

STATE OF OREGON, |
 County of Marion, |ss.

This superseding permit, in the name of

**CITY OF McMinnville
 McMinnville Water and Light
 KEM CARR, GENERAL MANAGER
 P.O. BOX 638
 McMinnville, OR 97128**

is issued to describe an amendment for an additional point of diversion proposed under Permit Amendment Application T-11479 and approved by Special Order Vol. 91, Page 412, entered October 11, 2013, and to describe extensions of time for complete application of water approved December 23, 1943, April 2, 1951, April 30, 1956, December 13, 1965, April 23, 1971, November 20, 1972, May 24, 1978, May 10, 1983, March 8, 1989, December 2, 1993, and July 28, 2004. This permit supersedes Permit S-14837.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 15.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Haskins Creek and Reservoir to be constructed under Application No. R-11338, Permit R-612.....

The use to which water is to be applied is Domestic.....

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	5 W	WM	18	SW NW	POD 1 - 2540 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 18
3 S	6 W	WM	13	NW NE	POD 2 - 330 FEET SOUTH AND 2325 FEET WEST FROM THE NE CORNER OF SECTION 13

Authorized Place of Use:

DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
4 S	4 W	WM	16	ALL
4 S	4 W	WM	17	ALL
4 S	4 W	WM	20	ALL
4 S	4 W	WM	21	ALL
4 S	4 W	WM	28	ALL
4 S	4 W	WM	29	ALL

Permit Amendment T-11479 Conditions

The combined quantity of water diverted at the new point of diversion (POD 2), together with that diverted at the old point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful with working with the water user to meet ODFW standards, ODFW may request that Oregon Water Resources Department (OWRD) regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Water shall be acquired from the same surface water source as the original point of diversion.

Extension of Time Conditions

In accordance with OAR 690-315-0050(6), the permittee must submit written progress reports to the Department by October 1 of the years 2009, 2014, 2019, 2024, 2029, 2034, 2039, 2044, and 2049. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

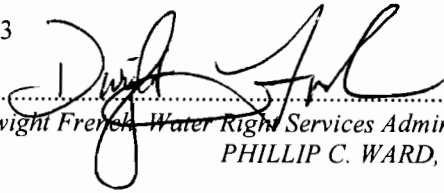
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

The priority date of this permit is January 10, 1941.....

Actual construction work shall begin on or before May 12, 1942..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 2050

Complete application of the water to the proposed use shall be made on or before October 1, 2050

WITNESS my hand this...¹¹.....day of October, 2013


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Dwight French Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR