

(3) Ground Water: Appropriation and use of ground water in the Willow Creek subbasin shall comply with the following provisions:

(a) Ground water resources of the basalt aquifer within the Butter Creek Critical Ground Water Area are closed to further appropriation by Order of the Director dated August 18, 1986;

(b) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the basalt aquifer in the Ella Butte Ground Water Study Area as described in the Proclamation of January 31, 1985, are classified for statutorily exempt uses (see definition) only. This classification terminates the critical ground water determination proceeding initiated January 31, 1985, and the Proclamation of the same date issued for the Ella Butte study area;

(B) The ground water resources of the Willow Creek subbasin outside the Butter Creek Critical Ground Water Area and the Ella Butte Ground Water Study Area are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(C) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Heppner, Ione and Lexington is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

(c) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90;

Administrative Renumbering 1-1993, Renumbered from 690-080-0070

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App:S 87373 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
CERT:114 OR *	HENRY F BLAIRM	WILLOW CREEK, GILLIAM AND MORROW, (F)			114		NC	ID	02.00S-26.00E-17-NESW			2.3900
								ID	02.00S-26.00E-17-SWNW			4.0000
								ID	02.00S-26.00E-17-NENW			1.0000
								ID	02.00S-26.00E-17-NWNW			28.0000
								ID	02.00S-26.00E-17-SENE			8.8700
CERT:52223 CF *	MRS ANNA GRAHAM	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)			52223	12/31/1884	NC	ID	02.00S-26.00E-21-NWSW			3.0000
								ID	02.00S-26.00E-17-SESE			4.2000
								ID	02.00S-26.00E-17-SWSE			15.8000
								ID	02.00S-26.00E-21-SENE			4.5000
								ID	02.00S-26.00E-21-SWNW			32.0000
INCHOATE: T 6743 CF (REG) *	TKO LLC, NW FARM CREDIT SERVICES	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)				12/31/1895	NC	IR	02.00S-26.00E-07-NENW			26.0000
								IR	02.00S-26.00E-07-NWNW			10.0000
								IR	02.00S-26.00E-07-SENE			9.0000
								IR	02.00S-26.00E-07-NWSE			18.0000
								IR	02.00S-26.00E-07-NESW			4.0000
INCHOATE: T 6754 CF (REG) *	MALCOLM FRED HOSKINS	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)			3/31/1894		NC	IR	02.00S-26.00E-27-SWNE			0.4000
								IR	02.00S-26.00E-27-NENW			4.3000
								IR	02.00S-26.00E-27-NWNW			4.2000
								IR	02.00S-26.00E-27-SENE			14.5000
								IR	02.00S-26.00E-27-SWNW			4.7000
								IR	02.00S-26.00E-27-NWSE			1.8000
								IR	02.00S-26.00E-27-NESW			1.0000
								IR	02.00S-26.00E-27-SWNE			0.6000
								IR	02.00S-26.00E-27-NENW			0.2000
								IR	02.00S-26.00E-27-SENE			0.1000
CERT:113 OR *	HENRY BLAIRM	WILLOW CREEK, GILLIAM AND MORROW, (F)			113		NC	IR	02.00S-26.00E-17-SESE			4.0000
								IR	02.00S-26.00E-20-NENE			19.0000
								IR	02.00S-26.00E-21-NWNW			16.0000
CERT:128 OR *	W J DAVIS	WILLOW CREEK, GILLIAM AND MORROW, (F)			128	12/31/1887	NC	IR	01.00S-25.00E-34-NWNE			0.6600
CERT:156 OR *	JOHN HUGHES	WILLOW CREEK, GILLIAM AND MORROW, (F)			156	12/31/1875	NC	IR	02.00S-26.00E-07-SWSE			5.0000
								IR	02.00S-26.00E-07-NESE			15.0000

CERT ID	Owner	Location	Acres	Date	County	IR	Section	Area
						IR	02.00S-26.00E-07-SESE	30.0000
CERT.157 OR *	MRS K F HUGHES	WILLOW CREEK, GILLIAM AND MORROW, (F)	157	12/31/1901	NC	IR	02.00S-26.00E-27-NWSE	3.0000
CERT.161 OR *	WM LATRACE	WILLOW CREEK, GILLIAM AND MORROW, (F)	161	6/14/1907	NC	IR	02.00S-26.00E-27-NWSE	3.0000
CERT.184 OR *	MARGARET REANEY	WILLOW CREEK, GILLIAM AND MORROW, (F)	184	12/31/1890	NC	IR	01.00S-25.00E-28-NWSE	1.5000
						IR	01.00S-25.00E-28-SENE	8.0000
						IR	01.00S-25.00E-28-NENW	5.5000
						IR	01.00S-25.00E-28-SWNE	18.0000
CERT.185 OR *	ANDREW REANEY	WILLOW CREEK, GILLIAM AND MORROW, (F)	185	4/30/1890	NC	IR	01.00S-25.00E-28-NESE	20.0000
CERT.191 OR *	LEE L SLOCUM	WILLOW CREEK, GILLIAM AND MORROW, (F)	191	12/31/1901	NC	IR	02.00S-26.00E-27-NWSE	2.0000
CERT.192 OR *	E G SLOCUM	WILLOW CREEK, GILLIAM AND MORROW, (F)	192	12/31/1901	NC	IR	02.00S-26.00E-27-NWSE	0.5000
CERT.194 OR *	RHODA A SUMMER	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)	194		NC	IR	01.00S-25.00E-20-SENE	5.5000
						IR	01.00S-25.00E-20-SWNW	5.0000
						IR	01.00S-25.00E-20-NESE	2.5000
						IR	01.00S-25.00E-20-NWSE	7.0000
						IR	01.00S-25.00E-20-SESE	7.0000
						IR	01.00S-25.00E-21-SWSW	13.0000
CERT.195 OR *	GEO W SWAGGART	WILLOW CREEK, GILLIAM AND MORROW, (F)	195	12/31/1878	NC	IR	01.00S-24.00E-12-SENE	5.0000
						IR	01.00S-24.00E-12-SWNW	17.0000
						IR	01.00S-24.00E-12-NESW	28.0000
						IR	01.00S-24.00E-12-NWSW	29.0000
						IR	01.00S-24.00E-12-SESW	13.0000
CERT.52224 CF *	MRS ANNA GRAHAM	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)	52224	12/31/1889	NC	IR	02.00S-26.00E-17-SESE	2.8000
						IR	02.00S-26.00E-20-NENE	0.3000
						IR	02.00S-26.00E-20-SENE	1.9000
				12/31/1891	NC	IR	02.00S-26.00E-17-NWSE	12.5000
						IR	02.00S-26.00E-17-SESE	4.5000
CERT.64312 CF *	HAROLD S HUBER	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)	64312	12/31/1902	NC	IR	02.00S-25.00E-01-SENE	24.4000
				12/31/1883	NC	IR	02.00S-25.00E-01-SENE	4.3500
						IR	02.00S-25.00E-01-NENW	19.9000
						IR	01.00S-25.00E-36-SESW	1.9000
CERT.78514 RR *	FRANKLIN B GENTRY	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)	78514	12/31/1908	NC	IR	02.00S-26.00E-27-NWNW	3.4000
				3/31/1894	NC	IR	02.00S-26.00E-27-SWNW	2.8000
						IR	02.00S-26.00E-27-NWNW	11.9000
INCHOATE. T 8627 CF (REG) *	HAROLD HUBER	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)		12/31/1890	NC	IR	02.00S-25.00E-01-NENW	2.4000
						IR	02.00S-25.00E-01-SENE	0.3000
CERT.80055 RR *	HAROLD HUBER	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)	80055	12/31/1890	NC	IR	01.00S-25.00E-36-SWSW	12.5000
						IR	01.00S-25.00E-35-SESE	0.1000
						IR	01.00S-25.00E-36-SWSW	10.4000

INCHOATE: T 9454 CF (REG) * JOSEPH MCELLIGOTT	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)	12/31/1906	NC	IR 01.00S-25.00E-35-SESE		1 6000				
				IR 01.00S-24.00E-03-SESW		5.2000				
INCHOATE: T 9454 CF (REG) * JOSEPH MCELLIGOTT	WILLOW CREEK, GILLIAM AND MORROW, (F)	12/31/1898	NC	IR 01.00S-24.00E-03-SWSE		1.8000				
				IR 01.00S-24.00E-11-SENW		6.6000				
				IR 01.00S-24.00E-11-SWNE		11.7000				
				IR 01.00S-24.00E-11-NWNE		0.1000				
				4/1/1908	NC	IR 01.00S-24.00E-11-SENE		3.6000		
				IR 01.00S-24.00E-11-SWNE			5.0000			
				12/31/1898	NC	IR 01.00S-24.00E-11-NWNE		1.4000		
						IR 01.00S-24.00E-10-NWNW		9.0000		
				INCHOATE: T 9454 CF (REG) * JOSEPH MCELLIGOTT	WILLOW CREEK, GILLIAM AND MORROW, (F)	12/31/1898	NC	IR 01.00S-24.00E-11-NWNW		2.6000
								IR 01.00S-24.00E-03-SWSE		0.4000
IR 01.00S-24.00E-03-SESW		3.0000								
IR 01.00S-24.00E-10-NENE		14.5000								
IR 01.00S-24.00E-10-NENW		22.6500								
IR 01.00S-24.00E-10-NWNE		14.5000								
IR 01.00S-24.00E-11-SENW		2.3300								
IR 01.00S-24.00E-11-SWNW		5.3000								
IR 01.00S-24.00E-11-NWNW		13.4000								
INCHOATE: T 9454 CF (REG) * JOSEPH MCELLIGOTT	WILLOW CREEK, GILLIAM AND MORROW, (F)	12/31/1878	NC					IR 01.00S-24.00E-03-SESW		1.1000
				IR 01.00S-24.00E-03-SWSE		15.4000				
				IR 01.00S-24.00E-03-SESE		12.5000				
				IR 01.00S-24.00E-11-NWNW		2.7000				
				IR 01.00S-24.00E-11-NWNE		1.7000				
				IR 01.00S-24.00E-11-SENE		22.2000				
				IR 01.00S-24.00E-11-SWNE		17.3000				
				IR 01.00S-24.00E-11-NENW		13.7000				
				IR 01.00S-24.00E-11-SENW		5.8000				
				IR 01.00S-24.00E-11-NESE		10.9000				
INCHOATE: T 9454 CF (REG) * JOSEPH MCELLIGOTT	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)	12/31/1908	NC	IR 01.00S-24.00E-11-NWNW		3.8000				
				IR 01.00S-24.00E-11-SENE		5.2000				
				IR 01.00S-24.00E-10-NENE		2.7000				
				IR 01.00S-24.00E-03-SESE		6.8000				
				IR 01.00S-24.00E-02-SWSW		1.5000				
CERT:80902 RR *	I HOWARD	80902	12/31/1898	NC	IR 01.00S-24.00E-03-SESW		7.7500			
INCHOATE: T 9942 CF (REG) *	ANDY FLETCHER		12/31/1875	NC	IR 01.00S-25.00E-34-NENE		4.8000			
CERT:82489 RR *	JANE PENLAND	82489	12/31/1875	NC	IR 01.00S-25.00E-34-NENE		11.2000			

CERT	OWNER	WILLOW CREEK, GILLIAM AND MORROW COUNTIES (F)	170	12/31/1908	SP	IR	01.00S-25.00E-34-NWNE		1.0000
CERT:170 OR SP	W O MINOR					IR	02.00S-26.00E-27-SENW		5.4000
						IR	02.00S-26.00E-27-SENW		0.1000
						IR	02.00S-26.00E-27-NENW		0.2000
						IR	02.00S-26.00E-27-SWNE		0.6000
			3/31/1894		SP	IR	02.00S-26.00E-27-NESW		1.0000
						IR	02.00S-26.00E-27-NWSE		1.8000
						IR	02.00S-26.00E-27-SWNW		4.7000
						IR	02.00S-26.00E-27-SENW		14.5000
						IR	02.00S-26.00E-27-SENW		1.0000
						IR	02.00S-26.00E-27-NWNW		4.2000
						IR	02.00S-26.00E-27-NENW		4.3000
						IR	02.00S-26.00E-27-SWNE		0.4000
			12/31/1908		SP	IR	02.00S-26.00E-27-NWSE		0.2000
INCHOATE T 9454 CF (REG) * JOSEPH MCELLIGOTT		E-2708 E-159	12/20/1912		NC	IR	01.00S-24.00E-10-NWNE		1.0000
						IR	01.00S-24.00E-10-NWNW		3.4000
						IR	01.00S-24.00E-11-SWNE		3.1000
						IR	01.00S-24.00E-11-NWNW		4.4000
						IR	01.00S-24.00E-11-SWNW		0.3000
						IR	01.00S-24.00E-10-NENE		5.0000
						IR	01.00S-24.00E-03-SESE		2.7000
						IR	01.00S-24.00E-03-SWSE		4.3000
						IR	01.00S-24.00E-03-SESW		4.0000
						IR	01.00S-24.00E-11-SENW		5.1100
INCHOATE T 8069 CF (REG) * BERNARD E DAMON		G-1829 G-1677	8/22/1960		NC	IR	02.00S-26.00E-08-SWSW		7.0000
						IS	02.00S-26.00E-07-SESE		11.6000
CERT:34522 OR *	PATRICK CUTSFORTH	G-1938 G-1781	34522	2/17/1961	NC	IR	01.00S-25.00E-21-SWSW		5.2000
CERT:39274 OR *	IONE LEXINGTON CEMETERY DISTRICT	G-3944 G-3701	39274	5/26/1967	NC	IR	01.00S-25.00E-34-SWSE		1.3700
						IR	01.00S-25.00E-34-NWSE		1.2900
CERT:38271 OR *	JOHN W JEPSEN	G-4453 G-4197	38271	6/21/1968	NC	IS	01.00S-24.00E-12-NESW		0.3000
CERT:42434 OR *	WILLOW CREEK COUNTRY CLUB	G-1576 G-4299	42434	8/29/1968	NC	IS	02.00S-26.00E-27-NWNW		20.0000
						IS	02.00S-26.00E-27-SWNW		2.5000
CERT:38272 OR *	JE LATRACE	G-1600 G-4324	38272	9/17/1968	NC	IR	02.00S-26.00E-27-NESW		5.2000
CERT:38861 OR *	JOHN MOLLAHAN	G-4607 G-4331	38861	9/24/1968	NC	IR	02.00S-26.00E-17-SWNW		13.2000
						IR	02.00S-26.00E-17-SENW		15.6300
						IR	02.00S-26.00E-17-NESW		32.5100
						IR	02.00S-26.00E-17-NWSW		33.2000
						IR	02.00S-26.00E-17-SESW		39.8000

CERT:38371 OR * HAROLD RIETMANN
 CERT:42435 OR * EVANS RANCH

G-4624 G-4349 38371 10/3/1968 NC
 G-4643 G-4368 42435 10/31/1968 NC

IR	02.00S-26.00E-17-SWSW		34.5000
IS	02.00S-26.00E-17-NENW		0.5000
IS	02.00S-26.00E-17-NWNW		19.2000
IS	02.00S-26.00E-17-SEW		8.8700
IS	02.00S-26.00E-17-SWNW		3.2000
IS	02.00S-26.00E-17-NESW		2.3900
IR	01.00S-24.00E-10-NWNW		1.6000
IR	02.00S-26.00E-07-NENW	3	9.6000
IR	02.00S-26.00E-07-NWNW	4	7.8000
IR	02.00S-26.00E-07-SEW		19.1000
IR	02.00S-26.00E-07-SWNW	5	1.3000
IR	02.00S-26.00E-07-NESE		2.0000
IR	02.00S-26.00E-07-NWSE		10.0000
IR	02.00S-26.00E-07-NWNE	2	12.7000
IR	02.00S-26.00E-07-SENE		1.6000
IR	02.00S-26.00E-07-SWNE		32.4000
IS	02.00S-26.00E-07-NENW	3	26.0000
IS	02.00S-26.00E-07-NWNW	4	10.0000
IS	02.00S-26.00E-07-SEW		9.0000
IS	02.00S-26.00E-07-NWSE		18.0000
IS	02.00S-26.00E-07-NESW	2	3.6000
IR	01.00S-24.00E-03-SESW		0.4000
IR	01.00S-24.00E-10-NWNW		4.2000
IR	02.00S-26.00E-17-SESE		4.1000
IR	02.00S-26.00E-21-SEW		2.3000
IR	02.00S-26.00E-21-NWSW		2.2000
IR	01.00S-25.00E-34-NENE		8.3000
IR	01.00S-25.00E-35-SWNW		32.8000
IR	01.00S-25.00E-35-NESE		7.3000
IR	01.00S-25.00E-34-NWSE		34.1000
IR	01.00S-25.00E-34-NESE		39.7000
IR	01.00S-25.00E-34-SWNE		39.3000
IR	01.00S-25.00E-35-NWSE		26.0000
IR	01.00S-25.00E-35-SESE		31.5000
IR	01.00S-25.00E-35-SWSE		40.0000
IR	01.00S-25.00E-35-NESW		39.3000
IR	01.00S-25.00E-35-NWSW		40.0000
IR	01.00S-25.00E-35-SESW		28.4000

CERT:38372 OR * PAUL PETTYJOHN

CERT:53730 OR * ANNA GRAHAM

INCHOATE T 9942 CF (REG) * ANDREA FLETCHER

CERT:82491 RR * ELMER PADBERG

G-4775 G-4498 38372 1/31/1969 NC
 G-5912 G-7211 53730 9/29/1972 NC
 G-6085 G-6828 10/1/1973 NC
 G-6085 G-6828 82491 10/1/1973 NC

INCHOATE_T 9942 CF (REG) * ANDREA FLETCHER

CERT 82491 RR * ELMER PADBERG

CERT 53472 OR * ANNA GRAHAM

CERT 58401 OR * RODERICK K MURRAY

PERMIT G 7611 * CHARLES JONES

G-6085 G-6828 10/1/1973 NC

G-6085 G-6828 82491 10/1/1973 NC

G-8149 G-7210 53472 5/20/1977 NC

G-8168 G-7552 58401 5/26/1977 NC

G-8400 G-7611 8/24/1977 NC

IR	01.00S-25.00E-35-SWSW								36 0000
IR	02.00S-25.00E-02-NWNE				2				30.7000
IR	02.00S-25.00E-02-SENE								9.4000
IR	02.00S-25.00E-02-SWNE								36.8000
IR	02.00S-25.00E-02-NENW				3				32.1000
IR	02.00S-25.00E-02-NWNW				4				39.2000
IR	02.00S-25.00E-02-SENE								36.9000
IR	02.00S-25.00E-02-SWNE								32.2000
IR	01.00S-25.00E-35-SENE								13.3000
IR	01.00S-25.00E-34-SENE								38.6000
IR	01.00S-25.00E-34-NWNE								16.2000
IR	01.00S-25.00E-34-NENE								4.2000
IR	01.00S-25.00E-35-NWNW								0.7000
IR	01.00S-25.00E-35-SWNE								0.4000
IR	01.00S-25.00E-34-SWSE								30.0000
IR	01.00S-25.00E-34-SESE								36.7000
IS	01.00S-25.00E-34-NENE								4.8000
IS	01.00S-25.00E-35-NWSE								7.7000
IS	01.00S-25.00E-34-NWNE								0.8000
IS	01.00S-25.00E-35-SWNE								2.8000
IS	01.00S-25.00E-35-NWNW								1.4000
IS	01.00S-25.00E-35-SENE								10.0000
IS	01.00S-25.00E-35-SWNE								5.1000
IS	01.00S-25.00E-35-NESE								2.2000
IS	01.00S-25.00E-34-NENE								8.5000
IS	02.00S-26.00E-21-SWNE								32.0000
IS	02.00S-26.00E-21-NESW								3.6000
IS	02.00S-26.00E-21-NWSW								3.0000
IS	02.00S-26.00E-17-SWSE								15.8000
IS	02.00S-26.00E-17-NWSE								12.5000
IS	02.00S-26.00E-17-SESE								15.5000
IS	02.00S-26.00E-20-NENE								19.3000
IS	02.00S-26.00E-20-SENE								1.9000
IS	02.00S-26.00E-21-NWNW								16.0000
IS	02.00S-26.00E-21-SENE								4.5000
IS	01.00S-24.00E-03-SESW								4.0000
IR	01.00S-25.00E-20-SWNE								3.2000
IR	01.00S-25.00E-20-SENE								0.4000

INCHOATE T 8069 CE (REG) * BERNARD E DAMON

G-8699 G-8299 3/22/1978 NC

IS	01.00S-25.00E-20-SWNW		3.2000
IS	01.00S-25.00E-20-SENW		0.4000
IR	02.00S-26.00E-07-NESE		11.8000
IR	02.00S-26.00E-08-NWSW		3.4000
IR	02.00S-26.00E-08-SWSW		9.4000
IS	02.00S-26.00E-07-NESE		12.0000
IS	02.00S-26.00E-07-NWSE		1.4000
IS	02.00S-26.00E-07-SESE		18.7000
IS	02.00S-26.00E-07-SWSE		3.0000

CERT 82918 OR * LAWRENCE MCELLIGOTT

G-9842 G-9502 82918 10/8/1981 NC

IR	01.00S-24.00E-12-SESW		16.0000
IR	01.00S-24.00E-12-SENW		0.8000
IR	01.00S-24.00E-12-SWNW		1.4000
IR	01.00S-24.00E-12-NWSW		5.7000
IS	01.00S-24.00E-12-SWNW		17.0000
IS	01.00S-24.00E-12-NESW		28.0000
IS	01.00S-24.00E-12-NWSW		29.0000
IS	01.00S-24.00E-12-SESW		13.0000
IS	01.00S-24.00E-12-SENW		5.0000

CERT 64437 OR *

G-10249 G-9569 64437 9/21/1981 NC

IR	01.00S-23.00E-01-SWNW		4.4000
IR	01.00S-23.00E-01-SWSE		0.7000
IR	01.00S-23.00E-01-NESW		1.3000
IR	01.00S-23.00E-01-NWSW		27.1000
IR	01.00S-23.00E-01-SESW		16.3000
IR	01.00S-23.00E-01-SWSW		20.7000
IR	01.00S-23.00E-02-NESE		2.6000
IR	01.00S-23.00E-02-SESE		0.1000
IR	01.00S-23.00E-12-NWNE		22.9000
IR	01.00S-23.00E-12-NENW		14.2000
IR	01.00S-23.00E-12-NWNW		0.7000

CERT 83182 OR * KINZUA CORP

G-11233 G-10312 83182 NC

IM	02.00S-26.00E-21-NESW		
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CERT 85109 OR * HAROLD HUBER

G-13363 G-11794 85109 4/13/1993 NC

IS	01.00S-25.00E-36-SESW		1.9000
IS	02.00S-25.00E-01-NENW		13.4000
IS	02.00S-25.00E-01-SENW		2.2000

PERMIT G 12063 * JIM HURL

G-13626 G-12063 2/25/1994 NC

IR	02.00S-26.00E-07-NENW		0.2000
IR	02.00S-26.00E-07-NESE		1.7000
IR	02.00S-26.00E-07-NWSE		0.1000
IR	02.00S-26.00E-08-NWNW		6.0000
IR	02.00S-26.00E-08-SWNW		17.6000

PERMIT	OWNER	APPLICANT	DATE	STATUS	IR	ACRES
PERMIT G 12506 *	NORTHWEST FARM CREDIT SERVICES FLCA, THOMPSON LANE	G-14031 G-12506	4/10/1995	NC	IR 02.00S-26.00E-07-NENE	16.6000
					IR 02.00S-26.00E-07-NWNE	10.0000
					IR 02.00S-26.00E-07-SENE	20.5000
					IR 02.00S-26.00E-07-SWNE	1.5000
					IR 02.00S-26.00E-07-SENW	1.5000
					IR 02.00S-26.00E-07-SWNW	31.0000
					IR 02.00S-26.00E-07-NESW	25.0000
					IR 02.00S-26.00E-07-NWSW	38.5000
					IR 02.00S-26.00E-07-SESW	40.0000
					IR 02.00S-26.00E-07-SWSW	38.8000
PERMIT G 13308 *	ANNA J GRAHAM	G-14480 G-13308	3/24/1997	NC	IR 02.00S-26.00E-07-NWNW	8.0000
					IR 02.00S-26.00E-17-NESE	1.2000
					IR 02.00S-26.00E-17-NWSE	7.7500
					IR 02.00S-26.00E-17-SESE	4.5000
					IR 02.00S-26.00E-17-SWSE	0.3000
					IR 02.00S-26.00E-21-NWNW	2.2000
					IR 02.00S-26.00E-21-SENW	1.8000
					IR 02.00S-26.00E-21-SWNW	0.4000
					IR 02.00S-25.00E-12-NENE	12.0000
					IR 02.00S-25.00E-12-SENE	24.0000
PERMIT G 13392 *	ALBERT OSMIN	G-14545 G-13392	6/12/1997	NC	IR 02.00S-25.00E-12-NESE	5.0000
					IR 02.00S-26.00E-07-SENW	2.7000
					IR 02.00S-26.00E-07-NWSE	3.1000
PERMIT G 13319 *	TKO LLC, NW FARM CREDIT SERVICES	G-14562 G-13319	6/27/1997	NC	IR 02.00S-26.00E-07-NENE	3.0000
					IR 02.00S-26.00E-07-NWNE	7.0000
					IR 02.00S-26.00E-07-SENE	6.0000
					IR 02.00S-26.00E-07-SWNE	1.1000
					IR 02.00S-26.00E-07-NENW	2.4000
					IR 02.00S-26.00E-07-NWNW	1.2000
					IR 01.00S-25.00E-35-NWSW	40.0000
					IR 01.00S-25.00E-35-SWSW	36.0000
					IR 01.00S-25.00E-35-SESW	28.4000
					IR 01.00S-25.00E-35-NESE	9.5000
PERMIT G 15586 *	ANDREA FLETCHER	G-15972 G-15586	4/3/2003	NC	IR 01.00S-25.00E-35-NWSE	33.7000
					IR 01.00S-25.00E-35-SWSE	40.0000
					IR 01.00S-25.00E-35-SESE	31.3000
					IR 02.00S-25.00E-02-NWNE	30.7000
					IR 02.00S-25.00E-02-SWNE	36.8000

IR 02.00S-25.00E-02-SENE		9.4000
IR 02.00S-25.00E-02-NENW		32.1000
IR 02.00S-25.00E-02-NWNW		39.2000
IR 02.00S-25.00E-02-SWNW		32.2000
IR 02.00S-25.00E-02-SENW		36.9000
IR 01.00S-25.00E-34-SENW		16.8000
IR 01.00S-25.00E-34-NESE		0.3000
IR 01.00S-25.00E-34-NWSE		0.3000
IR 01.00S-25.00E-34-SWSE		0.1000
IR 01.00S-25.00E-34-SESE		3.3000
IR 01.00S-25.00E-35-NESW		0.7000
IR 01.00S-25.00E-35-SWSW		4.0000
IR 01.00S-25.00E-35-SESW		11.6000
IR 02.00S-25.00E-02-NWNE		9.3000
IR 02.00S-25.00E-02-NENW		7.9000
IR 02.00S-25.00E-02-SWNW		7.8000
IR 02.00S-25.00E-02-SENW		3.1000
IR 01.00S-25.00E-34-NENE		13.0000
IR 01.00S-25.00E-34-NWNE		17.0000
IR 01.00S-25.00E-34-SWNE		39.3000
IR 01.00S-25.00E-34-SENE		38.6000
IR 01.00S-25.00E-34-NESE		39.7000
IR 01.00S-25.00E-34-NWSE		34.1000
IR 01.00S-25.00E-34-SWSE		30.0000
IR 01.00S-25.00E-34-SESE		36.7000
IR 01.00S-25.00E-35-SWNE		3.2000
IR 01.00S-25.00E-35-NWNW		2.1000
IR 01.00S-25.00E-35-SWNW		37.9000
IR 01.00S-25.00E-35-SENW		23.3000
IR 01.00S-25.00E-35-NESW		39.3000
IR 01.00S-25.00E-34-NENE		13.1000
IR 01.00S-25.00E-34-NENE		0.3000
IR 01.00S-25.00E-34-SENE		1.4000
IR 01.00S-25.00E-34-NENW		10.9000
IR 01.00S-25.00E-34-NWNW		21.9000
IR 01.00S-25.00E-34-SWNW		30.4000
IR 02.00S-26.00E-18-NENE		5.1000
IR 02.00S-26.00E-20-NENE		3.0000

