

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GEORGE AND DON HARTELOO
1660 N. 3RD AVE.
STAYTON, OREGON 97383

PHONE: (503) 769-5165

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

APPLICATION FILE NUMBER: S-84321

SOURCE OF WATER: STORED WATER FROM AN UNNAMED RESERVOIR, TO BE
CONSTRUCTED UNDER APPLICATION R-84320 (PERMIT R-13084), TRIBUTARY TO
MILL CREEK

PURPOSE OR USE: IRRIGATION OF 7.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 3.0 ACRE-FEET PER YEAR

PERIOD OF USE: JUNE 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: JANUARY 11, 2000 ;

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 3, T9S, R1W, W.M.;
POD - 900 FEET NORTH AND 825 FEET EAST FROM SE CORNER, H FOSTER, DLC
45

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 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 4.0 ACRES
SE 1/4 SW 1/4 3.0 ACRES
SECTION 3
TOWNSHIP 9 SOUTH, RANGE 1 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.

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.

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.

To provide fish passage, the permittee shall take out the weir boards in the dam by September 30 of each year and replace the boards no earlier than May 1 of each year.

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.

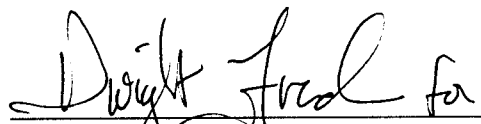
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 September 12, 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.