

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID KNIELING  
2831 BRUSH COLLEGE ROAD NW  
SALEM, OREGON 97304

(503) 363-4823

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

APPLICATION FILE NUMBER: S-75364

SOURCE OF WATER: AN UNNAMED STREAM AND TWO RESERVOIRS TO BE CONSTRUCTED UNDER APPLICATION R-75365, A TRIBUTARY OF SPRING VALLEY CREEK

PURPOSE OR USE: IRRIGATION OF 35.4 ACRES

AMOUNT/VOLUME ALLOWED: 0.1 CFS LIVE FLOW FROM THE UNNAMED STREAM AND 4.8 ACRE FEET STORED WATER, BEING 1.1 ACRE-FEET FROM RESERVOIR 2 AND 3.7 ACRE-FEET FROM RESERVOIR 3

THE PERIOD OF ALLOWED USE IS MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW FROM THE UNNAMED STREAM AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

DATE OF PRIORITY: DECEMBER 12, 1994 FOR STORED WATER AND JANUARY 19, 1996 FOR WATER FROM THE UNNAMED STREAM

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 26, T6S, R4W, W.M.; UNNAMED STREAM - 1860 FEET SOUTH AND 720 FEET WEST; RESERVOIR 2 - 1370 FEET SOUTH & 750 FEET WEST; RESERVOIR 3 AND UNNAMED STREAM - 1370 FEET SOUTH & 400 FEET WEST, ALL FROM NE CORNER, SECTION 26

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:

NW 1/4 NW 1/4 0.3 ACRE  
SW 1/4 NW 1/4 2.6 ACRES  
SECTION 25  
NE 1/4 NE 1/4 1.5 ACRES  
SE 1/4 NE 1/4 31.0 ACRES  
SECTION 26

TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. 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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

**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.

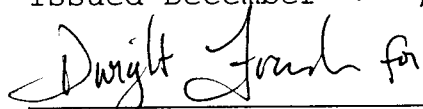
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction work shall begin by December 16, 1999. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

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.

Issued December 16, 1998

A handwritten signature in cursive script, appearing to read "Dwight L. Jones for".

Martha O. Pagel, Director  
Water Resources Department