STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

KURT A. KAYNER
ELLEN A. KAYNER
29745 NIXON DR
HALSEY OR 97348

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

APPLICATION FILE NUMBER: S-89456

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARY TO WILLAMETTE RIVER

MAXIMUM VOLUME: 754.0 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT)

PURPOSE OR USE: IRRIGATION OF 301.6 ACRES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 23, 2024

AUTHORIZED POINTS OF RE-DIVERSION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
MCIP POD	17 S	3 W	WM	9	NE NE	4440 FEET SOUTH AND 5250 FEET EAST FROM SE CORNER, DLC 79
POD 1	14 S	4 W	WM	16	NW SW	1990 FEET NORTH AND 1880 FEET EAST FROM SW CORNER, DLC 42
POD 2	14 S	4 W	WM	27	SW SW	30 FEET NORTH AND 930 EAST FROM SW CORNER, SECTION 27

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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	16	SW NE	2.7
14 S	4 W	WM	16	SW NW	3.0
14 S	4 W	WM	16	NE SW	10.5
14 S	4 W	WM	16	NW SW	9.7
14 S	4 W	WM	16	SW SW	25.3
14 S	4 W	WM	16	SE SW	36.3
14 S	4 W	WM	16	NW SE	34.5
14 S	4 W	WM	16	SW SE	38.3
14 S	4 W	WM	17	SE NE	2.3
14 S	4 W	WM	27	NW SW	35.5
14 S	4 W	WM	27	SW SW	29.5
14 S	4 W	WM	28	NE SE	40.0
14 S	4 W	WM	28	NW SE	34.0

PERMIT SPECIFIC CONDITIONS

1. 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.

2. **Water Use Measurement, Recording, and Reporting:**

   A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as determined by the watermaster, at each point of diversion. The permittee shall maintain the device in good working order.

   B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

   C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.

   D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

3. **Fish Screen/Passage:**

   The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate

upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

4. The use of water under this right is subject to the terms and conditions of contracts No. 249E102251 and 249E102252, or satisfactory replacements, between the U.S. Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.

5. The use of water under this right is subject to the terms and conditions of an agreement between the Muddy Creeks Irrigation Board and the permittee, a copy of which must be on file in the records of the Water Resources Department.

STANDARD CONDITIONS

1. 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.

2. 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.

3. 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.

4. 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.

DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

2. Complete 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.

3. Within one year after making complete application 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 FEBRUARY 21, 2025

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department