

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RON VANDECOEVERING  
11607 BARON ROAD NE  
MT. ANGEL, OREGON 97362

503-845-9490

to use the waters of BOCHSLER CREEK AND A RESERVOIR constructed under Permits R-1644, R-3000 and R-5408, a tributary of ZOLLNER CREEK, for IRRIGATION OF 63.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 38.3 ACRES.

This Permit is issued approving Application 70390. The date of priority is MAY 31, 1990. The use is limited to not more than 1.27 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source. **Use of direct flow limited to the period of March 1 through April 30 of each year.**

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 35, T 5 S, R 1 W, W.M.; 2010 FEET SOUTH AND 830 FEET WEST FROM N 1/4 CORNER, SECTION 35.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the proposed place of use under this Permit is as follows:

SUPPLEMENTAL

NE 1/4 NE 1/4 19.5 ACRES  
SE 1/4 NE 1/4 18.8 ACRES

PRIMARY

NE 1/4 NW 1/4 1.1 ACRES  
SE 1/4 NW 1/4 7.0 ACRES  
NE 1/4 SW 1/4 29.6 ACRES  
SE 1/4 SW 1/4 25.9 ACRES

SECTION 35  
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

Actual construction work shall begin on or before April 13, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

Application 70390

Water Resources Department

T-8258

Temporary  
V52P549  
T-7995

PERMIT 51434

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The permittee shall install, operated and maintain a fishway in such a location and of such a design as the Department of Fish and Wildlife determines will provide adequate upstream and downstream passage for fish at the existing dam.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications on file with the Water Resources Department.

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 rights for maintaining instream flows.

Issued this date, APRIL 13, 1992.

/s/ WILLIAM H. YOUNG

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Water Resources Department  
William H. Young  
Director