

Name S-85934
 By PAUL MULKEY
PAUL MULKEY LIVING TRUST
 Address 13530 CORVALLIS RD
MONMOUTH OR 97361

CO9

Priority _____
 County _____ WM# _____

RELATED FILES

DEVELOPMENT

Date

Completion 10-1-2009

Extended to _____

Final Proof received _____

Proposed Cert. Mailed _____

Application No. S85934
 Permit No. S 54207
 Certificate No. _____

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume Page

FEES PAID

Date	Amount	Receipt No.
<u>2-5-04</u>	<u>1,100.00</u>	<u>65436</u>
<u>7-20-04</u>	<u>610.00</u>	<u>68786</u>
<u>3-29-05</u>	<u>250.00</u>	<u>73622</u>
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

MAP LOCATION _____

Cannot complete

N_i

discussed this file
and its somewhat

on

unique situation with
the watermaster (Farber)
and it received his
blessing. ~~on case too~~

thx -
-jenn

11/16/05
water

Cannot complete

No stored water

on the Luckiamute

?

POD on
Lucky River?
?? ? stored?
water



Oregon

Theodore R. Kulonowski, 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

October 6, 2008

PAUL MULKEY
13530 CORVALLIS RD
MONMOUTH, OR 97361

REFERENCE: User Id and Password 30167

Dear Water User,

You are receiving this letter as a reminder of a water use reporting requirement listed on a water right. Online reporting is available at our web site (www.wrd.state.or.us). To begin, locate the *Water Use Reporting* link under *Featured Links*. By clicking this link, your browser will open a new page where you will be able to log in with your User Id and Password (above). Once you are logged in, the *Select* link will allow you to add data for a particular diversion. Please remember to report zeros for any given month when water was not used. Online reporting will be available through March 31, 2009. If the internet is not accessible, you may use the form provided on the back of this letter to submit your monthly water use data.

Although much effort has been done to add new permits to the Water Use Reporting database, there still may be diversions not included on the web site. Please be aware that most Transfer orders approved within the last few years will not likely appear online. If you notice a diversion not listed that should be, you can either use the form provided to report water use or let me know and we will add it to the database as soon as possible. Additionally, if you would like to designate a facility name for a diversion, please feel free to contact me.

For water rights authorizing less than 0.1 cubic foot per second (CFS) or 9.2 acre-feet, you may assume the maximum quantity allowed under the right and report that volume. For reporting purposes, please convert cubic feet per second to acre feet, using $(1.98)(\text{CFS})(\# \text{ of days used per month})$.

The time and effort of both recording and reporting your water use is greatly appreciated. If you have any questions or need additional time, please let me know.

Sincerely,

Alyssa Mucken
Water Measurement Specialist
Oregon Water Resources Department
Phone 503.986.0837 Fax 503.986.0902
alyssa.m.mucken@wrdd.state.or.us

app 5-85934 (permits - 54207)

USER-ID 30167

2007

Oregon Water Resources Department
October 2007 through September 2008
Annual Water Use - Monthly Quantities Form

2008

Facility →					
Report ID →	43355 ✓				
October - 2007	0				
November - 2007	0				
December - 2007	0				
January - 2008	0				
February - 2008	0				
March - 2008	0				
April - 2008	0				
May - 2008	0				
June - 2008	0				
July - 2008	0				
August - 2008	0				
September - 2008	0				
Total *	0				

RECEIVED

APR 10 2009

WATER RESOURCES DEPT
SALEM, OREGON

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

Describe the method of measurement used: MG If used for irrigation, total number of acres irrigated: 0

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

Paul Mulkey Jr
Signature
Paul Mulkey Jr
Name

Owner
Title
13530 Connelley Monmouth OR 97361
Mailing Address

Reporting Entity

10/30/08
Date
503-554-6639
Phone Number

Please complete and mail to: Oregon Water Resources Department, Water Use Reporting Program;
725 Summer Street NE, Suite A, Salem, OR 97301-1266.



IN REPLY REFER TO:

PN-3324
WTR-4.00

United States Department of the Interior

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



JUL 25 2007

Mr. Paul Mulkey Jr., Trustee
The Paul Mulkey Living Trust
13530 Corvallis Road
Monmouth, OR 97361

Subject: Temporary Water Service Contract No. 079E101605, 2007 Irrigation Season,
Willamette Basin Project, Oregon

Dear Mr. Mulkey:

Enclosed for your records is an original of the fully executed subject contract, which provides for the irrigation use of up to 240 acre-feet of stored water from the Willamette Basin Project for the remainder of the 2007 irrigation season ending October 31. Please note that if less water is used during the irrigation season, information supporting your use must be received in writing by this office no later than December 1, 2007, in order to receive a partial refund as set forth in Article 5 of the contract.

Thank you for executing the subject contract. Should 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

Enclosure

cc: Water Rights Division
Oregon Water Resources Department
725 Summer Street N.E., Suite A
Salem, OR 97301-1271

Mr. Michael Mattick
District 2 Watermaster
Central Lane Justice Court
220 North Fifth
Springfield, OR 97477

Mr. Michael R. Crouse
National Marine Fisheries Service
1201 NE Lloyd Blvd., Suite 1100
Portland, OR 97232

(w/copy of contract to each)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

TEMPORARY 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	LANDS FOR WHICH WATER IS FURNISHED: LIMITATIONS ON DELIVERIES	2
5	PAYMENTS FOR WATER	2-3
6	CONTRACT ADMINISTRATION FEES	4
7	FURNISHING OF WATER	4-5
8	SPECIAL CONDITIONS	5-6
9	TERM OF CONTRACT	6
10	TERMINATION OF CONTRACT	6
11	UNITED STATES NOT LIABLE FOR SHORTAGES -- ADJUSTMENTS	6-7
12	DISCLAIMER	7
13	NOTICES	7
14	GENERAL PROVISIONS	8
	SIGNATURES	9
	ACKNOWLEDGEMENTS	10
	EXHIBIT A	

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

Willamette Basin Project, Oregon

TEMPORARY CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 25th day of July, 2007, pursuant to section 9(c) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1938 (52 Stat. 1222), and the Flood Control Act of 1950 (64 Stat. 170), between the **UNITED STATES OF AMERICA**, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and **The Paul Mulkey Living Trust**, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

EXPLANATORY RECITALS

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

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

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

LANDS FOR WHICH WATER IS FURNISHED: LIMITATIONS ON DELIVERIES

4. The United States shall make available to the Contractor during the remainder of the 2007 irrigation season ending October 31 stored water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

36.2 acres, SE1/4 NW1/4, Section 3, T. 10 S., R. 4 W., W.M.
0.1 acres, SW1/4 NE1/4, Section 3, T. 10 S., R. 4 W., W.M.
40.9 acres, NE1/4 NE1/4, Section 4, T. 10 S., R. 4 W., W.M.
22.3 acres, NW1/4 NE1/4, Section 4, T. 10 S., R. 4 W., W.M.
24.3 acres, SW1/4 NE1/4, Section 4, T. 10 S., R. 4 W., W.M.
41.4 acres, SE1/4 NE1/4, Section 4, T. 10 S., R. 4 W., W.M.

Of the land described, not more than 165.2 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 240 acre-feet of stored water, measured at the point of delivery of said water.

PAYMENTS FOR WATER

5. (a) A payment of \$1,920.00 for the 2007 irrigation season shall be made to the United States at the time of executing this contract. This payment will entitle the Contractor to

receive up to a maximum of 240 acre-feet of stored water for irrigation of the lands described in Article 4 of this contract. In the event some portion of the 240 acre-feet is not required by the Contractor, the Contracting Officer will consider refunding a portion of the water service payment based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amount of stored water delivered each month to the Contractor during the 2007 irrigation season and on other factors in addition to the amount of stored water actually delivered, as deemed appropriate by the Contracting Officer, Provided, that in order for a refund to be made, information on the amounts of water and stored water delivered each month must be received in writing by the Contracting Officer by December 1, 2007.

(b) The payment set forth in (a) above is based on an initial rate of \$8 per acre-foot of stored water; Provided, that such payment shall as a minimum be the greater of either the product of \$2 multiplied by the number of acres described in Article 4 of this contract or \$50.

(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) 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.

(e) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 13 of this contract.

CONTRACT ADMINISTRATION FEES

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

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

FURNISHING OF WATER

7. (a) Upon payment of the monies specified in subarticle 5(a) and Article 6 above, the United States will furnish water to the Contractor from the Willamette Basin Project pursuant to this contract. No water shall be furnished if the Contractor is delinquent in payment of the required payments.

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

60 feet south and 650 feet west from the northeast corner of DLC 53,
T. 10 S., R. 4 W., W.M.

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

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

SPECIAL CONDITIONS

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

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

(c) 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 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, or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

(d) Prior to delivery of water under this contract the Contractor shall submit to the Contracting Officer written verification that satisfactory fish screen(s) and/or fish passage structure(s) are operational at the point(s) of diversion described in Article 7(b), or that the Contractor and the Oregon Department of Fish and Wildlife have reached a mutually satisfactory agreement concerning compliance with State and Federal fish screening/passage standards at said point(s) of diversion. Such fish screen(s) and/or fish passage structure(s) shall be furnished, installed, operated, and maintained by and at the expense of the Contractor, but shall remain at all times available for inspection by the Contracting Officer and or the State of Oregon whose representatives may at all times have access to them over any lands of the Contractor.

TERM OF CONTRACT

9. This contract shall become effective as of the date first above written and shall continue through December 31, 2007, unless sooner terminated in accordance with Article 10, or by agreement of the parties hereto.

TERMINATION OF CONTRACT

10. This contract may be terminated and water service hereunder shall cease at the option of the United States at any time upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

UNITED STATES NOT LIABLE FOR WATER SHORTAGES -- ADJUSTMENTS

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.

DISCLAIMER

12 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 Willamette Basin Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

NOTICES

13. 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 North Curtis Road, Suite 100, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to The Paul Mulkey Living Trust, Paul Mulkey Jr., Trustee, 13530 Corvallis Road, Monmouth, Oregon 97361. 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.

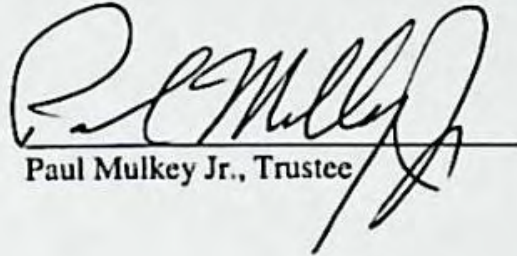
GENERAL PROVISIONS

14. 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. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- d. BOOKS, RECORDS, AND REPORTS
- e. COMPLIANCE WITH FEDERAL RECLAMATION LAWS
- f. PROTECTION OF WATER AND AIR QUALITY
- g. EQUAL EMPLOYMENT OPPORTUNITY
- h. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- i. PRIVACY ACT COMPLIANCE
- j. CONTRACT DRAFTING CONSIDERATIONS

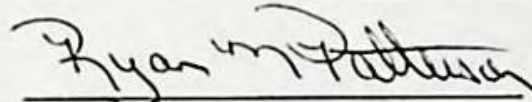
IN WITNESS WHEREOF, the parties hereto have signed their names the day and
year first above written.

THE PAUL MULKEY LIVING TRUST



Paul Mulkey Jr., Trustee

UNITED STATES OF AMERICA

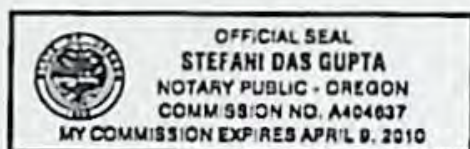


Program Manager
Repayment and Acreage Limitation
PN Region
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

STATE OF Oregon)
County of Benton : ss

On this 29th day of June, 2007, before me, a notary public, personally appeared Paul Mulkey Jr. known to me to be the trustee of THE PAUL MULKEY LIVING TRUST, that executed the within and foregoing instrument and acknowledged that THE PAUL MULKEY LIVING TRUST is the legal owner of the property for which a water supply is to be provided under the contract and has executed this contract as its free and voluntary act and deed and on oath stated that he is authorized to execute said contract 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)

Syle
Notary Public in and for the
State of Oregon
Residing at: 415 NW 32nd ST CORVALLIS
My commission expires: April 9, 2010

STATE OF IDAHO)
County of Ada : ss

On this 25th day of July, 2007, personally appeared before me Ryan Patterson, to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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



(SEAL)

Kasandra Haws
Notary Public in and for the
State of IDAHO
Residing at: Bowen, ID
My commission expires: April 6, 2011

GENERAL PROVISIONS --- WILLAMETTE BASIN 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.

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

(c). 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

(d). 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

(e). 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

(f). 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 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

(g) 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 1246 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

- (h).
- 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

(i) 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.

CONTRACT DRAFTING CONSIDERATIONS

(j). 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.



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

JUN 06 2007

RECEIVED

JUN 08 2007

WATER RESOURCES DEPT
SALEM OREGON

Mr. Paul Mulkey Jr., Trustee
The Paul Mulkey Living Trust
13530 Corvallis Road
Monmouth, OR 97361

Subject: Temporary Water Service Contract, 2007 Irrigation Season, Willamette Basin Project, Oregon

Dear Mr. Mulkey:

Enclosed for your consideration are three copies of a proposed temporary water service contract that when properly executed, would make stored water from the Willamette Basin Project (Project) available to you for irrigation use for the remainder of the 2007 irrigation season ending October 31. The subject contract is a one-season arrangement only, and is intended to address irrigation needs for the 2007 irrigation season while this office continues to process and evaluate your application for a long-term contract for such a water supply. The provision of water service in subsequent irrigation seasons, temporary or otherwise, would be contingent upon execution of a suitable contract for that purpose.

The information detailed in the proposed contract is based on that provided in your contract application to this office and, when possible, it has been reconciled against information provided in the water right application to the Oregon Water Resources Department (OWRD). A water right issued by OWRD is required in order to divert the stored water provided under this proposed contract. If you have not done so, we recommend you contact OWRD for this purpose.

Article 4 describes by quarter-quarter section a total of 279.9 acres that are eligible to receive irrigation water service under the contract. Article 5 of the contract requires payment of \$3,360.00 be made at this time to receive up to a maximum of 420 acre-feet of stored water. Article 5 explains that the payment for the use of stored water is based on a rate of \$8 per acre-foot, provided that such payment shall as a minimum be the greater of \$2 per acre or \$50. In addition, Article 5 allows for the partial refund of the water service payment based on information as to the amount of stored water actually delivered during the irrigation season, provided such information is received by this office by December 1, 2007.

