

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PAUL MULKEY LIVING TRUST  
13530 CORVALLIS RD  
MONMOUTH, OR 97361

503-838-0134

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

APPLICATION FILE NUMBER: S-85934

SOURCE OF WATER: LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION USE ON 279.9 ACRES

MAXIMUM RATE: 3.5 CUBIC FEET PER SECOND FROM LUCKIAMUTE RIVER

MAXIMUM VOLUME: 420.0 ACRE FEET FROM WILLAMETTE BASIN PROJECT RESERVOIRS

PERIOD OF USE: MARCH 1 THROUGH JUNE 30, AND OCTOBER 1 THROUGH OCTOBER 31 FROM LUCKIAMUTE RIVER; MARCH 1 THROUGH OCTOBER 31 FROM WILLAMETTE BASIN PROJECT RESERVOIRS

DATE OF PRIORITY: FEBRUARY 5, 2004

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, SECTION 3, T10S, R4W, W.M.; 60 FEET SOUTH & 650 FEET WEST FROM NE CORNER, ALEXANDER HODGES DLC 53

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 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 ¼ NE ¼ 0.1 ACRE  
NE ¼ NW ¼ 32.5 ACRES  
NW ¼ NW ¼ 40.8 ACRES  
SW ¼ NW ¼ 41.4 ACRES  
SE ¼ NW ¼ 36.2 ACRES  
SECTION 3

NE ¼ NE ¼ 40.9 ACRES

NW ¼ NE ¼ 22.3 ACRES

SW ¼ NE ¼ 24.3 ACRES

SE ¼ NE ¼ 41.4 ACRES

SECTION 4

TOWNSHIP 10 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.

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens is not necessary.

The use of water under this right is subject to the terms and conditions of contract No. 059E101511, 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**

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

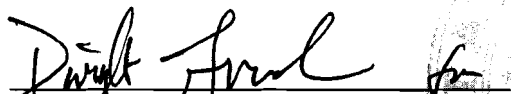
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

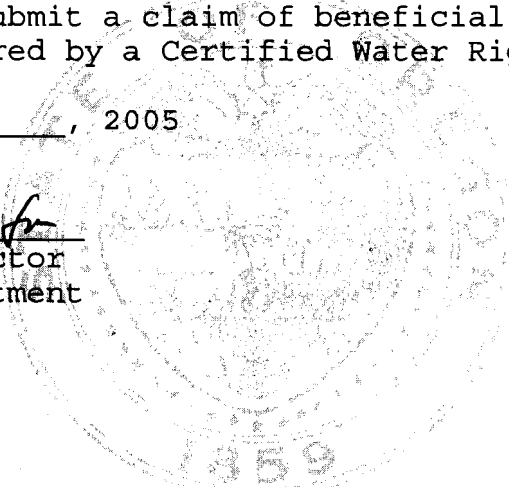
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Complete application of the water to the use shall be made on or before October 1, 2009. 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 September 15, 2005

  
Phillip C. Ward, Director  
Water Resources Department



ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

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: Water users 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.