

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J BIELENBERG
16425 HERIGSTAD RD NE
SILVERTON, OREGON 97381

(503)873-2710

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

APPLICATION FILE NUMBER: R-71961

SOURCE OF WATER: TWO UNNAMED INTERMITTENT STREAMS, TRIBUTARIES OF BUTTE CREEK, TO BE APPROPRIATED UNDER APPLICATION S-71962 WITHIN THE WILLAMETTE BASIN

STORAGE FACILITY: FIVE UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: IRRIGATION AND WILDLIFE

VOLUME OF USE: 29.0 ACRE-FEET, BEING 5.0 ACRE-FEET IN RESERVOIRS 1,3,4, AND 5, AND 9.0 ACRE-FEET IN RESERVOIR 2

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: OCTOBER 21, 1991

The area submerged by the reservoir, when full, will be Reservoirs 1,3,4 and 5 is 1.0 acre each, Reservoir 2 is 1.5 acres; and the maximum depth of water will be Reservoirs 1,3,4 and 5 are 9.0 feet, Reservoir 2 is 14.0 feet. The maximum height of the dam shall not exceed: Reservoirs 1,3,4 and 5 is 10.0 feet and Reservoir 2 is 13.5 feet.

DAM LOCATION: RESERVOIR 1 - SW 1/4 SW 1/4, SECTION 22; RESERVOIR 2 - NE 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 21, T 6S, R1E, W.M.; RESERVOIR 1- 30 FEET SOUTH AND 1210 FEET WEST; RESERVOIR 2 - 10 FEET SOUTH AND 2260 FEET WEST FROM NE COR, DLC 40; RESERVOIR 3 - SE 1/4 SE 1/4, SECTION 21, T 6S, R1E, W.M.; 410 FEET SOUTH AND 2310 FEET WEST FROM NE COR, DLC 40, RESERVOIR 4 - NE 1/4 SE 1/4, SECTION 21, T 6S, R1E, W.M.; 250 FEET NORTH AND 2280 FEET WEST FROM NE COR, DLC 40, RESERVOIR 5 - SW 1/4 SW 1/4, SECTION 22, T 6S, R1E, W.M.; 10 FEET SOUTH AND 910 FEET WEST FROM NE COR, DLC 40,

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Water Resources Department

PERMIT R-12178

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 21
SW 1/4 SW 1/4
SECTION 22
TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

Use under this permit is limited to the reservoir area. this permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

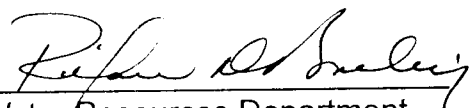
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued June 11, 1997



Water Resources Department
Martha O. Pagel
Director

Basin 02

Volume 15 Butte Cr & Misc.

District 16

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