

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

AFFIDAVIT OF EDWARD BLACK DESCRIBING DIVERSION AND USE OF WATER

STATE OF OREGON)
) ss.
County of Lane)

I, Edward Black, of 210 S. 18th Street, Springfield, Oregon 97477, (541) 726-3761, on behalf of the City of Springfield, do hereby state:

1. On December 14, 1992, the City of Springfield (the "City") filed a registration statement for its pre-1909 surface water rights. The City claimed 150 cubic feet per second ("cfs") from the Middle Fork of the Willamette River for industrial and municipal purposes. A copy of the surface water registration statement is attached hereto as Exhibit 1. The water is diverted from the Middle Fork into a millrace (the "Springfield Millrace"). The bulk of the water thus diverted is returned to the main stem of the Willamette about 3.5 miles downstream, although a small quantity is returned to the Middle Fork approximately 2 miles downstream by Gorrie Creek. The diversion point is located at a point more particularly described on Exhibit 2 and is identified on the map attached as Exhibit 3. The surface water registration statement describes the history of the City's pre-1909 water use. (See Affidavit of Bart McKee, attached as Exhibit A, to Water Registration Statement.)

2. The City is amending its registration statement under OAR 690-028-0055 to relocate the point or place of diversion from the Middle Fork of the Willamette River into the Springfield Millrace. The proposed location of the new diversion point is a point more particularly described

Exhibit A

on Exhibit 4 and is shown on the map attached as Exhibit 3. I make this affidavit in support of the City of Springfield's registration amendment.

3. I am the Maintenance Manager in the Public Works Department for the City of Springfield. I have been employed by the City as the Maintenance Manager since 1988. In the course of my official duties as Maintenance Manager, I am responsible for the supervision of Public Works Department staff members who maintain the flow of water at the current point of diversion into the Springfield Millrace.

4. I am familiar with the City's pre-1909 registration statement, the diversion of water into the Springfield Millrace and the City's water use because of my role as Maintenance Manager and because I have personally reviewed the City's pre-1909 registration statement and various written reports and materials relating to the diversion of water into the Springfield Millrace and the City's water use.

5. Since 1988, I have regularly directed Public Works Department staff members to undertake activities to maintain the flow of water by removing the accumulation of gravel and other debris at the point of diversion.

6. Continuously since 1988, the City has maintained the flow of water into the Springfield Millrace. On information and belief, during that time the water in the Millrace has been used in accordance with the terms and conditions of the City's registration, and water has been used specifically for log processing, irrigation, fire suppression, gravel excavation and municipal purposes and for esthetic, recreation and wildlife purposes. The source of my belief is reports to me by individuals who have observed or authorized such activities and my own observations. Water

continues to be used for these purposes at the present time. Water is used year-round, from January 1 to December 31. Assuming that a sufficient amount of water is available, as much as 150 cfs may be diverted into the Millrace, which is fully consistent with the City's registration statement.

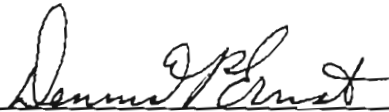
Under penalty of perjury, I swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.



Edward Black

SUBSCRIBED AND SWORN to before me

this 20 day of October, 1999.



Notary Public for Oregon

My Commission Expires: *APRIL 20, 2000*

October 20, 1999