It is important that the information in the contract is accurate. Therefore, you should assure that the contract correctly represents the amount of stored water to be made available and the descriptions of the point(s) of diversion and the acres to be irrigated. In addition to confirming the accuracy of the contract, you now have the opportunity to request a reduction in the amount of stored water provided if you desire. If you decide to request a reduction in water service, please write a note specifying the acre-feet of stored water desired or note it on the contract. If you change the amount of stored water desired, we will revise the amount shown in contract Articles 4 and 5 and the payment shown in Article 5 before executing the contract on behalf of the United States. If other information in the contract should be changed (such as the land description in Article 4, the diversion point(s) in Article 7, or the mailing address in Article 13), please provide this information along with the completed contract and payments due so that we can modify the contract prior to execution.

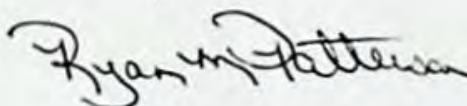
If you find the contract acceptable, we ask that you please sign two copies and have your signature notarized. Then return the two copies of the contract to this office, Attention: PN-3324, along with payment of \$3,460.00 (\$3,360.00 for 2007 water service and a \$100 contract administration fee).

Upon our receipt of the items described above, the contract can be executed on behalf of the United States, dated, and assigned a contract number for identification purposes. We would then return to you an executed original, and as many copies as you desire for your records. We would also mail a copy of the contract to the appropriate State and Federal offices.

Execution of the proposed temporary water service contract is voluntary on your part. Should you decide not to execute the proposed water service contract for this season, your decision in no way impacts your standing application for a long-term contract for Project water service.

If you have any questions, please contact Mr. Bill Parks of my staff at the above address or by telephone at 208-378-5344.

Sincerely,



Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

Enclosure - 3 copies

cc: Water Rights Division
Oregon Water Resources Department
725 Summer Street NE., Suite A
Salem, OR 97301-1271
(enclosure available upon request)

U.S. Army Corps of Engineers
Attention: CENWP-EC-HR
P.O. Box 2946
Portland, OR 97208-2946
(enclosure available upon request)

RECEIVED
JUN 08 2007
WATER RESOURCES DEPT
SALEM OREGON

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PAUL MULKEY LIVING TRUST
13530 CORVALLIS RD
MONMOUTH, OR 97361

503-838-0134

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

APPLICATION FILE NUMBER: S-85934

SOURCE OF WATER: LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION USE ON 279.9 ACRES

MAXIMUM RATE: 3.5 CUBIC FEET PER SECOND FROM LUCKIAMUTE RIVER

MAXIMUM VOLUME: 420.0 ACRE FEET FROM WILLAMETTE BASIN PROJECT RESERVOIRS

PERIOD OF USE: MARCH 1 THROUGH JUNE 30, AND OCTOBER 1 THROUGH OCTOBER 31 FROM LUCKIAMUTE RIVER; MARCH 1 THROUGH OCTOBER 31 FROM WILLAMETTE BASIN PROJECT RESERVOIRS

DATE OF PRIORITY: FEBRUARY 5, 2004

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 3, T10S, R4W, W.M.; 60 FEET SOUTH & 650 FEET WEST FROM NE CORNER, ALEXANDER HODGES DLC 53

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 41.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.2 ACRES
SECTION 3

NE ¼ NE ¼ 40.9 ACRES
 NW ¼ NE ¼ 22.3 ACRES
 SW ¼ NE ¼ 24.3 ACRES
 SE ¼ NE ¼ 41.4 ACRES

SECTION 4

TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter 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.

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens is not necessary.

The use of water under this right is subject to the terms and conditions of contract No. 059E101511, 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.

STANDARD CONDITIONS

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.

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

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

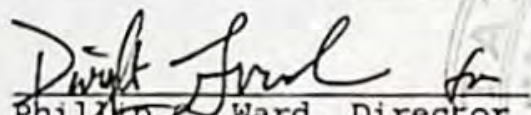
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

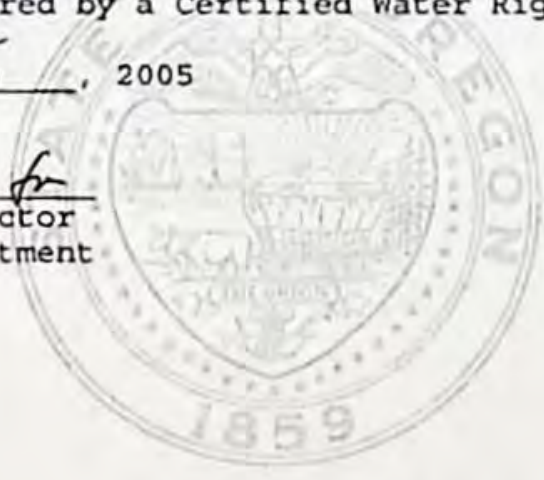
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued September 15, 2005


Philip C. Ward, Director
Water Resources Department



ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Water users involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

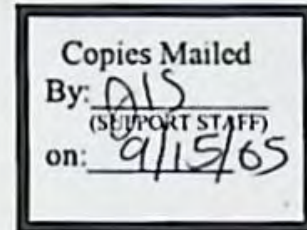
Mailing List for Permit Copies

Application # S-85934

Mailing List Print Date: August 17, 2005

Original and copy of map mailed to applicant:

PAUL MULKEY LIVING TRUST
ATTN: PAUL MULKEY
13530 CORVALLIS RD
MONMOUTH OR 97361



For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # S-85934
2. WRD - Ken Stahr
3. WRD - Watermaster District #: 16 (w/copy of permit map)
4. WRD - Regional Manager: NWR (w/copy of permit map)

Copies to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

1. Don Knauer Consulting, PO Box 5416, Salem OR 97304
- 2.

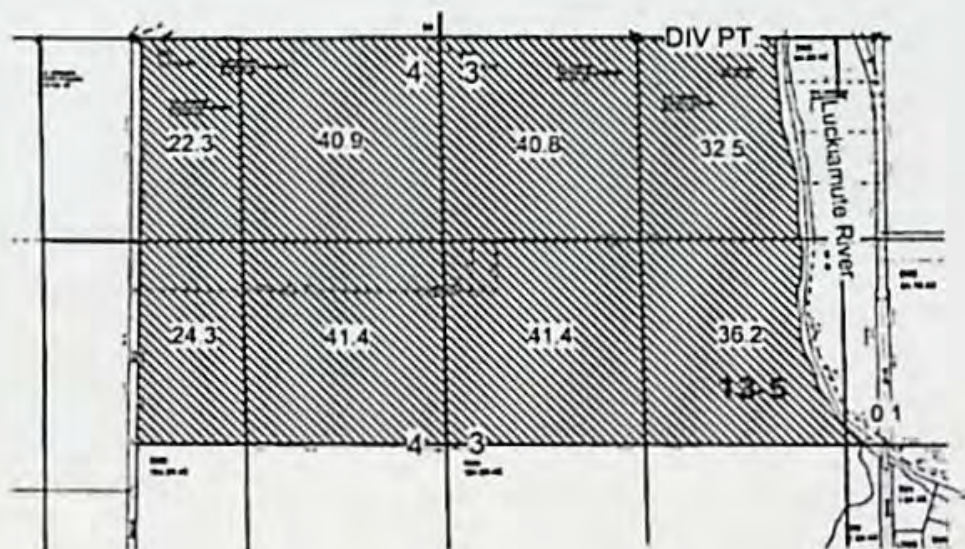
"S10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1.

CASEWORKER. jmc

FEB - 5 200

T 10 S R 4 W, W.M.
Sections 3 & 4



DIV. PT.: 60' south & 650' west from the NE corner DLC 53



10.4.3

See Map 9.4.31

13-5

Canceled No.

Permit No. 5-52007

App No S-85934

03/22/04

10.4.3



25934

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

AUG 05 2005

RECEIVED

AUG 10 2005

WATER RESOURCES DEPT
SALEM, OREGON

Mr. Paul Mulkey Jr., Trustee
The Paul Mulkey Living Trust
13530 Corvallis Road
Monmouth, OR 97361

Subject: Temporary Water Service Contract No. 059E101511, 2005 Irrigation Season, Willamette Basin Project, Oregon

Dear Mr. Mulkey:

Enclosed for your records is a copy of the fully executed subject contract, which provides for the irrigation use of up to 137 acre-feet of stored water from the Willamette Basin Project for the remainder of the 2005 irrigation season ending October 31. Please note that if less water is used during the irrigation season, information supporting your use must be received in writing by this office no later than December 1, 2005, in order to receive a partial refund as set forth in Article 5 of the contract.

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

Sincerely,

ACTING FOR

Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

Enclosure

cc: Water Rights Division
Oregon Water Resources Department
725 Summer Street NE., Suite A
Salem, OR 97301-1271

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

Mr. Michael Mattick
District 2 Watermaster
Central Lane Justice Court
220 North Fifth
Springfield, OR 97477
(w/copy of contract to each)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

RECEIVED

AUG 10 2005

WATER RESOURCES DEPT
SALEM, OREGON

TEMPORARY 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	LANDS FOR WHICH WATER IS FURNISHED: LIMITATIONS ON DELIVERIES	2
5	PAYMENTS FOR WATER	2-3
6	CONTRACT ADMINISTRATION FEES	3-4
7	FURNISHING OF WATER	4-5
8	SPECIAL CONDITIONS	5-6
9	TERM OF CONTRACT	6
10	TERMINATION OF CONTRACT	6
11	UNITED STATES NOT LIABLE FOR SHORTAGES -- ADJUSTMENTS	6
12	DISCLAIMER	7
13	NOTICES	7
14	GENERAL PROVISIONS	7-8
	SIGNATURES	9
	ACKNOWLEDGEMENTS	10
	EXHIBIT A	

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

Willamette Basin Project, Oregon

TEMPORARY CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 5th day of August, 2005, pursuant to section 9(c) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1938 (52 Stat. 1222), and the Flood Control Act of 1950 (64 Stat. 170), between the **UNITED STATES OF AMERICA**, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and **The Paul Mulkey Living Trust**, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

EXPLANATORY RECITALS

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

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

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

LANDS FOR WHICH WATER IS FURNISHED: LIMITATIONS ON DELIVERIES

4. The United States shall make available to the Contractor during the remainder of the 2005 irrigation season ending October 31 stored water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

32.5 acres, NE1/4 NW1/4, Section 3, T. 10 S., R. 4 W., W.M.
22.3 acres, NW1/4 NE1/4, Section 4, T. 10 S., R. 4 W., W.M.

Of the land described, not more than 54.8 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 137 acre-feet of stored water, measured at the point of delivery of said water.

PAYMENTS FOR WATER

5. (a) A payment of \$1,096.00 for the 2005 irrigation season shall be made to the United States at the time of executing this contract. This payment will entitle the Contractor to receive up to a maximum of 137 acre-feet of stored water for irrigation of the lands described in Article 4 of this contract. In the event some portion of the 137 acre-feet is not required by the Contractor, the Contracting Officer will consider refunding a portion of the water service payment

based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amount of stored water delivered each month to the Contractor during the 2005 irrigation season and on other factors in addition to the amount of stored water actually delivered, as deemed appropriate by the Contracting Officer; Provided, that in order for a refund to be made, information on the amounts of water and stored water delivered each month must be received in writing by the Contracting Officer by December 1, 2005.

(b) The payment set forth in (a) above is based on an initial rate of \$8 per acre-foot of stored water; Provided, that such payment shall as a minimum be the greater of either the product of \$2 multiplied by the number of acres described in Article 4 of this contract or \$50

(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) 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.

(e) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 13 of this contract.

CONTRACT ADMINISTRATION FEES

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

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

FURNISHING OF WATER

7. (a) Upon payment of the monies specified in subarticle 5(a) and Article 6 above, the United States will furnish water to the Contractor from the Willamette Basin Project pursuant to this contract. No water shall be furnished if the Contractor is delinquent in payment of the required payments.

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

60 feet south and 650 feet west from the northeast corner of DLC 53,
T. 10 S., R. 4 W., W.M.

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

(c) If requested, the Contractor shall, to the extent practicable, submit to the Contracting Officer an advance schedule as to the time of water deliveries. Changes in such schedule may be made only upon sufficient advance notice to the Contracting Officer to allow him to adjust releases to meet the new schedules. Upon the appointment of a State watermaster to

govern diversions from the stream concerned, the Contractor shall be required to conform its diversions and releases to the control of the stream as established by the watermaster.

SPECIAL CONDITIONS

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

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

(c) 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 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, or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

(d) Prior to delivery of water under this contract the Contractor shall submit to the Contracting Officer written verification that satisfactory fish screen(s) and/or fish passage

structure(s) are operational at the point(s) of diversion described in Article 7(b), or that the Contractor and the Oregon Department of Fish and Wildlife have reached a mutually satisfactory agreement concerning compliance with State and Federal fish screening/passage standards at said point(s) of diversion. Such fish screen(s) and/or fish passage structure(s) shall be furnished, installed, operated, and maintained by and at the expense of the Contractor, but shall remain at all times available for inspection by the Contracting Officer and or the State of Oregon whose representatives may at all times have access to them over any lands of the Contractor.

TERM OF CONTRACT

9. This contract shall become effective as of the date first above written and shall continue through December 31, 2005, unless sooner terminated in accordance with Article 10, or by agreement of the parties hereto.

TERMINATION OF CONTRACT

10. This contract may be terminated and water service hereunder shall cease at the option of the United States at any time upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

UNITED STATES NOT LIABLE FOR WATER SHORTAGES – ADJUSTMENTS

11. On account of drought, uncontrollable forces, or other causes including but not limited to Special Conditions outlined in Article 8 herein, there may occur a shortage in the total quantity of water available for furnishing to the Contractor by the United States pursuant to this contract. In no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect arising from such shortages.

DISCLAIMER

12. 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 Willamette Basin Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

NOTICES

13. 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 North Curtis Road, Suite 100, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to The Paul Mulkey Living Trust, Paul Mulkey Jr., Trustee, 13530 Corvallis Road, Monmouth, Oregon 97361. 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

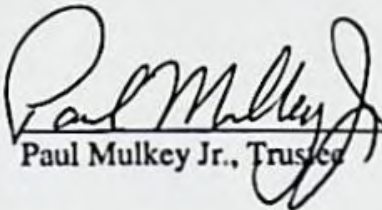
14. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit A and is hereby made a part of this contract.

- a. CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. OFFICIALS NOT TO BENEFIT
- c. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- d. BOOKS, RECORDS, AND REPORTS
- e. COMPLIANCE WITH FEDERAL RECLAMATION LAWS
- f. PROTECTION OF WATER AND AIR QUALITY
- g. EQUAL EMPLOYMENT OPPORTUNITY

- h. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- i. PRIVACY ACT COMPLIANCE
- j. CONTRACT DRAFTING CONSIDERATIONS

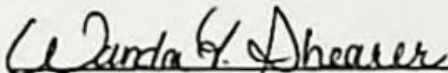
IN WITNESS WHEREOF, the parties hereto have signed their names the day and
year first above written.

