

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAGLE ELSNER INC.  
PO BOX 23294  
TIGARD, OREGON 97223

( 503)628-1137

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

APPLICATION FILE NUMBER: S-74134

SOURCE OF WATER: UNNAMED RESERVOIRS CONSTRUCTED UNDER PERMITS R-2069 AND R-4926, TRIBUTARIES OF HEATON CREEK

PURPOSE OR USE: IRRIGATION OF 36.8 ACRES OF FARM CROPS

RATE/VOLUME: 19.0 ACRE-FEET STORED WATER ONLY

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 1, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 16, NW 1/4 NE 1/4, SECTION 21, TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M., POD 1 - 850 FEET SOUTH AND 2110 FEET WEST FROM THE NE CORNER OF SECTION 21, POD 2 - 50 FEET NORTH AND 40 FEET WEST FROM THE S 1/4 CORNER SECTION 16

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 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 9.5 ACRES  
SW 1/4 SE 1/4 13.8 ACRES  
SECTION 16  
NW 1/4 NE 1/4 12.6 ACRES  
NE 1/4 NW 1/4 0.9 ACRE  
SECTION 21

TOWNSHIP 2 SOUTH, RANGE 2 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.

The permittee may be required in the future to 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.

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.

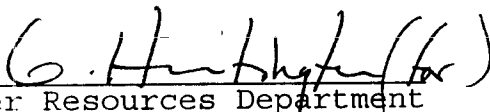
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 26, 1996

  
Water Resources Department  
Martha O. Pagel  
Director

Application 74134  
Basin 02  
LLS

Water Resources Department  
Volume 22  
Heaton Creek & Misc.

PERMIT 51933  
District 18