

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

UMPQUA BASIN WATER ASSOCIATION INC.
4972 GARDEN VALLEY RD
ROSEBURG, OR 97470

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

APPLICATION FILE NUMBER: S-87299

SOURCE OF WATER: NORTH UMPQUA RIVER, TRIBUTARY TO UMPQUA RIVER

PURPOSE OR USE: COMMERCIAL AND INDUSTRIAL

MAXIMUM RATE: 1.41 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: SEPTEMBER 29, 2008

POINT OF DIVERSION LOCATION: NWNE, SECTION 33, T26S, R6W, W.M.; 610
FEET SOUTH AND 1400 FEET WEST FROM NE CORNER, SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SECTION 6

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SECTION 7

NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 18

NE ¼ NW ¼
NW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 19

TOWNSHIP 26 SOUTH, RANGE 5 WEST, W.M.

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
SECTION 12

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼

SE ¼ NE ¼
 NE ¼ NW ¼
 NE ¼ SW ¼
 NW ¼ SW ¼
 NE ¼ SE ¼
 NW ¼ SE ¼
 SE ¼ SE ¼
 SECTION 13

NE ¼ NE ¼
 NW ¼ NE ¼
 SW ¼ NE ¼
 SE ¼ NE ¼
 NE ¼ SE ¼
 NW ¼ SE ¼
 SW ¼ SE ¼
 SE ¼ SE ¼
 SECTION 21

SW ¼ NW ¼
 NW ¼ SW ¼
 SW ¼ SW ¼
 SECTION 22

NE ¼ SW ¼
 NW ¼ SW ¼
 SW ¼ SW ¼
 SE ¼ SW ¼
 NE ¼ SE ¼
 SE ¼ SE ¼
 SECTION 23

NE ¼ NE ¼
 SE ¼ NE ¼
 NE ¼ SW ¼
 NW ¼ SW ¼
 SW ¼ SW ¼
 SE ¼ SW ¼
 NE ¼ SE ¼
 NW ¼ SE ¼
 SW ¼ SE ¼
 SE ¼ SE ¼
 SECTION 24

NE ¼ NW ¼
 NW ¼ NW ¼
 SW ¼ NW ¼
 SE ¼ NW ¼
 SECTION 25

NE ¼ NE ¼
 SECTION 26

SW ¼ NE ¼
 SE ¼ NE ¼
 NE ¼ SE ¼
 NW ¼ SE ¼
 SW ¼ SE ¼
 SECTION 28

SW ¼ NE ¼
 NE ¼ NW ¼
 NW ¼ NW ¼
 NW ¼ SE ¼
 SECTION 32

NE ¼ NE ¼
 NW ¼ NE ¼
 SE ¼ NE ¼
 NW ¼ SW ¼
 NE ¼ SE ¼
 SECTION 33

NE ¼ NW ¼
 NW ¼ NW ¼
 SW ¼ NW ¼
 SE ¼ NW ¼
 NE ¼ SW ¼
 NW ¼ SW ¼
 SECTION 34

TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.

NE ¼ NW ¼
 SECTION 35

TOWNSHIP 26 SOUTH, RANGE 7 WEST, W.M.

NE ¼ NW ¼
 NW ¼ NW ¼
 SW ¼ NW ¼
 SE ¼ NW ¼
 NE ¼ SW ¼
 NW ¼ SW ¼
 SE ¼ SW ¼
 SW ¼ SE ¼
 SECTION 3

NE ¼ NW ¼
 SE ¼ NW ¼
 SE ¼ SW ¼
 SECTION 4

NE ¼ SW ¼
 SW ¼ SW ¼
 SE ¼ SW ¼
 NW ¼ SE ¼
 SW ¼ SE ¼
 SECTION 5

SE ¼ NE ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
NE ¼ SE ¼
SE ¼ SE ¼
SECTION 6

NE ¼ NW ¼
NW ¼ NW ¼
SECTION 8

NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SECTION 9

NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
SECTION 10

NW ¼ NW ¼
SECTION 11

SW ¼ SW ¼
SE ¼ SW ¼
SECTION 30

NW ¼ NW ¼
SW ¼ NW ¼
SECTION 31

TOWNSHIP 27 SOUTH, RANGE 6 WEST, W.M.

NE ¼ SE ¼
SECTION 1

SE ¼ NE ¼
NE ¼ SE ¼
SECTION 2

SW ¼ NE ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SE ¼
SECTION 11

SE ¼ SE ¼
SECTION 25

SE ¼ NE ¼
NE ¼ SE ¼
SECTION 35

NE ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
NW ¼ SW ¼
SECTION 36

TOWNSHIP 27 SOUTH, RANGE 7 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter(s) in good working order. The permittee 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(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream 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.

STANDARD CONDITIONS

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.

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.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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 application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued AUGUST 18, 2009

Phillip C. Ward for

Phillip C. Ward, Director
Water Resources Department