

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES BUTSCH
15234 BUTSCH LANE NE
MT ANGEL, OREGON 97362

(503) 845-2485

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12409

SOURCE OF WATER: SIX WELLS IN BOCHSLER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 15.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 332.8 ACRES

RATE OF USE: 4.35 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FROM MARCH 1 THROUGH OCTOBER 31 FOR WELLS #1, #2, #4, AND #5 AND #7; FROM ONLY MARCH 1 THROUGH APRIL 30 FOR WELL #3.

DATE OF PRIORITY: FEBRUARY 8, 1991 FOR WELLS #1-5; DECEMBER 2, 1993 FOR WELL #7.

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 1, T6S, R1W, W.M.; NE 1/4 SE 1/4, NW 1/4 SE 1/4, SECTION 36, T5S, R1W, W.M.; WELL #1 - 1850 FEET SOUTH & 1370 FEET WEST; WELL #3 - 2280 FEET SOUTH & 2360 FEET WEST; BOTH FROM THE NE CORNER OF SECTION 1; WELL #2 - 2030 FEET NORTH & 1000 FEET EAST FROM THE S 1/4 CORNER OF SECTION 1; WELL #4 - 70 FEET SOUTH & 4 FEET WEST FROM THE CENTER OF SECTION 1; WELL #5 - 1800 FEET NORTH & 330 FEET WEST; WELL #7 - 2550 FEET NORTH & 1500 FEET WEST; BOTH FROM THE SE CORNER OF SECTION 36.

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 (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NW 1/4		3.0 ACRES
NW 1/4 SW 1/4		32.0 ACRES
SW 1/4 SW 1/4		43.4 ACRES

SECTION 31

TOWNSHIP 5 SOUTH, RANGE 1 EAST, W.M.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NE 1/4		20.0 ACRES
SE 1/4 NE 1/4		18.9 ACRES
SW 1/4 NW 1/4		3.6 ACRES
SE 1/4 NW 1/4		20.4 ACRES
NE 1/4 SW 1/4		29.3 ACRES
NW 1/4 SW 1/4		5.3 ACRES
SW 1/4 SW 1/4		5.0 ACRES
NE 1/4 SE 1/4		23.8 ACRES
NW 1/4 SE 1/4		28.0 ACRES

SECTION 36

TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

NE 1/4 NW 1/4	15.0 ACRES	5.0 ACRES
NW 1/4 NW 1/4		36.8 ACRES
SW 1/4 NW 1/4		38.3 ACRES
SE 1/4 NW 1/4		20.0 ACRES

SECTION 6

TOWNSHIP 6 SOUTH, RANGE 1 EAST, 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.

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

No water may be appropriated under the terms of this permit until Well #1 is reconstructed according to current well construction standards, and until Wells #2 and #5 are proven to show no commingling. Proof of having met these requirements must be filed with the Enforcement Section of the Water Resources Department.

SEE NEXT PAGE

STANDARD CONDITIONS

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.

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

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.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued March 18, 1996

"B" Ext. to: 10-1-2002

Martha O. Pagel
for Martha O. Pagel, Director
Water Resources Department

"C" Ext to: 10-1-2002