

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL T. MCARTHY
JOHN I HAAS, INC
4175 SALEM INDUSTRIAL DR NE
SALEM, OREGON 97303

(503) 393-4347

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

APPLICATION FILE NUMBER: S-73920

SOURCE OF WATER: DETROIT RESERVOIR, CONSTRUCTED UNDER APPLICATION R-29397, PERMIT R-1625, A TRIBUTARY OF THE SANTIAM RIVER

PURPOSE OR USE: IRRIGATION OF 245.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 65.1 ACRES

AMOUNT OF USE: 181.0 ACRE-FEET OF STORED WATER

PERIOD OF ALLOWED USE: APRIL 1 THROUGH SEPTEMBER 30 BY CONTRACT

DATE OF PRIORITY: FEBRUARY 9, 1994

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 6, T9S, R3W, W.M.; 1600 FEET NORTH & 1450 FEET WEST FROM THE SE CORNER OF SECTION 6

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NW 1/4	12.0 ACRES	8.0 ACRES
SW 1/4 NW 1/4	18.0 ACRES	
SECTION 7		
TOWNSHIP 9 SOUTH, RANGE 3 WEST, W.M.		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SW 1/4		40.0 ACRES
SE 1/4 SW 1/4	12.6 ACRES	7.4 ACRES
NE 1/4 SE 1/4	40.0 ACRES	
SE 1/4 SE 1/4	40.0 ACRES	
	SECTION 1	
NE 1/4 NE 1/4	31.4 ACRES	8.6 ACRES
NW 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NE 1/4	28.5 ACRES	
SE 1/4 NE 1/4	23.4 ACRES	1.1 ACRES
	SECTION 12	
	TOWNSHIP 9 SOUTH, RANGE 4 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1061 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.

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.

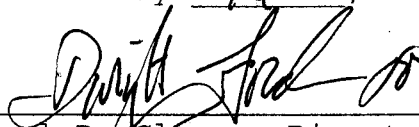
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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, 2007. 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 May 16, 2003



Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: 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.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.