THE PAUL MULKEY LIVING TRUST


Paul Mulkey Jr., Trustee

UNITED STATES OF AMERICA

ACTING FOR


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

STATE OF Oregon

County of Benton : ss

On this 1st day of August, 2005, before me, a notary public, personally appeared Paul Mulvey Jr known to me to be the trustee of THE PAUL MULKEY LIVING TRUST, that executed the within and foregoing instrument and acknowledged that THE PAUL MULKEY LIVING TRUST is the legal owner of the property for which a water supply is to be provided under the contract and has executed this contract as its free and voluntary act and deed and on oath stated that he is authorized to execute said contract 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)

Jan L. J.
Notary Public in and for the
State of Oregon
Residing at: Umpqua Bank
My commission expires: April 23, 2007

STATE OF IDAHO)

County of Ada) : ss

Contract No. 059E101511

On this 5th day of August, 2005, personally appeared before me Wanda E. Shearer, to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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



(SEAL)

Peggy Ann Hallman
Notary Public in and for the
State of IDAHO
Residing at: Boise
My commission expires: April 8, 2011

GENERAL PROVISIONS — WILLAMETTE BASIN 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.

ASSIGNMENT LIMITED—SUCCESSORS AND ASSIGNS OBLIGATED

(c). 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

(d). 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

(e). 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

(f). 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 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

(g). 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 1246 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

(h). 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

(i) 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.

CONTRACT DRAFTING CONSIDERATIONS

(j) 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.

FO CHECKLIST

Application 5-85434 Name newberry PFO week 502 FO week 4565

Has applicant name and/or address changed, or has the file been assigned? Y / N

If new: _____

Were comments received? Y / N If so, from whom and when? _____

Respond to significant comments, issues, or disputes related to the proposed use of water

Verify names and mailing addresses of all commentors, affected landowners and those who paid \$10 fee on PFO cc: list

Have affected landowner(s) been notified? Y / N / NA If not, do not issue FO. Send a letter to affected landowner(s).

Has ODFW asked for screening condition and rate ≥ 0.5 CFS? Y / N / NA If yes, include fish screening form.

Are requested GW conditions included in permit? Y / N / NA If not, add condition(s) _____

Do PFO conclusions require modification due to typos or errors? Y / N What and why? _____

Fees

Base Fee

Water Amount (Q)

\$100 / \$150

1st CFS/AF

\$250 / \$300

445 @ \$100

440 @ Addl @ \$1

200 / 200

+ 440 / 440

300 +
(base)

1440
(Q)

= 1740
(total exam fee)

EXAM FEE REQUIRED

1710

RECORDING FEE REQUIRED

\$175 / \$250

EXAM FEE PAID

1710

RECORDING FEE PAID

250

STILL OWED

0

STILL OWED

0

FO type DENIAL

FO w/ Permit # 54207

FO w/o permit

lacks contract rec'd 7/22/05
lacks fees
lacks easement
lacks approved dam plans & specs

Name: Jeana Eastman

Date: 5/5/05 8/17/05

Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

PFO CHECKLIST

Application 5-85434 Name mulkey PFO week 502
3/8/05

Shortcomings preventing PFO? Y / ☒ N Should process continue? ☒ Y / N

IR Date 2/23/04 Public Notice Date 2/27/04 Comments received? ☒ Y / N 150 days held

Was additional information requested in the IR? ☒ Y / N If so, do we now have enough info to do the PFO? ☒ Y / N

Was the application filed after 10/23/99? ☒ Y / N (If not, add A date requirement)

B.O.R. or Doug Co. project ☒ Y / N Contract in file? ☒ N contract # _____

IR identifies as DEQ 303d? ☒ Y / N / NA Comments received? Y / ☒ N

Is second gw review necessary? Y / N / ☒ NA Complete? Y / N

Water Availability ☒ OK / ☒ REDONE / ☒ NA

Have conflicts been addressed? Y / N / ☒ NA

Changes from IR determinations _____

Copy to IR 20

Fees	Base Fee	Water Amount (Q)
	\$100 / \$150	1" CFS/AF
	\$250 / \$300	<u>200 250</u>
		<u>6.46 Addl @ 3100 + 600 410</u>
		<u>410.00 @ 91</u>
	<u>200</u> +	<u>1410</u> = <u>1710</u>
	(base)	(Q) (total exam fee)

EXAM FEE REQUIRED	<u>1710</u>	RECORDING FEE REQUIRED	\$175 / \$250
EXAM FEE PAID	<u>-1710</u>	RECORDING FEE PAID	<u>0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>250</u>

me: Jeanne Eastman

Date: 2/26/05

Peer Reviewer: Kerry

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dev. school.

IR CHECKLIST

Application # 5-55934 County polk Basin will WAB 2-117
Township 106 Range 41 Section 3, 4 1/4 1/4 —

1. Prohibited by ORS 538? If so, do not do an IR, return app & fees to applicant
2. Use ir - 279.9 Priority Date(s) 2/5/04 (If quasi/muni, send to Doug Parrow)
3. Rate 1/50 Rate Max 3.5 cfs, 1099.75 af Req 2.0 cfs, 420 af
Duty 25 Season Allowable 3/1 - 10/31 Req 3/1 - 10/31
4. Land use approval ☒ OK needs approval county notified NA
5. BOR or Doug Co project ☒ Y / N contract # _____
6. WM Dist (NWR)-1 2 (16) 18 20 (NCR-3 4 5 21) (ER-6 8 9 10) (SCR-11 12 17) (SWR-13 14 15 19)
swr cc: dave jarrett
7. DIVISION 33 ☒ Y / N / NA
(If Y, attach basin map w/ pod) ☐ Above Bonn ☐ If above, not allowed April 15 - September 30?
☒ Below Bonn ☐ Statewide
8. Surface Water Availability (80% live flow / 50% storage) NA avail oct-jun
9. Conflict? Y / ☒ NA
10. Allowed under Basin Program ☒ Y / N Limitations? ☒ Y / N live flow allowed 10/1 - 7/31
11. Groundwater Review
a. ☐ over appropriated ☐ not over appropriated ☐ cannot be determined
b. ☐ will not be available ☐ will likely be available ...without injury to prior water rights
c. ☐ will not ☐ will likely be available within capacity of ground water resource
d. ☐ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource
e. Is the well located in a GWLA or CGWA or TIN R3E Sec 20, 21, 28, 29? Y / N (If Y, include basin map noting POD)
12. Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 or < 1.5 CFS, > 9.2 or < 100 AF, Contract Water, Large ≥ 1.5 CFS, ≥ 100 AF
HC - use at least Medium, BOR, GW condition 7I, temp control (nu) and muni require Large
13. Basin Maps have been checked ☒ Y / N River Mile _____
14. SWW ABOVE WITHIN ☒ NO (if so, notify state parks) Name _____
15. Is the use located within Oregon Streamflow Restoration Area? Y / ☒ NA
16. per interactive mapping DOA ☒ Y / N (NO COPY TO PAUL MEASLES) 303D ☒ Y / N / NA CTUIR Y / ☒ NA
17. Is the stream withdrawn? Y / ☒ NA season allowed _____
18. Letter format Good ☒ Limited Bad Bad w/ HC Opportunity
19. CWRE, representative, etc. to notify? ☒ Y / N
20. Addn'l info req'd? ☒ Y / N contact

Name: Jeana Eastman Date: 6/2/04 Peer Reviewer: _____

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690-502-0100 Coast Range Subbasin

The Coast Range Subbasin includes the drainage basins of the Marys and Luckiamute Rivers, Rickreall Creek and Yamhill River. Surface water classification:

(2) Luckiamute River Drainage:

(a) The Luckiamute River main stem is classified for domestic, livestock, **irrigation**, municipal, agricultural, commercial, industrial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses **from October 1 through July 31**, and for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only from August 1 through September 30;

Analysis for Application: S85934**Location: 10S-4W-3-SWNE****Uses: IR 0.1 P****Basins**

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1**WaterMaster Districts**

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903

Records Found: 1**WAB**

GAGE	BASIN	LINK1	LINK2
117	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1**County**

COUNTY	FIPS
Polk	41053

Records Found: 1**Groundwater Restricted Records Found: 0****Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1**Rule 4D**

RULE4D
In a Rule4D Area

Records Found: 1**303D Streams**

WATERBODY	RM	PARAMETER	SEASON	BASIN	BASINCODE	FKSTREAMLL	RM1	RM2
Luckiamute River	0 to 31.7	Fecal Coliform	Winter/Spring	UPPER WILLAMETTE	17090003	1231480447559	0	167340.2

Records Found: 1**303D Lakes Records Found: 0****Location: 10S-4W-3-NENW****Uses: IR 32.5 P****Basins**

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1**WaterMaster Districts**

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX

16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903
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Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
117	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Polk	41053

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams

WATERBODY	RM	PARAMETER	SEASON	BASIN	BASINCODE	FKSTREAMLL	RM1	RM2
Luckiamute River	0 to 31.7	Fecal Coliform	Winter/Spring	UPPER WILLAMETTE	17090003	1231480447559	0	167340.2

Records Found: 1

303D Lakes Records Found: 0

Location: 10S-4W-3-NWNW

Uses: IR 40 8 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
117	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Polk	41053

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33

In a Div33 area

Records Found: 1**Rule 4D**

RULE4D

In a Rule4D Area

Records Found: 1**303D Streams Records Found: 0****303D Lakes Records Found: 0****Location: 10S-4W-3-SENW**

Uses: IR 36.2 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1**WaterMaster Districts**

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903

Records Found: 1**WAB**

GAGE	BASIN	LINK1	LINK2
117	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1**County**

COUNTY	FIPS
Polk	41053

Records Found: 1**Groundwater Restricted Records Found: 0****Divison 33 Area**

DIV33

In a Div33 area

Records Found: 1**Rule 4D**

RULE4D

In a Rule4D Area

Records Found: 1**303D Streams**

WATERBODYN	RM	PARAMETER	SEASON	BASIN	BASINCODE	FKSTREAMLL	RM1	RM2
Luckiamute River	0 to 31.7	Fecal Coliform	Winter/Spring	UPPER WILLAMETTE	17090003	1231480447559	0	167340.2

Records Found: 1**303D Lakes Records Found: 0**

Location: 10S-4W-3-SWNW

Uses: IR 41.1 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
117	2	Water Availability: 50% 80%	Flood Frequency Analysis
30200302	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

County

COUNTY	FIPS
Polk	41053

Records Found: 1

Groundwater Restricted Records Found: 0**Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0**303D Lakes Records Found: 0****Location: 10S-4W-4-NENE**

Uses: IR 40.9 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2

117	2	Water Availability: 50% 80%	Flood Frequency Analysis
30200302	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

County

COUNTY	FIPS
Polk	41053

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 10S-4W-4-NWNE

Uses: IR 22.3 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
117	2	Water Availability: 50% 80%	Flood Frequency Analysis
30200302	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

County

COUNTY	FIPS
Polk	41053

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D

In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 10S-4W-4-SENE

Uses: IR 41.4 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
117	2	Water Availability: 50% 80%	Flood Frequency Analysis
30200302	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

County

COUNTY	FIPS
Polk	41053

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 10S-4W-4-SWNE

Uses: IR 24.3 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
16	NW	Bill Ferber	725 Summer St. NE, Suite A	Salem	97301-1271	503-986-0893		503-986-0903

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
30200302	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Polk	41053

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

WATER AVAILABILITY TABLE

Water Availability as of 6/ 2/2004 for
LUCKIAMUTE R > WILLAMETTE R - AT MOUTH

Watershed ID #: 117 Basin: WILLAMETTE Exceedance Level: 80
Time: 07:37 Date: 06/02/2004

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	182	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	183	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4	117	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES

STREAM NAMES

Water Availability as of 6/ 2/2004 for
LUCKIAMUTE R > WILLAMETTE R - AT MOUTH

Watershed ID #: 117 Basin: WILLAMETTE Exceedance Level: 80
Time: 07:37 Date: 06/02/2004

Item Watershed ID Stream Name

1	181	WILLAMETTE R > COLUMBIA R - AT MOUTH
2	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R
3	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
4	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 6/ 2/2004 for
LUCKIAMUTE R > WILLAMETTE R - AT MOUTH

Watershed ID #: 117 Basin: WILLAMETTE Exceedance Level: 80
Time: 07:37 Date: 06/02/2004

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	839.0
2	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	936.0
3	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	749.0
4	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	480.0
5	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	231.0
6	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	75.9
7	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	NO	-6.4
8	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	NO	-12.9
9	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	NO	-1.5
10	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	18.2
11	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	147.0
12	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	725.0
Stor	117	LUCKIAMUTE R > WILLAMETTE R - AT MOUTH	YES	494000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 2/2004 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	27500.00	1960.00	358.00	25200.00	0.00	1500.00	23700.00
2	30000.00	7250.00	354.00	22400.00	0.00	1500.00	20900.00
3	28500.00	6880.00	343.00	21300.00	0.00	1500.00	19800.00
4	25400.00	6590.00	329.00	18500.00	0.00	1500.00	17000.00
5	20700.00	3940.00	289.00	16500.00	0.00	1500.00	15000.00
6	11000.00	1690.00	480.00	8830.00	0.00	1500.00	7330.00
7	6280.00	1660.00	471.00	4150.00	0.00	1500.00	2650.00
8	4890.00	1460.00	436.00	3000.00	0.00	1500.00	1500.00
9	4930.00	1090.00	424.00	3420.00	0.00	1500.00	1920.00
10	5990.00	355.00	240.00	5400.00	0.00	1500.00	3900.00
11	12700.00	502.00	291.00	11900.00	0.00	1500.00	10400.00
12	24800.00	640.00	356.00	23800.00	0.00	1500.00	22300.00
Stor	19700000	2030000	264000	17400000	0	1090000	16300000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 2/2004 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1710.00	0.00	335.00	102.00	7.99	23.70	107.00	37.40	2320.00
2	6990.00	0.00	335.00	102.00	7.99	23.70	107.00	37.40	7600.00
3	6600.00	6.44	335.00	102.00	7.98	23.70	109.00	40.40	7220.00
4	6260.00	42.60	335.00	102.00	7.98	23.70	106.00	40.40	6920.00
5	3380.00	293.00	331.00	102.00	7.83	23.70	79.70	19.80	4240.00
6	441.00	588.00	913.00	102.00	7.68	23.70	76.70	19.80	2170.00
7	14.00	1000.00	909.00	96.90	7.68	23.70	52.90	19.50	2120.00
8	2.03	785.00	909.00	96.90	7.68	22.30	51.50	19.50	1890.00
9	0.75	387.00	908.00	102.00	7.68	22.30	65.00	19.70	1510.00
10	0.44	27.80	333.00	102.00	7.68	22.30	67.50	33.50	594.00
11	196.00	0.00	335.00	102.00	7.98	23.70	91.80	36.50	793.00
12	383.00	0.00	335.00	102.00	7.99	23.70	106.00	37.40	995.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 6/ 2/2004 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 6/ 2/2004 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

