

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENT AND DEANNA STOCKWELL
29141 LAMB DR
ALBANY, OREGON 97321

MUDDY CREEKS IRRIGATION PROJECT
32255 BOWERS DRIVE
HARRISBURG, OR 97446

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

APPLICATION FILE NUMBER: S-73297

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARY TO THE MCKENZIE RIVER

PURPOSE OR USE: IRRIGATION OF 46.0 ACRES

RATE/VOLUME OF USE: 115 ACRE-FEET FROM STORED WATER ONLY

PERIOD OF ALLOWED USE: APRIL 1 THROUGH SEPTEMBER 30 OF EACH YEAR

DATE OF PRIORITY: MARCH 22, 1993

POINT OF DIVERSION (POD) LOCATION: MUDDY CREEK POD: SW 1/4 SE 1/4, SECTION 7, T12S, R4W, W.M.; 620 FEET SOUTH AND 170 FEET EAST FROM THE SLY SW CORNER OF JOSEPH ROBINETT DLC 51; MCKENZIE RIVER POD: NE 1/4 NE 1/4, SECTION 9, T17S, R3W, W.M.; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF MANSFIELD DLC 79

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:

SE 1/4 SW 1/4 22.4 ACRES

SW 1/4 SE 1/4 8.2 ACRES

SECTION 7

NW 1/4 NE 1/4 7.7 ACRES

NE 1/4 NW 1/4 7.7 ACRES

SECTION 18

TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.

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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.

The use of water under this permit is subject to the terms and conditions of Water Service Contract No. 5-07-10-W1069 or a satisfactory replacement between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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.

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.

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 January 17, 1996



for
Water Resources Department
Martha O. Pagel
Director