

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID MCKIBBEN & LOWELL FORD
3415 BALLARD ROAD
DALLAS, OREGON 97338

(503) 623-6214

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

APPLICATION FILE NUMBER: S-84589

SOURCE OF WATER: MIDDLE FORK ASH CREEK AND MOUNT PISGAH RESERVOIR,
TRIBUTARIES OF ASH CREEK

PURPOSE OR USE: IRRIGATION OF 181.8 ACRES AND MAINTENANCE OF A
RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84588, PERMIT R-13073, FOR
FISH AND WILDLIFE USES

MAXIMUM RATE/VOLUME ALLOWED: 45.0 ACRE-FEET PER YEAR FOR IRRIGATION
AND 0.45 CUBIC FOOT PER SECOND FOR MAINTENANCE OF A RESERVOIR FOR FISH
AND WILDLIFE USES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND NOVEMBER
1 THROUGH JUNE 30 FOR MAINTENANCE OF A RESERVOIR FOR FISH AND WILDLIFE
USE

DATE OF PRIORITY: NOVEMBER 20, 2000

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 10, T8S, R5W,
W.M.; 595 FEET SOUTH & 2095 FEET WEST FROM SE CORNER DLC 44

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 2.5 acre-feet for each acre irrigated during the
irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION		
SE 1/4 SW 1/4	1.5 ACRES	
NE 1/4 SE 1/4	20.6 ACRES	
NW 1/4 SE 1/4	3.5 ACRES	FISH & WILDLIFE USES
SW 1/4 SE 1/4	33.7 ACRES	
SE 1/4 SE 1/4	35.9 ACRES	

SECTION 10

IRRIGATION

NE 1/4 SW 1/4 7.7 ACRES
 NW 1/4 SW 1/4 34.1 ACRES
 SW 1/4 SW 1/4 9.1 ACRES
 SE 1/4 SW 1/4 2.2 ACRES
 SECTION 11

NW 1/4 NW 1/4 0.2 ACRES
 SECTION 14

NE 1/4 NE 1/4 23.1 ACRES
 NW 1/4 NE 1/4 9.3 ACRES
 NE 1/4 NW 1/4 0.9 ACRES
 SECTION 15

TOWNSHIP 8 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.

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 waters decrease to the point that those waters no longer meet existing 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.

Complete application of the water to the use shall be made on or before October 1, 2005. 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 23, 2001


 Paul R. Cleary, Director
 Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application S-84589 Water Resources Department
 Basin 2 Volume 10 ASH CR & MISC
 JWG WEEK 299

PERMIT 53746
 District 16