ISWRs								
APP #	181A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
2	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
3	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
4	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
5	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
6	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
7	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
8	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
9	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
10	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 2/2004 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182
Time: 07:37

Basin: WILLAMETTE

Exceedance Level: 80
Date: 06/02/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	21400.00	1720.00	256.00	19400.00	0.00	1500.00	17900.00
2	23200.00	6910.00	252.00	16000.00	0.00	1500.00	14500.00
3	22400.00	6700.00	248.00	15500.00	0.00	1500.00	14000.00
4	19900.00	6360.00	242.00	13300.00	0.00	1500.00	11800.00
5	16600.00	3700.00	231.00	12700.00	0.00	1500.00	11200.00
6	8740.00	1260.00	406.00	7080.00	0.00	1500.00	5580.00
7	4980.00	1110.00	388.00	3480.00	0.00	1500.00	1980.00
8	3830.00	979.00	359.00	2490.00	0.00	1500.00	992.00
9	3890.00	729.00	362.00	2800.00	0.00	1500.00	1300.00
10	4850.00	251.00	205.00	4390.00	0.00	1500.00	2890.00
11	10200.00	349.00	232.00	9620.00	0.00	1500.00	8120.00
12	19300.00	395.00	255.00	18700.00	0.00	1500.00	17200.00
Stor	15200000	1820000	207000	13200000	0	1090000	12100000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 2/2004 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182
Time: 07:37

Basin: WILLAMETTE

Exceedance Level: 80
Date: 06/02/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1520.00	0.00	250.00	87.60	6.63	18.00	74.60	20.20	1980.00
2	6710.00	0.00	250.00	87.60	6.63	18.00	74.60	20.20	7170.00
3	6480.00	4.37	250.00	87.60	6.63	18.00	76.60	20.20	6940.00
4	6120.00	28.70	250.00	87.60	6.63	18.00	73.10	20.20	6600.00
5	3300.00	201.00	246.00	87.50	6.63	18.00	66.30	4.92	3930.00
6	420.00	403.00	657.00	87.50	6.63	18.00	66.30	4.92	1660.00
7	3.83	684.00	654.00	82.30	6.63	18.00	43.00	4.63	1500.00
8	1.99	531.00	654.00	82.30	6.63	16.60	41.60	4.63	1340.00
9	0.69	263.00	657.00	87.50	6.63	16.60	55.10	4.89	1090.00
10	0.27	19.00	250.00	87.50	6.63	16.60	58.10	18.60	457.00
11	125.00	0.00	250.00	87.50	6.63	18.00	73.40	20.20	581.00
12	193.00	0.00	250.00	87.60	6.63	18.00	74.60	20.20	650.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 6/ 2/2004 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182
Time: 07:37

Basin: WILLAMETTE

Exceedance Level: 80
Date: 06/02/2004

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 6/ 2/2004 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182
Time: 07:37

Basin: WILLAMETTE

Exceedance Level: 80
Date: 06/02/2004

ISWRs								
APP #	182A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
2	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
3	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
4	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
5	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
6	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
7	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
8	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
9	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
10	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 2/2004 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	18400.00	1880.00	79.60	16400.00	0.00	1300.00	15100.00
2	20100.00	7070.00	77.40	13000.00	0.00	1300.00	11700.00
3	19600.00	6860.00	75.40	12700.00	0.00	1300.00	11400.00
4	18000.00	6520.00	72.40	11400.00	0.00	1300.00	10100.00
5	15500.00	3810.00	67.80	11600.00	0.00	1300.00	10300.00
6	8310.00	1330.00	116.00	6860.00	0.00	1300.00	5560.00
7	4710.00	1100.00	108.00	3500.00	0.00	1300.00	2200.00
8	3620.00	1010.00	84.40	2530.00	0.00	1300.00	1230.00
9	3680.00	834.00	88.60	2760.00	0.00	1300.00	1460.00
10	4650.00	413.00	60.50	4180.00	0.00	1300.00	2880.00
11	9400.00	513.00	67.50	8820.00	0.00	1300.00	7520.00
12	16700.00	553.00	79.50	16100.00	0.00	1300.00	14800.00
Stor	13500000	1900000	59000	11500000	0	942000	10600000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 2/2004 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1500.00	0.00	347.00	59.30	3.39	12.60	21.80	19.40	1960.00
2	6680.00	0.00	347.00	59.30	3.39	12.60	21.80	19.40	7140.00
3	6470.00	3.10	347.00	59.30	3.39	12.60	22.90	19.40	6940.00
4	6110.00	19.20	347.00	59.30	3.39	12.60	20.40	19.40	6590.00
5	3300.00	142.00	343.00	59.30	3.39	12.60	19.30	4.68	3880.00
6	419.00	286.00	640.00	59.30	3.39	12.60	19.30	4.68	1440.00
7	3.79	485.00	638.00	55.70	3.39	12.60	4.87	4.46	1210.00
8	1.97	373.00	638.00	55.70	3.39	12.60	4.87	4.46	1090.00
9	0.66	185.00	640.00	59.20	3.39	12.60	16.90	4.65	922.00
10	0.21	13.40	347.00	59.30	3.39	12.60	19.20	18.40	473.00
11	118.00	0.00	347.00	59.30	3.39	12.60	20.70	19.40	580.00
12	169.00	0.00	347.00	59.30	3.39	12.60	21.80	19.40	632.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 6/ 2/2004 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 6/ 2/2004 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

ISWRs								
APP #	183A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
2	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
3	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
4	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
5	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
6	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
7	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
8	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
9	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
10	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
11	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
12	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 2/2004 for

LUCKIAMUTE R > WILLAMETTE R - AT MOUTH

Watershed ID #: 117

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	868.00	5.77	3.35	859.00	0.00	20.00	839.00
2	965.00	5.73	3.25	956.00	0.00	20.00	936.00
3	777.00	4.98	2.90	769.00	0.00	20.00	749.00
4	507.00	4.60	2.73	500.00	0.00	20.00	480.00
5	271.00	15.10	4.85	251.00	0.00	20.00	231.00
6	132.00	28.50	7.61	95.90	0.00	20.00	75.90
7	67.80	46.80	7.36	13.60	0.00	20.00	-6.39
8	46.00	38.00	0.88	7.14	0.00	20.00	-12.90
9	39.50	20.60	0.44	18.50	0.00	20.00	-1.51
10	43.00	3.08	1.75	38.20	0.00	20.00	18.20
11	173.00	3.83	2.02	167.00	0.00	20.00	147.00
12	754.00	5.65	3.25	745.00	0.00	20.00	725.00
Stor	522000	11100	2440	508000	0	14500	494000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 2/2004 for

LUCKIAMUTE R > WILLAMETTE R - AT MOUTH

Watershed ID #: 117

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	4.63	0.00	0.49	0.57	0.00	1.64	1.79	0.00	9.13
2	4.48	0.00	0.49	0.57	0.00	1.64	1.79	0.00	8.98
3	3.33	0.06	0.49	0.57	0.00	1.64	1.79	0.00	7.89
4	0.78	2.06	0.49	0.57	0.00	1.64	1.79	0.00	7.33
5	0.18	15.30	0.49	0.57	0.00	1.64	1.79	0.00	20.00
6	0.08	30.50	1.47	0.57	0.00	1.64	1.79	0.00	36.10
7	0.00	50.20	1.47	0.55	0.00	1.64	0.29	0.00	54.20
8	0.00	34.90	1.47	0.55	0.00	1.64	0.29	0.00	38.90
9	0.00	17.10	1.47	0.55	0.00	1.64	0.29	0.00	21.10
10	0.12	0.21	0.49	0.57	0.00	1.64	1.79	0.00	4.83
11	1.36	0.00	0.49	0.57	0.00	1.64	1.79	0.00	5.86
12	4.40	0.00	0.49	0.57	0.00	1.64	1.79	0.00	8.90

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 6/ 2/2004 for

LUCKIAMUTE R > WILLAMETTE R - AT MOUTH

Watershed ID #: 117

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 6/ 2/2004 for

LUCKIAMUTE R > WILLAMETTE R - AT MOUTH

Watershed ID #: 117

Basin: WILLAMETTE

Exceedance Level: 80

Time: 07:37

Date: 06/02/2004

ISWRs								
APP #	117A	0	0	0	0	0	0	MAXIMUM
Status	Cert							
1	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
2	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
3	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
4	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
5	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
6	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
7	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
8	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
9	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
10	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
11	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
12	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00

Platcard Report

①

Township 10S Range 4W Section 3

					NE				NW				SW				SE					
	App# Priority	Perm/U Certificate	Claim/ Decree	Status dic/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
①	12/31/1937	-	GR1125					0.5 IR									17.0 IR					
①	12/31/1946	-	GR4051					0.1 IR														
①	12/17/1975	S40168 79463		CN xfr#: T7784	1.6 IR CN																	
	12/17/1975			CN xfr#: T7784 dic: 52																3.8 IR CN		
	12/17/1975			CN xfr#: T7784 lot: 3													0.2 IR CN					
	12/17/1975			CN xfr#: T7784 lot: 4														1.6 IR CN				
	12/17/1975			CN xfr#: T7784 lot: 5															1.0 IR CN			
①	12/17/1975	S40168 79917			1.6 IR																	
	12/17/1975			dic: 52																3.8 IR		
	12/17/1975			dic: 52 lot: 3													0.2 IR					
	12/17/1975			dic: 52 lot: 4														1.6 IR				
	12/17/1975			lot: 5															1.0 IR			
①	G4938 07/16/1969	G4480 -			GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD		
①	G6816 02/18/1975	G6093 -			QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM		
①	G9321 07/23/1979	G9747 -			DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO		
①	P76423 12/29/1994	-																				
①	S32173 03/10/1958	S25383 31197		dic: 52													3.5 IR			5.4 IR		
	03/10/1958			lot: 3														13.3 IR				
	03/10/1958			lot: 4															2.0 IR			
	03/10/1958			lot: 5																2.3 IR		

Page 1 2 3 Next Last

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Phillip C. Ward, Acting Director

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Platcard Report

2

Township 10S Range 4W Section 3

					NE				NW				SW				SE				Govt Lot		DLC	
	App# Priority	Permit/ Certificate	Claim/ Decree	Status d/c/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot		DLC	
1	S32173 03/10/1958	S25383 31197		lot: 6													8.7 IR							
1	S38617 04/08/1963	S28748 36548		d/c: 52															0.9 IR	6.8 IR				
	04/08/1963			d/c: 53															4.4 IR					
	04/08/1963			lot: 4															22.8 IR					
	04/08/1963			lot: 5															0.8 IR					
1	S38618 04/08/1963	S28749 36428			7.8 IR																			
	04/08/1963			d/c: 53		9.3 IR	6.3 IR		5.4 IR			2.0 IR												
	04/08/1963			lot: 1		33.8 IR																		
	04/08/1963			lot: 2			26.6 IR																	
	04/08/1963			lot: 3															2.8 IR					
	04/08/1963			lot: 6													0.1 IR							
	04/08/1963			lot: 7				22.2 IR																
1	S45171 07/12/1968	S33749 42036			27.2 IR																			
1	S46823 03/19/1970	S35084 42847		d/c: 52													0.9 IR			21.4 IR				
1	S46825 03/02/1971	S35086 47193		lot: 6													1.7 IR							
	03/02/1971			d/c: 52													8.3 IS (s)							
	03/02/1971			lot: 6													8.7 IS (s)							
	03/02/1971			lot: 7				0.5 IS (s)																
1	S55931 05/18/1977	S41930 48523		d/c: 52													0.9 IS (s)			21.4 IS (s)				
1	S56396 08/11/1977	S42697 -		CN	27.2 IS (s) CN																			

Page: First Previous 1 2 3 Next Last

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Run Time: 7 seconds

http://stamp.wrd.state.or.us/apps/wr/platcard/platcard.php?search_type=Search&meridian=WM&townsh... 06/02/2004

Platcard Report

3

Township 10S Range 4W Section 3

					NE				NW				SW				SE					
App#	Permit/	Claim/	Status		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt	DLC
Priority	Certificate	Decree	dic/lot																		Lot	
1	S85934	-					0.1		32.5	40.8	41.1	36.2										
02/05/2004	-	-					IR		IR	IR	IR	IR										

Page: First Previous 1 2 3

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Run Time: 0 seconds

Platcard Report

Township 10S Range 4W Section 4

					NE				NW				SW				SE				Govt Lot	DLC
App#	Permit/	Claim/	Status		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
Priority	Certificate	Decree	dlc/lot																			
① G4938 07/16/1969	G4480 -				GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD	GD		
① G6816 02/18/1975	G6093 -				QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM		
① G9321 07/23/1979	G8747 -				DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO	DO		
① G13972 02/03/1995	G12531 -					12.1 IS (s)	19.4 IS (s)		44.0 IS (s)	45.0 IS (s)	39.6 IS (s)	40.0 IS (s)		25.8 IS (s)	2.1 IS (s)			5.4 IS (s)				
① S43086 12/02/1966	S32188 36549		d/c: 53														0.2 IR	3.9 IR	3.2 IR	8.0 IR		
① S45041 06/07/1968	S33663 45079		d/c: 53																12.8 IR	0.1 IR		
① S49779 09/29/1972	S37265 64048		d/c: 67																3.5 IR			
① S73595 08/19/1993	S52839 -					12.1 IR	19.4 IR		44.0 IR	45.0 IR	39.6 IR	40.0 IR		25.8 IR	2.1 IR				8.1 IR			
① S85934 02/05/2004	- -				40.9 IR	22.3 IR	24.3 IR	41.4 IR														

