

STATE OF OREGON

COUNTY OF Benton

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FRANK MORTON  
BOX 1509  
PHILOMATH, OREGON 97370

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72210

SOURCE OF WATER: MARYS RIVER, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 12.1 ACRES

Rate of use: 0.045 CFS

Period of allowed use: March 1 through October 31 of each year.

DATE OF PRIORITY: February 7, 1992

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 26, T11S, R6W, W.M.;  
670 FEET NORTH AND 150 FEET EAST FROM W 1/4 CORNER, SECTION 26

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 PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 3.9 ACRES

NW 1/4 SW 1/4 2.3 ACRES

SECTION 26

SE 1/4 NE 1/4 4.1 ACRES

NE 1/4 SE 1/4 1.8 ACRES

SECTION 27

TOWNSHIP 11 SOUTH, RANGE 6 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless

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special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. 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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

#### STANDARD CONDITIONS

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

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 finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance 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.

Issued November 30, 1995



Water Resources Department  
for Martha O. Pagel  
Director

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"C" Ext. to: 10-1-2001, 10-1-2006

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