



Mailing List for Certificate

Scheduled Mailing Date:

Application: S-71586

Permit: S-52262

Certificate: 89925

Permit/Certificate Holder:

N/E. KNECHT  
3400 MAIN ST  
SPRINGFIELD, OR 97478

Copies Mailed	
by: <u>JA</u>	(STAFF)
on: <u>3/20/15</u>	(DATE)

Copies of Final Certificate to be sent to:

- ~~1.~~ Watermaster District 2
- ~~2.~~ Data Center (include copy of map)
- ~~3.~~ Water Availability
- ~~4.~~ Vault
- ~~5.~~ File

Other persons to receive copies: (include map):

- ~~1.~~ Thomas F. Poage, CWRE
- ~~2.~~ Current landowner tax lot 1701270000400  
Carol Ueland  
11238 Lyra Ave.  
Mira Loma, CA 91752
- ~~3.~~ Current landowner tax lot 1701270000400  
Douglas Knecht  
11238 Lyra Ave.  
Mira Loma, CA 91752
- ~~4.~~ Current landowner tax lot 1701270000400  
Susan Halverson  
11238 Lyra Ave.  
Mira Loma, CA 91752



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

**Date Mailed: March 20, 2015**

**NOTICE OF CERTIFICATE ISSUANCE**

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

N. E. KNECHT  
 3400 MAIN ST  
 SPRINGFIELD, OR 97478

confirms the right to use the waters of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES OF MCKENZIE RIVER for IRRIGATION of 65.2 ACRES.

This right was perfected under Permit S-52262. The date of priority is MAY 13, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 163.0 ACRE FEET PER YEAR STORED WATER ONLY or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
17 S	1 W	WM	27	NW NW	40	536 FEET SOUTH & 1820 FEET WEST FROM N1/4 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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
17 S	1 W	WM	27	NW NE	13	1.0
17 S	1 W	WM	27	SW NE	2	20.5
17 S	1 W	WM	27	NE NW	14	2.2
17 S	1 W	WM	27	NW NW		0.1
17 S	1 W	WM	27	SW NW	4	7.6
17 S	1 W	WM	27	SE NW	3	32.3
17 S	1 W	WM	27	NW SE		1.5

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order.
- B. The water user 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of Contract No. 019E101300 between the Bureau of Reclamation and the water user, or a satisfactory replacement, a copy of which is on file in the records of the Water Resources Director.

The water user shall maintain and operate fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

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

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

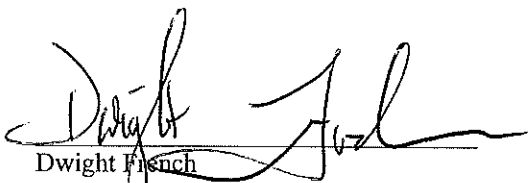
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

MAR 20 2015

Issued \_\_\_\_\_



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

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89925

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Issued \_\_\_\_\_.

**PROPOSED**

\_\_\_\_\_  
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-71586

Permit: S-52262

Certificate: \*\*\*\*\*

Permit/Certificate Holder:

N. E. KNECHT  
3400 MAIN ST  
SPRINGFIELD, OR 97478

Copies Mailed	
by:	<u>EAL</u> (STAFF)
on:	<u>10/17/14</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 2
- ~~2. Data Center (include copy of map)~~
- ~~3. Water Availability~~
- ~~4. Vault~~
5. File

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Susan Halverson  
11238 Lyra Ave.  
Mira Loma, CA 91752





# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

DATE MAILED:

OCT 17 2014

NOTICE

Reference: Application S-71586 Permit S-52262

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French  
Water Right Services Administrator

## CLARK Gerry E

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**From:** CLARK Gerry E  
**Sent:** Thursday, October 30, 2014 12:00 PM  
**To:** 'd2knecht@comcast.net'  
**Subject:** Water Right Information Application S-71586, Permit S-52262 (Proposed Certificate)  
**Attachments:** Proposed Certificate.pdf; Claim of Beneficial Use map.pdf; Claim of Beneficial Use report.pdf; Permit map.pdf

Doug,

It was nice talking with you this morning.

As we discussed, I have attached a copy of the proposed certificate documents for your reference and a copy of the original permit map.

In addition, I have attached a copy of the Claim of Beneficial Use report that submitted in September of 2000.

Here is a link to the permit that was issued in September of 1996:

[http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Permit&permit\\_char=S&permit\\_nbr=52262](http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Permit&permit_char=S&permit_nbr=52262)

Please feel free to contact me with any additional questions that you may have.

Gerry

Gerry Clark  
Water Right Services Division  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

Phone: 503-986-0811

# MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>S-71586</u>	Permit # <u>S 52262</u>	Transfer #
WRD Reviewer <u>Corey Courchane</u>	Date <u>10-7-14</u>	
WRD Peer Reviewer <u>Mary Bjor E</u>	Date <u>10-8-14</u>	

## Research

- Organize file in chronological order
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- Water Organization identified using AOI?  No  Yes  
If "Yes" cc: \_\_\_\_\_ & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor verified by phone w/ Assessor 10-8-14  
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict?  No  Yes  
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, QQ's?  No  Yes  
If "No", either \_\_\_\_\_ WRD amend map OR \_\_\_\_\_ prepare Order of Certification

## Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- yes Fish Conditions
- yes Meter/measuring device - automatic timer/gpm output
- N/A Water Use Reporting
- N/A Pump Test (post December 19, 1988)
- yes Other Conditions BOR contract / no dam or artificial obstruction constructed
- N/A SWL
- yes C-Date COBU 8-29-00 - user states on Application from 4-25-91 "existing"
- N/A Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

### NOTES:

A	<u>6-19-97</u>	<u>user existing - App. 4-25-91</u>
B	<u>10-1-98</u>	<u>"</u>
C	<u>10-1-99</u>	<u>"</u>

**Determination**

\_\_\_ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

CC I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

*User hasn't fully developed acres, reduced to 65.2. Volume to use reduced to 163.0 AF/year.*

\_\_\_ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

**Processing**

CC Stamp PROPOSED or Assign CERT# \_\_\_\_\_ or ORDER OF CERTIFICATION (circle one)

CC Draft Certificates or Proposed Order of Certifications are available in the Application directory.

CC Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

**NOTES:**

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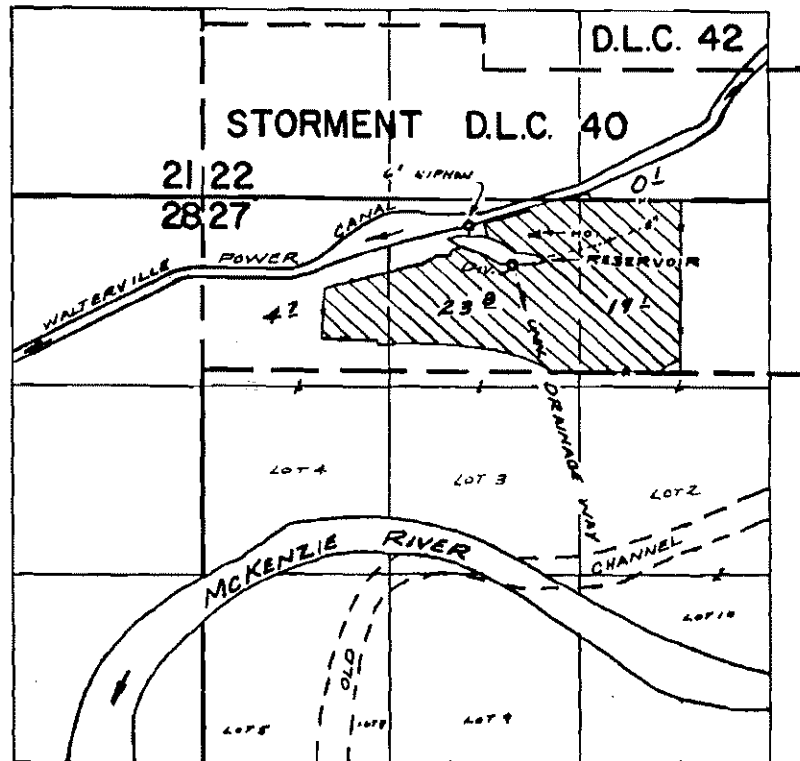
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# T.17 S.R.1W. W.M.



DIV. PTS. LOC; W.P.C. - LOT 1 (NE 1/4 SW 1/4) SEC. 23; RE-DIV FROM W.P.C. - 180' E. & 140' S.; RES. DIV - 2160' E. & 460' S., BOTH FROM N.W. COR. SEC. 27

## FINAL PROOF SURVEY UNDER

Application No. <sup>41441</sup> R-42579. Permit No. <sup>31785</sup> R-4833.  
IN NAME OF

.....JACK CRAWFORD.....

Surveyed Oct. 15, 1970, by R. MUCKEN.



Home | I Want To... | Services | Departments | Contact Us

Individual Property Account Information

Currently Selected Account

Account Number  
0098721  
Tax Payer Name  
HALVERSON SUSAN  
Situs Address  
39532 WALTERVILLE LN

I Want To...

- Start New Search
- Get the Current Balance Due
- Find Current and Prior Year Tax Statements
- Make a Tax Payment
- View the Tax Map
- View Appraisal Information
- View Property Description Card
- Change the Mailing Address
- Visit A&I Homepage
- View General Payment Information
- Search Help
- Contact Us

Account Information

Account Number: 0098721  
 Additional Account Numbers: HALVERSON SUSAN  
 Tax Payer: 39532 WALTERVILLE LN  
 Situs Address: SPRINGFIELD, OREGON 97478  
 Mailing Address: 11238 LYRA AVE  
 Map and Tax Lot #: MIRA LOMA, CALIFORNIA 91752  
 Acreage: 1701270000400  
 TCA: 81.02  
 Prop Class: 01909  
 551 Zoned Farm Improved

Disclaimer / Privacy / Accessibility  
Copyright © Lane County, Oregon. All rights reserved.

Contact Webmaster

*Assessor shows 3 owners on record,  
 to include these two:  
 Douglas Knecht  
 Carol Heland*

*all 3 have same mailing address  
 per Assessor*





Search  
Identify Non-Water Right Features

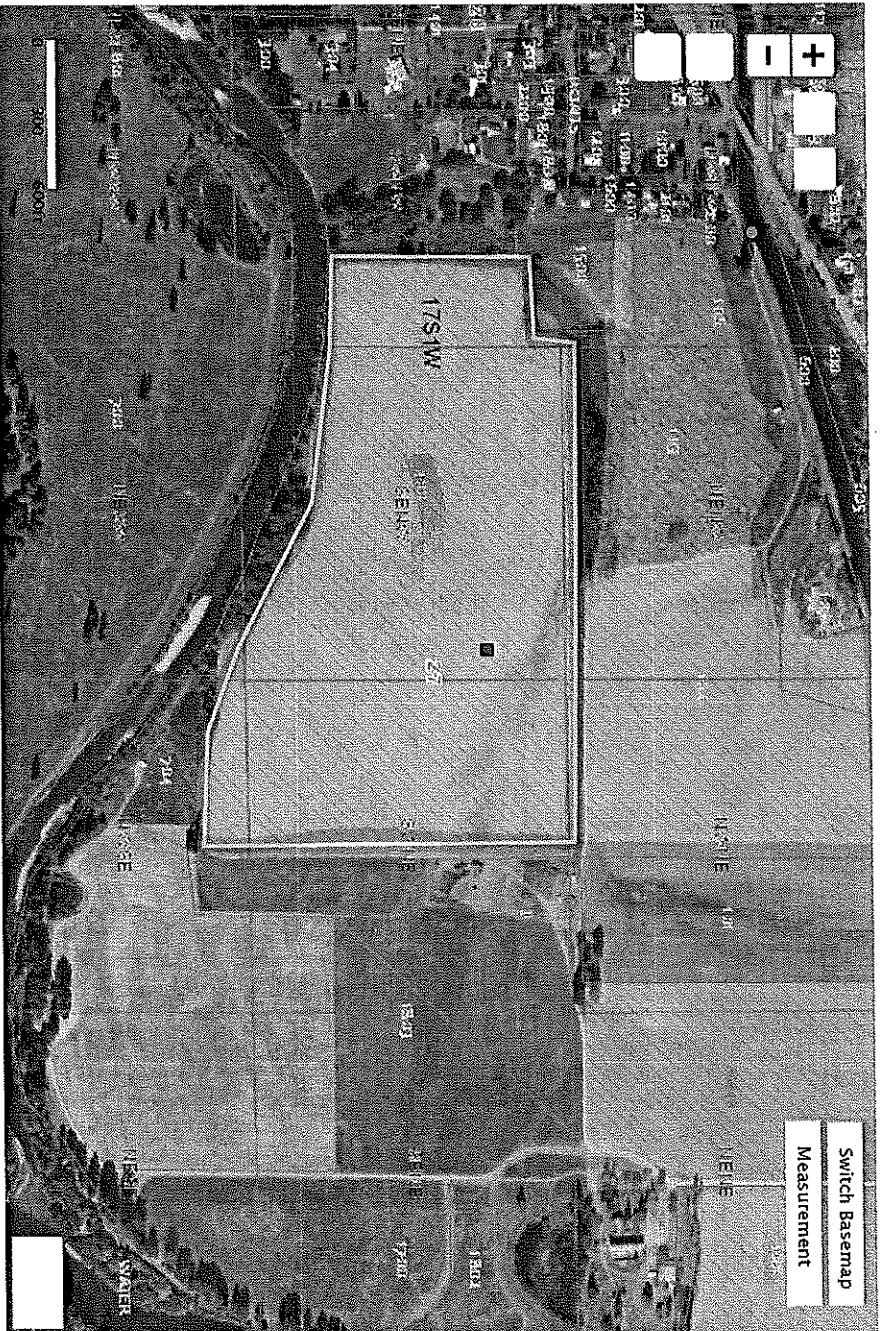
Tax Lots  
Identify Tax Lots OR Map  
 Off  
 On

County: Lane  
 Taxlot: 1701270000400  
 Owner1:  
 Owner2:  
 Owner Address: 4134 CONBO DR SAN BERNARDINO CA 92404  
 Site Address: 35532 WALTERVILLE LN SPRINGFIELD 97478  
 Acres: 98.2

TRSOQ: WMI7.0051.00W27XXXX  
 Effective Date: January 1, 2014

Note: Tax lot information provided here is for general inquiry purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information. It is recommended to zoom to a detailed extent before inquiry.

Tools  
 Legend  
 Layers  
 Print  
 Bookmarks



POD POU Irrigation Districts AOI WR By Time  
 All Fields Search...

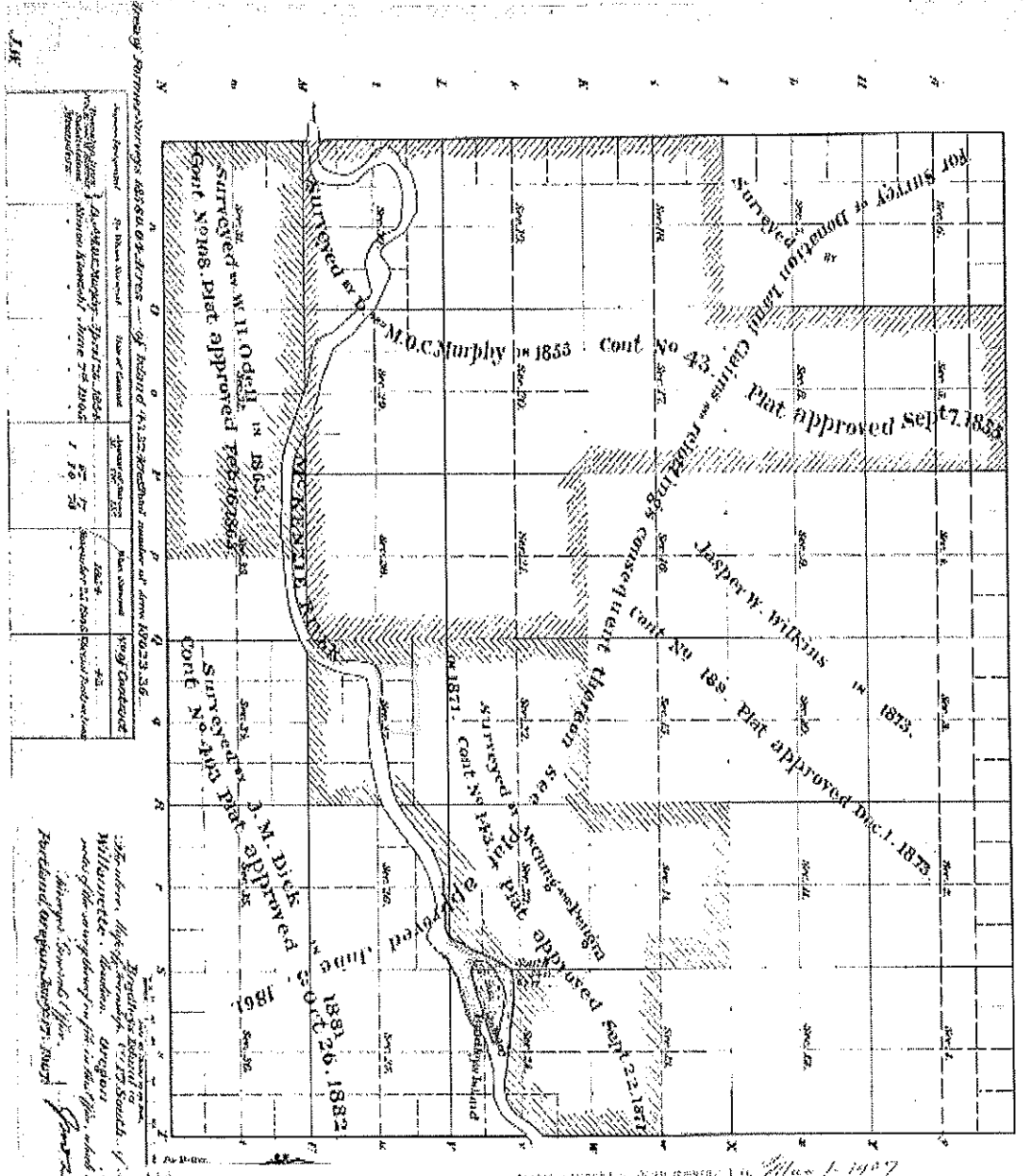
#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp. Application	Permit
Search took 0 sec												
0												