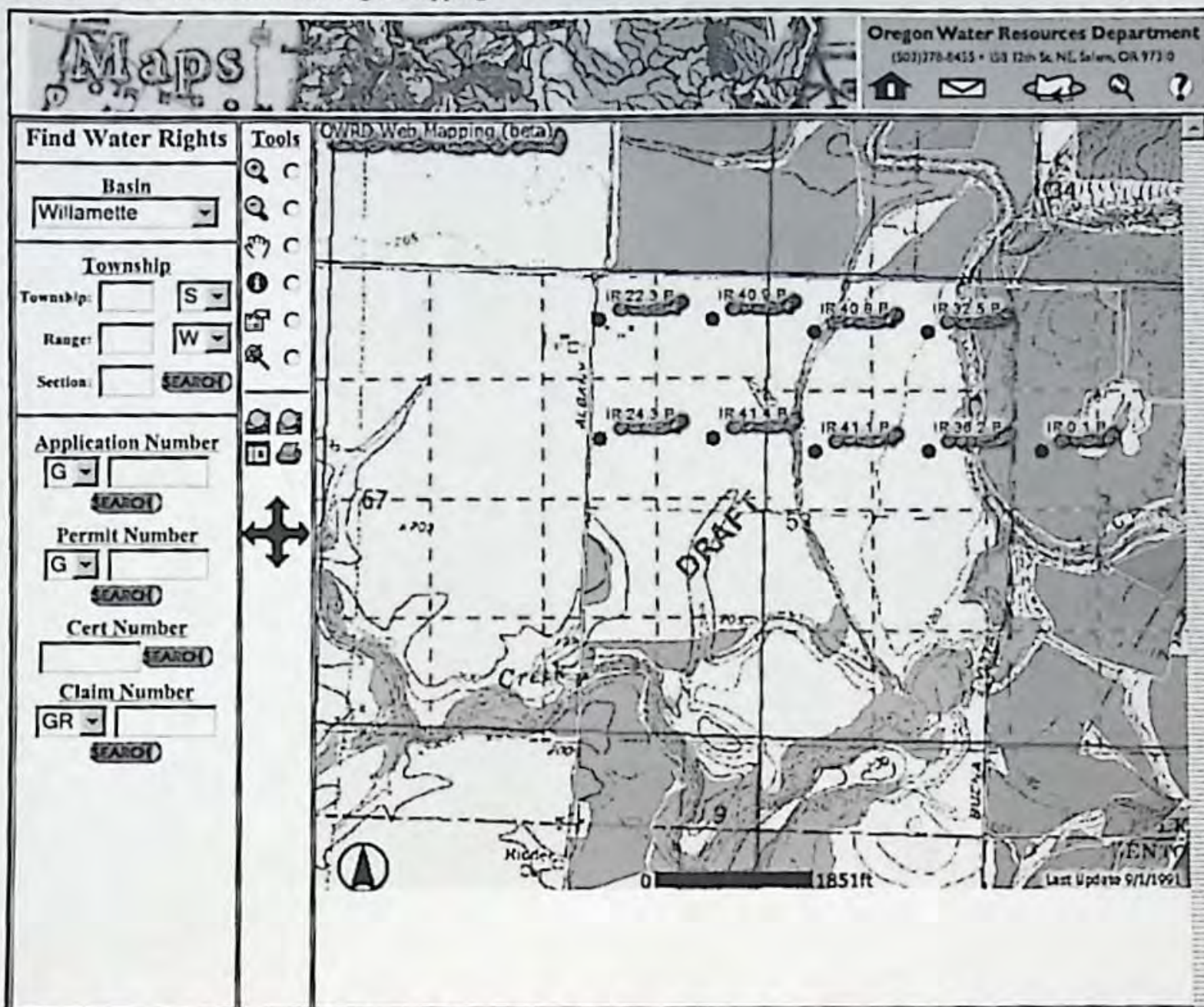
Page:1

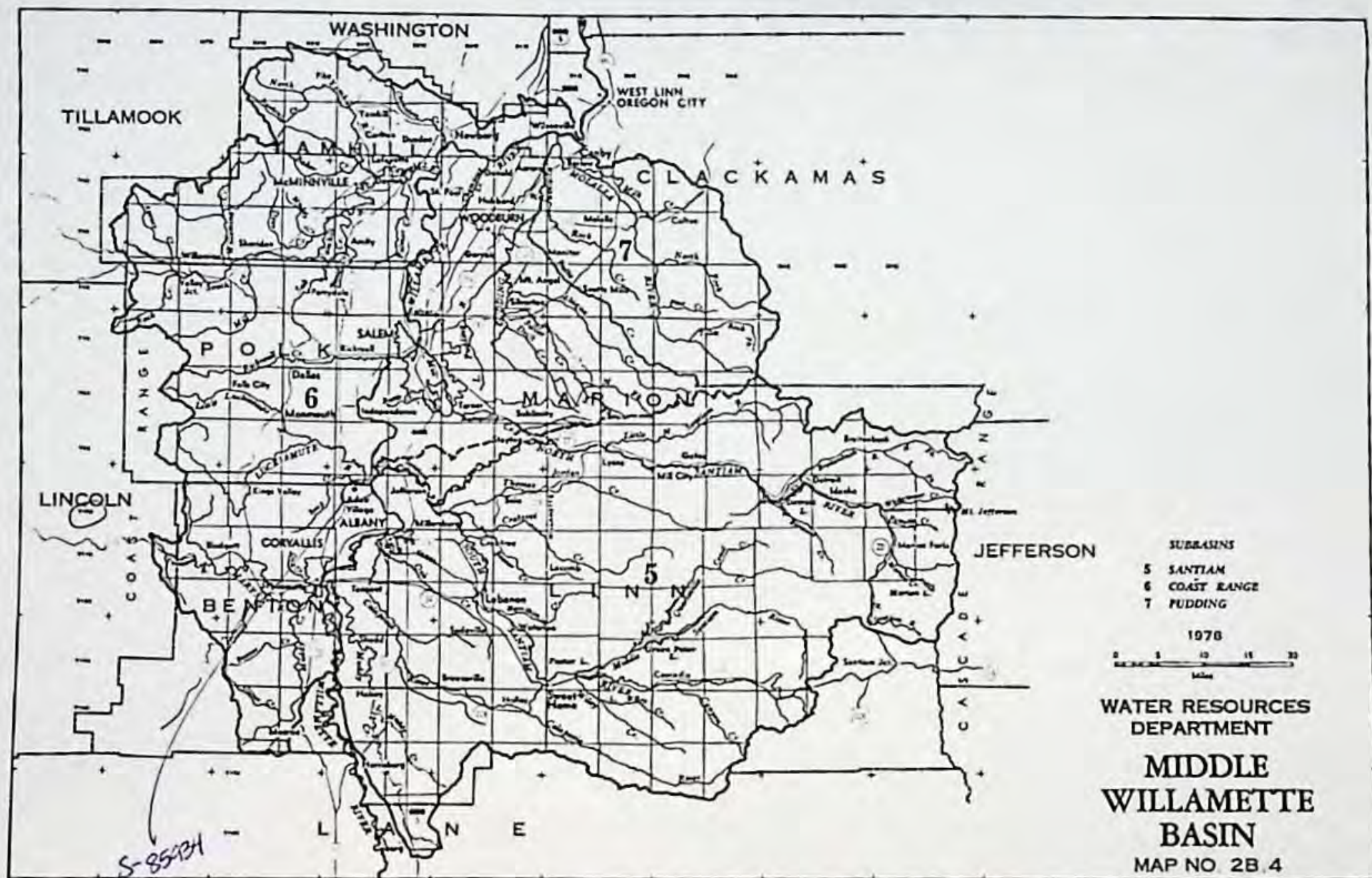
Return to Platcard Query Screen

Phillip C. Ward, Acting Director

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Run Time: 1 seconds





This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.



IN REPLY REFER TO:
PN-3324
WTR-4.00

United States Department of the Interior

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

JUL 19 2005



RECEIVED

JUL 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

Mr. Paul Mulkey Jr., Trustee
The Paul Mulkey Living Trust
13530 Corvallis Road
Monmouth, OR 97361

Subject: Temporary Water Service Contract, 2005 Irrigation Season, Willamette Basin Project, Oregon

Dear Mr. Mulkey:

Enclosed for your consideration are three copies of a proposed temporary water service contract that when properly executed, would make stored water from the Willamette Basin Project (Project) available to you for irrigation use for the remainder of the 2005 irrigation season ending October 31. The subject contract is a one-season arrangement only, and is intended to address irrigation needs for the 2005 irrigation season while this office continues to process and evaluate your application for a long-term contract for such a water supply. The provision of water service in subsequent irrigation seasons, temporary or otherwise, would be contingent upon execution of a suitable contract for that purpose.

The information detailed in the proposed contract is based on that provided in your contract application to this office and, when possible, it has been reconciled against information provided in the water right application to the Oregon Water Resources Department (OWRD). A water right issued by OWRD is required in order to divert the stored water provided under this proposed contract. If you have not done so, we recommend you contact OWRD for this purpose.

Article 4 describes by quarter-quarter section a total of 279.9 acres that are eligible to receive irrigation water service under the contract. Article 5 of the contract requires payment of \$3,360.00 be made at this time to receive up to a maximum of 420 acre-feet of stored water. Article 5 explains that the payment for the use of stored water is based on a rate of \$8 per acre-foot, provided that such payment shall as a minimum be the greater of \$2 per acre or \$50. In addition, Article 5 allows for the partial refund of the water service payment based on information as to the amount of stored water actually delivered during the irrigation season, provided such information is received by this office by December 1, 2005.

It is important that the information in the contract is accurate. Therefore, you should assure that the contract correctly represents the amount of stored water to be made available and the descriptions of the point(s) of diversion and the acres to be irrigated. In addition to confirming the accuracy of the contract, you now have the opportunity to request a reduction in the amount of stored water provided if you desire. If you decide to request a reduction in water service, please write a note specifying the acre-feet of stored water desired or note it on the contract. If you change the amount of stored water desired, we will revise the amount shown in contract Articles 4 and 5 and the payment shown in Article 5 before executing the contract on behalf of the United States. If other information in the contract should be changed (such as the land description in Article 4, the diversion point(s) in

Article 7, or the mailing address in Article 13), please provide this information along with the completed contract and payments due so that we can modify the contract prior to execution.

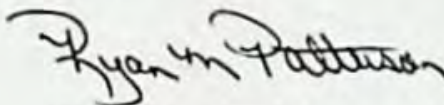
If you find the contract acceptable, we ask that you please sign two copies and have your signature notarized. Then return the two copies of the contract to this office, Attention: PN-3324, along with payment of \$3,460.00 (\$3,360.00 for 2005 water service and a \$100 contract administration fee).

Upon our receipt of the items described above, the contract can be executed on behalf of the United States, dated, and assigned a contract number for identification purposes. We would then return to you an executed original, and as many copies as you desire for your records. We would also mail a copy of the contract to the appropriate State and Federal offices.

Execution of the proposed temporary water service contract is voluntary on your part. Should you decide not to execute the proposed water service contract for this season, your decision in no way impacts your standing application for a long-term contract for Project water service.

If you have any questions, please contact Mr. Bill Parks of my staff at the above address or by telephone at 208-378-5344.

Sincerely,



Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

Enclosure - 3 copies

cc: Water Rights Division
Oregon Water Resources Department
725 Summer Street NE., Suite A
Salem, OR 97301-1271
(enclosure available upon request)

U.S. Army Corps of Engineers
Attention: CENWP-EC-HR
P.O. Box 2946
Portland, OR 97208-2946
(enclosure available upon request)

RECEIVED

JUL 22 2005

**WATER RESOURCES DEPT
SALEM, OREGON**

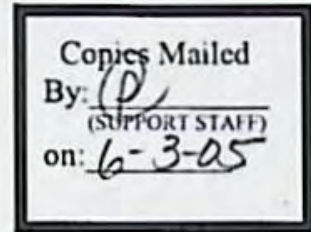
Mailing List for FO Copies

Application # S-85934

Mailing List Print Date: May 25, 2005

Original mailed to applicant:

PAUL MULKEY LIVING TRUST
ATTN: PAUL MULKEY
13530 CORVALLIS RD
MONMOUTH OR 97361



For FO w/ Draft Permit - Copies sent to:

1. WRD - File # S-85934 ✓

For FO w/ Draft Permit - FO and Map Copies sent to:

2. WRD - Watermaster District #: 16
3. WRD - Regional Manager: NWR ✓

Copies to Other Interested Persons (CIWRE, Agent, Well Driller, Commenter, etc.)

1. Don Knauer Consulting, PO Box 5416, Salem OR 97304 ✓

- 2.

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1.

CASEWORKER: jme

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-85934

Final Order

Application History

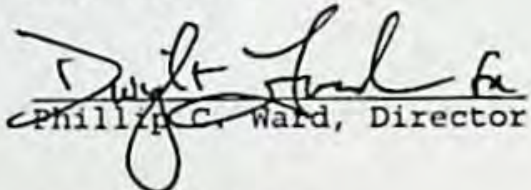
On February 5, 2004, PAUL MULKEY submitted an application to the Department on behalf of PAUL MULKEY LIVING TRUST for a water use permit. The Department issued a Proposed Final Order on March 8, 2005. The protest period closed April 22, 2005, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to include a condition that subjects the right to the terms and conditions of a contract between the Bureau of Reclamation and the applicant.

Order

Upon the submission of an executed and valid contract with the Bureau of Reclamation authorizing appropriation of stored water from Willamette Basin Project Reservoirs, Application S-85934 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

DATED June 2 , 2005


Phillip C. Ward, Director

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF BENTON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PAUL MULKEY LIVING TRUST
13530 CORVALLIS RD
MONMOUTH, OR 97361

503-838-0134

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

APPLICATION FILE NUMBER: S-85934

SOURCE OF WATER: LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION USE ON 279.9 ACRES

MAXIMUM RATE: 3.5 CUBIC FEET PER SECOND FROM LUCKIAMUTE RIVER

MAXIMUM VOLUME: 420.0 ACRE FEET FROM WILLAMETTE BASIN PROJECT RESERVOIRS

PERIOD OF USE: MARCH 1 THROUGH JUNE 30, AND OCTOBER 1 THROUGH OCTOBER 31 FROM LUCKIAMUTE RIVER; MARCH 1 THROUGH OCTOBER 31 FROM WILLAMETTE BASIN PROJECT RESERVOIRS

DATE OF PRIORITY: FEBRUARY 5, 2004

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 3, T10S, R4W, W.M.; 60 FEET SOUTH & 650 FEET WEST FROM NE CORNER, ALEXANDER HODGES DLC 53

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 41.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.2 ACRES
SECTION 3

NE ¼ NE ¼ 40.9 ACRES
 NW ¼ NE ¼ 22.3 ACRES
 SW ¼ NE ¼ 24.3 ACRES
 SE ¼ NE ¼ 41.4 ACRES

SECTION 4

TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter 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.

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens is not necessary.

The use of water under this right is subject to the terms and conditions of contract No. XXXXXX, 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.

STANDARD CONDITIONS

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.