PERMIT.G.15697*

BERNARD DAMON

G-16159 G-15697

12/30/2003 NC

PERMIT G 16244 *
APP LL 977 EX

MARK LEMMON
BRIAN THOMPSON

G-16764 G-16244
LL-977

12/8/2006 NC
6/2/2006 EX

IR	02.00S-26.00E-08-SWSW		1.8500
IR	02.00S-26.00E-07-SESE		2.8000
IR	01.00S-25.00E-28-NESE		2.9200
IR	02.00S-26.00E-07-SWNE		32.4000
IR	02.00S-26.00E-07-NWNE		12.7000
IR	02.00S-26.00E-07-NESE		2.0000
IR	02.00S-26.00E-07-NWSE		46.0000
IR	02.00S-26.00E-07-NESW		32.6000
IR	02.00S-26.00E-07-SESW		40.0000
IR	02.00S-26.00E-07-SWSW		38.8000
IR	02.00S-26.00E-07-NWSW		38.5000
IR	02.00S-26.00E-07-NENW		61.6000
IR	02.00S-26.00E-07-SENW		38.6000
IR	02.00S-26.00E-07-SWNW		32.3000
IR	02.00S-26.00E-07-NWNW		35.8000
IR	02.00S-26.00E-17-NESW		37.2900
IR	02.00S-26.00E-17-SESW		39.8000
IR	02.00S-26.00E-17-SWSW		34.5000
IR	02.00S-26.00E-17-NWSW		33.2000
IR	02.00S-26.00E-17-NENW		1.5000
IR	02.00S-26.00E-17-SENW		33.3700
IR	02.00S-26.00E-17-SWNW		20.4000
IR	02.00S-26.00E-17-NWNW		47.2000
IR	02.00S-26.00E-07-SENE		1.6000
IR	02.00S-26.00E-27-NWNW		4.2000
IR	02.00S-26.00E-27-NWSE		2.0000
IR	02.00S-26.00E-27-NESW		1.0000
IR	02.00S-26.00E-27-NENW		4.5000
IR	02.00S-26.00E-27-SENW		21.0000
IR	02.00S-26.00E-27-SWNW		4.7000
IR	02.00S-26.00E-27-SWNE		1.0000
IR	02.00S-26.00E-27-NENW		4.5000
IR	02.00S-26.00E-27-NWNW		4.2000
IR	02.00S-26.00E-27-SWNW		4.7000
IR	02.00S-26.00E-27-SENW		21.0000
IR	02.00S-26.00E-27-SWNE		1.0000
IR	02.00S-26.00E-27-NESW		1.0000
IR	02.00S-26.00E-27-NWSE		2.0000

APP LL 1142 *

MALCOLM FRED HOSKINS

LL-1142

5/1/2007 NC
6/12/2008 NC

APP P 79538 *	RICHARD SHERER	P-79538	4/13/1995	NC	LV	01.00S-23.00E-02-			
					LV	01.00S-23.00E-02-			
APP P 82097 *	ELMER F PADBERG	P-82097	1/31/1997	NC	LV	01.00S-25.00E-35-NWSE			
					WI	01.00S-25.00E-35-NWSE			
CERT 79503 CR *	ALBERT OSMIN	R-76781	79503	1/1/1993	NC	LV	02.00S-26.00E-07-NESW		
CERT 1886 OR *	THOMAS C BEYMER	S-3409	S-1891	1886	1/19/1914	NC	IR	01.00S-25.00E-20-SENW	0.1200
							IR	01.00S-25.00E-20-SWNW	2.4000
CERT 2154 OR *	LAWRENCE A PALMER	S-4551	S-2673	2154	10/6/1915	NC	IR	01.00S-25.00E-20-SENW	1.2100
							IR	01.00S-25.00E-20-SWNW	7.1800
							IR	01.00S-25.00E-20-NESW	18.1400
							IR	01.00S-25.00E-20-NWSW	1.5400
CERT 30021 OR *	NEWT O'HARRA	S-26629	S-20861	30021	11/9/1951	NC	IR	01.00S-25.00E-35-SWNW	5.1000
							IR	01.00S-25.00E-35-NESE	3.2000
							IR	01.00S-25.00E-35-NWSE	9.8000
							IR	01.00S-25.00E-35-SENW	11.6000
							IR	01.00S-25.00E-35-SWNE	2.8000
							IR	01.00S-25.00E-35-NWNW	1.4000
CERT 26160 OR *	ALVIN E WAGENBLAST	S-29835	S-23464	26160	3/24/1955	NC	IR	01.00S-25.00E-28-NENW	6.6000
							IR	01.00S-25.00E-28-SENW	2.0000
CERT 38273 OR *	JOHN W JEPSEN	S-44697	S-33465	38273	4/15/1968	NC	IR	01.00S-24.00E-12-NESW	0.3000
INCHOATE T 9942 CF (REG) *	ANDY FLETCHER	S-65503	S-48116		8/3/1983	NC	IS	01.00S-25.00E-34-NENE	8.3000
CERT 82490 RR *	ELMER PADBERG	S-65503	S-48116	82490	8/3/1983	NC	IS	02.00S-25.00E-02-SWNW	32.2000
							IS	01.00S-25.00E-34-NENE	9.0000
							IS	01.00S-25.00E-34-NWNE	16.2000
							IS	02.00S-25.00E-02-SENW	36.9000
							IS	01.00S-25.00E-35-SWNW	32.6000
							IS	01.00S-25.00E-35-SENW	13.3000
							IS	01.00S-25.00E-35-NWNW	0.1000
							IS	01.00S-25.00E-35-SWNE	0.4000
							IS	01.00S-25.00E-34-SWSE	30.0000
							IS	01.00S-25.00E-34-SESE	36.7000
							IS	01.00S-25.00E-34-NWSE	34.1000
							IS	01.00S-25.00E-34-NESE	39.7000
							IS	01.00S-25.00E-34-SWNE	39.3000
							IS	01.00S-25.00E-34-SENE	38.6000
							IS	02.00S-25.00E-02-NWNW	39.2000
							IS	02.00S-25.00E-02-NENW	32.1000
							IS	02.00S-25.00E-02-SWNE	36.8000

IS	02.00S-25.00E-02-SENE		9.4000
IS	02.00S-25.00E-02-NWNE		30.7000
IS	01.00S-25.00E-35-SWSW		36.0000
IS	01.00S-25.00E-35-SESW		28.4000
IS	01.00S-25.00E-35-NWSW		40.0000
IS	01.00S-25.00E-35-NESW		39.3000
IS	01.00S-25.00E-35-SWSE		40.0000
IS	01.00S-25.00E-35-SESE		31.5000
IS	01.00S-25.00E-35-NWSE		26.0000
IS	01.00S-25.00E-35-NESE		6.5000

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

WILLOW CREEK DISTRICT IMPROVEMENT CO.
530 CENTER ST NE, SUITE 400
SALEM OR 97301

This superseding permit is issued to describe a change in place of use proposed under Transfer Applications T-11313 and T-11314 and approved by Special Order Vol. 88, Pages ~~331-335~~ and Special Order Vol. 88, Pages ~~336-339~~, entered August 7, 2012. This permit supersedes Permit S-54649.

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

APPLICATION FILE NUMBER: S-87373

SOURCE OF WATER: WILLOW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-10880, TRIBUTARY TO WILLOW CREEK

USE: PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2538.14 ACRES

MAXIMUM VOLUME: 2500.0 ACRE FEET

DATE OF PRIORITY: JANUARY 6, 2009

PERIOD: SEE TABLE BELOW

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Points of Diversion (POD):

HOSKINS MAP #1	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	27	SE NW	1810 FEET SOUTH AND 400 FEET WEST FROM THE N¼ CORNER OF SECTION 27
POD 3	2 S	26 E	WM	27	SW NE	2510 FEET SOUTH AND 200 FEET EAST FROM THE N¼ CORNER OF SECTION 27

DAMON MAP #2A AND 2B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	8	SW SW	100 FEET NORTH AND 550 FEET EAST FROM THE SW CORNER OF SECTION 8
POD 2	2 S	26 E	WM	21	NE SW	2150 FEET NORTH AND 1300 FEET WEST FROM THE S¼ CORNER OF SECTION 21
POD 3	2 S	26 E	WM	21	SW SE	50 FEET NORTH AND 1150 FEET EAST FROM THE S¼ CORNER OF SECTION 21

NEIFFER MAP #3A AND 3B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 27
POD 2	1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER OF SECTION 28
POD 3	1 S	23 E	WM	1	SW SE	100 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 1

McELLAGOTT MAP #4	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	24 E	WM	12	SE NE	50 FEET NORTH AND 1960 FEET EAST FROM THE C ¹ / ₄ CORNER OF SECTION 12

EMERT RANCHES MAP #5	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 2	1S	24 E	WM	11	SE NE	2120 FEET SOUTH AND 30 FEET WEST FROM THE NE CORNER OF SECTION 11
POD 3	1S	24 E	WM	11	SW NE	1400 FEET SOUTH AND 1000 FEET EAST FROM THE N ¹ / ₄ CORNER OF SECTION 11
POD 4	1S	24 E	WM	11	SE NW	1750 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 11
POD 5	1S	24 E	WM	10	NE NE	20 FEET SOUTH AND 1240 FEET WEST FROM THE NE CORNER OF SECTION 10

THOMPSON MAP #6B AND 6C	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	26 E	WM	7	SE NW	2350 FEET SOUTH AND 3040 FEET WEST FROM THE NE CORNER OF SECTION 7
POD 2	2S	26 E	WM	17	NE SW	800 FEET SOUTH FROM THE C ¹ / ₄ CORNER OF SECTION 17

MEYER MAP #7	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1 S	25 E	WM	35	NE SE	1540 FEET NORTH AND 2100 FEET EAST FROM THE S ¹ / ₄ CORNER OF SECTION 35

HARRISON MAP #8	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28
POD 2	1S	25 E	WM	20	NW SE	1695 FEET NORTH AND 1325 FEET WEST FROM THE SE CORNER OF SECTION 20

TEMPLE MAP #9	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	36	SW SW	560 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 36
POD 2	2 S	25 E	WM	1	SW NE	910 FEET NORTH AND 140 FEET EAST FROM THE C/4 CORNER OF SECTION 1

SHATTUCK /BARROW MAP #10	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	25 E	WM	1	SW NE	920 FEET NORTH AND 160 FEET EAST FROM THE C/4 CORNER OF SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use: (* represents land with existing ground water right for primary irrigation)

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	4.40	1 S	23 E	WM	1		3/1 through 10/31	
NE SW*	1.30	1 S	23 E	WM	1		3/1 through 10/31	
NW SW*	25.10	1 S	23 E	WM	1		3/1 through 10/31	
SW SW*	14.70	1 S	23 E	WM	1		3/1 through 10/31	
SE SW*	18.80	1 S	23 E	WM	1		3/1 through 10/31	
SW SE*	0.70	1 S	23 E	WM	1		3/1 through 10/31	
NW NE*	31.10	1 S	23 E	WM	12		3/1 through 10/31	
NE NW*	14.20	1 S	23 E	WM	12		3/1 through 10/31	
NW NW*	0.70	1 S	23 E	WM	12		3/1 through 10/31	
SW SW	1.50	1 S	24 E	WM	2		3/1 through 10/31	
SE SW	5.20	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SE SW	3.00	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SE SW	4.00	1 S	24 E	WM	3		3/1 through 10/31	
SE SW	1.10	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	1.80	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SW SE	4.30	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	0.40	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SW SE	15.40	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	2.70	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	6.80	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	12.50	1 S	24 E	WM	3		3/1 through 10/31	
NE NE	2.70	1 S	24 E	WM	10		3/1 through 10/31	
NE NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NE NE	5.00	1 S	24 E	WM	10		3/1 through 10/31	
NW NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NE	1.00	1 S	24 E	WM	10		3/1 through 10/31	
NE NW	22.65	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NW	3.40	1 S	24 E	WM	10		3/1 through 10/31	
NW NW	9.00	1 S	24 E	WM	10		3/1 through 9/30	10/1 through 10/31
NW NE	1.70	1 S	24 E	WM	11		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NE	0.10	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NE	1.40	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	11.70	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	5.00	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	17.30	1 S	24 E	WM	11		3/1 through 10/31	
SW NE	3.10	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	3.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NE	5.20	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	22.20	1 S	24 E	WM	11		3/1 through 10/31	
NE NW	13.70	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	4.40	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	13.40	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NW NW	2.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NW	3.80	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	2.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	5.30	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
SW NW	0.30	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	5.11	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	6.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NW	5.80	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	2.33	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NE SE	10.90	1 S	24 E	WM	11		3/1 through 10/31	
NW SE	1.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	17.00	1 S	24 E	WM	12		3/1 through 10/31	
SE NW	5.00	1 S	24 E	WM	12		3/1 through 10/31	
NE SW	28.00	1 S	24 E	WM	12		3/1 through 10/31	
NW SW	29.00	1 S	24 E	WM	12		3/1 through 10/31	
SE SW	13.00	1 S	24 E	WM	12		3/1 through 10/31	
SW NW	5.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW NW	7.18	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	1.21	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	5.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NE SW	18.14	1 S	25 E	WM	20		3/1 through 10/31	
NW SW	1.54	1 S	25 E	WM	20		3/1 through 10/31	
NE SE	2.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NW SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SE SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW SW	13.00	1 S	25 E	WM	21		3/1 through 8/1	8/2 through 10/31
NW SW	2.50	1 S	25 E	WM	27	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SW NE	15.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NW	5.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SE NW	8.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE SE	20.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 10/31	
NW SE	1.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NE	11.20	1 S	25 E	WM	34		3/1 through 10/31	
NE NE*	4.50	1 S	25 E	WM	34		3/1 through 10/31	
NW NE	1.00	1 S	25 E	WM	34		3/1 through 10/31	
NW NE*	16.20	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	39.30	1 S	25 E	WM	34		3/1 through 10/31	
SE NE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NE NW*	10.90	1 S	25 E	WM	34		3/1 through 10/31	
NW NW*	21.90	1 S	25 E	WM	34		3/1 through 10/31	
SW NW*	30.40	1 S	25 E	WM	34		3/1 through 10/31	
SE NW*	16.80	1 S	25 E	WM	34		3/1 through 10/31	
NE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NW SE*	34.40	1 S	25 E	WM	34		3/1 through 10/31	
SW SE*	30.10	1 S	25 E	WM	34		3/1 through 10/31	
SE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	0.40	1 S	25 E	WM	35		3/1 through 10/31	
SW NE	2.80	1 S	25 E	WM	35		3/1 through 10/31	
NW NW	1.40	1 S	25 E	WM	35		3/1 through 10/31	
NW NW*	0.70	1 S	25 E	WM	35		3/1 through 10/31	
SW NW	5.10	1 S	25 E	WM	35		3/1 through 10/31	
SW NW*	32.80	1 S	25 E	WM	35		3/1 through 10/31	
SE NW	11.60	1 S	25 E	WM	35		3/1 through 10/31	
SE NW*	13.30	1 S	25 E	WM	35		3/1 through 10/31	
NE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NE SE	3.20	1 S	25 E	WM	35		3/1 through 10/31	
NE SE*	7.30	1 S	25 E	WM	35		3/1 through 10/31	
NW SE	9.80	1 S	25 E	WM	35		3/1 through 10/31	
NW SE*	26.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SE*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SE*	31.50	1 S	25 E	WM	35		3/1 through 10/31	
SW SW	13.32	1 S	25 E	WM	36		3/1 through 9/1	9/2 through 10/31
SE SW	1.90	1 S	25 E	WM	36		3/1 through 10/31	
NE NW	13.40	2 S	25 E	WM	1		3/1 through 10/31	
NE NW	2.40	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
SE NW	2.20	2 S	25 E	WM	1		3/1 through 10/31	
SE NW	0.30	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
NE NE*	17.60	2 S	25 E	WM	2		3/1 through 10/31	
NW NE*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SW NE*	36.80	2 S	25 E	WM	2		3/1 through 10/31	
SE NE*	9.40	2 S	25 E	WM	2		3/1 through 10/31	
NE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NW NW*	39.20	2 S	25 E	WM	2		3/1 through 10/31	
SW NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NE NE*	12.00	2 S	25 E	WM	12		3/1 through 10/31	
SE NE*	24.00	2 S	25 E	WM	12		3/1 through 10/31	
NE SE*	5.00	2 S	25 E	WM	12		3/1 through 10/31	
NE NE*	19.60	2 S	26 E	WM	7		3/1 through 10/31	
NW NE*	29.70	2 S	26 E	WM	7		3/1 through 10/31	
SW NE*	34.90	2 S	26 E	WM	7		3/1 through 10/31	
SE NE*	16.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW	26.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW*	12.20	2 S	26 E	WM	7		3/1 through 10/31	
NW NW	10.00	2 S	26 E	WM	7		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NW*	17.00	2 S	26 E	WM	7		3/1 through 10/31	
SW NW*	32.30	2 S	26 E	WM	7		3/1 through 10/31	
SE NW	9.00	2 S	26 E	WM	7		3/1 through 10/31	
SE NW*	23.30	2 S	26 E	WM	7		3/1 through 10/31	
NE SW	4.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SW*	25.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SW*	38.50	2 S	26 E	WM	7		3/1 through 10/31	
SW SW*	38.80	2 S	26 E	WM	7		3/1 through 10/31	
SE SW*	40.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SE	15.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
NE SE*	1.70	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	11.80	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	2.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	18.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE*	13.10	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	1.40	2 S	26 E	WM	7		3/1 through 10/31	
SW SE	5.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE	30.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE*	2.80	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	6.00	2 S	26 E	WM	8		3/1 through 10/31	
SW NW*	0.50	2 S	26 E	WM	8		3/1 through 10/31	
NW SW*	3.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	9.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	1.85	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	7.00	2 S	26 E	WM	8		3/1 through 10/31	
NE NW	1.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NW NW	28.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW	4.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW*	13.20	2 S	26 E	WM	17		3/1 through 10/31	
SE NW	8.87	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SE NW*	15.63	2 S	26 E	WM	17		3/1 through 10/31	
NE SW	2.39	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NE SW*	32.51	2 S	26 E	WM	17		3/1 through 10/31	
NW SW*	33.20	2 S	26 E	WM	17		3/1 through 10/31	
SW SW*	34.50	2 S	26 E	WM	17		3/1 through 10/31	
SE SW*	39.80	2 S	26 E	WM	17		3/1 through 10/31	
NE SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE*	9.00	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE	12.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SW SE	15.80	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
SW SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE*	2.60	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE	4.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE	2.80	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE*	4.10	2 S	26 E	WM	17		3/1 through 10/31	
SE SE	4.00	2 S	26 E	WM	17	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE SE	4.20	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
NE NE*	5.10	2 S	26 E	WM	18		3/1 through 10/31	
NE NE	19.00	2 S	26 E	WM	20	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
NE NE	0.30	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NE NE*	3.00	2 S	26 E	WM	20		3/1 through 10/31	
SE NE	1.90	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
SW NW	32.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SW NW*	0.17	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW*	1.15	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW	16.00	2 S	26 E	WM	21	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE NW	4.50	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SE NW*	2.30	2 S	26 E	WM	21		3/1 through 10/31	
SE NW*	1.65	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NE SW	4.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW	3.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW*	2.20	2 S	26 E	WM	21		3/1 through 10/31	
SW NE	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NE NW	4.50	2 S	26 E	WM	27		3/1 through 10/31	
NW NW	4.20	2 S	26 E	WM	27		3/1 through 10/31	
SW NW	4.70	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	19.90	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	1.10	2 S	26 E	WM	27		3/1 through 10/31	
NE SW	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NW SE	2.00	2 S	26 E	WM	27		3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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

The use of water under this right is subject to the terms and conditions of Contract No. 129E101776, 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.

Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company.

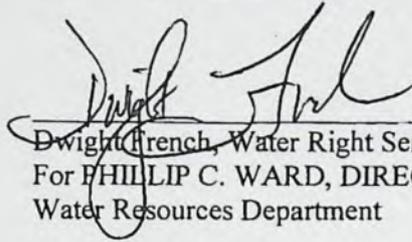
The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. 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.
4. 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.
5. 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.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards due to reduced flows.
8. Completion of construction and application of the water shall be made by April 6, 2015. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued August 7, 2012.



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

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-11314, Morrow County) CHANGES IN PLACE OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DUANE NEIFFER
67795 MCNAB LANE
IONE, OR 97843

Agent

MCKINNIS ENGINEERING
RONALD V. MCKINNIS
79980 PRINDLE LOOP RD
HERMISTON, OR 97838

Findings of Fact

Background

1. On November 7, 2011, DUANE NEIFFER filed an application to change the place of use under Certificate 184½. The Department assigned the application number T-11314.
2. On March 30, 2012, the applicant submitted Supplemental Form D for the irrigation and supplemental irrigation under Permit S-54649.
3. On April 9, 2012, the applicant amended the application to include the irrigation and supplemental irrigation under Permit S-54649.
4. On May 3, 2012, the applicant corrected the amended application and map for Permit S-54649 to accurately reflect the points of diversion.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.

5. The portion of the first right to be transferred is as follows:

Certificate: 184½ in the name of MARGARET REANEY (confirmed by Willow Creek Decree)
Use: IRRIGATION OF 2.5 ACRES
Priority Date: 1890
Rate: 0.04 CUBIC FOOT PER SECOND
Period of Use: APRIL 1 TO JUNE 10
Source: WILLOW CREEK, tributary to the COLUMBIA RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	28	SW NE	2.5

6. Certificate 184½ does not describe the location of the point of diversion, however information is available from the Certified Water Right Examiner indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	28	NE SE	1340 FEET NORTH AND 250 FEET WEST FROM THE SE CORNER OF SECTION 28
1 S	25 E	WM	28	NE SE	2560 FEET NORTH AND 1280 FEET WEST FROM THE SE CORNER OF SECTION 28

7. Transfer Application T-11314 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	27	NW SW	2.5

8. The portion of the second right to be transferred is as follows:

Permit: S-54649 in the name of WILLOW CREEK DISTRICT IMPROVEMENT CO. (Application S-87373)
Use: IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2.5 ACRES
Priority Date: JANUARY 6, 2009
Maximum Volume: 7.5 ACRE FEET (SUBJECT TO THE BYLAWS OF THE WILLOW CREEK DISTRICT IMPROVEMENT COMPANY)
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: PRIMARY IRRIGATION MARCH 1 THROUGH MARCH 31, SUPPLEMENTAL IRRIGATION APRIL 1 THROUGH JULY 15, AND PRIMARY IRRIGATION JULY 16 THROUGH OCTOBER 31
Source: WILLOW CREEK RESERVOIR (CONSTRUCTED UNDER PERMIT R-10880), tributary to WILLOW CREEK

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 27
1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	28	SW NE	2.5

9. Transfer Application T-11314 proposes to change the place of use of the right to:

IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	27	NW SW	2.5

10. Notice of the application for transfer was published on November 15, 2011, pursuant to OAR 690-380-4000. An amended notice of the transfer application was published on May 15, 2012. No comments were filed in response to the notices.
11. On May 22, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11314 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 22, 2012, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
12. On June 27, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11314 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 3, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11314.

15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other water rights.

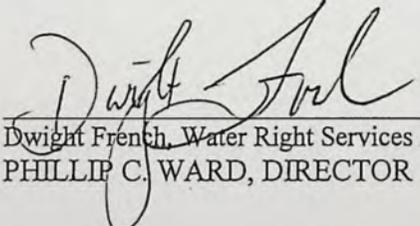
Conclusions of Law

The changes in place of use proposed in Transfer Application T-11314 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in Transfer Application T-11314 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 184½, Permit S-54649, and any related decree.
3. Water right certificate 184½ is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Permit S-54770, in the name of Willow Creek District Improvement Co., is issued to replace Permit S-54649, and incorporates the change in place of use approved by this order and the order issued for Transfer Application T-11313. Permit S-54649, in the name of Willow Creek District Improvement Co., is no longer of any force or effect.
5. The former places of use of the transferred rights shall no longer receive water under the rights.
6. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred under Certificate 184½ will be issued.

Dated at Salem, Oregon this 7 day of August, 2012.


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

Mailing Date AUG 16 2012

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARGARET REANEY
LEXINGTON, OR 97839

confirms the right to use the waters of WILLOW CREEK, tributary to the COLUMBIA RIVER for IRRIGATION of 30.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Morrow County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 73. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.51 CUBIC FOOT PER SECOND.

A description of the place of use to which this right is appurtenant is as follows:

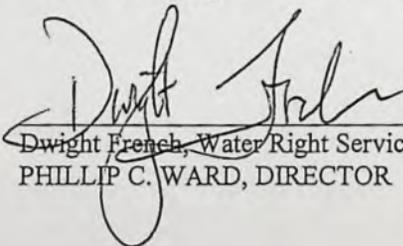
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	28	SW NE	15.5
1 S	25 E	WM	28	NE NW	5.5
1 S	25 E	WM	28	SE NW	8.0
1 S	25 E	WM	28	NW SE	1.5

This certificate describes that portion of the water right confirmed by Certificate 184½, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Aug 7 2012, approving Transfer Application T-11314.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed Aug 7 2012.


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

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-11313, Morrow County) CHANGES IN PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DUANE NEIFFER
67795 MCNAB LANE
IONE, OR 97843

Agent

MCKINNIS ENGINEERING
RONALD V. MCKINNIS
79980 PRINDLE LOOP RD
HERMISTON, OR 97838

Findings of Fact

Background

1. On November 7, 2011, DUANE NEIFFER filed an application to change the place of use under Certificate 64437. The Department assigned the application number T-11313.
2. On March 30, 2012, the applicant submitted Supplemental Form D for the supplemental irrigation under Permit S-54649.
3. On April 9, 2012, the applicant amended the application to include the supplemental irrigation under Permit S-54649.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.

