

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HERBERT A SPITZER AND JAMES R HANCOCK
181 LAURIE LANE
ROSEBURG, OREGON 97470

(541) 673-8905

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

APPLICATION FILE NUMBER: S-84637

SOURCE OF WATER: SOUTH UMPQUA RIVER AND GALESVILLE RESERVOIR,
CONSTRUCTED UNDER PERMIT R-9964, TRIBUTARIES OF UMPQUA RIVER

PURPOSE OR USE: IRRIGATION OF 1.5 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.019 CUBIC FEET PER SECOND AND 3.34
ACRE-FEET OF STORED WATER ONLY

PERIOD OF USE: MARCH 1 THROUGH JUNE 30 FROM LIVE FLOW FROM SOUTH
UMPQUA RIVER AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY,
BEING GALESVILLE RESERVOIR

DATE OF PRIORITY: JANUARY 11, 2001

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 16, T27S, R6W,
W.M.; 1760 FEET NORTH AND 1090 FEET EAST FROM C 1/4, SECTION 16

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 NE 1/4 1.5 ACRES
SECTION 16
TOWNSHIP 27 SOUTH, RANGE 6 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 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.

There shall be no overland flow due to excessive irrigation.

The use of water under this right is subject to the terms and conditions of contract No. I-2001-1, or a satisfactory replacement, between Douglas County and the applicant, a copy of which is on file in the records of the Water Resources Department.

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.

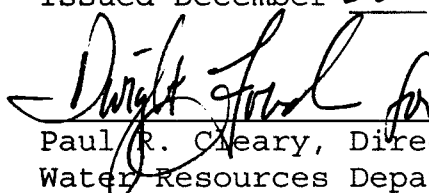
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 December 28, 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.