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2005

DRAFT - THIS IS NOT A PERMIT

Phillip C. Ward, Director
Water Resources Department

ASSIGNMENT OF PERMIT. Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

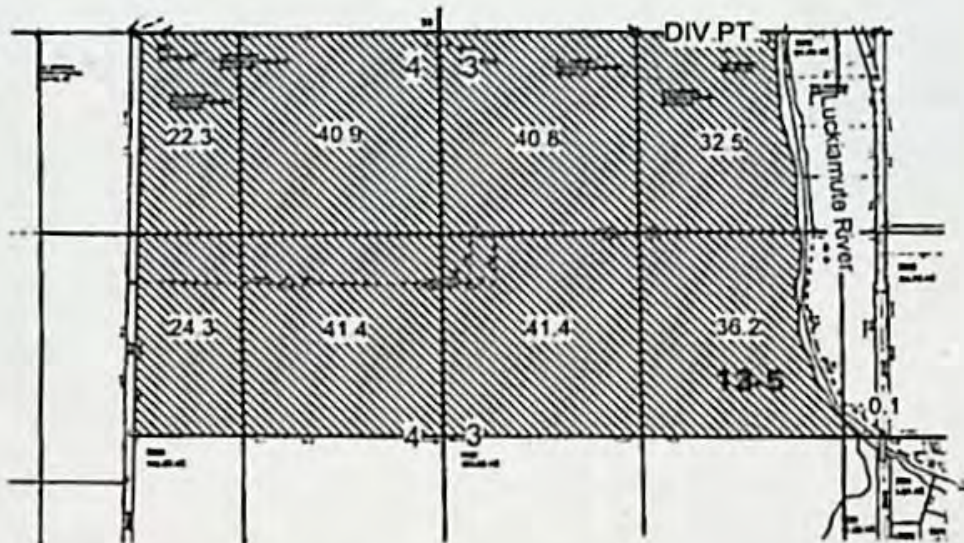
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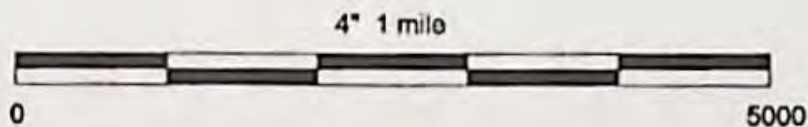
APPLICATION MAP
in the name of
PAUL MULKEY LIVING TRUST

FEB - 5 200

T 10 S R 4 W, W.M.
Sections 3 & 4



DIV. PT.: 60' south & 650' west from the NE corner DLC 53



10.4.3

Scale 1" = 400'

200
04.05.02
R
Survey Corner

13-5

Canceled No.

NOI
SUD

Book 11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-

03/22/04

10.4.3

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number S-85934

Prior to issuance of a permit, you must provide:

- recording fees in the amount of \$250.00, and
- a contract authorizing the appropriation of stored water from Willamette Basin Project Reservoirs.

In order to increase Department efficiency and expedite the processing of your application, please submit the necessary fees and contract prior to the protest deadline of April 22, 2005. Please include your application number on all materials submitted to the Oregon Water Resources Department. If this fee and contract is not submitted prior to April 22, 2005, issuance of a permit may be delayed.

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On February 5, 2004, PAUL MULKEY submitted an application to the Department for PAUL MULKEY LIVING TRUST for the following water use permit:

- Amount of Water: 7.0 CUBIC FEET PER SECOND (CFS) FROM LUCKIAMUTE RIVER AND 420.0 ACRE FEET (AF) FROM WILLAMETTE BASIN PROJECT RESERVOIRS
- Use of Water: IRRIGATION USE ON 279.9 ACRES
- Source of Water: LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, TRIBUTARIES OF WILLAMETTE RIVER
- Area of Proposed Use: Benton County within SECTION 4, TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

On July 23, 2004, the Department mailed the applicant notice of its Initial Review, determining that "The use of 3.5 cubic feet per second from Luckiamute River, tributary of Willamette River, for irrigation use

on 279.9 acres may be allowed from March 1 through June 30 and October 1 through October 31 of each year. The use of 420.0 acre feet from Willamette Basin Project Reservoirs, tributaries of Willamette River, for irrigation use on 279.9 acres may be allowed from March 1 through October 31 of each year, provided a contract with the Bureau of Reclamation is obtained to appropriate stored water from Willamette Basin Project Reservoirs." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On July 27, 2004, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, the applicant requested a 180 day administrative hold, which ended February 14, 2005.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Willamette Basin Program allows the use of water for IRRIGATION.

Senior water rights exist on LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, TRIBUTARIES OF WILLAMETTE RIVER, or on downstream waters.

LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, TRIBUTARIES OF WILLAMETTE RIVER are not within or above a State Scenic Waterway.

An assessment of live flow water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) October 1 through June 30.

Water is determined to be available for further appropriation from water legally stored under Permits R-1625 and R-5363.

The Department finds that the amount of water requested from stored water, 420.0 AF, is an acceptable amount. The Department finds that no more than 3.5 CFS would be necessary for the proposed use from live flow. The amount of water allowed for live flow shall be restricted to 3.5 CFS.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens is not necessary.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

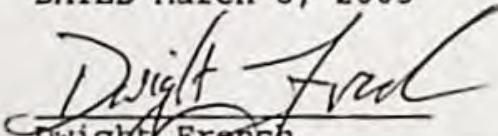
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED March 8, 2005


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than April 22, 2005.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

jme - week 502

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF BENTON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PAUL MULKEY LIVING TRUST
13530 CORVALLIS RD
MONMOUTH, OR 97361

503-838-0134

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

APPLICATION FILE NUMBER: S-85934

SOURCE OF WATER: LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION USE ON 279.9 ACRES

MAXIMUM RATE: 3.5 CUBIC FEET PER SECOND FROM LUCKIAMUTE RIVER

MAXIMUM VOLUME: 420.0 ACRE FEET FROM WILLAMETTE BASIN PROJECT RESERVOIRS

PERIOD OF USE: MARCH 1 THROUGH JUNE 30, AND OCTOBER 1 THROUGH OCTOBER 31 FROM LUCKIAMUTE RIVER; MARCH 1 THROUGH OCTOBER 31 FROM WILLAMETTE BASIN PROJECT RESERVOIRS

DATE OF PRIORITY: FEBRUARY 5, 2004

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 3, T10S, R4W, W.M.; 60 FEET SOUTH & 650 FEET WEST FROM NE CORNER, ALEXANDER HODGES DLC 53

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 41.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.2 ACRES

SECTION 3

Application S-85934 Water Resources Department

PERMIT DRAFT

NE ¼ NE ¼ 40.9 ACRES
 NW ¼ NE ¼ 22.3 ACRES
 SW ¼ NE ¼ 24.3 ACRES
 SE ¼ NE ¼ 41.4 ACRES

SECTION 4

TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter 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.

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens is not necessary.

STANDARD CONDITIONS

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.

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2005

DRAFT - THIS IS NOT A PERMIT

Phillip C. Ward, Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

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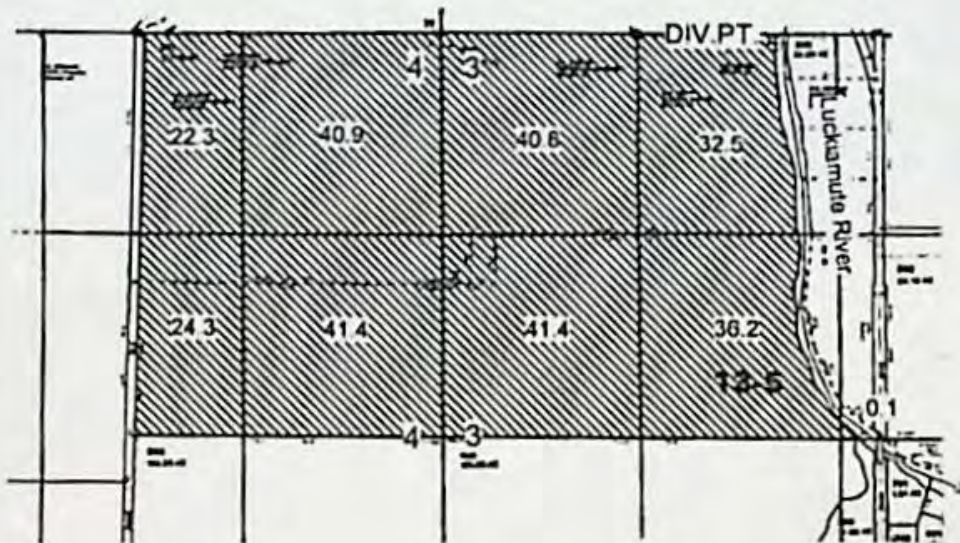
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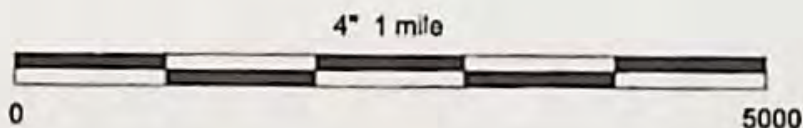
APPLICATION MAP
in the name of
PAUL MULKEY LIVING TRUST

FEB - 5 2004

T 10 S R 4 W, W.M.
Sections 3 & 4



DIV. PT. : 60' south & 650' west from the NE corner DLC 53



IMPORTANT
This Map for Assessment
and Taxation Purposes
33 ONLY

See Map 9.A.34

See Map 9.A.34

See Map 9.A.34

SEC. 3 T10S R4W WM
POLK COUNTY

Scale 1" = 400'

See Map 9.A.34

See Map 9.A.34

10.4.3

13-5

Survey Corner

Cancelled No.

803
805

See Map 10.4.2

See Map 10.4.4

See Map 10.4.4

03/22/04

10.4.3

Mailing List for PFO Copies

Application #S-85934

PFO Date March 8, 2005

Original mailed to applicant:

PAUL MULKEY LIVING TRUST
ATTN: PAUL MULKEY
13530 CORVALLIS RD
MONMOUTH, OR 97361

Copies Mailed
By: <u>7CB</u>
(SUPPORT STAFF)
on: <u>3/8/05</u>
(DATE)

Copies sent to:

- 1. WRD - File # S-85934
- 2. Water Availability: Ken Stahr

PFO and Map Sheet Copies sent to:

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

- 3. Don Knauer Consulting, PO Box 5416, Salem OR 97304

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

E-mail to be sent by jme
WRD - Watermaster # 16
Regional Manager: NWR

CASEWORKER: jme WEEK 502



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

August 26, 2004

Paul Mulkey Living Trust
Attn: Paul Mulkey
13530 Corvallis Rd
Monmouth, OR 97361

Reference: File S-85934

Dear Mr. Mulkey:

On August 18, 2004, the Water Resources Department received a letter from you requesting an 180 day administrative hold on processing the above referenced application. The reason for the administrative hold is to allow you time to obtain a contract authorizing the appropriation of stored water from the Bureau of Reclamation.

The Department will not take any action on this application until **February 14, 2005**. Please let us know if you are ready to proceed sooner or if you need additional time.

If you have any questions, please feel free to call me at 503-986-0859.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeana Eastman".

Jeana Eastman
Water Rights Caseworker

cc: Bill Ferber, Watermaster District #16
Don Knauer Consulting, PO Box 5416, Salem OR 97304
File

INTEROFFICE MEMORANDUM

Water Rights Section

TO: S-85934

August 26, 2004

FROM: Jeana Eastman

RE: Letter from applicant dated 8/17/2004 requesting administrative hold

On August 18, 2004, the Department received a letter from the applicant, Paul Mulkey. His intent was to request an administrative hold for Application S-85934 in order to give him time to obtain a contract with the Bureau of Reclamation. The letter incorrectly identifies the Application as being S-85935. I spoke with Mr. Mulkey today and he confirmed the error on the letter. Application S-85934 will be put on administrative hold per the applicants request.

Untitled

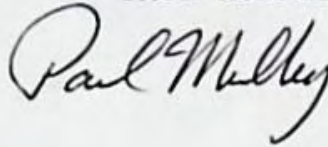
AUGUST, 17.200

TO WATER RESOURCES DEPARTMENT

I WOULD LIKE AN ADMINISTRATIVE HOLD FOR 180 DAYS ON PERMIT
#S-85935.

WE ARE APPLYING FOR A PERMIT WITH THE BUREAU OF RECLAMATION.
I HAVE SENT A COPY WITH THIS LETTER.

THANK YOU.
PAUL MULKEY



RECEIVED

AUG 18 2004

WATER RESOURCES DEPT
SALEM, OREGON

CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3322
1150 North Curtis Road
Boise ID 83706-1234
(208) 378-5223

RECEIVED

AUG 18 2004

WATER RESOURCES DEPT
SALEM, OREGON

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): PAUL MULKEY LIVING TRUST
- 2) Address: 13530 CORVALLIS ROAD, MONMOUTH ORE 97361
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): 93-0543006
(Social Security Number or Employer Identification Number)
- 5) Do you own all of the land where you propose to divert and make use of water? YES

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: _____
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____
(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.)
 - (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.

2. Source of Water (name of stream, river) WILLAMETTE RIVER PROJECT
3. Proposed point of diversion: 60 feet S and 650 feet W
of NE corner of DLC Section 53, Township 10 S, Range 4 W,
Willamette Meridian.
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: S-85934
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].

6. Do you currently hold a right to natural flows for irrigating the property described herein? No
If yes, what is/are the priority date(s)? _____
7. Total quantity of water from storage requested: 420 acre-feet.
8. Location of land to be irrigated in each 40-acre tract: SEE ATTACHED

RECEIVED

AUG 18 2004

WATER RESOURCES DEPT
SALEM, OREGON

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP

9. 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 - PLANTED GRASS SEED
10. Is the land identified above currently being irrigated? No If yes, what is the source? (natural flows, wells, etc.) _____
11. Diversion must be screened to prevent uptake of fish and other aquatic life.
Describe plan(s) to comply with State/Federal fish screen standards: FISH SCREENS
THAT MEET APPLICABLE STANDARDS WILL BE
INSTALLED PRIOR TO WATER DIVERSION.
12. Telephone Number where you can be reached during the day: 503-838-0412

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.(1) 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.

TABULATION

PLACE OF USE

NE NW	32.5
NWNW	40.8
SWNW	41.4
SE NW	36.2
SWNE	0.1

SEC. 3

NENE	40.9
NWNE	22.3
SWNE	24.3
SENE	41.4

SEC. 4

T 10 S R 4 W, W.M.

(Paul Mulkey Home Place)

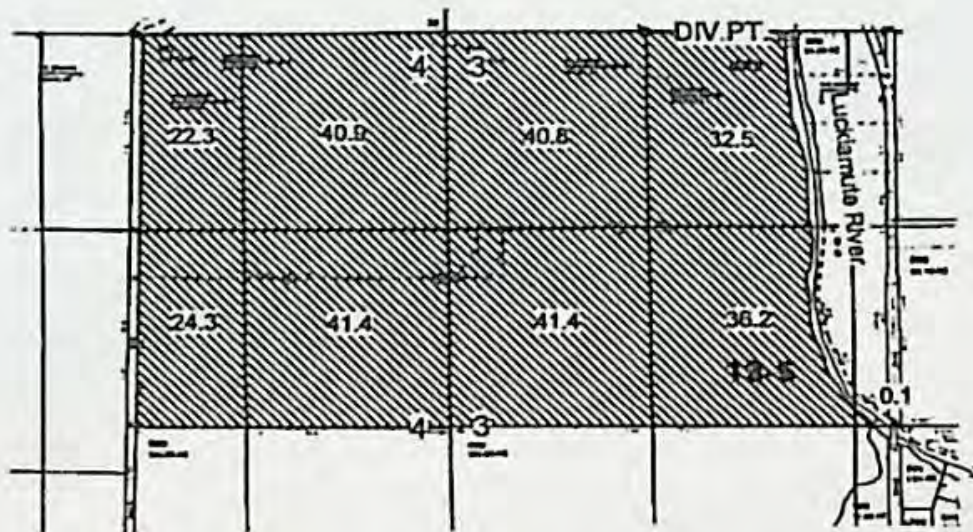
RECEIVED

AUG 18 2004

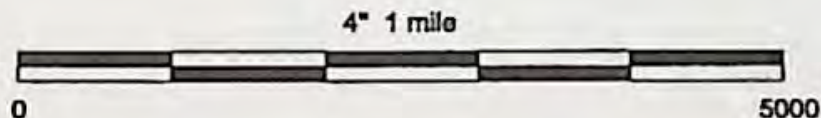
WATER RESOURCES DEPT
SALEM, OREGON

APPLICATION MAP
in the name of
PAUL MULKEY LIVING TRUST

T 10 S R 4 W, W.M.
Sections 3 & 4



DIV. PT.: 60' south & 650' west from the NE corner DLC 53



WATERMASTER DIVISION 33 APPLICATION WORK SHEET

#16

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340

Date: June 11, 200430 day Deadline Date: July 11, 2004Application # S-85934Applicant's Name: PAUL MULKEY LIVING TRUST, ATTN: PAUL MULKEY(202)
858-0134SOURCE OF WATER: ☐ GROUNDWATER ☒ SURFACE WATER ☒ STORAGEDESCRIPTION OF THE SOURCE: LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, TRIBUTARIES OF WILLAMETTE RIVER

1) Does the surface water source at the proposed diversion location flow above ground in a defined channel into another water body?