4. The portion of the first right to be transferred is as follows:

Certificate: 64437 in the name of SNOW-McELLAGOTT, A PARTNERSHIP (perfected under Permit G-9569)

Use: IRRIGATION OF 13.9 ACRES

Priority Date: SEPTEMBER 21, 1981

Rate: 0.17 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the WILLOW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	23 E	WM	12	NE NW	360 FEET SOUTH AND 2580 FEET EAST FROM THE NW CORNER OF SECTION 12

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	23 E	WM	1	NW SW	4.0
1 S	23 E	WM	1	SW SW	6.2
1 S	23 E	WM	1	SE SW	1.0
1 S	23 E	WM	2	NE SE	2.6
1 S	23 E	WM	2	SE SE	0.1
Total					13.9

5. Transfer Application T-11313 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	23 E	WM	1	NW SW	2.0
1 S	23 E	WM	1	SW SW	0.2
1 S	23 E	WM	1	SE SW	3.5
1 S	23 E	WM	12	NW NE	8.2
Total					13.9

6. The portion of the second right to be transferred is as follows:

Permit: S-54649 in the name of WILLOW CREEK DISTRICT IMPROVEMENT CO. (Application S-87373)

Use: SUPPLEMENTAL IRRIGATION OF 13.9 ACRES

Priority Date: JANUARY 6, 2009

Maximum

Volume: 41.9 ACRE FEET (SUBJECT TO THE BYLAWS OF THE WILLOW CREEK DISTRICT IMPROVEMENT COMPANY)

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: WILLOW CREEK RESERVOIR (CONSTRUCTED UNDER PERMIT R-10880), tributary to WILLOW CREEK

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	23 E	WM	1	SW SE	100 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 1

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	23 E	WM	1	NW SW	4.0
1 S	23 E	WM	1	SW SW	6.2
1 S	23 E	WM	1	SE SW	1.0
1 S	23 E	WM	2	NE SE	2.6
1 S	23 E	WM	2	SE SE	0.1
Total					13.9

7. Transfer Application T-11313 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	23 E	WM	1	NW SW	2.0
1 S	23 E	WM	1	SW SW	0.2
1 S	23 E	WM	1	SE SW	3.5
1 S	23 E	WM	12	NWNE	8.2
Total					13.9

8. Notice of the application for transfer was published on November 15, 2011, pursuant to OAR 690-380-4000. An amended notice of the transfer application was published on May 15, 2012. No comments were filed in response to the notices.

9. On May 22, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11313 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 22, 2012, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On June 27, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11313 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 3, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11313.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

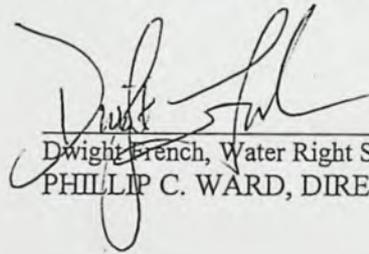
The changes in place of use proposed in Transfer Application T-11313 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in application T-11313 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 64437, Permit S-54649, and any related decree.
3. Water right certificate 64437 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.

4. Permit S-54770, in the name of Willow Creek District Improvement Company, is issued to replace Permit S-54649, and incorporates the change in place of use approved by this order and the order issued for Transfer Application T-11314. Permit S-54649, in the name of Willow Creek District Improvement Company, is no longer of any force or effect.
5. The former place of use of the transferred rights shall no longer receive water under the rights.
6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred under Certificate 64437 will be issued.

Dated at Salem, Oregon this 7 day of August, 2012.



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

Mailing Date AUG 16 2012

STATE OF OREGON
 COUNTY OF MORROW
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SNOW McELIGOTT, A PARTNERSHIP
 PO BOX 416
 IONE, OR 97843

confirms the right to use the waters of A WELL in the WILLOW CREEK BASIN for IRRIGATING 97.1 ACRES.

This right was perfected under Permit G-9569. The date of priority is SEPTEMBER 21, 1981. The right is limited to not more than 1.22 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	23 E	WM	12	NE NW	360 FEET SOUTH AND 2580 FEET EAST FROM THE NW CORNER OF SECTION 12

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

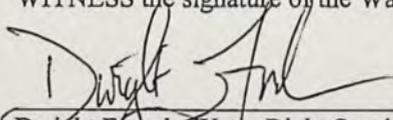
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	23 E	WM	1	SW NW	4.4
1 S	23 E	WM	1	NE SW	1.3
1 S	23 E	WM	1	NW SW	23.1
1 S	23 E	WM	1	SW SW	14.5
1 S	23 E	WM	1	SE SW	15.3
1 S	23 E	WM	1	SW SE	0.7
1 S	23 E	WM	12	NW NE	22.9
1 S	23 E	WM	12	NE NW	14.2
1 S	23 E	WM	12	NW NW	0.7

This certificate describes that portion of the water right confirmed by Certificate 64437, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Aug 7 2012 approving Transfer Application T-11313.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed Aug 7 2012.


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

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

WILLOW CREEK DISTRICT IMPROVEMENT CO.
530 CENTER ST NE, SUITE 400
SALEM OR 97301

This superseding permit is issued to describe a change in place of use proposed under Transfer Applications T-11313 and T-11314 and approved by Special Order Vol. 88, Pages ~~331-335~~ and Special Order Vol. 88, Pages ~~336-339~~, entered August 7, 2012. This permit supersedes Permit S-54649.

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

APPLICATION FILE NUMBER: S-87373

SOURCE OF WATER: WILLOW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-10880, TRIBUTARY TO WILLOW CREEK

USE: PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2538.14 ACRES

MAXIMUM VOLUME: 2500.0 ACRE FEET

DATE OF PRIORITY: JANUARY 6, 2009

PERIOD: SEE TABLE BELOW

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Points of Diversion (POD):

HOSKINS MAP #1	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	27	SE NW	1810 FEET SOUTH AND 400 FEET WEST FROM THE N¼ CORNER OF SECTION 27
POD 3	2 S	26 E	WM	27	SW NE	2510 FEET SOUTH AND 200 FEET EAST FROM THE N¼ CORNER OF SECTION 27

DAMON MAP #2A AND 2B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	8	SW SW	100 FEET NORTH AND 550 FEET EAST FROM THE SW CORNER OF SECTION 8
POD 2	2 S	26 E	WM	21	NE SW	2150 FEET NORTH AND 1300 FEET WEST FROM THE S¼ CORNER OF SECTION 21
POD 3	2 S	26 E	WM	21	SW SE	50 FEET NORTH AND 1150 FEET EAST FROM THE S¼ CORNER OF SECTION 21

NEIFFER MAP #3A AND 3B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 27
POD 2	1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER OF SECTION 28
POD 3	1 S	23 E	WM	1	SW SE	100 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 1

McELIGOTT MAP #4	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	24 E	WM	12	SE NE	50 FEET NORTH AND 1960 FEET EAST FROM THE C ¹ / ₄ CORNER OF SECTION 12

EMERT RANCHES MAP #5	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 2	1S	24 E	WM	11	SE NE	2120 FEET SOUTH AND 30 FEET WEST FROM THE NE CORNER OF SECTION 11
POD 3	1S	24 E	WM	11	SW NE	1400 FEET SOUTH AND 1000 FEET EAST FROM THE N ¹ / ₄ CORNER OF SECTION 11
POD 4	1S	24 E	WM	11	SE NW	1750 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 11
POD 5	1S	24 E	WM	10	NE NE	20 FEET SOUTH AND 1240 FEET WEST FROM THE NE CORNER OF SECTION 10

THOMPSON MAP #6B AND 6C	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	26 E	WM	7	SE NW	2350 FEET SOUTH AND 3040 FEET WEST FROM THE NE CORNER OF SECTION 7
POD 2	2S	26 E	WM	17	NE SW	800 FEET SOUTH FROM THE C ¹ / ₄ CORNER OF SECTION 17

MEYER MAP #7	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1 S	25 E	WM	35	NE SE	1540 FEET NORTH AND 2100 FEET EAST FROM THE S ¹ / ₄ CORNER OF SECTION 35

HARRISON MAP #8	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28
POD 2	1S	25 E	WM	20	NW SE	1695 FEET NORTH AND 1325 FEET WEST FROM THE SE CORNER OF SECTION 20

TEMPLE MAP #9	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	36	SW SW	560 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 36
POD 2	2 S	25 E	WM	1	SW NE	910 FEET NORTH AND 140 FEET EAST FROM THE C¼ CORNER OF SECTION 1

SHATTUCK /BARROW MAP #10	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	25 E	WM	1	SW NE	920 FEET NORTH AND 160 FEET EAST FROM THE C¼ CORNER OF SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use: (* represents land with existing ground water right for primary irrigation)

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	4.40	1 S	23 E	WM	1		3/1 through 10/31	
NE SW*	1.30	1 S	23 E	WM	1		3/1 through 10/31	
NW SW*	25.10	1 S	23 E	WM	1		3/1 through 10/31	
SW SW*	14.70	1 S	23 E	WM	1		3/1 through 10/31	
SE SW*	18.80	1 S	23 E	WM	1		3/1 through 10/31	
SW SE*	0.70	1 S	23 E	WM	1		3/1 through 10/31	
NW NE*	31.10	1 S	23 E	WM	12		3/1 through 10/31	
NE NW*	14.20	1 S	23 E	WM	12		3/1 through 10/31	
NW NW*	0.70	1 S	23 E	WM	12		3/1 through 10/31	
SW SW	1.50	1 S	24 E	WM	2		3/1 through 10/31	
SE SW	5.20	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SE SW	3.00	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SE SW	4.00	1 S	24 E	WM	3		3/1 through 10/31	
SE SW	1.10	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	1.80	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SW SE	4.30	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	0.40	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SW SE	15.40	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	2.70	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	6.80	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	12.50	1 S	24 E	WM	3		3/1 through 10/31	
NE NE	2.70	1 S	24 E	WM	10		3/1 through 10/31	
NE NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NE NE	5.00	1 S	24 E	WM	10		3/1 through 10/31	
NW NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NE	1.00	1 S	24 E	WM	10		3/1 through 10/31	
NE NW	22.65	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NW	3.40	1 S	24 E	WM	10		3/1 through 10/31	
NW NW	9.00	1 S	24 E	WM	10		3/1 through 9/30	10/1 through 10/31
NW NE	1.70	1 S	24 E	WM	11		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NE	0.10	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NE	1.40	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	11.70	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	5.00	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	17.30	1 S	24 E	WM	11		3/1 through 10/31	
SW NE	3.10	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	3.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NE	5.20	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	22.20	1 S	24 E	WM	11		3/1 through 10/31	
NE NW	13.70	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	4.40	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	13.40	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NW NW	2.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NW	3.80	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	2.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	5.30	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
SW NW	0.30	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	5.11	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	6.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NW	5.80	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	2.33	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NE SE	10.90	1 S	24 E	WM	11		3/1 through 10/31	
NW SE	1.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	17.00	1 S	24 E	WM	12		3/1 through 10/31	
SE NW	5.00	1 S	24 E	WM	12		3/1 through 10/31	
NE SW	28.00	1 S	24 E	WM	12		3/1 through 10/31	
NW SW	29.00	1 S	24 E	WM	12		3/1 through 10/31	
SE SW	13.00	1 S	24 E	WM	12		3/1 through 10/31	
SW NW	5.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW NW	7.18	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	1.21	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	5.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NE SW	18.14	1 S	25 E	WM	20		3/1 through 10/31	
NW SW	1.54	1 S	25 E	WM	20		3/1 through 10/31	
NE SE	2.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NW SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SE SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW SW	13.00	1 S	25 E	WM	21		3/1 through 8/1	8/2 through 10/31
NW SW	2.50	1 S	25 E	WM	27	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SW NE	15.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NW	5.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SE NW	8.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE SE	20.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 10/31	
NW SE	1.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NE	11.20	1 S	25 E	WM	34		3/1 through 10/31	
NE NE*	4.50	1 S	25 E	WM	34		3/1 through 10/31	
NW NE	1.00	1 S	25 E	WM	34		3/1 through 10/31	
NW NE*	16.20	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	39.30	1 S	25 E	WM	34		3/1 through 10/31	
SE NE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NE NW*	10.90	1 S	25 E	WM	34		3/1 through 10/31	
NW NW*	21.90	1 S	25 E	WM	34		3/1 through 10/31	
SW NW*	30.40	1 S	25 E	WM	34		3/1 through 10/31	
SE NW*	16.80	1 S	25 E	WM	34		3/1 through 10/31	
NE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NW SE*	34.40	1 S	25 E	WM	34		3/1 through 10/31	
SW SE*	30.10	1 S	25 E	WM	34		3/1 through 10/31	
SE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	0.40	1 S	25 E	WM	35		3/1 through 10/31	
SW NE	2.80	1 S	25 E	WM	35		3/1 through 10/31	
NW NW	1.40	1 S	25 E	WM	35		3/1 through 10/31	
NW NW*	0.70	1 S	25 E	WM	35		3/1 through 10/31	
SW NW	5.10	1 S	25 E	WM	35		3/1 through 10/31	
SW NW*	32.80	1 S	25 E	WM	35		3/1 through 10/31	
SE NW	11.60	1 S	25 E	WM	35		3/1 through 10/31	
SE NW*	13.30	1 S	25 E	WM	35		3/1 through 10/31	
NE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NE SE	3.20	1 S	25 E	WM	35		3/1 through 10/31	
NE SE*	7.30	1 S	25 E	WM	35		3/1 through 10/31	
NW SE	9.80	1 S	25 E	WM	35		3/1 through 10/31	
NW SE*	26.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SE*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SE*	31.50	1 S	25 E	WM	35		3/1 through 10/31	
SW SW	13.32	1 S	25 E	WM	36		3/1 through 9/1	9/2 through 10/31
SE SW	1.90	1 S	25 E	WM	36		3/1 through 10/31	
NE NW	13.40	2 S	25 E	WM	1		3/1 through 10/31	
NE NW	2.40	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
SE NW	2.20	2 S	25 E	WM	1		3/1 through 10/31	
SE NW	0.30	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
NE NE*	17.60	2 S	25 E	WM	2		3/1 through 10/31	
NW NE*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SW NE*	36.80	2 S	25 E	WM	2		3/1 through 10/31	
SE NE*	9.40	2 S	25 E	WM	2		3/1 through 10/31	
NE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NW NW*	39.20	2 S	25 E	WM	2		3/1 through 10/31	
SW NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NE NE*	12.00	2 S	25 E	WM	12		3/1 through 10/31	
SE NE*	24.00	2 S	25 E	WM	12		3/1 through 10/31	
NE SE*	5.00	2 S	25 E	WM	12		3/1 through 10/31	
NE NE*	19.60	2 S	26 E	WM	7		3/1 through 10/31	
NW NE*	29.70	2 S	26 E	WM	7		3/1 through 10/31	
SW NE*	34.90	2 S	26 E	WM	7		3/1 through 10/31	
SE NE*	16.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW	26.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW*	12.20	2 S	26 E	WM	7		3/1 through 10/31	
NW NW	10.00	2 S	26 E	WM	7		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NW*	17.00	2 S	26 E	WM	7		3/1 through 10/31	
SW NW*	32.30	2 S	26 E	WM	7		3/1 through 10/31	
SE NW	9.00	2 S	26 E	WM	7		3/1 through 10/31	
SE NW*	23.30	2 S	26 E	WM	7		3/1 through 10/31	
NE SW	4.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SW*	25.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SW*	38.50	2 S	26 E	WM	7		3/1 through 10/31	
SW SW*	38.80	2 S	26 E	WM	7		3/1 through 10/31	
SE SW*	40.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SE	15.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
NE SE*	1.70	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	11.80	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	2.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	18.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE*	13.10	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	1.40	2 S	26 E	WM	7		3/1 through 10/31	
SW SE	5.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE	30.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE*	2.80	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	6.00	2 S	26 E	WM	8		3/1 through 10/31	
SW NW*	0.50	2 S	26 E	WM	8		3/1 through 10/31	
NW SW*	3.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	9.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	1.85	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	7.00	2 S	26 E	WM	8		3/1 through 10/31	
NE NW	1.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NW NW	28.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW	4.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW*	13.20	2 S	26 E	WM	17		3/1 through 10/31	
SE NW	8.87	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SE NW*	15.63	2 S	26 E	WM	17		3/1 through 10/31	
NE SW	2.39	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NE SW*	32.51	2 S	26 E	WM	17		3/1 through 10/31	
NW SW*	33.20	2 S	26 E	WM	17		3/1 through 10/31	
SW SW*	34.50	2 S	26 E	WM	17		3/1 through 10/31	
SE SW*	39.80	2 S	26 E	WM	17		3/1 through 10/31	
NE SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE*	9.00	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE	12.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SW SE	15.80	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
SW SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE*	2.60	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE	4.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE	2.80	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE*	4.10	2 S	26 E	WM	17		3/1 through 10/31	
SE SE	4.00	2 S	26 E	WM	17	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE SE	4.20	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
NE NE*	5.10	2 S	26 E	WM	18		3/1 through 10/31	
NE NE	19.00	2 S	26 E	WM	20	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
NE NE	0.30	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NE NE*	3.00	2 S	26 E	WM	20		3/1 through 10/31	
SE NE	1.90	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
SW NW	32.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SW NW*	0.17	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW*	1.15	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW	16.00	2 S	26 E	WM	21	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE NW	4.50	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SE NW*	2.30	2 S	26 E	WM	21		3/1 through 10/31	
SE NW*	1.65	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NE SW	4.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW	3.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW*	2.20	2 S	26 E	WM	21		3/1 through 10/31	
SW NE	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NE NW	4.50	2 S	26 E	WM	27		3/1 through 10/31	
NW NW	4.20	2 S	26 E	WM	27		3/1 through 10/31	
SW NW	4.70	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	19.90	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	1.10	2 S	26 E	WM	27		3/1 through 10/31	
NE SW	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NW SE	2.00	2 S	26 E	WM	27		3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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

The use of water under this right is subject to the terms and conditions of Contract No. 129E101776, 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.

Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company.

The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. 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.
4. 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.
5. 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.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards due to reduced flows.
8. Completion of construction and application of the water shall be made by April 6, 2015. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued August 7, 2012.



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

5. On January 27, 2014, the Department issued a preliminary determination proposing to approve Transfer T-11512 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on February 4, 2013, and in the East Oregonian newspaper on January 29, and February 5, 2014 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

6. The primary right and its layered supplemental water right to be transferred are as follows:

Certificate: 194 in the name of RHODA A. SUMMER (confirmed by Decree of the Circuit Court of the State of Oregon for Morrow County)
Use: IRRIGATION OF 40.0 ACRES during the period March 1 to August 1 of each year
Priority Dates: 1872 for 5.0 acres and 1905 for 35.0 acres
Rate: 0.08 CUBIC FOOT PER SECOND (CFS) (PRIORITY DATE 1872) and 0.58 CFS (PRIORITY DATE 1905)
Source: WILLOW CREEK, tributary to the COLUMBIA RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 S	25 E	WM	20	SW NW	5.0
1 S	25 E	WM	20	SE NW	5.5
1 S	25 E	WM	20	NE SE	2.5
1 S	25 E	WM	20	NW SE	7.0
1 S	25 E	WM	20	SE SE	7.0
1 S	25 E	WM	21	SW SW	13.0
TOTAL:					40.0

Permit: S-54770 in the name of Willow Creek District Improvement Company
Use: IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 40.0 ACRES

Maximum

Volume: 39.4 ACRE FEET

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: Primary Irrigation August 2 through October 31, Supplemental Irrigation March 1 through August 1

Source: WILLOW CREEK RESERVOIR (CONSTRUCTED UNDER PERMIT R-10880), tributary to WILLOW CREEK

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	20	NW SE	HARRISON POD 2 – 1695 FEET NORTH AND 1325 FEET WEST FROM THE SE CORNER OF SECTION 20

Authorized Place of Use:

PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	20	SW NW	5.0
1 S	25 E	WM	20	SE NW	5.5
1 S	25 E	WM	20	NE SE	2.5
1 S	25 E	WM	20	NW SE	7.0
1 S	25 E	WM	20	SE SE	7.0
1 S	25 E	WM	21	SW SW	13.0
TOTAL:					40.0

7. Certificate 194 does not describe the location of the point of diversion, however information is available from a Final Order of the Special Order record Vol. 8, Pages 333 to 334 approving a change in point of diversion for the entire water right Certificate 194 upstream on Willow Creek to a point located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28

8. Transfer Application T-11512 proposes to change the point of diversion for Certificate 194 downstream approximately 4000 feet to:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 S	25 E	WM	20	NW SE	1560 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 20

9. Transfer Application T-11512 also proposes to change the place of use of the above described water rights to:

PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 S	25 E	WM	20	SW NW	3.5
1 S	25 E	WM	20	SE NW	6.0
1 S	25 E	WM	20	NE SE	8.4
1 S	25 E	WM	20	NW SE	6.0
1 S	25 E	WM	20	SE SE	5.0*
1 S	25 E	WM	21	SW SW	11.1
TOTAL:					40.0

* Note: 5.0 acres (priority date = 1872)

10. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the records that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11512.
13. The proposed changes would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.

Conclusions of Law

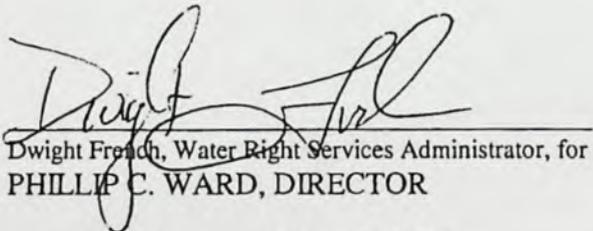
The changes in point of diversion and place of use proposed in Transfer Application T-11512 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in Transfer Application T-11512 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 194 and any related decree.
3. Water right certificate 194 is cancelled.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.
 - b. The water user shall maintain the meter(s) or measuring device(s) in good working order.
 - c. The water user shall allow the Watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) is/are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
7. The former place of use of the transferred rights shall no longer receive water under the rights.
8. Permit S-54839, in the name of Willow Creek District Improvement Company, is issued to replace Permit S-54770, and incorporates the change in place of use approved by this order and the order issued for Permit Amendment T-11664. Permit S-54770, in the name of Willow Creek District Improvement Company, is no longer of any force or effect.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 20 day of March 2014.


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

Mailing Date: APR 3 2014

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SEP 23 2009

WATER RESOURCES DEPT
SALEM, OREGON

Willow Creek Contractors' Lands and Water Rights

Owner	Township	Range	Section	1/4 1/4	No. Acres	Certificate/Permit	Source	Irrigated Crop	Notes:	Irrigation Season
Hoskins	2S	26E	27	NE NW	4.50	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens	No season
Hoskins	2S	26E	27	NW NW	4.20	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens	No season
Hoskins	2S	26E	27	SW NW	4.70	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens	No season
Hoskins	2S	26E	27	SE NW	19.90	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens	No season
(Griffith)	2S	26E	27	SW NE	1.00	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens	No season
(Griffith)	2S	26E	27	SE NW	1.10	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens	No season
(Griffith)	2S	26E	27	NE SW	1.00	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens	No season
(Griffith)	2S	26E	27	NW SE	2.00	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens	No season
					38.40					
Damon	2S	26E	7	NE SE	1.70	P: 12063 (1.7)*	Well	Alfalfa/wheat		Mar. 1 - Oct 31
Damon	2S	26E	7	SE SW	40.00	P:12506*	Well	Alfalfa/wheat		Mar. 1 - Oct 31
Damon	2S	26E	7	NE SE	15.00	C:156	Willow Cr.	Alfalfa/wheat		Mar. 1 - Sept. 1
Damon	2S	26E	7	SW SE	5.00	C:156	Willow Cr.	Alfalfa/wheat		Mar. 1 - Sept. 1
Damon	2S	26E	7	SE SE	30.00	C:156	Willow Cr.	Alfalfa/wheat		Mar. 1 - Sept. 1
Damon	2S	26E	7	NW SE	1.40	C: 136	Willow Cr.	Alfalfa/wheat		No season
Damon	2S	26E	7	NE SE	11.80	C: 65078*	Well	Alfalfa/wheat		No season
Damon	2S	26E	7	SE SE	2.80	P: 15697*	Well	Alfalfa/wheat		Mar. 1 - Oct. 31
Damon	2S	26E	8	SW SW	7.00	C: 34277*	Well	Alfalfa/wheat		No season
Damon	2S	26E	8	NW SW	3.40	C: 65078*	Well	Alfalfa/wheat		No season
Damon	2S	26E	8	SW SW	9.40	C: 65078*	Well	Alfalfa/wheat		No season
Damon	2S	26E	8	SW SW	1.85	P: 15697*	Well	Alfalfa/wheat		Mar. 1 - Oct. 31
Damon	2S	26E	17	SE SE	4.00	C: 113	Willow Cr.	Alfalfa/wheat		Mar. 15 - Sept 15
Damon	2S	26E	17	SE SE	4.20	C: 52223	Willow Cr.	Alfalfa/wheat		Mar. 1 - July 1
Damon	2S	26E	17	SW SE	15.80	C: 52223	Willow Cr.	Alfalfa/wheat		Mar. 1 - July 1
Damon	2S	26E	17	NW SE	12.50	C: 52224	Willow Cr.	Alfalfa/wheat		Begin in April (no end date)
Damon	2S	26E	17	SE SE	4.50	C: 52224	Willow Cr.	Alfalfa/wheat		Begin in April (no end date)
Damon	2S	26E	17	SE SE	2.80	C: 52224	Willow Cr.	Alfalfa/wheat		Begin in April (no end date)
Damon	2S	26E	17	SE SE	4.10	C: 53730*	Well	Alfalfa/wheat		No season
Damon	2S	26E	17	NE SE	0.02	C: G13308*	Well	Alfalfa/wheat		Mar. 1 - Sept. 30
Damon	2S	26E	17	NW SE	9.00	C: G13308*	Well	Alfalfa/wheat		Mar. 1 - Sept. 30

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WATER RESOURCES DEPT
SALEM, OREGON

Damon	2S	26E	17	SW SE	0.02	C: G13308*	Well	Alfalfa/wheat	Mar. 1 - Sept. 30
Damon	2S	26E	17	SE SE	2.60	C: G13308*	Well	Alfalfa/wheat	Mar. 1 - Sept. 30
Damon	2S	26E	18	NE NE	5.10	P: 15697*	Well	Alfalfa/wheat	Mar. 1 - Oct. 31
Damon	2S	26E	20	NE NE	19.00	C 113	Willow Cr.	Alfalfa/wheat	Mar. 15 - Sept. 15
Damon	2S	26E	20	NE NE	0.30	C: 52224	Willow Cr.	Alfalfa/wheat	Begin in April (no end date)
Damon	2S	26E	20	SE NE	1.90	C: 52224	Willow Cr.	Alfalfa/wheat	Begin in April (no end date)
Damon	2S	26E	20	NE NE	3.00	P: 15697*	Well	Alfalfa/wheat	Mar. 1 - Oct. 31
Damon	2S	26E	21	NW NW	16.00	C: 113	Willow Cr.	Alfalfa/wheat	Mar. 15 - Sept. 15
Damon	2S	26E	21	SW NW	32.00	C: 52223	Willow Cr.	Alfalfa/wheat	Mar. 1 - July 1
Damon	2S	26E	21	SE NW	4.50	C: 52223	Willow Cr.	Alfalfa/wheat	Mar. 1 - July 1
Damon	2S	26E	21	NE SW	4.00	C: 52223	Willow Cr.	Alfalfa/wheat	Mar. 1 - July 1
Damon	2S	26E	21	NW SW	3.00	C: 52223	Willow Cr.	Alfalfa/wheat	Mar. 1 - July 1
Damon	2S	26E	21	SE NW	2.30	C: 53730*	Well	Alfalfa/wheat	No season
Damon	2S	26E	21	NW SW	2.20	C: 53730*	Well	Alfalfa/wheat	No season
Damon	2S	26E	21	NW NW	1.15	P: G13308*	Well	Alfalfa/wheat	Mar. 1 - Sept. 30
Damon	2S	26E	21	SW NW	0.17	P: G13308*	Well	Alfalfa/wheat	Mar. 1 - Sept. 30
Damon	2S	26E	21	SE NW	1.65	P: G13308*	Well	Alfalfa/wheat	Mar. 1 - Sept. 30
					285.16				
Neiffer	1S	25E	28	NE SE	20.00	C: 185	Willow Cr.	Alfalfa/wheat	Apr. 1 - Nov. 1
(Lexington)	1S	25E	28	SWNE	18.00	C: 184	Willow Cr.	Alfalfa/wheat	Apr. 1 - July 15
(Lexington)	1S	25E	28	NE NW	5.50	C: 184	Willow Cr.	Alfalfa/wheat	Apr. 1 - July 15
(Lexington)	1S	25E	28	SE NW	8.00	C: 184	Willow Cr.	Alfalfa/wheat	Apr. 1 - July 15
(Lexington)	1S	25E	28	NW SE	1.50	C: 184	Willow Cr.	Alfalfa/wheat	Apr. 1 - July 15
(McNabb)	1S	23E	12	NW NE	22.9	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	12	NE NW	14.2	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	12	NW NW	0.7	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	1	SW NW	4.4	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	1	NE SW	1.3	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	1	NW SW	27.1	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	1	SW SW	20.7	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	1	SE SW	16.3	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	1	SW SE	0.7	C: 644378*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	2	NE SE	2.6	C: 64437*	Well	Alfalfa/wheat	No season
(McNabb)	1S	23E	2	SE SE	0.1	C: 64437*	Well	Alfalfa/wheat	No season