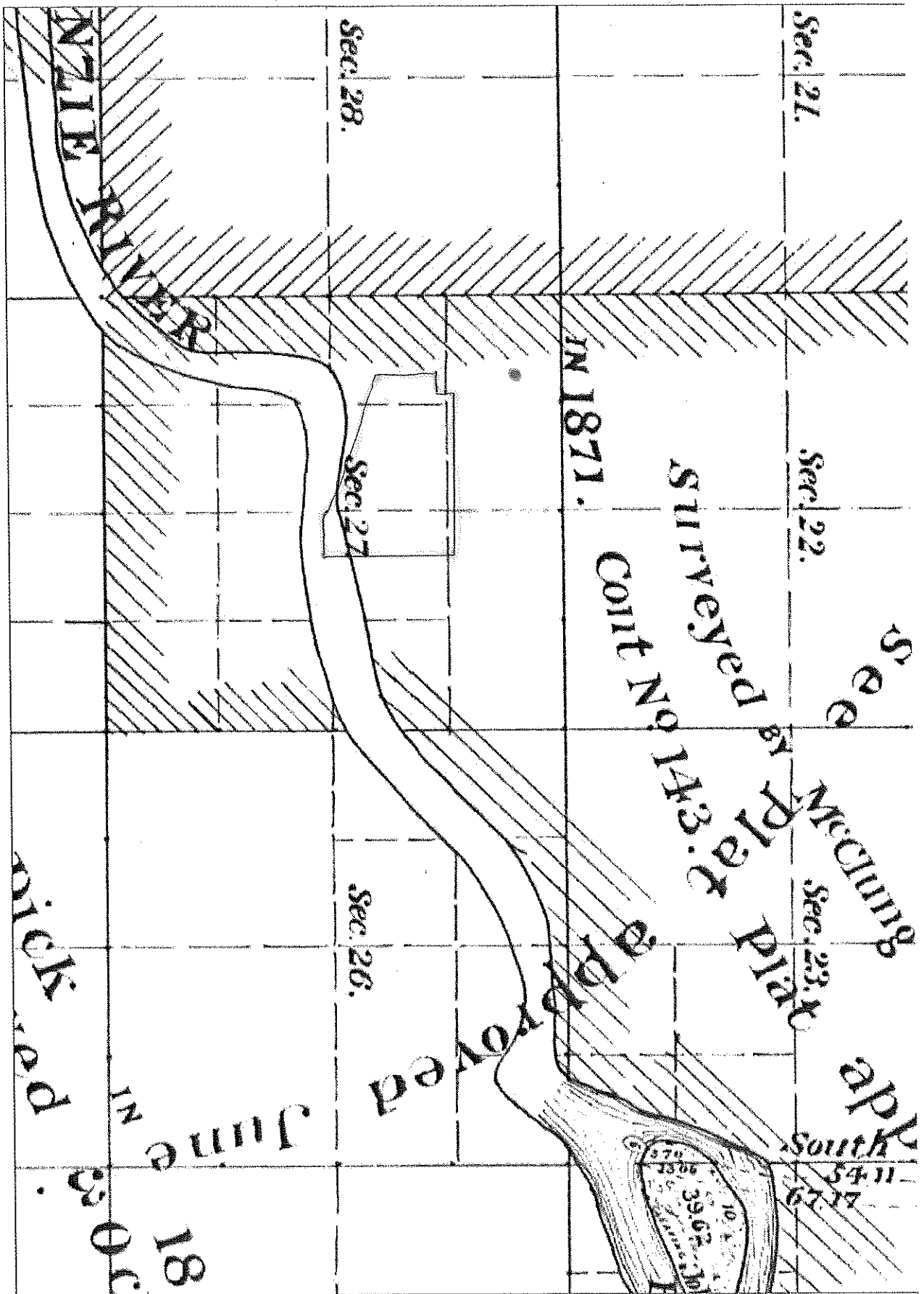






Section	Owner	Acres	Value
1		36	
2		36	
3		36	
4		36	
5		36	
6		36	
7		36	
8		36	
9		36	
10		36	
11		36	
12		36	
13		36	
14		36	
15		36	
16		36	
17		36	
18		36	
19		36	
20		36	
21		36	
22		36	
23		36	
24		36	
25		36	
26		36	

Map 1-1907  
 The Oregon Land Office  
 Portland, Oregon  
 This map is a reproduction of the original map filed in the office of the Oregon Land Office, Portland, Oregon, on June 20, 1832, and is subject to the same conditions and restrictions as the original map.



Sec. 21.

Sec. 22.

Sec. 23. X

Sec. 28.

Sec. 27.

Sec. 26.

WHITE SANDS

IN 1871.

Surveyed by Plat  
Coit No 143.

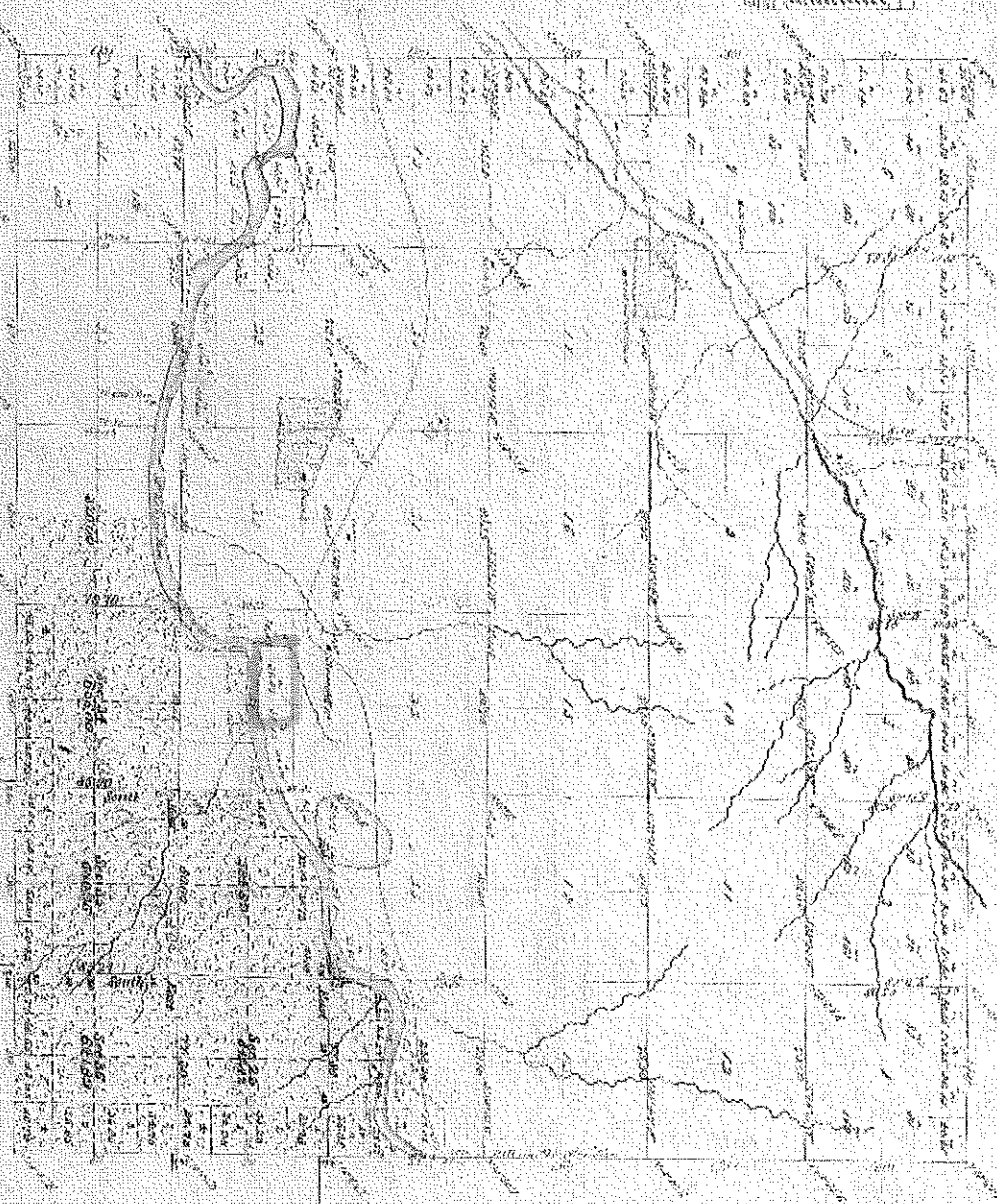
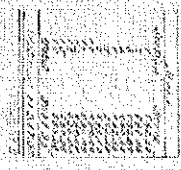
See McCune

Applied for

June 18  
picked up



South  
1145  
2129



1. The map shows the course of the river from its source in the north to its mouth in the south. The river is shown in a solid line, and its tributaries are shown in dashed lines. The map also shows the location of the dam and the reservoir.

2. The map is a plan view, and the scale is 1:50,000. The map is oriented with North at the top.

3. The map shows the following features:

- Source of the river
- Course of the river
- Tributaries of the river
- Dam
- Reservoir
- Grid
- Contour lines
- Labels for various locations and features

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# Water Rights Platcard Report

Meridian: Williamette Township: 17 South Range: 1 West Section: 27 Records per page: 999 Search: Platcards Maps! Learn about \* View Map

Water Right	Changing Xers	Priority	Use	Use Status	DLC	Govt Lot	Q(40)	Q(160)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown		
Select Permit: S 52262 *		5/13/1991	IRRIGATION						0.9	19.3			2.1	0.2	13.1	34.5	0.9																2.9		
Additional Info: N.E. KNECHT App: S71586 Permit: S52262																																			
Select App: P 80677 *		11/7/1995	STORAGE										*																						
Additional Info: JACK CRAWFORD App: P80677																																			
Select App: P 81093 *		4/19/1996	STORAGE										*																						
Additional Info: JACK CRAWFORD App: P81093																																			
Select Permit: S 51771 CN		5/13/1991	IRRIGATION CN							444																									
Additional Info: JACK CRAWFORD App: S71594 Permit: S51771																																			
Select Cert: 14022 OR CN	17484	7/25/1940	IRRIGATION CN	40					39.2	2.2																									
Additional Info: JIRA MCHOUTT App: S18883 Permit: S14388 Cert: 14022																																			
Select Cert: 30586 OR *		6/29/1960	IRRIGATION	40										4.7																					
Additional Info: HARRY W/IDA M WENICK App: S34081 Permit: S26791 Cert: 30586																																			
Select Cert: 37738 OR *		7/10/1964	IRRIGATION																															0.2	0.8
Additional Info: HOWARD/MARYJANE JEWETT App: S40063 Permit: S29860 Cert: 37738																																			
Select Cert: 37932 OR *		8/2/1966	STORAGE	40									*																						
Additional Info: JACK CRAWFORD App: R42579 Permit: R4833 Cert: 37932																																			
Select Cert: 37933 OR *		8/2/1966	IRRIGATION	40																															
Additional Info: JACK CRAWFORD App: S41441 Permit: S31785																																			

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## Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

### Data Entry (fill in underlined blanks)

---

HP = 30  
Efficiency = 6.61  
Lift = 10  
PSI = 0

---

### Results Calculated

---

(hp)(efficiency) = 198.3  
Head based on psi = 0.0  
Total dynamic head = 10.0  
(head + lift)

Pump Capacity = ~~19.83~~ feet per second  $\times 1.98 \text{ AF/day} \times 244 \text{ days} = 9580.3 \text{ AF/yr}$

CWRG States pump has capacity of  $\frac{480 \text{ gpm}}{226.67} = 1.99 \text{ AF/day}$

$$1.99 \times 244 = 485.6 \text{ AF/yr}$$

Exceeds capacity  
user makes proof.

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

N. E. KNECHT  
3400 MAIN ST  
SPRINGFIELD, OREGON 97478

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71586

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

PURPOSE OR USE: IRRIGATION OF 73.9 ACRES  
65.2

RATE/VOLUME OF USE: 184.75 ACRE-FEET PER YEAR STORED WATER ONLY  
163.0

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: MAY 13, 1991

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 27, T17S, R1W, W.M.; 536 FEET SOUTH AND 1820 FEET WEST FROM THE N 1/4 CORNER OF 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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4	0.9 ACRE	1.0	2
SW 1/4 NE 1/4	19.3 ACRES	20.5	2
NE 1/4 NW 1/4	2.1 ACRES	2.2	3
NW 1/4 NW 1/4	0.2 ACRE	0.1	
SW 1/4 NW 1/4	13.1 ACRES	7.6	4
SE 1/4 NW 1/4	34.5 ACRES	32.3	3
NE 1/4 SW 1/4	0.9 ACRE		
NW 1/4 SE 1/4	2.9 ACRES	1.5	

SECTION 27

TOWNSHIP 17 SOUTH, RANGE 1 WEST, W.M.

## Measurement, recording and reporting conditions:

- Meq.
- 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.
  - 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.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The use of water under this permit is subject to the terms and conditions of Water Service Contract No. 2-07-10-W0898 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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

## STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

~~The Director finds that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.~~

~~Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.~~

Issued June 19, 1996

*Martha O. Pagel*  
for Martha O. Pagel Director  
Water Resources Department

# 2009

## Oregon Water Resources Department October through September Water Use Recording and Reporting Form

# 2010

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Knecht Surviving Tr. & Celeste G. Knecht LV. Tr.

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

1745 W. 17th Avenue Eugene, OR 97401

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	Application: Permit: Other:	Application: Permit: Other:	Application: Permit: Other:	Application: Permit: Other:
October - 20 09				
November - 20 09				
December - 20 09				
January - 20 10				
February - 20 10				
March - 20 10				
April - 20 10				
May - 20 10				
June - 20 10				
July - 20 10				
August - 20 10				
September - 20 10				
TOTAL *	61.87			
Unit of Measurement	<input type="checkbox"/> G <input checked="" type="checkbox"/> AF <input type="checkbox"/> KG <input type="checkbox"/> CF <input type="checkbox"/> MG <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> AF <input type="checkbox"/> KG <input type="checkbox"/> CF <input type="checkbox"/> MG <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> AF <input type="checkbox"/> KG <input type="checkbox"/> CF <input type="checkbox"/> MG <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> AF <input type="checkbox"/> KG <input type="checkbox"/> CF <input type="checkbox"/> MG <input type="checkbox"/> MCF

Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)

APR 5-71526  
Permit 5-52262

meter required, but no reporting yet

WATER RESOURCES DEPT  
SALEM, OREGON

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DEC 22 2010

Describe the method of measurement used: Rate of Application If used for irrigation, total number of acres irrigated: 64

I certify this information is true and accurate to the best of my knowledge.

Date 12-15-10 Signature [Signature] Name and Title (print) Tina Galbraith, Dir. Div 05. Company Stahlbush Island Farms Inc Phone Number 541-257-1494

Please complete and mail to: Oregon Water Resources Department, Water Use Reporting Program, 725 Summer Street NE, Suite A, Salem, OR 97301.



**CLAIM OF BENEFICIAL USE**

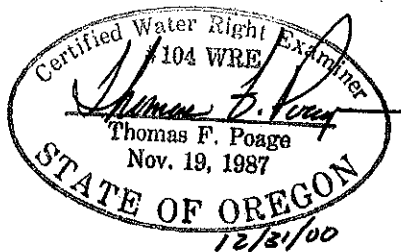
**and**

**SITE REPORT**

**for**

**N E KNECHT**

**(Application No. S-71586 Permit No. 52262)**



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SEP 12 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

**Poage Engineering and Surveying Inc.**  
990 Obie Street  
P.O. Box 2527  
Eugene, Oregon 97402  
Phone (541)485-4505 Fax (541)485-5624

**RECEIVED**

SEP 21 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

GENERAL INFORMATION

This report is for the Claim of Beneficial Use on land owned by the N E Knecht estate for the permit to appropriate public waters under the name N E Knecht (Permit 52262). Douglas L. Knecht is the executor of the estate and will sign for the Claim of Beneficial Use. The property is located in a portion of Township 17 South, Range 1 West, Willamette Meridian. The address of the site is 39532 Walterville Lane, Springfield, OR 97478. The mailing address for Douglas L. Knecht is 1745 W. 17th Avenue, Eugene, OR 97402, and Mr. Knecht's phone number is (541) 344-5454.

