

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 and conditions of the use are listed below.

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: 0.89 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.

This permit expires on October 31, 2005, unless one of the following two conditions have been met. If one of the two conditions below have been met, or the Director finds that the resource can probably support the continued use pursuant to an alternative water management program, this permit will expire on October 31, 2006.

- (1) Static water levels are above the 2002 reference level described in this permit, or*
- (2) The development of an aquifer storage and recovery (ASR) project has reached the following level:*
 - (a) An ASR feasibility study has been completed by a qualified engineering firm and no fatal flaws are discovered;*
 - (b) Available means of financing the ASR project has been identified;*
 - (c) It is reasonably likely that the ASR system will be operational before the renewed permit expires in 2006; and*
 - (d) The system will recharge the aquifer utilized under this permit.*

If one of the two conditions listed above have been met, or the Director finds that the resource can probably support the continued use pursuant to an alternative water management program, the use may be renewed for an additional two-year period if :

- (1) Static water levels are above the 2002 reference level described in this permit, or*
- (2) An ASR project is operational and the Director finds the project is reasonably likely to result in static water levels returning to 2002 levels described in this permit by 2008.*

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

The place of use, well location and rate of use have been modified to match the Final Proof Survey and Claim of Beneficial Use submitted on September 30, 1997.

Measurement, recording and reporting conditions:

- A. 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.

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, licensed well constructor, licensed pump installer, 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 within **30** days each year.

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.

Failure to provide March static water level measurements will likely result in suspension of water use from the well (s) authorized under this permit, until compliance with the annual measurement requirement is met.

For the purpose of considering subsequent renewals of this permit, the Department will be using the 2002 reference level of 200.58 feet below land surface as the reference static water level.

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 an extension to the 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 Application G-12069 and to update the conditions imposed on the water use allowed herein. Permit G-13676 expired March 1, 2004 and is of no further force or effect.

Issued April 29, 2005


Phillip C. Ward, Director
Water Resources Department

Application G-12069 Water Resources Department
Basin 2 Volume 15 Zollner Creek & Misc. Wells

PERMIT G-15893
District 16