

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

503-873-2710

to use the waters of ONE WELL in the ZOLLNER CREEK BASIN for IRRIGATION OF 119.8 ACRES.

This Permit is issued approving Application G-12069. The date of priority is APRIL 11, 1990. The use is limited to not more than 1.5 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E, W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48.

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:

SW 1/4 SW 1/4 2.1 ACRES
SE 1/4 SW 1/4 4.2 ACRES
SW 1/4 SE 1/4 0.1 ACRE

SECTION 17

SW 1/4 NE 1/4 30.9 ACRES
SE 1/4 NW 1/4 24.9 ACRES
NW 1/4 SE 1/4 5.9 ACRES

SECTION 19

NW 1/4 NE 1/4 0.9 ACRE
NE 1/4 NW 1/4 21.5 ACRES
NW 1/4 NW 1/4 3.2 ACRES
SW 1/4 NW 1/4 16.3 ACRES
NW 1/4 SW 1/4 9.8 ACRES

SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

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 elevations 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 1996. The permit may be extended to March 1, 1999, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the initial March report;
- b. Within two years of permit issuance, the permittee has prepared a plan for the Commission which shall indicate the steps for obtaining an alternative long-term water supply; and
- c. Periodic water level reports have been timely submitted.

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;

- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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 July 25, 1995 and shall be completed on or before October 1, 1996. Complete application of water shall be made on or before October 1, 1997.

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, July 25, 1994.

13/ A. REED MARBUT

for Water Resources Department
Martha O. Pagel
Director