A site inspection of the property was conducted by Poage Engineering & Surveying, Inc. on August 8, 2000. During the site inspection, Denny Marquardt was present and provided information relating to the site and existing irrigation system. Mr. Marquardt farms the property under contract from Mr. Knecht and is familiar with the irrigation system and diversion structure. Information provided by Mr. Marquardt concerning the irrigation system was verified by site inspections.

SOURCE

The water source for the irrigation is the Leaburg Canal which is fed by the McKenzie River, a tributary to the Willamette River Basin. The use is mitigated by storage releases from the Willamette Basin Project Reservoirs constructed under Permit R-5363, tributaries of the McKenzie River. The storage releases are subject to the terms and conditions of Water Service Contract No. 2-07-10-W0898 between the Bureau of Reclamation and the permittee, a copy of which is on file in the records of the Oregon Water Resources Department.

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DIVERSION POINT

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SALEM, OREGON

The diversion point is the Leaburg Canal, whose diversion point from the McKenzie River is located in Section 23, Township 17 South, Range 1 West, Willamette Meridian, 2,250 feet north and 5,200 feet east of the southwest corner of Section 23. The secondary diversion from the Leaburg Canal is a 24" culvert which passes under the access road on the south side of the canal and feeds a ditch which traverses the Knecht property, serving a pond in which the pump is located. The location of this secondary diversion is 536 feet south and 1820 feet west of the north one-quarter corner of Section 27, Township 17 South, Range 1 West, Willamette Meridian.

PUMP

The pump that is used to feed the irrigation system is a 30-horsepower, 3-phase Cornell pump (Model #3W30-2). The pump has a 4" inlet and a 3" outlet and, according to the supplier, has a pumping capacity of 450 gallons per minute.

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SALEM, OREGON

PIPE SYSTEM

In general, water flows from the Leaburg Canal via a ditch to a small pond (approximately 300 sq. ft.). Overflow from the pond continues in the ditch to its outlet in the McKenzie River. From the pond, the water is pumped and delivered to the various areas of the site through a system of 6" and 5" main lines. The water is then delivered to sprinklers in various areas of the site using a series of portable 3" aluminum lateral lines which extend from the main lines. All of the pipes in the system are above-ground portable pipes and are removed during the winter months.

In total, the existing portable pipe system at the site consists of the following:

6" Aluminum main lines	1700 LF
5" Aluminum main lines	1200 LF
3" Aluminum lateral lines with sprinkler (40 LF each)	3400 LF

HEADS

The site is irrigated through a series of Rainbird irrigation guns capable of delivering 6 gallons per minute each. There are 85 such heads mounted on the 3" aluminum laterals and spaced at 40 foot intervals. The total delivery capacity of the existing irrigation system is 510 gallons per minute.

USE

The water is used for the irrigation of various row crops, which is consistent with the terms of Permit No. 52262 which provides for the irrigation of up to 73.9 acres.

LIFT

The maximum lift in the system from the source to the most elevated sprinkler head is 10 feet.

SURVEY TIE

The north one-quarter corner of Section 27, Township 17 South, Range 1 West, Willamette Meridian, was used to locate the point of diversion.

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SALEM, OREGON

SPECIAL CONDITIONS

There is currently no water meter on the irrigation system as required by the measurement, recording and reporting conditions of Permit No. 52262. However, the volume of water used can be approximated since the pump is on an automatic timer and the gallon-per-minute output of the system is known. It is the contention of the applicant that this should be considered as a "suitable measuring device". If that is not acceptable, however, Mr. Marquardt noted that the system would allow for a meter to be added near the pump discharge if such an addition is requested by the Watermaster.

The use of the water for irrigation at the time of the site inspection was in compliance with the provisions of Water Service Contract No. 2-07-10-W0898 as required by the permit.

A 2' x 2' x 2' box covered with wire mesh has been installed over the end of the 6" intake pipe for fish screening purposes as required by the special conditions of Permit No. 52262.

No dam or artificial obstruction has been constructed by the permittee in the Leaburg Canal in compliance with the special conditions of the permit.

REMARKS

The area of use within Township 17 South, Range 1 West, Willamette Meridian is as follows:

SECTION 27

NW 1/4 OF THE NW 1/4	0.1 ACRES
NE 1/4 OF THE NW 1/4	2.2 ACRES
NW 1/4 OF THE NE 1/4	1.0 ACRES
SW 1/4 OF THE NW 1/4	7.6 ACRES
SE 1/4 OF THE NW 1/4	32.3 ACRES
SW 1/4 OF THE NE 1/4	20.5 ACRES
NW 1/4 OF THE SE 1/4	1.5 ACRES

TOTAL AREA 65.2 ACRES

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**RECEIVED**

SEP 12 2000

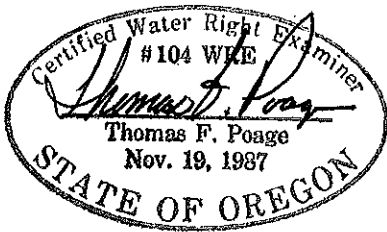
WATER RESOURCES DEPT.  
SALEM, OREGON

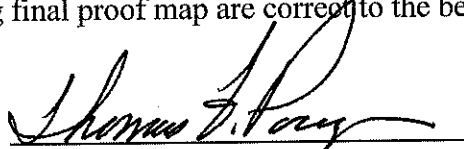
As required by the permit, the best practical technologies have been implemented to insure the water is used with as little waste as possible. The portable aluminum pipes allow the system to be modified to deliver water directly to the point of need, and the system is controlled by an automatic timer to ensure that water is used only when needed and as it is most beneficial.

The existing water system, consisting of 85 sprinkler heads and 6300 LF of portable aluminum pipe is currently used to irrigate 65.2 acres of the 73.9 acres allowed under Permit 52262. The amount of water allowed to be used for irrigation is limited to 2.5 acre-feet/year per acre during the period of March 1 through October 31. For the 65.2 acres irrigated by the system, water use is limited to 163 acre-feet/year. Given the total delivery capacity of the system (85 heads X 6 gpm/head = 510 gpm),

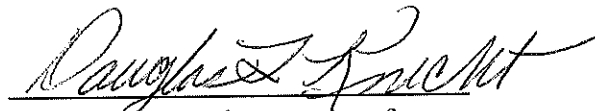
this volume allows the pump to be in operation for an average of 7.1 hours per day during the eight month irrigation season. According to Mr. Marquardt, the automatic timer is actually set to run the pump for an average of 11 hours per day during the period of June 15 through September 1 and the balance of use occurs at a lesser rate during the remainder of the irrigation season. It is therefore found that water can be used without waste for the irrigation of 65.2 acres of the 73.9 acres granted under Permit No. 52262 by the existing water delivery system.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit No. 52262 was completed by me on August 29, 2000, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



  
Thomas F. Poage, CWRE

I, Douglas L. Knecht, executor for the estate of N. E. Knecht, do hereby agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of Permit No. 52262.

  
Douglas L. Knecht, executor for  
N. E. Knecht, permittee

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~~SEP 21 2000~~

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APR 09 2001

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United States Department of the Interior

BUREAU OF RECLAMATION  
Pacific Northwest Region  
1150 North Curtis Road, Suite 100  
Boise, Idaho 83706-1234

APR 04 2001

IN REPLY  
REFER TO:  
PN-3322  
WTR-4.00

Mr. Douglas Knecht, Trustee  
Knecht Surviving Trust and  
Celeste G. Knecht Living Trust  
1745 W 17th Avenue  
Eugene OR 97401

Subject: Willamette Basin Project Water Service Contract No. 019E101300

Dear Mr. Knecht:

Enclosed for your records is a fully executed copy of Contract No. 019E101300, which provides for an irrigation water supply from the Willamette Basin Project commencing with the 2001 irrigation season. This contract replaces former Contract No. 2-07-10-W0898 with N. E. Knecht.

Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government. Please return a taxpayer identifying number in the enclosed postage-paid envelope.

Thank you for executing the subject contract. Should you have any questions, please contact Mike Cobell at the above address or telephone (208) 378-5223.

Sincerely,

Ryan M. Patterson  
Program Manager  
Lands and Repayment

Enclosures

cc: Water Rights Division  
Oregon Water Resources Department  
158 12th Street NE  
Salem OR 97310  
(each w/copy of contract)

U.S. Army Corps of Engineers  
Attention: CENWP-EC-HR  
PO Box 2946  
Portland OR 97208-2946

**RECEIVED**

APR 09 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

Contract No. 019E101300

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 30<sup>th</sup> day of March, 2001, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1938 (52 Stat. 1222), and the Flood Control Act of 1950 (64 Stat. 170), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and Knecht Surviving Trust and Celeste G. Knecht Living Trust, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

Explanatory Recitals

2. WHEREAS, The United States has constructed and operates a system of multipurpose reservoirs in the Willamette Basin, Oregon, herein styled the Willamette Basin Project, from which there is a flow of stored water that can be used for irrigation of land and other beneficial uses, which flow, as it has been developed or as it will be augmented, was appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and



3. WHEREAS, the Contractor owns land hereinafter described, for which a water supply is desired to be secured from the United States; and

4. WHEREAS, existing Contract No. 2-07-10-W0898, dated June 19, 1992, as may have been amended, is hereby terminated upon execution of this contract;

NOW, THEREFORE, in consideration of the premises and payments by the Contractor to the United States in the manner hereinafter provided, it is agreed:

Lands for Which Water is Furnished: Limitations on Deliveries

5. The United States shall make available each year to the Contractor during the irrigation season from March 1 to October 31, inclusive, stored water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

- 0.2 acres, NW1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- 2.1 acres, NE1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- 0.9 acres, NW1/4 NE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- 13.1 acres, SW1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- 34.5 acres, SE1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- 19.3 acres, SW1/4 NE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- 0.9 acres, NE1/4 SW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- 2.9 acres, NW1/4 SE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.

Of the land described, not more than 73.9 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 184.75 acre-feet of stored water annually, measured at the point of delivery of said water.

### Payments for Water

6. (a) An annual payment of \$ 1478 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$ 1478 will be due on or before March 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive not to exceed 184.75 acre-feet of stored water for irrigation of the lands described in Article 5 of this contract. The Contracting Officer will consider adjusting the water service payment downward based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amount of stored water delivered each month to the Contractor during the irrigation season and on other factors in addition to the amount of stored water actually delivered, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted from the payment for the next year by the Contracting Officer; Provided, that in order for an adjustment to be made, information on the amounts of water and stored water delivered each month must be received in writing by the Contracting Officer by December 1 of that year.

(b) The annual payment set forth in (a) above is based on an initial rate of \$8 per acre-foot of stored water; Provided, that such annual payment shall as a minimum be the greater of either the product of \$2 multiplied by the number of acres described in Article 5 of this contract or \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the United States for the irrigation water marketing program of the Willamette Basin Project. Any revision by the Contracting Officer will apply only to future payments and shall be

announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 15 of this contract.

#### Contract Administration Fee

7. (a) Upon execution of this contract, a \$100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a \$100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

#### Charges for Delinquent Payments

8. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments. When a payment is not received by the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of

1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied, first to the penalty, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

#### Furnishing of Water

9. (a) Upon payment of the annual payment specified in subarticle 6(a) above, the United States will furnish water to the Contractor from the Willamette Basin Project pursuant to this contract. No water shall be furnished if the Contractor is delinquent in payment of the required annual payment.

(b) Water for the purposes hereof shall be made available and measured at the following point(s) of diversion:

536 feet south and 1,820 feet west of the north quarter corner of Sec. 27, T. 17 S., R. 1 W., W.M.

The Contractor shall receive said water at the point of diversion and shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer. Such devices shall be furnished, installed, and maintained by and at the expense of the Contractor, but they shall be and remain at all times available for reading and monitoring by the United States or an appropriate State-appointed watermaster whose representative may at all times have access to them over any lands of the Contractor. All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(c) The Contractor shall, to the extent practicable, submit to the Contracting Officer an advance schedule as to the time of water deliveries. Changes in such schedule may be made only upon sufficient advance notice to the Contracting Officer to allow him to adjust releases to meet the new schedules. Upon the appointment of a State watermaster to govern diversions from the stream concerned, the Contractor shall be required to conform its diversions and releases to the control of the stream as established by the watermaster.

(d) The Contractor and all other entities heretofore or hereafter contracting with the United States for a right to use water from the Willamette Basin Project shall, to the extent of their entitlement, have equal priority to the use of water from such project so far as that may be physically practicable and legally possible, without regard to the date of their respective contracts.

#### Special Conditions

10. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert water to the lands described in Article 5. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and provide written verification of such agreements to the Contracting Officer. The obligation of the United States to deliver water under this contract is subject to an operating plan for the Willamette Basin Project determined in accordance with the law governing the project.

(b) In the event the Contractor is not now a member of an irrigation district, water supply company, or other water user organization, this contract shall be terminated and water service hereunder shall cease automatically when stored water is made available to the lands

described in Article 5 by such an organization to serve these and other lands presently irrigated or planned for irrigation in future years from the Willamette Basin Project.

(c) In the interest of conservation and protection of environmental resources, from time to time, but not less often than once every 5 years, this contract shall be reviewed by the Contracting Officer. The terms and conditions of this contract may be modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species, or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

#### Term of Contract

11. (a) This contract shall become effective as of the date first above written and will have a term of not to exceed 10 years; Provided; that this contract will automatically renew for a term of not to exceed 10 years at the end of 10, 20, and 30 years from the date first above written unless sooner terminated in accordance with Articles 10 or 12, or by agreement of the parties hereto, or unilaterally as set forth in (b) below, Provided however; that this contract does not qualify as a long-term contract under the Act of July 2, 1956 (70 Stat. 483) and in no event shall this contract be in effect beyond 40 years through automatic renewals.

(b) Either the Contracting Officer or the Contractor may terminate this contract unilaterally following the first 10-year term or any year thereafter, provided the terminating party has given at least 2 years advance notice in writing to the other party.

#### Termination of Contract

12. This contract may be terminated and water service hereunder shall cease at the option of the United States at any time if the Contractor is delinquent in payment of the water

service payment for a period of 90 days or upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

United States Not Liable for Water Shortages--Adjustments

13. On account of drought or uncontrollable forces, there may occur a shortage in the total quantity of water available for furnishing to the Contractor by the United States pursuant to this contract. In no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect arising from such shortages. If such a shortage occurs, the United States will apportion the available water supply among the Contractor and others entitled by existing and future contracts to receive water from the Willamette Basin Project.

Disclaimer

14. No provision of this contract, nor of any renewal thereof, nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Willamette Basin Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

Notices

15. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Program Manager, Lands and Repayment, Pacific Northwest Region, Bureau of

Reclamation, 1150 N. Curtis Road, Suite 100, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Douglas Knecht (Trustee for Knecht Surviving Trust and Celeste G. Knecht Living Trust), 1745 W. 17<sup>th</sup> Avenue, Eugene OR 97401. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

#### General Provisions

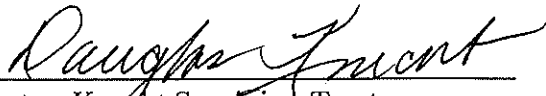
16. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit A and is hereby made a part of this contract.

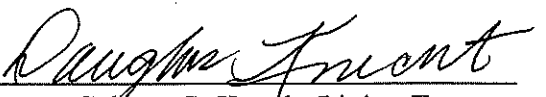
- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. WATER AND AIR POLLUTION CONTROL
- c. QUALITY OF WATER
- d. EQUAL OPPORTUNITY
- e. COMPLIANCE WITH RECLAMATION LAWS
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- g. OFFICIALS NOT TO BENEFIT
- h. WATER CONSERVATION
- i. HAZARDOUS MATERIALS




IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

CONTRACTOR

  
\_\_\_\_\_  
Trustee, Knecht Surviving Trust

  
\_\_\_\_\_  
Trustee, Celeste G. Knecht Living Trust

UNITED STATES OF AMERICA

  
\_\_\_\_\_  
Program Manager, Lands and Repayment  
PN Region  
Bureau of Reclamation  
1150 N. Curtis Road, Suite 100  
Boise ID 83706-1234



**GENERAL PROVISIONS --- WILLAMETTE BASIN PROJECT**

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

a. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case such funds are not appropriated or allotted.

WATER AND AIR POLLUTION CONTROL

b. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

QUALITY OF WATER

c. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

EQUAL OPPORTUNITY

d. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its

books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### COMPLIANCE WITH RECLAMATION LAWS

e. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

#### ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

f. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

#### OFFICIALS NOT TO BENEFIT

g. No Member of or Delegate to Congress, Resident Commissioner or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

#### WATER CONSERVATION

h. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

#### HAZARDOUS MATERIALS

i. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

(2) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

(3) The Contractor may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage, effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(4) The Contractor shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(5) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the Contractor liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(6) The Contractor agrees to include the provision contained in paragraphs (1) through (5) of this Article in any subcontract or third party contract it may enter into pursuant to this contract.

(7) Reclamation agrees to provide information necessary for the Contractor, using reasonable diligence, to comply with the provision of this Article.