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					164.00				
L.J. McElligott	1S	24E	12	SW NW	17.00	C:195	Willow Cr.	Alfalfa/wheat	No season
L.J. McElligott	1S	24E	12	SE NW	5.00	C:195	Willow Cr.	Alfalfa/wheat	No season
L.J. McElligott	1S	24E	12	NE SW	28.00	C:195	Willow Cr.	Alfalfa/wheat	No season
L.J. McElligott	1S	24E	12	NW SW	29.00	C:195	Willow Cr.	Alfalfa/wheat	No season
L.J. McElligott	1S	24E	12	SE SW	13.00	C:195	Willow Cr.	Alfalfa/wheat	No season
					92.00				
									C:155 (No season); C:154 (Feb. 1 - Sept. 1); C:152 (Mar. 1 -Sept. 30, Note: C:152 contains incorrect end date of Sept. 1. See decree); C:124 (Mar. 15 - Oct. 1); C:79486 (No season); C:962 (No season)
Emert Ranches	1S	24E	2	SW SW	1.50	T-9454	Willow Cr.	Alfalfa/wheat	
Emert Ranches	1S	24E	3	SE SE	22.00	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	3	SW SE	21.90	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	3	SE SW	13.30	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	10	NE NE	22.20	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	10	NW NE	15.50	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	10	NE NW	22.65	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	10	NW NW	12.40	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	11	SE NE	31.00	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	11	SW NE	37.10	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	11	NW NE	3.20	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	11	NE SE	10.90	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	11	NW SE	1.70	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	11	NE NW	13.70	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	11	SE NW	19.84	T-9454	Willow Cr.	Alfalfa/wheat	same as above

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Emert Ranches	1S	24E	11	SW NW	5.60	T-9454	Willow Cr.	Alfalfa/wheat	same as above
Emert Ranches	1S	24E	11	NW NW	26.90	T-9454	Willow Cr.	Alfalfa/wheat	same as above
					281.39				
Thompson (Bloodsworth)	2S	25E	12	NE NE	12.00	P: 13392* (12.0)	Well	Alfalfa/wheat	Mar. 1 - Oct. 31
Thompson (Bloodsworth)	2S	25E	12	SE NE	24.00	P: 13392* (24)	Well	Alfalfa/wheat	Mar. 1 - Oct. 31
Thompson (Bloodsworth)	2S	25E	12	NE SE	5.00	P: 13392* (5)	Well	Alfalfa/wheat	Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	NE NE	19.60	P: 12063* (16.6), P: 13319* (3)	Well	Alfalfa/wheat	P:12063: Mar. 1 - Oct. 31; P:13319: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	SE NE	16.00	C: 42435* (1.6), P: 12063* (8.4), P: 13319* (6)	Well	Alfalfa/wheat	C:42435: No season; P:12063: Mar. 1 - Oct. 31; P:13319: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	SW NE	34.90	C: 42435* (32.4), P: 12063* (1.4), P: 13319* (1.1)	Well	Alfalfa/wheat	C:42435: No season; P:12063: Mar. 1 - Oct. 31; P:13319: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	NW NE	29.70	C: 42435* (12.7), P: 12063* (10.0), P: 13319* (7)	Well	Alfalfa/wheat	C:42435: No season; P:12063: Mar. 1 - Oct. 31; P:13319: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	NE SE	2.00	C: 42435* (2.0)	Well	Alfalfa/wheat	No season
Thompson (Brian)	2S	26E	7	NW SE	31.1	C: 42435*(10), T-6743(18), P: 13319*(3.1)	Both	Alfalfa/wheat	C:42435: No season; T-6743: No season; P:13319: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	NE SW	29.00	P:12506* (25), T-6743(4)	Both	Alfalfa/wheat	P-12506: Mar. 1 - Oct. 31; T-6743: No season
Thompson (Brian)	2S	26E	7	SW SW	38.80	P:12506* (38.8)	Well	Alfalfa/wheat	Mar. 1 - Oct. 31

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SALEM, OREGON

Thompson (Brian)	2S	26E	7	NW SW	38.50	P:12506* (38.5)	Well	Alfalfa/wheat	Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	NE NW	38.2	C: 42435*(9.6), T-6743(26), P: 13319* (2.4), P: 12063*(0.2)	Both	Alfalfa/wheat	C:42435: No season; T-6743: No season; P:13319: Mar. 1 - Oct. 31; P:12063: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	SE NW	32.3	C: 42435*(19.1), T-6743(9), P: 13319*(2.7), P:12506* (1.5)	Both	Alfalfa/wheat	C:42435: No season; T-6743: No season; P:13319: Mar. 1 - Oct. 31; P:12506: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	SW NW	32.30	C: 42435*(1.3), P: 12506* (31)	Well	Alfalfa/wheat	C:42435: No season; P:12506: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	7	NW NW	27	C: 42435* (7.8), T-6743(10), P: 13319*(1.2), P: 12506*(8)	Both	Alfalfa/wheat	C-42435: No season; T-6743: No season; P:13319: Mar. 1 - Oct. 31; P:12506: Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	8	NW NW	6	P: 12063* (6)	Well	Alfalfa/wheat	Mar. 1 - Oct. 31
Thompson (Brian)	2S	26E	8	SW NW	0.5	P: 12063* (0.5)	Well	Alfalfa/wheat	Mar. 1 - Oct. 31
Thompson (Terry)	2S	26E	17	NE SW	34.9	C: 114(2.39), C-38861* (32.51) - needs transfer	Both	Alfalfa/wheat	C:114: Mar.1 - Sept. 20; C:38861: No season
Thompson (Terry)	2S	26E	17	SE SW	39.80	C-38861* (39.8)	Well	Alfalfa/wheat	No season
Thompson (Terry)	2S	26E	17	SW SW	34.50	C-38861* (34.5) -needs transfer	Well	Alfalfa/wheat	No season
Thompson (Terry)	2S	26E	17	NW SW	33.20	C-38861* (33.2) -needs transfer	Well	Alfalfa/wheat	No season
Thompson (Terry)	2S	26E	17	NE NW	1	C: 114(1)	Both	Alfalfa/wheat	Mar. 1 - Sept. 20
Thompson (Terry)	2S	26E	17	SE NW	24.5	C: 114(8.87), C-38861* (15.63)	Both	Alfalfa/wheat	C:114: Mar.1 - Sept. 20; C:38861: No season
Thompson (Terry)	2S	26E	17	SW NW	17.2	C: 114(4), C-38861* (13.2)	Both	Alfalfa/wheat	C:114: Mar.1 - Sept. 20; C:38861: No season

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Thompson (Terry)	2S	26E	17	NW NW	28	C: 114(28)	Both	Alfalfa/wheat	Mar. 1 - Sept. 20
						630.00 Bloodsworth (41.0); B. Thompson (375.9); T. Thompson (213.1)			
Meyer	1S	25E	34	NENE	15.7	C: 82489(11.2), C:82491*(4.2), P-15586*(0.3)	Both	Alfalfa/wheat	C:82489: No season; C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	34	SENE	40	C:82491*(38.6), P-15586*(1.4)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	34	SWNE	39.3	C:82491*	Well	Alfalfa/wheat	No season
Meyer	1S	25E	34	NWNE	17.2	C: 82489(1.0), C:82491*(16.2)	Both	Alfalfa/wheat	C:82489: No season; C:82491: No Season
Meyer	1S	25E	34	NENW	10.90	P-15586*	Well	Alfalfa/wheat	No season
Meyer	1S	25E	34	NWNW	21.90	P-15586*	Well	Alfalfa/wheat	No season
Meyer	1S	25E	34	SWNW	30.40	P-15586*	Well	Alfalfa/wheat	No season
Meyer	1S	25E	34	SENW	16.80	P-15586*	Well	Alfalfa/wheat	No season
Meyer	1S	25E	34	NESE	40	C:82491*(39.7), P-15586*(0.3)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	34	SESE	40	C:82491*(36.7), P-15586*(3.3)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	34	SWSE	30.1	C:82491*(30), P-15586*(0.1)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	34	NWSE	34.4	C:82491*(34.1), P-15586*(0.3)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	35	SWNE	3.20	C: 30021(2.8), C:82491*(0.4)	Both	Alfalfa/wheat	C:30021: No season; C:82491: No season
Meyer	1S	25E	35	NWNW	2.10	C: 30021(1.4), C:82491*(0.7)	Both	Alfalfa/wheat	C:30021: No season; C:82491: No season

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SALEM, OREGON

Meyer	1S	25E	35	SWNW	37.9	C: 30021(5.1), C:82491*(32.8)	Both	Alfalfa/wheat	C:30021: No season; C:82491: No season
Meyer	1S	25E	35	SENW	24.9	C: 30021(11.6), C:82491*(13.3)	Both	Alfalfa/wheat	C:30021: No season; C:82491: No season
Meyer	1S	25E	35	NESW	40	C:82491*(39.3), P-15586*(0.7)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	35	NWSW	40.00	C:82491 *	Well	Alfalfa/wheat	No season
Meyer	1S	25E	35	SWSW	40	C:82491*(36), P-15586*(4)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	35	SESW	40	C:82491*(28.4), P-15586*(11.6)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	1S	25E	35	NESE	10.5	C: 30021(3.2), C:82491*(7.3)	Both	Alfalfa/wheat	C-30021: No season; C-82491: No season
Meyer	1S	25E	35	NWSE	35.8	C: 30021(9.8), C:82491*(26)	Both	Alfalfa/wheat	C-30021: No season; C-82491: No season
Meyer	1S	25E	35	SWSE	40.00	C:82491 *	Well	Alfalfa/wheat	No season
Meyer	1S	25E	35	SESE	31.5	C:82491 *	Well	Alfalfa/wheat	No season
Meyer	2S	25E	2	NENE	17.6	C:82491*	Well	Alfalfa/wheat	No season
Meyer	2S	25E	2	NWNE	40	C:82491*(30.7), P-15586*(9.3)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	2S	25E	2	SWNE	36.80	C:82491 *	Well	Alfalfa/wheat	No season
Meyer	2S	25E	2	SENE	9.40	C:82491 *	Well	Alfalfa/wheat	No season
Meyer	2S	25E	2	NENW	40.00	C:82491*(32.1), P-15586* (7.9)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
Meyer	2S	25E	2	NWNW	39.20	C:82491*(39.2)	Well	Alfalfa/wheat	No season
Meyer	2S	25E	2	SWNW	40.00	C:82491*(32.2), P-15586*(7.8)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31

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Meyer	2S	25E	2	SENW	40.00	C:82491*(36.9), P-15586*(3.1)	Well	Alfalfa/wheat	C:82491: No season; P:15586: Mar. 1 - Oct. 31
					945.60				
Harrison	1S	25E	20	NESE	2.50	C: 194	Willow Cr.	Alfalfa/wheat	Mar. 1 - Aug. 1
Harrison	1S	25E	20	SESE	7.00	C: 194	Willow Cr.	Alfalfa/wheat	Mar. 1 - Aug. 1
Harrison	1S	25E	20	SENW	5.50	C: 194	Willow Cr.	Alfalfa/wheat	Mar. 1 - Aug. 1
Harrison	1S	25E	20	SWNW	5.00	C: 194	Willow Cr.	Alfalfa/wheat	Mar. 1 - Aug. 1
Harrison	1S	25E	20	NWSE	7.00	C: 194	Willow Cr.	Alfalfa/wheat	Mar. 1 - Aug. 1
Harrison	1S	25E	20	NESW	18.14	C:2154	Willow Cr.	Alfalfa/wheat	No season
Harrison	1S	25E	20	NWSW	1.54	C:2154	Willow Cr.	Alfalfa/wheat	No season
Harrison	1S	25E	20	SENW	1.21	C:2154	Willow Cr.	Alfalfa/wheat	No season
Harrison	1S	25E	20	SWNW	7.18	C:2154	Willow Cr.	Alfalfa/wheat	No season
Harrison	1S	25E	21	SWSW	13.00	C: 194	spring	Alfalfa/wheat	Mar. 1 - Aug. 1
					68.07				
Temple	1S	25E	36	SWSW	13.32	C: 80055	Willow Cr.	Alfalfa/wheat	Mar. 1 - Sept. 1
					13.32				
Shattuck/Barrow	1S	25E	36	SE SW	1.90	C: 64312	Willow Cr.	Alfalfa/wheat	No season
Shattuck/Barrow	2S	25E	1	NE NW	13.40	C: 64312	Willow Cr.	Alfalfa/wheat	No season
Shattuck/Barrow	2S	25E	1	SE NW	2.20	C: 64312	Willow Cr.	Alfalfa/wheat	No season
Shattuck/Barrow	2S	25E	1	NE NW	2.40	T-8627	Willow Cr.	Alfalfa/wheat	Mar. 1 - Sept. 1
Shattuck/Barrow	2S	25E	1	SE NW	0.30	T-8627	Willow Cr.	Alfalfa/wheat	Mar. 1 - Sept. 1
					20.20				
Doc 2690649.3				TOTAL	2538.14				

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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

IN REPLY REFER TO:
PN-3324
WTR-4.00

APR 02 2010

Willow Creek District
c/o Ms. Martha Pagel
530 Center St. NE, Ste
Salem, OR 97301

Subject: Temporary Wa

Dear Ms. Pagel:

Enclosed for Willow Cree
executed subject contract,
water annually from the W
and shall continue through

Please note that if less water
delivered must be received in
season, information on the amount
office no later than December 1, of the subject
season, in order to receive a partial refund as set forth in Article 6 of the contract.

Thank you for promptly executing the subject contract. If you have any questions, please contact Mr. Bill Parks at the above address or by telephone at 208-378-5344.

Sincerely,

Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

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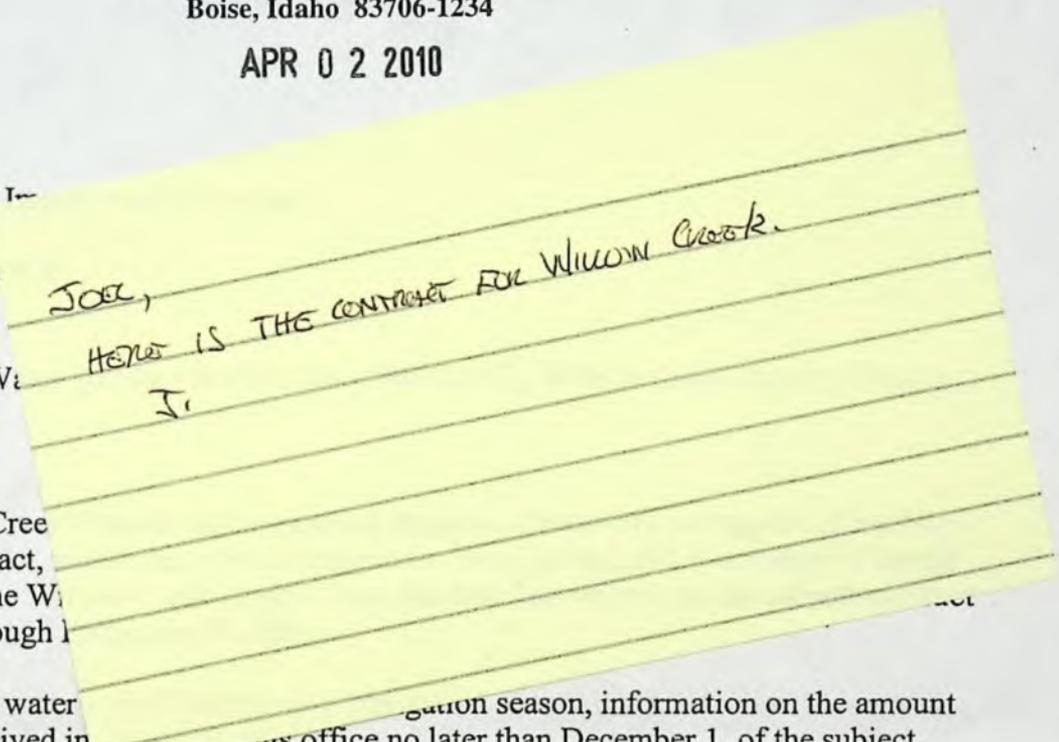
Enclosure

cc: Oregon Water Resources Department
Attention: Mr. Jerry Sauter
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Mr. Shonee Langford
Schwabe, Williamson & Wyatt, P.C.
530 Center Street, NE, Ste 400
Salem, OR 97301

Mr. Bernard Damon
2315 Rocky Lane
Eugene, OR 97401
(w/copy of contract to each)

Mr. Scott White
District 21 Watermaster
P.O. Box 427
Condon, OR 97823-0427





United States Department of the Interior



IN REPLY REFER TO:
PN-3324
WTR-4.00

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

APR 02 2010

Willow Creek District Improvement Company
c/o Ms. Martha Pagel
530 Center St. NE, Ste 400
Salem, OR 97301

Subject: Temporary Water Service Contract No. 109E101723, Willow Creek Project, Oregon

Dear Ms. Pagel:

Enclosed for Willow Creek District Improvement Company's records is an original of the fully executed subject contract, which provides for irrigation use of up to 2,011.6 acre-feet of stored water annually from the Willow Creek Project from the date first written on the subject contract and shall continue through December 31, 2011.

Please note that if less water is used during either irrigation season, information on the amount delivered must be received in writing by this office no later than December 1, of the subject season, in order to receive a partial refund as set forth in Article 6 of the contract.

Thank you for promptly executing the subject contract. If you have any questions, please contact Mr. Bill Parks at the above address or by telephone at 208-378-5344.

Sincerely,

Ryan M. Patterson
Program Manager
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District 21 Watermaster
P.O. Box 427
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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Willow Creek Project, Oregon

CONTRACT FOR WATER SERVICE

Contents

<u>Article No.</u>	<u>Title</u>	<u>Page No.</u>
1	PREAMBLE	1
2-3	EXPLANATORY RECITALS	1-2
4	TERM OF CONTRACT	2
5	LANDS FOR WHICH WATER IS FURNISHED: LIMITATIONS ON DELIVERIES	2
6	PAYMENTS FOR WATER	3-4
7	CONTRACT ADMINISTRATION FEES	4
8	RELEASE OF WATER	4-5
9	SPECIAL CONDITIONS	5-6
10	TERMINATION OF CONTRACT	6-7
11	CONSTRAINTS ON THE AVAILABILITY OF WATER	7
12	HOLD HARMLESS AND INDEMNIFICATION	7
13	DISCLAIMER	7-8
14	NOTICES	8
15	GENERAL PROVISIONS	8
	SIGNATURES	9
	ACKNOWLEDGEMENTS	10
	EXHIBIT A	

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WATER RESOURCES DEPT
SALEM, OREGON

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Willow Creek Project, Oregon

TEMPORARY CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 2nd day of April, 2010, 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 1965 (P.L. 89-298), and the Act of October 18, 1978 (P.L. 95-482), between the **UNITED STATES OF AMERICA**, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and The Willow Creek District Improvement Company, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. **WHEREAS**, The United States has constructed and operates Willow Creek Dam as a feature of the Willow Creek Project, Oregon, has impounded therein a quantity of water that can be used for irrigation of land and other beneficial uses, and has appropriated such water pursuant to the laws of the State of Oregon for beneficial use under the Federal Reclamation Laws; and

3. **WHEREAS**, the Contractor owns or serves land hereinafter described, for which a supplemental source of water is desired to be secured from the United States for the irrigation of lands that have previously been irrigated; and

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SALEM, OREGON

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

TERM OF CONTRACT

4. This contract shall become effective as of the date first above written and shall continue through December 31, 2011, unless sooner terminated in accordance with Article 10, or by agreement of the parties hereto.

LANDS FOR WHICH WATER IS FURNISHED: LIMITATIONS ON DELIVERIES

5. The United States shall release each year to the Contractor during the irrigation season from April 1 to October 31, inclusive, water from the Willow Creek Project for the irrigation of land owned or served by the Contractor described as follows:

See attachment 1.

Of the land described in attachment 1, not more than 2,538.14 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, up to a maximum diversion of 2,011.6 acre-feet of stored water, measured at the point of release of said water.

PAYMENTS FOR WATER

6. (a) An annual payment of \$70,406.00 for the first irrigation season shall be made to the United States at the time of executing this contract, and a subsequent annual payment of \$70,406.00 will be due on or before April 1 of the 2011 irrigation season in advance of water use. This payment will entitle the Contractor to receive up to a maximum of 2,011.6 acre-feet of stored water for irrigation of the lands described in Article 5 of this contract. In the event some portion of the 2,011.6 acre-feet is not required by the Contractor, the Contracting Officer will refund or credit a portion of the water service payment based on

information received from the Contractor or other reliable sources and substantiated by the State of Oregon as to the actual amount of stored water diverted each month by the Contractor during the irrigation season and on other factors in addition to the amount of stored water actually diverted, as deemed appropriate by the Contracting Officer; Provided, that in order for a refund or credit to be made, information on the amounts of stored water delivered each month must be received in writing by the Contracting Officer by December 1 of that year; Provided, further, that regardless of the amount of water released to the Contractor under this contract, a minimum charge of \$17,601.50 shall apply.

(b) The annual charge set forth in (a) above is based on an initial rate of \$35 per acre-foot of stored water. 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 Willow Creek 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 14 of this contract.

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CONTRACT ADMINISTRATION FEES

7. All future contract actions, contract amendments, supplements, and assignments will be subject to a charge in an amount sufficient to cover costs to the United States.

RELEASE OF WATER

8. (a) Upon payment of the monies specified in subarticle 6(a) above, the United States will release water to the Contractor from the Willow Creek Project pursuant to this contract. No water shall be released if the Contractor is delinquent in payment of the required payments.

(b) Water shall be made available to the Contractor at the outlet works of Willow Creek Dam. The Contractor shall receive the water at that point and shall be wholly responsible for diverting, conveying, and utilizing any water under this contract.

(c) Water made available hereunder will be measured by the United States at the release point stated in subarticle 8(b). All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(d) Water released under this contract shall be used by the Contractor for the purpose of irrigating the lands described in Article 5 and shall not be sold or used for other purposes.

(e) Water for the purposes described herein shall be taken by the Contractor at the following point(s) of diversion:

See attachment 2.

The water taken by the Contractor hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer or the State-appointed watermaster. 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.

(f) The Contractor agrees to comply with all applicable Federal, State, and local laws governing water use under this contract. The Contractor shall secure from the State of Oregon any needed licenses or permits governing the diversion and use of water hereunder. The Contractor shall be responsible for the cost of any fees, licenses, permits, and administrative and distribution costs charged by the State of Oregon. All diversions shall be subject to the jurisdiction of the State official in charge of the distribution of the waters of the river from which the diversion is made.

(g) All requests to the United States for water releases and flow changes at Willow Creek Project under this agreement shall be coordinated with authorized representatives of the Oregon Department of Water Resources (OWRD) to ensure proper compliance with State law.

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 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 release water under this contract is subject to an operating plan for the Willow Creek Project determined in accordance with the law governing the project.

(b) In the interest of conservation and protection of environmental resources, this contract may be reviewed by the Contracting Officer at any time. The terms and conditions

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of this contract, including the amount of stored water provided hereunder, may be modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species; proposed or designated critical habitat; or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

TERMINATION OF CONTRACT

10. (a) 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 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.

(b) The Contractor shall have the right to terminate this contract for any reason: Provided, that notice of the intent by the Contractor to terminate this contract shall be in writing to the Contracting Officer at least 60 days prior to the termination date proposed: Provided further, that termination under this provision shall become effective no sooner than March 1 of the next calendar year following such written notice.

(c) Termination of this contract for any cause shall not relieve the Contractor of any financial obligations incurred by way of this contract prior to termination.

CONSTRAINTS ON THE AVAILABILITY OF WATER (WATER SHORTAGES)

11. In its operation of the Project, the United States will use all reasonable means to guard against a condition of shortage in the quantity of water to be made available to the Contractor pursuant to this Contract. In the event the United States determines that a Condition of Shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

If there is a Condition of Shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the United States, or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising therefrom.

HOLD HARMLESS AND INDEMNIFICATION

12. To the extent permitted by law, the Contractor shall indemnify, defend, and hold harmless the United States and Reclamation, and their officers, employees, and agents, from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any character (hereinafter collectively referred to as "claims") that result from, arise out of, or relate to the quality or quantity of water released pursuant to this contract, including but not limited to claims by patrons or others in privity with the Contractor derived from the settlement or adverse results of litigation brought against the United States or Reclamation by third parties. The Contractor does not agree to indemnify the United States for any damages arising from intentional torts or malicious actions committed by employees of the United States.

DISCLAIMER

13. No provision of this contract 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. Water service, such as that provided hereunder, may only be provided in a subsequent irrigation season, or seasons, upon execution of a suitable contract for that purpose. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Willow Creek 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 Program Manager, Repayment and Acreage Limitation, 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 Willow

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Creek District Improvement Company, c/o Ms. Martha Pagel, 530 Center St. NE, Ste 400, Salem, OR 97301. 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.

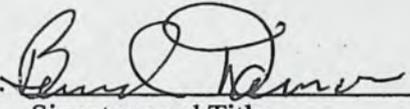
GENERAL PROVISIONS

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.

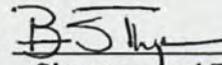
- a. CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. OFFICIALS NOT TO BENEFIT
- c. CHANGES IN CONTRACTORS ORGANIZATION
- d. ASSIGNMENT LIMITED—SUCCESSORS AND ASSIGNS OBLIGATED
- e. BOOKS, RECORDS, AND REPORTS
- f. COMPLIANCE WITH FEDERAL RECLAMATION LAWS
- g. PROTECTION OF WATER AND AIR QUALITY
- h. EQUAL EMPLOYMENT OPPORTUNITY
- i. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- j. PRIVACY ACT COMPLIANCE
- k. MEDIUM FOR TRANSMITTING PAYMENTS
- l. CONTRACT DRAFTING CONSIDERATIONS

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

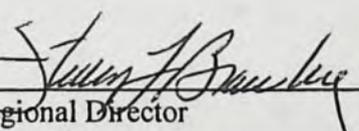
Willow Creek District Improvement Company

By: 
Signature and Title
President of Willow Creek
District Improvement Company

Attest:

By:  MEMBER
Signature and Title

UNITED STATES OF AMERICA

ACTING 
Regional Director
PN Region
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

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SALEM, OREGON

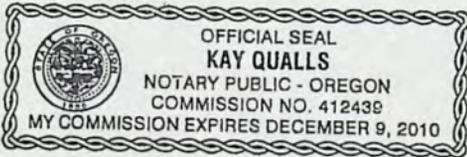
STATE OF)

: ss

County of Marion)

On this 25 day of March, 2010, before me, a notary public, personally appeared Bernard Damon and Brian S Thompson known to me to be the official(s) of the WILLOW CREEK DISTRICT IMPROVEMENT COMPANY, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said WILLOW CREEK DISTRICT IMPROVEMENT COMPANY, for the uses and purposes therein mentioned, and on oath stated that he/she/they (circle one) is/are authorized to execute said instrument on its behalf.