☒ YES ☐ NO ☐ SOMETIMES

If sometimes, describe the time period, Between _____ and _____

2) Does the surface water source ever go dry in the area of the proposed diversion?

☐ YES ☒ NO, not to my knowledge

3) To your knowledge, has the surface water source been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES ☒ NO

If YES, please explain: _____

4) Do you agree with the water availability recommended period of use?

☒ YES ☐ NO ☐ I DON'T KNOW

If NO, why do you disagree with the recommended period of use and what period do you recommend? _____

5) Did you meet with staff from another agency to discuss this application?

☐ YES ☒ NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

☒ YES ☐ NOIf YES, please explain: Buy stored water. Already applying for 222Comments: Sit contract app to DOR today. 8.11.2004. InspectedName: Bill Feltz Date: 8.18.2004 Title: WM #16WRD Contact: Caseworker: Jeana Eastman, Water Rights Division, 503-986-0859Fax: 503-986-0901 / e-mail: Jeana.M.Eastman@wrdiv.state.or.us

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG
(Developed 6/27/97 - revised 2/13/03)

- fish** The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.
- odfw** The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.
- B54b** The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
- b54c** The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.
- b54m** The permittee may be required in the future to install, maintain, and operate fish screening devices to prevent fish from entering the proposed diversion.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to _____ through _____.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.
- no ld yet** (futile call) The use of water allowed herein may be made only at times when waters from the (SPRING OR WHATEVER) would not otherwise flow into a tributary of the (WHATEVER) River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- plspc** 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.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
- no ld yet** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

ODFW Review – Division 33 Application

Applicant: Paul Mulkey Living Trust, ATTN: Paul Mulkey

Application: S-85934

This application is for the diversion of water from the Luckiamute River, a tributary of the Willamette River at location T10S, R4W Sect. 3. The lower Luckiamute River provides rearing habitat for juvenile upper Willamette spring chinook salmon and winter steelhead, both species federally listed as "Threatened" under the Endangered Species Act. This water also provides rearing habitat for native cutthroat trout and Pacific lamprey.

As there is potential for fish and particularly juvenile chinook salmon and winter steelhead to enter this diversion, ODFW recommends that, if this application is approved, the permittee be required to install, maintain and operate fish screening that meets ODFW criteria. The required screen is to be in place and functional prior to diversion of any water.

Bart DeBow
Fish Biologist
ODFW
08/5/04



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

July 23, 2004

PAUL MULKEY LIVING TRUST
ATTN: PAUL MULKEY
13530 CORVALLIS RD
MONMOUTH, OR 97361

(503)838-0134

Reference: File S-85934

Dear Mr. Mulkey:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from Luckiamute River And Willamette Basin Project Reservoirs, tributaries of Luckiamute River for irrigation use is allowable under OAR 690-502-0100(2)(a), the Willamette Basin Program.
3. The standard allowable rate of water necessary for irrigation use of surface water in your area is 1/80 cubic foot per second (CFS) per acre. Your application requested 7.0 CFS for irrigation of 279.9 acres. If the application is approved, the rate allowed will be limited to 3.5 CFS.

4. Water in the amount of 3.5 CFS for irrigation use on 279.9 acres is not available July 1 through September 30 of each year. Further, use of water from direct flow is not allowed August 1 through September 30 except for domestic use under OAR 690-502-0100(2)(a).
5. Water in the amount of 420.0 acre-feet for irrigation use on 279.9 acres is available from Willamette Basin Project Reservoirs, constructed under permits R-1625 and R-5363, provided a contract with the Bureau of Reclamation is obtained to appropriate stored water from Willamette Basin Project Reservoirs. Please refer to the ADDITIONAL INFORMATION REQUIRED section below for specific information.
6. Your application indicates you can make beneficial use of water during a limited period of allowed use.

Summary of Initial Determinations

The use of 3.5 cubic feet per second from Lucklamute River, tributary of Willamette River, for irrigation use on 279.9 acres may be allowed from March 1 through June 30 and October 1 through October 31 of each year.

The use of 420.0 acre feet from Willamette Basin Project Reservoirs, tributaries of Willamette River, for irrigation use on 279.9 acres may be allowed from March 1 through October 31 of each year, provided a contract with the Bureau of Reclamation is obtained to appropriate stored water from Willamette Basin Project Reservoirs.

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #3 and #4 above, your application will likely be limited accordingly.

ADDITIONAL INFORMATION REQUIRED:

Additional information is required to process your application. Please provide the following item:

- The Department will not proceed with a positive Proposed Final Order and will not issue a permit approving the proposed use as requested under this application until a contract authorizing the appropriation of stored water from Willamette Basin Project Reservoirs is obtained from the Bureau of Reclamation.

Please submit this information no later than Thursday, August 26, 2004. 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.

If we do not receive the item requested above or a request for an administrative hold from processing by this date, we may reject your application consistent with ORS 537.153 or ORS 537.621. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by Friday, ?? form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter 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.

2. The priority date for this application is February 5, 2004.

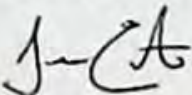
WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oda.state.or.us/nrd/water_quality/index.html to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing time lines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-986-0801. Feel free to call me at 503-986-0859 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Sincerely,



Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-85934
wab 2-117
pou 2-117
gw

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-85934

Applicant: PAUL MULKEY LIVING TRUST, ATTN: PAUL MULKEY

County: Benton

Watermaster: 16

Priority Date: February 5, 2004

Source: LUCKIAMUTE RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS,
TRIBUTARIES OF LUCKIAMUTE RIVER

Use: IRRIGATION USE ON 279.9 ACRES

Quantity: 7.0 CUBIC FEET PER SECOND FROM LUCKIAMUTE RIVER AND 420.0 ACRE
FEET FROM WILLAMETTE BASIN PROJECT RESERVOIRS

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 9 LUCKIAMUTE R

Point of Diversion Location: NENW, SECTION 3, T10S, R4W, W.M.; 60 FEET SOUTH & 650
FEET WEST FROM NE CORNER, DLC 53

Place of Use: SWNE 0.1 ACRE, NENW 32.5 ACRES, NWNW 40.8 ACRES, SWNW 41.4
ACRES, SENW 36.2 ACRES, SECTION 3, NENE 40.9 ACRES, NWNE 22.3 ACRES, SWNE
24.3 ACRES, SENE 41.4 ACRES, SECTION 4, TOWNSHIP 10 SOUTH, RANGE 4 WEST,
W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 6, 2004

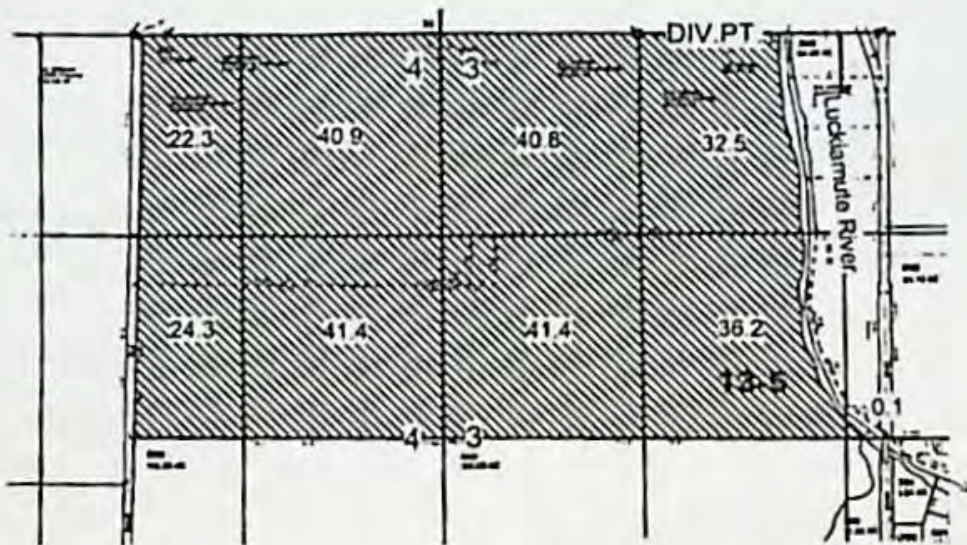
PUBLIC NOTICE DATE: Tuesday, July 27, 2004

30 DAY COMMENT DEADLINE DATE: Thursday, August 26, 2004

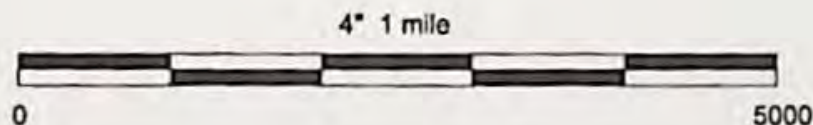
APPLICATION MAP
in the name of
PAUL MULKEY LIVING TRUST

FEB - 5 2004

T 10 S R 4 W, W.M.
Sections 3 & 4



DIV. PT.: 60' south & 650' west from the NE corner DLC 53



10.4.3

Mailing List for IR Copies

Application #S-85934

IR Date : July 23, 2004

Original mailed to:

✓ Applicant: PAUL MULKEY LIVING TRUST
ATTN: PAUL MULKEY
13530 CORVALLIS RD
MONMOUTH, OR 97361

Copies Mailed	
By	<u> [Signature] </u>
	(SUPPORT STAFF)
on:	<u> 7/23/04 </u>
	(DATE)

Copies sent to:

- ✓ 1. WRD - File # ~~S-85917~~ 85934
- ✓ 2. WRD - Water Availability: Ken Stahl

IR, Map, and Fact Sheet Copies sent to:

- ✓ 3. WRD - Regional Manager NWR

Note to Support: staple Division 33 Review Forms to front of copy packet for the following:

1) Watermaster 2) ODFW 3) DEQ (if indicated below)

- ✓ 4. WRD - Watermaster # 16 + Watermaster Form
- ✓ 5. ODFW District Biologist: Gary Galovich + ODFW Form 2 (L. Col./Statewide)
- ✓ 6. DEQ: W Region - John Blanchard + DEQ Form
- ✓ 7. DOA: Jim Johnson

Copies sent to Other Interested Persons (*CIWRE, Agent, Well Driller, Commenter, etc.*)

- ✓ 8. Don Knauer Consulting, PO Box 5416, Salem OR 97304

ID# jmx

COPIES SENT

Application S-85934



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

July 15, 2004

PAUL MULKEY LIVING TRUST
ATTN: PAUL MULKEY
13530 CORVALLIS RD
MONMOUTH, OR 97361

Reference: File S-85934

Dear Mr. Mulkey,

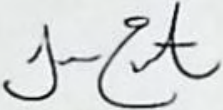
On June 8, 2004, the Water Resources Department sent a certified letter requesting outstanding exam fees in the amount of \$610.00. As of the date of this letter, the Department has not received the requested monies.

	Base Fee	\$300
Live Flow:	1" CFS	\$200
	6 addtn'l CFS @ \$100 each	\$600
Stored Water:	1" 10 AF @ \$20 each	\$200
	410 addtn'l AF @ \$1 each	\$410
		\$1710 total exam fee
		\$1100 paid
		\$610 due

Please submit the fees by **August 15, 2004**. If we do not receive the information requested above by this date, we will reject your application consistent with ORS 537.150. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required fees listed above, please feel free to call me at 503-986-0859.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeana Eastman', with a stylized, cursive script.

Jeana Eastman
Water Rights Application Caseworker

cc: Watermaster #16
File

CERTIFIED MAIL

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER

ACTION ON DELIVERY

- 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-85934

PAUL MULKEY

PAUL MULKEY LIVING TRUST
13530 CORVALLIS RD
MONMOUTH OR 97361

2. Article Number

(Transfer from service label)

7003 3110 0003 1378 3914

A. Signature

X

Paul Mulkey

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Paul Mulkey

C. Date of Delivery

06-12-07

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

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

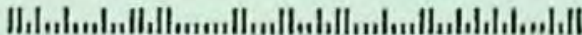
RECEIVED

JUN 14 2004

WATER RESOURCES DEPT

SALEM OREGON

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1271





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

June 8, 2004

PAUL MULKEY LIVING TRUST
ATTN: PAUL MULKEY
13530 CORVALLIS RD
MONMOUTH, OR 97361

Reference: File S-85934

Dear Mr. Mulkey:

The Department is currently in the process of preparing an Initial Review for the above referenced application. However, before the Department can continue with the Initial Review, exam fees in the amount of \$610 00 must be submitted.

	Base Fee	\$300
Live Flow:	1" CFS	\$200
	6 addtn'l CFS @ \$100 each	\$600
Stored Water:	1" 10 AF @ \$20 each	\$200
	410 addtn'l AF @ \$1 each	\$410
		\$1710 total exam fee
		\$1100 paid
		\$610 due

Please submit the fees by **July 8, 2004**. If we do not receive the information requested above by this date, we may reject your application consistent with ORS 537.150. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required fees listed above, please feel free to call me at 503-986-0859.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeana Eastman', with a stylized, cursive script.

Jeana Eastman
Water Rights Application Caseworker

cc: Watermaster #16
File



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(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/publications/report/index.shtml.

1. APPLICANT INFORMATION

FEB - 5 2004

A. Individuals

Applicant: _____
First Last

Mailing address: _____
City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: Paul Mulkey Living Trust

Name and title of person applying _____

Mailing address of organization: 13530 Corvallis Rd
Monmouth OR 97361
City State Zip

Phone: 503-838-0134
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. S-85934

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: <u>Luckiamute River</u>	Tributary to: <u>Willamette River</u>
Source 2: <u>Stored Water</u>	Tributary to: <u>Willamette Project</u>
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

B. Property Ownership

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

☒ Yes (Skip to section 3 "Water Use.")

