

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

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

APPLICATION FILE NUMBER: G-12069

SOURCE OF WATER: ONE WELL WITHIN THE ZOLLNER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.8 ACRES

RATE OF USE : 1.5 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 11, 1990

POINT OF DIVERSION LOCATIONS: 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 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:

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.

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, 1999. The permit may be extended to March 1, 2002, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be 233.61 feet below land surface;

- b. By March 1, 1999, the permittee has submitted a plan to the Commission which shall indicate the steps for obtaining an alternative long-term water supply;
- c. Periodic water level reports and annual report of water used under this permit have been timely submitted; and
- d. The permit holder has submitted the results of a pump test meeting the department's standards, to the Water Resources Department by March 31, 1998.

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.

Actual construction work began on July 1, 1995 and was completed on August 1, 1995. Complete application of water shall be made on or before October 1, 1997.

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.

This permit is issued to extend the period of allowed use authorized by Permit G-11781 and to update the conditions imposed on the water use allowed herein. Permit G-11781 expired March 1, 1996 and is of no further force or effect.

Issued July 17 , 1996

for 
Martha O. Page, Director
Water Resources Department