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



(SEAL)

Kay Qualls
Notary Public in and for the
State of OREGON
Residing at: Hesperia
My commission expires: 12-9-2010

STATE OF IDAHO)

: ss

County of Ada)

On this 2 day of April, 2010, personally appeared before me Steven L. Brawley, 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.



Susan Hickman
Notary Public in and for the
State of IDAHO
Residing at: Meridian
My commission expires: 1-7-2016

GENERAL PROVISIONS --- WILLOW CREEK PROJECT

CONTINGENT UPON 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 funds are not appropriated or allotted.

OFFICIALS NOT TO BENEFIT

(b). No Member of or Delegate to the 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.

CHANGES IN CONTRACTOR'S ORGANIZATION

(c). While this contract is in effect, no change may be made in the Contractor's organization, by inclusion or exclusion of lands or by any other changes which may affect the respective rights, obligations, privileges, and duties of either the United States or the Contractor under this contract including, but not limited to, dissolution, consolidation, or merger, except upon the Contracting Officer's written consent.

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATION

(d). 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 by either party shall be valid until approved in writing by the other party.

BOOKS, RECORDS, AND REPORTS

(e). The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including the Contractor's water supply data; the water users' land-use (crop census), land-ownership, land-leasing, and water-use data; and other matters that the Contracting Officer may require. Reports shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

COMPLIANCE WITH FEDERAL RECLAMATION LAWS

(f). The parties agree that the delivery of irrigation water or use of Federal facilities pursuant to this contract is subject to Federal reclamation law, including but not limited to the Reclamation Reform Act of 1982 (43 U.S.C. 390aa *et seq.*), as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.

PROTECTION OF WATER AND AIR QUALITY

(g). (1) Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: Provided, That the United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(2) The Contractor 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 necessary for the delivery of water by the Contractor; and shall be responsible for

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compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.

(3) This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

EQUAL EMPLOYMENT OPPORTUNITY

(h). 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, disability, 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, disability, 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 regard to race, color, religion, sex, disability, 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 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, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency 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 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 Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965 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 Executive Order 11246 of September 24, 1965, 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 CIVIL RIGHTS LAWS AND REGULATIONS

(i). (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, *et seq.*), Title II of the Americans with Disabilities Act of 1990 if the entity is a State or local

government entity [Title III if the entity is a non-government entity], and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(3) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

(4) Complaints of discrimination against the Contractor shall be investigated by the Contracting Officer's Office of Civil Rights.

PRIVACY ACT COMPLIANCE

(j). (1) The Contractor shall comply with the Privacy Act of 1974 (5 U.S.C. 552a) (Privacy Act) and the Department of the Interior rules and regulations under the Privacy Act (43 CFR 2.45 et seq.) in maintaining landholder certification and reporting records required to be submitted to the Contractor for compliance with Sections 206, 224(c); and 228 of the Reclamation Reform Act of 1982 (96 Stat. 1261), and pursuant to 43 CFR 426.18.

(2) With respect to the application and administration of the criminal penalty provisions of the Privacy Act (5 U.S.C. 552a(i)), the Contractor and the Contractor's employees who are responsible for maintaining the certification and reporting records referenced in (a) above and are considered to be employees of the Department of the Interior. See 5 U.S.C. 552a(m).

(3) The Contracting Officer or a designated representative shall provide the Contractor with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Interior/WBR-31, Acreage Limitation) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(4) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64 and amendment requests pursuant to 43 CFR 2.72. The Contractor is authorized to grant requests by individuals for access to their own records.

(5) The Contractor shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64 and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to individuals seeking access to their own certification and reporting forms filed with the Contractor pursuant to 43 CFR 426.18 unless the requester elects to cite the Privacy Act as authority for the request.

MEDIUM FOR TRANSMITTING PAYMENTS

(k). (1) All payments from the Contractor to the United States under this contract shall be by the medium requested by the United States on or before the date payment is due. The required method of payment may include checks, wire transfers, or other types of payment specified by the United States.

(2) Upon execution of the contract, the Contractor shall furnish the Contracting Officer with the Contractor's taxpayer's identification number (TIN). The purpose for requiring the Contractor's TIN is for collecting and reporting any delinquent amounts arising out of the Contractor's relationship with the United States.

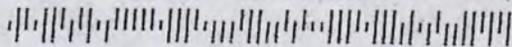
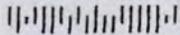
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WATER RESOURCES DEPT
SALEM, OREGON

CONTRACT DRAFTING CONSIDERATIONS

(l). Articles 1 through 14 of this Contract have been drafted, negotiated, and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Contract pertains, and no one party shall be considered to have drafted the stated articles.



BUREAU OF RECL
1150 NORTH CURTIS ROAD, SUITE 100
Boise, ID 83706-1234



Oregon Water Resources Department
Attention: Mr. Jerry Sauter
725 Summer Street NE, Suite A
Salem, OR 97301-1271



SHONEE D. LANGFORD
Direct Line: Salem 503-540-4261; Portland 503-796-2896
E-Mail: slangford@schwabe.com

September 23, 2009

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SEP 23 2009

WATER RESOURCES DEPT
SALEM, OREGON

VIA E-MAIL

Joel M Plahn
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

Re: Willow Creek District Improvement Company - File S-87373
Our File No.: 110676/132994

Dear Joel:

This letter is in response to your letter of July 28, 2009, relating to the above referenced file. I appreciate the time you and Tim took to meet with me on August 20th to discuss the issues raised in your letter. I will address the issues in the order you presented them.

1. Season of Use

You asked us to provide the irrigation season for each parcel of land to be irrigated. At our meeting on August 20th, I provided a copy of an updated water right spreadsheet showing the authorized season of use for each water right. An electronic copy of the spreadsheet is attached for your convenience. We request that the authorized season under this permit be March 1 through October 31 for all of the lands to be irrigated. All of the lands included in this application have existing primary water rights, but as you pointed out, the season of use varies greatly from one right to another. We request that the proposed new use be designated as "primary" for any periods of use outside the authorized season of the existing primary water rights. For example, if the season of use for an existing primary water right were April 1 through July 15, we would request that the proposed use be supplemental for that same period and primary for the periods of March 1 through March 31 and July 16 through October 31. We understand that this approach is acceptable to OWRD.

2. Ditches and Mainlines

At our meeting you clarified that the maps need to include ditch and mainline locations only for points of diversion that are located outside the proposed place of use. I understand that

your main concern is in identifying parcels where water is diverted and conveyed, to ensure that we have obtained the necessary land use approval for those parcels. I have identified the following PODs as falling within this category:

a. Map 2B (Damon) – The POD shown near the south line of Section 21 on Map 2B is located on property not owned by the irrigator. The POD is located on tax lot 2201, which is owned by the Port of Morrow. The irrigator has an easement to access the POD and convey water across tax lot 2201 to the irrigated lands. An amended Map 2B is attached showing the location of the ditch with a dashed line. A supplemental land use form will be provided for tax lot 2201. The mailing address for the Port of Morrow is:

Port of Morrow, PO Box 200, Boardman, OR 97818-0200

b. Map 3A (Neiffer) – The farthest upstream POD shown on Map 3A (SESW, Sec. 27) is located on property not owned by the irrigator. However, I have learned that the irrigator no longer uses this POD. We hereby withdraw the POD from this application. In its place we amend the application to include a new POD on Map 3A, one that is currently in use and is clearly located within tax lot 4900 owned by the irrigator (and for which land use approval has already been obtained). An amended Map 3A is attached showing the location and coordinates of the new POD.

c. Map 4 (McElligott) – The POD on Map 4 is located on tax lot 2700, which is owned by Geneva Palmer. The irrigator has an easement to access the POD and convey water across tax lot 2700 to the irrigator's adjacent parcel. A supplemental land use form will be provided for tax lot 2700. An amended Map 4 is attached showing the location of the ditch with a dashed line. The mailing address for Geneva Palmer is:

Geneva Palmer, RT 1 Box 45, Ione, OR 97843

d. Map 8 (Harrison) – I have confirmed that the POD shown in the lower right hand corner of Map 8 is located on tax lot 3401, which is owned by the irrigator and is the same lot on which the places of use are located. The 800' x 20' ditch was conveyed by deed to the irrigator as described in the deed attached to the original application (see Attachment 1, pages 26-27). An amended Map 8 is attached showing the location of the ditch with a dashed line. The ditch is also shown on the tax map provided in the original application at Attachment 1, page 30, although it is hard to see on that map. No supplemental land use approval is required and no other landowners are affected by use of this POD.

e. Map 9 (Temple) – The farthest upstream POD described as "Div Pt 3" on Map 9 (SWNE, Sec. 1) is located on tax lot 300, owned by William Bloodsworth. We provided Mr. Bloodsworth's mailing address in Attachment 2 of the application and included tax lot 300 in the original land use form signed by Morrow County. Water diverted at this POD runs through a ditch that also crosses tax lot 4103 (former railroad right of way in NENW, Sec. 1) and tax lot 6390 (SESW, Sec. 36), which are owned by Cristopher Shattuck and Laurie Barrow. An amended Map 9 is attached showing the approximate ditch location with a dashed line. The mailing address for Shattuck and Barrow was included in Attachment 2 to the original



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application and tax lot 4103 was included in the original land use form signed by the county. The irrigator, Mr. Temple, has written authorization to convey water across both the Bloodsworth and Shattuck/ Barrow properties.

The remaining affected tax lot, 6390, was intended to be included in the original land use form, but apparently there was a typo in the form and lot "6309" (which does not exist) was included instead. Since we are requesting supplemental land use approval for other parcels involved in this application, we will also include the corrected tax lot number 6390 in the supplemental land use form.

f. Map 10 (Shattuck/ Barrow) – The POD shown on Map 10 is the same POD used by Temple, as described above, and is located on William Bloodsworth's property (tax lot 300). As noted above, we have already provided the mailing address for Mr. Bloodsworth and have obtained land use approval for tax lot 300. The irrigator has confirmed that he has an easement to convey water across the Bloodsworth property. An amended Map 10 is attached showing the location of tax lot 6390, which was inadvertently omitted from the original map.

3. Tax Lots Crossed

At the meeting we reached an understanding that tax lots would not need to be shown on the application maps (as the mapping rule only requires tax lots for places of use); however, we are providing tax lot information for all lands crossed in the diversion of water. I understand that it is sufficient to submit a supplemental land use form identifying all such tax lots and indicating the county's approval. We will obtain the county's review of a supplemental land use form after you confirm that the following tax lots are the only lots that need to be included in the supplemental land use form (see Section 2 above for discussion of affected tax lots):

- Tax lot 2201 (POD on Map 2B – Damon)
- Tax lot 2700 (POD on Map 4 – McElligott)
- Tax lot 6390 (Place of use on Map 10 – lot number typo in original land use form)

I have also attached deeds with legal descriptions for tax lots 2201 and 2700 (the deed for tax lot 6390 was provided in the original application – See Attachment 1, page 91).

4. Special Condition to Use Stored Water Ahead of Ground Water

Mike Ladd says he confirmed in a conversation with Tim Wallin that additional mapping is not necessary to show the lands to which the special ground water condition will apply. Therefore we will not be submitting a revised set of maps to address this issue. In the attached water right spreadsheet, we added an asterisk next to all groundwater rights to which the condition will apply.



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- Tax lot 2201 (POD on Map 2B – Damon)
- Tax lot 2700 (POD on Map 4 – McElligott)
- Tax lot 6390 (Place of use on Map 10 – lot number typo in original land use form)

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POD same - Maps 9&10

5. Miscellaneous Issues

a. Emert Ranches – Map 5

You and I resolved the minor acreage discrepancy noted in your letter at our meeting. I informed you that the spreadsheet includes the correct acreage of 19.84, which is based on the transfer order for T-9454, and that the map had an error. I amended the map at the meeting to change the 5.1 acres shown in the SENW of Section 11 to 5.11 acres. This correction does not change the total number of acres, since our original tabulation was correct and only the map contained an error.

b. Permit G-13308

As you noted in your letter, the acreage shown in our spreadsheet for Permit G-13308 is different than the acreage listed in the permit itself. As I explained, the reason for the difference is that our spreadsheet of proposed places of use is based on the final proof survey that was filed with OWRD for Permit G-13308. There are several quarter-quarters in which the final proof acreage is slightly different than the permitted acreage. Based on our discussion, I understand that it would be fine to keep the acreages shown in our spreadsheet, which are confirmed by the final proof survey – especially since the landowner proved up fewer acres than were originally allowed under Permit G-13308. Therefore, our spreadsheet is correct and the total number of acres remains the same.

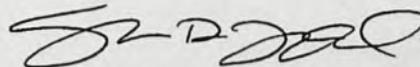
c. Hoskins – Map 1

As I stated at the meeting, we are withdrawing the amended Map 1 for Hoskins and requesting that you again refer to the original Map 1 submitted with the application. POD 2 will not be used. I apologize for the confusion.

Conclusion

I believe this letter addresses your concerns. I will wait for your confirmation before obtaining the supplemental land use approval noted above to make sure we have covered all the required tax lots. Thank you for your assistance thus far. Please feel free to call me if you have any questions.

Sincerely,



Shonee D. Langford

SDL:sdl

Enclosures

cc: Steve Applegate
Bernard Damon (via first class mail)



POD same - Maps 9/10

Joel Plahn

From: Langford, Shonee D. [SLangford@SCHWABE.com]
Sent: Wednesday, September 23, 2009 11:47 AM
To: Joel Plahn; Joel Plahn
Cc: Steve Applegate; Donohue, Karen
Subject: App. S-87373 (Willow Creek)
Attachments: Willow (v3) Property Chart w irrigation use-season.XLS; Deeds for TLs 2201 and 2700.msg; Attached Image.msg; Attached Image.msg

Hello Joel,
Please see the attached letter in response to your letter dated July 28, 2009.

<<Willow (v3) Property Chart w irrigation use-season.XLS>>
The letter includes the following enclosures:

<<Deeds for TLs 2201 and 2700>> <<Attached Image>> <<Attached Image>>

We amended several of the maps, mostly to show ditch locations. Rather than send you just the amended maps I am attaching the full set of maps that are controlling as of today. Hopefully that will help avoid some confusion. Please let me know if you have trouble opening any of the attached documents or would like to receive a hard copy in the mail.

Thanks,

Shonee

SHONEE D. LANGFORD | Attorney at Law
SCHWABE, WILLIAMSON & WYATT
530 Center Street NE, Suite 400, Salem, OR 97301
Direct: 503-540-4261 | Fax: 503-796-2900
Email: slangford@schwabe.com <<mailto:youremail@schwabe.com>>
Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com
Legal advisors for the future of your business®
www.schwabe.com

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SEP 23 2009

WATER RESOURCES DEPT
SALEM, OREGON

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

NOTICE: This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly

9/23/2009

Joel Plahn

From: Joel Plahn
Sent: Tuesday, July 28, 2009 2:28 PM
To: Langford, Shonee D.; Scott White
Cc: Joel Plahn
Subject: Application S-87373 Willow Creek District Improvement Company
Attachments: S-87373_7-22-09.pdf

Hello Shonee,

Please see the attached letter. I would be happy to answer any questions you may have or schedule a time to meet and discuss this application.

Joel Plahn
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, Oregon 97301
(503) 986-0815



Oregon

Theodore R. Kulongoski, 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

WILLOW CREEK DISTRICT IMPROVEMENT COMPANY
(C/O) MARTHA O. PAGEL, SCHWABE WILLIAMSON & WYATT
530 CENTER ST NE, SUITE 400
SALEM OR 97301

July 28, 2009

REFERENCE FILE: S-87373

Dear Applicant:

At this time the Department is unable to continue processing your application. Unfortunately review of this complex application has uncovered discrepancies that must be addressed. The Department understands the urgency to obtain a water right permit and to help us expedite the review of your application, additional information is needed. Please provide the following information.

Information needed for Application S-87373:

1. Supplemental irrigation must match the season of the primary right. The application request an irrigation season of March 1 through October 31 however, the existing irrigation rights vary in season. Your application will be limited to the season of the primary right. Please provide the irrigation season for each parcel of land you propose to irrigate.
2. OAR 690-310-050(4)(b) requires that the application map submitted to the Department show the location of pipelines, ditches or other means of transporting water for the proposed use. Please indicate the location of the *main line* proposed under this application.
3. The maps submitted do not meet the requirements of OAR 690-310-0050. Please provide a map that shows the following:

(4)(c) The location of the place where water is to be used identified by **tax lot**, township, range, section and nearest **quarter-quarter** section along with a notation of the acreage of the proposed place of use. The area to be irrigated in each quarter-quarter of a section shall be indicated by shading or hatching and the number of acres in each quarter-quarter section, donation land claim, government lot or other recognized public land survey lines indicated.

For the Department to review your application all land crossed in the diversion of water must be identified by tax lot, township, range, section and nearest quarter-quarter section on a map.

4. Please provide a map with hatching that will allow the Department to decipher lands to be irrigated ahead of existing ground water rights and lands to be supplemental irrigating for existing surface water rights.
5. Please make note of the following discrepancy:

The spreadsheet you have provided (Attachment 3) with your application states 19.84 acres to be irrigated in the SENW, Section 11, Township 1 South, Range 24 East, W.M. However, Map 5 Emert Ranches shows 19.83 acres.

The spreadsheet states 9.0 acres in the NWSE, Section 17, Township 2 South, Range 26 East, W.M. under Permit G-13308 however, the permit only allows for the use of 7.75 acres in the NWSE.

Note: This discrepancy changes the total acreage requested.

Map #1 Hoskins, the Department is unable to determine all tax lots involved or confirm affected landowners because no tax lots are listed for Point of Diversion #2 nor is the transportation of water shown on the map.

Map 1 Hoskins

Tax lot 901 is not listed on map, please reference page 4 of attachment 1 that you provide in the application.

Point of Diversion (POD) 2 does not list tax lots. The transportation of water is not shown therefore the Department can not determine what tax lots are being crossed and if the applicant has land use approval. When the POD is referenced to a Morrow County assessors map it appears the POD is located in Tax lot 900, it also appears that other property will be crossed when transporting water from the POD.

Map 4 McElligott

The POD appears to be located in tax lot 2700 however, this tax lot is not listed on the map and you do not have land use approval. Please reference page 21 attachment 1.

Map 2B Damon

POD appears to be located in tax lot 2201. The tax lot is not on the map please reference page 72 attachment 1. Also no land use approval for tax lot 2201.

Please review each map submitted to insure they correctly demonstrate the above requirements.

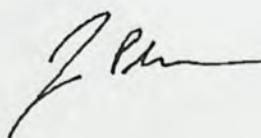
Please submit this information no later than September 1, 2009. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and

why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

Additional information may be required upon further review of the application.

If you have any questions, please call Joel Plahn at 503-986-0815.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Plahn', with a long horizontal flourish extending to the right.

Joel Plahn

Water Rights Caseworker

cc: Shonee D. Langford

WRD WM: 21

File

SHONEE D. LANGFORD
Direct Line: Salem 503-540-4261; Portland 503-796-2896
E-Mail: slangford@schwabe.com

May 12, 2009

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MAY 13 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

Joel M Plahn
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

Re: Willow Creek District Improvement Company - File S-87373
Our File No.: 110676/132994

Dear Joel:

This letter is in response to your letter of April 23, 2009, relating to the above referenced file. We appreciate the time you have taken to review the application materials. The application maps were prepared by Steve Applegate and he has assisted me in preparing this response. We address the issues raised in your letter in the order presented.

Item #1

Your letter requests that we provide the Oregon Water Resources Department (OWRD) with a single, presumably composite, map **OR** that we provide a single map for each section of land involved in the application.

Response: The Department's mapping rules (OAR 690-310-0050) do not require a single application map or a separate map for each section of land and, therefore, we object to the request. We discussed this application and the maps we intended to prepare in some detail in advance with both the Watermaster and with Salem Water Rights staff to ensure that the mapping rules would be satisfied without unnecessary expense to the applicant. We are unaware of this particular requirement being imposed in connection with other applications like this one.

For convenience and ease of reference, the tabulation and the accompanying maps generally have been divided by property ownership. In some cases where the application involves lands under one ownership, but with multiple underlying water rights, more than one map may apply to a single ownership. The intent was to utilize existing maps where they sufficiently displayed the required map elements, both to save unnecessary expense, as well as to reduce confusion. As you know, the entire application is for a permit to use

stored water strictly as a supplemental supply on lands already having a water right. At least for purposes of the *application map*, the existing maps should be sufficient. We understand that the map for the Claim of Beneficial Use to be developed at a later date will be subject to more stringent rules.

To the best of our knowledge, all of the information requested in Items 1(a)-(c) of your letter, which is information required by OAR 690-310-0050(4)(a)-(c), already appears on the maps filed with the application. We are not aware of any specific instance in which the required information is missing. Please let us know if you have any specifics in mind and we will be glad to address them.

Item #2

Your letter requests that a single acreage value be shown for each quarter-quarter section and that all acreage values be easy to read and not overlap with other values.

Response: OAR 690-310-0050(4)(c) requires application maps to show “the number of acres in each quarter-quarter section.” However, the rule does not require that a single acreage value be shown for each quarter-quarter. In our experience, the Department routinely accepts maps that show more than one acreage value per quarter-quarter. It is common for maps to show multiple acreages within a single quarter-quarter where there are different underlying water rights, tax lots, etc. We believe this provides better background information for the Department and the public. We wish to be cooperative and to comply with the mapping rules; yet, we must object to this and any other time-consuming and costly requests that go beyond the express requirements of the rules and the Department’s past practice.

Please let us know if there are particular instances in which acreage values are not easy to read and/or overlap with other values. It is not clear to which maps you may be referring, but we would be happy to fix any errors of that kind.

Item #3

Your letter requests a Land Use Information form for TL 202, Sections 1, 2 & 12, T1S, R23E.

Response: Thank you for bringing this oversight to our attention. We will secure a second sign-off for the identified tax lot and get it to you as soon as possible.

Item #4

Your letter identifies some apparent discrepancies in the application.

Response: Thank you for bringing these errors to our attention. We have prepared revised maps to address the issues raised in your letter:

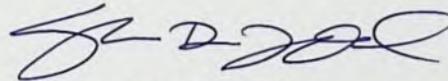
Joel M Plahn
May 12, 2009
Page 3

- a) Map 6A is correct, but Map 6B contains an error. We have enclosed a revised Map 6B showing only 30.8 acres in the SENW of Section 7, T 2S, R 26E.
- b) A revised Map 2A is enclosed with the 4.0 acres eliminated in the SESE Section 17, T 2s, R 26E.
- c) A revised Map 5 is enclosed with township & range added. Map 5 does not show Points of Diversion #1 and #1a, because those are not proposed PODs for this permit application. We have deleted the descriptions of those PODs from the revised Map 5 and apologize for the confusion.
- d) A revised Map 9 is enclosed with POD #1 added.
- e) Yes, we intend to include POD #2 in this application. A revised Map 1 is enclosed showing the location of POD #2 (see inset in upper right corner of revised map). Again, we apologize for the confusion.

We hope that you will reconsider your requests under Items 1 & 2, above. If any issues remain, we would be available to discuss them with you.

Thank you for your assistance. Please feel free to call me if you have any questions.

Sincerely,



Shonee D. Langford

SDL:sdl
Enclosures
cc: Bernard Damon
Steve Applegate

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MAY 13 2009

WATER RESOURCES DEPT
SALEM, OREGON





SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

SHONEE D. LANGFORD

Direct Line: Salem 503-540-4261; Portland 503-796-2896

E-Mail: slangford@schwabe.com

May 15, 2009

Joel M Plahn
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

Re: Willow Creek District Improvement Company - File S-87373
Our File No.: 110676/132994

Dear Joel:

Enclosed is a supplemental land use form for the above-referenced application, as requested in your April 23, 2009 letter to Martha Pagel of this office.

Sincerely,

Shonee D. Langford

SDL:kdo
Enclosures
cc: Bernard Damon

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MAY 18 2009

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
Land Use Information Form

RECEIVED

MAY 18 2009

WATER RESOURCES DEPT
SALEM, OREGON

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Willow Creek District Improvement Company _____

Mailing Address: c/o Shonee D. Langford, Schwabe Williamson & Wyatt _____
First Last

530 Center St NE, Ste 400, Salem OR 97301 Daytime Phone: 503.540.4261
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:			Proposed Land Use:
1 S	23 E	1, 2, 12	--	202	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used:

Morrow County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water Water-Right Transfer Exchange of Water
- Allocation of Conserved Water Limited Water Use License
- Permit Amendment of Ground Water Registration Modification

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 172.25 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-municipal Instream Other _____

Briefly describe:

Use of stored water from Willow Creek Reservoir for irrigation.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon Water
Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the 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): MCZO Article 3 Section 3.010

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

RECEIVED

MAY 18 2009

WATER RESOURCES DEPT
SALEM, OREGON

Name: CARLA MCLANE Title: PLANNING Director
 Signature: [Signature] Phone: 5119224624 Date: 5/11/2009
 Government Entity: Morrow County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant Name: _____

City or County: _____ Staff Contact: _____

Signature: _____ Phone: _____ Date: _____



Oregon

Theodore R. Kulongoski, 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

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

WILLOW CREEK DISTRICT IMPROVEMENT COMPANY
(C/O) MARTHA O. PAGEL, SCHWABE WILLIAMSON & WYATT
530 CENTER ST NE, SUITE 400
SALEM OR 97301

April 23, 2009

REFERENCE FILE: S-87373

Dear Applicant:

I am in the process of reviewing your application to use stored water, Application S-87373. At this time the Department is unable to continue processing you're application given numerous discrepancies in the information that has been supplied. The Department must receive the request information below before we can continue to process the application.

Information needed for Application S-87373:

1. Please provide the Department with one map **OR** one map for each section where water is being diverted, conveyed and used, meeting the following requirements :
 - (a) The location of each diversion point by reference to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner);
 - (b) The location of main canals, ditches, pipelines, or flumes;
 - (c) The location of the place where water is to be used identified by tax lot, township, range, section and nearest quarter-quarter section along with a notation of the acreage of the proposed place of use. The area to be irrigated in each quarter-quarter of a section shall be indicated by shading or hatchuring and the number of acres in each quarter-quarter section, donation land claim, government lot or other recognized public land survey lines indicated.
2. OAR 690-310-0050(4)(c) requires that the application map submitted to the Department show the proposed acreage for each quarter-quarter. Although the maps submitted includes this information, in some cases there are multiple acreage values associated with a single quarter-quarter. The Department requests a map where only one acreage value is associated with each quarter-quarter and that all acreage values are easy to read and do not overlap with other values.

3. A completed Land Use Information Form signed and dated by a Morrow County official for the property described as Tax Lot 202, Section 1, 2 and 12, Township 1 South, Range 23 East, W.M.
4. Please make note of the following discrepancies:

The spreadsheet you have provided (Attachment 3) with your application states 32.3 acres to be irrigated in the SENW, Section 7, Township 2 South, Range 26 East, W.M. However, Map 6B shows 32.3 acres and Map 6A shows 1.5 acres in the SENW, Section 7, Township 2 South, Range 26 East, W.M.

The spreadsheet states you will be irrigating 22.2 acres in the SESE, Section 17, Township 2 South, Range 26 East, W.M. However, Map 2B shows 22.2 acres and Map 2A shows 4.0 acres in the SESE, Section 17, Township 2 South, Range 26 East, W.M.

Map -5 (Emmert Ranches) does not listed the Township and Range nor does the map represent Point of Diversion #1 and #1a on the map.

Map - 9 gives a description for POD 1 but does not show the point of diversion on the map.

