

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FLYNN D. CASE
P.O. BOX 5639
SALEM, OREGON 97304

PHONE: (503)588-0151

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

APPLICATION FILE NUMBER: S-83950

SOURCE OF WATER: GOODWIN BRANCH CREEK AND AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-83949, TRIBUTARIES TO MUD SLOUGH

PURPOSE OR USE: IRRIGATION OF 3.0 ACRES AND TO MAINTAIN THE RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-83949, FOR FISH AND WILDLIFE

MAXIMUM RATE/VOLUME ALLOWED: 0.033 CUBIC-FOOT PER SECOND FROM LIVE FLOW AND 5.0 ACRE-FEET PER YEAR OF STORED WATER ONLY.

PERIOD OF USE: IRRIGATION - MARCH 1 THROUGH APRIL 30 FROM LIVE FLOW AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER; RESERVOIR MAINTENANCE - NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: SEPTEMBER 28, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 10, T7S, R4W, W.M.; 440 FEET NORTH AND 440 FEET WEST FROM THE S1/4 CORNER SECTION 10

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:

SE 1/4 SW 1/4
SECTION 10
TOWNSHIP 7 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.

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.

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.

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.

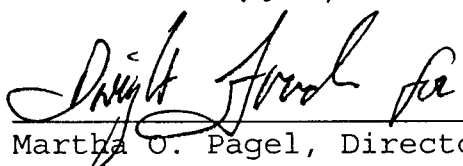
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by May 25, 2000. 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).

Issued June 18, 1999


Martha O. Pagel, Director
Water Resources Department