

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES W. GARDNER  
9145 SMITH ROAD  
MONMOUTH, OREGON 97361

503-623-2820

to use the waters of LITTLE LUCKIAMUTE RIVER a tributary of LUCKIAMUTE RIVER, for IRRIGATION OF 58.5 ACRES.

This permit is issued approving Application 71493. The date of priority is APRIL 9, 1991. The use is limited to not more than 0.73 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 9 S, R 5 W, W.M.; 300 FEET NORTH AND 400 FEET EAST; 30 FEET SOUTH AND 1500 FEET EAST, BOTH FROM THE NW CORNER OF SMITH DLC 56.

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. The period of allowed use is June 1 through October 31.

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:

SE 1/4 SW 1/4	1.0 ACRE
NW 1/4 SE 1/4	8.0 ACRES
SW 1/4 SE 1/4	23.0 ACRES
SECTION 5	
NW 1/4 NE 1/4	20.8 ACRES
NE 1/4 NW 1/4	5.7 ACRES

SECTION 8

TOWNSHIP 9 SOUTH, RANGE 5 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.
- 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.
- 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.

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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications. The required screen is to be in place and functional prior to diversion of any water.

Actual construction work shall begin on or before July 24, 1996, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

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.

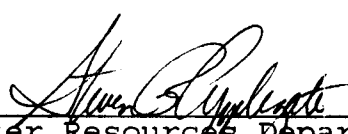
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 this date July 24, 1995.

  
Water Resources Department  
Martha O. Pagel  
Director