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-71856

**Final Order**

*Application History*

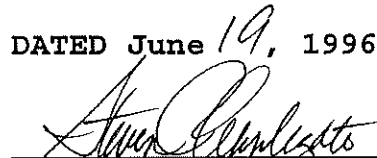
On May 13, 1991, N.E. KNECHT submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on September 12, 1995. The protest period closed October 27, 1995, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

**Order**

Application S-71586 therefore is approved as proposed by the Proposed Final Order, and Permit Number 52262 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED June 19, 1996

*for*   
Martha O. Paged  
Director

*Appeal Rights*

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

N. E. KNECHT  
3400 MAIN ST  
SPRINGFIELD, OREGON 97478

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71586

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

PURPOSE OR USE: IRRIGATION OF 73.9 ACRES

RATE/VOLUME OF USE: 184.75 ACRE-FEET PER YEAR STORED WATER ONLY

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: MAY 13, 1991

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 27, T17S, R1W, W.M.; 536 FEET SOUTH AND 1820 FEET WEST FROM THE N 1/4 CORNER OF 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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4	0.9 ACRE
SW 1/4 NE 1/4	19.3 ACRES
NE 1/4 NW 1/4	2.1 ACRES
NW 1/4 NW 1/4	0.2 ACRE
SW 1/4 NW 1/4	13.1 ACRES
SE 1/4 NW 1/4	34.5 ACRES
NE 1/4 SW 1/4	0.9 ACRE
NW 1/4 SE 1/4	2.9 ACRES

SECTION 27

TOWNSHIP 17 SOUTH, RANGE 1 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The use of water under this permit is subject to the terms and conditions of Water Service Contract No. 2-07-10-W0898 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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

**STANDARD CONDITIONS**

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.



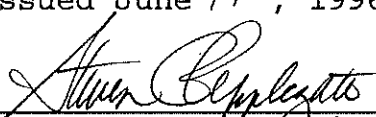
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The Director finds that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued June 19, 1996

*for*   
Martha O. Pagel, Director  
Water Resources Department

**CERTIFIED MAIL**  
Return Receipt Requested

WATER  
RESOURCES  
DEPARTMENT

May 15, 1996

N E KNECHT  
3400 MAIN ST  
SPRINGFIELD OREGON 97478

COMPLETED  
6-5-96  
JWB

RE: Application File # S-71586

Dear N E KNECHT,

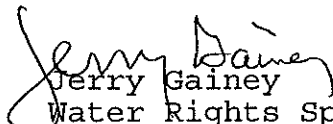
On **NOVEMBER 3, 1995**, a letter was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ An oath that the information in the application is true and accurate. Please sign and return the enclosed oath.

Please submit these items by **JUNE 14, 1996**. If we do not receive the items requested above by this date, we will reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 458.

Sincerely,

  
Jerry Gainey  
Water Rights Specialist  
Final Order Team

Enclosure



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

CERTIFIED MAIL  
Return Receipt Requested

WATER  
RESOURCES  
DEPARTMENT

November 3, 1995

N E Knecht  
3400 Main St.  
Springfield, OR 97478

RE: Application # S 71586

Dear N E Knecht,

A recent review indicates the following items were not included with your application:

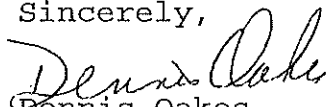
- ▶ An oath that the information in the application is true and accurate. Sign and return the enclosed oath.

The inclusion of an oath in your application was mandated by the recent legislature. Failure to comply with all legal requirements may lead to the rejection of your application and the return of any fees in excess of the application fees you have paid; additionally, the priority date associated with your application will be lost

In order to expedite the processing of your application, we request that you submit these items by December 4, 1995. We have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199, extension 327.

Sincerely,

  
Dennis Oakes  
Completeness Team

enclosure

cc: general correspondence



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

# FO CHECKLIST

74 ac

## TRIAGE FILES

FILE # 71586

Sept 12

REVIEW DATE: 05 / 08 / 1996

WEEK # WEEK 34

INITIALS : LLS

In preparing the FO, you should check the following:

1. Y /  N Were comments or protests received in response to the PFO?
2.  List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3.  Verify payment of recording fees (circle the appropriate option)
  - (1) Issue FO w/permit if fees are paid 200
  - (a) Prepare refund request for any excess fees 100 WAC
  - (2) Issue FO w/o permit if fees are lacking 2X6A 128
4. Y /  N Has the applicant signed an oath of accuracy for the application? 428
5. Y /  N Is water use restricted for one or more months of the normal use period?
6.  Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY <input checked="" type="radio"/>	JEREMY <input checked="" type="radio"/>	DOUG

IBF/BW

INITIALS : \_\_\_\_\_

7. Y / N If #5 = "Y", Have you completed the Triage Report Card sheet?

Modify FO as needed to:

8.  Respond to significant comments, issues, or disputes related to the proposed use of water
9.  Include or exclude permit conditions and management codes
10.  Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
11.  Correct PFO errors (such as POD or POU location (verify from map), Permit format)
12.  Y / N Is further processing possible? If not state reason: \_\_\_\_\_

Once FO document is completed:

13.  Save WordPerfect document in M:\T\FO\WEEK 39 & delete duplicates
14.  Print final draft of document and submit to team leader for review
15.  Y / N Team leader review completed



## 3. The technical review determined:

- a. IRRIGATION OF 73.9 ACRES is allowed under the Willamette Basin Program;
- b. The use is not prohibited by Statute;
- c. Water is available for further appropriation at a 50 percent exceedance probability for the period **April 1 through September 30;**
- d. The use would not injure existing water rights.

4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

*Assessment*

1. In proceeding with evaluation of Application S-71586, the following criteria were found to be relevant by the Department.

- a. The Willamette Basin Program (OAR Chapter 690, Division 502);
- b. The Lane County Comprehensive Plan and Zoning Ordinance;
- c. The amount of water available in MCKENZIE RIVER and the WILLAMETTE BASIN PROJECT;
- d. The established rate and duty for the proposed use;
- e. Pending, senior applications and existing water rights of record;
- f. All comments received;
- g. Contract for stored water.

**CONCLUSIONS OF LAW**

1. Based upon continued evaluation, the Department finds the determinations of the technical review remain valid.

2. Based on comments and data received, the Department has determined that fish screens and by-pass devices will be installed and operational prior to the diversion of any water. The Department has further determined that, to protect the resource, an additional condition on the proposed water use is necessary. The condition, as further described on the attached draft permit, would require that no artificial obstruction be constructed within the stream channel.

3. Period of allowed use: APRIL 1 TO SEPTEMBER 30 (STORED WATER CONTRACT).

4. The Department finds that no more than 0.92 CFS (184.75 ACRE-FEET OF STORED WATER) would be necessary for the proposed use. The amount of water requested, 413.84 GALLONS PER MINUTE (184.75 ACRE-FEET OR 0.92 CFS), is allowable.

5. Lane County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Lane County Comprehensive Land Use Plan.

6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.

7. The proposed use complies with all other rules of the Commission.


8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.

9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

**PROPOSED ORDER**

**IT IS PROPOSED** that Application S-71586 in the name of N. E. KNECHT be approved for IRRIGATION OF 73.9 ACRES from stored water as provided on the attached draft permit.

**DATED September 12, 1995**

  
\_\_\_\_\_  
Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

**NOTICE:**

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

**Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on October 27, 1995.**

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.



DRAFT  
STATE OF OREGON  
COUNTY OF LANE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

N. E. KNECHT  
3400 MAIN ST  
SPRINGFIELD, OREGON 97478

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71586

SOURCE OF WATER: U. S. BUREAU OF RECLAMATION CONTRACT NUMBER 2-07-10-W0898, VIA THE MCKENZIE RIVER

PURPOSE OR USE: IRRIGATION OF 73.9 ACRES

RATE/VOLUME OF USE: 0.92 CFS (184.75 ACRE-FEET) (STORED WATER)

PERIOD OF ALLOWED USE: APRIL 1 TO SEPTEMBER 30 (STORED WATER CONTRACT)

DATE OF PRIORITY: May 13, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 23, T 17S, R 1E, W.M.; 1070 FEET SOUTH & 260 FEET WEST FROM C 1/4 CORNER, SECTION 23

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 (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

- NW 1/4 NE 1/4 0.9 ACRE
- SW 1/4 NE 1/4 19.3 ACRES
- NE 1/4 NW 1/4 2.1 ACRES
- NW 1/4 NW 1/4 0.2 ACRE
- SW 1/4 NW 1/4 13.1 ACRES
- SE 1/4 NW 1/4 34.5 ACRES
- NE 1/4 SW 1/4 0.9 ACRE
- NE 1/4 SE 1/4 2.9 ACRES

SECTION 27

TOWNSHIP 17 SOUTH, RANGE 1 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The use of water under this permit is subject to the terms and conditions of Water Service Contract No. 2-07-10-W0898 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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

#### STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

The Director finds that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued \_\_\_\_\_, 199\_

DRAFT

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Water Resources Department  
Martha O. Pagel  
Director

Application S-71586      Water Resources Department  
Basin 02                              Volume  
JMD

PERMIT DRAFT  
District 02

**PROPOSED FINAL ORDER REQUEST FORM**

Please list below the Application Number of the water use application(s) that interest you and are marked "IR". If you would like a copy of the Proposed Final Order, enclose a check for \$10.00. When the Proposed Final Order is completed, you will be sent a copy.

Application #'s S-7122, S-70437, S-71321, S-71337, S-71586

S-71588 S-71589 S-71591 S-71687 S-71317

S-72400 S-72401 S-71090 S-72209 ~~S-712~~ S-74291 S-75215

Send to:

Shannon RELAFORD  
STATE LANDS  
775 SUMMER ST. NE  
SALEM, OR 97310

S-77471, S-80205

S-71167, S-71168

S-71529

Return to:

PFO Requests  
Proposed Final Order Team  
Oregon Water Resources Department  
158 12th ST NE  
Salem, OR 97310

*Sent  
9/20*

**RECEIVED**  
SEP 19 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

# WaterWatch

O F O R E G O N

**RECEIVED**

DEC - 6 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

By FAX 378-8130 and Regular Mail

November 29, 1993

Oregon Water Resources Department  
Water Rights Section  
3850 Portland Road NE  
Salem, Oregon 97310

Re: Objection to Technical Reports for:

~~72494~~, Bolton, Domestic, Spring  
71543, Greenbaum, Domestic & Irrigation, Unnamed Stream  
71321, O'Neil, Irrigation & Commercial, McKenzie  
71308, Maxwell, Irrigation, McKenzie  
73297, MacPherson, Irrigation, Willamette Basin Project  
73301, Green, Irrigation, Willamette Basin Project  
73286, Anderson, Irrigation, Willamette Basin Project  
71577, First Baptist Church, Irrigation, Willamette Basin Project  
71588, Millican, Irrigation, Willamette Basin Project  
71587, McNutt, Irrigation, Willamette Basin Project  
71586, Knecht, Irrigation, Willamette Basin Project  
McKenzie River, Lane Co.

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WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective.**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The reports fail to assess whether the proposed uses are restricted by statute. OAR 690-11-160(1)(b).
- The reports fail to assess the proposed uses with respect to conditions on other permits from the same source or the same types of use. OAR 690-11-160(1)(c). While the CONDITIONS section does mention that all previously imposed conditions are included, it does not indicate the specific conditions. We suggest that the already imposed conditions are either listed separately under a specific heading or that asterisks are placed next to all the conditions listed which have been previously imposed.

- The reports fail to assess the uses with respect to all applicable administrative rules. OAR 690-11-160.
- The reports fail to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the section entitled CONFLICTS WITH OTHER WATER RIGHTS does not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the application. The rules are not that limited. The technical reports must evaluate the potential for conflict with existing rights -- rights which are using the same source of water and rights from other sources that may be affected by the proposed withdrawals (such as surface water rights that may be affected by groundwater pumping).
- The reports provide conclusions rather than evaluations of water availability. OAR 690-11-160(1)(f).
- The reports do not provide an evaluation of whether the amounts requested is necessary to meet the proposed uses. OAR 690-11-160(1)(g).
- Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).

◆ **The Water Availability Analyses in the Technical Reports are Defective**

The analyses are defective for the following reasons:

- No analyses of water availability was performed on applications 71543, 73297, 71577, 71588, 71587, and 71586. The technical reports state that water is available and that "(w)ater availability tables are available in the application file". WaterWatch reviewed these files. There were no water availability tables or analysis in the files. When the analysis for 71543 is performed it must take into account the factors below.
- The water availability analysis for the other applications failed to take into account existing water rights of record. Merely assuming the streamflow data reflects the amount of use or by using estimates of consumptive use fails to give adequate consideration to rights-of-record. At any given moment there may be valid, but unexercised water rights in a basin. Water users may at any time use the water which there are legally entitled to up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.
- The water availability analysis for the other applications also failed to differentiate between natural flows and regulated flows (water released from

upstream storage) in the Willamette River mainstem. There are several storage facilities in the system. These facilities release stored water into the Willamette mainstem. Failure to differentiate between natural flows and regulated flows in the analyses overestimates the amount of natural flow available for use downstream and may result in the over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010. As a policy matter the Department should be differentiating between stored water and natural flow in its water availability analysis for new permits and in its regulation activities on existing permits.

- The analysis for the other applications also failed to take into account pending applications that had already been proposed for issuance. The water availability table for each application predicted the same amount of water available for use. The result is an overestimation of water availability.

Failure to determine the amount of water available for these proposed uses is contrary to ORS 537.170(5)(d).

◆ The Uses As Proposed are Not in the Public Interest.

The proposed uses together total 6.58 cfs of water - 6.1 cfs from storage and .48 cfs from "natural" flow. These uses, individually and cumulatively fail to pass the public interest considerations in ORS 537.170 and the policies of Oregon's laws calling for the protection of native and anadromous fish (ORS 496.430 et sec.) and management of storage projects for multiple purposes. *See also*, OAR 690-11-195(3)(b), (d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f).

1. **The proposed uses deplete flows and adversely affects the streamflows and water quality needed to support numerous public instream uses of the McKenzie and Willamette Rivers.**

In 1964 the State Water Resources Board acknowledged the importance of using stored water to protect and enhance public uses of instream flows when it adopted several minimum perennial streamflows which called upon stored water for flow releases. For the past 29 years the Water Resources Commission and Department have done nothing to honor the commitment it made in 1964 to the public uses of water in the McKenzie River Basin. A recent statement by the local water master affirms this: "Distribution has not been done in (the McKenzie River) basin for natural flows or minimum flows." Water Availability Report-Surface Water Application, Paul Williamson, Application 71821, 10/14/91.

Despite the Department's historic failure to enforce the minimum perennial streamflow rules, there has been a reaffirmation in the recent Willamette Basin Plan amendments of the following streamflow protection policies:

OAR 690-502-020(1):

- (a) Protect undeveloped streams with instream values for public instream uses.
- (b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes.
- (e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights.

OAR 690-502-030 sets forth the following objectives:

- (3) Meet public instream needs for fish life, wildlife, recreation and pollution abatement.
- (4) Protect instream values in state scenic waterways . . .

The basin plan acknowledges that the operations of the federal storage projects in the Willamette Basin should be revisited in order to ensure that the reservoirs are managed for a variety of purposes including instream flows needed for public uses of water. The plan sets forth numerous goals and objectives toward this goal.

In the past six years the Commission has revisited its commitment to protect these streamflows in a variety of forums. The catalyst for many of these discussions was the directive under the 1987 Instream Water Rights Act to convert these and other minimum perennial streamflows into instream water rights. Today, six years later, no movement has been made to convert these flows. Rather it's been business as usual - the Department has continued to process applications for private out-of-stream uses of stored water.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the



need to develop streamflow restoration programs. OAR 690-410-030(2)(a). No such consideration has been done.

Establishment of these instream water rights also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Protection streamflows is also necessary in order to carry out the state policy of restoring native fish stocks. Oregon law states that "it is declared to be a goal of the people of the State of Oregon to restore native stocks of salmon and trout to their historic levels of abundance." ORS 496.435. Thus, protection of the public interest requires denial of this application.

Applications 73297, 73301, 73286, 71577, 71588, 71587, and 71586, are just the first of many applications coming forward for stored water from the Willamette Basin Projects. Every one of these applications have priority dates **junior** to the minimum perennial stream flows that are awaiting conversions. It is bad public policy to continue to issue water rights for stored water in the Willamette Basin until the legal and policy issues surrounding the conversions are addressed and the minimum perennial stream flows are converted to instream water rights.

#### Instream Uses of the McKenzie River

The McKenzie River provides habitat for steelhead, rainbow and cutthroat trout and coho and Chinook salmon. The Oregon Department of Fish and Wildlife's 1966 Basin Investigation Report notes that approximately 50 percent of the spring chinook which make it over Willamette Falls enter the McKenzie River. *Basin Investigations, Upper Willamette Basin*, Oregon State Game Commission, June 1966 at 19. The stored flow component of the minimum perennial streamflows provide flows for these and other fish populations in both the McKenzie River and the Willamette River.

McKenzie from river mile 0-90 has been identified by DEQ as violating water quality parameters for dissolved oxygen year round. *Oregon's 1992 Water Quality Status Report*, DEQ. As a result the designated beneficial use of aquatic life is only partially supported. DEQ has also identified severe water withdrawals problems as a cause of stream quality problems. Flows from storage facilities are needed for pollution abatement purposes in not only the McKenzie River Basin, but also for the Willamette mainstem.

## 2. Use of Stored Water

The technical reports for applications 73297, 73301, 73286, 71577, 71588, 71587, and 71586, identify the source of water for these proposed uses as the Willamette basin Project Reservoirs. Applicants for the use of stored water are required to show "by documentary evidence that an agreement has been entered into with the owners of the reservoir" that the reservoir owner will store enough water for the purposes set forth in the application. ORS 437.400(1).<sup>1</sup> In addition to this "documentary evidence" which is typically in the form of a water use contract, the state has a duty to ensure that the proposed use does not impair or is not detrimental to the public interest. ORS 537.160, 537.170.

