

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TRAVIS HILL
7091 SPRINGHILL DRIVE NW
ALBANY, OREGON 97321

503-928-8754

to use the waters of FALL CREEK RESERVOIR CONSTRUCTED UNDER PERMIT R-5363, a tributary of MIDDLE FORK WILLAMETTE RIVER, for IRRIGATION OF 10.5 ACRES and SUPPLEMENTAL IRRIGATION OF 53.0 ACRES.

This permit is issued approving Application 71949. The date of priority is OCTOBER 16, 1991. The use is limited to not more than 158.75 ACRE- FEET, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NE 1/4, SECTION 14, T 10 S, R 4 W, W.M.; 350 FEET SOUTH AND 1610 FEET EAST FROM THE SE CORNER OF CARTER DLC 50.

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 (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage. The period of allowed use is April 1 through September 30.

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:

| | <u>PRIMARY</u> | <u>SUPPLEMENTAL</u> |
|---------------|----------------|---------------------|
| NW 1/4 NE 1/4 | 2.2 | 0.3 |
| SW 1/4 NE 1/4 | 0.7 | 9.5 |
| NE 1/4 NW 1/4 | 7.6 | 8.1 |
| SW 1/4 NW 1/4 | | 6.1 |
| SE 1/4 NW 1/4 | | 28.7 |
| NE 1/4 SW 1/4 | | 0.3 |

SECTION 14

TOWNSHIP 10 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

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

Actual construction work shall begin on or before September , 1995 and shall be completed on or before October 1, 1996. Complete application of the water to the use shall be made on or before October 1, 1997.

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, September 8 , 1994.

LSL MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director