

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID SETNIKER  
PO BOX 338  
INDEPENDENCE, OREGON 97351

The specific limits and conditions for the use are listed below.

APPLICATION FILE NUMBER: G-12688

SOURCE OF WATER: TWO WELLS WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 809.6 ACRES

RATE OF USE: 3.8 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: October 9, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T7S, R4W, W.M.;  
SE 1/4 SW 1/4, SECTION 35, T7S, R4W, W.M.; WELL 1 - 1960 FEET NORTH AND  
1370 FEET EAST; WELL 2 - 200 FEET NORTH AND 2000 FEET EAST, BOTH FROM  
THE SW CORNER OF SECTION 35

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:

NE 1/4 NE 1/4	0.4 ACRE
SW 1/4 NE 1/4	40.0 ACRES
SE 1/4 NE 1/4	30.1 ACRES
SE 1/4 NW 1/4	36.4 ACRES
NE 1/4 SW 1/4	37.2 ACRES
SE 1/4 SW 1/4	10.9 ACRES
NE 1/4 SE 1/4	26.4 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	12.7 ACRES
SE 1/4 SE 1/4	8.4 ACRES

SECTION 34

NE 1/4 NW 1/4	0.4 ACRE
NW 1/4 NW 1/4	12.0 ACRES
SW 1/4 NW 1/4	15.8 ACRES

SECTION 35

TOWNSHIP 7 SOUTH, RANGE 4 WEST, W.M.

Application G-12688

Water Resources Department

PERMIT G-12427

77785

NE 1/4 NW 1/4 4.8 ACRES  
 NW 1/4 NW 1/4 24.2 ACRES

## SECTION 2

NE 1/4 NE 1/4 8.2 ACRES  
 NW 1/4 NE 1/4 29.6 ACRES  
 NE 1/4 NW 1/4 29.6 ACRES  
 NW 1/4 NW 1/4 11.9 ACRES  
 SW 1/4 NW 1/4 26.0 ACRES  
 NW 1/4 SW 1/4 30.0 ACRES

## SECTION 3

NE 1/4 NE 1/4 33.6 ACRES  
 NW 1/4 NE 1/4 25.5 ACRES  
 SW 1/4 NE 1/4 37.5 ACRES  
 SE 1/4 NE 1/4 23.7 ACRES  
 NE 1/4 NW 1/4 25.5 ACRES  
 NW 1/4 NW 1/4 21.9 ACRES  
 SW 1/4 NW 1/4 31.3 ACRES  
 SE 1/4 NW 1/4 40.0 ACRES  
 NE 1/4 SW 1/4 27.4 ACRES  
 NW 1/4 SW 1/4 23.0 ACRES  
 SE 1/4 SW 1/4 3.8 ACRES  
 NE 1/4 SE 1/4 19.9 ACRES  
 NW 1/4 SE 1/4 31.4 ACRES  
 SW 1/4 SE 1/4 27.1 ACRES  
 SE 1/4 SE 1/4 1.3 ACRES

## SECTION 4

SE 1/4 NE 1/4 0.7 ACRES  
 NE 1/4 SE 1/4 1.0 ACRE

## SECTION 5

TOWNSHIP 8 SOUTH, RANGE 4 WEST, 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.

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.

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

**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.

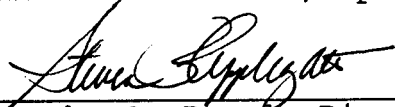
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

SEE NEXT PAGE

Actual construction work 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 this date, April 26, 1996

*for*   
Martha O. Page, Director  
Water Resources Department

B99  
CØ3

AMENDED by special order  
v. 51 pg. 1093