The existence of a contract does not relieve the Commission of this duty. Thus, if the public interest so requires, the state must deny the proposed use or condition the proposed use regardless of the existence of or the conditions in the contract. The result may then be that the state's conditions on the water use permit will be more stringent than those contained in the contract. In addition, merely incorporating the terms of a specific contract does not relieve the state of that duty.

The State must also recognize that the terms of the contract may change. For that reason the state needs to condition the permit in a way that ensures that the public interest is still protected even if the contract changes. Any change in the contract should trigger a review of the permit/certificate to ensure that the two remain consistent and that changes to the contract do not cause the permit/certificate to be any less protective of the public interest. For example, if this specific contract is terminated for whatever reason, then the permit/certificate should be revisited and canceled if the water user no longer has a contract for this source of water. During this review the state must ensure at a minimum that the permit/certificate continues to be consistent with the contract that provides the source of water for this use. Thus, any permits issued for applications 73297, 73301, 73286, 71577, 71588, 71587, and 71586 must contain a condition that requires review of the permit/certificate consistent with these concepts.

## 3. Measurement and Reporting

The measurement and reporting conditions for applications 71587 and 71586 appear to be inconsistent with contract requirements. The state's measurement conditions should be at least as stringent as the contract conditions. The permit conditions proposed for these uses

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<sup>1</sup> There is no such documentary evidence for applications 71577, 73286, 73301 and 73297. Thus, these applications for secondary permits can not be approved.

require the user to comply with the terms of the Bureau of Reclamation's (BOR) Water Service Contract. The contracts require measurement as a condition of use. The contracts also require that the applicant provide both federal and state agency personnel access to the measuring devices. The Department's proposed conditions however, **do not** automatically require measurement and reporting.

The measurement and reporting conditions for these applications and the other above referenced applications should contain a mandatory measurement and reporting requirement that includes reporting of the amount and place of use. The proposed conditions should also allow the Director the discretion to require reporting of general water use information at any time.

**4. The uses will impair the public interest because fish screening and passage facilities are not a condition of use.**

The proposed conditions fail to require installation and maintenance of fish passage and screening facilities prior to any use by these applicants. The Oregon Department of Fish and Wildlife has specifically requested that passage and screening devices be a condition of use. In order to protect the public's interest in the fish resource in the McKenzie River, screening and passage devices must be a condition of use under any permits issued for these proposed uses.

**5. The proposed uses are contrary to Oregon's statewide policies.**

Oregon statutes and rules call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions for these uses do little to further these policies. Given the critical status of fish populations in the basin, the water quality problems and the fact that the proposed use is the type of use known to cause these existing problems, it is imperative that any use allowed be held to a strict efficiency standard prior to any use under these proposed permits.

In addition, Oregon's statewide storage policy recognizes that storage is an "integral part" of the State's "strategy to enhance the public" benefits resulting from instream uses of Oregon's waters. OAR 690-410-080(1). The policy also recognizes that "(s)storage can provide increased water management flexibility and control." *Id.* One of the principles of the policy is to require that storage projects be managed in a way that will "protect and enhance the public health, safety and welfare, and the state's natural resources." OAR 690-410-080(2)(d). Continuing to issue permits use of water from storage for irrigation, without first converting the senior minimum streamflows is contrary to this policy. In addition, the

Water Resources Department  
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71577, 71588, 71587, 71586  
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Department's historic failure to manage stored water once it is released from storage and to distinguish between natural and regulated flows when considering new applications for natural flows is not consistent with these policy mandates.

Sincerely,



Karen A. Russell  
Assistant Director

# WaterWatch

O F O R E G O N

By FAX 378-8130 and Regular Mail

November 29, 1993

Oregon Water Resources Department  
Water Rights Section  
3850 Portland Road NE  
Salem, Oregon 97310

Re: Objection to Technical Reports for:  
72494, Bolton, Domestic, Spring  
71543, Greenbaum, Domestic & Irrigation, Unnamed Stream  
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71586, Knecht, Irrigation, Willamette Basin Project  
McKenzie River, Lane Co.

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective.**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The reports fail to assess whether the proposed uses are restricted by statute. OAR 690-11-160(1)(b).
- The reports fail to assess the proposed uses with respect to conditions on other permits from the same source or the same types of use. OAR 690-11-160(1)(c). While the CONDITIONS section does mention that all previously imposed conditions are included, it does not indicate the specific conditions. We suggest that the already imposed conditions are either listed separately under a specific heading or that asterisks are placed next to all the conditions listed which have been previously imposed.

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  - The reports fail to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the section entitled **CONFLICTS WITH OTHER WATER RIGHTS** does not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the application. The rules are not that limited. The technical reports must evaluate the potential for conflict with existing rights -- rights which are using the same source of water and rights from other sources that may be affected by the proposed withdrawals (such as surface water rights that may be affected by groundwater pumping).
  - The reports provide conclusions rather than evaluations of water availability. OAR 690-11-160(1)(f).
  - The reports do not provide an evaluation of whether the amounts requested is necessary to meet the proposed uses. OAR 690-11-160(1)(g).
  - Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).
- **The Water Availability Analyses in the Technical Reports are Defective**

The analyses are defective for the following reasons:

- No analyses of water availability was performed on applications 71543, 73297, 71577, 71588, 71587, and 71586. The technical reports state that water is available and that "(w)ater availability tables are available in the application file". WaterWatch reviewed these files. There were no water availability tables or analysis in the files. When the analysis for 71543 is performed it must take into account the factors below.
- The water availability analysis for the other applications failed to take into account existing water rights of record. Merely assuming the streamflow data reflects the amount of use or by using estimates of consumptive use fails to give adequate consideration to rights-of-record. At any given moment there may be valid, but unexercised water rights in a basin. Water users may at any time use the water which there are legally entitled to up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.
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Water Resources Department  
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71577, 71588, 71587, 71586

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upstream storage) in the Willamette River mainstem. There are several storage facilities in the system. These facilities release stored water into the Willamette mainstem. Failure to differentiate between natural flows and regulated flows in the analyses overestimates the amount of natural flow available for use downstream and may result in the over-allocation of the resource. This is contrary to the statewide Water Allocation Policy, OAR 690-400-010. As a policy matter the Department should be differentiating between stored water and natural flow in its water availability analysis for new permits and in its regulation activities on existing permits.

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Failure to determine the amount of water available for these proposed uses is contrary to ORS 537.170(5)(d).

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The proposed uses together total 6.58 cfs of water - 6.1 cfs from storage and .48 cfs from "natural" flow. These uses, individually and cumulatively fail to pass the public interest considerations in ORS 537.170 and the policies of Oregon's laws calling for the protection of native and anadromous fish (ORS 496.430 et seq.) and management of storage projects for multiple purposes. *See also*, OAR 690-11-195(3)(b), (d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f).

1. **The proposed uses deplete flows and adversely affects the streamflows and water quality needed to support numerous public instream uses of the McKenzie and Willamette Rivers.**

In 1964 the State Water Resources Board acknowledged the importance of using stored water to protect and enhance public uses of instream flows when it adopted several minimum perirenal streamflows which called upon stored water for flow releases. For the past 29 years the Water Resources Commission and Department have done nothing to honor the commitment it made in 1964 to the public uses of water in the McKenzie River Basin. A recent statement by the local water master affirms this: "Distribution has not been done in (the McKenzie River) basin for natural flows or minimum flows." Water Availability Report-Surface Water Application, Paul Williamson, Application 71821, 10/14/91.

Water Resources Department  
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71577, 71588, 71587, 71586  
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Despite the Department's historic failure to enforce the minimum perennial streamflow rules, there has been a reaffirmation in the recent Willamette Basin Plan amendments of the following streamflow protection policies:

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- (a) Protect undeveloped streams with instream values for public instream uses.
- (b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes.
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OAR 690-502-030 sets forth the following objectives:

- (3) Meet public instream needs for fish life, wildlife, recreation and pollution abatement.
- (4) Protect instream values in state scenic waterways . . .

The basin plan acknowledges that the operations of the federal storage projects in the Willamette Basin should be revisited in order to ensure that the reservoirs are managed for a variety of purposes including instream flows needed for public uses of water. The plan sets forth numerous goals and objectives toward this goal.

In the past six years the Commission has revisited its commitment to protect these streamflows in a variety of forums. The catalyst for many of these discussions was the directive under the 1987 Instream Water Rights Act to convert these and other minimum perennial streamflows into instream water rights. Today, six years later, no movement has been made to convert these flows. Rather it's been business as usual - the Department has continued to process applications for private out-of-stream uses of stored water.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the



Water Resources Department  
72494, 71543, 71321, 71308, 73297, 73301, 73286,  
71577, 71588, 71587, 71586  
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need to develop streamflow restoration programs. OAR 690-410-030(2)(a). No such consideration has been done.

Establishment of these instream water rights also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Protection streamflows is also necessary in order to carry out the state policy of restoring native fish stocks. Oregon law states that "it is declared to be a goal of the people of the State of Oregon to restore native stocks of salmon and trout to their historic levels of abundance." ORS 496.435. Thus, protection of the public interest requires denial of this application.

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#### Instream Uses of the McKenzie River

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Water Resources Department  
72494, 71543, 71321, 71308, 73297, 73301, 73286,  
71577, 71588, 71587, 71586  
Page 6

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## 2. Use of Stored Water

The technical reports for applications 73297, 73301, 73286, 71577, 71588, 71587, and 71586, identify the source of water for these proposed uses as the Willamette basin Project Reservoirs. Applicants for the use of stored water are required to show "by documentary evidence that an agreement has been entered into with the owners of the reservoir" that the reservoir owner will store enough water for the purposes set forth in the application. ORS 437.400(1).<sup>1</sup> In addition to this "documentary evidence" which is typically in the form of a water use contract, the state has a duty to ensure that the proposed use does not impair or is not detrimental to the public interest. ORS 537.160, 537.170.

The existence of a contract does not relieve the Commission of this duty. Thus, if the public interest so requires, the state must deny the proposed use or condition the proposed use regardless of the existence of or the conditions in the contract. The result may then be that the state's conditions on the water use permit will be more stringent than those contained in the contract. In addition, merely incorporating the terms of a specific contract does not relieve the state of that duty.

The State must also recognize that the terms of the contract may change. For that reason the state needs to condition the permit in a way that ensures that the public interest is still protected even if the contract changes. Any change in the contract should trigger a review of the permit/certificate to ensure that the two remain consistent and that changes to the contract do not cause the permit/certificate to be any less protective of the public interest. For example, if this specific contract is terminated for whatever reason, then the permit/certificate should be revisited and canceled if the water user no longer has a contract for this source of water. During this review the state must ensure at a minimum that the permit/certificate continues to be consistent with the contract that provides the source of water for this use. Thus, any permits issued for applications 73297, 73301, 73286, 71577, 71588, 71587, and 71586 must contain a condition that requires review of the permit/certificate consistent with these concepts.

## 3. Measurement and Reporting

The measurement and reporting conditions for applications 71587 and 71586 appear to be inconsistent with contract requirements. The state's measurement conditions should be at least as stringent as the contract conditions. The permit conditions proposed for these uses

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<sup>1</sup> There is no such documentary evidence for applications 71577, 73286, 73301 and 73297. Thus, these applications for secondary permits can not be approved.

Water Resources Department  
72494, 71543, 71321, 71308, 73297, 73301, 73286,  
71577, 71588, 71587, 71586  
Page 7

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require the user to comply with the terms of the Bureau of Reclamation's (BOR) Water Service Contract. The contracts require measurement as a condition of use. The contracts also require that the applicant provide both federal and state agency personnel access to the measuring devices. The Department's proposed conditions however, do not automatically require measurement and reporting.

The measurement and reporting conditions for these applications and the other above referenced applications should contain a mandatory measurement and reporting requirement that includes reporting of the amount and place of use. The proposed conditions should also allow the Director the discretion to require reporting of general water use information at any time.

- 4. The uses will impair the public interest because fish screening and passage facilities are not a condition of use.**

The proposed conditions fail to require installation and maintenance of fish passage and screening facilities prior to any use by these applicants. The Oregon Department of Fish and Wildlife has specifically requested that passage and screening devices be a condition of use. In order to protect the public's interest in the fish resource in the McKenzie River, screening and passage devices must be a condition of use under any permits issued for these proposed uses.

- 5. The proposed uses are contrary to Oregon's statewide policies.**

Oregon statutes and rules call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions for these uses do little to further these policies. Given the critical status of fish populations in the basin, the water quality problems and the fact that the proposed use is the type of use known to cause these existing problems, it is imperative that any use allowed be held to a strict efficiency standard prior to any use under these proposed permits.

In addition, Oregon's statewide storage policy recognizes that storage is an "integral part" of the State's "strategy to enhance the public" benefits resulting from instream uses of Oregon's waters. OAR 690-410-080(1). The policy also recognizes that "(s)orage can provide increased water management flexibility and control." *Id.* One of the principles of the policy is to require that storage projects be managed in a way that will "protect and enhance the public health, safety and welfare, and the state's natural resources." OAR 690-410-080(2)(d). Continuing to issue permits use of water from storage for irrigation, without first converting the senior minimum streamflows is contrary to this policy. In addition, the

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71577, 71588, 71587, 71586  
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Department's historic failure to manage stored water once it is released from storage and to distinguish between natural and regulated flows when considering new applications for natural flows is not consistent with these policy mandates.

Sincerely,



Karen A. Russell  
Assistant Director

RECEIVED

NOV - 4 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon

DEPARTMENT OF  
FISH AND  
WILDLIFE



October 29, 1993

Water Rights Section  
Water Resources Department  
3850 Portland Rd., NE  
Salem, OR 97310

RE: Water Right Application #71586; Report of Technical Review

ODFW has reviewed the subject Report of Technical Review (Report) and has the following comment(s):

Because several species of anadromous and resident salmonids are present in McKenzie River at the proposed POD, ODFW requests that the proposed permit and certificate be conditioned to state:

*The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and inspected/approved by an ODFW representative prior to diversion of any water.*

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati, Jr.", written in black ink.

Albert H. Mirati, Jr.  
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)  
Stephanie Burchfield  
Ziller, Springfield

FILE: 71586.TEC



2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-5400  
TDD (503) 229-5459

SEPTEMBER 24, 1993

N E KNECHT  
3400 MAIN ST  
SPRINGFIELD, OR 97478

Reference: File S 71586

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

**AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.**

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed



in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

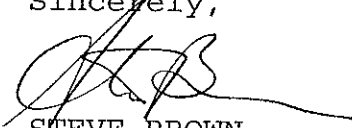
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before NOVEMBER 30, 1993** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN  
Manager  
Water Rights Division

Enclosures  
SB/DSM

Report Date: SEPT. 24, 1993

OREGON WATER RESOURCES DEPARTMENT  
**SATISFACTORY REPORT OF TECHNICAL REVIEW**  
**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE:  
NOVEMBER 30, 1993.

1. APPLICATION FILE NUMBER - S 71586
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

N E KNECHT  
3400 MAIN ST  
SPRINGFIELD, OR 97478  
LANE Co. 0- - 0

Date application received for filing and/or tentative date of priority: 5/13/1991

SOURCE: MCKENZIE RIVER                      TRIBUTARY TO: WILLAMETTE R

Purpose and/or use: IRRIGATION OF 73.9 ACRES

Flow: 413.84 gpm

Point of Diversion Location:  
SW NW            T 17 S R 1 W SEC 27  
536'S, 1820'W, N1/4COR SEC 27

Place of use:

NWNE	0.9 Acres	/
SWNE	19.3 Acres	/
NENW	2.1 Acres	/
NWNW	0.2 Acres	/
SWNW	13.1 Acres	/
SENE	34.5 Acres	/
NESW	0.9 Acres	/



\ NWSE            2.9 Acres /  
SECTION 27  
T 17 S, R 1 W, WM

#### SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

#### CONFLICTS WITH OTHER WATER RIGHTS:

There **are no** existing rights from this point of diversion.

There **are no** existing water rights appurtenant to the lands described in the application.

#### REPORT CONCLUSIONS:

With contract for stored water # 2-07-W0898, water in the amount of **0.92 CFS** is likely available for 6 months of the 6 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

#### **THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.**

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: S 71586

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: APRIL 1 TO SEPTEMBER 30
3. Rate Volume of use: 0.92 CFS ( STORED WATER )
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. 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.
  - 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.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the

permittee to submit alternative reporting  
procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. 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 (or its equivalent) and acre-feet for each acre irrigated during the irrigation season of each year.
10. The water user shall comply with the terms and conditions of Water Service Contract # 2-07-10-W0898, dated 22 of May 1992 between Mr. N. E. Knecht and the Bureau of Reclamation. A copy of the contract is in Application File # 71586 at the Water Resources Department.

TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: S-71586
- (2) Review Date: 9 9 93 *DM/lor*

S Indicates information was completed or adequately addressed.  
 U Indicates information is needed, or incomplete, or inadequately addressed  
 N/A Indicates Not Applicable

*NCR  
DSM*

SUMMARY	
<u>S</u>	Completeness
<u>S</u>	Land Use
<u>NA</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts
<u>Contract</u>	Water Availability

(3) N/A The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

(4) S No oath is required because application was filed before June 5, 1992.