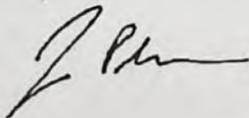
Do you intend to have POD 2 included in this application under Map 1?

Please submit this information no later than June 23, 2009. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

Additional information may be required upon further review of the application.

If you have any questions, please call Joel Plahn at 503-986-0815.

Sincerely,



Joel Plahn
Water Rights Caseworker

cc: Shonee D. Langford
WRD WM: 21
File

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S-87373
 WILLOW CREEK DIST IMPROVEMENT
 C/O MARTHA O PAGEL
 SCHWABE WILLIAMSON & WYATT
 530 CENTER ST NE SUITE 400
 SALEM OR 97301

2. Article Number

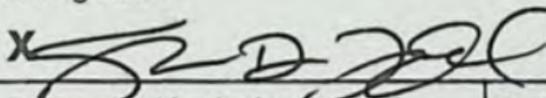
(Transfer from service label)

7006-0810 0003 8797 4521

WR

COMPLETE THIS SECTION ON DELIVERY

A. Signature


 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

4-24

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

 RECEIVED
 APR 27 2009

Service Type

 Certified Mail Registered Insured Mail Express Mail Return Receipt for Merchandise C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

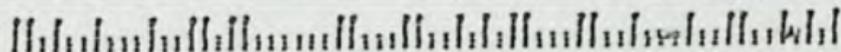
UNITED STATES POSTAL SERVICE

SALEM OR 97301
24 APR 2009 PM 5:11

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-40

• Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1266



ADJ & WR

Oregon

Water Resources Department
725 Summer St NE Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED



Jeneva Palmer
RT 1 BOX 45
Ione OR 97843

RECEIVED
APR 18 2010
WATER RESOURCES DEPT
SALEM, OREGON

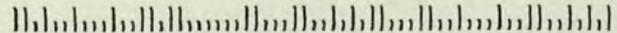
RECEIVED
APR 1 2010
WATER RESOURCES DEPT
SALEM, OREGON

NIXIE 970 5E 1 01 04/09/10

RETURN TO SENDER
NOT DELIVERABLE DS ADDRESSED
UNABLE TO FORWARD

BC: 97301126673 *2929-01714-09-18

97301@1266



STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

WILLOW CREEK DISTRICT IMPROVEMENT CO.
530 CENTER ST NE, SUITE 400
SALEM OR 97301

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

APPLICATION FILE NUMBER: S-87373

SOURCE OF WATER: WILLOW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-10880, TRIBUTARY TO WILLOW CREEK

USE: PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2538.14 ACRES

MAXIMUM VOLUME: 2500.0 ACRE FEET

DATE OF PRIORITY: JANUARY 6, 2009

PERIOD: SEE TABLE BELOW

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM SW CORNER, SECTION 35

Authorized Points of Diversion (POD):

HOSKINS MAP #1	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	27	SE NW	1810 FEET SOUTH AND 400 FEET WEST FROM N1/4 CORNER, SECTION 27
POD 3	2 S	26 E	WM	27	SW NE	2510 FEET SOUTH AND 200 FEET EAST FROM N 1/4 CORNER, SECTION 27

DAMON MAP #2A & 2B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	8	SW SW	100 FEET NORTH AND 550 FEET EAST FROM SW CORNER, SECTION 8
POD 2	2 S	26 E	WM	21	NE SW	2150 FEET NORTH AND 1300 FEET WEST FROM S1/4 CORNER, SECTION 21
POD 3	2 S	26 E	WM	21	SW SE	50 FEET NORTH AND 1150 FEET EAST FROM S1/4 CORNER, SECTION 21

NEIFFER MAP #3A & 3B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 27
POD 2	1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM SE CORNER, SECTION 28
POD 3	1 S	23 E	WM	1	SW SE	100 FEET NORTH AND 1340 FEET WEST FROM SE CORNER, SECTION 1

McELIGOTT MAP #4	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	24 E	WM	12	SE NE	50 FEET NORTH AND 1960 FEET EAST FROM C1/4 CORNER, SECTION 12

EMERT RANCHES MAP #5	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 2	1S	24 E	WM	11	SE NE	2120 FEET SOUTH AND 30 FEET WEST FROM NE CORNER, SECTION 11
POD 3	1S	24 E	WM	11	SW NE	1400 FEET SOUTH AND 1000 FEET EAST FROM N 1/4 CORNER, SECTION 11
POD 4	1S	24 E	WM	11	SE NW	1750 FEET SOUTH AND 2060 FEET EAST FROM NW CORNER, SECTION 11
POD 5	1S	24 E	WM	10	NE NE	20 FEET SOUTH AND 1240 FEET WEST FROM NE CORNER, SECTION 10

THOMPSON MAP #6B & 6C	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	26 E	WM	7	SE NW	2350 FEET SOUTH AND 3040 FEET WEST FROM NE CORNER, SECTION 7
POD 2	2S	26 E	WM	17	NE SW	800 FEET SOUTH FROM C1/4 CORNER, SECTION 17

MEYER MAP #7	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1 S	25 E	WM	35	NE SE	1540 FEET NORTH AND 2100 FEET EAST FROM S1/4 CORNER, SECTION 35

HARRISON MAP #8	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM NW CORNER, SECTION 28
POD 2	1S	25 E	WM	20	NW SE	1695 FEET NORTH AND 1325 FEET WEST FROM SE CORNER, SECTION 20

TEMPLE MAP #9	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	36	SW SW	560 FEET NORTH AND 450 FEET EAST FROM SW CORNER, SECTION 36
POD 2	2 S	25 E	WM	1	SW NE	910 FEET NORTH AND 140 FEET EAST FROM C1/4 CORNER, SECTION 1

SHATTUCK /BARROW MAP #10	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	25 E	WM	1	SW NE	920 FEET NORTH AND 160 FEET EAST FROM C1/4 CORNER, SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use: (* represents land with existing ground water right for primary irrigation)

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	4.40	1 S	23 E	WM	1		3/1 through 10/31	
NE SW*	1.30	1 S	23 E	WM	1		3/1 through 10/31	
NW SW*	27.10	1 S	23 E	WM	1		3/1 through 10/31	
SW SW*	20.70	1 S	23 E	WM	1		3/1 through 10/31	
SE SW*	16.30	1 S	23 E	WM	1		3/1 through 10/31	
SW SE*	0.70	1 S	23 E	WM	1		3/1 through 10/31	
NE SE*	2.60	1 S	23 E	WM	2		3/1 through 10/31	
SE SE*	0.10	1 S	23 E	WM	2		3/1 through 10/31	
NW NE*	22.90	1 S	23 E	WM	12		3/1 through 10/31	
NE NW*	14.20	1 S	23 E	WM	12		3/1 through 10/31	
NW NW*	0.70	1 S	23 E	WM	12		3/1 through 10/31	
SW SW	1.50	1 S	24 E	WM	2		3/1 through 10/31	
SE SW	5.20	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SE SW	3.00	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SE SW	4.00	1 S	24 E	WM	3		3/1 through 10/31	
SE SW	1.10	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	1.80	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SW SE	4.30	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	0.40	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SW SE	15.40	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	2.70	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	6.80	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	12.50	1 S	24 E	WM	3		3/1 through 10/31	
NE NE	2.70	1 S	24 E	WM	10		3/1 through 10/31	
NE NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NE NE	5.00	1 S	24 E	WM	10		3/1 through 10/31	
NW NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NE	1.00	1 S	24 E	WM	10		3/1 through 10/31	
NE NW	22.65	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NW	3.40	1 S	24 E	WM	10		3/1 through 10/31	
NW NW	9.00	1 S	24 E	WM	10		3/1 through 9/30	10/1 through 10/31
NW NE	1.70	1 S	24 E	WM	11		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NE	0.10	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NE	1.40	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	11.70	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	5.00	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	17.30	1 S	24 E	WM	11		3/1 through 10/31	
SW NE	3.10	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	3.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NE	5.20	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	22.20	1 S	24 E	WM	11		3/1 through 10/31	
NE NW	13.70	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	4.40	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	13.40	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NW NW	2.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NW	3.80	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	2.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	5.30	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
SW NW	0.30	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	5.11	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	6.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NW	5.80	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	2.33	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NE SE	10.90	1 S	24 E	WM	11		3/1 through 10/31	
NW SE	1.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	17.00	1 S	24 E	WM	12		3/1 through 10/31	
SE NW	5.00	1 S	24 E	WM	12		3/1 through 10/31	
NE SW	28.00	1 S	24 E	WM	12		3/1 through 10/31	
NW SW	29.00	1 S	24 E	WM	12		3/1 through 10/31	
SE SW	13.00	1 S	24 E	WM	12		3/1 through 10/31	
SW NW	5.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW NW	7.18	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	1.21	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	5.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NE SW	18.14	1 S	25 E	WM	20		3/1 through 10/31	
NW SW	1.54	1 S	25 E	WM	20		3/1 through 10/31	
NE SE	2.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NW SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SE SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW SW	13.00	1 S	25 E	WM	21		3/1 through 8/1	8/2 through 10/31
SW NE	18.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NW	5.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SE NW	8.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE SE	20.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 10/31	
NW SE	1.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NE	11.20	1 S	25 E	WM	34		3/1 through 10/31	
NE NE*	4.50	1 S	25 E	WM	34		3/1 through 10/31	
NW NE	1.00	1 S	25 E	WM	34		3/1 through 10/31	
NW NE*	16.20	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	39.30	1 S	25 E	WM	34		3/1 through 10/31	
SE NE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NE NW*	10.90	1 S	25 E	WM	34		3/1 through 10/31	
NW NW*	21.90	1 S	25 E	WM	34		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	30.40	1 S	25 E	WM	34		3/1 through 10/31	
SE NW*	16.80	1 S	25 E	WM	34		3/1 through 10/31	
NE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NW SE*	34.40	1 S	25 E	WM	34		3/1 through 10/31	
SW SE*	30.10	1 S	25 E	WM	34		3/1 through 10/31	
SE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	0.40	1 S	25 E	WM	35		3/1 through 10/31	
SW NE	2.80	1 S	25 E	WM	35		3/1 through 10/31	
NW NW	1.40	1 S	25 E	WM	35		3/1 through 10/31	
NW NW*	0.70	1 S	25 E	WM	35		3/1 through 10/31	
SW NW	5.10	1 S	25 E	WM	35		3/1 through 10/31	
SW NW*	32.80	1 S	25 E	WM	35		3/1 through 10/31	
SE NW	11.60	1 S	25 E	WM	35		3/1 through 10/31	
SE NW*	13.30	1 S	25 E	WM	35		3/1 through 10/31	
NE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NE SE	3.20	1 S	25 E	WM	35		3/1 through 10/31	
NE SE*	7.30	1 S	25 E	WM	35		3/1 through 10/31	
NW SE	9.80	1 S	25 E	WM	35		3/1 through 10/31	
NW SE*	26.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SE*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SE*	31.50	1 S	25 E	WM	35		3/1 through 10/31	
SW SW	13.32	1 S	25 E	WM	36		3/1 through 9/1	9/2 through 10/31
SE SW	1.90	1 S	25 E	WM	36		3/1 through 10/31	
NE NW	13.40	2 S	25 E	WM	1		3/1 through 10/31	
NE NW	2.40	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
SE NW	2.20	2 S	25 E	WM	1		3/1 through 10/31	
SE NW	0.30	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
NE NE*	17.60	2 S	25 E	WM	2		3/1 through 10/31	
NW NE*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SW NE*	36.80	2 S	25 E	WM	2		3/1 through 10/31	
SE NE*	9.40	2 S	25 E	WM	2		3/1 through 10/31	
NE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NW NW*	39.20	2 S	25 E	WM	2		3/1 through 10/31	
SW NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NE NE*	12.00	2 S	25 E	WM	12		3/1 through 10/31	
SE NE*	24.00	2 S	25 E	WM	12		3/1 through 10/31	
NE SE*	5.00	2 S	25 E	WM	12		3/1 through 10/31	
NE NE*	19.60	2 S	26 E	WM	7		3/1 through 10/31	
NW NE*	29.70	2 S	26 E	WM	7		3/1 through 10/31	
SW NE*	34.90	2 S	26 E	WM	7		3/1 through 10/31	
SE NE*	16.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW	26.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW*	12.20	2 S	26 E	WM	7		3/1 through 10/31	
NW NW	10.00	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	17.00	2 S	26 E	WM	7		3/1 through 10/31	
SW NW*	32.30	2 S	26 E	WM	7		3/1 through 10/31	
SE NW	9.00	2 S	26 E	WM	7		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SE NW*	23.30	2 S	26 E	WM	7		3/1 through 10/31	
NE SW	4.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SW*	25.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SW*	38.50	2 S	26 E	WM	7		3/1 through 10/31	
SW SW*	38.80	2 S	26 E	WM	7		3/1 through 10/31	
SE SW*	40.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SE	15.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
NE SE*	1.70	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	11.80	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	2.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	18.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE*	13.10	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	1.40	2 S	26 E	WM	7		3/1 through 10/31	
SW SE	5.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE	30.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE*	2.80	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	6.00	2 S	26 E	WM	8		3/1 through 10/31	
SW NW*	0.50	2 S	26 E	WM	8		3/1 through 10/31	
NW SW*	3.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	9.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	1.85	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	7.00	2 S	26 E	WM	8		3/1 through 10/31	
NE NW	1.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NW NW	28.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW	4.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW*	13.20	2 S	26 E	WM	17		3/1 through 10/31	
SE NW	8.87	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SE NW*	15.63	2 S	26 E	WM	17		3/1 through 10/31	
NE SW	2.39	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NE SW*	32.51	2 S	26 E	WM	17		3/1 through 10/31	
NW SW*	33.20	2 S	26 E	WM	17		3/1 through 10/31	
SW SW*	34.50	2 S	26 E	WM	17		3/1 through 10/31	
SE SW*	39.80	2 S	26 E	WM	17		3/1 through 10/31	
NE SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE*	9.00	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE	12.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SW SE	15.80	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
SW SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE*	2.60	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE	4.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE	2.80	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE*	4.10	2 S	26 E	WM	17		3/1 through 10/31	
SE SE	4.00	2 S	26 E	WM	17	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE SE	4.20	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
NE NE*	5.10	2 S	26 E	WM	18		3/1 through 10/31	
NE NE	19.00	2 S	26 E	WM	20	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
NE NE	0.30	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
NE NE*	3.00	2 S	26 E	WM	20		3/1 through 10/31	
SE NE	1.90	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
SW NW	32.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SW NW*	0.17	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NW*	1.15	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW	16.00	2 S	26 E	WM	21	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE NW	4.50	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SE NW*	2.30	2 S	26 E	WM	21		3/1 through 10/31	
SE NW*	1.65	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NE SW	4.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW	3.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW*	2.20	2 S	26 E	WM	21		3/1 through 10/31	
SW NE	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NE NW	4.50	2 S	26 E	WM	27		3/1 through 10/31	
NW NW	4.20	2 S	26 E	WM	27		3/1 through 10/31	
SW NW	4.70	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	19.90	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	1.10	2 S	26 E	WM	27		3/1 through 10/31	
NE SW	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NW SE	2.00	2 S	26 E	WM	27		3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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

The use of water under this right is subject to the terms and conditions of Contract No. 109E101723, 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.

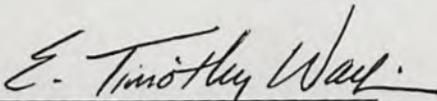
Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company.

The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
 2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
 3. 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.
 4. 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.
 5. 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.
 6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
 7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards due to reduced flows.
 8. Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
-
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued APRIL 6 2010



for Phillip C. Ward, Director
Water Resources Department

OREGON WATER RESOURCES DEPARTMENT
ACCOUNT ACTIVITY RECORD

Account Name: SCHWABIS W & W LAW OFFICE

Activity Date: Wed JAN 07 2009

Please complete and leave at the WRIG customer service counter.

Transaction Description	Number of items or hours	Project Name	Customer contact name	Department personnel providing service	Amount of Activity
Deposit to account 46114 165 new/168 existing					
Copying 46116 selfserve					
46111 agency assisted					
Faxing					
Research 46111					
Other: DEDUCT RECORDING FEE	ONE RECORDING FEE	APPLIC S-87373 WILLOW CR STORAGE	ATTY. SHONEE LANGFORD	HFW	\$ 300. ⁰⁰
Other:					

11/14/04

Your account may be required to provide an account project number per your accounting department. If required, please have your project number ready upon any service request.

Joel Plahn

From: Joel Plahn
Sent: Wednesday, October 14, 2009 10:45 AM
To: 'Langford, Shonee D.'
Subject: RE: Application S-87373
Shonee,

Page 1 of the spreadsheet gives an irrigation season of 3/1 through 10/1 for Permits G-12063 and G-12506. Note the season listed on the Permits is 3/1 through 10/31.

Thanks,
Joel

From: Langford, Shonee D. [mailto:SLangford@SCHWABE.com]
Sent: Tuesday, October 13, 2009 12:33 PM
To: Joel Plahn
Subject: RE: Application S-87373

Sounds good. Thanks.

SHONEE D. LANGFORD | Attorney at Law
SCHWABE, WILLIAMSON & WYATT
Direct: 503-540-4261 | Fax: 503-796-2900
Legal advisors for the future of your business®
www.schwabe.com

From: Joel Plahn [mailto:plahnjm@wrd.state.or.us]
Sent: Tuesday, October 13, 2009 12:07 PM
To: Langford, Shonee D.
Subject: RE: Application S-87373

Shonee,
I am going to have the file peer reviewed once I am done and then I will contact you about the land use form. I would like to have another set of eyes look at the file before I confirm the tax lots.

Thanks,
Joel

From: Langford, Shonee D. [mailto:SLangford@SCHWABE.com]
Sent: Thursday, October 08, 2009 5:54 PM
To: Joel Plahn
Subject: Application S-87373

Joel,
I still need to send you a supplemental land use form for this application. As your getting back into this file, please first take a look at the tax lots I proposed to get land use sign-off for in my letter emailed on Sept 23. I just need your confirmation that we've got the required tax lots before I send a new form to the county. Thanks.

Shonee

10/14/2009

SHONEE D. LANGFORD | Attorney at Law
SCHWABE, WILLIAMSON & WYATT
530 Center Street NE, Suite 400, Salem, OR 97301
Direct: 503-540-4261 | Fax: 503-796-2900
Email: slangford@schwabe.com <<mailto:youremail@schwabe.com>>
Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com
Legal advisors for the future of your business®
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To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

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Joel Plahn

From: Langford, Shonee D. [SLangford@SCHWABE.com]
Sent: Thursday, October 08, 2009 4:41 PM
To: Joel Plahn; Joel Plahn
Subject: RE: App S-87373 (Willow Creek) - Comments on draft

Joel - Of course I found one mistake in my changes already. In the "Authorized Place of Use" chart, the line for T 1S, R25E, Sec 28, NESE, 20 acres - I inserted "11/1" into the last column for "Primary Irrigation Season". That date should be deleted and the column should be left empty, and the column for "Supplemental Irrigation Season" should still include the change I proposed. Sorry.

SHONEE D. LANGFORD | Attorney at Law
 SCHWABE, WILLIAMSON & WYATT
 Direct: 503-540-4261 | Fax: 503-796-2900
 Legal advisors for the future of your business®
www.schwabe.com

>
 > _____
 > From: Langford, Shonee D.
 > Sent: Thursday, October 08, 2009 4:30 PM
 > To: 'Joel Plahn'; 'JOEL.M.PLAHN@WRD.STATE.OR.US'
 > Subject: App S-87373 (Willow Creek) - Comments on draft
 >
 >
 > Joel,
 > Thanks for the opportunity to review the draft POD, POU and season of use info. Please see the attached draft with a few corrections highlighted in red "track changes."
 >
 > Note the QQ change for POD 2, Harrison Map 8 and the coordinate correction for POD 3, Emert Ranches. I also thought it would make sense to put the Emert Ranches PODs in map number order with the rest of the PODs (i.e. move that block up to between McElligott and Thompson). I think the remaining changes all have to do with season of use.
 >
 > Please call if you think any of my changes are inaccurate. Thanks.
 >
 > SHONEE D. LANGFORD | Attorney at Law
 > SCHWABE, WILLIAMSON & WYATT
 > 530 Center Street NE, Suite 400, Salem, OR 97301
 > Direct: 503-540-4261 | Fax: 503-796-2900
 > Email: slangford@schwabe.com <<mailto:youreemail@schwabe.com>>
 > Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com
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 >

To comply with IRS regulations, we are required to inform you that this

10/8/2009

message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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SALEM, OREGON

1. APPLICANT INFORMATION

A. Applicants

Applicant: _____
First Last

Mailing Address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *Email Address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: Willow Creek District Improvement Company

Name and Title of Person Applying: Bernard Damon, President

c/o Martha O. Pagel, Schwabe Williamson & Wyatt

Mailing Address or Organization: 530 Center St NE, Ste. 400

Salem OR 97301
 City State Zip

Phone : 503.540.4260
Day Evening

*Fax: 503.796.2900 *Email Address: mpagel@schwabe.com

*Optional

For Department Use		
App. No. <u>587573</u>	Permit No. _____	Date _____

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Willow Creek Reservoir	Tributary to: Willow Creek
Source 2: _____	Tributary to: _____
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Permit R-10880

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

Yes

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If all sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

Yes (Please check appropriate box below then skip to section 3 'Water Use')

- There are no encumbrances
- This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below) N/A See Remarks (Section 7)

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. See Attachment 1 (deeds for affected properties)

List the names and mailing addresses of all affected landowners.

See Attachment 2	<p style="color: blue; font-weight: bold; font-size: 1.2em;">RECEIVED</p> <p style="color: blue; font-weight: bold; font-size: 1.1em;">JAN 06 2009</p> <p style="color: blue; font-weight: bold; font-size: 0.9em;">WATER RESOURCES DEPT SALEM, OREGON</p>
------------------	--

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- o If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- o If your proposed use is **irrigation**, please attach **Form I** - ATTACHED
- o If your proposed use is **mining**, attach **Form R**
- o If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- o If your proposed use is **commercial/industrial**, attach **Form Q**

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount
Willow Creek Reservoir	Irrigation	2,500 <input type="radio"/> cfs <input type="radio"/> gpm <input checked="" type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af

C. Period of Use

Indicate the time of year you propose to use the water: March 1 - October 31 *

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

*(NOTE: Joel Clark said most rights in basin start April 1 and end before October 1 but there is no defined irrigation season, so ok to ask for standard)

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 2,538.14

(This number should be consistent with your application map.)

4. WATER MANAGEMENT

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A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): _____
- Head-gate (give dimensions): _____
- other means (describe): Varies by individual user

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- other means (describe): _____

C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width Variable Depth RECEIVED

Is the ditch or canal to be lined? Yes No

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Pipe (give diameter and total length):

Diameter Variable Length _____

other, describe: _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Varies by user

Irrigation or land application method (check all that apply):

- Flood
- Drip
- Hand Lines
- Siphon tubes or gated pipe with furrows
- High pressure sprinkler
- Water Cannons
- Wheel Lines
- Low pressure sprinkler
- Center pivot system

other, describe: Varies by user

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open Canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Conservation measures vary by user

5-87373

5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions:

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

No planned action.

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- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:

No planned action.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe:

Measures vary by user.

- Other:

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Completed

Proposed date construction will be completed: Completed

Proposed date beneficial water use will begin: March 1, 2009

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Section 2(c): Pursuant to ORS 537.211(6), Applicant is not required to obtain prior written authorization or an easement permitting access to non-owned lands.

In an effort to conserve ground water resources, Applicant requests a permit condition authorizing the optional use of stored water ahead of any existing ground water rights appurtenant to the same lands.

Special water allocation provisions are included in the company's bylaws. To help ensure that the landowners properly understand the nature of their rights to use water under the permit, we request a permit condition stating that "Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company." **

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

** Please see additional remarks in the cover letter accompanying this application.

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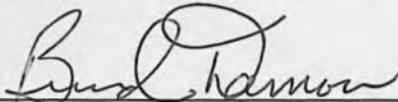
WATER RESOURCES DEPT
SALEM, OREGON

9. SIGNATURE

By my signature below I confirm that I understand:

- o I am asking to use water specifically as described in this application.
- o Evaluation of this application will be based on information provided in the application packet.
- o I cannot legally use water until the Water Resources Department issues a permit to me.
- o If I get a permit, I must not waste water.
- o If development of the water use is not according to the terms of the permit, the permit can be canceled.
- o The water use must be compatible with local comprehensive land use plans.
- o Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign.)
Bernard Damon, President of the Willow Creek District Improvement Company

1-2-09

Date

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Before you submit your application be sure you have:

- o Answered each question completely.
- o Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- o Included a Land Use Information Form or receipt stub signed by a local official.
- o Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- o Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:

www.wrd.state.or.us



Oregon Water Resources Department

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FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: _____ Acres

Secondary: 2538.14 Acres

List the permit or certificate number of the primary water right: No. See Attachment 3

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Alfalfa Full season Partial season (from: _____ to _____)
- 2. Wheat Full season Partial season (from: _____ to _____)
- 3. _____ Full season Partial season (from: _____ to _____)
- 4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

2500 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
- Two or three times weekly during daytime Two or three times weekly during nighttime
- Weekly, during daytime hours Weekly, during nighttime hours
- Other, explain: _____

CONTRACT DATA SHEET



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WATER RESOURCES DEPT
SALEM, OREGON

U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION
Managing Water in the West

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): _____
- 2) Address: _____
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number)¹
- 5) Do you own all of the land where you propose to divert and make use of water? _____

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: Willow Creek District Improvement Company
- 2) Name & Title of Applicant: Bernard Damon, President of Willow Creek District Improvement Company. Contact Person: Martha Pagel, 530 Center Street NE, Suite 400, Salem, OR 97301.
- 3) Mailing Address of Organization: 2315 Rocky Lane, Eugene, Oregon 97401
- 4) Taxpayer Identification Number: None.
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
See Attachment 1 "Willow Creek Contractors' Lands and Water Rights"
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.
See Attachment 2 for copies of Articles of Incorporation, Bylaws and board resolution.

2. Source of Water (name of stream, river) Willow Creek Reservoir, Willow Creek, Oregon

3. Proposed points of diversion: See Attachment 3 "Willow Creek Points of Diversion"

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Currently preparing application to be filed with OWRD

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit]. See Attachment 4 "Water Rights Maps".

6. Do you currently hold a right to natural flows for irrigating the property described herein? Yes*
If yes, what is/are the priority date(s)? *Rights held by individual landowners. Some lands are now irrigated by wells. The priority dates vary and are shown in Attachment 1, which also includes water right permit and certificate numbers. Requested water is for both primary and supplemental use.

Total quantity of water from storage requested: 2,500 acre-feet.

7. Location of land to be irrigated in each 40-acre tract: See Attachments 1 (chart) and 4 (water right maps).

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
					RECEIVED JAN 07 2009 <small>WATER RESOURCES DEPT SALEM, OREGON</small>

8. What is the present use of the land identified above? [*Farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)*].
Farming

9. Is the land identified above currently being irrigated? Yes If yes, what is the source? (*natural flows, wells, etc.*) Natural flow from Willow Creek, wells, and a spring. See Attachment 1 for source information for each water right.

10. Diversion must be screened to prevent uptake of fish and other aquatic life.

Describe plan(s) to comply with State/Federal fish screen standards: All the diversions are now screened except for the Hoskins/Griffith diversion. It will be screened to meet state standards. There are no listed species or migratory fish in Willow Creek in this area.

11. Telephone Number where you can be reached during the day: Martha Pagel: 503-540-4260

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE². MAKE CHECK PAYABLE TO THE U. S. BUREAU OF RECLAMATION

¹ 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.

