

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MYRON KUENZI  
6500 STATE STREET  
SALEM, OREGON 97301

503-581-3301

to use the waters of WELLS 2, 3, AND 4 in the FRUITLAND CREEK BASIN for IRRIGATION OF 68.0 ACRES.

This permit is issued approving Application G-12222. The dates of priority are SEPTEMBER 5, 1990 for 0.7 CUBIC FOOT PER SECOND (CFS) from WELLS 2 and 3, and OCTOBER 26, 1993 for 0.15 CFS from WELL 4. The use is limited to not more than 0.85 CFS, BEING 0.37 CFS FROM WELLS 2 & 4 FOR THE IRRIGATION OF 30 ACRES, WITH ANY DEFICIENCIES IN SUPPLY TO BE MADE UP FROM WELL 3 AND 0.48 CFS FROM WELL 3 FOR THE IRRIGATION OF 38 ACRES, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

SW 1/4 SW 1/4, SECTION 28; NW 1/4 NW 1/4, SECTION 33; SW 1/4 SE 1/4, SECTION 29, T 7 S, R 2 W, W.M.; WELL 2 - 250 FEET SOUTH AND 100 FEET EAST, WELL 4 - 470 FEET NORTH AND 280 FEET EAST, BOTH FROM THE NW CORNER OF SECTION 33; WELL 3 - 800 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 29.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The period of allowed use is April 1 through October 1.

Use of water under this permit is subject to all prior rights.

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

A description of the proposed place of use under the permit is as follows:

	<u>WELLS 2 &amp; 4</u>	<u>WELL 3</u>
SW 1\4 SW 1\4	5.5 ACRES Section 28	
NE 1\4 SE 1\4		3.0 ACRES
NW 1\4 SE 1\4		8.0 ACRES
SW 1\4 SE 1\4		20.0 ACRES
SE 1\4 SE 1\4	3.0 ACRES Section 29	7.0 ACRES
NE 1\4 NE 1\4	8.5 ACRES Section 32	
NW 1\4 NW 1\4	13.0 ACRES Section 33	

TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall report a March static water level in well 3 to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, or professional engineer.

Use of water from well 3 shall not be allowed if the well displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before February 16, 1995 and shall be completed on or before October 1, 1995. Complete application of the water shall be made on or before October 1, 1996.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