(5) S Application fees:

Examination fee:	\$ 200.00
Recording fee:	\$ <u>228.00</u>
TOTAL REQUIRED	\$
TOTAL SUBMITTED	\$ 428.00
AMOUNT DUE prior to issuance of permit	\$ <u>0</u>
AMOUNT OVERPAID	\$
refund due applicant	\$

*73.9 A  
10 = 1100  
63.9 x 2 = 128  
228*

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

- (7) S MAP:  Prepared by a CWRE  
 Exempt under OAR 690-11-150(3)  
 A map or drawing included (non-CWRE)  
 No map or drawing in file

- (8) S A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used.
- (10) N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13)            Indication use(s) <sup>NOT allowed</sup> ~~is/are~~ classified uses(s) under the W. Yamette Basin Program, OAR 690 - 502-080
- (14) S <sup>CONTRACT REQUIRED</sup> The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of \_\_\_\_\_
- (16) S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 16,212(2)(a)).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) - A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) - The report from groundwater section has been received.

For reservoir applications:

- (22) - Plans, specifications and supporting information for the dam and impoundment area.

71586



# United States Department of the Interior



BUREAU OF RECLAMATION  
Pacific Northwest Region  
Federal Building & U.S. Courthouse  
Box 043-550 West Fort Street  
Boise, Idaho 83724-0043

RECEIVED

IN REPLY REFER TO:  
PN-440

JUN 23 1992

JUN 25 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. N.E. Knecht  
39532 Walterville Lane  
Springfield OR 97478

Subject: Water Service Contract No. 2-07-10-W0898, Willamette Basin Project  
(Water Service Contract)

Dear Mr. Knecht:

Enclosed for your records is a fully executed original of Contract No. 2-07-10-W0898, which provides for an irrigation water supply from the Willamette Basin Project commencing with the 1992 irrigation season.

If you have not yet contacted the Oregon Water Resources Department for your permit to divert, we suggest you do so. We are furnishing that agency a conformed copy of the contract so they will be in a position to proceed with issuing the required permit to divert water.

If there are any questions regarding the terms or conditions set forth in the contract, please feel free to contact Larry Parsons of this office at the above address or telephone (208) 334-1547.

Sincerely,

*Richard M. Rigby*

Regional Supervisor of  
Water, Power, and Lands

Enclosure

cc: Oregon Water Resources Department  
3850 Portland Road NE.  
Salem OR 97310 (w/cy of contract)

U.S. Army Corps of Engineers  
Attention: NPPEN-HH-R  
PO Box 2946  
Portland OR 97208 (w/cy of contract)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 19th day of June, 1992, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1938 (53 Stat. 1222), and the Flood Control Act of 1950 (64 Stat. 170), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and N.E. Knecht, 39532 Walterville Lane, Springfield, Oregon 97478, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

Explanatory Recitals

2. WHEREAS, The United States has constructed and operates a system of multipurpose reservoirs in the Willamette Basin, Oregon, herein styled the Willamette Basin Project, from which there is a flow of water than can be used for irrigation of land and other beneficial uses, which flow, as it has been developed or as it will be augmented, was appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and

Recital 2



3. WHEREAS, The Contractor owns land hereinafter described, for which a water supply is desired to be secured from the United States; and

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

Lands for Which Water is Furnished: Limitations on Deliveries

4. The United States shall make available each year to the Contractor during the irrigation season from April 1 to September 30, inclusive, water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

- ✓ 0.2 acres, NW1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- ✓ 2.1 acres, NE1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- ✓ 0.9 acres, NW1/4 NE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- ✓ 13.1 acres, SW1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- ✓ 34.5 acres, SE1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- ✓ 19.3 acres, SW1/4 NE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- ✓ 0.9 acres, NE1/4 SW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.
- ✓ 2.9 acres, NW1/4 SE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.

Of the land described, not more than 73.9 acres are to be irrigated. The amount of water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but in no event shall it exceed a total diversion of 184.75 acre-feet annually, measured at the point of delivery of said water.

Payments for Water

5. (a) An annual payment of \$277.13 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$277.13 will be due on or before April 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive 184.75 acre-feet of stored water in accordance with Article 4 of this contract. Payment for the annual charge is nonrefundable regardless of the amount of water actually used.

(b) The annual charge set forth in (a) above is based on an initial rate of \$1.50 per acre-foot of water; Provided, that such annual charge shall not be less than \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot and the minimum charge shall be reviewed by the Contracting Officer and revised, if necessary, to cover costs to the United States for the irrigation water marketing program of the Willamette Basin Project. Any revision by the Contracting Officer will apply only to future charges and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 14 of this contract.

### Contract Preparation Assignment Fee

6. (a) Upon execution of this contract, a \$100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a \$100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

### Charges for Delinquent Payments

7. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments, pursuant to section 11 of the Debt Collection Act of 1982 (Public Law 97-365). When payment is not received within 30 days of the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty and administrative charges, second, to the accrued interest, and third to the overdue payment.

Furnishing of Water

8. (a) Upon payment of the annual charge specified in subarticle 5(a) above, the United States will furnish a maximum of 184.75 acre-feet of water to the Contractor from the Willamette Basin Project. No water shall be furnished if the Contractor is delinquent in payment of the required annual charge.

(b) Water for the purposes hereof shall be made available and measured at the following point(s) of diversion:

536 feet south and 1,820 feet west of the north quarter corner of Sec. 27, T. 17 S., R. 1 W., W.M.

The Contractor shall receive said water at the point of diversion and shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer. Such devices shall be furnished, installed, and maintained by and at the expense of the Contractor, but they shall be and remain at all times under the control of the United States or of an appropriate State-appointed watermaster whose representative may at all times have access to them over any lands of the Contractor. All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(c) The monthly supply of water hereunder diverted in any one month of the irrigation season shall not exceed 35 percent of the total maximum annual diversion set forth in subarticle 8(a) above. The Contractor shall, to the extent practicable, submit to the Contracting Officer an advance schedule as to the precise time of water deliveries. Changes in such schedule may be made only upon sufficient advance notice to the Contracting Officer to allow him to adjust releases to meet the new schedules. Upon the appointment of a State watermaster to govern diversions from the stream concerned, the Contractor shall be required to conform its diversions and releases to the control of the stream as established by the watermaster.

(d) The Contractor and all other entities heretofore or hereafter contracting with the United States for a right to use water from the Willamette Basin Project shall, to the extent of their base entitlement, have equal priority to the use of water from such project so far as that may be physically practicable and legally possible, without regard to the date of their respective contracts.

#### Special Conditions

9. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert water to the lands described in Article 4. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and provide written verification of such agreements to the Contracting Officer. The obligation of the United States to deliver water under this contract is subject to an operating plan for the Willamette Basin Project determined in accordance with the law governing the project.

(b) In the event the Contractor is not now a member of an irrigation district, water supply company, or other water user organization, this contract shall be terminated and water service hereunder shall cease automatically when water is made available to the lands described in Article 4 by such an organization to serve these and other lands presently irrigated or planned for irrigation in future years from the Willamette Basin Project.

Term of Contract

10. This contract shall become effective as of the date first above written and will continue in force for 40 years unless sooner terminated in accordance with Articles 9 or 11 or by agreement of the parties hereto.

Termination of Contract

11. This contract may be terminated and water service hereunder shall cease at the option of the United States at any time if the Contractor is delinquent in payment of the water service charge for a period of 30 days or upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

United States Not Liable for Water Shortages--Adjustments

12. On account of drought or uncontrollable forces, there may occur a shortage in the total quantity of water available for furnishing to the Contractor by the United States pursuant to this contract. In no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect arising from such shortages. If such a shortage occurs, the United States will apportion the available water supply among the Contractor and others entitled by existing and future contracts to receive water from the Willamette Basin Project.

Articles 10, 11, 12

### Disclaimer

13. No provision of this contract, nor of any renewal thereof, nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Willamette Basin Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

### Notices

14. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Regional Supervisor of Water, Power, and Lands, Pacific Northwest Region, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724-0043, and on behalf of the United States, when mailed, postage prepaid, or delivered to N.E. Knecht, 3400 Main Street, Springfield, Oregon 97478. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

### General Provisions

15. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit A and is hereby made a part of this contract.

- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. WATER AND AIR POLLUTION CONTROL
- c. QUALITY OF WATER
- d. EQUAL OPPORTUNITY
- e. COMPLIANCE WITH RECLAMATION LAWS
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

Articles 13, 14, 15

g. OFFICIALS NOT TO BENEFIT


h. WATER CONSERVATION

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

CONTRACTOR

  
\_\_\_\_\_  
N.E. Knecht

UNITED STATES OF AMERICA

  
\_\_\_\_\_  
**Acting** Regional Supervisor of  
Water, Power, and Lands  
PN Region  
Bureau of Reclamation  
Box 043 - 550 West Fort Street  
Boise ID 83724-0043

Article 15 (continued)



STATE OF OREGON )  
 : ss  
County of )

On this 22nd day of May, 1992, before me,  
M. Carolyn Calvert, a Notary Public, personally appeared  
M. E. Knecht, known to me to be the person whose name  
is subscribed to the within instrument and acknowledged to me that he  
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal as of the day and year first above written.

(SEAL)



M. Carolyn Calvert  
Notary Public in and for the  
State of Oregon  
Residing at: 4804 Jasper Rd  
Spring Oregon  
My commission expires: 12.15-95

\*\*\*\*\*

STATE OF IDAHO )  
 : ss  
County of Ada )

On this 19<sup>th</sup> day of June, 1992, personally appeared  
before me Richard M. Rigby, to me known to be the official  
of the United States of America that executed the within and foregoing  
instrument and acknowledged said instrument to be the free and voluntary act and  
deed of said United States, for the uses and purposes therein mentioned, and on  
oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal as of the day and year first above written.

(SEAL)

Diana L. Jacobs  
Notary Public in and for the  
State of Idaho  
Residing at: Boise  
My commission expires: 5-23-94

GENERAL PROVISIONS --- WILLAMETTE BASIN PROJECT

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

a. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case such funds are not appropriated or allotted.

WATER AND AIR POLLUTION CONTROL

b. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

QUALITY OF WATER

c. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

EQUAL OPPORTUNITY

d. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### COMPLIANCE WITH RECLAMATION LAWS

e. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

#### ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

f. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

#### OFFICIALS NOT TO BENEFIT

g. No Member of or Delegate to Congress, Resident Commissioner or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

#### WATER CONSERVATION

h. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.



# United States Department of the Interior



BUREAU OF RECLAMATION  
Pacific Northwest Region  
Federal Building & U.S. Courthouse  
Box 043-550 West Fort Street  
Boise, Idaho 83724-0043

IN REPLY REFER TO:

PN-440

Mr. N.E. Knecht  
3400 Main Street  
Springfield OR 97478

MAY 11 1992

MAY 20 1992  
WATER RESOURCES DEPT.  
SALEM, OREGON

Subject: Proposed Water Service Contract, Willamette Basin Project  
(Water Service Contract)

Dear Mr. Knecht:

Enclosed for your signature are two copies of a proposed form of water service contract which, when properly executed, will make irrigation water available from the Willamette Basin Project, commencing with the 1992 irrigation season.

If you find the contract acceptable, we ask that you sign both copies, have your signatures notarized, and return both copies of the contract to this office, attention Code 440, along with the annual payment for 1992 which is specified in Article 5 of the contract. There is a \$100 fee for preparation of a new contract which should be submitted along with the payment for the 1992 water year. Upon receipt by this office, the contracts will be executed on behalf of the United States, dated, and assigned a contract number for identification purposes. A signed original and as many conformed copies as you desire will then be returned for your records.

We will also furnish a conformed copy of the contract to the Oregon Water Resources Department. When provided with this information, that agency will then be in a position to proceed with issuing the required permit to divert water.

If you should have any questions, please feel free to contact Larry Parsons at the above address or telephone (208) 334-1547.

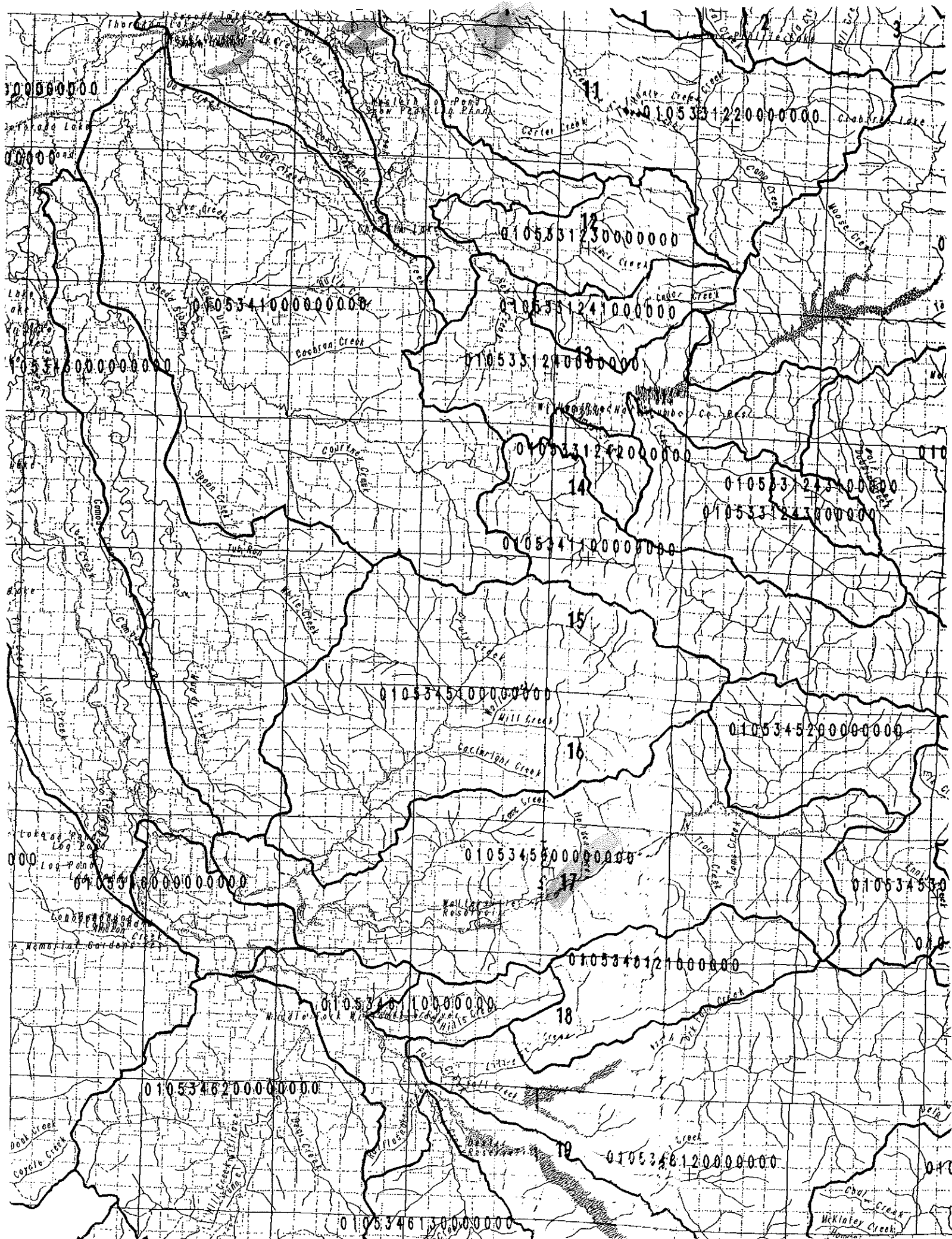
Sincerely,

Regional Supervisor of  
Water, Power, and Lands

Enclosures

cc: Mr. Denny Marquardt, Reynard Farms, Inc., PO Box 217,  
Walterville OR 97489 (w/cy of encl)

Oregon Water Resources Department, 3850 Portland Road NE.,  
Salem OR 97310 (w/cy of encl)



RECEIVED

JUL 19 1991

WATER RESOURCES DEPT.,  
SALEM, OREGON

Oregon

DEPARTMENT OF  
FISH AND  
WILDLIFE



July 15, 1991

Steve Applegate  
Water Resources Department  
3850 Portland Road NE  
Salem, Oregon 97310

Re: Water Right Application Water Right 71586,  
McKenzie River, N. Knecht, 0.92 cfs.

Dear Steve:

The Oregon Department of Fish and Wildlife (ODFW) has completed its review of this proposed water right and recommends the following permit conditions:

The permittee shall install, operate and maintain at the expense of the permittee all fish screening and bypass devices required by the Oregon Department of Fish and Wildlife to prevent fish entering any diversion of water created by this appropriation of the waters of the waters of the McKenzie River.

The permittee shall not construct, operate or maintain any dam or artificial obstruction in the channel of the McKenzie River.

The permittee shall appropriate water from the McKenzie River from November 1, to May 31, each year only.

The McKenzie River contains cutthroat and rainbow trout and Chinook salmon. The area of this proposed appropriation is rearing and migration habitat for these trout. Absent these recommended conditions the production capability and angling opportunities will be adversely affected.



2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-5400

WRD - 71586  
July 15, 1991  
Page 2

If the applicant cannot agree with these conditions in the permit, ODFW recommends referral of this application to the Water Resources Commission for determination of the public interest in accordance with OAR 690-11-080.

Thank you for the opportunity to comment.

