

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OR 97477

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

APPLICATION FILE NUMBER: S-85336

SOURCE OF WATER: MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: MUNICIPAL USE, FISH LIFE USE, AND WILDLIFE USE

MAXIMUM RATE: 35.9 CUBIC FEET PER SECOND (CFS) FOR MUNICIPAL USE AND 4.1 CFS FOR FISH LIFE AND WILDLIFE USES

PERIOD OF USE: YEAR ROUND

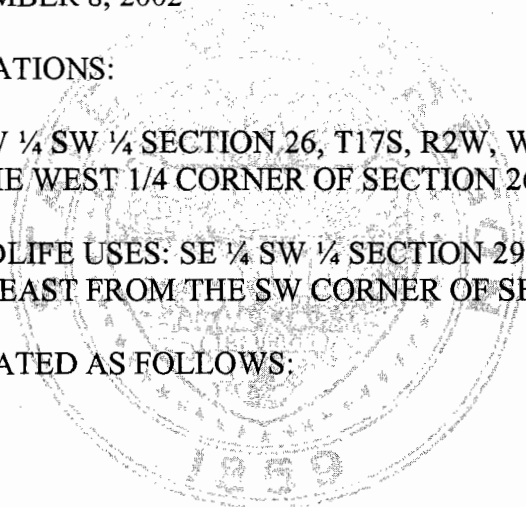
DATE OF PRIORITY: NOVEMBER 8, 2002

POINT OF DIVERSION LOCATIONS:

MUNICIPAL USE: NW ¼ SW ¼ SECTION 26, T17S, R2W, W.M.; 250 FEET SOUTH & 972 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 26

FISH LIFE AND WILDLIFE USES: SE ¼ SW ¼ SECTION 29, T17S, R1W, W.M.; 300 FEET NORTH & 2400 FEET EAST FROM THE SW CORNER OF SECTION 29

THE PLACE OF USE IS LOCATED AS FOLLOWS:



MUNICIPAL USE: WITHIN THE SERVICE AREA OF CITY OF SPRINGFIELD

FISH LIFE AND WILDLIFE USES: WITHIN THE CHANNEL OF CEDAR CREEK

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 not construct, operate or maintain any dam or artificial obstruction to fish passage at the diversion into Cedar Creek without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

If the Cedar Creek flow monitoring program currently maintained by the U.S. Geological Survey (USGS) in conjunction with the U.S. Army Corps of Engineers and the Eugene Water and Electric Board (EWEB) is discontinued, the permittee shall ensure that a similar flow monitoring program is implemented on Cedar Creek. For the purpose of this condition, such a flow monitoring program must include, at minimum, installation of a calibrated staff gage.

While EWEB's license from Federal Energy Regulatory Energy Commission (FERC) requires EWEB to bypass 1,000 cfs of water past the Walterville Canal diversion, the permittee may divert water into Cedar Creek under this permit only when the flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to 1,000 cfs plus the actual rate of appropriation into Cedar Creek under this permit. In the event that EWEB's license from FERC is modified, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to the FERC-required minimum bypass flow plus the actual rate of appropriation into Cedar Creek under this permit, or 1,400 cfs plus the actual rate of appropriation into Cedar Creek under this permit, whichever is greater. In the event that EWEB's license from FERC is rescinded, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to 1,400 cfs plus the actual rate of appropriation under this permit.

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

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.

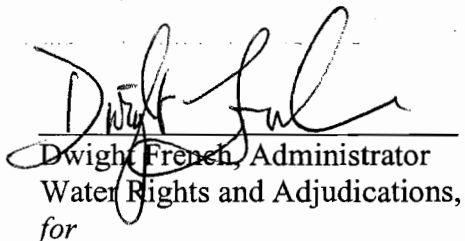
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit. If the water is not completely applied within 20 years, 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 January 2, 2007



Dwight French, Administrator
Water Rights and Adjudications,

for
Phillip C. Ward, Director
Oregon Water Resources Department

