

PLACED IN U.S. MAIL

NOV 4 1996

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MILLER FORESTS, INC.
P.O. BOX 12395
SALEM, OREGON 97309

(503) 363-0467

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

APPLICATION FILE NUMBER: S-79614

SOURCE OF WATER: NORTH SANTIAM RIVER AND WILLAMETTE BASIN PROJECT RESERVOIR, CONSTRUCTED UNDER PERMIT R-1625, TRIBUTARIES OF SANTIAM RIVER

PURPOSE OR USE: IRRIGATION OF 32.4 ACRES

MAXIMUM FLOW/VOLUME ALLOWED: 0.405 CUBIC FOOT PER SECOND FROM NORTH SANTIAM RIVER AND 32.4 ACRE-FEET PER YEAR FROM DETROIT RESERVOIR

PERIOD OF ALLOWED USE: MARCH 1 THROUGH JUNE 30 OF EACH YEAR FOR LIVE FLOW. MARCH 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT.

DATE OF PRIORITY: MARCH 2, 1995

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, SECTION 9, NW 1/4 NW 1/4, SECTION 10, T10S, R2W, W.M.; DIVERSION 1 - 2780 FEET NORTH AND 4450 FEET WEST, DIVERSION 2 - 2470 FEET NORTH AND 3770 FEET WEST, DIVERSION 3 - 3130 FEET NORTH AND 1430 FEET WEST, DIVERSION 4 - 4820 FEET NORTH AND 380 FEET EAST, ALL FROM THE SE CORNER OF SECTION 9

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:

	NE 1/4 NE 1/4	4.8 ACRES
	SE 1/4 NE 1/4	3.0 ACRES
LOT 5	(SW 1/4 NW 1/4)	5.4 ACRES
	NW 1/4 SW 1/4	1.8 ACRES
	SW 1/4 SW 1/4	7.4 ACRES
	SE 1/4 SW 1/4	3.5 ACRES
	SECTION 9	

T-8845 Δ AP0D

Application S-79614 Water Resources Department

PERMIT 52770

NE 1/4 NW 1/4 1.6 ACRES

NW 1/4 NW 1/4 4.9 ACRES

SECTION 16

TOWNSHIP 10 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 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.

The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

The use of water under this right is subject to the terms and conditions of contract No. 6-07-10-W1112, 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.

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 October 29, 1996

Robert O. Bailey for
Martha O. Pagel, Director
Water Resources Department