Sincerely,



Gregory P. Robart  
Staff Biologist  
Aquatic Habitats Program  
Habitat Conservation Division

gpr  
c Water Watch (Public Information Request)

184.75 ac ft  
Annually

.92 CFS

413.84 GPM

Name N E KUECHT

Priority Date 5/13/91 Production Week 7

Appl # 71586 Surface  Ground  Reservoir

IF IRRIGATION:

Is the rate limitation 1/80th of 1 CFS per acre? (Y/N)

Enter annual duty in acre feet (eg. 2.5, 3.0 etc...) 2.5

Proposed measuring and reporting condition Small/Medium/Large

Scenic Water Way Yes/No TMDL Yes/No ODFW Fish Screen Yes/No

Watermaster District Number 02 County LANE

1/4 of 1/4 Sect 27 Twnshp 17S Range 1W

System A Hard line System w/ 30 HP motor

& 3WB pump, 3200' of 6" mainline

of 3" hard line and 81 sprinklers.

ODFW  
to ODFW  
DAM

Other Water Rights and Where \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Objections

Applicant \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_



FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:  
I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

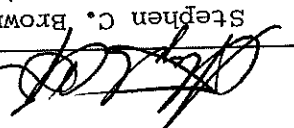
Completion

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

June 15, 19 92.

WITNESS my hand this 20th day of April, 19 92.

William H. Young  
Water Resources Director

By:   
Stephen C. Brown  
Senior Water Rights Specialist

This instrument was first received in the office of the Water Resources Director at Salmon, Oregon, on the 13th day of May, 19 91, at 8:00 o'clock, A. M.

APPLICATION NO: 71586  
PERMIT NO: \_\_\_\_\_

Application No. 71586

MAY 13 1981  
MAY 20 1982  
WATER RESOURCES DEPT.  
SALISBURY, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT

**Application for a Permit to Appropriate Surface Water**

Applicant(s) N. E. KNECHT  
(Please print or type - use dark ink)

Mailing Address: 3400 MAIN ST  
SPRINGFIELD OR 97478  
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: EWEB (WALTERVILLE) CANAL,  
a tributary of MCKENZIE RIVER

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR 413.84 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: \_\_\_\_\_

3. INTENDED USE(s) OF WATER: IRRIGATION

If for more than one use, give the quantity of water from each source for each use; \_\_\_\_\_

If for DOMESTIC use, state the number of households to be supplied; \_\_\_\_\_

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.) \_\_\_\_\_

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; \_\_\_\_\_

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

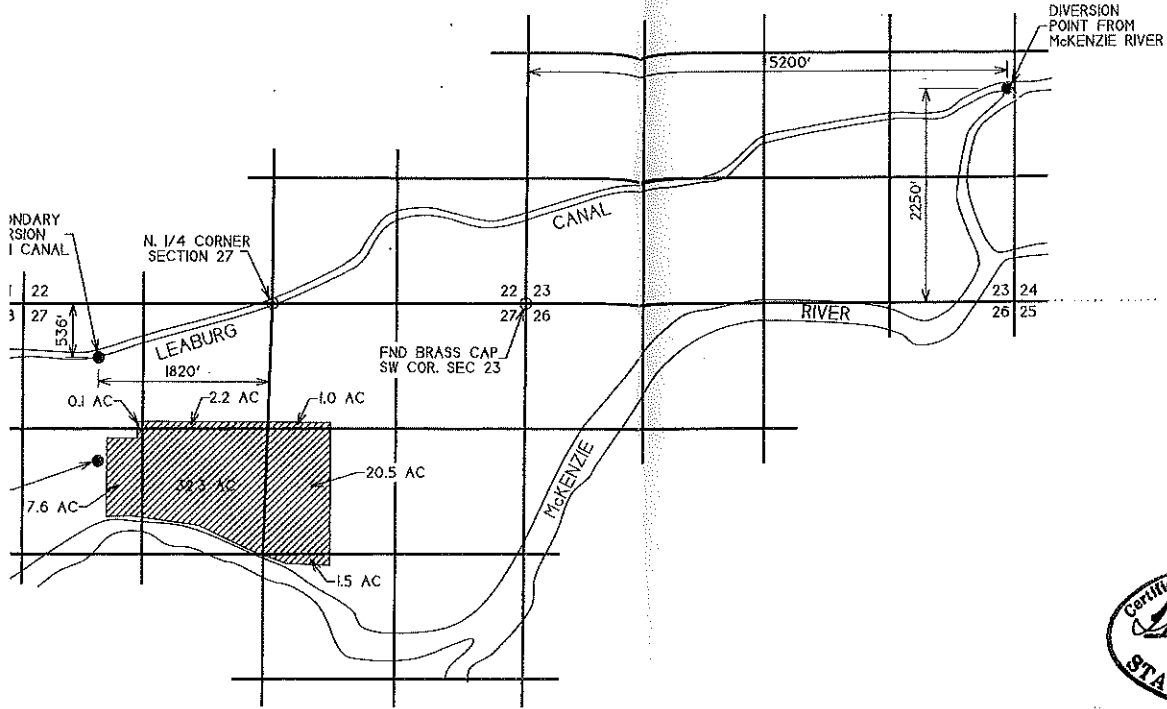
Irrigation 73.9  
Other (describe) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AREA INCLUDES A PORTION OF  
T 17 S, R 1 W, W.M.

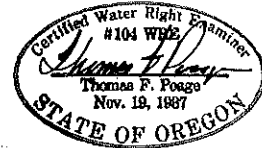
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHTS. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



SCALE: 1" = 1320'



TOTAL IRRIGATED AREA - 65.2 ACRES



FINAL PROOF SURVEY

UNDER

APPLICATION S-71586 PERMIT 52262

IN NAME OF

**N E KNECHT**

CADD FILE: 3114PROF.GCD

**RECEIVED**

SEP 12 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

DRAWN: 8/23/00 DI

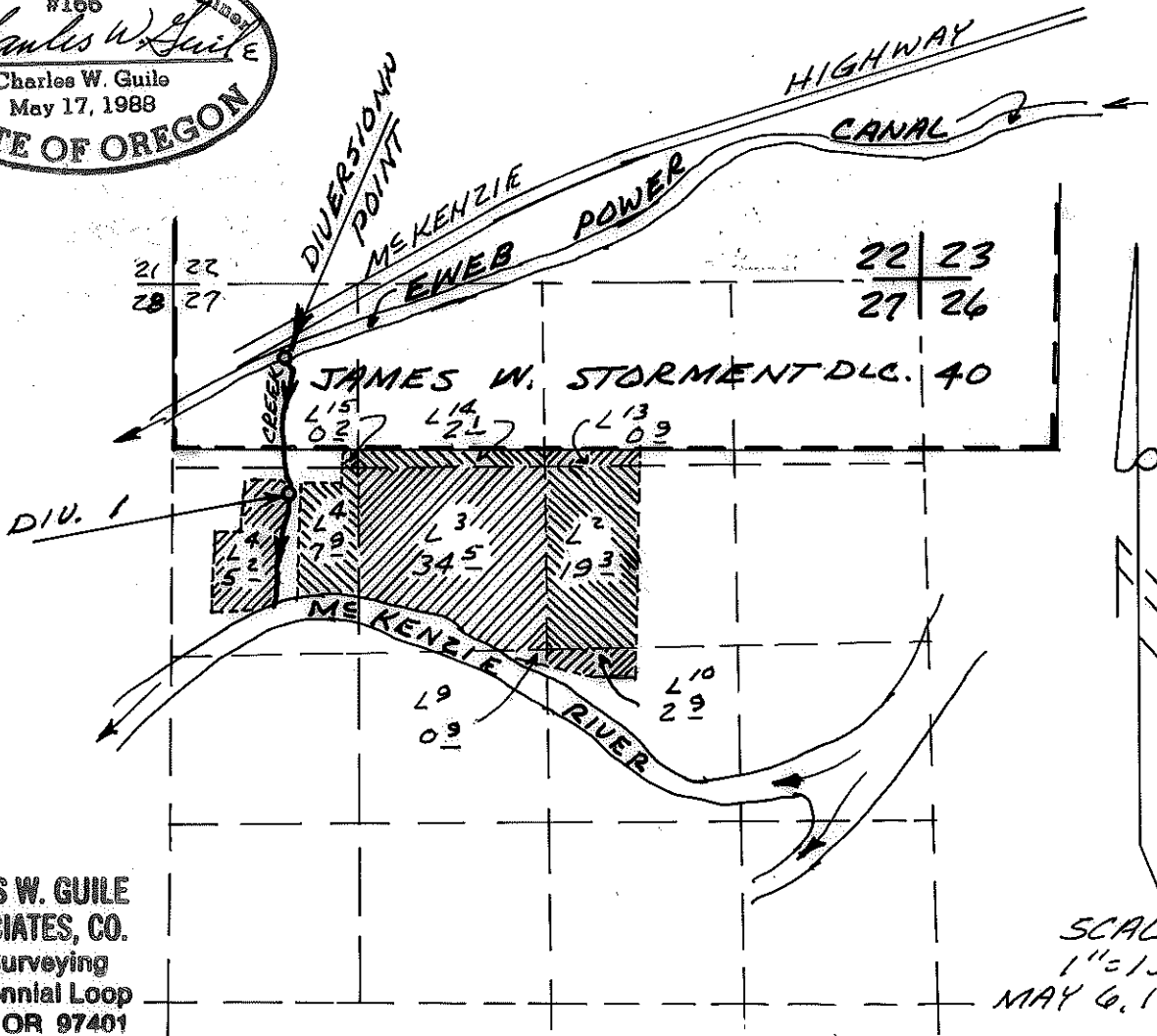
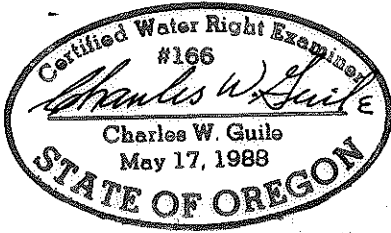
T. 17S., R. 1W., W.M.  
SECTION 27

Application: 71586  
Permit: 52002  
52262

WATER RIGHT APPLICATION  
MAP FOR

N. E. KNECHT

TAX LOT 400, SEC. 27  
T17S, R1W, WM.  
LANE COUNTY, OREGON



CHARLES W. GUILÉ  
& ASSOCIATES, CO.  
Land Surveying  
52 Centennial Loop  
Eugene, OR 97401

SCALE  
1" = 1320'  
MAY 6, 1991

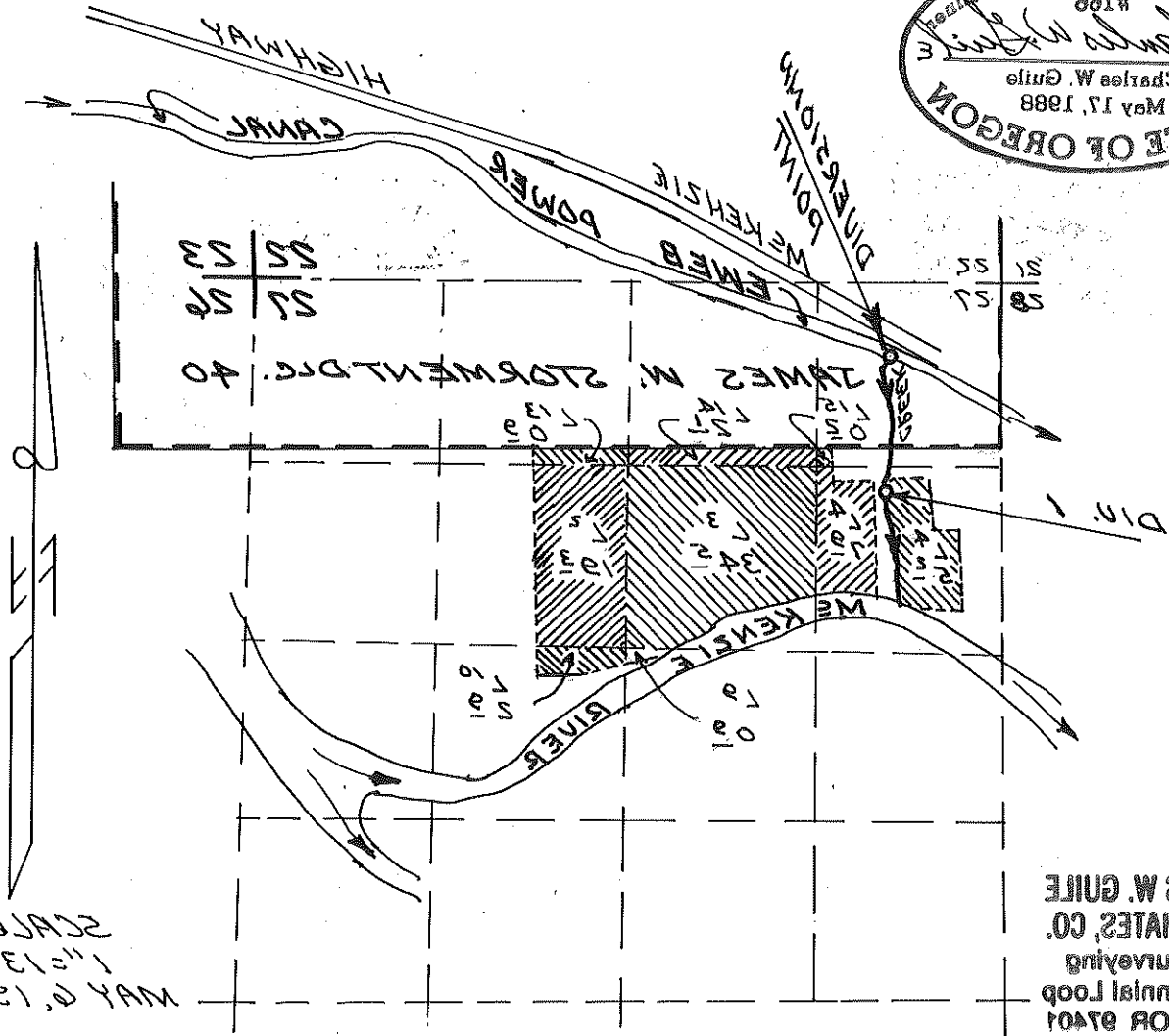
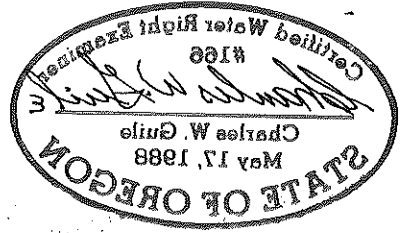
THIS MAP IS FOR THE PURPOSE  
OF LOCATING A WATER RIGHT  
AND IS NOT INTENDED TO  
PROVIDE LEGAL DIMENSIONS  
FOR LOCATIONS OF  
PROPERTY BOUNDARIES.

DIVERSION POINT IS  
536' SOUTH &  
1820' WEST FROM THE  
N 1/4 COR. SEC. 27.

DIV. 1. PUMP IS 1537'  
SOUTH & 1776' WEST  
FROM THE N 1/4 COR.  
SEC. 27. 91-20 E

T.172, R.1W, W.M.  
 SECTION 27  
 WATER RIGHT APPLICATION  
 MAP FOR  
 N. E. KNECHT  
 TAX LOT ADD SEC. 27  
 T172, R1W, WM.  
 LAKE COUNTY, OREGON

Application: 7128P  
 Permit: 52005  
 52969



CHARLES W. GUILLE  
 & ASSOCIATES, CO.  
 Land Surveying  
 82 Centennial Loop  
 Eugene, OR 97401

THIS MAP IS FOR THE PURPOSE  
 OF LOCATING A WATER RIGHT  
 AND IS NOT INTENDED TO  
 PROVIDE LEGAL DIMENSIONS  
 FOR LOCATIONS OF  
 PROPERTY BOUNDARIES.

SEC. 27  
 FROM THE N 1/4 COR.  
 SOUTH 1/4 1716, WEST  
 DIV. 1. PUMP IS 1337,  
 N 1/4 COR. SEC. 27.  
 1850, WEST FROM THE  
 236, SOUTH &  
 DIVERSION POINT IS

MAY 6, 1991  
 1"=1350'  
 SCALE

71586



Rxd  
WRD  
5/20/92



# United States Department of the Interior

BUREAU OF RECLAMATION  
Pacific Northwest Region  
Federal Building & U.S. Courthouse  
Box 043-550 West Fort Street  
Boise, Idaho 83724-0043

IN REPLY REFER TO:

PN-440

MAY 11 1992

Mr. N.E. Knecht  
3400 Main Street  
Springfield OR 97478

Subject: Proposed Water Service Contract, Willamette Basin Project  
(Water Service Contract)

Dear Mr. Knecht:

Enclosed for your signature are two copies of a proposed form of water service contract which, when properly executed, will make irrigation water available from the Willamette Basin Project, commencing with the 1992 irrigation season.

If you find the contract acceptable, we ask that you sign both copies, have your signatures notarized, and return both copies of the contract to this office, attention Code 440, along with the annual payment for 1992 which is specified in Article 5 of the contract. There is a \$100 fee for preparation of a new contract which should be submitted along with the payment for the 1992 water year. Upon receipt by this office, the contracts will be executed on behalf of the United States, dated, and assigned a contract number for identification purposes. A signed original and as many conformed copies as you desire will then be returned for your records.

We will also furnish a conformed copy of the contract to the Oregon Water Resources Department. When provided with this information, that agency will then be in a position to proceed with issuing the required permit to divert water.

If you should have any questions, please feel free to contact Larry Pansons at the above address or telephone (208) 334-1547.

