

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JACK KONYN  
91760 N. COBURG RD.  
COBURG, OREGON 97408

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

APPLICATION FILE NUMBER: S-73410

SOURCE OF WATER: MUDDY CREEK, TRIBUTARY TO THE EAST CHANNEL OF THE WILLAMETTE RIVER, AND BUREAU OF RECLAMATION RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES TO THE MCKENZIE RIVER

PURPOSE OR USE: IRRIGATION OF 79.5 ACRES

RATE/VOLUME OF USE: LIVE FLOW - 1.84 CUBIC FOOT PER SECOND; STORED WATER ONLY - 198.75 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: LIVE FLOW - MARCH 1 THROUGH MARCH 31 AND OCTOBER 1 THROUGH OCTOBER 31; STORED WATER - MARCH 1 THROUGH OCTOBER 31 OR AS FURTHER LIMITED BY CONTRACT WITH BUREAU OF RECLAMATION

DATE OF PRIORITY: MAY 19, 1993

POINT OF DIVERSION (POD) LOCATION: MUDDY CREEK POD: NW 1/4 NW 1/4, SECTION 21, T16S, R3W, W.M.; 830 FEET NORTH AND 1800 FEET EAST FROM THE NW CORNER OF H. A. DAVIS DLC 41; MCKENZIE RIVER POD: NE 1/4 NE 1/4, SECTION 9, T17S, R3W, W.M.; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF MANSFIELD DLC 79

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:

SW 1/4 SW 1/4 3.8 ACRES  
SECTION 16  
SE 1/4 SE 1/4 18.4 ACRES  
SECTION 17

NE 1/4 NE 1/4 35.0 ACRES  
SECTION 20  
NW 1/4 NW 1/4 22.3 ACRES  
SECTION 21  
TOWNSHIP 16 SOUTH, RANGE 3 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.

The use of water under this permit is subject to the terms and conditions of Water Service Contract No. 9-07-10-W1262 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.

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 screen is to be in place and functional prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

#### 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.

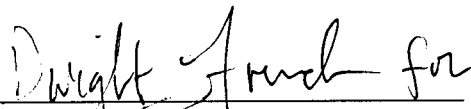
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 the 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 August 10<sup>th</sup>, 1999

  
Water Resources Department  
Martha O. Pagel, Director