

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICHARD M. AND JANICE M. FUNKE  
32235 COBURG BOTTOM LOOP RD.  
EUGENE, OREGON 97408

PHONE: (541) 343-7389

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-81915

SOURCE OF WATER: WEST FORK BOONEVILLE SLOUGH (BOONEVILLE CHANNEL) AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 159.72 ACRES, FROM LIVE FLOW AND STORED WATER, AND SUPPLEMENTAL IRRIGATION OF 7.5 ACRES, FROM STORED WATER ONLY

MAXIMUM RATE/VOLUME ALLOWED: 336.0 ACRE-FEET FROM STORED WATER AND 2.0 CUBIC FEET PER SECOND FROM LIVE FLOW

PERIOD OF USE: MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER, OR AS FURTHER LIMITED BY CONTRACT

DATE OF PRIORITY: FEBRUARY 3, 1997

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 23, T12S, R5W, W.M.; 670 FEET SOUTH & 1170 FEET WEST FROM NE CORNER, SECTION 23

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 1/2 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	11.2 ACRES	
NW 1/4 SE 1/4	6.3 ACRES	
SW 1/4 SE 1/4	10.6 ACRES	
SE 1/4 SE 1/4	28.5 ACRES	
	SECTION 14	
NE 1/4 NE 1/4	32.0 ACRES	
SE 1/4 NE 1/4	36.9 ACRES	
NE 1/4 SE 1/4		7.1 ACRES
	SECTION 23	

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NW 1/4	31.6 ACRES	0.4 ACRE
SW 1/4 NW 1/4	2.62 ACRES	
	SECTION 24	
	TOWNSHIP 12 SOUTH, RANGE 5 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.

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

The use of water under this right is subject to the terms and conditions of contract No. 7-07-10-W1142, 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.

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.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

## 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.

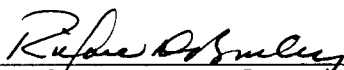
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of water to the use shall be made on or before October 1, 2002.

Issued February 18, 1998



Martha O. Pagel, Director  
Water Resources Department