

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WALTER D. AND PATRICIA R. MILLER  
PO BOX 12395  
SALEM, OREGON 97309

PHONE: (503) 363-9135

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

APPLICATION FILE NUMBER: S-72493

SOURCE OF WATER: WILLAMETTE BASIN WATER PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARY TO THE WILLAMETTE RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 136.3 ACRES

VOLUME OF USE: 340.75 ACRE-FEET STORED WATER ONLY

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT.

DATE OF PRIORITY: JUNE 29, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 1, T8S, R4W, W.M.; 370 FEET SOUTH & 1860 FEET WEST FROM NE CORNER, SECTION 1

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 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 SW 1/4 3.8 ACRES  
SECTION 31  
SE 1/4 SE 1/4 3.0 ACRES  
SECTION 36  
TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M.

NW 1/4 NW 1/4 8.0 ACRES  
SW 1/4 NW 1/4 0.3 ACRE  
SECTION 6  
TOWNSHIP 8 SOUTH, RANGE 3 WEST, W.M.

NE 1/4 NE 1/4 32.8 ACRES  
NW 1/4 NE 1/4 19.2 ACRES  
SW 1/4 NE 1/4 35.2 ACRES

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SE 1/4 NE 1/4 8.6 ACRES  
SE 1/4 NW 1/4 8.0 ACRES  
NE 1/4 SW 1/4 7.5 ACRES  
NW 1/4 SE 1/4 9.9 ACRES

## SECTION 1

TOWNSHIP 8 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 not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact a ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

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 screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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.

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

The water user shall comply with the terms and conditions of Water Service Contract No. 2-07-10-W0930, dated the 10th day of August, 1992, between the Bureau of Reclamation and Walter D. and Patricia R. Miller. A copy of the contract is in Application File #S-72493 at the Water Resources Department.

## 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.

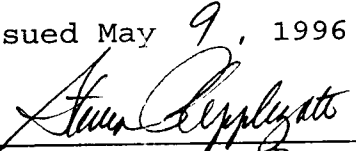
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued May 9, 1996

  
for Water Resources Department  
Martha O. Pagel  
Director