☐ No Please check the appropriate box below.

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or an easement permitting access.

List the names and mailing addresses of all affected landowners.

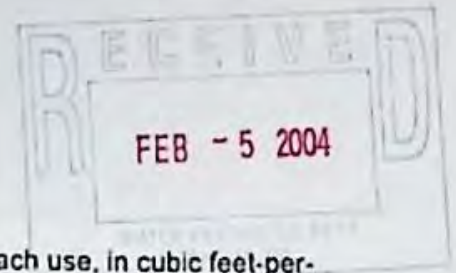
3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of 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 in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- ☒ • If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- 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	Use	Amount	
Luckiamute River	Irrigation	7.0	☒ cfs ☐ gpm ☐ af
Stored Water	Irrigation	420	☐ cfs ☐ gpm ☒ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ 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.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 279.9
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

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

- ☒ Pump (give horsepower and pump type) 100 HP centrifugal
☐ Head-gate (give dimensions) _____
☐ Other means (describe) _____

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 (describe) _____

C. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length)

Diameter _____ 15"-12"-10" Length _____ 3/4 mile

☐ Other (describe) _____

D. Application/Distribution Method

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

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

☐ Flood

☒ High-pressure sprinkler

☒ Low pressure sprinkler

☐ Drip

☒ Water cannons

☐ Center pivot system

☒ Hand lines

☒ Wheel lines

☐ Siphon tubes or gated pipe with furrows

☐ Other, describe _____

Distribution method

☒ Direct pipe from source

☐ In-line storage (tank or pond)

☐ Open canal

E. Conservation

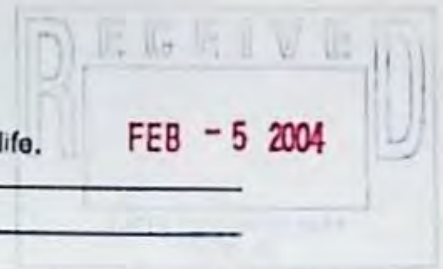
What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

Will water only when plants require water.

5. RESOURCE PROTECTION

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 the 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: _____

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

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

☐ 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 Oct 1, 2005

Proposed date construction will be completed Oct 1, 2008

Proposed date beneficial water use will begin Oct 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.

If water is not available from the Luckiamute River for a full season of irrigation, we intend to make up the
deficiency with stored water through the USBR Willamette Project

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.

9. SIGNATURE

By my signature below I confirm that I understand:

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

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

Paul Mulkey
Signature of Applicant (if more than one applicant, all must sign)

Jan 22-04
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- 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.
- 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.



Oregon Water Resources Department Land Use Information Form

FEB - 5 2004

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name Paul Mulkey Living Trust

Address 13530 Corvallis Rd

City Monmouth State OR Zip 97361 Day Phone 503-838-0134

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be (check all that apply)		
<u>104W 3</u> <u>300</u>	<u>A1/EFU</u>	☒ Diverted	☒ Conveyed	☒ Used
<u>104W 4</u> <u>100</u>	<u>A1/EFU</u>	☐ Diverted	☒ Conveyed	☒ Used
		☐ Diverted	☐ Conveyed	☐ Used

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

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s) Irrigation

Briefly describe: Water will be diverted by pump and piped to the fields to be applied to agricultural crops.

D. Source

Indicate the source for the proposed water use.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Luckiamute River
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

7.0 ☒ CFS ☐ GPM ☐ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg
158 12th St NE
Salem, OR 97310-0210
(503)378-8455

App. No. S-8593

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 136-236A Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval.	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Austin McGuigan Date: 1-20-04
 Title: Senior Planner Phone: 502-623-9237
 Signature: [Signature]

C. Additional Comments

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

Stated that no in ground work would be required within the
flood plain identified on FEMA FIRM MAP Panel H 41053C0225C

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

FEB - 5 2004

--- The following described real estate.

- a. Legal Description (126 aprx. Acres Tract 2 Southerly Tract Home Place):

Beginning at a point on the West line of the Alexander Hodges Donation Land Claim No. 53, Notification No. 1716, Township 10 South, Range 3 West of the Willamette Meridian, Polk County, State of Oregon, Said point bears South 26.24 chains from the Northwest corner of said Alexander Hodges Donation Land Claim; thence East 36.50 chains; thence North 5.25 chains; thence East 34.07 chains, more or less to the centerline of the Luckiamute River, thence Southerly along the centerline of said Luckiamute River to the South line of the North one-half of the aforementioned Alexander Hodges Donation Land Claim No. 53; thence West 78.0 chains, more or less, to the Southwest corner of the North one-half of said Donation Land Claim; thence North along the aforementioned West line 15.25 chains to the point of beginning.

App. No. 5-85934

REAL PROPERTY TAX STATEMENT
JULY 1, 2002 TO JUNE 30, 2003
POLK COUNTY, OREGON
850 MAIN STREET
DALLAS, OREGON 97338-3184

ACCOUNT NO
214687

PROPERTY DESCRIPTION

CODE: 1305
MAP: 10 4 04 0 0 00100
ACRES: 127.92
SITES: 13530 CORVALLIS RD MONMOUTH

MULKEY PAUL, LIVING TRUST ET AL
 MULKEY PAUL & MULKEY JERALDINE M, TRS
 13530 CORVALLIS RD
 MONMOUTH, OR 97361 USA

(LAST YEAR'S TAX 2,462.58)

CURRENT YEAR TAX DETAIL

CHDHOKETA COMMUNITY CENTER 1,000.00
 WILLAMETTE REGIONAL DIST 800.00
 CENTRAL DIST 143 200.00
 EDUCATION TOTAL 1,000.00

POLK COUNTY 1,000.00
 CHDHOKETA REGIONAL LIBRARY 00
 POLK COUNTY DIST 41 200.00
 HILLTOP CT 200.00
 GENERAL GOVT TOTAL 1,000.00

POLK COUNTY 00
 CHDHOKETA COMMUNITY CENTER 00
 POLK COUNTY DIST 41 200.00
 CENTRAL DIST 143 200.00
 POLK COUNTY OTHER TOTAL 00

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	329,250	334,630
STRUCTURES	139,310	138,090
TOTAL RMV	468,560	472,720
 ASSESSED (AV)		
TOTAL AV	175,260	180,358
 EXEMPTIONS		
NET TAXABLE:	175,260	180,358

2002-03 TAX (Before Discount) 2,527.15

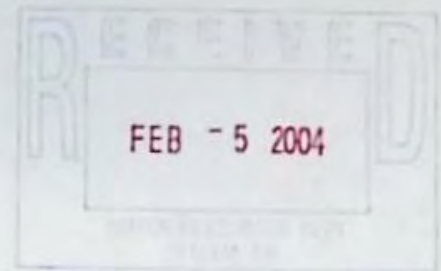
ASSESSMENT QUESTIONS (503) 623-8371
TAX QUESTIONS (503) 623-9264

TOTAL DUE (After Discount) 2,451.36

PAYMENT OPTIONS

	Date Due	Amount	Date Due	Amount	Date Due	Amount
Full Payment with 3% Discount:	11/15/2002	2,451.36				
or 2/3 Payment with 2% Discount:	11/15/2002	1,651.09			and on 05/15/2003	842.31
and 1/3 Payment with 2% Discount:	11/15/2003	842.31				

TABULATION
PLACE OF USE



NE NW	32.5
NWNW	40.8
SWNW	41.4
SE NW	36.2
SWNE	0.1

SEC. 3

NENE	40.9
NWNE	22.3
SWNE	24.3
SENE	41.4

SEC. 4

T 10 S R 4 W, W.M.

(Paul Mulkey Home Place)

App. No. S-85934

FEB 5 2004

- a. Legal Description (165 aprx. acres Tract 1 Northerly tract of Home Place):

Beginning at the point of intersection of the centerline of the Luckiamute River with the North line of the Alexander Hodges Donation Land Claim No. 53, Notification No. 1716, Township 10 South, Range 3 West of the Willamette Meridian, Polk County, State of Oregon, Said point is recorded in Book 163 page 607, Polk County Deed Records as bearing West 9.88 chains from the Northeast corner of said Donation Land Claim; thence West along the North line of said Donation Land Claim, 67.42 chains, more or less, to the Northwest corner of aforementioned Donation Land Claim No. 53; thence South along the West line of said Donation Land Claim 26.24 chains; thence East 36.50 chains; thence North 5.25 chains; thence East 34.07 chains, more or less, to the centerline of the Luckiamute River; thence Northerly along the centerline of the Luckiamute River to the North line of the Alexander Hodges Donation Land Claim No. 53 and the point of beginning.

App. No. S-85934

REAL PROPERTY TAX STATEMENT
JULY 1, 2002 TO JUNE 30, 2003
POLK COUNTY, OREGON
850 MAIN STREET
DALLAS, OREGON 97338-3184

ACCOUNT NO:
214629

PROPERTY DESCRIPTION

CODE: 1305
MAP: 10 4 03 0 0 00300
ACRES: 160.00

MULKEY PAUL, LIVING TRUST ET AL
 MULKEY PAUL & MULKEY JERALDINE M, TRS
 13530 CORVALLIS RD
 MONMOUTH, OR 97361 USA

(LAST YEAR'S TAX 1,170.43)

CURRENT YEAR TAX DETAIL

CHEMUKETA COMMUNITY COLLEGE	53.70
WILLAMETTE REGIONAL ESD	23.92
CENTRAL SD 13J	418.97
EDUCATION TOTAL:	496.59

POLK COUNTY	146.02
CHEMUKETA REGIONAL LIBRARY	7.02
POLK COUNTY FD #1	131.30
HILLTOP CD	9.71
GENERAL GOVT TOTAL:	294.05

POLK COUNTY	29.50
CHEMUKETA COMMUNITY COLLEGE	11.62
POLK COUNTY FD #1	35.09
CENTRAL SD 13J	125.31
BONDS - OTHER TOTAL:	411.52

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	399,230	399,340
STRUCTURES		
TOTAL RMV	399,230	399,340

ASSESSED (AV)	LAST YEAR	THIS YEAR
TOTAL AV	83,300	85,795

EXEMPTIONS	LAST YEAR	THIS YEAR
NET TAXABLE:	83,300	85,795

2002-03 TAX (Before Discount) **1,202.16**

ASSESSMENT QUESTIONS (503) 623-8391
TAX QUESTIONS (503) 623-9264

TOTAL DUE (After Discount) **1,166.10**

PAYMENT NO	DATE	AMOUNT	STATUS
1	07/01/02	1,166.10	PAID
2	07/01/02	1,166.10	PAID
3	07/01/02	1,166.10	PAID



Oregon Water Resources Department

FEB - 5 2004

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: 279.9 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: No. _____

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

- | | | |
|----------------------|---|--|
| 1. <u>Grass seed</u> | ☒ Full season | ☐ Partial season (from: _____ to _____) |
| 2. _____ | ☐ 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:

700 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: <u>Weekly on a 24 hour standard irrigation practice</u> | |

App. No. S-85934

PAUL MULKEY JR. / KIM M. MULKEY
WATER RESOURCES DEPARTMENT

FILE S-85934

7/18/2004

2376

610.00

RECEIVED

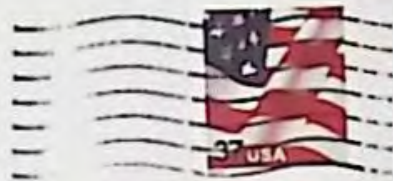
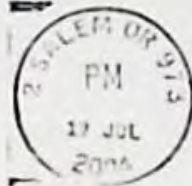
JUL 20 2004

WATER RESOURCES DEPT
SALEM, OREGON

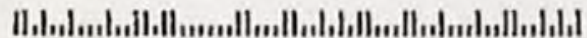
checking

610.00

9-42-E



97301/1266



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **73622**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 906-0900 / (503) 506-0904 (fax)

INVOICE # _____

RECEIVED FROM: Paul Mulkey Jr
BY: _____

APPLICATION	85934
PERMIT	
TRANSFER	

CASH ☐ CHECK # ☒ 2571 OTHER (IDENTIFY) ☐ _____

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____

0243 VS Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ <u>250.00</u>
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT **73622**

DATED 3/29/05 BY J Allen

PAUL MULKEY JR. / KIM M. MULKEY
WATER RESOURCES DEPARTMENT

S-85934

3/27/2005

2571

250.00

RECEIVED

MAR 29 2005

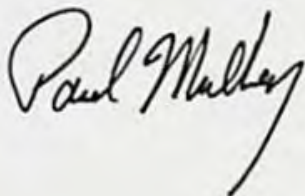
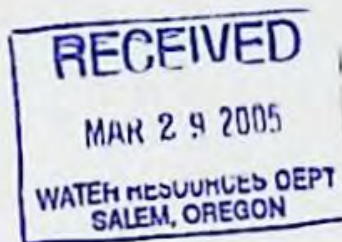
WATER RESOURCES DEPT
SALEM, OREGON

checking

250.00

FROM PAUL MULKEY LIVING TRUST, ACC # S-85934
WE DID FILE WITH WILLAMETTE BASIN PROJECT
RESERVIOR AND AS OF 3-25-05 THEY ARE STILL WAITING
TO SEE IF WE GET MORE SNOW AND RAIN ,AND ALL
CONTRACTS ARE ON HOLD
HERE IS OUR \$250 00 RECORDING FEE

THANK YOU, PAUL MULKEY.

A handwritten signature in dark ink, appearing to read "Paul Mulkey". The signature is fluid and cursive, with the first name "Paul" and last name "Mulkey" clearly distinguishable.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **68786**

725 Summer St. N.E. Sta. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Paul Mulkey Jr.
BY: _____

APPLICATION	<u>585934</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK # 2376 OTHER (IDENTIFY) ☐

TOTAL REC'D \$ 610.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 VS Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ <u>610.00</u>	0202	RECORD FEE \$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0210 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OLM CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT **68786**

DATED 7/20/04 BY Linda Dwyer

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **65436**

725 Summer St. N.E.
SALEM, OR 97301-4172
370-8455 / 370-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Paul Mulkey, Jr.

BY: _____

APPLICATION	585934
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3504 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,100.00

1003 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
	OTHER: (IDENTIFY)		\$

**RECEIVED
OVER THE COUNTER**

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE \$ <u>1,100.00</u>	0202	RECORD FEE	\$
0203	GROUND WATER	\$	0204		\$
0205	TRANSFER	\$			

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE	\$
	LANDOWNER'S PERMIT		0220		\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **65436**

DATED: 1/2/01

BY: Deana Albion



S-85934

PAUL MULKEY
PAUL MULKEY LIVING TRUST
13530 CORVALLIS RD
MONMOUTH OR 97361

S-85934

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