Sincerely,

Regional Supervisor of  
Water, Power, and Lands

Enclosures

cc: Mr. Denny Marquardt, Reynard Farms, Inc., PO Box 217,  
Walterville OR 97489 (w/cy of encl)

Oregon Water Resources Department, 3850 Portland Road NE.,  
Salem OR 97310 (w/cy of encl)

Contract No.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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5	Payments for Water.....	3
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10	Term of Contract.....	7
11	Termination of Contract.....	7
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	Exhibit A	

Contract No.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1938 (53 Stat. 1222), and the Flood Control Act of 1950 (64 Stat. 170), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and N.E. Knecht, 39532 Walterville Lane, Springfield, Oregon 97478, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

Explanatory Recitals

2. WHEREAS, The United States has constructed and operates a system of multipurpose reservoirs in the Willamette Basin, Oregon, herein styled the Willamette Basin Project, from which there is a flow of water than can be used for irrigation of land and other beneficial uses, which flow, as it has been developed or as it will be augmented, was appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and



3. WHEREAS, The Contractor owns land hereinafter described, for which a water supply is desired to be secured from the United States; and

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

Lands for Which Water is Furnished: Limitations on Deliveries

4. The United States shall make available each year to the Contractor during the irrigation season from April 1 to September 30, inclusive, water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

0.2 acres, NW1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.  
2.1 acres, NE1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.  
0.9 acres, NW1/4 NE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.  
13.1 acres, SW1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.  
34.5 acres, SE1/4 NW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.  
19.3 acres, SW1/4 NE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.  
0.9 acres, NE1/4 SW1/4, Sec. 27, T. 17 S., R. 1 W., W.M.  
2.9 acres, NW1/4 SE1/4, Sec. 27, T. 17 S., R. 1 W., W.M.

Of the land described, not more than 73.9 acres are to be irrigated. The amount of water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but in no event shall it exceed a total diversion of 184.75 acre-feet annually, measured at the point of delivery of said water.

Payments for Water

5. (a) An annual payment of \$277.13 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$277.13 will be due on or before April 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive 184.75 acre-feet of stored water in accordance with Article 4 of this contract. Payment for the annual charge is nonrefundable regardless of the amount of water actually used.

(b) The annual charge set forth in (a) above is based on an initial rate of \$1.50 per acre-foot of water; Provided, that such annual charge shall not be less than \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot and the minimum charge shall be reviewed by the Contracting Officer and revised, if necessary, to cover costs to the United States for the irrigation water marketing program of the Willamette Basin Project. Any revision by the Contracting Officer will apply only to future charges and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 14 of this contract.

Contract Preparation Assignment Fee

6. (a) Upon execution of this contract, a \$100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a \$100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

Charges for Delinquent Payments

7. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments, pursuant to section 11 of the Debt Collection Act of 1982 (Public Law 97-365). When payment is not received within 30 days of the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty and administrative charges, second, to the accrued interest, and third to the overdue payment.

Furnishing of Water

8. (a) Upon payment of the annual charge specified in subarticle 5(a) above, the United States will furnish a maximum of 184.75 acre-feet of water to the Contractor from the Willamette Basin Project. No water shall be furnished if the Contractor is delinquent in payment of the required annual charge.

(b) Water for the purposes hereof shall be made available and measured at the following point(s) of diversion:

536 feet south and 1,820 feet west of the north quarter corner of Sec. 27, T. 17 S., R. 1 W., W.M.

The Contractor shall receive said water at the point of diversion and shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer. Such devices shall be furnished, installed, and maintained by and at the expense of the Contractor, but they shall be and remain at all times under the control of the United States or of an appropriate State-appointed watermaster whose representative may at all times have access to them over any lands of the Contractor. All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(c) The monthly supply of water hereunder diverted in any one month of the irrigation season shall not exceed 35 percent of the total maximum annual diversion set forth in subarticle 8(a) above. The Contractor shall, to the extent practicable, submit to the Contracting Officer an advance schedule as to the precise time of water deliveries. Changes in such schedule may be made only upon sufficient advance notice to the Contracting Officer to allow him to adjust releases to meet the new schedules. Upon the appointment of a State watermaster to govern diversions from the stream concerned, the Contractor shall be required to conform its diversions and releases to the control of the stream as established by the watermaster.

(d) The Contractor and all other entities heretofore or hereafter contracting with the United States for a right to use water from the Willamette Basin Project shall, to the extent of their base entitlement, have equal priority to the use of water from such project so far as that may be physically practicable and legally possible, without regard to the date of their respective contracts.

#### Special Conditions

9. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert water to the lands described in Article 4. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and provide written verification of such agreements to the Contracting Officer. The obligation of the United States to deliver water under this contract is subject to an operating plan for the Willamette Basin Project determined in accordance with the law governing the project.

(b) In the event the Contractor is not now a member of an irrigation district, water supply company, or other water user organization, this contract shall be terminated and water service hereunder shall cease automatically when water is made available to the lands described in Article 4 by such an organization to serve these and other lands presently irrigated or planned for irrigation in future years from the Willamette Basin Project.

Term of Contract

10. This contract shall become effective as of the date first above written and will continue in force for 40 years unless sooner terminated in accordance with Articles 9 or 11 or by agreement of the parties hereto.

Termination of Contract

11. This contract may be terminated and water service hereunder shall cease at the option of the United States at any time if the Contractor is delinquent in payment of the water service charge for a period of 30 days or upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

United States Not Liable for Water Shortages--Adjustments

12. On account of drought or uncontrollable forces, there may occur a shortage in the total quantity of water available for furnishing to the Contractor by the United States pursuant to this contract. In no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect arising from such shortages. If such a shortage occurs, the United States will apportion the available water supply among the Contractor and others entitled by existing and future contracts to receive water from the Willamette Basin Project.

Articles 10, 11, 12

### Disclaimer

13. No provision of this contract, nor of any renewal thereof, nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Willamette Basin Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

### Notices

14. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Regional Supervisor of Water, Power, and Lands, Pacific Northwest Region, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724-0043, and on behalf of the United States, when mailed, postage prepaid, or delivered to N.E. Knecht, 3400 Main Street, Springfield, Oregon 97478. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

### General Provisions

15. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit A and is hereby made a part of this contract.

- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. WATER AND AIR POLLUTION CONTROL
- c. QUALITY OF WATER
- d. EQUAL OPPORTUNITY
- e. COMPLIANCE WITH RECLAMATION LAWS
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

Articles 13, 14, 15

g. OFFICIALS NOT TO BENEFIT

h. WATER CONSERVATION

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

CONTRACTOR

\_\_\_\_\_  
N.E. Knecht

UNITED STATES OF AMERICA

\_\_\_\_\_  
Regional Supervisor of  
Water, Power, and Lands  
PN Region  
Bureau of Reclamation  
Box 043 - 550 West Fort Street  
Boise ID 83724-0043

Article 15 (continued)



STATE OF OREGON     )  
                              : ss  
County of             )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me,

\_\_\_\_\_, a Notary Public, personally appeared  
\_\_\_\_\_, known to me to be the person whose name  
is subscribed to the within instrument and acknowledged to me that \_\_\_\_\_  
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal as of the day and year first above written.

(SEAL)

\_\_\_\_\_  
Notary Public in and for the  
State of \_\_\_\_\_  
Residing at:

My commission expires:

\* \* \* \* \*

STATE OF IDAHO     )  
                              : ss  
County of Ada        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally appeared

before me \_\_\_\_\_, to me known to be the official  
of the United States of America that executed the within and foregoing  
instrument and acknowledged said instrument to be the free and voluntary act and  
deed of said United States, for the uses and purposes therein mentioned, and on  
oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal as of the day and year first above written.

(SEAL)

\_\_\_\_\_  
Notary Public in and for the  
State of Idaho  
Residing at:

My commission expires:

GENERAL PROVISIONS --- WILLAMETTE BASIN PROJECT

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

a. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case such funds are not appropriated or allotted.

WATER AND AIR POLLUTION CONTROL

b. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

QUALITY OF WATER

c. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

EQUAL OPPORTUNITY

d. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH RECLAMATION LAWS

e. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

f. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

OFFICIALS NOT TO BENEFIT

g. No Member of or Delegate to Congress, Resident Commissioner or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

WATER CONSERVATION

h. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

Completion

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

June 15, 19 92.

WITNESS my hand this 20th day of April, 19 92.

William H. Young  
*Water Resources Director*

By: \_\_\_\_\_  
Stephen C. Brown  
Senior Water Rights Specialist

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 13<sup>th</sup> day of May, 19 91, at 8:0 o'clock, A M.

APPLICATION NO: 71586

PERMIT NO: \_\_\_\_\_

# WaterWatch

O F O R E G O N

June 19, 1991

Mike Mattick  
Applications & Permits Section  
Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

Re: Application Numbers 71586, 71587, 71588, 71589, 71590,  
71591, 71592, from McKenzie River or Tributaries,  
Irrigation.

Dear Mr. Mattick,

Considered together, these applications propose to divert over 1900 gallons per minute from the McKenzie river system. The cumulative impact of these withdrawals will likely exacerbate the already existing water quality problems in the McKenzie. What is the Department doing to analyze the cumulative impacts of the proposed withdrawals?

Sincerely,



Karen Russell  
Legal Affairs Coordinator

c. Myron, OT

# WaterWatch

O F O R E G O N

June 19, 1991

Mike Mattick  
Permits and Applications  
Water Resources Department  
3850 Portland Rd. N.E.  
Salem, Oregon 97310

Re: Water right application 71586, N.E. Knecht, McKenzie  
River, 413.84 gpm, Irrigation, Lane County.

Dear Mr. Mattick,

We question whether there is water available for this proposed appropriation. The McKenzie River has severe water withdrawal problems which are causing water quality problems throughout the river. The water quality problems are so extreme from river mile 14 to 17 that the McKenzie's designated beneficial uses are only partially supported. Further withdrawals from the river will exacerbate these problems and may not be in the public interest.

In addition, we noticed in Oregon Trout's comments on this application that the river contains redband trout. We support Oregon Trout's recommendations for fish screens.

Thank you. Please call if you have any questions.

Sincerely,



Karen Russell  
Legal Affairs Coordinator

c. Myron, OT

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

RECEIVED  
JUN 18 1981  
WATER RESOURCES DEPT.  
GILSON

Name of Applicant N. E. Knecht Application Number 71586  
McKenzie River

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes \_\_\_\_\_ No X

If yes, please explain.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes \_\_\_\_\_ No X

If yes, please explain.

3. Do you observe this stream system during regular field work?

Yes X No \_\_\_\_\_

If yes, what are your observations for the stream.

Distribution has not been done for natural flows or minimum flows in this stream basin. There is storage available from Blue River/Cougar Reservoirs.

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

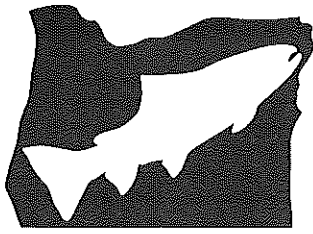
Yes \_\_\_\_\_ No \_\_\_\_\_ Don't Know X

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make?

Recommend obtain storage contract from USBR.

Signature Gene McQuinn WM District # 2 Date 6/17/91



# Oregon Trout

Speaking out for Oregon's fish

P.O. Box 19540 • Portland, Oregon 97219 • (503) 244-2292

May 29, 1991

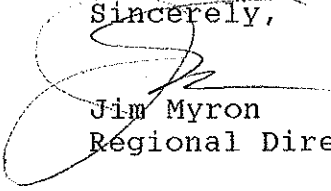
Steve Brown  
Applications & Permits Section  
Water Resources Department  
3850 Portland Rd. N. E.  
Salem, OR 97310

Subject: Application for permit #71586, #71587, #71588,  
##71589, #71590, #71591, &#71592  
McKenzie River, Lane Co.

Oregon Trout questions whether there is a sufficient amount of unappropriated water available to supply these proposed uses without adversely impacting existing water rights. Please send us copies of the water availability studies done in connection with these applications.

The McKenzie River system contains wild redband trout in addition to valuable species of anadromous fish. What provisions do these applicants intend to make to provide adequate screening and passage for fish? All of these applications, if approved, need to be conditioned to require that fish screening and bypass facilities be constructed to the specifications of the Department of Fish and Wildlife.

Sincerely,



Jim Myron  
Regional Director

cc: Robart, ODFW  
Russell, WaterWatch





71586

80743

INSTRUMENT No.

MAY 13 1912

# BARGAIN AND SALE DEED

For Value Received **EDITH E. PAGE, a widow and now unmarried**

the grantor, do hereby grant, bargain, sell and convey unto **N. E. KNEOHT and CELESTE G. KNEOHT, husband and wife**

the grantees, the following described premises, to wit:

Beginning at the northeast corner of Lot 12, Section 27, Township 17 South, Range 1 West of the Willamette Meridian, and running thence west along the south line of the James W. Storment Donation Land Claim to the land now owned by A.A. Campbell by virtue of a certain deed recorded in volume 100, page 570, Lane County Oregon Deed Records; thence south 208.7 feet, thence west to the southwest corner of the Campbell tract, thence South  $3\frac{1}{2}$  rods, thence due west to a point 354.2 feet East of the West line of Lot 4 of said Section 27; thence South to the South line of said Lot 4, thence East to the meander line of the right bank of the river, thence up said meander line to the East line of said Section 27, thence North to the point of beginning.

Excepting therefrom the easterly part of the above described property which was conveyed by deed recorded in volume 270, page 192 to William N. Dow and Jessie Dow, husband and wife, and to Glenn N. Martin and Marguerite Martin, husband and wife, as grantees.

Also a right of way over and across a strip of land 20 feet wide, hereinafter described, for the purpose of ingress and egress to and from the above described real property:

Beginning one rod west of the southeast corner of the Ida Decker Lot in Walterville, Lane County, Oregon; thence south 266.45 feet, thence west 20 feet, thence north 266.45 feet, thence East 20 feet to the place of beginning, in Lane County, Oregon.

HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever.

Dated: August 20, 1912

(SEAL)

*Edith E. Page*

(SEAL)

(SEAL)

STATE OF OREGON, COUNTY OF LANE, ss.  
On this day of August 20, 1912  
personally came before me, a Notary Public in and for said county, the within named **EDITH E. PAGE, widow**

to me personally known to be the identical person described in and who executed the within instrument, and acknowledged to me that she executed the same for the purposes and uses and purposes therein expressed.

Witness my hand and seal this day and year last above

81743-2623-1000

said thin

6111111111

1100

1111111111

71586

**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: N. E. KNECHT  
 Address: 3400 MAIN ST.  
 City: SPRINGFIELD State: OR Zip: 97478 Day Phone: \_\_\_\_\_

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
17-1-27400	PLOT PLAN 535 E-30			X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

**For Local Government Use Only**

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 16.212(2)(a). Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Christianna Paapane

Title: Planner

Date: 4/24/91  
Phone: 687 4177

Signature: Christianna Paapane

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jorner or Rick Bastasch at 378-3671.

Additional Comments:

Lined area for additional comments.

City or County: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date of Information Request: \_\_\_\_\_  
Phone: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application. If the local government can not provide the above requested land use information while the applicant waits.

WRD Applicant Name: \_\_\_\_\_

For land use information

Planning Official Initials: OP

### Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: A. E. KNECHT  
Address: 3400 MAIN ST  
SPRINGFIELD, OR 97478  
Phone: \_\_\_\_\_

RECEIVED

MAY 13 1991

WATER RESOURCES DEPT.

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): FIELD CROPS
- Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- Institutional (i.e., school, library, etc.): \_\_\_\_\_
- Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- Recreation (park, campsite, pond, etc.) \_\_\_\_\_
- Fish and Wildlife (pond, hatchery, etc.) \_\_\_\_\_
- Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>EWING (WALTERVILLE) CANAL</u> <u>MCKENZIE RIVER WATER</u>	_____ Cubic feet per second. <u>413.84</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

**Is your RETURN ADDRESS completed on the reverse side?**

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
N E KNECHT  
3400 MAIN ST  
SPRINGFIELD, OR 97478  
*S-71586*

4a. Article Number  
*P 56241*

4b. Service Type  
 Registered       Insured  
 Certified       COD  
 Express Mail       Return Receipt for Merchandise

7. Date of Delivery  
*11-9-95*

5. Signature (Addressee)

6. Signature (Agent)  
*Bobbie Johnson*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 \*U.S. GPO: 1993-352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

*FPD*

Application No. **71586**  
Permit No. **52262**

Name **N E KNECHT**  
Address **3400 MAIN ST**  
**SPRINGFIELD, OR 97478**

Assigned \_\_\_\_\_  
Address \_\_\_\_\_

Beginning construction *6-19-97*  
Completion of construction *10-1-98*  
Extended to \_\_\_\_\_  
Complete application of water *10-1-99*  
Extended to \_\_\_\_\_

Form 111

**Is your RETURN ADDRESS completed on the reverse side?**

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
N E Knecht  
3400 Main St.  
Springfield, OR 97478

4a. Article Number  
**P-56255**

4b. Service Type  
 Registered       Certified  
 Express Mail       Insured  
 Return Receipt for Merchandise       COD

7. Date of Delivery  
*5/20/96*

5. Received By: (Print Name)  
**71586**

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)  
*X Jimmy H. Morgan*

PS Form 3811, December 1994 **Domestic Return Receipt**

Thank you for using Return Receipt Service.