

STATE OF OREGON  
COUNTY OF MARION  
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CLARENCE SIMMONS  
3472 HOWELL PRAIRIE ROAD NE  
SILVERTON, OREGON 97381

503-362-2130

to use the waters of WELL 3 in the PUDDING RIVER BASIN for IRRIGATION OF 102.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 12.0 ACRES.

This permit is issued approving Application G-12250. The date of priority is OCTOBER 3, 1990. The use is limited to not more than 0.87 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 NW 1/4, SECTION 25, T 7 S, R 2 W, W.M.; 400 FEET NORTH AND 1740 FEET WEST FROM THE C 1/4 CORNER OF SECTION 25.

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 March 1 through October 31.

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>Primary</u>	<u>Supplemental</u>
SE 1/4 SE 1/4	1.0 acre	
Section 23		
SW 1/4 SW 1/4	17.7 acres	
SE 1/4 SW 1/4	15.6 acres	
SW 1/4 SE 1/4	10.8 acres	4.0 acres
Section 24		
SW 1/4 NE 1/4		0.9 acre
NW 1/4 NW 1/4	7.2 acres	
SW 1/4 NW 1/4	9.6 acres	
SE 1/4 NW 1/4	4.0 acres	2.0 acres
NE 1/4 SW 1/4	10.7 acres	3.6 acres
NW 1/4 SW 1/4	2.0 acres	
NW 1/4 SE 1/4		1.5 acres
Section 25		
NE 1/4 NE 1/4	12.8 acres	
SE 1/4 NE 1/4	11.5 acres	
Section 26		
Township 7 South, Range 2 West, WM.		

The well 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, 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.

In the efforts to conserve surface water, this right may be exercised at times when water is available from the primary source, provide the total quantity diverted shall not exceed the limits described herein.

The water user shall report a March static water level in the well(s) 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 the well(s) shall not be allowed if the well(s) 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 is that of the initial April report, 33.79 feet below land surface. 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 March 11, 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.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued this date, March 11, 1994.

/s/ Martha O. Pagel

Water Resources Department  
Martha O. Pagel  
Director