
diversion of not to exceed 2.5 acre-feet per acre for each acre
irrigated during the irrigation season of each year. The period of
allowed use is March 1 through October 31.

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

The use shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

A description of the proposed place of use under this Permit is as
follows:

SW 1/4 NE 1/4	0.5 ACRE
NE 1/4 NW 1/4	21.0 ACRES
SW 1/4 NW 1/4	3.0 ACRES
SE 1/4 NW 1/4	20.0 ACRES
NE 1/4 SW 1/4	20.0 ACRES
NW 1/4 SW 1/4	3.0 ACRES
SE 1/4 SW 1/4	7.0 ACRES
NW 1/4 SE 1/4	18.0 ACRES
SW 1/4 SE 1/4	11.0 ACRES

SECTION 14

NW 1/5 SW 1/4	6.0 ACRES
SW 1/4 SW 1/4	11.0 ACRES

SECTION 16

NE 1/4 SE 1/4	10.0 ACRES
SE 1/4 SE 1/4	22.0 ACRES

SECTION 17

NE 1/4 SW 1/4	14.0 ACRES
SE 1/4 SW 1/4	38.0 ACRES
NW 1/4 SE 1/4	5.0 ACRES
SW 1/4 SE 1/4	16.0 ACRES

SECTION 27

TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.

"CERTIFICATE NO. 76240"

NW 1/4 NW 1/4 31.0 ACRES
 SW 1/4 NW 1/4 26.0 ACRES
 SECTION 8

NW 1/4 SW 1/4 13.0 ACRES
 SW 1/4 SW 1/4 38.0 ACRES
 SE 1/4 SW 1/4 7.0 ACRES
 SECTION 15

SW 1/4 NE 1/4 2.0 ACRES
 SE 1/4 NE 1/4 1.0 ACRE
 SE 1/4 NW 1/4 1.0 ACRE
 NE 1/4 SW 1/4 25.0 ACRES
 SE 1/4 SW 1/4 25.0 ACRES
 NE 1/4 SE 1/4 39.0 ACRES
 NW 1/4 SE 1/4 40.0 ACRES
 SW 1/4 SE 1/4 40.0 ACRES
 SE 1/4 SE 1/4 40.0 ACRES

SECTION 16
 TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

SE 1/4 NE 1/4 6.0 ACRES
 NE 1/4 SE 1/4 13.0 ACRES
 SECTION 22

SW 1/4 NW 1/4 23.0 ACRES
 SE 1/4 NW 1/4 23.0 ACRES
 NE 1/4 SW 1/4 40.0 ACRES
 NW 1/4 SW 1/4 39.0 ACRES
 SW 1/4 SW 1/4 18.0 ACRES
 SE 1/4 SW 1/4 40.0 ACRES
 SECTION 23

NE 1/4 NW 1/4 25.0 ACRES
 NW 1/4 NW 1/4 1.0 ACRE
 SECTION 26
 TOWNSHIP 15 SOUTH, RANGE 4 WEST, W.M.

NE 1/4 NW 1/4 16.0 ACRES
 NW 1/4 NW 1/4 40.0 ACRES
 SW 1/4 NW 1/4 13.0 ACRES
 SE 1/4 NW 1/4 11.0 ACRES
 SE 1/4 SE 1/4 18.0 ACRES
 SECTION 6

NE 1/4 NE 1/4 2.0 ACRES
 NW 1/4 NE 1/4 9.0 ACRES
 SECTION 8
 TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M.

NE 1/4 NE 1/4 3.0 ACRES
 SECTION 1
 TOWNSHIP 16 SOUTH, RANGE 4 WEST, W.M.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The permittee shall install, operate and maintain all fish screening and by-pass devices required by the Oregon Department of Fish and Wildlife to prevent fish entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

Actual construction work shall begin on or before October 15, 1994, and shall be completed on or before October 1, 1995. Complete application of the water to the use shall be made on or before October 1, 1996.

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 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 this date, October 15, 1993.

/s/ **A. REED MARBUT**

Water Resources Department
For Martha O. Pagel
Director