² The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.



Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Willow Creek District Improvement Company
Mailing Address: c/o Martha O. Pagel, Schwabe Williamson & Wyatt, 530 Center St NE, Ste 400
City: Salem State: OR Zip: 97301 Day Phone: 503-540-4260

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Table with 7 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Morrow County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water, Water-Right Transfer, Exchange of Water, Allocation of Conserved Water, Limited Water Use License, Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond, Ground Water, Surface Water (name)

Estimated quantity of water needed: 2500 cubic feet per second, gallons per minute, acre-feet

Intended use of water: Irrigation, Commercial, Industrial, Domestic for household(s), Municipal, Quasi-municipal, Instream, Other

Briefly describe: Use of stored water from Willow Creek Reservoir

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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SALEM, OREGON

3-87373

For Local Government Use Only

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

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the 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): 3.010 MC20

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Carla McLanges Title: Planning Director
 Signature: [Signature] Phone: 541 922 4624 Date: 10 Dec, 2008
 Government Entity: Morrow County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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ATTACHMENT

(Land Use Information Form)

Landowners	Tax Lot Descriptions
Bernard E. Damon Jean M. Damon Trustees of the Damon Joint Trust	Tax lots 1201, 1500 and 2200, located in Sections 7, 8, 17, 18, 20, 21, 28, 29, 32 and 33; all in Township 2 South, Range 26 East, W.M. Total irrigated acres: 285.16
Brian S. Thompson Susan J. Thompson	Tax lots 1202 and 1203, located in Sections 7 and 8; all in Township 2 South, Range 26 East, W.M. Total irrigated acres: 375.90
Charles A. Bloodworth William C. Bloodworth	Tax lot 300, located in Sections 1, 12 and 13, all in Township 2 South, Range 25 East, W.M. Total irrigated acres: 41.00
Terry E. Thompson Karen J. Thompson	Tax lot 2100, located in Section 17 of Township 2 South, Range 26 East, W.M. Total irrigated acres: 213.10
Duane Neiffer Linda Neiffer	Tax lot 4900, located in Sections 27 and 28, all in Township 1 South, Range 25 East, W.M. Total irrigated acres: 164.00
Andre Meyer Kathleen L. Meyer	Tax lot 4500, located in Sections 34 and 35, all in T 1 South, Range 25 East, W.M.; and tax lot 500, located in Section 2 of T 2 South, Range 25 East, W.M. Total irrigated acres: 945.60
Emert Ranches, Inc.	Tax lot 400, located in Sections 2, 3, 9, 10, 11, 15, 16, 17, 20, 21, 22, 27 and 28, all in T 1 South, Range 24 East, W.M. Total irrigated acres: 281.39

John J. Griffith Karen Smith-Griffith	Tax lots 402 and 901, located in Section 27 of Township 2 South, Range 26 East, W.M. Total irrigated acres: 5.10
Kathryn Hoskins	Tax Lot 4300, located in Sections 27, 28, 33 and 34, all in Township 2 South, Range 26 East, W.M. Total irrigated acres: 33.30
Lawrence Jerome McElligott, Trustee of the Lawrence Jerome McElligott Revocable Living Trust	Tax lot 200, located in Sections 1 and 12, all in Township 1 South, Range 24 East, W.M. Total irrigated acres: 92.00
Travis L. Harrison Kirsten M. Harrison	Tax lot 3401, located in Sections 20, 21 and 28, all in Township 1 South, Range 25 East, W.M. Total irrigated acres: 68.07
Richard R. Temple Karen S. Temple	Tax lots 6200 and 6412, located in Sections 35 and 36, all in Township 1 South, Range 25 East, W.M. Total irrigated acres: 13.32
Cristopher Shattuck Laurie A. Barrow	Tax lot 6309, located in Section 36, Township 1 South, Range 25 East; and tax lots 100, 4102 and 4103 in Section 1, Township 2 South, Range 25 East, W.M. Total irrigated acres: 20.20

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SALEM, OREGON

S-873B2-



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

SHONEE D. LANGFORD

Direct Line: Salem 503-540-4261; Portland 503-796-2896

E-Mail: slangford@schwabe.com

January 6, 2008

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JAN 06 2009

WATER RESOURCES DEPT
SALEM, OREGON

Tim Wallin
Manager, Water Rights Section
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

Re: Application for Permit to Use Stored Water - Willow Creek District Improvement Company
Our File No.: 110676/132994

Dear Tim:

Enclosed is an Application for a Permit to Use Surface Water for filing on behalf of the Willow Creek District Improvement Company (the "Company"). This application requests permission to use up to 2,500 acre-feet of stored water from the Willow Creek Reservoir, and is filed pursuant to the expedited process provided in ORS 537.147 and OAR 690-340-0060. Also enclosed are several checks from Company members, which together cover the application fee of \$2,890 (\$250 base fee + \$150 for the first 10 acre-feet + \$2490 for the remaining 2490 acre-feet).

The Company has filed an application with the United States Bureau of Reclamation for a long-term contract authorizing the proposed use and expects to have a contract in place before the 2009 irrigation season. A copy of the contract will be provided prior to permit issuance, as required by OAR 690-310-0040(1)(d). The Company has provided written notice of the application to the operator of the reservoir and has enclosed a copy of the notice, pursuant to OAR 690-310-0040.

A vital component of this application is the Company's request for a permit condition that would allow optional use of stored water ahead of existing ground water rights. This request is addressed in the "Remarks" section of the application form. I discussed this matter with Mike Ladd and he indicated that you and he were in agreement that a permit condition of this nature should be allowable in the interest of conserving ground water resources.

Additionally, the Company has adopted special rules regarding the allocation of stored water among Company members in the event that this application is approved. Those rules are specified in the Company's bylaws. To help ensure that members/landowners properly

Portland, OR 503.222.9981 | Salem, OR 503.540.4262 | Bend, OR 541.749.4044
Seattle, WA 206.622.1711 | Vancouver, WA 360.694.7551 | Washington, DC 202.488.4302

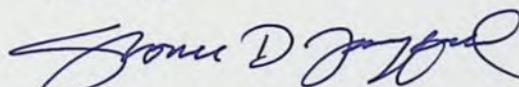
PDX/110676/132994/SDL/3148226.1

Tim Wallin
January 6, 2008
Page 2

understand the nature of their rights to use water under the permit (especially future landowners who did not participate in formation of the Company), we request a permit condition stating that "Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company." This would help reduce the potential for future misunderstandings and conflicts concerning the relative rights of individual water users. This request has been noted in the "Remarks" section of the application form.

Please let me know if you foresee any problems with including the above permit conditions or if you have any questions or need additional information.

Sincerely,



Shonee D. Langford

SDL:kdo
Enclosure
cc: Bernard Damon (w/encl.)

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SALEM, OREGON





SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

FILE

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

SHONEE D. LANGFORD

Direct Line: Salem 503-540-4261; Portland 503-796-2896

E-Mail: slangford@schwabe.com

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November 26, 2008

Bill Parks
Economist
U.S. Bureau of Reclamation, PN -3324
Repayment & Acreage Limitation
1150 North Curtis Rd., Suite 100
Boise, ID 83706-1234

Arthur Armour
U.S. Army Corps of Engineers
Portland District (CENWP-EC-HR)
P.O. Box 2946
Portland, OR 97208

Re: Notice of Water Right Application
Our File No.: 110676/132994

Dear Bill and Arthur:

The Willow Creek District Improvement Company (the "Company") hereby provides notice to the United States Bureau of Reclamation and Army Corps of Engineers that it is filing an application with the Oregon Water Resources Department for use of stored water in the Willow Creek Reservoir. The Company is requesting permission to use up to 2500 acre-feet of stored water for irrigation. State administrative rules require the Company to provide this notice to the operator of the reservoir.

Please let me know if you have any questions regarding this matter.

Sincerely,

Shonee D. Langford

SDL:kdo

cc: Bernard Damon

ATTACHMENT 2

(Section 2(C) of Application)

The names and addresses of all affected landowners are:

Bernard E. Damon Jean M. Damon 2315 Rocky Lane Eugene, OR 97401	Emert Ranches, Inc. Mary C. Emert 61940 Hwy 74 Box 251 Ione, OR 97843
Brian S. Thompson Susan J. Thompson 55805 Highway 74 Heppner, OR 97836-7210	John J. Griffith Karen Smith-Griffith PO Box 433 Heppner, OR 97836
Charles A. Bloodworth William C. Bloodworth 81166 N Ott Rd Hermiston, OR 97838	Kathryn Hoskins 53542 Hwy 74 Heppner, OR 97836
Terry E. Thompson Karen J. Thompson 72948 Bunker Hill Lane Heppner, OR 97836	Lawrence Jerome McElligott 61180 Hwy 74 Ione, OR 97843
Duane Neiffer Linda Neiffer 67795 McNab Lane Ione, OR 97843	Travis L. Harrison Kirsten M. Harrison 58906 Hwy 74 Lexington, OR 97839
Andre Meyer Kathleen L. Meyer 57736 Hwy 74 PO Box 459 Lexington, OR 97839	Richard R. Temple Karen S. Temple PO Box 427 Lexington, OR 97839
Cristopher Shattuck Laurie A. Barrow PO Box 295 Heppner, OR 97836	

Herb Mosgar

From: Langford, Shonee D. [SLangford@SCHWABE.com]
Sent: Wednesday, January 07, 2009 9:54 AM
To: Herb Mosgar
Cc: Steve Applegate
Subject: Application 87373 (Willow Creek)

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WATER RESOURCES DEPT
SALEM, OREGON

Attachments: Attached Image



Attached Image

Herb,

Per your request, I have attached a copy of the cover letter and contract data sheet we submitted to the Bureau of Reclamation. Steve Applegate will be coming in soon to find a copy of the reservoir map you requested, which should be in the permit file for the Willow Creek reservoir. He will add whatever is necessary to meet current mapping requirements and provide the map to you for inclusion with the above-referenced application.

<<Attached Image>>

Thank you.

SHONEE D. LANGFORD | Attorney at Law
SCHWABE, WILLIAMSON & WYATT
530 Center Street NE, Suite 400, Salem, OR 97301
Direct: 503-540-4261 | Fax: 503-796-2900
Email: slangford@schwabe.com <mailto:youremail@schwabe.com>
Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com Legal advisors for the future of your business® www.schwabe.com

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

NOTICE: This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

FILE

Equitable Center, 530 Center St, NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

MARTHA O. PAGEL

Admitted in Oregon and Washington

Direct Line: Salem 503-540-4260; Portland 503-796-2872

E-Mail: mpagel@schwabe.com

October 2, 2008

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SALEM, OREGON

Bill Parks
Economist
U.S. Bureau of Reclamation, PN -3324
Repayment & Acreage Limitation
1150 North Curtis Rd., Suite 100
Boise, ID 83706-1234

Re: Application for Long-Term Contract for Willow Creek Group
Our File No.: 110676/132994

Dear Bill:

Enclosed for filing is an application for a water services contract for the use of stored water from the Willow Creek Reservoir on behalf of the Willow Creek District Improvement Company (the "Company"). The application package includes a completed contract data sheet and supporting documentation. Also enclosed are checks from individual members of the company in payment of the \$4000.00 in required fees, including the contract administration fee, land classification study fee, and the review fee for the ability-to-pay study. I will serve as the contact person for this application.

The Company is a special district under Oregon law, formed under Oregon Revised Statutes chapter 554, for the primary purpose of contracting with the Bureau of Reclamation on behalf of individual landowners. The Company has statutory authority to contract on its members' behalf and to collect charges for water delivered under contract with the Bureau of Reclamation ("Reclamation").

We understand that the filing of this application and payment of fees will enable you to prepare a Basis of Negotiation ("BON"). The Company has identified certain contract terms that it would like you to address in the BON, to ensure that the preliminary authorization for contract negotiations is broad enough to cover the issues of greatest importance to the Company. We respectfully request that the following terms be included in the BON:

- **Advance Payment.** The Company is requesting a contract for a total of up to 2500 acre-feet of stored water annually. However, the Company desires the ability to

Portland, OR 503.222.9981 | Salem, OR 503.540.4262 | Bend, OR 541.749.4044
Seattle, WA 206.622.1711 | Vancouver, WA 360.694.7551 | Washington, DC 202.488.4302

PDX/110676/132994/SDL/2920684.2

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SALEM, OREGON

request and pay in advance for a lesser amount of water in any given year, depending on the needs of its members. We propose a contract provision that would allow the Company to request a lesser amount of water, including no water at all, during any given year. We understand that the Company's rights under such a provision would be subject to a minimum charge requirement (see below), and that Reclamation has approved such provisions in other water services contracts.

The Company also would like the option of requesting additional water during the irrigation season, up to the full contract amount, if one or more of its members discover a need for more water than was requested and paid for prior to the irrigation season. The Company would expect to pay in advance for any additional water deliveries.

- **Minimum Charge.** We understand that you may be considering a proposed annual minimum charge of 25 percent of the total amount that would be due for the requested 2500 acre-feet. We believe that 25 percent would be excessive under the circumstances.

As recently as 2007, the temporary Willow Creek contracts have provided for a \$2 per acre minimum charge. The charge per acre increased dramatically in 2008, up to \$9 per acre. Extrapolating a \$2 per acre charge to the current acreage under consideration would result in a minimum charge of approximately \$5,000. In contrast, a 25 percent rate (approximately \$9 per acre) for 2,500 acre feet would result in a minimum charge in excess of \$20,000.

We understand that the general concept for establishing a minimum charge is to protect and recover federal expenditures, regardless if water is taken or not. For the following reasons, we would expect the government's risk of incurring unrecoverable costs to be very low in the event that the Company does not take water in a given year: (1) as the Company will take delivery at its points of diversion, no additional or incremental delivery facilities will be required from the Corps or Reclamation, (2) once the contract is in place, Reclamation should incur only minor costs for contract administration, (3) the Corps should incur only minimal costs for seasonal outlet gate changes at Willow Creek Dam, and such costs will be recovered through O&M charges, and (4) the Company will pay the full costs for monitoring and management of individual water deliveries by the Oregon Water Resources Department.

Given these special circumstances, we propose an annual minimum charge of approximately \$2 to \$4 per acre.

- **Refunds.** In lieu of a credit that would carry over to the next year, the Company requests a contract provision that would provide for a refund of any payment for water that is not used during the year in which it is requested and paid for by the Company. We believe that a refund provision would further Reclamation's strong policies in favor of water conservation, by encouraging irrigators to use only what they need. Due to the variability of water supply in the Willow Creek basin the need for storage water can vary



Bill Parks
October 2, 2008
Page 3

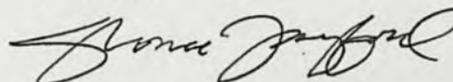
from year-to-year. In addition, cash management is critical to the successful formation and operation of the newly established Company. The Company and its members have currently expended approximately \$75,000 on this effort. The Company is also considering the need to establish a contingency reserve fund by assessing member irrigators. Further, the Oregon Water Resources Department has indicated that if additional measuring sites are needed along Willow Creek the cost of installation and monitoring will be the responsibility of the Company. For all of these reasons, we believe that a refund provision would be reasonable and appropriate.

- **Termination.** The Company requests a termination provision that would grant the Company an unconditional right to terminate the water services contract upon written notice to Reclamation. We would expect the provision to require notice of termination before a specified annual deadline in order to release the Company from liability for any minimum charge or other obligations associated with the upcoming irrigation season.

- **Maximum Acreage.** The Final Environmental Assessment does not expressly limit the number of acres that can be irrigated in a given year, although it notes that the stored water would serve "about" 2,500 acres of land (see page 8). Consistent with the flexibility provided in the Final Environmental Assessment, the enclosed application requests water for a total of 2,538.14 acres. The Company requests that the contract allow irrigation of up to the maximum of 2,538.14 acres annually, subject to the maximum annual volume limitation of 2,500 acre-feet. The Company will allocate water among its members as specified in its Bylaws (enclosed).

Thank you for your assistance. If you have any questions or need additional information please let me know.

Sincerely,



for Martha O. Pagel

Enclosure

cc: Bernard Damon (w/encl.)
Malcolm Hoskins (w/o encl.)
Andre and Kathy Meyer (w/o encl.)
Joe McElligott (w/o encl.)
Duane Neiffer (w/o encl.)
Brian Thompson (w/o encl.)
Travis Harrison (w/o encl.)
Richard Temple (w/o encl.)
Cristopher Shattuck and Laurie Barrow (w/o encl.)
Eric Glover (w/o encl.)
Al Reiners (w/o encl.)

RECEIVED

JAN 07 2009

WATER RESOURCES DEPT
SALEM, OREGON



STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

WILLOW CREEK DISTRICT IMPROVEMENT CO.
530 CENTER ST NE, SUITE 400
SALEM OR 97301

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

APPLICATION FILE NUMBER: S-87373

SOURCE OF WATER: WILLOW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-10880, TRIBUTARY TO WILLOW CREEK

USE: PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2538.14 ACRES

MAXIMUM VOLUME: 2500.0 ACRE FEET

DATE OF PRIORITY: JANUARY 6, 2009

PERIOD: SEE TABLE BELOW

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM SW CORNER, SECTION 35

Authorized Points of Diversion (POD):

HOSKINS MAP #1	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	27	SE NW	1810 FEET SOUTH AND 400 FEET WEST FROM N1/4 CORNER, SECTION 27
POD 3	2 S	26 E	WM	27	SW NE	2510 FEET SOUTH AND 200 FEET EAST FROM N 1/4 CORNER, SECTION 27

DAMON MAP #2A & 2B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	8	SW SW	100 FEET NORTH AND 550 FEET EAST FROM SW CORNER, SECTION 8
POD 2	2 S	26 E	WM	21	NE SW	2150 FEET NORTH AND 1300 FEET WEST FROM S1/4 CORNER, SECTION 21
POD 3	2 S	26 E	WM	21	SW SE	50 FEET NORTH AND 1150 FEET EAST FROM S1/4 CORNER, SECTION 21

NEIFFER MAP #3A & 3B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 27
POD 2	1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM SE CORNER, SECTION 28
POD 3	1 S	23 E	WM	1	SW SE	100 FEET NORTH AND 1340 FEET WEST FROM SE CORNER, SECTION 1

McELIGOTT MAP #4	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	24 E	WM	12	SE NE	50 FEET NORTH AND 1960 FEET EAST FROM C1/4 CORNER, SECTION 12

EMERT RANCHES MAP #5	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 2	1S	24 E	WM	11	SE NE	2120 FEET SOUTH AND 30 FEET WEST FROM NE CORNER, SECTION 11
POD 3	1S	24 E	WM	11	SW NE	1400 FEET SOUTH AND 1000 FEET EAST FROM N 1/4 CORNER, SECTION 11
POD 4	1S	24 E	WM	11	SE NW	1750 FEET SOUTH AND 2060 FEET EAST FROM NW CORNER, SECTION 11
POD 5	1S	24 E	WM	10	NE NE	20 FEET SOUTH AND 1240 FEET WEST FROM NE CORNER, SECTION 10

THOMPSON MAP #6B & 6C	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	26 E	WM	7	SE NW	2350 FEET SOUTH AND 3040 FEET WEST FROM NE CORNER, SECTION 7
POD 2	2S	26 E	WM	17	NE SW	800 FEET SOUTH FROM C1/4 CORNER, SECTION 17

MEYER MAP #7	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1 S	25 E	WM	35	NE SE	1540 FEET NORTH AND 2100 FEET EAST FROM S1/4 CORNER, SECTION 35

HARRISON MAP #8	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM NW CORNER, SECTION 28
POD 2	1S	25 E	WM	20	NW SE	1695 FEET NORTH AND 1325 FEET WEST FROM SE CORNER, SECTION 20

TEMPLE MAP #9	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	36	SW SW	560 FEET NORTH AND 450 FEET EAST FROM SW CORNER, SECTION 36
POD 2	2 S	25 E	WM	1	SW NE	910 FEET NORTH AND 140 FEET EAST FROM C1/4 CORNER, SECTION 1

SHATTUCK /BARROW MAP #10	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	25 E	WM	1	SW NE	920 FEET NORTH AND 160 FEET EAST FROM C1/4 CORNER, SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use: (* represents land with existing ground water right for primary irrigation)

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	4.40	1 S	23 E	WM	1		3/1 through 10/31	
NE SW*	1.30	1 S	23 E	WM	1		3/1 through 10/31	
NW SW*	27.10	1 S	23 E	WM	1		3/1 through 10/31	
SW SW*	20.70	1 S	23 E	WM	1		3/1 through 10/31	
SE SW*	16.30	1 S	23 E	WM	1		3/1 through 10/31	
SW SE*	0.70	1 S	23 E	WM	1		3/1 through 10/31	
NE SE*	2.60	1 S	23 E	WM	2		3/1 through 10/31	
SE SE*	0.10	1 S	23 E	WM	2		3/1 through 10/31	
NW NE*	22.90	1 S	23 E	WM	12		3/1 through 10/31	
NE NW*	14.20	1 S	23 E	WM	12		3/1 through 10/31	
NW NW*	0.70	1 S	23 E	WM	12		3/1 through 10/31	
SW SW	1.50	1 S	24 E	WM	2		3/1 through 10/31	
SE SW	5.20	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SE SW	3.00	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SE SW	4.00	1 S	24 E	WM	3		3/1 through 10/31	
SE SW	1.10	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	1.80	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SW SE	4.30	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	0.40	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SW SE	15.40	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	2.70	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	6.80	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	12.50	1 S	24 E	WM	3		3/1 through 10/31	
NE NE	2.70	1 S	24 E	WM	10		3/1 through 10/31	
NE NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NE NE	5.00	1 S	24 E	WM	10		3/1 through 10/31	
NW NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NE	1.00	1 S	24 E	WM	10		3/1 through 10/31	
NE NW	22.65	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NW	3.40	1 S	24 E	WM	10		3/1 through 10/31	
NW NW	9.00	1 S	24 E	WM	10		3/1 through 9/30	10/1 through 10/31
NW NE	1.70	1 S	24 E	WM	11		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NE	0.10	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NE	1.40	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	11.70	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	5.00	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	17.30	1 S	24 E	WM	11		3/1 through 10/31	
SW NE	3.10	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	3.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NE	5.20	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	22.20	1 S	24 E	WM	11		3/1 through 10/31	
NE NW	13.70	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	4.40	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	13.40	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NW NW	2.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NW	3.80	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	2.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	5.30	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
SW NW	0.30	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	5.11	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	6.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NW	5.80	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	2.33	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NE SE	10.90	1 S	24 E	WM	11		3/1 through 10/31	
NW SE	1.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	17.00	1 S	24 E	WM	12		3/1 through 10/31	
SE NW	5.00	1 S	24 E	WM	12		3/1 through 10/31	
NE SW	28.00	1 S	24 E	WM	12		3/1 through 10/31	
NW SW	29.00	1 S	24 E	WM	12		3/1 through 10/31	
SE SW	13.00	1 S	24 E	WM	12		3/1 through 10/31	
SW NW	5.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW NW	7.18	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	1.21	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	5.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NE SW	18.14	1 S	25 E	WM	20		3/1 through 10/31	
NW SW	1.54	1 S	25 E	WM	20		3/1 through 10/31	
NE SE	2.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NW SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SE SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW SW	13.00	1 S	25 E	WM	21		3/1 through 8/1	8/2 through 10/31
SW NE	18.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NW	5.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SE NW	8.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE SE	20.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 10/31	
NW SE	1.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NE	11.20	1 S	25 E	WM	34		3/1 through 10/31	
NE NE*	4.50	1 S	25 E	WM	34		3/1 through 10/31	
NW NE	1.00	1 S	25 E	WM	34		3/1 through 10/31	
NW NE*	16.20	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	39.30	1 S	25 E	WM	34		3/1 through 10/31	
SE NE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NE NW*	10.90	1 S	25 E	WM	34		3/1 through 10/31	
NW NW*	21.90	1 S	25 E	WM	34		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	30.40	1 S	25 E	WM	34		3/1 through 10/31	
SE NW*	16.80	1 S	25 E	WM	34		3/1 through 10/31	
NE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NW SE*	34.40	1 S	25 E	WM	34		3/1 through 10/31	
SW SE*	30.10	1 S	25 E	WM	34		3/1 through 10/31	
SE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	0.40	1 S	25 E	WM	35		3/1 through 10/31	
SW NE	2.80	1 S	25 E	WM	35		3/1 through 10/31	
NW NW	1.40	1 S	25 E	WM	35		3/1 through 10/31	
NW NW*	0.70	1 S	25 E	WM	35		3/1 through 10/31	
SW NW	5.10	1 S	25 E	WM	35		3/1 through 10/31	
SW NW*	32.80	1 S	25 E	WM	35		3/1 through 10/31	
SE NW	11.60	1 S	25 E	WM	35		3/1 through 10/31	
SE NW*	13.30	1 S	25 E	WM	35		3/1 through 10/31	
NE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NE SE	3.20	1 S	25 E	WM	35		3/1 through 10/31	
NE SE*	7.30	1 S	25 E	WM	35		3/1 through 10/31	
NW SE	9.80	1 S	25 E	WM	35		3/1 through 10/31	
NW SE*	26.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SE*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SE*	31.50	1 S	25 E	WM	35		3/1 through 10/31	
SW SW	13.32	1 S	25 E	WM	36		3/1 through 9/1	9/2 through 10/31
SE SW	1.90	1 S	25 E	WM	36		3/1 through 10/31	
NE NW	13.40	2 S	25 E	WM	1		3/1 through 10/31	
NE NW	2.40	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
SE NW	2.20	2 S	25 E	WM	1		3/1 through 10/31	
SE NW	0.30	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
NE NE*	17.60	2 S	25 E	WM	2		3/1 through 10/31	
NW NE*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SW NE*	36.80	2 S	25 E	WM	2		3/1 through 10/31	
SE NE*	9.40	2 S	25 E	WM	2		3/1 through 10/31	
NE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NW NW*	39.20	2 S	25 E	WM	2		3/1 through 10/31	
SW NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NE NE*	12.00	2 S	25 E	WM	12		3/1 through 10/31	
SE NE*	24.00	2 S	25 E	WM	12		3/1 through 10/31	
NE SE*	5.00	2 S	25 E	WM	12		3/1 through 10/31	
NE NE*	19.60	2 S	26 E	WM	7		3/1 through 10/31	
NW NE*	29.70	2 S	26 E	WM	7		3/1 through 10/31	
SW NE*	34.90	2 S	26 E	WM	7		3/1 through 10/31	
SE NE*	16.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW	26.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW*	12.20	2 S	26 E	WM	7		3/1 through 10/31	
NW NW	10.00	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	17.00	2 S	26 E	WM	7		3/1 through 10/31	
SW NW*	32.30	2 S	26 E	WM	7		3/1 through 10/31	
SE NW	9.00	2 S	26 E	WM	7		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SE NW*	23.30	2 S	26 E	WM	7		3/1 through 10/31	
NE SW	4.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SW*	25.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SW*	38.50	2 S	26 E	WM	7		3/1 through 10/31	
SW SW*	38.80	2 S	26 E	WM	7		3/1 through 10/31	
SE SW*	40.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SE	15.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
NE SE*	1.70	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	11.80	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	2.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	18.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE*	13.10	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	1.40	2 S	26 E	WM	7		3/1 through 10/31	
SW SE	5.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE	30.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE*	2.80	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	6.00	2 S	26 E	WM	8		3/1 through 10/31	
SW NW*	0.50	2 S	26 E	WM	8		3/1 through 10/31	
NW SW*	3.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	9.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	1.85	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	7.00	2 S	26 E	WM	8		3/1 through 10/31	
NE NW	1.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NW NW	28.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW	4.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW*	13.20	2 S	26 E	WM	17		3/1 through 10/31	
SE NW	8.87	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SE NW*	15.63	2 S	26 E	WM	17		3/1 through 10/31	
NE SW	2.39	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NE SW*	32.51	2 S	26 E	WM	17		3/1 through 10/31	
NW SW*	33.20	2 S	26 E	WM	17		3/1 through 10/31	
SW SW*	34.50	2 S	26 E	WM	17		3/1 through 10/31	
SE SW*	39.80	2 S	26 E	WM	17		3/1 through 10/31	
NE SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE*	9.00	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE	12.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SW SE	15.80	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
SW SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE*	2.60	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE	4.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE	2.80	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE*	4.10	2 S	26 E	WM	17		3/1 through 10/31	
SE SE	4.00	2 S	26 E	WM	17	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE SE	4.20	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
NE NE*	5.10	2 S	26 E	WM	18		3/1 through 10/31	
NE NE	19.00	2 S	26 E	WM	20	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
NE NE	0.30	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
NE NE*	3.00	2 S	26 E	WM	20		3/1 through 10/31	
SE NE	1.90	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
SW NW	32.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SW NW*	0.17	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NW*	1.15	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW	16.00	2 S	26 E	WM	21	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE NW	4.50	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SE NW*	2.30	2 S	26 E	WM	21		3/1 through 10/31	
SE NW*	1.65	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NE SW	4.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW	3.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW*	2.20	2 S	26 E	WM	21		3/1 through 10/31	
SW NE	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NE NW	4.50	2 S	26 E	WM	27		3/1 through 10/31	
NW NW	4.20	2 S	26 E	WM	27		3/1 through 10/31	
SW NW	4.70	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	19.90	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	1.10	2 S	26 E	WM	27		3/1 through 10/31	
NE SW	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NW SE	2.00	2 S	26 E	WM	27		3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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

The use of water under this right is subject to the terms and conditions of Contract No. 109E101723, 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.

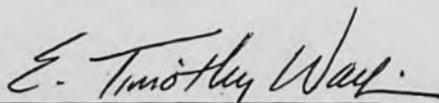
Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company.

The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
 2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
 3. 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.
 4. 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.
 5. 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.
 6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
 7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards due to reduced flows.
 8. Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
-
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued APRIL 6 2010



for Phillip C. Ward, Director
Water Resources Department

R05384 01S24-02700 PALMER, GENEVA J RT 1 BOX 45 IONE, OR 97843 60802 HWY 74, 381.37

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SALEM, OREGON

227

B48-227

Federal Land Bank of Spokane
 to
 Marion W. Palmer & ux

COMPARED

69000-

DEED

THIS INSTRUMENT, made this 1st day of December, 1943, between THE FEDERAL LAND BANK OF SPOKANE, a corporation organized and existing under the act of Congress known as the Federal Land Loan Act, as amended, with its principal place of business in the City of Spokane, County of Spokane, State of Washington, the party of the first part, and MARION W. PALMER and GENEVA JUANITA PALMER, husband and wife, of Iona, Oregon, parties of the second part,

WITNESSETH: That the party of the first part, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Warrant to the parties of the second part, and to their heirs and assigns forever, the following described real estate, situate in the County of Morris, State of Oregon, to-wit:

The East Half of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the Northeast Quarter of the Southeast Quarter, and the West Half of the Southeast Quarter of Section Thirteen, and Lot Two of Section Twenty-four, all in Township One South, Range Twenty-four East of the Willamette Meridian,
 (\$7.15 I. R. 3.)

Together with all the tenements, hereditaments, rights, privileges and appurtenances therunto belonging, and all waters and water rights, and all watering and irrigating apparatus and fixtures which are appurtenant to or incident to the ownership of said premises; but nothing herein contained shall be construed as a warranty of any water right.

To Have and To Hold said premises unto the parties of the second part their heirs and assigns forever, subject to the following:

1. Unpaid taxes, assessments and water charges, including but not limited to those levied or imposed by the United States Reclamation or Indian Service or by any water or irrigation or drainage district or company, and all other unpaid charges, liens or assessments imposed by law on the above described property, becoming due subsequent to the year 1937.
2. Any lien imposed by law by reason of the outstanding indebtedness of any drainage, irrigation or other special improvement district; and any lien or encumbrance revived or placed on said property by, through or under the parties of the second part.
3. The exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the state in which said land is situate, or in deeds from railway companies; and any and all easements, rights of way for railroads, roads or highways or other servitudes.

The party of the first part hereby covenants that, except as hereinabove stated, it will forever Warrant and Defend the title to said premises and the quiet and peaceable possession thereof unto the said parties of the second part, or their assigns, against all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the party of the first part has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed by its proper and duly authorized officers.

THE FEDERAL LAND BANK OF SPOKANE
 By J. C. Fish, Vice-President

ATTEST:
 Willard H. Rees
 Willard H. Rees Assistant Secretary

(Corporate Seal)

STATE OF WASHINGTON }
 COUNTY OF SPOKANE } ss.

On this 1st day of December 1943, before me (a notary public in and for the above named state) personally appeared J. C. FISH to be known to be the Vice-President of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and that it executed the same, and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

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

(Notarial Seal)

Evelyn DeCamp
 Notary Public in and for the State of Washington
 Residing at Spokane, Washington
 My commission expires January 7, 1945

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 SALEM, OREGON

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BOOK 54 PAGE 366

Know ALL MEN BY THESE PRESENTS, that G. A. (also known as G. A. STEVENS) STEVENS, a single man, of Morrow County, State of Oregon, the party of the first, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration to him paid by DANIEL ALONZO PALMER and GENEVA PALMER, husband and wife, of Morrow County, State of Oregon, the parties of the second part, has bargained and sold and by these present, does grant, bargain, sell and convey unto said parties of the second part all the following described real property situate in Morrow County, State of Oregon, to-wit:

The South half of the Northeast quarter and the North half of the Southeast quarter and the Southeast quarter of the Southeast quarter of Section Twelve (12), in Township one (1) South, Range twenty-four (24), East of the Willamette Meridian, ALSO Lots three (3) and four (4) and the Southeast quarter of the Southwest quarter of Section seven (7), in Township one (1) South, Range Twenty-five (25), East of the Willamette Meridian.
HAVE AND EXCEPT THE FOLLOWING TRACT.
Beginning at a point, the point which is the center of Section Twelve (12) in Township one (1) South, Range Twenty-four (24) East of the Willamette Meridian, thence North 150 feet, thence South 85° 30' East 500 feet, thence South 53° 00' West 450 feet, thence South 51° 00' West 500 feet, thence North 490 feet to the point of beginning containing 5.87 acres.

together with the tenements, here tenements and appurtenances thereto belonging or in anywise appertaining.

TO HAVE and TO HOLD said real property unto the parties of the second part their heirs and assigns forever; and the party of the first part does covenant to and with the parties of the second part that he is lawfully seized in fee simple of said real property and that the same is free from all encumbrances and that he will and his heirs, executors and administrators shall warrant and forever defend said real property against the lawful claims and demands of all persons whomsoever.

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IN WITNESS WHEREOF, the party of the first part has hereunto set this hand and seal this 12 day of September 1951.

G. A. Pettis (seal)

STATE OF OREGON)
County of Morrow,) ss:

THIS CERTIFY'S, that on this 12 day of September 1951, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named, G. A. PETTIS, a single man, to me personally known to be the identical person described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial Seal the day and year first in this my certificate written.

Joseph H. ...
Notary Public
My commission expires April 17, 1955

DEEDS
COUNTY OF MURROW 80508

I Certify that the within instrument was received for filing for record as the ...
day of Sept. 19 51, at 11:17 A.M.
and duly recorded to book 54 page 356-57
Deeds.

J. W. ...



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SALEM, OREGON

POSTED

Indexed

Oregon 02080
4-1023
(April 1959)

STATE OF OREGON, COUNTY OF TILLAMOOK.
This land was sold to the United States by the 33rd lot of
July, 1953 at 4:14 P.M. and duly recorded in Book 57, page 15.
W. W. Barlow, Cl. 74

By J. L. Smith
Deputy

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at Portland, Oregon,
is now deposited in the Bureau of Land Management, whereby it appears that full payment has been
made by the claimants **Marion A. Palmer and Geneva J. Palmer,**
according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further
provision for the sale of the Public Lands," and the acts supplemental thereto, for the following-
described land:

Willamette Meridian, Oregon.

T. 1 S., R. 24 E.,

Sec. 12, ~~N. 2 E. 1/4~~.

The area described contains 80 acres,
according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in
conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND
GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimants and to the heirs of
the said claimants the tract above described; TO HAVE AND TO HOLD the same, together with all the
rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the
said claimants and to the heirs and assigns of the said claimants forever; subject to any vested and
accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches
and reservoirs used in connection with such water rights, as may be recognized and acknowledged by
the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a
right-of-way thereon for ditches or canals constructed by the authority of the United States. Except-
ing and reserving, also, to the United States, pursuant to the provisions of the Act of August 1, 1946
(60 Stat., 755), all uranium, thorium or any other material which is or may be determined to be
peculiarly essential to the production of fissionable materials, whether or not of commercial value,
together with the right of the United States through its authorized agents or representatives at any
time to enter upon the land and prospect for, mine, and remove the same.

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WATER RESOURCES DIV
SALEM, OREGON

IN TESTIMONY WHEREOF, the undersigned authorized officer of
the Bureau of Land Management, in accordance with the
provisions of the Act of June 17, 1948 (62 Stat., 476), has,
in the name of the United States, caused these letters to be
made Patent, and the Seal of the Bureau to be hereunto
affixed.

GIVEN under my hand, in the District of Columbia, the
TWENTY-SECOND day of JUNE in the year of
our Lord one thousand nine hundred and FIFTY-TWO
and of the Independence of the United States the one hundred
and SEVENTY-SEVENTH.

[SEAL]

For the Director, Bureau of Land Management.

By Rose M. Beall
Acting Chief, Patents Section

Patent Number 1139639

R01646 02S26-02201 PORT OF MORROW PO BOX 200 BOARDMAN, OR 97818-0200

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WATER RESOURCES DEPT
SALEM, OREGON

216
MCTC

Recording
M-2000-2058

AFTER RECORDING RETURN TO:

Port of Morrow
P.O. 200
Boardman, OR 97818

UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO:

M-59984

BARGAIN AND SALE DEED

KINZUA RESOURCES, L.L.C., an Oregon limited liability company, Grantor, convey to the **PORT OF MORROW**, Grantee, the improved real property described in Exhibit A attached hereto, including the residence located thereon (the "Conveyed Property").

For the benefit of the real property described in Exhibit B attached hereto ("Grantor's Property"), the Conveyed Property shall not be used for the primary breakdown or the processing of trees into any type of forest product, including, without limitation lumber, chips, etc. The foregoing restrictive covenant shall be appurtenant to the Conveyed Property on and shall run with the land as to all property burdened and benefited hereby, including any division or partition of the Conveyed Property or Grantor's Property. The rights, covenants, and obligations hereunder shall bind, burden, and benefit each party's successors, assigns, lessees, and mortgagees (or beneficiaries under a trust deed). This is a permanent restrictive covenant which is intended to run with the land as a real covenant and an equitable servitude upon the Conveyed Property for the benefit of Grantor's Property; provided the foregoing restrictive covenant shall automatically cease and be extinguished at such time as Grantor's Property is not used by Grantor and Grantor's successors and assigns to process trees into lumber for three (3) consecutive years without interruption. The Exhibits referred to in this Deed are hereby incorporated as if fully set forth in this Agreement. In the event of any litigation related to this Deed and the restrictive covenant contained herein, the losing party shall pay the prevailing party its reasonable costs and legal fees incurred therein as determined by the court at trial, upon appeal and upon any review.

The true consideration for this conveyance consists of: **NONE.**

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 22nd day of October, 1999.

KINZUA RESOURCES, L.L.C

By: [Signature]
Its: PRESIDENT

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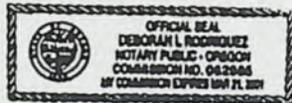
**WATER RESOURCES DEPT
SALEM, OREGON**

PORT OF MORROW

By: *Daniel Creamer*
Its: *Commission President*

STATE OF OREGON)
) ss.
County of *Sane*)

This instrument was acknowledged before me this *22* day of *October*, 1999, by
Greg Adams, the *Pres* of Kinzua Resources, L.L.C.



Deborah L. Rodriguez
NOTARY PUBLIC FOR OREGON
My Commission Expires: *March 21, 2001*

STATE OF OREGON)
) ss.
County of *Morrow*)

This instrument was acknowledged before me this *28th* day of *October*, 1999, by
Daniel Creamer the *Commission President* of the Port of Morrow.



Kathleen Mc Gowen
NOTARY PUBLIC FOR OREGON
My Commission Expires: *8/9/02*

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SALEM, OREGON

EXHIBIT "A"

MORROW COUNTY, OREGON:

Beginning at Oregon State Highway Department Engineers Centerline Station 1858 + 17.85 P.C. of the Bunker Hill-Heppner Section of the Heppner Highway, said point being North 49 degrees 46' 23" West a distance of 7,767.64 feet from the Southeast corner of Section 21, Township 2 South, Range 26 East, of the Willamette Meridian, said point being the true point of beginning of this description; thence along the centerline of said Highway through 0 degrees 45' curve to the right (the long chord of which bears South 42 degrees 20' East 963.80 feet) a distance of 964.44 feet to OSHD Engineers Centerline Station 1867 + 82.29 P.T. Bk=1867 + 67.18 P.O.T. Ahd, thence continuing along said centerline South 38 degrees 43' East a distance of 544.34 feet to OSHD Engineers Centerline Station 1873 + 11.52 P.O.T., thence leaving said centerline South 55 degrees 05' 42" West a distance of 170.35 feet, thence North 35 degrees 03' 11" West a distance of 520.11 feet; thence South 54 degrees 56' 48" West a distance of 23.26 feet, thence North 35 degrees 02' 40" West a distance of 149.48 feet; thence South 54 degrees 52' 17" West a distance of 166.75 feet to the centerline of the existing main Union Pacific Railroad Track; thence along the centerline of said track North 35 degrees 07' 05" West a distance of 856.70 feet; thence leaving said centerline of said track North 37 degrees 39' 08" East a distance of 196.79 feet to OSHD Engineers Centerline Station 1857 + 30.51 P.O.T., thence along said centerline of said highway South 45 degrees 57' East a distance of 87.34 feet to the point of beginning.

KINZUA OWNERS "STUDMILL TRACT"

Beginning at the Southeast corner of Section 21, Township 2 South, Range 26 East, of the Willamette Meridian in Morrow County, Oregon; thence North 60 degrees 15' 23" West a distance of 4,389.13 feet to Station 1873 + 11.52 on Oregon State Highway 207; thence South 55 degrees 05' 42" West a distance of 359.13 feet to an iron peg on the centerline of Union Pacific Railroad Right of Way; thence North 35 degrees 07' 05" West along said right of way a distance of 521.24 feet to an iron peg; thence South 54 degrees 56' 48" West a distance of 98.34 feet to the true point of beginning of the following described parcel:

Thence South 34 degrees 33' 12" East a distance of 159.75 feet; thence South 55 degrees 26' 48" West a distance of 48.64 feet; thence North 34 degrees 33' 12" West a distance of 32.10 feet; thence South 55 degrees 26' 48" West a distance of 18.36 feet; thence North 34 degrees 33' 12" West a distance of 223.15 feet; thence North 55 degrees 26' 48" East a distance of 111.0 feet; thence South 34 degrees 33' 12" East a distance of 56.0 feet; thence South 55 degrees 26' 48" West a distance of 44.0 feet; thence South 34 degrees 33' 12" East a distance of 39.50 feet to the true point of beginning.

KINZUA CORPORATION MILL SITE

Beginning at a point 219.5 feet East and 150.9 feet North of the Southeast corner of the SW 1/4 SE 1/4 of Section 21, Township 2 South, Range 26 East, of the Willamette Meridian, Morrow County, Oregon; thence North 34 degrees 45' East 278 feet; thence North 04 degrees 35' West 125 feet; thence North 70 degrees 00' West 259 feet along State Highway 207; thence North 63 degrees 10' West 145 feet along State Highway 207; thence North 49 degrees 25' West 459 feet along State Highway 207; thence North 39 degrees 30' West 140 feet along State Highway 207; thence North 76 degrees 33' West 653 feet along State Highway 207; thence North 56 degrees 24' East 69.3 feet across State Highway 207; thence South 36 degrees 3' East 386.2 feet along State Highway 207; thence in a Southeastern direction 612.0 feet along State Highway; thence in a Northeastern direction 548 feet to the North line of the Southeast 1/4 of the Southeast 1/4; thence South 87 degrees 17' East 279 feet; thence North 14 degrees 47' West 235 feet; thence North 48 degrees 17' West 230 feet; thence North 45 degrees 28' West 677.6 feet; thence North 54 degrees 09' West 554.0 feet; thence North 53 degrees 39' West 703.8 feet; thence North 80 degrees 45' West 234.1 feet; thence North 38 degrees 28' West 313.4 feet; thence South 49 degrees 22' West 281.1 feet; thence South 45 degrees 57' East 408.0 feet along State Highway 207; thence South 42 degrees 11' East 196.0 feet along State Highway 207; thence South 57 degrees 46' West 50.0 feet across State Highway 207; thence North 45 degrees 11' West 329.8 feet along West side of State Highway 207; thence South 50 degrees 19' West 105.1 feet to center of Union Pacific Railroad right of way at Station 2278 + 87.9; thence South 55 degrees 15' West 492.8 feet; thence South 43 degrees 13' West 400.2 feet to Iron Peg; thence

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SALEM, OREGON

Exhibit "A" Cont.

South 08 degrees 17' West 518.2 feet to Iron Peg; thence South 44 degrees 37' East 152.6 feet along barbwire fence to Iron Peg; thence South 42 degrees 56' East 233.1 feet along said fence to Iron Peg; thence South 37 degrees 41' East 132.3 feet along said fence to Iron Peg; thence South 45 degrees 58' West 155.9 feet; thence South 51 degrees 06' East 1,390.6 feet to an Iron Peg; thence South 60 degrees 24' East 527.2 feet to an Iron Peg; thence South 71 degrees 48' East 820.9 feet to an Iron Peg; thence South 65 degrees 14' East 190.3 feet along fence to an Iron Peg; thence North 01 degrees 21' West 440.6 feet along fence to an Iron Peg; thence North 35 degrees 07' West 68.8 feet along fence to an Iron Peg; thence along a fence with a right hand curve. The long chord of which bears North 79 degrees 01' East, a distance of 210.3 feet to a point on the Northwest side of Union Pacific Railroad right of way. Distances from chord to fence are: Station 0 + 50 13.7 feet; Station 1 + 00 10.4 feet; Station 1 + 500.0 feet; thence North 30 degrees East 104.1 feet to point of beginning.

EXCEPT: Beginning at Oregon State Highway Department Engineers centerline Station 185K + 17.85 P.C. of the Bunker Hill-Heppner Section of the Heppner Highway, said point being North 49 degrees 46' 23" West a distance of 3,767.64 feet from the Southeast corner of Section 21, Township 2 South, Range 26, East of the Willamette Meridian, said point being the true point of beginning of this description; thence along the centerline of said highway through a 0 degree 45' curve to the right (the long chord of which bears South 42 degrees 20' East 963.8 feet) a distance of 964.44 feet to OSHD Engineers centerline station 1867 + 82.29 P.T. Bk = 1867 + 67.18 P.O.T. Ahd; thence continuing along said centerline South 38 degrees 43' East a distance of 544.34 feet to OSHD Engineers centerline station 1873 + 11.52 P.O.T.; thence leaving said centerline South 55 degrees 5'42" West a distance of 170.35 feet; thence North 35 degrees 03' 11" West a distance of 520.11 feet; thence South 54 degrees 56' 48" West a distance of 23.26 feet; thence North 35 degrees 02' 40" West a distance of 149.48 feet; thence South 54 degrees 52' 17" West a distance of 166.75 feet to the centerline of the existing main Union Pacific Railroad track; thence along the centerline of said track North 35 degrees 07' 05" West a distance of 856.70 feet; thence leaving said centerline of said track North 37 degrees 39' 08" East a distance of 196.79 feet to OSHD Engineers centerline station 1857 + 30.51 P.O.T.; thence along said centerline of said Highway South 45 degrees 57' East a distance of 87.34 feet to the point of beginning

ALSO EXCEPTING THEREFROM that portion lying in State Highway 207 right of way.

~~ALSO EXCEPTING THEREFROM that portion in the Union Pacific Railroad right of way.~~

ALSO EXCEPTING THEREFROM the "Studmill" site as conveyed to the Kinzua Owners by Deed recorded June 9, 1987 as M-29097, Morrow County Deed Records.

ALSO EXCEPTING THEREFROM the "ENERGY SITE" as described in Ground Lease recorded December 14, 1983 as M-22524, Morrow County Deed Records.

ALSO EXCEPTING THEREFROM beginning on the East right of way line of the State Highway, which point lies North 47 degrees 52'26" West 3,902.66 feet from the Southeast Corner of Section 21; thence North 49 degrees 22' East 281.10 feet; thence South 38 degrees 28' East 313.40 feet; thence North 80 degrees 45' West 76.5 feet; thence South 52 degrees 50' West 67.00 feet; thence North 39 degrees 10' West 40.00 feet; thence South 29 degrees 20' West 40.00 feet; thence South 35 degrees 45' East 172.00 feet; thence South 55 degrees 53' West to the East right of way line of the State Highway; thence Northwesterly to the point of beginning.

COGENERATION SITE

Beginning at Station 2278 + 83.9 on the Centerline of the Union Pacific Railroad, said point being North 50 degrees 57'47" West of the Southwest corner of Section 21, Township 2 South, Range 26 East, of the Willamette Meridian, Morrow County, Oregon, a distance of 3,311.64 feet; thence South 55 degrees 15' West 492.8 feet; thence South 43 degrees 13' West 217.2 feet to an Iron Peg which is the true point of beginning of this description; thence South 36 degrees 12' East 357.7 feet to an Iron Peg; thence North 52 degrees 14' East 185.65 feet to an Iron Peg; thence South 36 degrees 11' East 212.2 feet to an Iron Peg; thence South 34 degrees 08' West 118.2 feet to an Iron Peg; thence South 37° 09' East 283.7 feet to an Iron Peg; thence South 53 degrees 43' West 123.7 feet to an Iron Peg; thence South 41 degrees 59' East 245.4 feet to an Iron Peg; thence South 44 degrees 51' West 260.7 feet to an Iron Peg; thence South 44 degrees 06' East 142.3 feet to an Iron Peg; thence South 45 degrees 54' West 69.0 feet to an Iron Peg; thence North 57 degrees 10' West 120.2 feet to an Iron Peg; thence North 04 degrees 30' West 153.3 feet to an Iron Peg; thence North 21 degrees 03' West 341.8 feet to an Iron Peg; thence North 34 degrees 47' East 150.9 feet to an Iron Peg; thence North 15 degrees 58' East 73.2 feet to an Iron Peg; thence North 83 degrees 36' 40" West

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Exhibit "A" Cont.

73.89 feet to a point on the East bank of Willow Creek; thence North 71 degrees 39' West 61.38 feet to a point on the East bank of Willow Creek; thence North 22 degrees 42' 16" West 51.42 feet to a point on the East bank of Willow Creek; thence North 66 degrees 18' 52" West 57.80 feet to a point on the East bank of Willow Creek; thence North 59 degrees 56' 52" West 54.63 feet to a point on the East bank of Willow Creek; thence North 77 degrees 33' 01" West 66.60 feet to a point on the East bank of Willow Creek; thence North 62 degrees 05' 17" West 64.13 feet to a point on the East bank of Willow Creek; thence North 16 degrees 24' 02" West 53.14 feet to a point on the East bank of Willow Creek; thence North 58 degrees 00' 08" West 53.85 feet to a point on the East bank of Willow Creek; thence North 30 degrees 28' 45" East 126.32 feet to a point on the East bank of Willow Creek; thence North 60 degrees 54' 02" West 55.04 feet to a point on the East bank of Willow Creek; thence North 84 degrees 56' 41" West 75.82 feet to a point on the East bank of Willow Creek; thence North 74 degrees 22' 42" West 20.85 feet to an Iron Peg on the East bank of Willow Creek; thence North 43 degrees 13' East 183.0 feet to the true point of beginning of this description.

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EXHIBIT "B"

PLANT SITE:

TRACT 1:

Commencing at Southeast corner of Section 8, Township 1 South, Range 32; thence North 89 degrees 46' 10" West along South line of Section 8 a distance of 737.04 feet thence North 6 degrees 54' 40" West a distance of 146.71 feet to the point of intersection of Easterly right of way line of County Road No. 672, as said road existed August 8, 1960, and Westerly line of that tract conveyed to Pilot Rock Housing Company, by Deed recorded in Book 183, Page 310, Deed Records, which is THE POINT OF BEGINNING FOR THIS DESCRIPTION; thence South 79 degrees 47' 20" West 30 feet to a point on center line of said County Road; thence along said center line by the following courses and distance; Northwesterly along a 707.87 foot radius curve to the left, the sub chord bears North 14 degrees 12' West 34.35 feet a distance of 34.36 feet; North 15 degrees 39' 30" West 291.10 feet; Northwesterly along a 176.30 foot radius curve to the left the long chord bears North 75 degrees 12' 15" West 304 feet a distance of 366.52 feet, South 45 degrees 16' 00" West a distance of 199.80 feet to a point on West line of Southeast Quarter of Southeast Quarter of Section 8; thence North 0 degrees 06' 10" West along said West line a distance of 963.17 feet to Northwest corner of said Southeast Quarter of Southeast Quarter; thence South 88 degrees 39' 40" East along North line of said Southeast Quarter of Southeast Quarter a distance of 1181.35 feet to center line of County Road No. 617, as said road existed on August 8, 1960; thence South 9 degrees 19' 30" West along said center line a distance of 420.55 feet; thence Southwesterly along a 2780 foot radius curve to the right the sub chord bears South 12 degrees 11' 30" West 277.74 feet a distance of 277.85 feet; thence North 89 degrees 46' 10" West a distance of 31.36 feet to Northeast corner of said Pilot Rock Housing Company Tract; thence North 89 degrees 46' 10" West along North line of said Tract a distance of 300 feet to Northwest corner of said Tract; thence South 18 degrees 47' 50" West along Westerly line of said Tract a distance of 523.56 feet to the point of beginning;

All being in Southeast Quarter of Southeast Quarter of Section 8, Township 1 South, Range 32, East of the Willamette Meridian, Umatilla County, Oregon.

EXCEPTING THEREFROM that strip of land conveyed to County of Umatilla, by Deed recorded in Book 146, Page 10, Deed Records.

TRACT 2:

Commencing at intersection of Section line common to Sections 8, 9, 16 & 17, Township 1 South, Range 32, said point also being THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; thence North 39 degrees 41' 50" East 969.64 feet; thence South 23 degrees 05' 45" East 244.24 feet; thence South 25 degrees 30' 00" West 84.35 feet; thence South 43 degrees 28' 40" West 370.14 feet; thence South 56 degrees 07' 40" West 95.47 feet; thence South 16 degrees 01' 30" West 128.55 feet; thence South 36 degrees 48' 10" West 78.08 feet; thence South 12 degrees 07' 30" West 175.90 feet; thence South 28 degrees 03' 40" East 207.91 feet, more or less, to a point on Westerly line of U. S. Highway No. 395, Pendleton-John Day Highway; thence running Northwesterly in a straight line a distance of 520.58 feet, more or less, to intersection of Section line common to Sections 8, 9, 16 & 17, and the point of beginning;

Page 1 of Exhibit "B"

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